

COMMUNITY MEETING REPORT FOR REZONING PETITION NO. 2016-131

Petitioner: Halvorsen Development Corporation
Rezoning Petition No.: 2016-131
Property: ± 1.623 acres located at 5920 Prosperity Church Road (the "Site").

This Community Meeting Report is being filed with the Office of the City Clerk and the Charlotte-Mecklenburg Planning Commission pursuant to Section 6.203 of the City of Charlotte Zoning Ordinance.

PERSONS AND ORGANIZATIONS CONTACTED WITH DATES AND EXPLANATIONS OF HOW CONTACTED:

The required Community Meeting was held on September 14, 2016, a representative of the Petitioner mailed a written notice of the date, time and location of the Community Meeting to the individuals and organizations set out on **Exhibit A** by depositing the Community Meeting Notice in the U.S. mail on September 2, 2016. A copy of the written notice is attached as **Exhibit B**. The Petitioner also held a follow up neighborhood meeting on November 22nd 2016 to review and discuss a revised site plan and elevations for the Site.

TIME AND LOCATION OF MEETING:

The **Community Meeting required by the Ordinance was held on September 14, 2016 at 7:00 PM**, at Mallard Creek Recreation Center, 2530 Johnston Oehler Road, Charlotte, NC 28269.

PERSONS IN ATTENDANCE AT MEETING:

The sign-in sheet from the required Community Meeting is attached as **Exhibit C**. The Petitioner's representatives at the required Community Meeting were Tom Vincent with Halvorsen Development Corporation and Eric Hampton with Kimley-Horn. Also in attendance was Keith MacVean with Moore & Van Allen, PLLC.

SUMMARY OF ISSUES DISCUSSED AT MEETING:

I. Overview of Petitioner's Presentation.

Introduction and Overview of Development Plan.

Keith MacVean opened the meeting and thanked everyone for their attendance. He then went over the rezoning timeline and highlighted key dates.

The Site was previously rezoned in 2008. The previously approved conditional plan called for the Site and an additional ±7.22 acres to be developed with a drugstore and a bank with accessory drive through windows as well as townhomes for sale. Mr. MacVean explained that the new plans would follow the Prosperity Hucks Area Plan in providing a commercial use without adding an additional drive-thru window use (since the previously approved conditional plan called for two (2) uses with accessory drive-through windows, the proposed rezoning to allow one use with an

accessory drive-through window is not adding a drive-through window use to the Site). The Petitioner's plans are to develop the Site with a single-use (a restaurant) with a drive-through window, thus reducing the number of drive-thru uses from the previously approved conditional plan.

Eric Hampton then provided more detail about the proposed rezoning plan. The site will have single access points on Old Ridge Road and Prosperity Church Road. The drive-thru for the restaurant will be behind a masonry wall and landscaping along Ridge Road. The plan will also include pedestrian access at Ridge and Prosperity Church Roads with outside dining for the restaurant.

Tom Vincent, with Halvorsen Development, explained that they have designed the restaurant with the Area Plan in mind. They worked with Chick-fil-A to produce a restaurant that is unlike their traditional style and incorporates design elements characteristic of the area.

Mr. MacVean explained that the new proposal will only change the site plan for the Site and not the zoning for the Site, the rezoning petition is a Site Plan Amendment (SPA). All three (3) corners of the development will be lined with street trees and wide sidewalks as well as landscaping to screen the parking areas from Old Ridge Road and Prosperity Church Road.

Attendees were invited to follow-up with either Tom Vincent, Eric Hampton or Keith MacVean if they had additional questions.

II. Summary of Questions/Comments and Responses:

Attendees asked why the plans call for a drive-thru restaurant. Keith MacVean explained that the previously approved plan called for a drive-thru bank and drug store. The new plan would reduce the Site to having only one (1) drive-thru. He also explained that was a use that wanted to be in the area and would fit on the Site.

There were questions about pedestrian access. It was explained that there would be no masonry wall along Old Ridge Road. Instead, pedestrians will have easy access to the Site and the outside dining areas along all sides of the Site through walkways which are required by the Ordinance.

Attendees asked why they chose a Chick-fil-A for the development. Tom explained that through demographic studies, it was determined that Chick-fil-A was the best choice for the area. He also explained that the Chick-fil-A would be the only tenant that the Petitioner was considering for the Site.

One attendee asked if Old Ridge Road would be going away. Another attendee asked if drive-thru uses were allowed given the area plan. Keith MacVean explained that the previously approved plan already included two (2) drive-thru uses. The new plan would reduce those uses. It was also explained that the new plan would eliminate the need to locate a loading dock at the corner of Prosperity Church Road and Ridge Road as was previous planned. Old Ridge Road would not be eliminated and would be used for access to the Site.

