

CHARLOTTE - MECKLENBURG
PLANNING COMMISSION

INTER - OFFICE COMMUNICATION

DATE: August 23, 2006

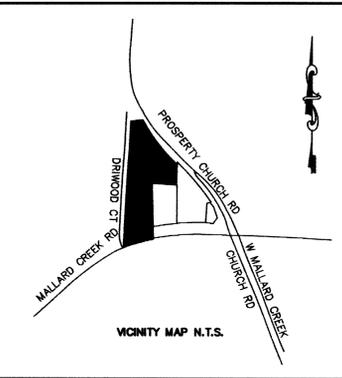
TO: Gary Huss
Zoning Coordinator

FROM: Debra Campbell
Planning Director

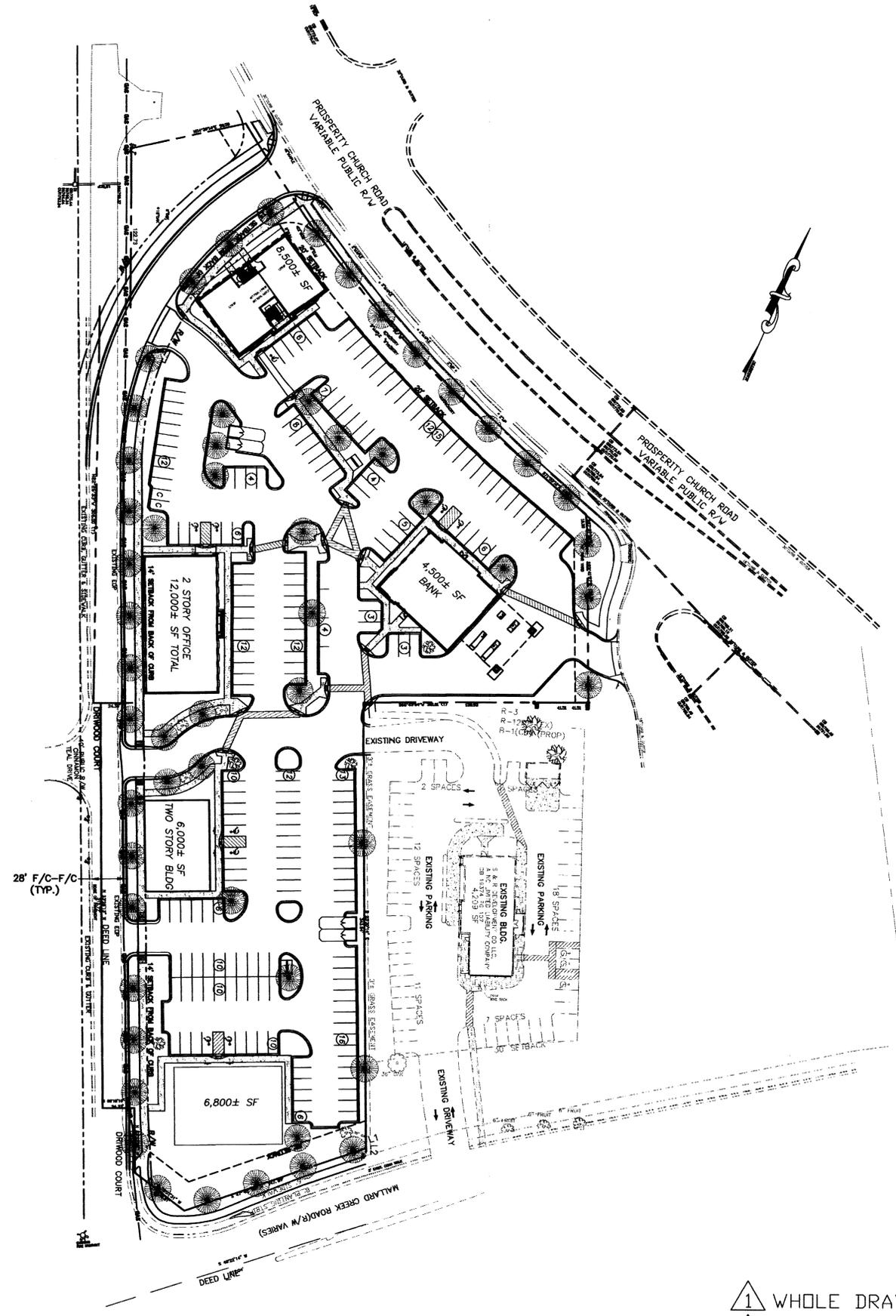
SUBJECT: Administrative Approval for Petition No. 2004-123 by S & R Development Company LLC.

