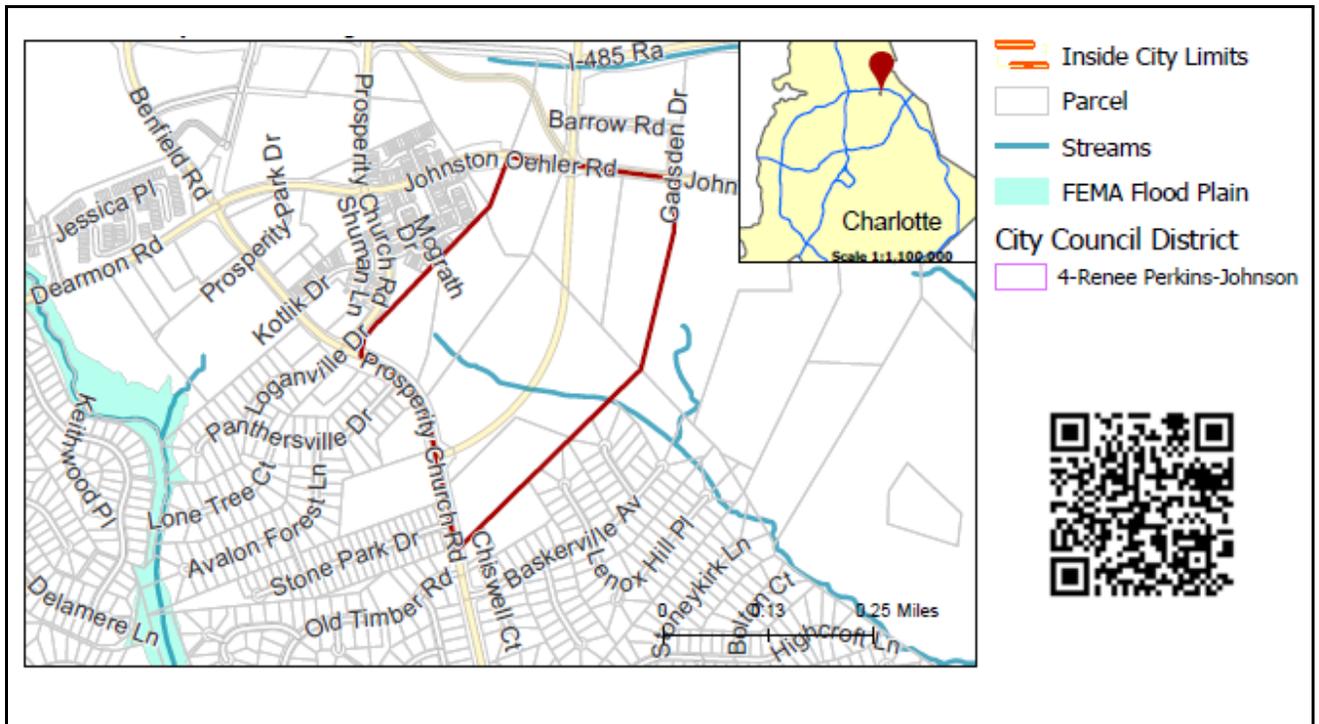


**REQUEST**

Current Zoning: MX-1 (mixed use) and R-3 (single family residential)  
Proposed Zoning: CC (commercial center) and UR-2(CD) (urban residential, conditional) with five-years vested rights.

**LOCATION**

Approximately 58.04 acres located along the northeast side of Prosperity Church Road and the south side of Johnston Oehler Road.



**SUMMARY OF PETITION**

The petition proposes a multi-use development that includes up to 300 multi-family dwelling units and 132 single-family dwelling units (townhomes), and a maximum 145,000 square feet of commercial and retail uses.

**PROPERTY OWNER**  
**PETITIONER**  
**AGENT/REPRESENTATIVE**

Linda P. Smith  
WSB Retail Partners, LLC  
John Carmichael, Robinson, Bradshaw & Hinson, P.A.

**COMMUNITY MEETING**

Meeting is required and has been held. Report available online.  
Number of people attending the Community Meeting: 19

**STAFF RECOMMENDATION**

Staff recommends approval of this petition.

Plan Consistency

In this petition Development Areas B, D, and E are **consistent** with the *Prosperity Hucks Area Plan (2015)* recommendation of residential uses, but **inconsistent** with the recommendation of up to 8 dwelling units per acre (DUA).

