

REQUEST	Current Zoning: NS (neighborhood services) Proposed Zoning: NS SPA (neighborhood services, site plan amendment)
LOCATION	Approximately 3.65 acres located on the south side of Johnston-Oehler Road and east of Prosperity Church Road. (Council District 4 - Phipps)
SUMMARY OF PETITION	The petition proposes to allow retail or office uses on a vacant parcel within an existing retail/office development.
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	Prosperity Investment I, LLC Citisculpt, LLC DAS Architecture, INC.
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 4

STAFF RECOMMENDATION	<p>Staff recommends approval of this petition upon resolution of outstanding issues related to sidewalks, pedestrian access to buildings and length of buildings.</p> <p><u>Plan Consistency</u> The proposed retail is consistent with the <i>Prosperity Hucks Area Plan</i>, which recommends a mix of uses, including retail/service, office, hotel, and institutional uses, designed and connected as a walkable place.</p> <p><u>Rationale for Recommendation</u></p> <ul style="list-style-type: none"> • The property is located in the Prosperity Mixed Use Activity Center, a priority area for urban, pedestrian-oriented development. • The <i>Prosperity Hucks Area Plan</i> further sets the vision for a walkable, connected variety of retail, office, entertainment, and residential uses. • 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. • 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.
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PLANNING STAFF REVIEW

• **Proposed Request Details**

The site plan amendment retains the site layout of the approved site plan, which provides for buildings fronting on Johnston Oehler Road and Prosperity Church Road and parking located behind to promote pedestrian activity. It proposes 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.
- Adds a note prohibiting gasoline sales/convenience stores, restaurants with drive-through service windows, and adult entertainment establishments.
- Adds the following commitments related to building design:
 - Will incorporate the use attractive entrances with windows on the street frontage.
 - Compatible in character with surrounding residential development and use of brick as a predominant material for office and retail facades.
 - Design of buildings as one or two-story and match existing retail/office building in development.
 - Street facing blank walls to be a minimum of 20 feet.
 - Building lengths are flexible within specific locations, but will be restricted to a maximum of 200 feet.

- 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.
- **Existing Zoning and Land Use**
 - The subject property is zoned NS (neighborhood services) and is partially developed with small one and two-story office buildings built about 2003. A portion of the site remains vacant, although the parking area to serve the future development is constructed.
 - The subject site is part of a larger 25-acre area rezoned from R-3 (single family residential) to NS (neighborhood services) via petition 2000-078 in order to allow 191 residential units, 65,000 square feet of office, a 12,000-square foot day care facility, and 5,000 square feet of retail.
 - Rezoning petition 2004-138 approved a site plan amendment, amending a portion of the previously approved site plan (2000-078) to allow an approved 12,000-square foot child care facility to be replaced with up to 9,000 square feet of office over 9,000 square feet of retail and to increase the total amount of office development from 65,000 square feet to 76,000 square feet.
 - A two-story mixed use office and retail building in the same ownership is in place to the west across Prosperity Park Drive, and is also zoned NS (neighborhood services).
 - Abutting to the south, and also across Prosperity Church Road to the east, are townhomes zoned NS (neighborhood services).
 - Across Johnston-Oehler Road to the north is the Prosperity Park (BiLo) shopping center. The new I-485 interchange is a block further north.
 - Across Benfield Road is a retirement community and single family residential homes zoned INST(CD) (institutional, conditional) and R-3 (single family residential).
 - See "Rezoning Map" for existing zoning in the area.
- **Rezoning History in Area**
 - The most recent rezoning in the wider area was several blocks to the north across I-485. Petition 2013-094 rezoned 33.6 acres on either side of Ridge Road between Prosperity Church Road and Benfield Road to CC (commercial center). It provided for up to 100,000 sq. ft. of retail and other commercial uses (including a grocer), and up to 292 multi-family residential dwelling units.
 - Rezoning petition 2010-030 was approved for a NS SPA (neighborhood services, site plan amendment) consisting of approximately 1.11 acres located at the northeast corner of Prosperity Church Road and Johnston-Oehler Road, to allow a 2,700-square foot restaurant with drive-through service.
- **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. CDOT has no concerns with this petition but requests resolution of the outstanding transportation issue below.
 - See Outstanding Issues, Note 2.

- **Vehicle Trip Generation:**
Current Zoning: 1,600 trips per day (based on 79,000 square feet of office and 9,000 square feet of retail.)
Proposed Zoning: 2,600 trips per day (based on 30,000 square feet of office and 47,000 square feet of retail.)

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** See Outstanding Issues, Note 1.
- **Charlotte Department of Neighborhood & Business Services:** No issues.
- **Charlotte Department of Solid Waste Services:** No comments received.
- **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:** See Requested Technical Revisions, Note 3.
- **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
- **Mecklenburg County Parks and Recreation Department:** No issues.

OUTSTANDING ISSUES

Transportation

1. Provide and construct a bus stop waiting pad for an existing bus stop on Benfield Road as per detail provided.
2. CDOT notes that the existing sidewalk located on the Prosperity Church Road frontage appears to be outside the right-of-way. This should be indicated on the site plan with a note that a sidewalk/utility easement will be required.

Environment

3. Add a note that the development of the site shall comply with the requirements of the City of Charlotte Tree Ordinance.

Site and Design

4. Graphically denote or add a text note that shows building fronts with pedestrian access from Johnston-Oehler Road and Prosperity Church Road.
5. Modify Building Form Note 2f to state buildings will be a maximum length not to exceed 200' with a minimum 20-foot separation.
6. Remove language "...neighborhood look with reference for mixed use" from General Notes 5.
7. Update the language in Note 2b under "Building Form" so that it is applicable to office and retail buildings.

REQUESTED TECHNICAL REVISIONS

1. Note on site plan that proposed zoning is NS SPA.
2. Confirm that proposed 49,000 square feet includes the building footprint on the southern end of the site.

Attachments Online at www.rezoning.org

- Application
- Site Plan
- Locator Map
- 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

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