

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.
STAFF RECOMMENDATION	Staff recommends approval upon resolution of outstanding issues. The petition is consistent with the land use recommendations in the <i>Prosperity Church Road Villages Plan</i> , with the exception of the drive-through component. The presence of the drive-through, however, is mitigated by the internal placement at the rear of the building.
Property Owner	Prosperity Shopping Center, LLC
Petitioner	Prosperity Shopping Center, LLC
Agent/Representative	Jeff Boone, Greenbrier Design Group
Community Meeting	Meeting is required and has been held. Report available online.

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 6.5-foot planting strip and 8-foot sidewalk along Johnston-Oehler Road.
- 34 on-site parking spaces.
- Internal sidewalk connections to the public streets.

- **Rezoning History of Subject Site**

- The subject site was rezoned by petition 1997-051(C), which allowed a commercial center with a maximum of 120,000 square feet in two phases.
- A conditional note was placed on the site prohibiting restaurants with drive-through windows.
- The proposed building was shown on the site plan.

- **Existing Zoning and Land Use**

The subject site is currently zoned NS and is vacant. The remaining portion of the site is developed with commercial uses. The surrounding properties are zoned NS, CC, and R-3, are occupied by commercial structures, or are vacant.

- **Rezoning History in Area**

There have been several rezonings in the area. Petitions 2001-059 and 2005-001 rezoned 39 acres on the west side of Prosperity Church Road to CC and CC SPA to allow the development of office, retail, and a gas station. Petition 2004-138 rezoned eight acres on the south side of Johnston-Oehler Road south of the proposed site to NS SPA to allow the development of office, retail, and a child care center.

- **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*, with the exception of the drive-through component.
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PUBLIC INFRASTRUCTURE (see full department reports online)

- **Vehicle Trip Generation:**
Current Zoning: 7,645 trips per day.
Proposed Zoning: 8,600 trips per day.
 - **CDOT:** The westernmost access to the site located off Johnston-Oehler Road must be closed prior to the issuance of a certificate of occupancy for the proposed restaurant.
 - **Charlotte Fire Department:** No issues.
 - **CATS:** No issues.
 - **Connectivity:** No issues.
 - **Neighborhood and Business Services:** No issues.
 - **Schools:** CMS does not comment on non-residential petitions.
 - **Park and Recreation:** No issues.
 - **Urban Forestry:** Construct sidewalk and planting strip along Johnston-Oehler Road and Prosperity Church Road to meet urban standards of eight-foot planting strip and six-foot sidewalk.
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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.
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OUTSTANDING ISSUES

- The petitioner should:
 1. Label width of proposed internal sidewalks.
 2. Provide an approved shared parking and cross access agreement for required parking not on site.
 3. Add note that the westernmost existing driveway along Johnston-Oehler Road will be closed prior to the issuance of a certificate of occupancy for the proposed restaurant.
 4. Provide plantings and/or windows to better articulate the blank wall fronting Prosperity Church Road.
 5. Provide a detailed drawing of a landscaped area along Prosperity Church Road to mitigate large expanse of blank walls.
 6. Add a note that large expanses of wall exceeding 20-feet in length will be avoided through the introduction of articulated facades, using various materials such as brick and other masonry products, stone, different colors of paint, glass windows, water table, and/or soldier course.
 7. Screen parking from public view along public streets.
 8. Add a note committing to a maximum of 2,621 square feet on the 1.108 acre site. The notes should also specify that the maximum 70,000 square feet previously approved for the remainder of Phase I will remain unchanged.
 9. Show eight-foot planting strip and six-foot sidewalk along Johnston-Oehler Road and Prosperity Church Road.
 10. Add a note stating exact number of trees being saved on the site.
 11. Modify dumpster pad location to allow reasonable loading.

Attachments Online at www.rezoning.org

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

Planner: Solomon Fortune (704) 336-8326