Development areas A and C are **inconsistent** with the area plan's recommendation of residential uses up to 8 DUA for this site.

#### Rationale for Recommendation

- This petition proposes up to 432 multi-family and single family attached dwelling units on development areas B and D, and a variety of multi-family residential, commercial, and retail uses on development areas A and C. Development area E is dedicated to open space, tree save, and parks, greenways, and trails.
- The overall residential density for this site is 7.46 DUA, but the residential density for development areas B and D is 15.66 DUA, making the proposed density inconsistent with the area plan recommendation of residential density up to 8 DUA.
- The increased density in development areas B and D are appropriate because of the site's adjacency to the Prosperity Hucks Activity Center, where higher densities are recommended, and because of the site's commitment to connectivity between existing neighborhoods.
- The proposed commercial and retail uses, while not consistent with the future land use recommendation, are appropriate due to this site's adjacency to the Prosperity Hucks Activity Center, as indicated in the area plan.
- This petition helps fulfill the area plan's goals to build a network of local streets in this location, by committing to construct an extension of Prosperity Ridge Road throughout the development which will connect to Johnston-Oehler road.
- This petition proposes a minimum of a 6-foot sidewalk and 8-foot planting strip on both sides of the Prosperity Road Extension, which will secure a safe pedestrian experience when walking on this road.
- The petition commits to providing internal sidewalks and pedestrian connections as generally depicted on the rezoning plan.
- Prior to the issuance of the certificate of occupancy for the sixth new building constructed on the site and subject to the approval of Mecklenburg County, the petitioner commits to conveying a 2-acre portion of the site to Mecklenburg County for a future passive public park.

The approval of this petition will revise the adopted future land use as specified by the *Prosperity Hucks Area Plan (2015)* from Residential up to 8 DUA to Residential up to 17 DUA for Development Areas B and D, and from Residential up to 8 DUA to Residential/Office/Retail for Development Areas A, C, and E.

#### **PLANNING STAFF REVIEW**

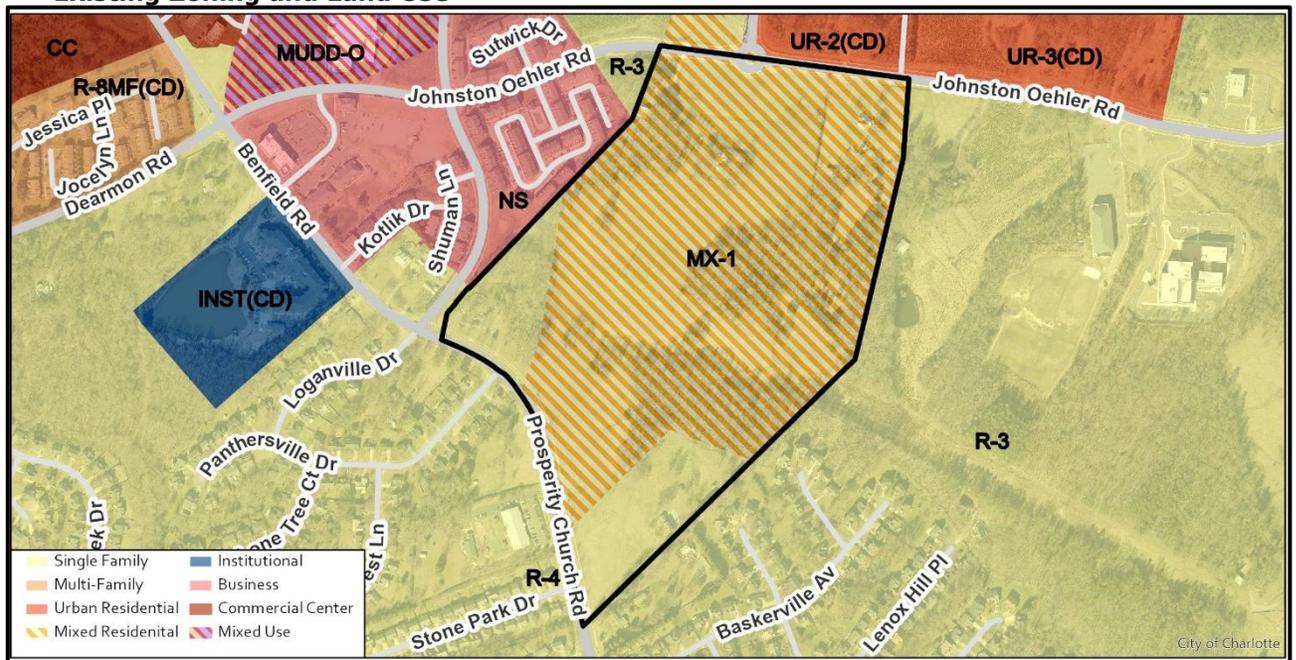
- **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

