
REQUEST	Current Zoning: CC (commercial center) and R-3 (single family residential) Proposed Zoning: CC (commercial center) and CC, SPA (commercial center site plan amendment), with five-year vested rights
LOCATION	Approximately 33.84 acres located on the west side of Prosperity Church Road across from Ridge Road.
SUMMARY OF PETITION	The petition proposes a multi-use use development consisting of up to 100,000 square feet of office, retail/commercial/personal services, eating, drinking and entertainment establishment uses, and up to 292 multi-family units.
STAFF RECOMMENDATION	Staff recommends approval of the petition, upon resolution of outstanding issues. The rezoning site is located within the boundaries of the draft <i>Prosperity Hucks Area Plan</i> , which has not yet been adopted by Council. The Draft <i>Prosperity Hucks Area Plan</i> identifies this area as a pedestrian-oriented mixed use Activity Center intended to create highly integrated and walkable places, with a mix of use to include retail/service, office, institutional and residential. The petition proposes a mix of retail and residential uses consistent with the draft plan; refinements to the draft plan presented to the public on September 23, 2014.
PROPERTY OWNERS PETITIONER AGENT/REPRESENTATIVE	Eason Family Properties, LLC, Judy Reitzel Eason, and Ruth N. Tesh Halvorsen Development Corporation (Attention: Tom Vincent) Keith MacVean/Jeff Brown, Moore & Van Allen
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 96

PLANNING STAFF REVIEW

- **Background**

- The majority of the subject site was rezoned from R-3 (single family residential) to CC (commercial center) via petition 2001-070 as part of a larger 50.75-acre site. The petition allowed up to 50,700 square feet of retail, 33,300 square feet of office, 29,000 square feet of institutional uses, plus 204 apartment units, 16 second floor residential units over retail, 74 townhome units, 200 senior independent living units, and 22 single family detached dwellings, for a total of 522 dwelling units.

- **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Maximum of 100,000 square feet of retail/commercial/personal services and eating/drinking/entertainment uses.
- Maximum of 292 residential dwelling units, which may be multi-family, detached, attached, duplex, triplex, or quadraplex units, or any combination. The site plan shows these residential units as multi-family, townhomes and carriage units over garages.
- A minimum of three building types must be constructed within Area E (i.e. multi-family buildings, townhome buildings, carriage house buildings).
- Site consists of eight "Development Areas," identified as Areas A through H, and contains four outparcels located in Areas C, D, G, and H.
- The allowed 292 residential dwelling units are limited to Area E.
- Proposed wet detention pond areas located in Area B and Area G.
- Up to three accessory drive-through windows allowed in Development Areas A, C, D, F and H. Only one eating/drinking and entertainment use may have an accessory drive-through window and it may be located in Development Area F or H.
- Gas stations, with or without a convenience store, are prohibited.
- Access provided from Ridge Road, Prosperity Church Road, Cardinal Point Road, and Benfield Road.

