

<b>REQUEST</b>	Current Zoning: NS (neighborhood services) Proposed Zoning: NS SPA (neighborhood services, site plan amendment)
<b>LOCATION</b>	Approximately 3.65 acres located on the south side of Johnston-Oehler Road and east of Prosperity Church Road. (Council District 4 - Phipps)
<b>SUMMARY OF PETITION</b>	The petition proposes to allow retail or office uses on a vacant parcel within an existing retail/office development.
<b>PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE</b>	Prosperity Investment I, LLC Citisculpt, LLC DAS Architecture, INC.
<b>COMMUNITY MEETING</b>	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 4
<b>STATEMENT OF CONSISTENCY</b>	<ul style="list-style-type: none"> <li>• The Zoning Committee found this petition to be consistent with the <i>Prosperity Hucks Area Plan</i>, based on information from the staff analysis and the public hearing, and because: <ul style="list-style-type: none"> <li>• The proposed retail is consistent with the plan recommendation for a mix of uses, including retail/service, office, hotel, and institutional uses, designed and connected as a walkable place.</li> </ul> </li> <li>• Therefore, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because: <ul style="list-style-type: none"> <li>• The property is located in the Prosperity Mixed Use Activity Center, a priority area for urban, pedestrian-oriented development; and</li> <li>• The <i>Prosperity Hucks Area Plan</i> further sets the vision for a walkable, connected variety of retail, office, entertainment, and residential uses; and</li> <li>• The existing approved rezoning site plan is for small office buildings; this proposal will provide for a wider mix of uses, including retail and/or office uses; and</li> <li>• The proposal retains the approved site design with buildings fronting on public streets and parking to the rear, supporting the intent of the area plan for a walkable town center;</li> </ul> </li> </ul> <p>By a 6-0 vote of the Zoning Committee (motion by Majeed seconded by Wiggins).</p>

<b>ZONING COMMITTEE ACTION</b>	<p>The Zoning Committee voted 6-0 to recommend <b>APPROVAL</b> of this petition with the following modifications:</p> <p><u>Transportation</u></p> <ol style="list-style-type: none"> <li>1. Included a detail (as requested/provided by CATS) on the site plan of a "Waiting Pad Only with Planting Strip Standard" for an existing bus stop on Benfield Road, and new Transportation Note 15a acknowledging provision of the bus stop waiting pad for existing bus stop.</li> <li>2. Responded to CDOT's comment that the existing sidewalk located on the Prosperity Church Road frontage appears to be outside the right-of-way by adding Transportation Note 15b. stating that a sidewalk/utility easement will be required.</li> </ol> <p><u>Environment</u></p> <ol style="list-style-type: none"> <li>3. Added Environment Note 14a that states the building will comply with the requirements of the City of Charlotte Tree Ordinance.</li> </ol>
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	<p><u>Site and Design</u></p> <ol style="list-style-type: none"> <li>4. Added Access Points Note 4d that states pedestrian access points will be provided in at least one location along Johnston-Oehler Road and Prosperity Church Road.</li> <li>5. Modified Building Form Note 2f. to state buildings will be a maximum length not to exceed 200 feet with a minimum 20-foot separation.</li> <li>6. Removed language "...neighborhood look with reference for mixed use" from General Notes 5.</li> <li>7. Updated the language in Note 2b under "Building Form" so that it is applicable to office and retail buildings, and now states: "Building design shall incorporate the use of breezeways, patios and attractive entrances with windows on the street front and be up to two stories. The rear of the buildings will have the same finishes as the front of the buildings."</li> </ol> <p><u>Requested Technical Revisions</u></p> <ol style="list-style-type: none"> <li>8. Under Site Usage Information, noted on site plan that proposed zoning is NS <u>SPA</u>.</li> <li>9. Under Site Usage Information, confirmed that proposed 49,000 square feet includes the building footprint on the southern end of the site.</li> </ol> <p>The following items have been added or amended since the public hearing:</p> <ol style="list-style-type: none"> <li>10. Amended Building Form Note 2c to state all buildings will be designed to be compatible in character with the surrounding office/retail developments. Furthermore, the office and retail building facades will be predominantly brick and stucco.</li> <li>11. Amended Building Form Note 2d to state buildings will be designed as one and/or two-story and match the existing building's glazing, exterior cladding, and trim material types with the existing retail/office building in Area B2.</li> <li>12. Amended Building Form Note 2g to state that buildings will have variations to the façade that will be achieved by height, color and type of materials and may include decorative features such as awnings and canopies.</li> <li>13. Amended Building Height Note 11a to state that building height shall be limited to a maximum of three stories.</li> </ol>
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**VOTE**

Motion/Second: Eschert / Dodson  
 Yeas: Dodson, Eschert, Labovitz, Majeed, Sullivan, and Wiggins  
 Nays: None  
 Absent: Lathrop  
 Recused: None

**ZONING COMMITTEE DISCUSSION**

Staff presented this item to the Zoning Committee, noting changes and that the request is consistent with the *Prosperity Hucks Area Plan*. There was no discussion of this petition.

