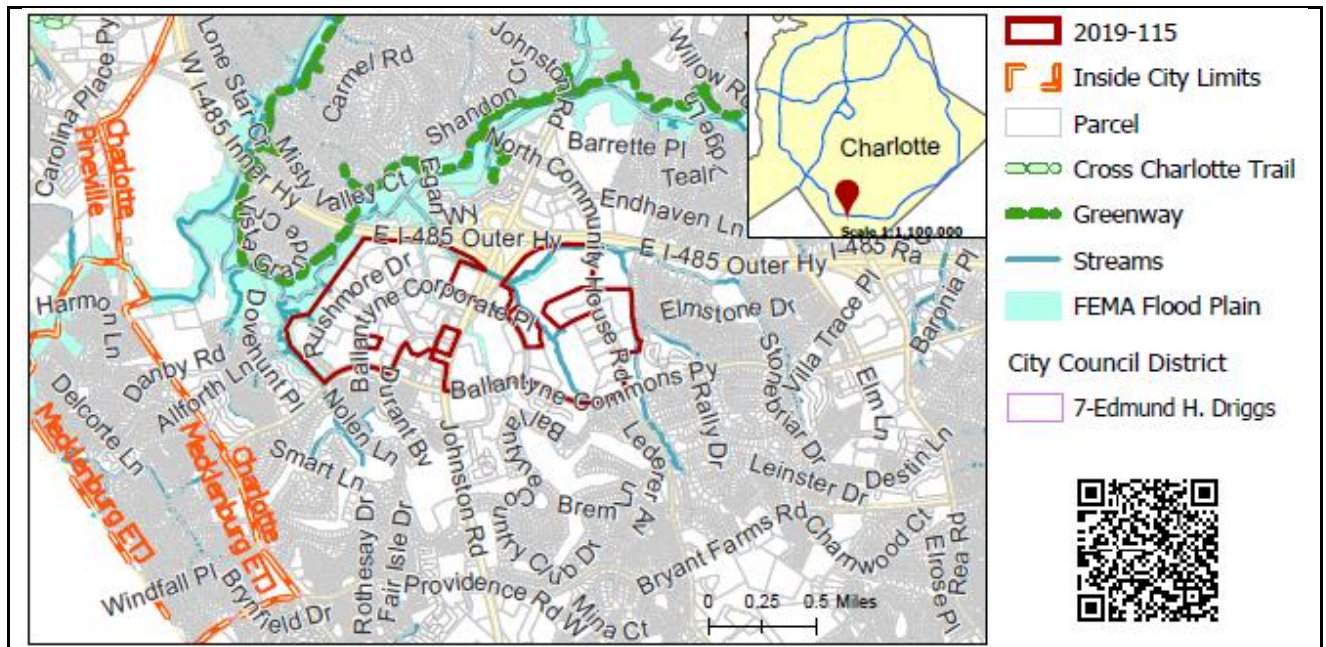


REQUEST

Current Zoning: BP(CD) (business park, conditional) & O-3(CD) (office, conditional)
Proposed Zoning: MUDD-O (mixed use development, optional), with 5-year vested rights

LOCATION

Approximately 454.24 acres located on the north side of Ballantyne Commons Parkway, south of I-485 on both sides of Johnston Road



SUMMARY OF PETITION

The petition proposes redeveloping Ballantyne Corporate Park and golf course with a phased mixed use development of commercial, residential and office uses.

PROPERTY OWNER

See Attachments on www.rezoning.org

PETITIONER

Northwood Development, LLC

AGENT/REPRESENTATIVE

Jeff Brown & Bridget Grant, Moore & Van Allen, PLLC

COMMUNITY MEETING

Meeting is required and has been held. Report available online.
Number of people attending the Community Meeting: 93.

**STAFF
RECOMMENDATION**

Staff recommends approval of this petition upon resolution of outstanding issues related to transportation.

Plan Consistency

The petition is generally **consistent** with the *South District Plan* (1993) recommendations of Office/Retail/Industrial-Warehouse-Distribution and Office/Business Park, Office/Residential across the overall site. The petition is **consistent** with the *Plan* policies supporting integrated mix of uses in the Ballantyne town center/ Regional mixed-use center, and with the goals of an Activity Center found in the *Centers, Corridors, and Wedges Growth Framework* that call for a mix of uses and pedestrian oriented form.

