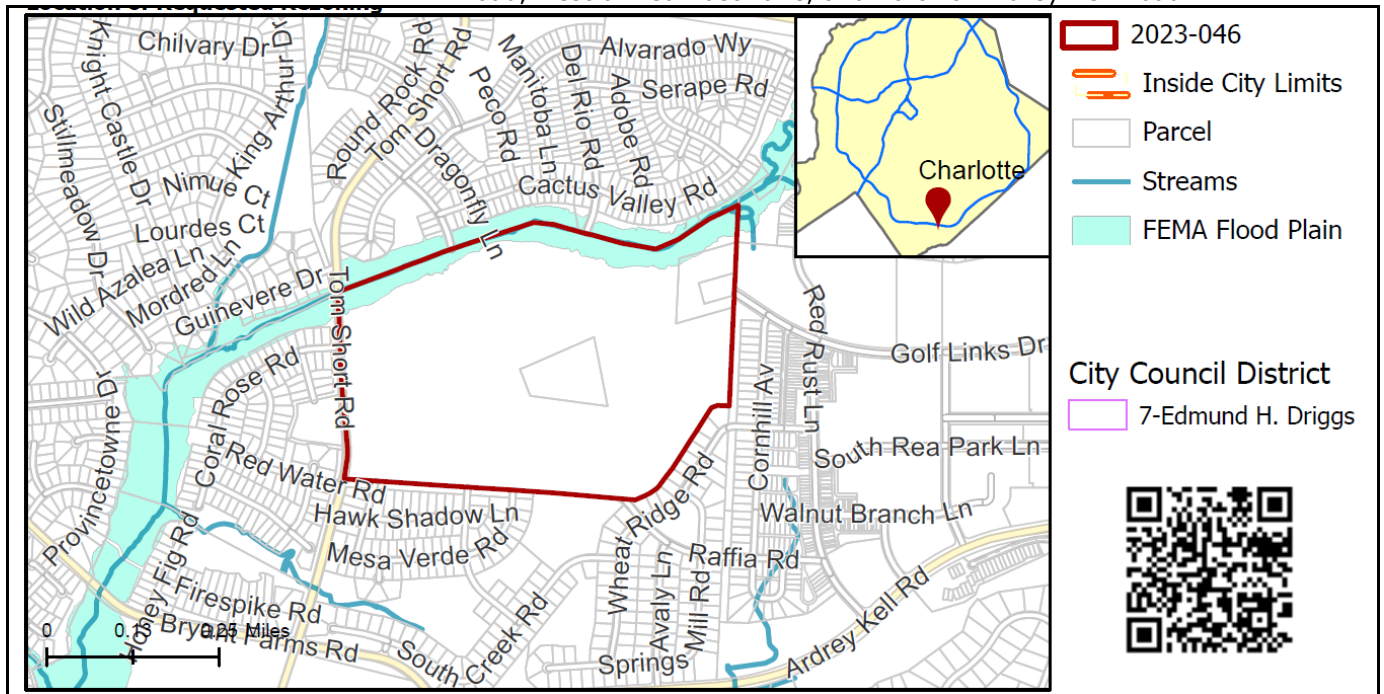


**REQUEST**

Current Zoning: MX-1 INNOV (mixed-use residential, innovative)  
Proposed Zoning: MX-2 INNOV with 5-years vested rights (mixed-use residential, innovative)

**LOCATION**

Approximately 124.60 acres located along the east side of Tom Short Road, west of Red Rust Lane, and north of Ardrey Kell Road.



**SUMMARY OF PETITION**

The petition proposes to allow a residential development with a mix of housing types as well as the inclusion of a CMS school on parcels that are largely vacant with the exception of a few single family homes.

**PROPERTY OWNER**

Cato AD Holdings, LLC; Cato Tom Short Road, LLC; JCC Investments, LLC; WHC JR Family, LLC

**PETITIONER**

Childress Klein Properties and Charlotte Mecklenburg Schools

**AGENT/REPRESENTATIVE  
COMMUNITY MEETING**

Keith MacVean and Jeff Brown, Moore & Van Allen, PLLC  
Meeting is required and has been held. Report available online.  
Number of people attending the Community Meeting: 68

**STAFF  
RECOMMENDATION**

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

Plan Consistency

The petition is **inconsistent** with the *2040 Policy Map* recommendation for Neighborhood 1.

