



Zoning Committee

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**REQUEST**

Current Zoning: NS (neighborhood services)  
Proposed Zoning: MUDD-O (mixed use development, optional)

**LOCATION**

Approximately 8.914 acres location on the north side of Johnston Oehler Road, east of Docia Crossing Road and west of Prosperity Church Road.

**PETITIONER**

Council District 4 - Phipps  
Lockard Development, Inc.

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**ZONING COMMITTEE  
ACTION  
VOTE**

The Zoning Committee voted 6-1 to recommend APPROVAL of this petition.  
Motion/Second: McClung / Sullivan  
Yeas: Fryday, Majeed, McClung, McMillan, Nelson, and Sullivan  
Nays: Spencer  
Absent: None  
Recused: None

**ZONING COMMITTEE  
DISCUSSION**

Staff provided a summary of the petition and noted that the proposed uses are consistent with the adopted area plan; however, the building form of the largest building is inconsistent with the plan's community design guidelines. Staff noted that the outstanding issues have been addressed.

A commissioner asked if an area plan changes if an inconsistent rezoning is approved. Staff responded that the use is consistent; therefore the area plan map would not change. The existing building's form is inconsistent because it is being reused. The rezoning plan provides for future buildings that must meet the design guidelines and a new rezoning will be required if the largest building is demolished and redeveloped.

Staff also explained that department policy has always maintained that the land use plan is changed by the zoning change. This particular proposal is related to inconsistency of design not land use so there would not be a change on the land use maps.

Another commissioner asked about the old zoning requirements for building form. Staff responded that the new plan incorporates the requirements for a building form with buildings up to the street edge.

A commissioner asked about the outstanding issue related to demolishing and redeveloping the existing building. Staff explained that since the petitioner did not have an alternate site

plan for redevelopment the staff worked with them to add a note that indicates a site plan amendment will be required if the largest building is demolished and redeveloped.

There was no further discussion of this petition.

**ZONING COMMITTEE  
STATEMENT OF  
CONSISTENCY**

The Zoning Committee voted 6-1 (motion by McClung Seconded by Majeed) to adopt the following statement of consistency:

The proposed retail and movie theater land uses consistent with the *Prosperity Hucks Area Plan*; however, the largest existing building's form is inconsistent with the community design guidelines, based on the information from the staff analysis and the public hearing, and because:

- The plan recommends a mix of uses: retail/service, office, hotel, and institutional, with parcels over five acres to include at least two uses such that a single use does not dominate the area; and
- The community design guidelines call for buildings at the street edge and parking behind.

However 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:

- The property is located in the activity center, south core area of Prosperity Village for which connected and street-oriented retail and employment uses are recommended; and
- The proposed development maintains and reuses an existing retail building within the shopping center. While this building's form does not meet the plan's long-term vision of street-oriented buildings, the proposed use allows an appropriate and sought-after entertainment focus that contributes to the intention for the mixed-use activity center; and
- The proposal allows for the build-out of other elements of the shopping center in a manner generally consistent with the plan's vision, including the extension of Prosperity Crossing Road and new street-oriented development along Prosperity Church Road and Prosperity Crossing Road; and
- The proposal provides commitments that all future development of the site will conform to the plan's vision to focus on the pedestrian with buildings pulled up to the street; and
- Previously approved commitments (per petition 1997-051) to open space and building orientation that support the land use plan goals are maintained.

**Minority Opinion**

The commissioner stated that the community design guidelines call for buildings up to the street edge with parking behind.

**Planner**

John Kinley (704) 336-8311