Rationale for Recommendation

- The *South District Plan* policies supports integrated and pedestrian-oriented land uses.
- The *South District Plan* policies also supports increasing density if light rail and other innovative transportation demand management techniques are incorporated in the project.
- The site is located within an activity center according to the *Centers, Corridors, and Wedges Growth Framework*. Activity centers are recommended for higher intensity development, mix of uses and pedestrian oriented form.
- The plan introduces a mixture of land uses to the Ballantyne Corporate Park, provides urban design in pedestrian form, and integrates transit including planning for future light rail transit (LRT) service.
- The plan commits to a significant amount of open space including greenway connection and public accessible active open space.

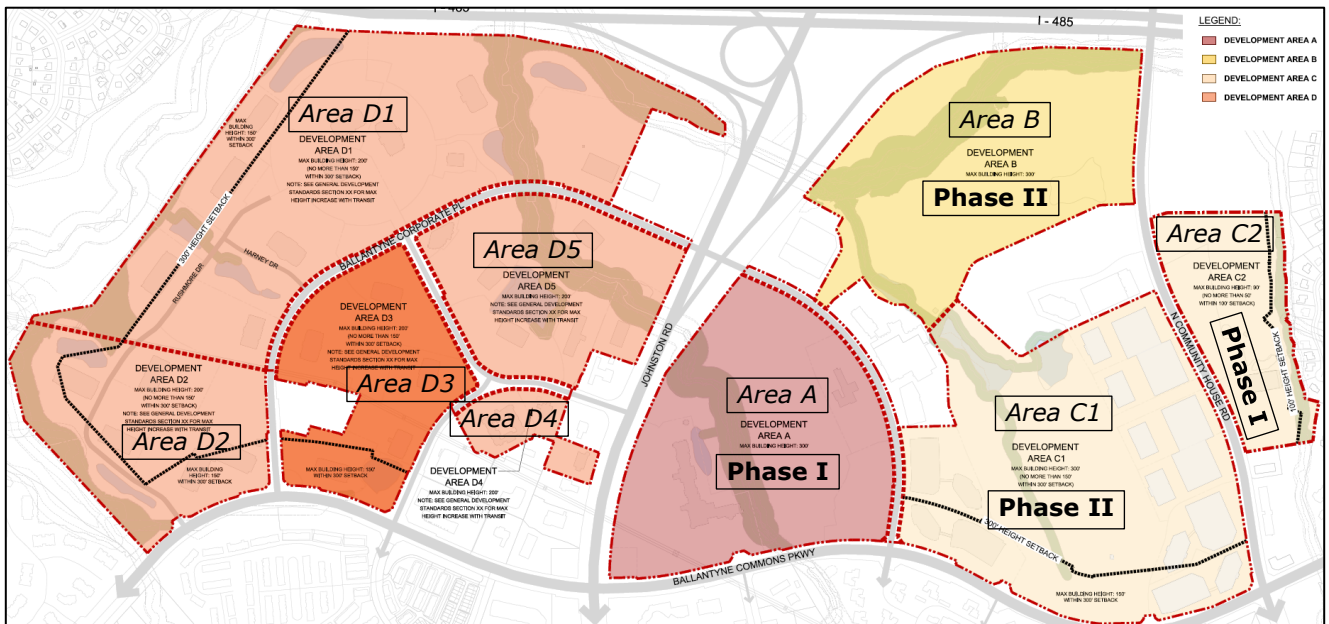
The approval of this petition will revise the adopted future land use map as specified by the *South District Plan*, from Office/Retail/Industrial-Warehouse-Distribution, Office/Business Park and Office/Residential to Residential/Office/Retail for the site.

PLANNING STAFF REVIEW

- **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Proposes several development phases and Development Areas (see map below).