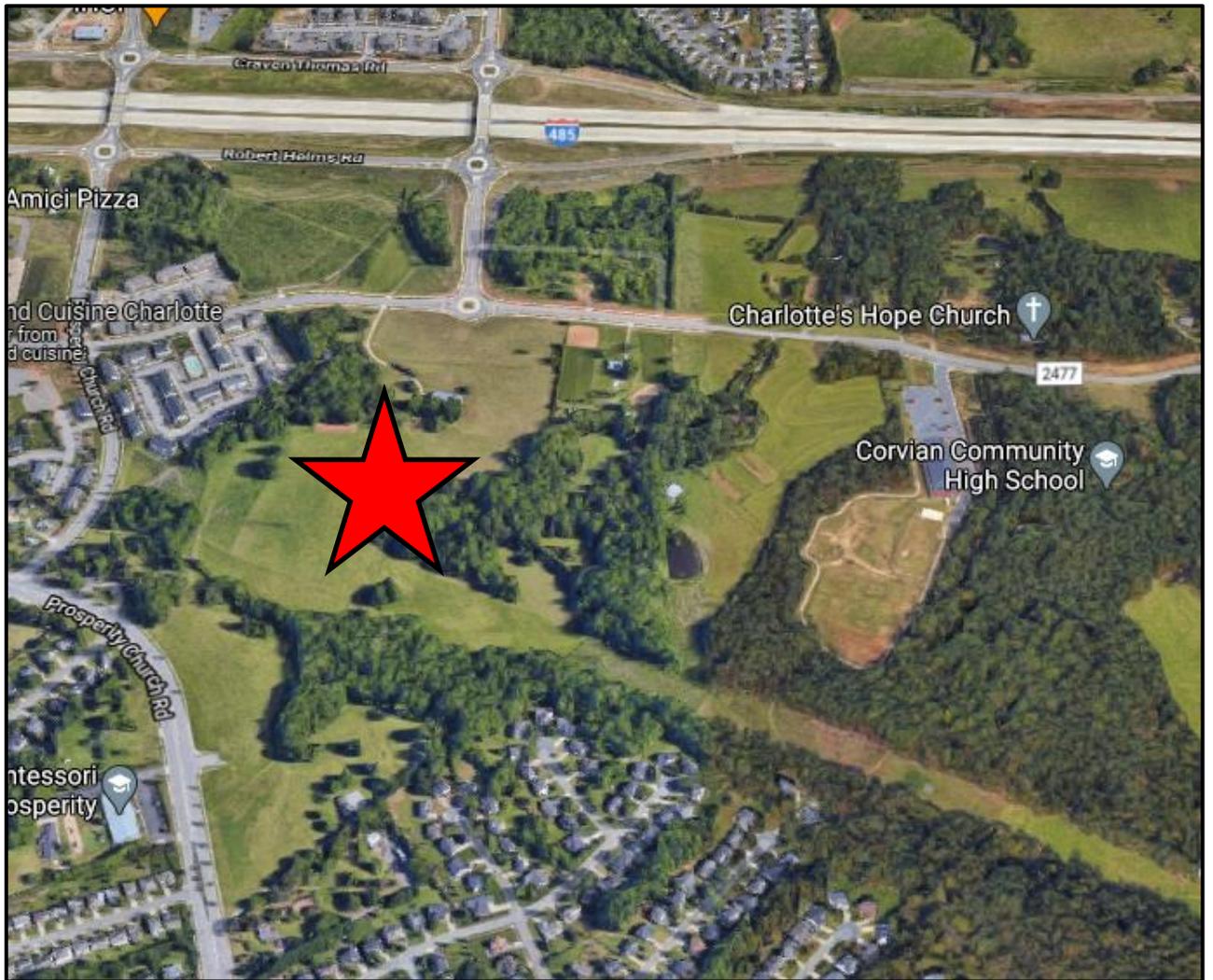
- Allows up to 300 multi-family units and 132 townhomes.
- Allows up to 145,000-square feet of commercial and retail uses.
- Divided into five development areas.
- Development Area A and C:
  - Allows a maximum 145,000 square-feet of commercial uses which 125,000 square-feet can be devoted to retail uses.
  - Prohibits the following uses: dwellings, funeral homes, hotels and motels, locksmith and gunsmiths, outdoor recreation, and pet services indoor/outdoor.
  - Allows a maximum of one automotive service station.
  - Allows a maximum of one convenience store with or without gasoline sales.
  - Allows a maximum of 4 uses to have drive-in and drive-through service windows.
  - Limits a maximum of 2 of the 4 uses that have accessory drive-in and drive-through service windows to Prosperity Church Road.
  - Limits a maximum of 1 of the 2 EDEE's that have accessory drive-in and drive-through service windows to Prosperity Church Road.
  - Limits EDEE's to two with drive-through service windows.