Attached is a revised plan for the above petition. The plan has been revised to show the location of the second bank, increase the allowable square footage by 1,000 square feet and show the building at the corner of Driwood Court and Prosperity Church Road at the fourteen foot setback. Since these changes are minor, I am administratively approving this revised plan. Please use this plan when evaluating requests for building permits and certificates of occupancy.

All other ordinance requirements still apply.



- CONDITIONAL NOTES:**
- THE DEVELOPMENT OF THE SITE WILL BE CONTROLLED BY THE STANDARDS DEPICTED ON THE SITE PLAN AND BY THE STANDARDS OF THE CITY OF CHARLOTTE ZONING ORDINANCE. THE DEVELOPMENT DEPICTED BY THIS PLAN IS INTENDED TO REFLECT THE GENERAL ARRANGEMENT OF PROPOSED USES ON THIS SITE, BUT THE EXACT DETAILS OF THIS CONFIGURATION, PLACEMENT, AND SIZE OF THE INDIVIDUAL BUILDINGS AND/OR SITE ELEMENTS MAY BE ALTERED OR MODIFIED WITHIN THE LIMITS PRESCRIBED BY THE ORDINANCE AS SPECIFIED IN SECTION 6.206(2) DURING THE DESIGN DEVELOPMENT AND CONSTRUCTION PHASES. THE PROPOSAL IS INTENDED TO ENABLE THE DEVELOPMENT OF OFFICE/OFFICE PARK AND RELATED ANCILLARY FUNCTION. OTHER USES PERMITTED IN THE NS DISTRICT ARE ALLOWED ALSO. (SEE NOTE 8)
 - ALL PROPOSED DEVELOPMENT ON THIS SITE SHALL COMPLY WITH ORDINANCE REQUIREMENTS REGARDING THE NUMBER AND ARRANGEMENT OF OFF-STREET PARKING SPACES, SIGNAGE, YARD DIMENSIONS, BUFFERS, SCREENING, LANDSCAPING, ETC.
 - STORM WATER DETENTION FACILITIES SHALL NOT BE LOCATED WITHIN THE FRONT SETBACK OR BUFFER AREAS.
 - DUMPSTER/RECYCLING AREAS SHALL BE ENCLOSED ON ALL FOUR SIDES BY A SOLID FENCE OR WALL WITH ONE SIDE BEING A HINGED GATE.
 - WALL PACK LIGHTING SHALL BE PROHIBITED. DETACHED LIGHTING WILL BE LIMITED TO TWENTY FEET IN HEIGHT AND WILL BE DESIGNED AND ERECTED SUCH THAT THE LIGHTING IS FULLY SHIELDED/CAPPED. DOWN LIGHTING WILL BE PERMITTED.
 - VEHICULAR ACCESS POINTS SHALL BE LIMITED TO THOSE SHOWN ON THE SITE PLAN. THE EXACT LOCATION MAY VARY SLIGHTLY FROM THAT DEPICTED, BUT SHALL COMPLY WITH ALL APPLICABLE DESIGN REQUIREMENTS OF THE CHARLOTTE DEPARTMENT OF TRANSPORTATION AND/OR N.C.D.O.T.
 - MAXIMUM BUILDING HEIGHTS SHALL BE LIMITED TO 2 STORIES.
 - ALL USES PERMITTED WITHIN THE NS ZONING DISTRICT SHALL BE PERMITTED EXCEPT THAT COMMERCIAL USES ALLOWED ONLY IN THE B-1 DISTRICT AS PERMITTED WITHIN THE NS DISTRICT SHALL NOT BE PERMITTED. A MAXIMUM OF 36,800 SQ. FT. SHALL BE PERMITTED. THE PETITIONER REQUESTS AN INCREASE TO 37,800 SQUARE FEET UNDER THIS ADMINISTRATIVE APPROVAL. 2
 - ALL BUILDINGS ON THE SITE SHALL BE CONSTRUCTED OF BRICK, STUCCO, STONE AND/OR A COMBINATION OF THOSE OF OTHER MASONRY FINISHING MATERIALS. ALTHOUGH SOME ARCHITECTURAL DIVERSITY AND INDIVIDUAL BRANDING/IDENTITY WILL BE PERMITTED AMONG THE VARIOUS BUILDINGS, THERE WILL BE A REQUIREMENT FOR COMPLEMENTARY BUILDING MATERIALS, ROOF MATERIAL/DESIGN, COLORS, ETC. SUCH THAT AN OVERALL CONSISTENT DESIGN THEME IS ACHIEVED.
 - A MAXIMUM OF 2 FINANCIAL INSTITUTIONS WITH DRIVE THROUGH WINDOWS SHALL BE PERMITTED. AS PART OF THIS PROPOSED ADMINISTRATIVE APPROVAL THE PETITIONER REQUESTS A FINANCIAL INSTITUTION WITH DRIVE THROUGH WINDOWS TO BE LOCATED IN THE NORTH EAST CORNER OF THE SITE FACING PROSPERITY CHURCH ROAD (AS SHOWN). IF A SECOND FINANCIAL INSTITUTION WITH DRIVE THROUGH IS REQUESTED IT WILL BE LOCATED AT THE CORNER OF DRIWOOD COURT AND MALLARD CREEK ROAD AND WILL REQUIRE THE STAFF OF THE CHARLOTTE MECKLENBURG PLANNING COMMISSION TO APPROVE THIS USE ON AN ADMINISTRATIVE BASIS. 2
 - AS ILLUSTRATED BY THIS SITE PLAN, PARCELS WITHIN THE DEVELOPMENT SHALL BE INTERCONNECTED BY MEANS OF VEHICULAR AND SIDEWALK CONNECTIONS. THIS CONDITION ALSO PERTAINS TO THE EXTENSION OF VEHICULAR AND SIDEWALK CONNECTIONS TO THE ADJACENT PARCEL (029-362-05) PROPOSED FOR A FAST FOOD RESTAURANT AND PARCEL (023-352-06) AN EXISTING GAS STATION/CONVENIENCE STORE.
