

<b>REQUEST</b>	Current Zoning: UR-2(CD) (urban residential, conditional) and NS (neighborhood services)  Proposed Zoning: NS(SPA) (neighborhood services, site plan amendment) and NS (neighborhood services)
<b>LOCATION</b>	Approximately 1.63 acres located on the northeast corner of Ridge Road and Prosperity Church Road. (Council District 4 - Phipps)
<b>SUMMARY OF PETITION</b>	The petition proposes the development of a vacant parcel in the Prosperity area with up to 5,000 square feet of eating/drinking/entertainment (EDEE) uses or other commercial uses.
<b>PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE</b>	The Gullede Family, LLC Halvorsen Development Corporation Jeff Brown, Keith MacVean, & Bridget Dixon, Moore & Van Allen
<b>COMMUNITY MEETING</b>	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 25.

<b>STAFF RECOMMENDATION</b>	<p>Staff does not recommend approval of this petition.</p> <p><u>Plan Consistency</u> The petition is consistent with the recommendation for a mix of uses including retail/service, office, institutional, and residential for the area in which the site is located. However, the petition is inconsistent with the specific recommendations of the plan to create a pedestrian oriented mixed use center in this area.</p> <p><u>Rationale for Recommendation</u></p> <ul style="list-style-type: none"> <li>• The area is the product of intentional planning and public investment over the last 20 years including: <ul style="list-style-type: none"> <li>• Area planning with the <i>Prosperity Church Road Village Plan</i> (1999) followed by the <i>Prosperity Hucks Area Plan</i> (2015).</li> <li>• New interchanges designed to improve connectivity and to encourage the creation of a pedestrian oriented town center.</li> <li>• New City streets designed to create an interconnected and walkable block pattern. (\$15.9 million)</li> <li>• New community investment through the Comprehensive Neighborhood Improvement Project (CNIP). (\$30 million)</li> </ul> </li> <li>• The proposed development is inconsistent with the creation of a compact, pedestrian-oriented mixed use center because of: <ul style="list-style-type: none"> <li>• <u>Scale of the drive-through and parking area:</u> The small building footprint combined with the amount of parking and drive-through uses do not provide the street oriented activity as called for in the area plan.</li> <li>• <u>Driveway access on Prosperity Church Road:</u> The proposed driveway on Prosperity Church Road interrupts the continuous pedestrian and bicycle facilities and the resulting vehicular access will disrupt the function of Prosperity Church Road and the intersection of Ridge Road.</li> </ul> </li> </ul>
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**PLANNING STAFF REVIEW**

- **Proposed Request Details**  
The site plan accompanying this petition contains the following provisions:
  - Allows one building, up to 5,000 square feet to be developed on the site.
  - Allows the following uses: retail, eating/drinking/entertainment establishments, personal service, general office and medical office. Prohibits automotive service stations with or without a convenience store.
  - Only one use with an accessory drive-through window will be allowed on the site and designed

so that maneuvering and access will not occur between the building and Ridge Road or Prosperity Church Road.

