

REQUEST	Proposed Zoning: NS SPA, neighborhood services, site plan amendment
LOCATION	Approximately 1.11 acres located at the northeast corner of Prosperity Church Road and Johnson-Oehler Road.
CENTER, CORRIDOR OR WEDGE	Center
SUMMARY OF PETITION	This petition proposes a site plan amendment to a portion of a unified development to allow a 2,700 square foot restaurant with drive-through service.
Property Owner Petitioner Agent/Representative	Prosperity Shopping Center, LLC Prosperity Shopping Center, LLC Jeff Boone, Greenbrier Design Group
Community Meeting	Meeting is required and has been held. Report available online.

ZONING COMMITTEE ACTION	<p>The Zoning Committee voted unanimously to recommend APPROVAL of this petition with the following modifications:</p> <ol style="list-style-type: none"> 1. The required 35 parking spaces are shown on the site plan. 2. The site plan shows the closing of the driveway along Johnston-Oehler Road as per CDOT's request. It further notes that if a traffic circle is constructed, the driveway may be re-opened as a right-in, right-out driveway. 3. The site plan shows a fourteen-foot setback with six-foot sidewalk along Johnston-Oehler Road and Prosperity Church Road. Planting strips will be in accordance with the Charlotte Tree Ordinance. 4. A note has been added to the site plan that the petitioner will retain the services of a certified arborist to develop a site-specific tree save plan and make every effort to save the existing trees.
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VOTE	<table border="0"> <tr> <td>Motion/Second:</td> <td>Randolph/Simmons</td> </tr> <tr> <td>Yeas:</td> <td>Allen, Dodson, Randolph, Rosenburgh, Simmons and Walker</td> </tr> <tr> <td>Nays:</td> <td>None</td> </tr> <tr> <td>Absent:</td> <td>Griffith</td> </tr> <tr> <td>Recused:</td> <td>None</td> </tr> </table>	Motion/Second:	Randolph/Simmons	Yeas:	Allen, Dodson, Randolph, Rosenburgh, Simmons and Walker	Nays:	None	Absent:	Griffith	Recused:	None
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Yeas:	Allen, Dodson, Randolph, Rosenburgh, Simmons and Walker										
Nays:	None										
Absent:	Griffith										
Recused:	None										

ZONING COMMITTEE DISCUSSION	Staff reviewed the petition and noted how the outstanding site plan issues had been resolved. A commissioner asked CDOT to explain why they requested that the driveway be closed. Staff responded that there was not enough distance from the drive to the intersection of Johnson-Oehler and Prosperity Church Road. There was no further discussion of this petition.
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STATEMENT OF CONSISTENCY	This petition is found to be consistent with the <i>Prosperity Church Road Villages Plan</i> land use recommendations, but inconsistent with the Plan's design guidelines, and to be reasonable and in the public interest, by a 6-0 vote of the Zoning Committee (motion by Commissioner Simmons seconded by Commissioner Walker).
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STAFF OPINION	Staff agrees with the recommendation of the Zoning Committee.
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FINAL STAFF ANALYSIS

(Pre-Hearing Analysis online at www.rezoning.org)

PLANNING STAFF REVIEW**• Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- All of the originally approved conditions from Petition 1997-51 (C) with the exception of a restaurant with drive-through service.
- A proposed building with a maximum of 2,621 square feet with all four elevations of the proposed building consisting of brick.
- A drive-through window and circulation internal to the site and shopping center, and a conditional note removing the restriction of no drive-through windows for fast food restaurants, applicable only to this 1.108 acre portion of the overall parcel.
- Existing trees saved along Prosperity Church Road.
- Existing five-foot planting strip and six-foot sidewalk along Prosperity Church Road and six and one-half foot planting strip and eight-foot sidewalk along Johnston-Oehler Road.
- 34 on-site parking spaces.
- Internal sidewalk connections to the public streets.

• Public Plans and Policies

- The *Prosperity Church Road Villages Plan* (1999) recommends a pedestrian oriented, mixed use retail center with no drive-through service at this location.
- This petition is consistent with the *Prosperity Church Road Villages Plan*, land use recommendations, but inconsistent with the Plan's design guidelines.

• STAFF RECOMMENDATION (Updated)

- Staff agrees with the recommendation of the Zoning Committee.

PUBLIC INFRASTRUCTURE UPDATES (see full department reports online)

- **CDOT:** No issues.
- **Charlotte Fire Department:** No issues.
- **CATS:** No issues.
- **Connectivity:** No issues.
- **Neighborhood & Business Services:** No issues.
- **Schools:** CMS does not comment on non-residential petitions.
- **Park and Recreation:** No issues.

ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

- **Storm Water:** No issues.
- **LUESA:** No issues.
- **Site Design:** The following explains how the petition addresses the environmentally sensitive site design guidance in the *General Development Policies*.
 - Site does not exceed the minimum number of parking spaces required.

OUTSTANDING ISSUES

- No issues.
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Attachments Online at www.rezoning.org

- Application
- CATS Review
- CDOT Review
- Charlotte Fire Department Review
- Community Meeting Report
- LUESA Review
- Pre-Hearing Staff Analysis
- Site Plan
- Storm Water Review
- Urban Forestry

Planner: Solomon Fortune (704) 336-8326