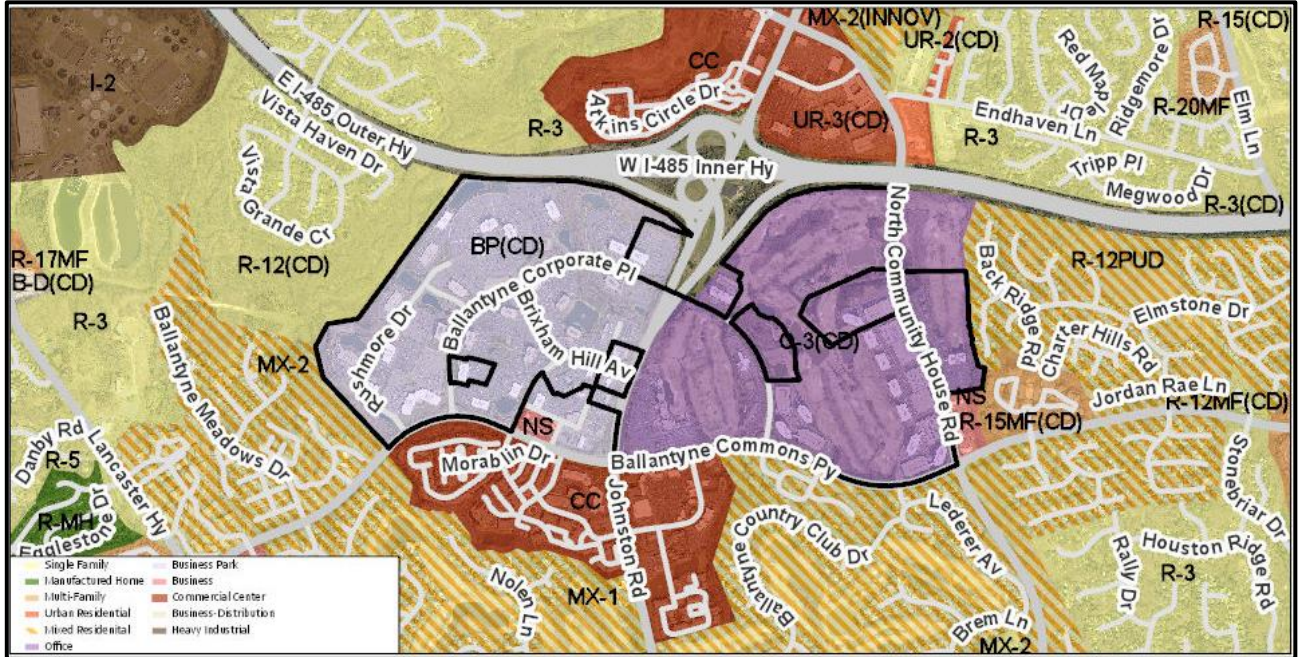


- Proposed development levels:
 - Phase I:
 - 300,000 SF non-office commercial
 - 200 hotel rooms
 - 1000 multi-family units
 - Phase II:
 - 400,000 SF of office
 - 1000 multi-family units
 - 300 single family attached/detached units convertible to multi-family on a 1 to 1 ratio
 - Phase III (generally area west of Johnston Rd), requires new TIS and major transportation event:
 - 1,500,000 SF of office
 - 50,000 SF non-office commercial
 - 220 hotel rooms
 - 1,800 multi-family units