- Provides access to the site via a right-in/right-out drive on Prosperity Church Road and full movement drive on Old Ridge Road. Access to Ridge Road is not allowed.
  - Commits that petitioner will cooperate with the City and/or the property owner of the adjoining property to the northeast to re-align/reconfigure the proposed driveway to Old Ridge Road should the alignment be changed. Commits to cooperating in the abandonment and closure of the existing alignment of Old Ridge Road to facilitate redevelopment of the adjoining property provided the petitioner can maintain access to the site from a street that replaces Old Ridge Road and the use is not negatively impacted. Agrees to consider, in the event of abandonment, the portion of Old Ridge Road that would become part of the site to be conveyed and become part of the adjoining property.
  - Commits to the construction of a southbound left turn lane on Prosperity Church Road at Old Ridge Road, the milling and restriping of Ridge Road and Prosperity Church Road, and the provision of a CATS waiting pad along Prosperity Church Road.
  - Specifies building materials and provides building elevations. States that the building will be located at the corner of the intersection of Ridge Road and Prosperity Church Road. Building walls along Ridge Road and Prosperity Church Road will be designed to have store fronts with clear glass facing each street and the building will be designed to have the appearance of a two-story building.
  - Commits to providing open and operable building entrances that orient and connect to the sidewalk system along Prosperity Church Road and Ridge Road. If there is more than one tenant then each establishment will have an entrance abutting the street with an operable door, open during business hours.
  - Stipulates that the service side of the building will not be oriented to Ridge Road or Prosperity Church Road.
  - Commits to provide three improved open space areas: one located between the building and Ridge Road to be used for outdoor dining; another at the intersection of Prosperity Church Road and Old Ridge Road; and the third at the intersection of Ridge Road and Old Ridge Road.
  - Screens the proposed parking and drive-through service area with a decorative low wall along Prosperity Church Road and Ridge Road.
- **Existing Zoning and Land Use**
    - Petition 2008-081 rezoned the subject site plus property to the north, across Old Ridge Road, to NS (neighborhood services) and UR-2(CD) (urban residential (conditional)). Most of the site is zoned NS (neighborhood services). The approved site plan proposed the abandonment of Old Ridge Road replacing it with a grid-like street network parallel to Ridge Road and Prosperity Church Road. The site plan allowed for retail uses including a pharmacy and a bank branch, each with associated drive-through windows. Buildings were shown along the sidewalk edge of the surrounding streets with parking and drive-through uses to the side and rear of the buildings. A townhome development was proposed in the UR-2(CD) portion of the plan north of the proposed street parallel to Ridge Road, north of the site.
    - The majority of the property is zoned NS, with a small corner at the intersection of Prosperity Church Road and Old Ridge Road zoned UR-2(CD). The property is vacant.
    - To the west directly across Prosperity Church Road from the subject site is a mixed use development on 33.8 acres zoned CC (commercial center) with a mix of apartment types under construction and retail/commercial uses, including a Publix supermarket, surrounding an open plaza space.
    - To the south across Ridge Road is the Shoppes at Highland Creek shopping center, including a Harris Teeter anchor zoned NS (neighborhood services) in 2000, and a gasoline station pad site, zoned CC (commercial center) in 1995. Diagonally across Ridge Road and Prosperity Church Road to the southwest is a Rite Aid Pharmacy and an Aldi food market zoned CC (commercial center) in 2001.
    - See "Rezoning Map" for existing zoning in the area.
  - **Rezoning History in Area**
    - Petition 2017-28 rezoned 0.77 acres located at the southeast corner of the intersection of Ridge Road and Brice Knoll Lane, west of the site, from CC to NS to allow a 4,500-square foot building for uses permitted in the NS (neighborhood service) district. An accessory drive-through window is only permitted in association with a personal service use.
    - Petition 2016-055 rezoned 2.52 acres located south of I-485 and west of Prosperity Church Road, south of the subject site, to MUDD-O (mixed use development, optional) to allow 17,500 square feet of retail/ commercial uses and 101,000 square feet of climate controlled self-storage.
    - Petition 2016-001 rezoned 3.65 acres located on the south side of Johnston-Oehler Road east of

- Prosperity Church Road, south of the subject site, to NS SPA (neighborhood services, site plan amendment) to allow 49,000 square feet of retail and/or office use in addition to existing office and retail uses to remain.
- Petition 2013-094 rezoned 33.841 acres located just west of the subject site, across Prosperity Church Road, to CC (commercial center) and CC SPA (commercial center, site plan amendment) to allow a mix of uses including up to 100,000 square feet of retail/ commercial uses, and up to 292 residential dwelling units.
  - Petition 2013-072 rezoned 5.94 acres located on the southwest corner of Eastfield Road and Prosperity Church Road, north of the subject site, to NS (neighborhood services) to allow 22,000 square feet of retail/commercial uses.
- **Public Plans and Policies**
    - The *Prosperity Hucks Area Plan* (2015) recommends a mixture of land uses including retail/ service, office, institutional, and residential. The intent is to create highly integrated and walkable places with a mix of uses and a focus on retail, restaurants, and community gathering space. Commercial uses are intended to provide for vital street-oriented activity within the area. Drive-through facilities are noted as not appropriate beyond approvals already in place.
    - Community Design elements of the area plan recommend that development should be compact, pedestrian-oriented, and well-connected internally and to surrounding development; and that new buildings should be oriented toward streets with the majority of parking located to the side or rear of buildings.
    - The Mobility section of the plan calls for the abandonment and removal of Old Ridge Road, with a new replacement street network in a grid-like form. The plan also recommends completion of improvements to Prosperity Church Road and Ridge Road and provision for additional mid-block pedestrian crossings along Ridge Road where appropriate.
    - The Open Space section of the plan calls for the incorporation of plazas, gazebos, courtyards, fountains and play areas into new development. The design should maximize common or shared access and encourage outdoor dining, socializing and gatherings and connect open space areas to existing and planned greenways and open spaces to create an area-wide network.
  - **TRANSPORTATION CONSIDERATIONS**
    - The site is located at the signalized intersection of a minor and a major thoroughfare. While the proposed parcel does not conform to the street network as envisioned by the area plan and existing conditional plan, the current site plan commits to conforming to the future condition as further development occurs on the adjacent site. The current site plan also commits to the envisioned cross sections for Ridge Road and Prosperity Church Road. However, CDOT does not support and continues to request the removal of the proposed site driveway on Prosperity Church Road because this driveway does not support Village Center goals for uninterrupted pedestrian and bicycle environment along the thoroughfare and can cause congestion for the nearby signalized intersection.
    - See Outstanding Issues, Note 9-11.
    - **Vehicle Trip Generation:**
      - Current Zoning:
        - Existing Use: 0 trips per day (based on vacant land).
        - Entitlement: 2130 trips per day (based on a 14,820-square foot drug store and 4,500-square foot bank, each with accessory drive-through windows. Note: These entitlements are only possible if Old Ridge Road is abandoned).
      - Proposed Zoning: 2480 trips per day (based on 5,000-square foot EDEE with drive-through. Note: These entitlements are possible if Old Ridge Road is abandoned or if it remains).