 - BACKFLOW PREVENTERS ARE NOT PERMITTED ABOVE GROUND IN THE SETBACK AREAS.
 - ALL BUILDINGS WITHIN THE SITE SHALL BE DESIGNED SO THAT ALL SIDES OF EACH BUILDING ARE FINISHED WITH THE SAME BUILDING MATERIALS, COLOR, ETC. FURTHERMORE, IF THE BUILDING AT THE CORNER OF MALLARD CREEK ROAD AND DRIWOOD COURT DOES NOT FRONT ON MALLARD CREEK RD, THEN THE BUILDING ELEVATION FACING MALLARD CREEK RD SHALL NOT BE A BLANK WALL. AT A MINIMUM, THE ELEVATION SIDE FACING MALLARD CREEK ROAD SHALL BE DESIGNED WITH WINDOWS.
 - DETACHED BUILDING IDENTIFICATION SIGNAGE SHALL BE LIMITED TO A MAXIMUM OF FOUR FEET IN HEIGHT AND THIRTY-TWO SQUARE FEET IN AREA.
 - IT IS ANTICIPATED THAT THE PARCELS WILL BE DEVELOPED UNDER ONE OWNERSHIP; HOWEVER THE PLAN IS DESIGNED SO THAT PARCELS CAN BE DEVELOPED INDEPENDENT OF ONE ANOTHER (i.e. REQUIRED STREET FRONTAGE, OFF-STREET PARKING, ETC.). IN THIS CASE, CROSS PARKING AND ACCESS EASEMENTS, ETC SHALL BE ESTABLISHED PRIOR TO THE ISSUANCE OF A BUILDING PERMIT. 2
 - THE PETITIONER/DEVELOPER SHALL TIE-IN TO THE EXISTING STORM WATER SYSTEM(S). THE PETITIONER SHALL HAVE THE RECEIVING DRAINAGE SYSTEM(S) ANALYZED TO ENSURE THAT IT WILL NOT BE TAKEN OUT OF STANDARD DUE TO THE DEVELOPMENT. IF IT IS FOUND THAT DEVELOPMENT WILL CAUSE THE STORM DRAINAGE SYSTEM(S) TO BE TAKEN OUT OF STANDARD, THE PETITIONER SHALL PROVIDE ALTERNATE METHODS TO PREVENT THIS FROM OCCURRING.
 - THE PETITIONER/DEVELOPER SHALL EXTEND/RE-ROUTE DRIWOOD COURT TO PROSPERITY CHURCH ROAD AS SHOWN. THE PAVEMENT THICKNESS OF RE-ROUTED DRIWOOD COURT SHALL COMPLY WITH COMMERCIAL COLLECTOR PUBLIC STREET STANDARDS. THE PETITIONER/DEVELOPER SHALL DEDICATE RIGHT OF WAY FOR RELOCATED DRIWOOD COURT THROUGH THE SUBDIVISION PROCESS AS REQUIRED. THIS RELOCATION MUST BE COMPLETED PRIOR TO RECEIVING A CERTIFICATE OF OCCUPANCY FOR THE FIRST BUILDING ON THE SITE. 2
 - BUILDING SETBACKS FOR PROSPERITY CHURCH RD AND MALLARD CREEK RD SHALL BE 20' MEASURED FROM THEIR EXISTING RIGHTS-OF-WAY. BUILDING SETBACKS ALONG DRIWOOD CT SHALL BE 14' FROM THE BACK OF CURB AT R/W. 2
 - BUILDING FOOTPRINTS WHICH ARE ILLUSTRATED ARE GENERAL AND APPROXIMATE WITH RESPECT TO SIZE, SHAPE, ETC. MINOR AND INCIDENTAL CHANGES ARE ALLOWED AS A MATTER OF RIGHT BASED UPON FINAL CONSTRUCTION/ENGINEERING DRAWINGS, SPECIFIC TENANT NEEDS, ETC. HOWEVER, THIS MODIFICATION ALLOWANCE DOES NOT PERTAIN TO BUILDING PLACEMENT ON THE PARCEL.
 - THE SETBACK AREA ALONG PROSPERITY CHURCH ROAD SHALL BE LANDSCAPED WITH A COMBINATION OF NEW TREES AND SHRUBS AS WELL AS THE RETENTION OF EXISTING TREES WITHIN THE SETBACK THAT ARE SIX INCHES IN CALIPER OR GREATER. THE REQUIREMENT TO RETAIN SUCH TREES MAY BE WAIVED FOR THE AREA WITHIN TEN FEET OF THE PLACEMENT OF THE BUILDING.
 - AS ILLUSTRATED ON THE PLAN, NO OFF-STREET PARKING SHALL BE PERMITTED WITHIN THE AREA OF THE BUILDING ALONG DRIWOOD COURT AND THE STREET RIGHT-OF-WAY.
 - IF NOT ALREADY CONSTRUCTED, THE ENTRANCE PROVIDING VEHICULAR INGRESS/EGRESS TO PARCEL (029-362-05) LOCATED OPPOSITE THE PROPOSED DRIVEWAY FOR THE MULTI-FAMILY ACROSS DRIWOOD CT. SHALL BE CONSTRUCTED AS SOON AS POSSIBLE AFTER SUBDIVISION APPROVAL FOR THIS SITE. 2
 - OFF-STREET PARKING SHALL BE PROVIDED IN ACCORDANCE WITH A PARKING RATIO OF ONE SPACE PER 300 SQUARE FEET FOR GENERAL/PROFESSIONAL OFFICES AND ONE SPACE PER 200 SQUARE FEET OF MEDICAL OFFICE USE AND AT ONE SPACE PER 250 SQUARE FEET FOR ALL OTHER NS USES. 2
 - PROPOSED DEVELOPMENT WILL COMPLY WITH ANY BICYCLE STORAGE/PARKING ORDINANCE IN AFFECT AT THE TIME OF BUILDING PERMIT SUBMITTALS.
 - AS SIMILARLY SHOWN ALONG DRIWOOD COURT, A 6' SIDEWALK AND 8' PLANTING STRIP SHALL BE CONSTRUCTED ALONG THE SITES MALLARD CREEK ROAD AND PROSPERITY CHURCH ROAD FRONTAGES.
 - THE TREES PREVIOUSLY SHOWN TO BE SAVED WERE REMOVED BY ADJACENT CONSTRUCTION OR HAVE DIED. 2



