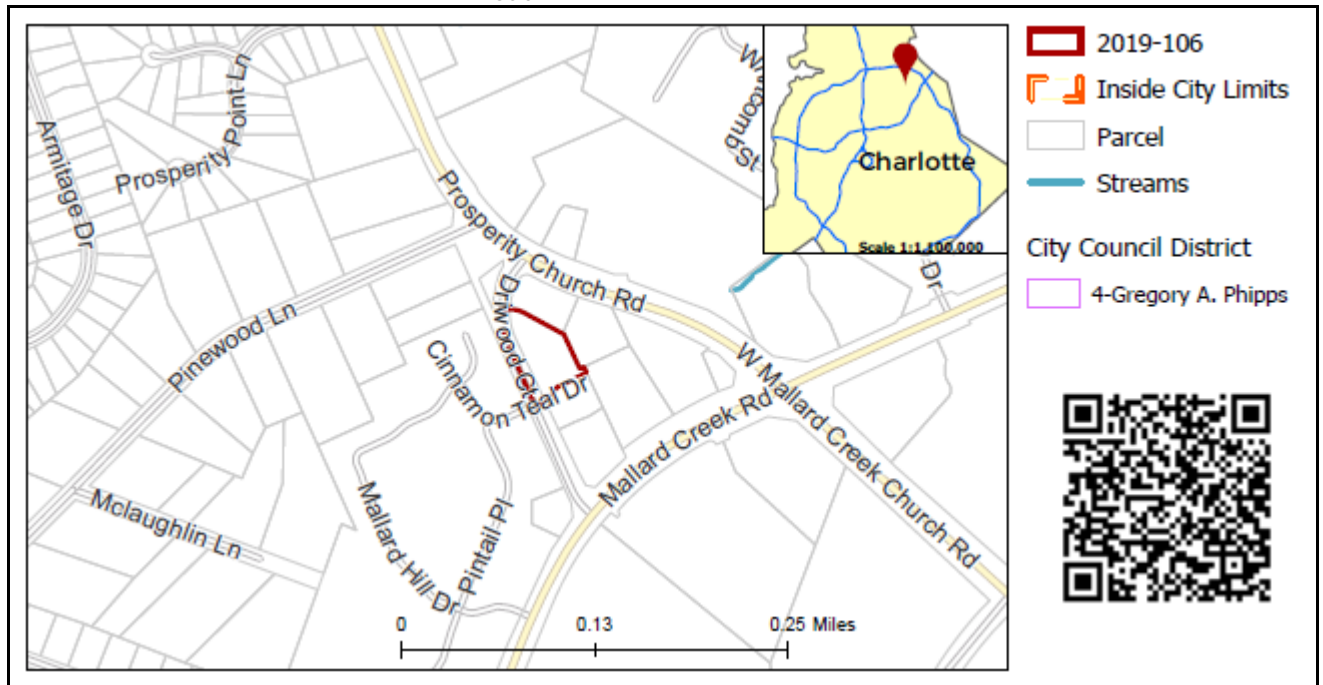


**REQUEST**

Current Zoning: NS (neighborhood services)  
Proposed Zoning: NS SPA (neighborhood services, site plan amendment)

**LOCATION**

Approximately 0.89 acres located on the east side of Driwood Court, north of Mallard Creek Road and south of Prosperity Church Road.



**SUMMARY OF PETITION**

The petition proposes to amend a previously approved plan to allow a Type II Eating, Drinking, and Entertainment Establishment on a vacant parcel within a larger existing commercial development.

**PROPERTY OWNER**

RED of NC, LLC

**PETITIONER**

Darren Vincent

**AGENT/REPRESENTATIVE**

Keith MacVean, Moore & Van Allen, PLLC

**COMMUNITY MEETING**

Meeting is required and has been held. Report available online.  
Number of people attending the Community Meeting: 8

**STAFF  
RECOMMENDATION**

Staff recommends approval of this petition.

Plan Consistency

The petition is **consistent** with the *University Research Park Area Plan* recommendation for office and retail uses.

Rationale for Recommendation

- This petition covers a portion of a larger existing commercial development. The larger development is comprised of similar, compatible uses.
- The plan notes that due to the site's strategic location "between many residential communities and the University Research Park, the area should continue to grow and serve the community."