**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 Water:** Charlotte Water has water system availability for the rezoning boundary via an existing eight-inch water distribution main located at the intersection of Ridge Road and Prosperity Church Road. Charlotte Water has sewer system availability for the rezoning boundary via an existing eight-inch gravity sewer main located along Ridge Road.
- **Engineering and Property Management:**

- **Arborist:** No issues.
- **Erosion Control:** No issues.
- **Land Development:** No issues.
- **Storm Water Services:** See Requested Technical Revisions, Note 16.
- **Urban Forestry:** No issues.
  
- **Mecklenburg County Land Use and Environmental Services Agency:** No comments received.
- **Mecklenburg County Parks and Recreation Department:** No issues.

## OUTSTANDING ISSUES

### Site and Building Design

1. Provide crosswalks on the northern and eastern legs of the intersection of Ridge Road and Prosperity Church Road.
2. Provide pedestrian crossings at the intersection of Old Ridge Road and Prosperity Church Road and at the intersection of Old Ridge Road and Ridge Road.
3. Amend the site plan to show the setbacks measured from the future back of curb along all street frontages.
4. Provide screening between the parking and drive-through service area and Old Ridge Road.
5. Annotate the elevations to point out key architectural commitments made in notes 4B, C and F.
6. Remove "Executive Summary" information from the "Perspective Views" and provide notes that describe elements that the perspectives are committing to or annotate the elevations beyond building materials.
7. Remove "Retaining Wall Perspectives" because the graphics do not appear to show any retaining walls.
8. Amend the elevations to write out the labeled elements or provide a legend to explain what the various items mean. For example what is ST-1, T/Band, etc.

### Transportation

9. Revise the site plan to remove the site's proposed driveway on Prosperity Church Road. CDOT does not support this driveway or adding a raised median on Prosperity Church Road and creating a "kink" in the street's northbound alignment.
10. Revise the site plan to show and label the proposed back of curb at 18.5 feet without on-street parking and 23.5 feet with on-street parking from the existing centerline of Prosperity Church Road.
11. Revise the site plan to add a note specifying dedication and fee simple conveyance of all rights-of-way to the City before the site's first building certificate of occupancy is issued. CDOT prefers right of way dedication from street's centerline to two feet behind back of sidewalk. Alternatively, CDOT will accept right of way at back of walk or sidewalk utility easement two feet behind back of walk. Revise Note 3H accordingly.
12. Clarify "negatively impacted" in transportation note 3C related to the cooperation in the event of abandonment of Old Ridge Road.

## REQUESTED TECHNICAL REVISIONS

### Site and Building Design

13. Amend note 4D related to the service side of the building to change "may not" to "shall not."
14. Add a sentence to note 4E related to the open space areas to clarify that the pocket park/plaza areas will be on private property, publically accessible and maintained by the property owner or tenant(s).
15. Specify that low screen walls will be no less than 3.5 feet.
16. Break note 6B into two notes: one related to compliance with the Tree Ordinance and the other stating the site will comply with the Post Construction Controls Ordinance.

### Land Use

17. Remove Professional business from the proposed uses under development data on RZ-1 and 2 and the permitted uses note 2A as it is not a use listed in the Zoning Ordinance.

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## Attachments Online at [www.rezoning.org](http://www.rezoning.org)

- Application
- Site Plan
- Locator Map
- Community Meeting Report
- Department Comments
  - Charlotte Area Transit System Review
  - Charlotte Department of Neighborhood & Business Services Review
  - Charlotte Fire Department Review

- Charlotte Water Review
- Engineering and Property Management Review
  - City Arborist Review
  - Erosion Control
  - Land Development
  - Storm Water
  - Urban Forestry
- Mecklenburg County Parks and Recreation Review
- Transportation Review

**Planner:** John Kinley (704) 336-8311