Attendees asked about anticipated traffic and parking availability. The petitioner is working with CDOT to conduct a traffic study. The previous plan anticipated 2100 trips/day whereas the

restaurant could bring between 2000-2500 trips/day. The Site will include around 60 parking spaces.

Eric Hampton closed the meeting by emphasizing the addition of improved streetscapes and pedestrian access for the Site. He also stated that the A/C units would be located on the top of the building with plenty of coverage from the roof design. The Mallard Creek Community Organization stated that they meet every week and is happy to see this coming.

The attendees were thanked for their time and interest; the meeting was then adjourned.

CHANGES MADE TO PETITION AS A RESULT OF THE MEETING:

The Petitioner has modified the proposed conditional plan to redesign the proposed building to have the appearance of a two story building, and to relocate the proposed outdoor dining area to the corner of Ridge Road and Prosperity Church Road. A secondary entrance was added facing the intersection of Ridge and Prosperity Church Roads as per the request of the residents. The Petitioner has also added two improved pocket parks, one at the intersection of Old Ridge Rd. and Ridge Rd and a second park at the corner of Prosperity Church Rd. and Old Ridge Rd. The revised site plan has also added a low brick wall along Prosperity Church Road to screen the parking areas from Prosperity Church Road.

cc: Mayor and Members of Charlotte City Council
Tammie Keplinger, Charlotte Mecklenburg Planning Department
Solomon Fortune, Charlotte Mecklenburg Planning Department
Tom Vincent, Halvorsen Development Corporation
Eric Hampton, Kimley-Horn
Jeff Brown, Moore & Van Allen, PLLC
Bridget Dixon, Moore & Van Allen, PLLC
Keith MacVean, Moore & Van Allen, PLLC

Pet_No	taxpid	ownerlastn	ownerfirst	cownerfirs	cownerlast	mailaddr1	mailaddr2	city	state	zipcode
2016-131	02756109	ALDI (NC) LLC				1985 OLD UNION CHURCH RD		SALISBURY	NC	28146
2016-131	02941354	BEAVERS	DIANA L			45144 WOODHAVEN DR		CHARLOTTE	NC	20619
2016-131	02941353	BROWN	YOLANDA LATREASA			9429 DALPHON JONES DR		CHARLOTTE	NC	28213
2016-131	02931104	ECHO HIGHLAND CREEK LLC				701 ALPHA DR		PITTSBURGH	PA	15238
2016-131	02931201	GULLEDGE FAMILY LLC THE				12233 EASTFIELD RD		HUNTERSVILLE	NC	28078
2016-131	02756104	HEPVS LLC				851 S FEDERAL HIGHWAY STE 201		BOCA RATON	FL	33432
2016-131	02756107	HEPVS LLC			ATTN: THOMAS VICENT	1877 S FEDERAL HIGHWAY SUITE 200		BOCA RATON	FL	33432
2016-131	02941355	HUTTON	LAURIE			4516 FORESTRIDGE COMMONS DR		CHARLOTTE	NC	28269
2016-131	02756110	LINDA BARRETT PROPERTIES LLC				4260 CRESTA AVE		SANTA BARBARA	CA	93110
2016-131	02931115	INC	MALLARD CREEK OPTIMIST			PO BOX 26692		CHARLOTTE	NC	28221
2016-131	02941110	INC	MALLARD CREEK OPTIMIST CLUB		C/O STEWART MALLARD	5502 MCCHESENEY DR		CHARLOTTE	NC	28269
2016-131	02941304	MANN	LENEE			6116 PROSPERITY CHURCH RD		CHARLOTTE	NC	28269
2016-131	02931119	MARK OIL COMPANY INC				PO BOX 32064		CHARLOTTE	NC	28232
2016-131	02941301	MURRELL	GENEVIEVE			6104 PROSPERITY CHURCH RD		CHARLOTTE	NC	28269
2016-131	02756108	NISBET E P COMPANY				PO BOX 35367		CHARLOTTE	NC	28235
2016-131	02941302	O'NEILL	ANDREA			6108 PROSPERITY CHURCH RD		CHARLOTTE	NC	28269
2016-131	02941398	ASSOCIATION INC	PROSPERITY RIDGE COMMUNITY			1518 EAST THIRD ST		CHARLOTTE	NC	28204
2016-131	02941371	ASSOCIATION INC	PROSPERITY RIDGE COMMUNITY		C/O HOPPER COMMUNITIES, INC	1355 GREENWOOD CLIFF SUITE 150		CHARLOTTE	NC	28204
2016-131	02941109	REITZEL	BARBARA ANN HAMPTON			1970 ODELL SCHOOL RD		CONCORD	NC	28027
2016-131	02941303	RIPOLI	DANIEL	SANTA	RIPOLI	15618 CITRONELLE LN		HUNTERSVILLE	NC	28078
2016-131	02941352	SCHMIDT	NICOLE M			4528 FORESTRIDGE COMMONS DR		CHARLOTTE	NC	28269
2016-131	02756123	SHW LLC				1877 S FEDERAL HIGHWAY SUITE 200		BOCA RATON	FL	33432
2016-131		JEFF BROWN, KEITH MACVEAN, & BRIDGET DIXON			MOORE & VAN ALLEN, PLLC	100 N. TRYON ST., SUITE 4700		CHARLOTTE	NC	28202