- The intent of the Neighborhood Service District is to provide for uses that directly serve the neighborhood in which they are located. The Neighborhood Service District is considered compatible with the adjacent commercial and multi-family development. The petition's addition of retail and restaurant uses on this parcel will offer additional goods and services to the neighborhood.
- The area's high visibility and easy access from the highly traveled Mallard Creek Church Road, lends itself to retail, office and service uses – all of which would be permitted upon the approval of this petition.
- The petition's ban on drive through uses respects the community's wishes and increases walkability.

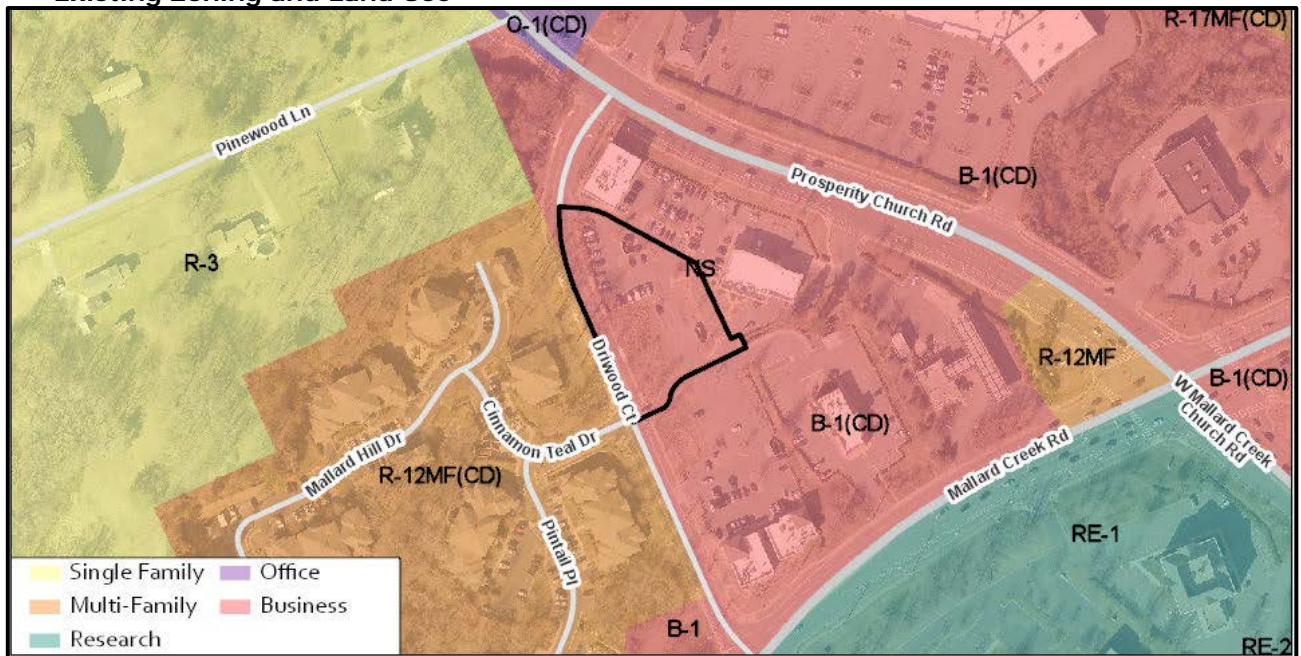
## PLANNING STAFF REVIEW

### • Proposed Request Details

The site plan accompanying this petition contains the following provisions:

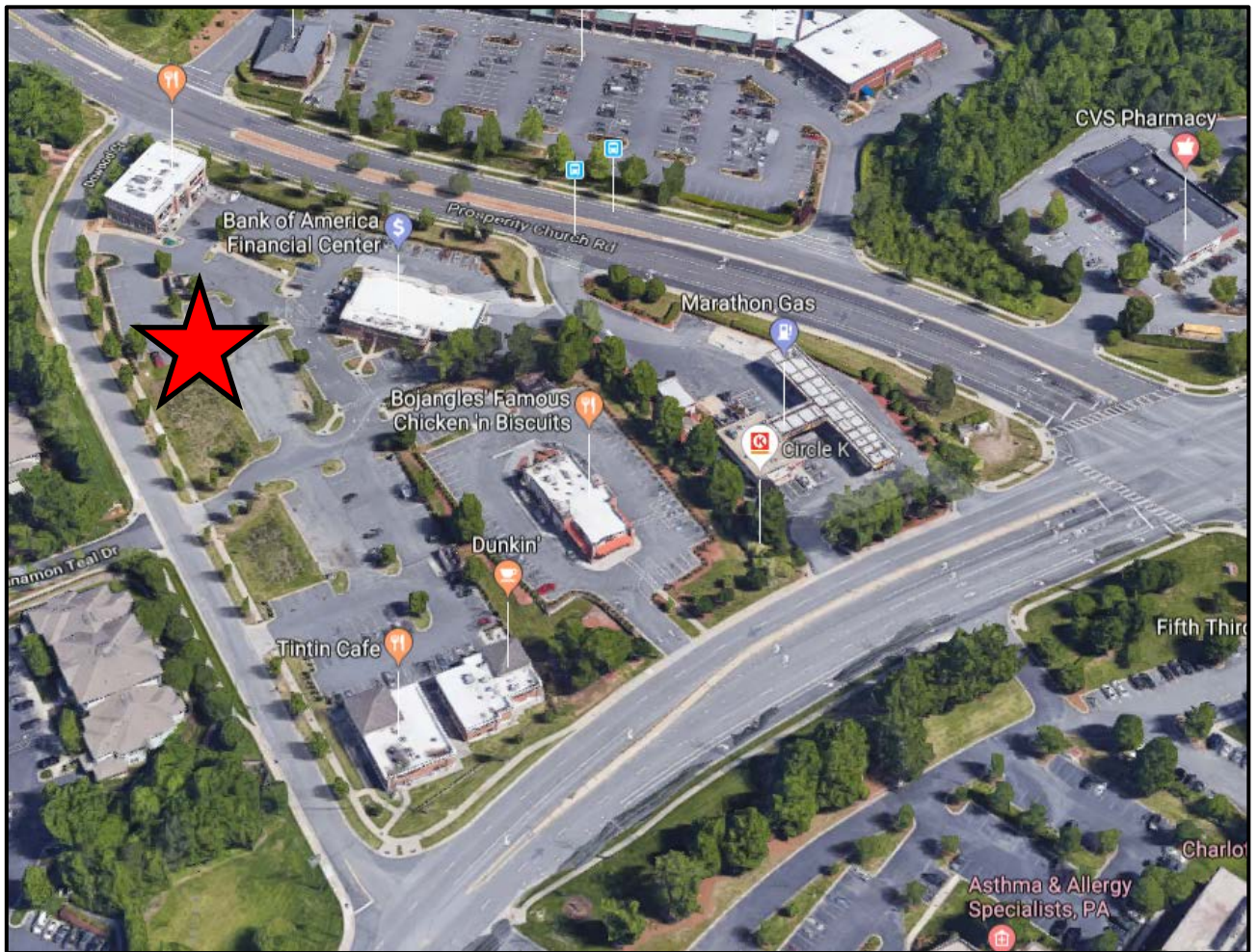
- Amends the previous plans limitation on retail and restaurant uses for this parcel (building 3). The previous plan limited retail and restaurant uses to buildings 1, 5, and 6 only.
- Commits to installing an additional ramp so that it can become more accessible for wheel chairs to cross Driewood Court.
- Proposes a maximum 6,000 square-foot building.
- Prohibits drive through windows.
- Commits to the following architectural standards: a combination of building materials to include, brick, stucco, stone or other masonry materials to complement existing development.
- Limits detached lighting to 20-feet.
- Limits building height to 40-feet.

### • Existing Zoning and Land Use



The site is currently vacant within a larger existing commercial development. Surrounding land uses include multi-family apartments, single-family homes, and commercial uses.





The subject property denoted with the red star is vacant.



The property to the west along Driwood Court is developed with multi-family apartments.





The property to the south along Mallard Creek Road is developed with retail/restaurant uses.



