

<b>REQUEST</b>	Current Zoning: CC (commercial center) Proposed Zoning: NS (neighborhood services)
<b>LOCATION</b>	Approximately 0.77 acres on the southeast corner at the intersection of Ridge Road and Brice Knoll Lane. (Council District 4 - Phipps)
<b>SUMMARY OF PETITION</b>	The petition proposes to allow a 4,500-square foot building to allow retail, office and/or EDEE (eating/drinking/entertainment establishment) uses on a vacant lot in the Prosperity Village area.
<b>PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE</b>	HEPVS, LLC TAG Ventures, LLC Keith MacVean & Jeff Brown, Moore & Van Allen, PLLC
<b>COMMUNITY MEETING</b>	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 3
<b>STATEMENT OF CONSISTENCY</b>	<ul style="list-style-type: none"> <li>• The Zoning Committee found this petition to be consistent and inconsistent 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 plan recommends a mix of uses including retail/service, office, and institutional uses for the area in which this site is located; and</li> <li>• The proposed drive-through facilities are inconsistent with the plan recommendation for no additional drive-through facilities at this location.</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>• This property is located in the Prosperity Village Area which is intended to be a walkable, mixed-use activity center; and</li> <li>• The area plan does not support an additional drive-through facility at this location because, typically, a drive-through use would not support pedestrian activity; and</li> <li>• However, in this case the proposed building has been designed to be pedestrian oriented and minimize the impact of the accessory drive-through by: <ol style="list-style-type: none"> <li>a) Placing the use with a drive-through in a multi-tenant building;</li> <li>b) Providing a canopy for the drive-through area to give the appearance of extending the building along the street;</li> <li>c) Committing to a screen wall on Ridge Road to separate the sidewalk from the vehicular area; and</li> <li>d) Placing the building at the back of sidewalk and prohibiting maneuvering between the building and street; and</li> </ol> </li> <li>• As designed, the proposed retail development will provide neighborhood services for nearby residents;</li> </ul> </li> </ul> <p>By a 6-0 vote of the Zoning Committee (motion by Fryday seconded by McClung).</p>

<b>ZONING COMMITTEE ACTION</b>	The Zoning Committee voted 6-0 to recommend <b>APPROVAL</b> of this petition with the following modifications:
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	<p><u>Site and Building Design</u></p> <ol style="list-style-type: none"> <li>1. A 30-foot "Class B" buffer has been shown along the rear of the site.</li> <li>2. A note has been added that building entrances located adjacent to the sidewalks along the public street will be designed so that doors do not swing or open into the adjoining public street sidewalk.</li> <li>3. Made a modification Note 2.C stating that EDEE (eating/drinking/entertainment establishment) and retail uses will be allowed use without accessory drive-through windows.</li> </ol>
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**VOTE**

Motion/Second:	Majeed / Wiggins
Yeas:	Fryday, Majeed, McClung, Spencer, Wiggins
Nays:	None
Absent:	None
Recused:	Lathrop

**ZONING COMMITTEE DISCUSSION**

Staff noted that this petition is consistent and inconsistent with the *Prosperity Hucks Area Plan*. Staff noted that all the outstanding issues had been addressed. There was no further 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 accompanying this petition contains the following provisions:
  - 4,500 square feet of uses allowed in the NS (neighborhood services) district, with an accessory drive-through window allowed only for a personal service use.
  - Prohibits automotive service stations, and an EDEE (eating/drinking/entertainment establishment) or retail use with an accessory drive-through window.
  - Building elevations with proposed building materials annotated.
  - Three-foot screen wall along Ridge Road to screen the proposed drive-through lanes.
  - Maneuvering will not occur between the building and the street.
  - Architectural standards for percentage of clear vision glass and entrances along Ridge Road to provide building activation along the public streets.
  - A 30-foot "Class B" buffer along the southern edge of the site.
  - A note that building entrances located adjacent to sidewalks along the public street will be designed so that doors will not swing open into the adjoining public street sidewalk network.
  - 14-foot setback along Brice Knoll Lane and Ridge Road with a six-foot sidewalk and eight-foot planting strip.
  - Detached lighting limited to 26 feet.
- **Public Plans and Policies**
  - The adopted land use as per the *Prosperity Hucks Area Plan* (2015) recommends a mix of uses for the area in which this site is located, including retail/service, office and institutional; the plan indicates that residential uses are only appropriate if vertically integrated with other uses.
  - The plan specifies that land uses with drive-through facilities and/or gasoline pumps are not appropriate at this location.
- **TRANSPORTATION CONSIDERATIONS**
  - The site is located along a local public street that creates the fourth leg at the intersection of a recently constructed major thoroughfare. This site layout complies with the transportation system envisioned as part of the approved rezoning on this site which included pedestrian improvements and several public and private "network" streets within the development. The current site plan incorporates all of CDOT's requests and maintains the complete streets and pedestrian/bike friendly amenities within the existing Prosperity Village area.
  - **Vehicle Trip Generation:**
    - Current Zoning:
      - Existing Use: 0 trips per day (based on vacant land).
      - Entitlement: 905 trips per day (based on 4,500 square feet of retail).
    - Proposed Zoning: 905 trips per day (based on 4,500 square feet of retail).

**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 issues.
  - **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:** The site currently does not have water or sewer system availability for the subject property. The closest existing water main is located approximately 350 feet east of the property on Ridge Road. The closest existing sewer main is located approximately 510 feet east of the property on Ridge Road.
  - **Engineering and Property Management:** No issues.
  - **Mecklenburg County Land Use and Environmental Services Agency:** No comments received.
  - **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 Fire Department Review
  - Charlotte-Mecklenburg Storm Water Services Review
  - Charlotte Water Review
  - Engineering and Property Management Review
  - Mecklenburg County Parks and Recreation Review
  - Transportation Review

**Planner:** Solomon Fortune (704) 336-8326