**STAFF OPINION**

Staff agrees with the recommendation of the Zoning Committee.

**FINAL STAFF ANALYSIS**  
 (Pre-Hearing Analysis online at [www.rezoning.org](http://www.rezoning.org))

**PLANNING STAFF REVIEW**

• **Proposed Request Details**

The site plan amendment contains the following changes:

- Adds retail as a permitted use in addition to office on a portion of the site. The approved site plan currently allows only office on this portion of the site.
- Retains the original maximum square footage of 70,000, which will include the existing 21,000 square feet of office and allows the remaining 49,000 square feet to be a mix of office/retail.
- Specifies expected uses are government buildings, restaurant, retail, and general office

- including medical office.
- Specifies building height will be limited to a maximum of three stories. Buildings placed along streets may be two stories in height.
  - Notes provision for and construction of a bus stop waiting pad for an existing bus stop on Benfield Road per CATS standard detail.
  - Adds a note prohibiting gasoline sales/convenience stores, restaurants with drive-through service windows, and adult entertainment establishments.
  - Pedestrian access points will be provided in at least one location along Johnston-Oehler Road and Prosperity Church Road.
  - Adds the following commitments related to building design:
    - Will incorporate use of breezeways, patios and attractive entrances with windows on the street front and will be up to two stories.
    - Rear of buildings will have same finishes as front of the buildings.
    - Compatible in character with surrounding office/retail developments and use of brick and stucco as a predominant material for office and retail facades.
    - Design of buildings as one and/or two-story and match existing retail/office building in development.
    - Street facing blank walls to be a maximum of 20 feet.
    - Building length will not exceed 200 feet with a minimum 20-foot separation.
    - Building will have façade variations that will be achieved by height, color and type of materials and may include decorative features such as awnings and canopies.
  - Adds a note stating when there is a sidewalk adjacent to 90-degree parking it shall be a minimum of seven feet wide.
  - Adds a note stating the petitioner/developer will be responsible for providing a six-foot sidewalk and an eight-foot planting strip along the project frontage along Prosperity Church Road if the subject property is developed prior to construction of Phase III of the Prosperity Church Road project.
  - Adds Storm Drainage Note f that states if the petitioner utilizes the existing detention pond on site for storm water management requirements of the proposed development, the petitioner shall include documentation in the formal plan submittal for permitting confirming the proper easements have been established per City standards and that the pond was properly designed and constructed to manage stormwater runoff from all parcels served by the pond.
  - **Public Plans and Policies**
    - The *Prosperity Hucks Area Plan (2015)* shows the property as a mix of uses, including retail/service, office, hotel, and institutional, designed and connected as a walkable place.
    - The petition supports the *General Development Policies-Environment* by providing for incremental development of integrated and well-connected mixed use development in a location identified as an Activity Center, thereby minimizing further environmental impacts while accommodating growth.
  - **TRANSPORTATION CONSIDERATIONS**
    - This site is located within a mixed use activity center. Generally CDOT supports greater density in mixed use activity centers since the mixture of uses yields shorter vehicle trip lengths that are less impactful than accommodating the same uses spread over greater distances. Further, if the design of the development sites can be done with safe, comfortable, and convenient facilities for pedestrians and cyclists, the rate of automobile usage per square foot of development can be reduced. The major transportation infrastructure is complete around this site, including sidewalks, planting strips, bike lanes, and left-turn lanes.

**DEPARTMENT COMMENTS** (see full department reports online)

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Neighborhood & Business Services:** No issues.
- **Charlotte Fire Department:** No comments received.
- **Charlotte-Mecklenburg Schools:** Non-residential petitions do not impact the number of students attending local schools.
- **Charlotte-Mecklenburg Storm Water Services:** No issues.
- **Charlotte Water:** No issues.
- **Engineering and Property Management:** No issues.

- **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
  - **Mecklenburg County Parks and Recreation Department:** No issues.
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**Attachments Online at [www.rezoning.org](http://www.rezoning.org)**

- Application
- Pre-Hearing Staff Analysis
- Locator Map
- Site Plan
- Community Meeting Report
- Department Comments
  - Charlotte Area Transit System Review
  - Charlotte Department of Neighborhood & Business Services Review
  - Charlotte-Mecklenburg Storm Water Services Review
  - Charlotte Water Review
  - Engineering and Property Management Review
  - Mecklenburg County Land Use and Environmental Services Agency Review
  - Mecklenburg County Parks and Recreation Review
  - Transportation Review

**Planner:** Claire Lyte-Graham (704) 336-3782