Rationale for Recommendation

- The eastern outskirts of the Ballantyne area are dominated by single family neighborhoods interspersed with small pockets of commercial development and middle density residential projects. This rezoning site has remained undeveloped despite previously approved rezoning plans.
- The proposal provides a mixture of housing types including single family detached homes, townhome-style units, and apartments. The inclusion of attached and multi-family units diversifies the housing types offered in the

area which is almost entirely limited to single family detached homes. This proposal helps to provide greater density of housing than exists in the community while still maintaining a maximum density that is less than 9 dwelling units per acre. Greater densification in this area is not wholly unprecedented given the multi-family developments that are east of the site, near Providence Road.

- The design of the development areas for these different residential product types emphasizes contextual sensitivity by orienting the densest residential forms to the most central portions of the site, furthest away from the existing single family neighborhoods. Additionally, the petitioner provides a 200-foot buffer along the northern rezoning boundary to shield the adjacent single family neighborhoods from incompatible land uses. The site's southern boundary includes a commitment to single family detached homes to appropriately transition to the abutting homes in Stone Creek Ranch. Although the development on a whole is more consistent with the Neighborhood 2 Place Type given the multi-family units, the project still preserves single family character along the edges of the site.
- This project provides several community benefits, the most notable of which is the construction of a new secondary CMS school in Development Area A. This school will help to relieve JM Robinson Middle School which is at capacity.
- A large portion of the site will be reserved as natural areas with a minimum of 25% of the site being provided as passive open space and 17% of the site as amenitized active open space. The proposal includes a commitment to a 12-acre natural preserve area in the southeast portion of the site that will be open to the public and include various trails and other amenities. This preserve area provides recreation facilities not only for the future residents in the rezoning site, but also for the existing communities. In collaboration with Mecklenburg County Parks and Recreation, the petitioner has committed to a permanent greenway easement, ensuring improved trail connectivity for the area for the benefit of existing and future residents.
- The scale of the development proposed warrants scrutiny to the transportation infrastructure that is in place and the identified concerns and needs of the community. Sequentially, the petitioner has worked in close concert with Charlotte Department of Transportation (CDOT), North Carolina Department of Transportation (NCDOT), and the local residents to identify transportation improvements included as conditions of the rezoning. The petitioner commits to improve the existing roads surrounding the rezoning and creating a more robust pedscape with numerous commitments to traffic calming measures, creation of multi-use paths, and upgrades to crossings and intersections to be brought up to ADA standards.
- The petition could facilitate the following *2040 Comprehensive Plan* Goals:
  - 1: 10 Minute Neighborhoods
  - 2: Neighborhood Diversity & Inclusion
  - 5: Safe & Equitable Mobility
  - 6: Healthy, Safe & Active Communities
  - 7: Integrated Natural & Built Environments

The approval of this petition will revise the recommended place type as specified by the *2040 Policy Map*, from Neighborhood 1 to Neighborhood 2 for the site.

