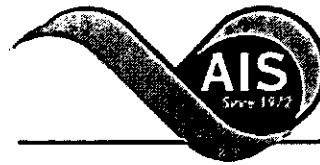




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# City of Charlotte – Planning Dept. Scanning Rezoning Files

Petition # 98-54 C

## Document type:

- Applications
- Correspondence
- Department Comments
- Land Use Consistency
  - Mail Info
  - Mapping
  - Other
- Site Plans



\* 0 0 B R E A K 0 0 \*

**OFFICIAL REZONING APPLICATION  
MECKLENBURG COUNTY**

Petition #: 98-54(C)  
Date Filed: 7/22/98  
Received By: SLS  
**OFFICE USE ONLY**

**OWNERSHIP INFORMATION:**

Property Owner: CMH-DWH Ballantyne LLC  
Owner's Address: 6400 Fairview Road, Charlotte, North Carolina 28210  
Date Property Acquired: July 5, 1996  
Tax Parcel Number(s): 223-101-19

**LOCATION OF PROPERTY** (Address or Description): Southeasterly corner of Ballantyne Commons  
Parkway and Lancaster Highway (Old U.S. Highway 521)

Size (Sq.Ft. or Acres): 9.92 acres Street Frontage: (Ft.): 308.54' on Lancaster Hwy  
Current Land Use: Vacant

**ZONING REQUEST:**

Existing Zoning: B-1(CD) Proposed Zoning: B-1(CD) Site Plan Amendment  
Purpose of Zoning Change: To redesign business center by reducing amount of business and introducing  
an attached housing component.

Bailey Patrick, Jr.  
Name of Agent  
227 West Trade Street, Suite 2200  
Charlotte, NC 28202  
Agent's Address

372-1120 372-9635  
Telephone Number Fax Number  
Army M. Harris  
Signature of Property Owner  
if other than Petitioner

CMH-DWH Ballantyne LLC  
Name of Petitioner(s)  
6400 Fairview Road  
Charlotte, NC 28210  
Address of Petitioner(s)

364-4957 364-5014  
Telephone Number Fax Number  
Army M. Harris, PRES.  
Signature

**LEGAL DESCRIPTION  
CMH-DWH BALLANTYNE LLC**

BEGINNING at the intersection of the southeasterly right-of-way line of Ballantyne Commons Parkway and the northeasterly right-of-way line of Old U. S. 521 (Lancaster Highway) and running thence with the Ballantyne Commons Parkway right-of-way ten (10) courses as follows: (1) N 09-39-28 E 49.49 feet; (2) N 54-38-57 E 410.37 feet; (3) N 59-75-53 E 232.63 feet; (4) S 73-55-19 E 34.62 feet; (5) S 28-04-14 E 19.58 feet; (6) N 61-55-46 E 75.00 feet; (7) N 28-04-14 W 19.68 feet; (8) N 17-42-24 E 42.38 feet; (9) N 59-11-20 E 49.58 feet; (10) with the arc of a circular curve to the right, having a radius of 1,950.00 feet, an arc distance of 49.58'; thence S 23-17-47 E 210.18 feet; thence S 19-39-28 W 696.57 feet; thence S 63-31-10 W 311.26 feet to the northeasterly right-of-way line of Old U. S. 521 and running thence with said right-of-way two (2) courses as follows: (1) with the arc of a circular curve to the right, having a radius of 1,975.00 feet, an arc distance of 257.63 feet; (2) N 35-20-00 W 308.54 feet to the BEGINNING and containing 9.92 acres, more or less.

Subpart H. Landscaping and Screening

SECTION (1) Landscaping and screening within the Ballantyne Site shall satisfy the minimum requirements of Section 1601 of the Mecklenburg County Zoning Ordinance in effect as of the date of the filing of the Ballantyne Rezoning Petition.

SECTION (2) Landscaping areas within the Site will be planted and improved in sequences which are keyed to the development taking place on each parcel.

SECTION (3) All dumpsters and service areas will be screened from public streets and from adjacent properties.

SECTION (4) An area equal to at least 10% of the paved surface of each parking area which accommodates more than 20 spaces must be landscaped with plantings and trees. This requirement is in addition to any perimeter screening requirements for the parking areas and must be placed in the interior of the lot.

Subpart I. Statement with Respect to the Graphics  
Which are Attached to the Rezoning Plan

SECTION (1) Inasmuch as planning for the proposed development of the Site has not yet advanced beyond the formative stage, the ultimate layouts of the developments proposed for each of the elements of Ballantyne and the parcels or lots forming parts thereof, the exact alignments of streets, thoroughfares and points of access, the configurations and placements of parking areas and the precise locations, heights and masses of buildings to be constructed have not been determined and as a consequence the Graphics which accompany the Rezoning Plan, as well as the thoroughfare locations shown on the Rezoning Plan, are schematic in nature and are not to be considered as specific site development plans but rather as preliminary graphic representations of the types of development proposed for the various elements.

SECTION (2) Petitioners agree to submit detailed plans with respect to any development proposed within the Town Center and the ~~two neighborhood retail developments to the Staff of the Charlotte Mecklenburg~~ Planning Commission for approval prior to the issuance of building permits for construction of the proposed development so that Staff may be assured that such development satisfies the requirements imposed under the Rezoning Plan and these Standards. Such review is intended to be in addition to the normal staff administrative review provisions.

*Leave in takeout -28-  
last part ~~about~~ about SE. Colston  
called Kirby left message.*

Petitioners further agree that each time they apply for Staff approval with respect to any new development proposed within the Town Center they will, within three business days after the application is submitted to Staff, forward a notice to that individual (if any) whose name and address has been registered with the Charlotte/Mecklenburg Planning Commission's office as the designee of the Southeast Neighborhood Coalition advising that the application has been filed.

V. BINDING EFFECT OF THE REZONING APPLICATION

SECTION (1) If the Petitioners' Rezoning Application is approved, the development program established under these standards, the Rezoning Plan and other supportive documents shall, unless amended in the manner provided under the then applicable ordinances, be binding upon and inure to the benefit of the Petitioners and their respective heirs, devisees, personal representatives, successors in interest and assigns.

SECTION (2) Throughout this Rezoning Application, the term "Petitioners" shall be deemed to include the heirs, devisees, personal representatives, successors in interest and assigns of the Petitioners.

LAW OFFICES  
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September 23, 1998

Mr. Keith H. MacVean  
Site Plan Administrator  
Charlotte-Mecklenburg Planning Commission  
600 East Fourth Street  
Charlotte, NC 28202-2853

Re: Rezoning Petition No. 98-54(c)  
Petitioner: CMH-DWH Ballantyne LLC

Dear Keith:

As promised, I am enclosing a copy of the "pertinent provisions" of the currently approved Development Standards for Ballantyne. You will note that the administrative site plan provisions only related to the Town Centre. This being the case, we will modify our plan to delete that particular note.

Regards,

PERRY, PATRICK, FARMER & MICHAUX, P.A.

  
Bailey Patrick, Jr.

BPJr/gb  
Enclosure

cc: Ms. Dee Dee Harris  
Mr. Jay Henson  
Mr. Fred E. Byrant