- DOT NOTES:**
- THE PROPOSED DRIVEWAY CONNECTION TO DRIWOOD COURT WILL REQUIRE A DRIVEWAY PERMIT TO BE SUBMITTED TO CDOT FOR REVIEW AND APPROVAL. THE EXACT DRIVEWAY LOCATION AND TYPE/WIDTH OF THE DRIVEWAY WILL BE DETERMINED BY CDOT DURING THE DRIVEWAY PERMIT PROCESS. THE LOCATIONS OF THE DRIVEWAY SHOWN ON THE SITE PLAN ARE SUBJECT TO CHANGE IN ORDER TO COMPLY WITH CITY DRIVEWAY REGULATIONS AND THE CITY TREE ORDINANCE.
 - ANY FENCE OR WALL CONSTRUCTED ALONG OR ADJACENT TO ANY SIDEWALK OR STREET RIGHT-OF-WAY REQUIRES A CERTIFICATE ISSUED BY CDOT.
 - A RIGHT-OF-WAY ENCROACHMENT AGREEMENT IS REQUIRED FOR THE INSTALLATION OF ANY NON-STANDARD ITEM(S) (IRRIGATION SYSTEMS, DECORATIVE CONCRETE PAVEMENT, BRICK PAVERS, ETC.) WITHIN A PROPOSED/EXISTING CITY MAINTAINED STREET RIGHT-OF-WAY BY A PRIVATE INDIVIDUAL, GROUP, BUSINESS, OR HOMEOWNER'S/BUSINESS ASSOCIATION. AN ENCROACHMENT AGREEMENT MUST BE APPROVED BY NCDOT PRIOR TO THE CONSTRUCTION/INSTALLATION OF THE NON-STANDARD ITEM(S). CONTACT NCDOT FOR ADDITIONAL INFORMATION CONCERNING COST, SUBMITTAL, AND LIABILITY INSURANCE COVERAGE REQUIREMENTS.
 - THE DEVELOPER MUST DEVELOP THE SITE WITH A 20 FOOT SETBACK ALONG PROSPERITY CHURCH ROAD. THE DEVELOPER MUST SHOW THAT IF PROSPERITY CHURCH ROAD IS WIDENING 14.5 FEET THAT THE FUTURE SETBACK OF 14 FOOT FOR NS ZONING WILL NOT BE VIOLATED BY THE PROPOSED DEVELOPMENT.
 - DEVELOPER MUST PROVIDE A 14 FOOT SETBACK FROM BACK OF CURB ALONG DRIWOOD COURT.