## PLANNING STAFF REVIEW

### • Proposed Request Details

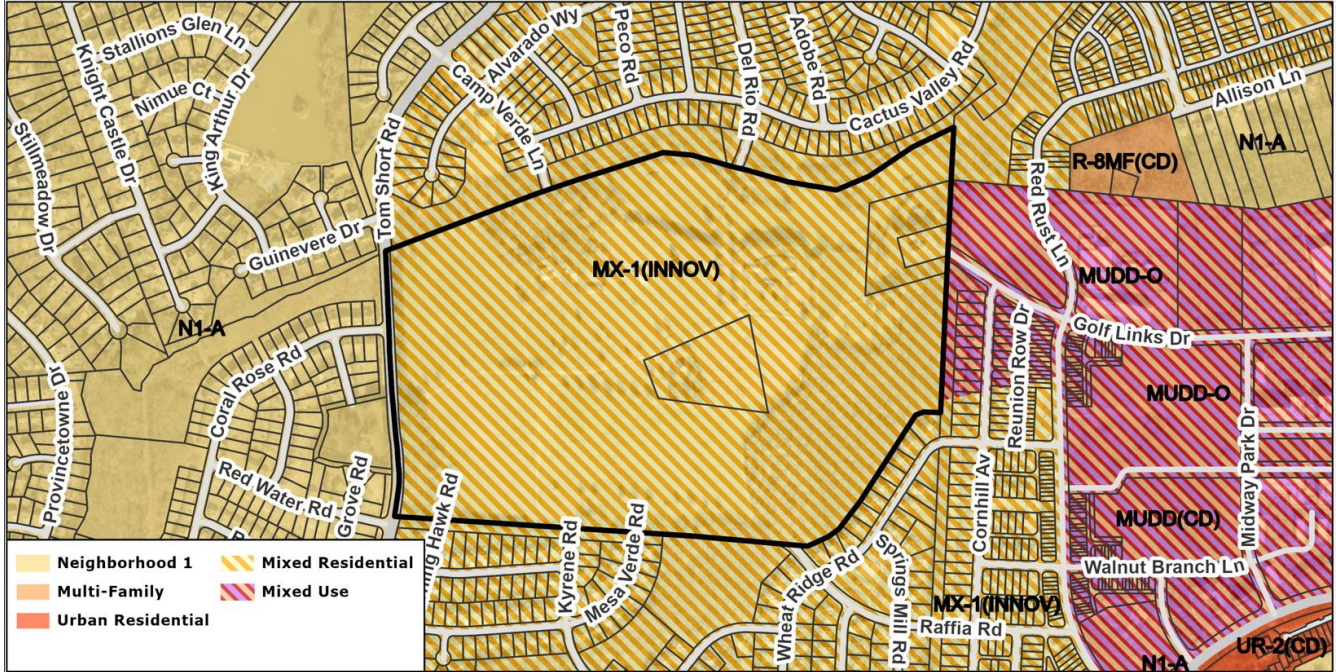
The site plan accompanying this petition contains the following provisions:

- Proposes the development of a secondary school and up to 917 residential units at a mix of 682 multi-family units, 211 attached dwelling units, and 24 single family residential units. Commits to no fewer than 125 attached dwelling units and no fewer than 12 single family detached units to be constructed prior to the issuance of the certificate of occupancy for the 600<sup>th</sup> multi-family unit constructed on the site.