- Allows some conversions and transfers of uses.
- Affordable/workforce housing commitment:
 - Phase 1 – 100 affordable/workforce housing units (80 at 80% or less AMI for 30 years and 20 at 60% AMI or less for 30 years), provided prior to issuance of CO for 1000th new unit (equating to 10% of residential development in Phase I).
 - Commits to set aside 2 acres, east of Hwy 521, free of charge for a 6 ½ year period for affordable residential development if the petitioner is unable to meet satisfy the housing commitment above.
 - Phase II - 80 affordable/workforce housing units (64 at 80% or less AMI for 30 years and 16 at 60% AMI or less for 30 years), provided prior to issuance of CO for 2000th new unit (equating to 8% of residential, multi-family development in Phase II).
 - Commits to set aside 2 acres, east of Hwy 521, free of charge for a 11 ½ year period for affordable residential development if the petitioner is unable to meet satisfy the housing commitment above.
 - Phase III – 180 affordable/workforce housing units at 80% or less AMI for 30 years (equating to 10% of residential, multi-family units in Phase III) provided within 5 years of Phase III commencement.
 - Commits to set aside 2 acres, east or west of Hwy 521, free of charge for a 5 year period for affordable residential development if the petitioner is unable to meet satisfy the housing commitment above.
- Open space, Greenway, Recreation and Cultural facilities:
 - Commitment to maintain a system of privately owned, publicly accessible pocket parks and active greenspace. Commits to a minimum of 100 acres of open space and a minimum of 35% maintained as active open space.
 - Commits to greenway connection, including installation of associated bridge from the site to McAlpine/McMullen Creek greenway within 54 months of the approval of the rezoning.
 - Proposed cultural, community gather hub including an amphitheater with a minimum capacity of 2,000 people within 7 ½ years of approval of the rezoning.
- Transit services:
 - Provides bus stops, pads and structures.
 - Identifies the conceptual rail alignment and up to 3 light rail stations within Ballantyne for future LRT service to the area.
- Transportation improvements:
 - Establishes new network of streets and connections to facilitate connectivity throughout the site.
 - Creation of Transportation Demand Management (TDM) to include a TDM manager and mobility hubs. Commits to work with CDOT to implement a TDM plan.
 - Provides a number of roadway improvements in the area as a result of the traffic study.
- Site Design in addition to MUDD design criteria:
 - Establishes frontage types and setbacks similar to those required in TOD zoning.
 - Commits to building height setbacks.
 - Limits building dimensions.
 - Addresses building articulation, blank walls, prominent entrance space and ground floor transparency.
 - Provides design standards for non-residential, mixed use and multi-family stacked uses.
 - Provides design standards for multi-family townhomes and single family attached and detached uses.
 - Provides design standards for parking structures.
- Maximum building heights:
 - Height of 300 ft within Development Area A and B.
 - Height of 300 ft within Area C1, height limited to 150 ft within 300 ft of Ballantyne Commons Parkway.
 - Height of 90 ft within Area C2, height limited to 50 ft within 100 ft of eastern property line abutting single family homes.
 - Height of 200 ft within Areas D1, 2 and 3, height limited to 150 ft within 300 ft of western property line abutting the greenway and along Ballantyne Commons Parkway.
 - Height of 200 ft within Area D4 and D5.
 - The 200 ft height within Areas D1, 2, 3, 4 and 5 may be increased by 50% in the event LRT service is extended to the site due to these areas' close proximity to proposed station.
- Requests optional provisions related to:
 - Building heights over MUDD limit of 120 feet as depicted on Sheet RZ-4.
 - Surface and interim parking standards.
 - Design standards to accommodate for existing development and up to 2 large format commercial uses and large indoor recreation uses.
 - Drive-thru facilities (limited to 4 total).

- Recessed doorways when abutting wide sidewalks.
- Location of bike and scooter parking.
- Blank wall treatments.
- Signage

• **Existing Zoning and Land Use**



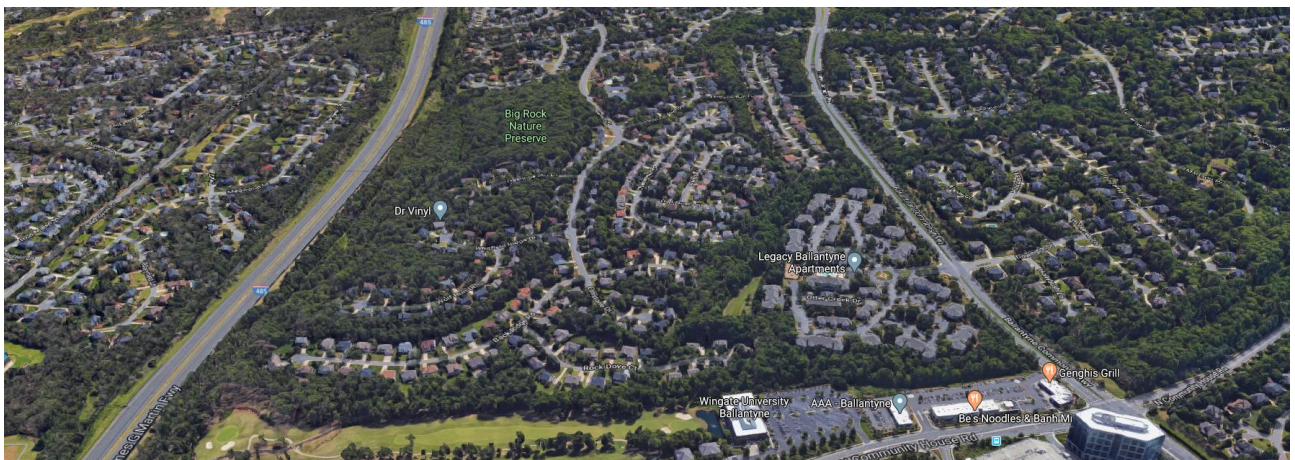
The site was previously rezoned by petition 2011-044 to allow a corporate business park, hotel and golf course use. The original rezoning and development plan for Ballantyne including the corporate park and associated residential neighborhoods was approved in 1994.