- Development Area B:
  - Allows up to 300 multi-family dwelling units.
  - Limits height to 3 stories.
  - Provides a 15,000 square-foot urban open space with landscaping and seating.
  - Provides a clubhouse and swimming pool.
- Development Area D:
  - Allows up to 132 single-family attached dwelling units (townhomes).
  - Provides an 18,000 square-foot central green/urban open space with landscaping and seating.
- Development Area E:
  - Allows only passive and active open space areas, parks, and tree save.
  - Conveys a minimum two acres to Mecklenburg County for a passive public park.
- Transportation:
  - Provides an 8-foot wide planting strip and 6-foot wide sidewalk along the site’s frontages on Prosperity Church Road and Johnson Oehler Road.
  - Provides an 8-foot planting strip and 12-foot wide multi-use path along Prosperity Ridge Road Extension.
  - Commits to construct Prosperity Ridge Road Extension.
  - Commits to construct an ADA bus waiting pad along Prosperity Church Road.
  - Provides a southbound right-turn lane with 300-feet of storage on Benfield Road at Johnston Oehler Road.
  - Extends the eastbound right-turn lane to 250-feet of storage at Benfield Road.
  - Commits to contribute to CDOT towards the cost of improvements to the roundabout at Johnston Oehler Road and Prosperity Ridge Road.
  - Construct a southbound left-turn lane with 150-feet of storage on Prosperity Church Road at access A.
  - Construct a southbound right-turn lane with 100-feet of storage on Prosperity Church Road at access B.
  - Construct a northbound right-turn lane with 10-feet of storage on Prosperity Church Road at access D.
  - Construct an eastbound right-turn lane at Prosperity Church Road and Old Timber Road.