- Total number of principal buildings developed for commercial uses not to exceed ten.
- Total number of buildings developed for residential uses not to exceed 19.
- **Architectural and Site Design Standards**
 - Building materials include glass, brick, stone, pre-cast stone, precast concrete, synthetic stone, stucco, cementitious siding, EIFS or wood. Vinyl as a building material is prohibited except on windows, soffits and handrails/railings. The use of EIFS will be limited to commercial buildings.
 - Site designed to provide building edges within portions of Development Areas A, C, D, E, F and H such that vehicular parking and maneuvering may not be located between the proposed buildings and the street. Plaza/outdoor dining areas will be considered part of the building for the purpose of complying with this provision.
 - A prominent architectural feature that may include an entrance oriented toward the intersection of Ridge Road and Benfield Road will be provided on building constructed in Development Area C.
 - Buildings located within Development Areas A and D that front on Public Street #1 will have a minimum of 40 percent of the street facing frontage composed of clear glass windows and/or doors. Retail shops in buildings A, B and C will have operable doors oriented toward proposed Public Street #1.
 - Building #1 in Development Area E will be designed so that ground floor units facing Ridge Road and Public Street #1 will have:
 - a) an entrance from each unit to the abutting street; and
 - b) vertical shaped windows with a height greater than the width.Building façades facing these streets will provide windows and doors for a minimum of 25 percent of the total façade area. The maximum contiguous area without windows or doors on any floor shall not exceed 10 feet in height or 20 feet in length.
 - Building elevations for proposed commercial development identified as Major #1 in Development Area A.
- **Transportation**
 - A portion of the existing right-of-way along Prosperity Church Road will no longer be needed due to realignment of the road. Petitioner will seek to abandon this portion and incorporate it into Development Area H.
 - Petitioner will provide curb and gutter, as well as base and surface course, for two additional lanes including a six-foot wide bicycle lane and on-street parking, eight-foot planting strip, and six-foot sidewalk along the site's frontage on Ridge Road. Traffic signal timing modifications at the intersection of Ridge Road with Benfield Road and Prosperity Church Road will be completed if necessary to coincide with petitioner's improvements.
 - Two pedestrian refuge islands will be installed by the petitioner along the site's frontage on Ridge Road, which will include landscaping if the median in Ridge Road is of sufficient width.
- **Site Design, Open Space, and Pedestrian Connectivity**
 - Service areas in Development Area A will be screened from the extension of Cardinal Point Road with landscaping and walls or landscaping and berms designed to complement the building architecture of the adjacent buildings.
 - A masonry wall that will be a minimum of two feet and will not exceed two and a half feet in height, and low accent plantings will be provided in Development Areas C and D between Ridge Road and parking areas, and maneuvering for drive-through lanes.
 - A sidewalk and crosswalk network linking all buildings on the site with one another will be provided along the site's internal private streets.
 - A pedestrian plaza designed as a pedestrian focal point and amenity for the overall development will be located within Development Area E.
 - A portion of the area abutting the water quality/storm water detention pond located in Area G will be improved as an amenity area with landscaping and seating areas.
 - A community green space to be located between Development Area E and Area A, will be designed as a pedestrian focal point and development amenity. Community green space will be located within the public street right-of-way.
 - A 22.5-foot wide Class "B" buffer will be provided abutting single family residential zoning.
 - Petitioner to track and keep a tally of the amount of nonresidential square footage constructed within each development area.
- **Other**
 - Plans and building elevations for Development Areas A, C, D, F and H must be submitted to the Planning Department for review and approval prior to the issuance of a building permit for any building located within these areas.