The corporate park and golf course (red stars) are surrounded by commercial uses north and south of the along Johnston Road. There are residential communities (detached, attached and multi-family) north, south, east and west of the site.



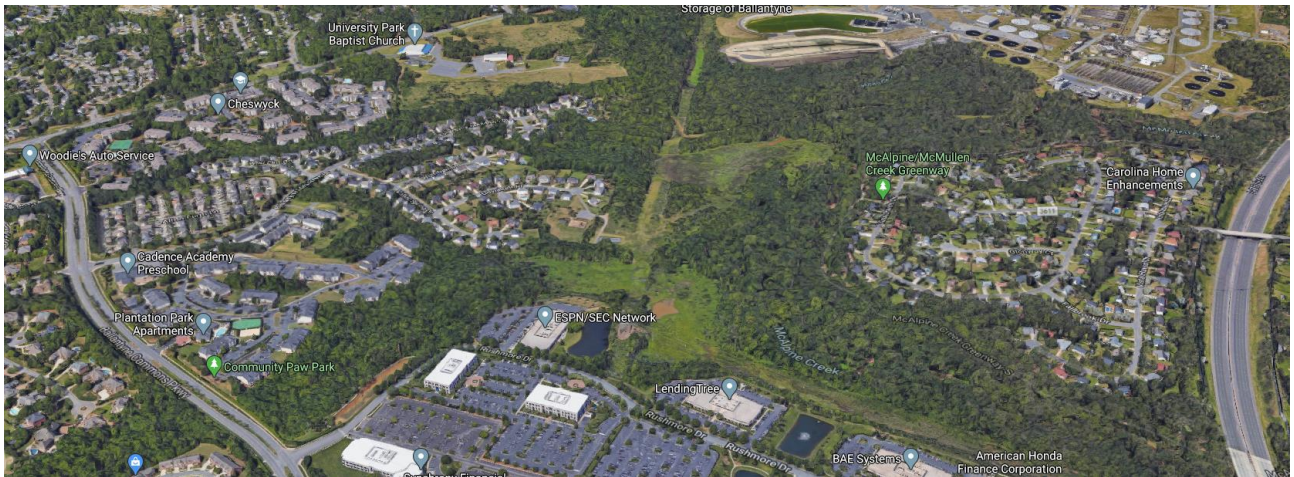
North of the site across I-485 is the Toringdon development.



East of the site along Ballantyne Commons Parkway are multi-family and single family developments.