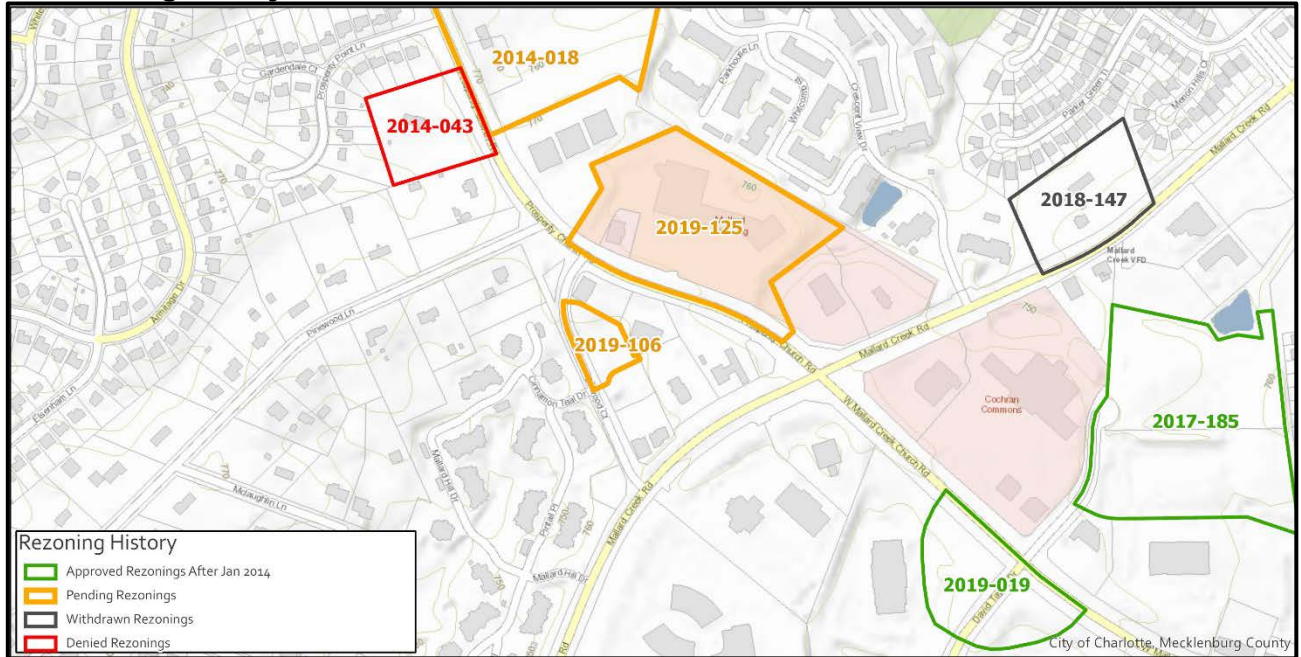
The property to the north along Driwood Court is developed with retail/restaurant uses.



The property to the northeast along Prosperity Church Road is developed with retail uses.