- Contingencies on issuance of certificates of occupancy for certain retail buildings and more than 225 residential units.
- Detached lighting limited to 20 feet in height.
- Construction of a CATS shelter pad along Ridge Road.
- Request for five-year vested rights.
- **Existing Zoning and Land Use**
 - The subject property is developed with a single family detached dwelling and the majority of the site is vacant. Surrounding properties contain a mix of commercial, single family and multi-family land uses in R-3 (single family residential), R-4 (single family residential), UR-2(CD) (urban residential, conditional), NS (neighborhood services), MX-2 (mixed use) and CC (commercial center) districts.
- **Rezoning History in Area**
 - Petition 2008-081 rezoned 9.26 acres located on the northeast corner of Ridge Road and Prosperity Church Road from R-3 (single family residential) to UR-2(CD) (urban residential, conditional) to allow up to 19,320 square feet of retail and up to 43 townhomes dwelling units.
 - Petition 2007-112 rezoned 9.39 acres located east of Prosperity Church Road and south of Ridge Road from R-22MF(CD) (multi-family residential) and B-1(CD) (neighborhood business, conditional) to UR-2(CD) (urban residential, conditional) to allow up to 128 multi-family residential units at a density of 13.63 units per acre.
- **Public Plans and Policies**
 - The *Prosperity Church Road Villages Plan* (1999) was amended by a prior rezoning for the property, rezoning petition 2001-070. The conditional plan called for a multi-use development including retail, office, institutional, and residential uses.
 - Specifically, for the area north of Ridge Road and east of proposed Public Street #1, the *Prosperity Church Road Villages Plan*, as amended by rezoning petition 2001-070, calls for a mix of residential uses to consist of 204 multi-family units, approximately 35 townhome units, and between five and ten single family homes. The proposed rezoning site plan shows 292 multi-family units on this site. The rezoning site plan also added a 1.4-acre tract to the area covered by the original rezoning.
 - For the area north of Ridge Road and west of proposed Public Street #1, the *Prosperity Church Road Villages Plan*, as amended by rezoning petition 2001-070, calls for approximately 40 townhome units and 20 single family homes. The proposed rezoning site plan shows most of the commercial square footage to be located in this area; the total commercial square footage requested for the entire site is 100,000 square feet.
 - For the area south of Ridge Road, the *Prosperity Church Road Villages Plan*, as amended by rezoning petition 2001-070, calls for a 29,000-square foot library/institutional use, 50,700 square feet of retail, and 200 independent living/multi-family units. To date, approximately 34,000 square feet of retail has been constructed. (Note: The library/institutional site, approximately half of the independent living/multi-family units and the existing 34,000 square feet of retail are outside of the area included in this rezoning.) For the part of this area that is included in the rezoning, the site plan shows a small portion of the total 100,000 square feet of commercial uses requested for this site.
 - The amount of retail in the petition north of Ridge Road is inconsistent with the *Prosperity Church Road Villages Plan* as amended by the rezoning. The residential element is generally consistent with the Prosperity Road Villages Plan as amended by the rezoning in terms of the location and overall number of dwelling units in the larger area.
 - Draft Prosperity Hucks Area Plan - The draft *Prosperity Hucks Area Plan* is an update to the *Prosperity Church Road Villages Plan* (1999) and identifies this area as a pedestrian-oriented mixed use Activity Center intended to create highly integrated and walkable places.
 - Based on the draft plan, the subject site is in a pedestrian-oriented mixed-use Activity Center. Appropriate uses include a mix of residential, office, retail, and/or institutional, designed with building entrances directly on sidewalks along the street frontages; and, parcels greater than five acres are to include a mix of two or more uses.
 - Over the past six months, staff has provided several community input opportunities designed to identify refinements to the *draft Prosperity Hucks Area Plan*, focused on the land use and community design recommendations for the Activity Center. A Community Workshop was held September 16th to 17th, 2014 with proposed refinements presented to the public on September 23rd. The proposed refinements to land use and design recommendations in the draft area plan are outlined in the *Community Workshop Summary Memorandum*, available in the *Prosperity Hucks Area Plan* page on www.charlotteplanning.org.
 - The proposed rezoning is consistent with the draft area plan and proposed refinements, as it provides a balanced mix of retail/commercial and residential uses, includes a variety of

residential building types, incorporates open/green space and is designed to be walkable. The proposed rezoning has retail and residential elements mixed horizontally and designed around a common open space; it also has a mix of townhome and carriage home unit types in addition to apartment buildings.

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Neighborhood & Business Services:** No issues.
- **Transportation:** CDOT has the following requests:
 - Add a note that the petitioner will be responsible for any traffic signal modification costs and necessary signal equipment easements on Ridge Road at Prosperity Church Road and Benfield Roads when the subject site's final construction plan is approved by the city. Traffic signal modification costs and easements will be determined during the construction plan review process.
 - Add a note that where there is sufficient median width to support vegetation on Ridge Road, the petitioner will construct a "landscaped" pedestrian refuge median.
 - The minimum driveway throat lengths need to be 50 feet behind the stop line for minor street connections. Major street connections will need to have 100- to 120-foot driveway throat lengths.
 - Work with NCDOT regarding an anticipated request for a traffic impact study.
 - **Vehicle Trip Generation:**
Current Zoning: 5,600 trips per day.
Proposed Zoning: 9,600 trips per day.
 - **Connectivity:** No issues.
- **Charlotte Fire Department:** No issues.
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning would generate 44 students while the development allowed under the proposed zoning will produce 32 students. Therefore, the net increase in the number of students generated from existing zoning to proposed zoning is zero students.
- **Charlotte-Mecklenburg Storm Water Services:** No issues.
- **Charlotte-Mecklenburg Utilities:** No issues.
- **Engineering and Property Management:** Delete last sentence of Note 7B and delineate wetlands on the site plan.
- **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
- **Mecklenburg County Parks and Recreation Department:** No issues.
- **Urban Forestry:** No issues.

ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

- **Site Design:** The following explains how the petition addresses the environmentally sensitive site design guidance in the *General Development Policies-Environment*.
 - This site meets minimum ordinance standards.