DEVELOPMENT DATA:
 EXISTING ZONING= R-12MF and R-3
 PROPOSED ZONING= NS
 LOT SIZE= 4.74 ACRES
 PROPOSED USE= (OFFICE AND OTHER NS USES)
 MAX. BUILDING AREA: (TOTAL= 37,800)

ATTACHED TO ADMINISTRATIVE APPROVAL
 DATED: August 23, 2006
 BY: DEBRA D. CAMPBELL

1 WHOLE DRAWING
 2 NOTED

PETITION # 2004-123

JMA
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 P.O. Box 891
 Pineville, North Carolina 28134
 (704) 899-8200
 James McGovern & Associates
 Consulting Engineers

Project: **Prosperity Pointe Drivwood Court Charlotte, North Carolina**
 Sheet Title: **Rezoning Plan**

Engineer: **Tom A. Mann**
 Senior Designer: **Ted W. Lawrence**
 Project Number: **465.002**
 Dwg. No.: **dwg/finalbase**

Graphic Scale:
 50 0 25 50 100
 (IN FEET)
 Scale: (1"=50')

No.	Revision	Date
1	TO CORRECT BOUNDARY AND LAYOUT	TWL 6.19.2006
2	PLANNING COMMISSION COMMENTS	TWL 8.9.2006

No.	Revision	Date

Date: 5.30.2006
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