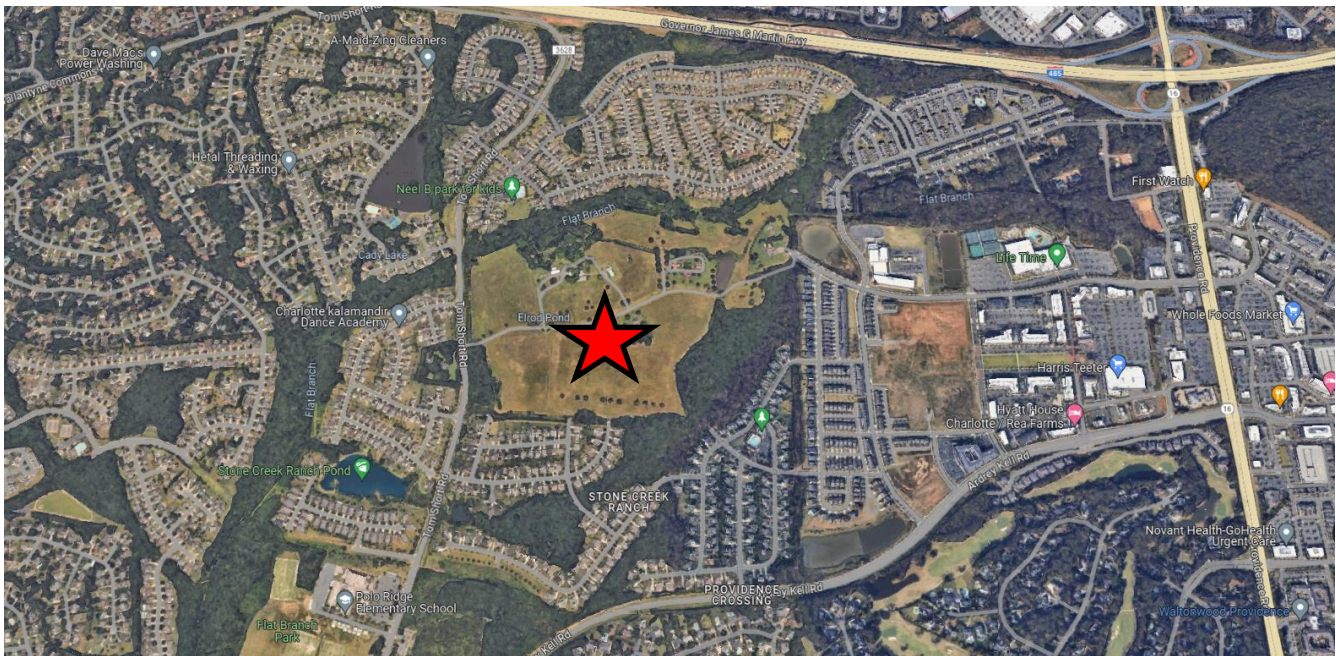
- Specifies a density bonus across the site to allow for 917 units rather than 836 units by increasing the amount of required open space from 10% to 19.7%.
- Development Area A: may be developed with a secondary school consisting of classrooms, a cafeteria, activity rooms, and associated uses. Commits to a maximum building height of 60’.
- Development Areas D and E:
  - Areas D and E may be developed with 682 multi-family or attached dwelling units and associated uses such as a clubhouse and amenity areas. The number of permitted units may be increased for Development Areas D and E by up to 68 units by reducing the aggregate number of units in Development Area B so long as the number of multi-family units does not exceed 682.
  - Proposes a 12-acre natural preserve area that will contain trails and other natural amenities.
  - Commits to a maximum building height of 50’ for Area D and 65’ for Area E.
- Development Area C: may be developed with up to 24 single family detached homes. The number of single family detached homes may be increased by 3 units by reducing the unit count in Development Areas B, D, and E. Commits to a maximum building height of 40’.
- Development Area B: may be developed with up to 210 attached dwelling units or single family detached homes. The number of units in this area may be increased by 21 units by reducing the number of units in Development Areas C, D, and E. Proposes open space and community amenities with improved active open space areas of approximately 4 acres. Commits to a maximum building height of 65’.
- Development Area F: may be developed with open space, storm water structures, and trails.
- Proposes Innovative lot standards:
  - A minimum lot size for single family detached lots of 5,500 square feet.
  - A minimum lot width for single family detached lots of 50’.
  - A minimum front setback for single family detached lots of 16’.
  - A minimum rear yard for single family detached lots of 20’.
  - A minimum side yard for single family detached lots of 5’.
  - Single family detached lots may front public or private streets or common open space.
  - A maximum building coverage for single family detached lots of 70%.
  - A minimum front setback of 16’ for attached units, stoops and stairs may encroach 3’ into the setback.
  - A minimum driveway length of 5-7’ for alley loaded attached units or 20’ and greater measured from the back of curb to the face of the garage.
  - A minimum rear yard for attached units of 20’.
  - A minimum side yard for attached units of 5’.
  - Attached units may front public or private streets or common open space.
- Provides transportation provisions:
  - For the purposes of transportation improvements, the development is proposed in three phases. Phase 1 development includes the middle school and associated uses. Phase 2 development includes 390 residential units of all types. Phase 3 includes 527 residential units of all types.
  - I-485 Southbound Ramp and Providence Road:
    - Phase 2: extend the existing left and right turn westbound lanes.
  - I-485 Northbound Ramp and Providence Road:
    - Phase 3: remark the existing southbound right turn lane and channelize the northbound right turn lane.
  - Providence Road and Golf Links Drive:
    - Phase 2: extend the existing southbound right turn lane and install APS pushbuttons and upgrade pedestrian infrastructure to ADA standards.
  - Providence Road and Ardrey Kell Road:
    - Phase 2: extend the existing southbound left turn lane.
  - Red Rust Lane and Golf Links Drive:
    - Phase 3: install a traffic signal if warrants are met.
  - Tom Short and Ardrey Kell Road:
    - Phase 2: construct a southbound right turn lane.
  - Ballantyne Commons Parkway and Tom Short Road:
    - Phase 2: construct a westbound right turn lane on Tom Short Road.
  - Tom Short Road and Access “A”/Golf Links Drive:
    - Phase 1: construct one ingress lane and two egress lanes on proposed access “A”, install a traffic signal, construct a northbound right turn lane, and construct a southbound left turn lane.
  - Specifies additional required improvements for internal intersection “A” and the middle school driveway.