Pet_No	FirstName	LastName	OrgLabel	MailAddress	MailCity	MailSt:	MailZip
2016-131	Cindy	Peninger	Devonshire NA	4816 Avalon Forest Lane	Charlotte	NC	28269
2016-131	Donald	Oehler	Mallard Creek Community	4503 Ridge Road	Charlotte	NC	28269
2016-131	Pete	Bozza	Prosperity Region Area Mgt. (PRAM)	12310 Panthersville Drive	Charlotte	NC	28269
2016-131	Jason	Cook	Hampton Place HOA	12228 Hampton Place Drive	Charlotte	NC	28269
2016-131	Margarita	Lizarra	Prosperity Village HOA	12525 Jessica Place	Charlotte	NC	28269
2016-131	Rozel	Tolliver	Madison Park at Wallace Farms HOA	10145 Madison Park Drive	Charlotte	NC	28269
2016-131	Stacie	Purcell	Highland Creek HOA	6121 Chavel Lane	Charlotte	NC	28269
2016-131	Theresa	Rosa Corey	Highland Creek HOA	6428 Stargaze Lane	Charlotte	NC	28269
2016-131	Joyce	Gonzalez	Madison Park at Wallace Farms HOA	9302 White Aspen Place	Charlotte	NC	28269
2016-131	Theresa	Rosa	Prosperity Village Area Association	6428 Stargaze Lane	Charlotte	NC	28269
2016-131	Tom	Martin	Highland Creek	9539 Foggy Meadow Road	Charlotte	NC	28269
2016-131	Karl	Beil	Fox Glen HOA	11603 Fox Trot Drive	Charlotte	NC	28269
2016-129	Claire	Fallon	Northeast Coalition of Neighborhoods	8879 Legacy Lake Lane	Charlotte	NC	28269
2016-129	Mary	Hopper	University City Partners	8335 IBM Drive, Suite 110	Charlotte	NC	28262

NOTICE TO INTERESTED PARTIES OF A REZONING PETITION
PETITION # 2016-131– Halvorsen Development Corporation

Subject: Rezoning Petition No. 2016-131

Petitioner/Developer: Halvorsen Development Corporation

Current Land Use: Vacant

Existing Zoning: UR-2(CD) and NS

Rezoning Requested: NS and NS SPA

Date and Time of Meeting: **Wednesday, September 14, 2016 at 7:00 p.m.**

Location of Meeting: Mallard Creek Recreation Center
2530 Johnston Oehler Road
Charlotte, NC 28269

Date of Notice: September 2, 2016

We are assisting Halvorsen Development Corporation (the “Petitioner”) on a Rezoning Petition recently filed to allow the development of the 1.63 acre site located at the intersection of Prosperity Church Road and Ridge Road with a restaurant use (the “Site”). We take this opportunity to furnish you with basic information concerning the Petition and to invite you to attend a Community Meeting to discuss it.

Background and Summary of Request:

This Petition involves a request to rezone the ±1.623 acre Site from UR-2(CD) and NS to NS and NS Site Plan Amendment (SPA). The proposed rezoning request would allow the Site to be developed with up to 15,000 gross square feet of uses allowed in the NS zoning district including a restaurant with an accessory drive-through window. Only one use with an accessory drive-through window will be allowed on the Site.

This Site was previously rezoned in 2008 as part of a rezoning petition that involved 8.851 acres and proposed to develop this Site and the remainder of the acreage with up to 19,320 square feet of commercial uses and up to 43 townhomes for sale. The proposed commercial uses were a drug store with an accessory drive-through window and a branch bank with multiple drive-through windows. The proposed drug store and a portion of the proposed bank were located on the portion of the property currently in for a zoning change. The loading dock for the proposed drug store was oriented toward the intersection of Ridge Road and Prosperity Church Road. This approved site plan proposed to abandon Old Ridge Road. The plan also called for several new public streets as part of this redevelopment.

The site plan associated with this rezoning request proposes to develop the Site with a single building located at the intersection of Ridge Road and Prosperity Church Road. Parking areas and the proposed accessory drive-through window are located to the rear or the side of the proposed building. The proposed parking areas and the maneuvering area for the accessory drive-through window are screened from Ridge Road and Prosperity Church by a decorative low masonry wall and landscaping.