OUTSTANDING ISSUES

- The petitioner should:
 1. Provide a phasing plan that ties the certificates of occupancy for the large box retail to the street-front retail, and the certificate of occupancy for the multi-family units to the large box retail.
 2. Remove all signs as they will be permitted separately.
 3. Amend Note 5(O) with the following: "petitioner reserves the right to reduce the CC district setback from 35 feet to 14 feet as allowed per the ordinance."

4. Submit an administrative approval to reduce the development rights for the portion of the property that was included in rezoning 2001-070 but not included in this rezoning request.
5. Amend Note 2B to state "Development Areas A,C D,F and H may be developed with up to 100,000 square feet of gross floor area of ~~uses permitted by right and under prescribed conditions~~, office, retail, ~~restaurant~~ eating, drinking and entertainment establishments, and personal service uses, together with accessory uses as allowed in the CC zoning district".
6. Amend development notes to change restaurants to eating, drinking and entertainment establishments.
7. Remove the last paragraph under Note 2B.
8. Amend Note 5F to read "Charlotte-Mecklenburg Planning Department."
9. Amend Note 5G to remove the unnecessary "s" from Development Areas A.
10. Amend Note 10B to delete the word "site."
11. Provide a set of typical elevation drawings for each residential building type (multi-family, townhomes, and carriage units over garages) and the clubhouse building.
12. Amend Note 2E as follows: "...vehicular parking and maneuvering may not be located between the proposed ~~buildings and the~~ building edge(s) and the street."
13. Amend Note 5B to require a prominent architectural feature within Area C, noting that the architectural feature will include an entrance.
14. Add a note under Architectural Standards as follows: "Any drive-through feature in Development Area A will be incorporated into the building's architectural design and materials palette. Any drive-through feature in Development Area C will be internal and will be incorporated into the building's architectural design and materials palette."
15. Replace Note 5C with the following: "Retail buildings B and C shall have their interior floor plans and primary exterior facades oriented toward Proposed Public Street #1. The facades of these buildings facing Proposed Public Street #1 must contain a total area of transparency of 60 percent or more of the wall area of the ground floor, measured between two to ten feet above the adjacent grade. The transparency area shall be composed of clear glass windows and doors, which may not be screened by film, decals, other opaque materials, glazing finishes, or window treatments for the purpose of screening service area, merchandise, or secondary operational functions to the primary business. Each individual business within Retail Buildings B and C shall have an operable door facing Proposed Public Street #1, and this door shall be the primary public entrance for the business."
16. Amend Note 5E and building elevations to describe how the ground floor of the residential building at the corner of Ridge Road and the internal street will be designed to mimic a retail storefront condition. Street-level floor to ceiling heights should be a minimum of 12 feet.
17. Add a note that reserves the ability to adjust the orientation of the building in Development Area H should Prosperity Church Road be realigned prior to construction of the building, with staff approval, under the heading of Architectural Standards.
18. Add a note under the heading of Streetscape, Landscaping and Buffers that stipulates that no more than 35 percent of the total street frontage along each side of Public/Private Street #1 will be composed of surface parking and driveways.
19. Amend Note 8A to specify that the community green space shall have a minimum area of 20,000 square feet.
20. Amend Note 11B to state that an updated tally of the amount of nonresidential square footage constructed within each development area will be provided with each permitting submittal.
21. Delete reference and label for "New Prosperity Church Road" and retain label as "Benfield Road."
22. Show and label on-street parking along the frontage on Prosperity Church Road.
23. Provide consistency in referring to Proposed Street #1, as either public or public/private.
24. Specify when the pedestrian plaza will be completed.
25. Amend Note 8C to state that the petitioner will maintain the community green space unless there is an agreement with the City or County to do otherwise.
26. Address CDOT comments.

Attachments Online at www.rezoning.org

- Application
- Site Plan
- Locator Map
- Community Meeting Report
- Charlotte Area Transit System Review
- Charlotte Department of Neighborhood & Business Services Review
- Transportation Review

- Charlotte Fire Department Review
- Charlotte-Mecklenburg Schools Review
- Charlotte-Mecklenburg Storm Water Services Review
- Charlotte-Mecklenburg Utilities Review
- Engineering and Property Management Review
- Mecklenburg County Land Use and Environmental Services Agency Review
- Mecklenburg County Parks and Recreation Review
- Urban Forestry Review

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