- Access to the site is via Tom Short Road and the extension of Golf Links Drive as well as other public street extensions as illustrated on the site plan.
- A potential additional secondary access from Tom Short Road to Development Area B is proposed subject to further review.
- Notes an approved subdivision street exception to allow the conversion of the extension of Camp Verde Lane from a public street to a 12' multi-use path.
- Commits to work with CDOT and the community to fund up to six speed humps or other traffic calming measures.
- Requests that CDOT allow the extension of Turning Hawk Road into the site to be designed and constructed as a choker road connection.
- Details proposed internal sidewalks and planting strips.
- Provides architectural design standards:
  - Prohibits vinyl as a primary building material.
  - Provides multi-family design standards: building placement shall focus on and enhance the pedestrian environment, parking lots shall not be located between buildings and streets, massing and height will be designed to breakup monolithic building forms, and buildings in excess of 120' in length shall include façade modulations.
  - Provides attached dwelling unit design standards: no more than 6 units in one building for buildings along public or private streets, townhome units along a street will present a front elevation to the street, raised residential entrances, pitched roofs, useable porches and stoops, wrapped porches and stoops for corner units, connected walkways to street sidewalks, screened rooftop mechanical equipment, service area screening, screened meter banks, and townhome units with garages will have garage access via alleyways.
  - Provides single family detached design standards: primary pedestrian entrances shall face a frontage or common open space, raised residential entrances, pitched roofs, usable porches and stoops, wrapped porches and stoops for corner units, connected walkways to street sidewalks, and minimized design for garage doors.
- Provides an 8' planting strip and 12' multi-use path along the site's Tom Short Road frontage.
- Improves Golf Links Drive with either an 8' planting strip and 12' shared use path; or with an 8' planting strip, 8' sidewalk, and two 5' bike lanes.
- Commits to provide a 200' Class C buffer area along the northern boundary of the site. School recreation facilities may be located within this area.
- A minimum of 15% of the site will be reserved as tree save areas.
- Provides stormwater notes:
  - For land disturbing activities occurring on the site that exceed 10% of built-upon-area (BUA) a peak control shall be installed for the 10-year, 25-year, 6-hour storm, and additional peak control provided for the storm frequency such as 50 or 100-year as determined by the stormwater administrator based on a downstream flood analysis provided by the petitioner.
  - Development within any SWIM or PCSO buffer shall be coordinated with and subject to approval by Storm Water Services and mitigate if required by City Ordinance. The petitioner acknowledges intermittent/perennial stream delineation reports are subject to review and approval upon submission of development plans for permitting and are not approved with rezoning decisions.
- Provides a series of passive and active open space areas primarily located in Development Area D which will include 12 acres of natural preserve area with recreation amenities. A minimum of 25% of the site will be provided as passive open space and a minimum of 17% of the site will be provided as improved active open space. A playground will also be constructed.
  - The 12-acre natural preserve area shall be privately owned and maintained but accessible to the public. Signage will be included to note public access to the site in addition to a public access easement to the area.
- Notes that detached lighting within the residential portions will be limited to 25'. All new lighting will be capped and downwardly directed.
- Commits to convey to Mecklenburg County a 100' permanent greenway easement within the 200' post construction buffer for Flat Branch, the location of which will be determined during the land development process.

• Existing Zoning



- The site is currently zoned MX-1 INNOV as a result of petition 2004-014 and is in an area with MX-1, N1-A, R-8MF(CD), UR-2(CD), and conditional MUDD zoning.



- The subject site is denoted with a red star and is in an area with single family residential, multi-family residential, commercial, institutional, and office uses.



- North of the site is a single family neighborhood.



- East of the site are single family neighborhoods and commercial developments located slightly further east.