The proposed building will have a door that provides direct access to Prosperity Church Road from the proposed use. The building facades oriented toward Ridge Road and Prosperity Church Road will have 60 % clear glass between a height of two (2) feet and 10 feet.

Old Ridge Road will not be abandoned. Access to the Site will be from Prosperity Church Road and Old Ridge Road. The Site’s frontages on Ridge Road, Old Ridge Road, and Prosperity Church Road will be improved with curb and gutter, and an eight (8) foot planting strip and six (6) foot sidewalks.

Community Meeting Date and Location:

The Charlotte-Mecklenburg Planning Department's records indicate that you are either a representative of a registered neighborhood organization or an owner of property near the Site. **Accordingly, we are extending an invitation to attend the upcoming Community Meeting to be held on Wednesday, September 14, 2016, at 7:00 p.m. at Mallard Creek Recreation Center, 2530 Johnston Oehler Road, Charlotte, NC 28269.** Representatives of the Petitioner look forward to discussing this exciting rezoning proposal with you at the Community Meeting.

In the meantime, should you have questions about this matter, you may call Keith MacVean (704-331-3531) or Jeff Brown (704-331-1144). Thank you.

cc: Mayor and Members of Charlotte City Council
Tammie Keplinger, Charlotte Mecklenburg Planning Commission
John Kinley, Charlotte Mecklenburg Planning Commission
Thomas Vincent, Halvorsen Development Corporation
Jeff Brown, Moore & Van Allen, PLLC
Bridget Dixon, Moore & Van Allen, PLLC
Keith MacVean, Moore & Van Allen, PLLC

Site Location



Halvorsen Development
 Rezoning Petition 2016-131
 Community Meeting – September 14, 2016 @ 7:00p

	<u>NAME</u>	<u>ADDRESS</u>	<u>TELEPHONE</u>	<u>EMAIL ADDRESS</u>
43	Jim Brown	7727-Brown Rd	704-309-4063	
44	James P Carter	9230 Kestral Ridge Dr	704 287 8267	jcarter13@carolina.rr.com
45	Kimberly Herrick	9166 meadowmont View Dr	704-608-5173	herrickka@gmail.com
46	Shika Rayner	6403 Ridgeway Commons Drive	704-517-5339	scayner1@carolina.rr.com
47	Theresa Rosa	6428 Stagaze Ln	704 487 7948	theresaRosa2@gmail.com
48	Alan Smith	5302 Prosperity View	810.423.2321	
49	Wayne Beard	2900 Beard Rd	704-547-0283	
50	Ed Jullidge	1233 Eastfield Rd	704 9487010	Ed@UniversalRealty.com
51	RICHARD KARL HOPPE	4421 Beau Vista Dr.	704 947-4954	GSA1710@CAROLINA-RR.COM
52	Doris/Jimmy DeArmon	1916 Galloway Rd.	2045471090	
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Halvorsen Development
 Rezoning Petition 2016-131
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	<u>NAME</u>	<u>ADDRESS</u>	<u>TELEPHONE</u>	<u>EMAIL ADDRESS</u>
57	DOMMIE Oehler	4503 Ridge Rd	704 879-2677	President Mallard Creek Com. Org.
58	Robert Triplett	6206 Hickory Cove Ln.	269 760-3601	robert_49006@yahoo.com
59	Hum Hui	8549 Xmas Ct	204-553-2514	
60	Anissa Burton	5919 Shining Oak Lane	704-728-1857	anissa.burton@yahoo.com
61	CHRIS MARTIN	5111 FAIRVISTA DR CHARLOTTE	540-400-9333	CCMARTIN514@HOTMAIL.COM
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Halvorsen Development
 Rezoning Petition 2016-131
 Community Meeting – September 14, 2016 @ 7:00p

	<u>NAME</u>	<u>ADDRESS</u>	<u>TELEPHONE</u>	<u>EMAIL ADDRESS</u>
71	ALICE & YNTZ	9902 RIDGE DR	704 875 2498	ALICEYNTZ73158@YAHOO.COM
72	William Crum	6210 HICKORY COVE LN	704 582 2853	MACDFC@MAC.COM
73	Andre Renschel	9718 Kestral Ridge Dr	704 875 8793	buckykat08@gmail.com
74	Wm Russell	6601 BLUE SKY LANE		w.russell78@gmail.com
75	Glenn & Pat Kelly	6436 Hawksnest Dr.		gkelly12@carolina.rr.com
76	DEIDRE GRUBBS	10418 KATELYN DR.	704 995 7790	dsgrubbs@bellsouth.net
77	LINDA FLORCZYK	5406 BEATGLASS RUN ^{DR}	704 985 5155	Lindees12@gmail.com
78	Meehell Harris	8524 Carolina Lily Lane	704 266 2117	meehell.harris@allenstate.
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