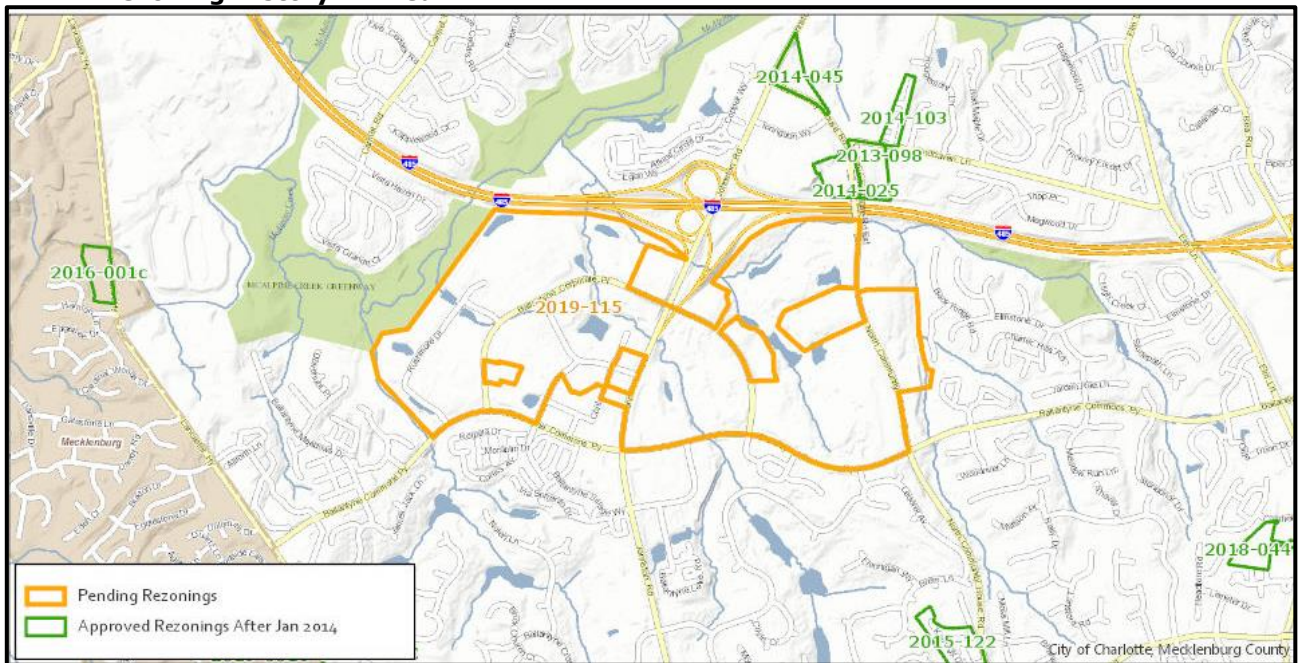


South of the site, across Ballantyne Commons Parkway is Ballantyne Village and Ballantyne Country Club including commercial, office, and residential uses.



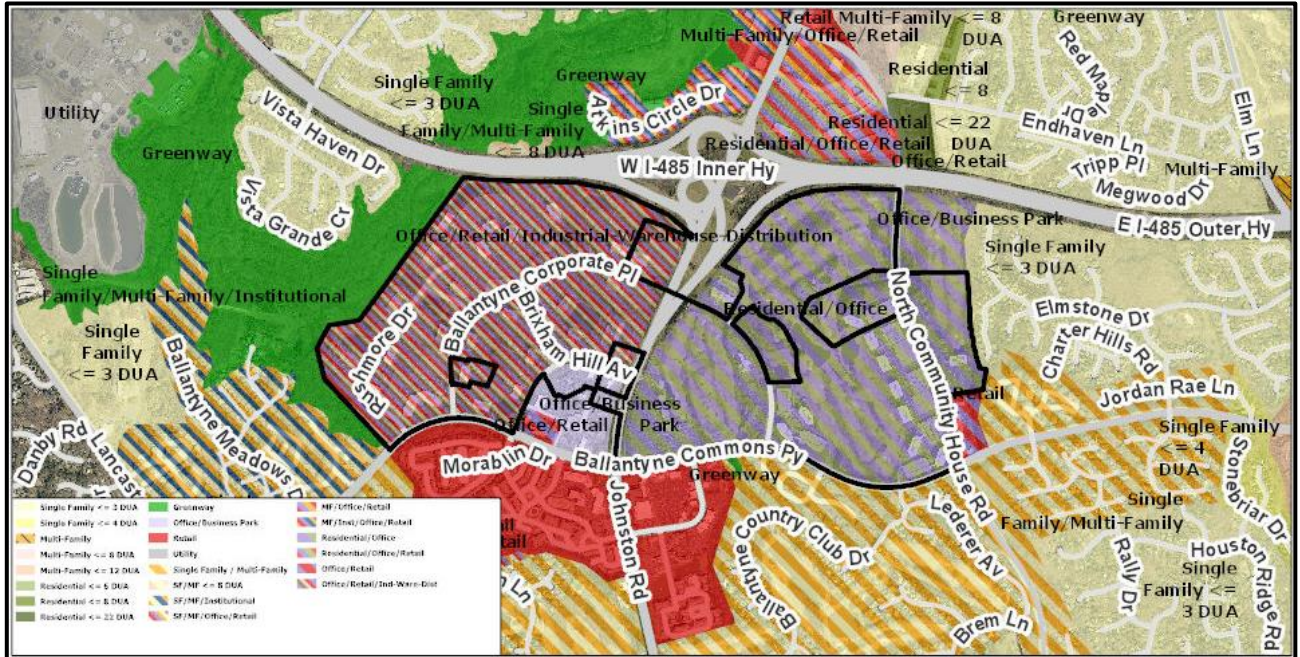
West of the site between Ballantyne Commons Parkway and I-485 is multi-family and single family residential and McAlpine/ McMullen Creek Greenway.