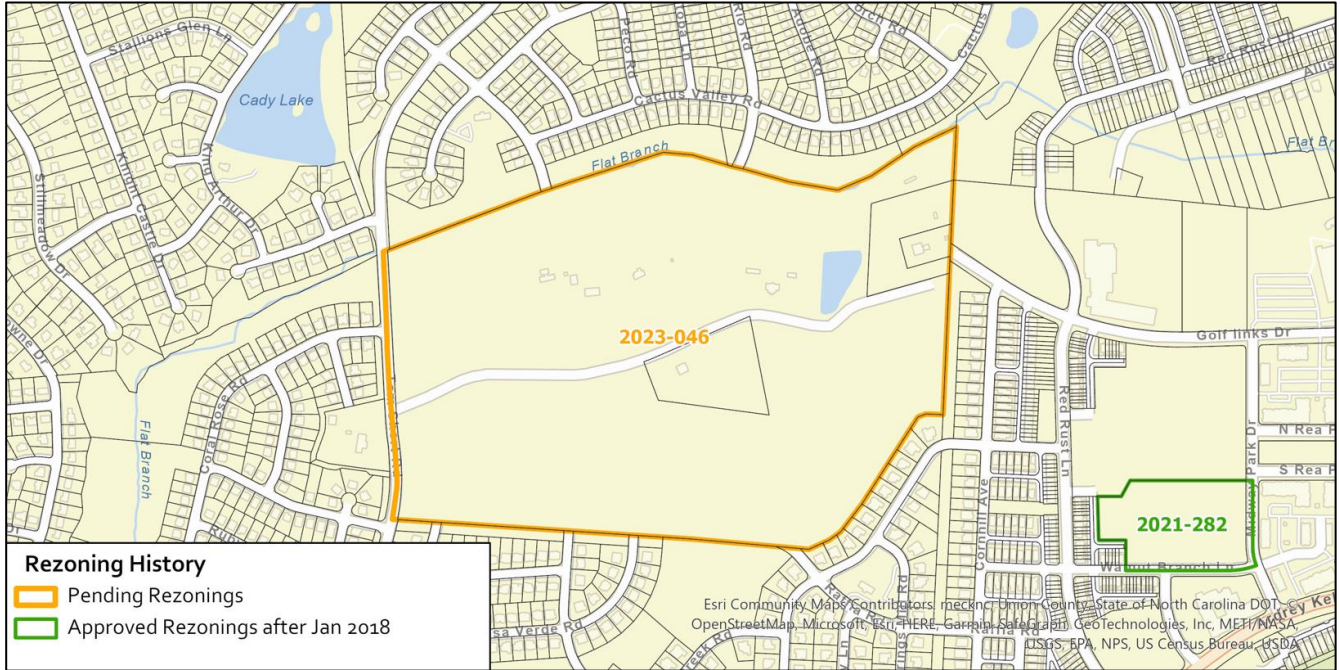


- South of the site is a single family neighborhood.



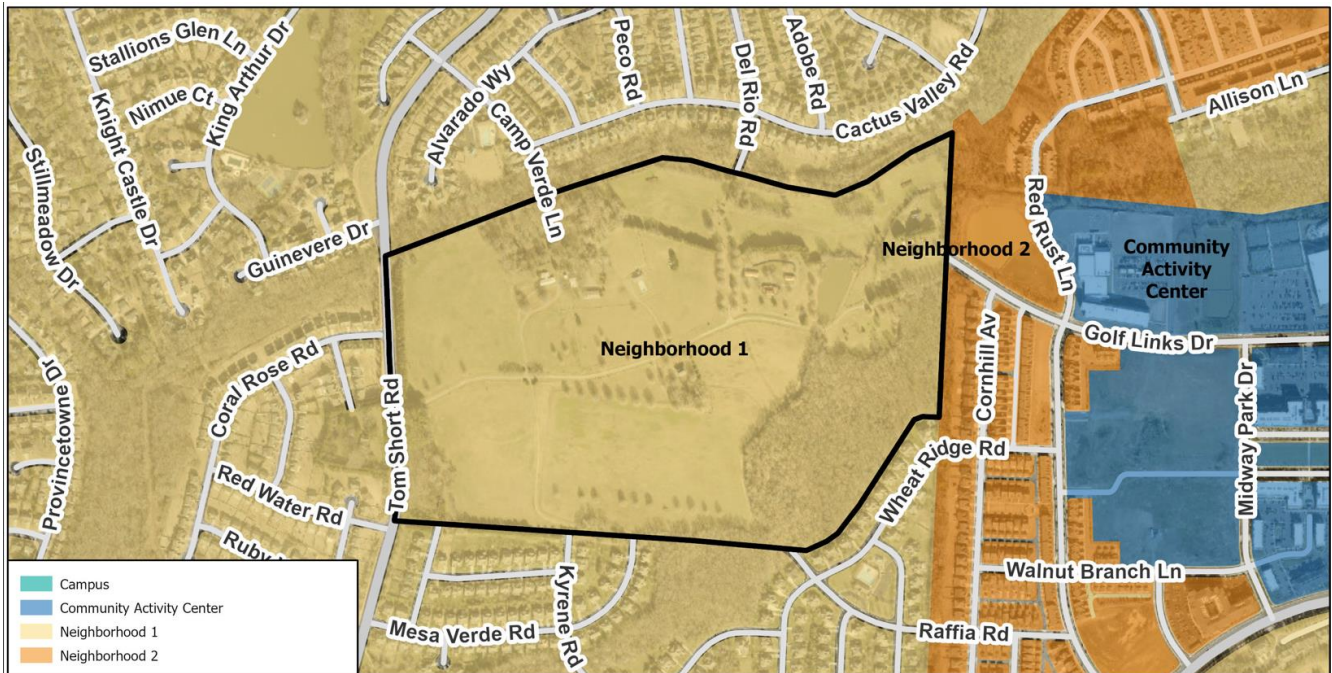
- West of the site is a single family neighborhood.