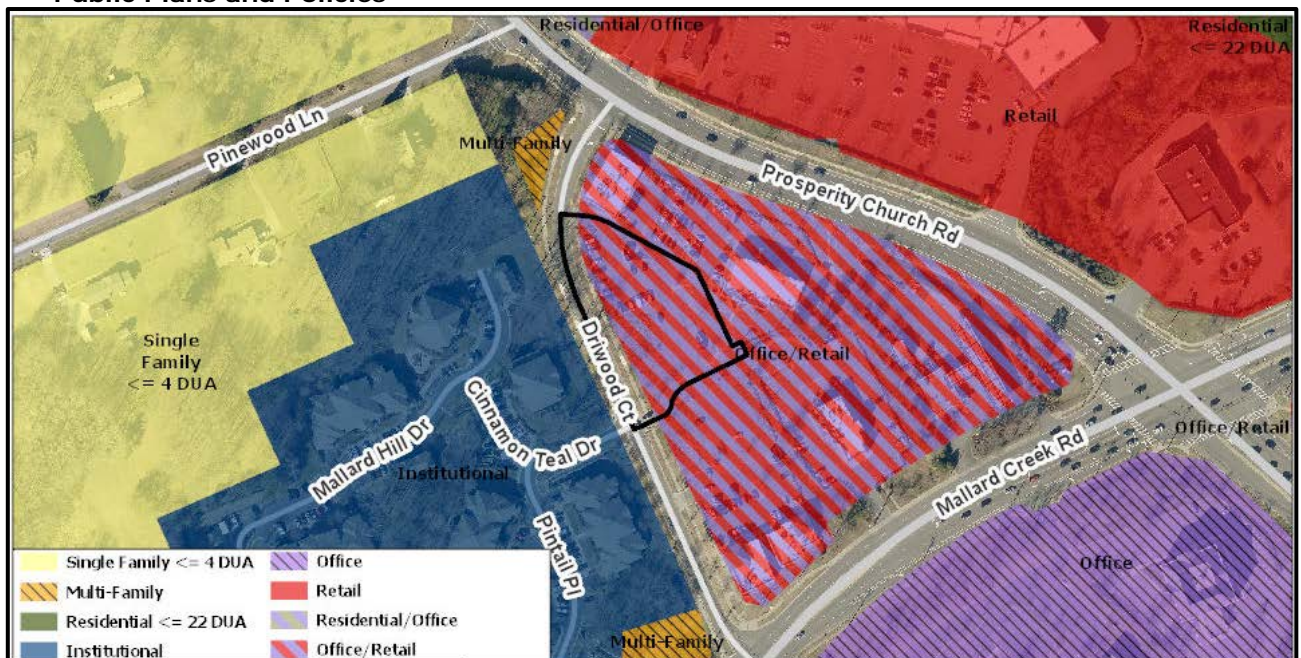


- Rezoning History in Area**



Petition Number	Summary of Petition	Status
2014-018	Proposes to rezone 8.81 acres to allow all the uses in the R-4 (single-family) district.	Pending
2014-043	Proposed to rezone 2.71 acres to reuse an existing single-family home to establish a child care center for up to 60 children.	Denied
2017-185	Rezoned 11.75 acres to allow 260 multi-family units.	Approved
2018-147	Proposed to rezone 3.31 acres to allow up to 90 age restricted multi-family units.	Withdrawn
2019-019	Rezoned 4.64 acres to allow up to 17,000 square feet of retail, EDEE, personal services, and financial institutions.	Approved
2019-125	Proposes site plan amendment to allow for minor addition to an existing shopping center on 8.43 acres.	Pending

- Public Plans and Policies**



- The *University Research Park Area Plan* (2010) recommends the site for office and/or retail uses.

**TRANSPORTATION CONSIDERATIONS**

- This site is located along a local road. The site commits to installing an additional ramp so that it can become more accessible for wheel chairs to cross Driwood Court.
- ~~See Requested Technical Revisions, Note 1: Addressed~~
- **Vehicle Trip Generation:**
  - Current Zoning:
    - Existing Use: 0 trips per day (based on parking lot use).
    - Entitlement: 130 trips per day (based on 11,200 square feet of office use).
  - Proposed Zoning: 890 trips per day (based on 6,000 square feet of retail use).

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

- **Charlotte Area Transit System:** No outstanding issues.
- **Charlotte Department of Housing and Neighborhood Services:** No outstanding issues.
- **Charlotte Department of Solid Waste Services:** No outstanding issues.
- **Charlotte Fire Department:** No outstanding issues.
- **Charlotte-Mecklenburg Schools:** Nonresidential petitions do not impact the number of students generated.
- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 12-inch water distribution main located along Driwood Court. Charlotte Water currently does not have sewer system accessible for the rezoning boundary under review. The closest available sewer main is approximately 270 feet south of the rezoning boundary on Driwood Court. A developer donated project will be required in cases there is not direct service. See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Engineering and Property Management:**
  - **Arborist:** No comments submitted.
  - **Erosion Control:** No outstanding issues.
  - **Land Development:** No outstanding issues.
  - **Storm Water Services:** No outstanding issues.
  - **Urban Forestry:** No outstanding issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Mecklenburg County Parks and Recreation Department:** No outstanding issues.

**REQUESTED TECHNICAL REVISIONS**Transportation

- ~~1. Revise the site plan to add a note specifying all transportation improvements will be approved and constructed before the site's first building certificate of occupancy is issued. The petitioner may phase transportation improvements if said improvements and phasing are explicitly described in site plan notes. Addressed~~

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See Attachments (applications, department memos, maps etc.) Online at [www.rezoning.org](http://www.rezoning.org)

**Planner:** Michael Russell (704) 353-0225