- Rezoning History in Area**



Petition Number	Summary of Petition	Status
2013-098	10.3 acres north of site at Endhaven Lane to UR-3(CD) to allow 200 multi-family residential units.	Approved
2014-025	8.50 acres north of the site at Community House Road to CC SPA to allow office, retail and hotel uses.	Approved
2014-045	5.5 acres north of the site at Johnston Road to CC SPA to allow a hotel.	Approved
2014-103	5.5 acres north of the site on Endhaven Lane to UR-2(CD) to allow single family attached and detached residential.	Approved
2015-122	15.2 acres south of the site on Community House Road to MX-2 for single family attached and detached residential	Approved
2016-001C	6.3 acres west of the site on Lancaster Highway to BD(CD) and R-3(CD) to allow climate controlled self-storage.	Approved
2018-044	7.5 acres southeast of the site on Elm Lane to UR-2(CD) to allow single family attached residential	Approved

- **Public Plans and Policies**



- The *South District Plan* recommends Office/Retail/Industrial-Warehouse-Distribution and Office/Business Park west of Hwy 521 and Residential/Office east of Hwy 521.
- The *Plan* recommends development of a regional mixed-use center at this location. The plan recommends integration of pedestrian oriented land uses and supports additional development if light rail or innovative transportation techniques are used to minimize transportation impacts.

- **TRANSPORTATION SUMMARY**

- The petitioner is requesting to retain the remaining entitlements from Rezoning Petition 2011-044. These entitlements and approved transportation improvements will be transferred to parcels on the rezoning packet. All the transportation improvements for Rezoning Petition 2011-044 have been completed. NCDOT and CDOT required a Traffic Impact Study (TIS) for the review of Development Phases I and II, as proposed within this rezoning petition. The TIS includes required transportation improvements to mitigate the additional trips generated by the development. The TIS has been approved by CDOT and NCDOT, with Congestion Management's final review memo dated 4/17. This petition also includes the construction of an interconnected public street network that will support a multi-modal system of vehicles, pedestrians, bicyclists, etc. The petitioner and city staff are continuing to collaborate on developing a Transportation Demand Management (TDM) program, to provide alternative transportation options to decrease the reliance on single-occupancy vehicles and to strategize congestion management during AM and PM peak traffic hours. CDOT and the petitioner are finalizing the technical commitments for two new transportation benefits, including the reservation of right of way for additional I-485 connectivity and Highway 521 alternative improvements.

- **Active Projects Near the Site:**

- I-485 NCDOT Project
 - Widening including managed lanes and rapid transit
- US-521/Johnston Road
 - Feasibility study to determine needed improvements

- **Transportation Considerations**

- See Outstanding Issues, Note 3 4

- **Vehicle Trip Generation:**

Current Zoning:

Existing Use: 53,570 trips per day (based on current development including office structures, golf course, hotel, restaurant, day care center and medical office).

Entitlement: 70,590 trips per day (based on current entitlement with Petition 2011-044, all roadway improvements as result of 2011 traffic study have been constructed).