**Rezoning History in Area**



Petition Number	Summary of Petition	Status
2021-282	Rezoned 7.54 acres from MUDD-O to MUDD(CD).	Approved

**Public Plans and Policies**



- The 2040 Policy Map (2022) calls for Neighborhood 1.

**TRANSPORTATION SUMMARY**

- The site is located adjacent to Tom Short Road, a State-maintained minor throughfare, north of Mesa Verde Road, a City-maintained local street. A Traffic Impact Study (TIS) is required for this site due to the site exceeding 2,500 trips. The TIS was approved on 02/01/2024. Site plan and/or conditional note revisions are needed to removing additional access point on Tom Short Road. Site plan commits to installing multi-use path along Tom Short Rd. and 8' sidewalk along internal roads.

**Active Projects:**

- There are no active projects near the site.

- **Transportation Considerations**
  - See Outstanding Issues, Notes 1, 2 and 3.
- **Vehicle Trip Generation:**
  - Current Zoning:
    - Existing Use: 60 trips per day (based on 4 single family homes and an office use).
    - Entitlement: 3,035 trips per day (based on approved MX-1 plans).
  - Proposed Zoning: 6,655 trips per day (based on approved TIS).

## DEPARTMENT COMMENTS

- **Charlotte Area Transit System:** No comments submitted.
- **Charlotte Department of Housing and Neighborhood Services:** No comments submitted.
- **Charlotte Department of Solid Waste Services:** No outstanding issues.
- **Charlotte Fire Department:** No outstanding issues.
- **Charlotte-Mecklenburg Schools:** Development allowed with the proposed zoning may produce 319 students. The capacity utilization of JM Robinson Middle is projected to be relieved in the 2025-2026 school year and the site will be assigned to the relief middle school. The capacity utilization of Ardrey Kell High will be relieved in the 2024-2025 school year with Ballantyne Ridge High School.
  - The proposed development is projected to increase the school utilization over existing condition (without mobile classroom units) as follows:
    - Polo Ridge Elementary from 85% to 103%
    - JM Robinson Middle from 129% to 135%
    - Ardrey Kell High from 169% to 173%.
- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 8-inch water distribution main located along Coral Rose Rd and an existing 12-inch water distribution main located along Golf Links Dr. Charlotte Water has accessible sanitary sewer system infrastructure for the rezoning boundary via an existing 18-inch gravity sewer main located inside the northwest portion of the rezoning boundary and an 18-inch gravity sewer main located on Del Rio Rd. There is also an existing 8-inch gravity sewer main located south of the rezoning boundary along Mesa Verde Rd and an 8-inch gravity sewer main located along Turning Hawk Rd. See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Erosion Control:** No comments submitted.
- **Long Range Planning:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Mecklenburg County Land Use and Environmental Services Agency:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Mecklenburg County Parks and Recreation Department:** No outstanding issues.
- **Stormwater Services Land Development Engineering:** No outstanding issues.
- **Storm Water Services:** No outstanding issues.
- **Urban Forestry / City Arborist:** No outstanding issues.

## OUTSTANDING ISSUES

### Transportation

1. Revise transportation improvements notes for I-485 Southbound Ramp & Providence Road and Tom Short Road & Polo Ridge Elementary School Driveway-Out as specified by CDOT.
2. Revise the wording in the conditional notes for the internal intersection "A" to match the TIS as specified by CDOT.
3. Revise the transportation improvements for the second access on Tom Short Road as specified by NCDOT and update the TIS accordingly or remove the second access.

### Land Use

4. Increase the minimum number of single-family detached units to 14.
5. In note (h) under the permitted uses conditions, modify the note regarding the commitment to 12 single family detached units and 125 attached units to be constructed prior to the issuance of a certificate of occupancy for the 350<sup>th</sup> multi-family unit rather than the 600<sup>th</sup> unit.