Proposed Zoning: 41,618 additional trips per day (based on Traffic Impact Study including proposed development levels for Phase I and II) Phase III development levels will require additional traffic study.

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** CATS has not determined or stated where park and rides should be located for the Pineville/Ballantyne extension. CATS states broadly that park and ride facilities would need to be evaluated in the next phase of design of the extension. CATS does not have enough information for the design of the extension to make determinations related to park and ride facilities. See Requested Technical Revisions, Note 6-7 **Addressed.**
- **Charlotte Department of Housing and Neighborhood Services:** See advisory comments at www.rezoning.org
- **Charlotte Department of Solid Waste Services:** See advisory comments at www.rezoning.org
- **Charlotte Fire Department:** No outstanding issues.
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning could generate 103 students, while the development allowed under the proposed zoning may produce 872 students total through all phases. Therefore, the net increase in the number of students generated from existing zoning to proposed is 769 students total through all phases.
 - The proposed development is projected to increase the school utilization over existing condition (without mobile classroom units) as follows:
 - Endhaven Elementary from 109% to 149%
 - Community House Middle from 154% to 168%
 - Ardrey Kell High from 161% to 171%.
- **Charlotte Water:** Water service is accessible for this rezoning boundary. The proposed rezoning has the potential to significantly impact the capacity of the local sanitary sewer collection system. It is recommended that the applicant contact the Charlotte Water New Services group for further information and to discuss options regarding sanitary sewer system capacity. See advisory comments at www.rezoning.org
- **Engineering and Property Management:**
 - **Arborist:** No comments submitted.
 - **Erosion Control:** No outstanding issues.
 - **Land Development:** No outstanding issues.
 - **Storm Water Services:** No outstanding issues.
 - **Urban Forestry:** No outstanding issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** See advisory comments at www.rezoning.org
- **Mecklenburg County Parks and Recreation Department:** No outstanding issues. See advisory comments at www.rezoning.org

OUTSTANDING ISSUESSite and Building Design

1. ~~Remove optional provisions for signage and rely on the newly adopted Sign Ordinance.~~ **Rescinded**
2. ~~Amend optional provision number 6 ii to additionally state drive thru facilities and lanes shall not be located between the building and a four lane boulevard as identified on sheet RZ-7C.~~ **Rescinded**

Transportation

3. ~~Revise the conditional notes and address CDOT comments provided in the "Rezoning Transportation Analysis 2019-115" document dated 4/13/20.~~ **See below**
4. New comment based on revised site plan (04/28/20) and conditional notes: The petitioner should revise the technical commitments under conditional note Section V. Transportation/Roadway Improvements and Implementation; d. Reservation of Right of Way for Additional I-485 Connectivity to include the following:
 - a. The deadline for I-485 right of way preservation should be revised to rely on the material progress of the US 521 corridor study project and not I-485 improvement project funding.
 - b. The deadline of material progress should be extended through complete build-out of Phase II development.
 - c. The removal of the language that refers to an administrative amendment without filing fee cost to the Petitioner.

REQUESTED TECHNICAL REVISIONSSite and Building Design

5. ~~Amend Section IV. 1 Clarify which parts of Section IV will be moved and 2 clarify that when standards are moved to the public private partnership documentation through administrative~~

- amendment that the headings of the standards will remain, but the specifics of the standards will be deleted and replaced with references to the specific document(s) (title & date). Addressed
6. Remove all instances of the following language "economic challenges and/or conditions associated with the coronavirus pandemic and its aftermath" as circumstances beyond reasonable control of the petitioner suffices. Addressed.

Transportation (CATS)

7. Remove the following portion of the sentence in Section d. CATS "...based on continued concurrence with CATS that a CATS park and ride facility shall not be located within the Rezoning Site..." Addressed
8. Amend the following portion of the sentence Section d. CATS to say "...meeting of certain milestones agreed upon with CATS regarding the LRT delivery, to be specified in the public/private partnership documentation." Addressed

Environment

9. Add a reference to Section IX. C. to Section IV. a. 1. related to Open Space and phasing of open space. Addressed

See Attachments (applications, department memos, maps etc.) Online at www.rezoning.org

Planner: John Kinley (704) 336-8311