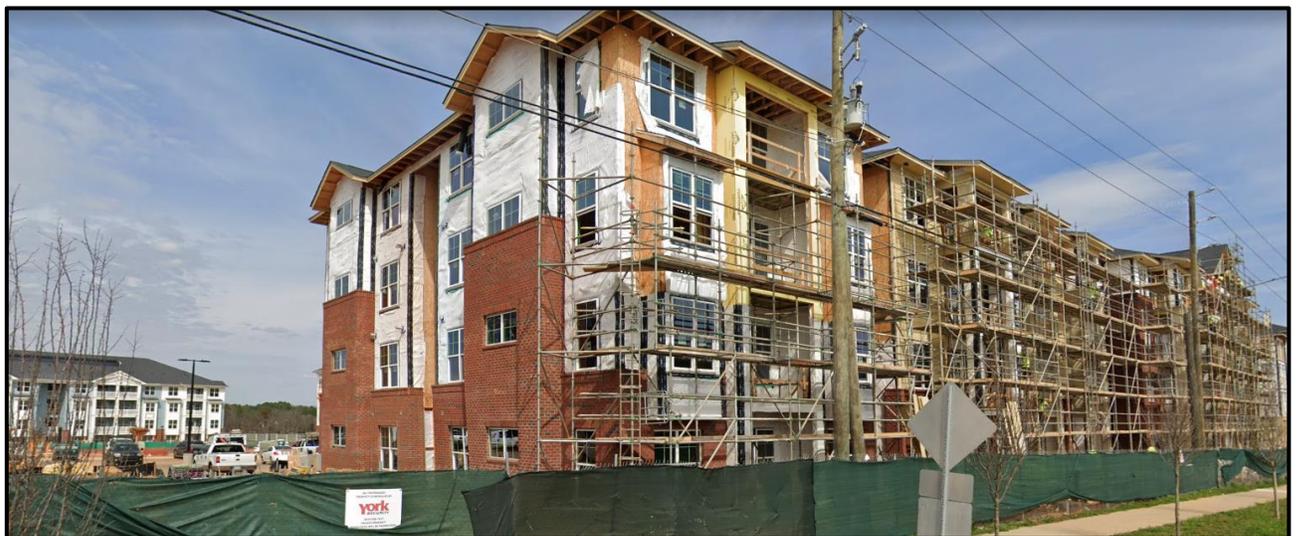
• **Existing Zoning and Land Use**



The site is zoned R-3 and MX-1. The surrounding land uses include single-family homes, townhomes, multi-family units, and retail uses.



The subject property is denoted with a red star.



The property to the north along Johnston Oehler Road is developed with multi-family units.



The property to the east along Johnston Oehler Road is developed with large lot single family home and the Corvian School. Subject property denoted by red star.

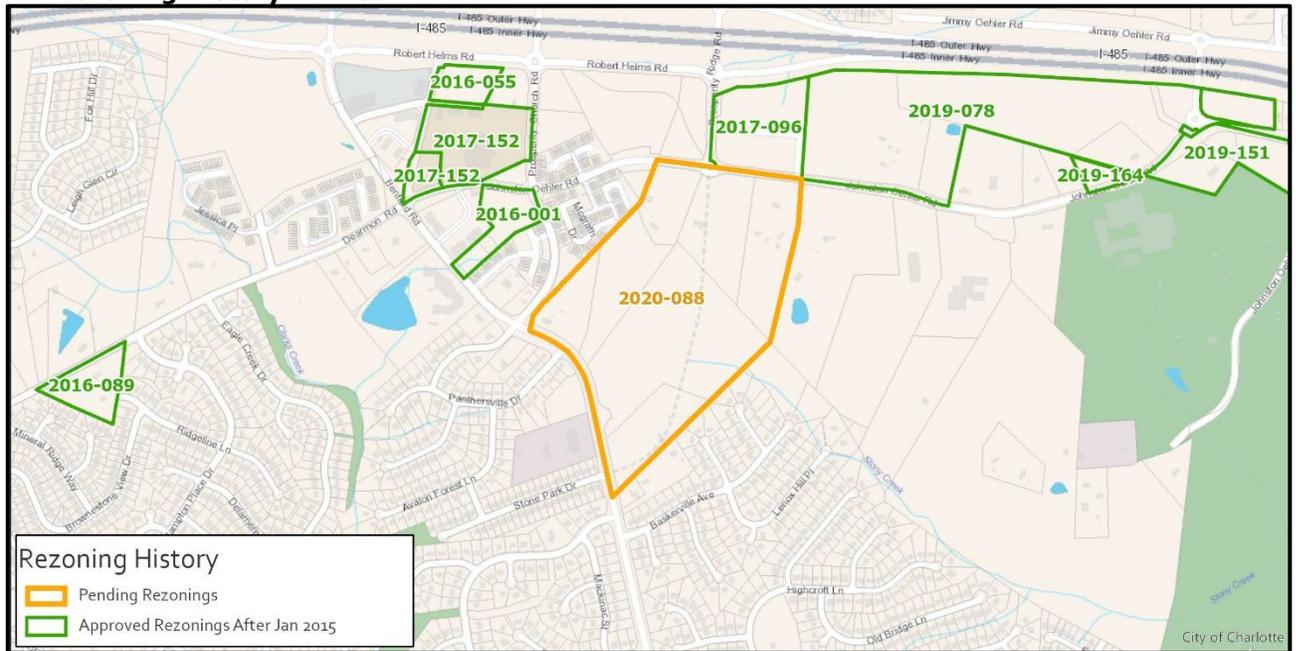


The property to the south along Buckminster Court is developed with single-family homes.



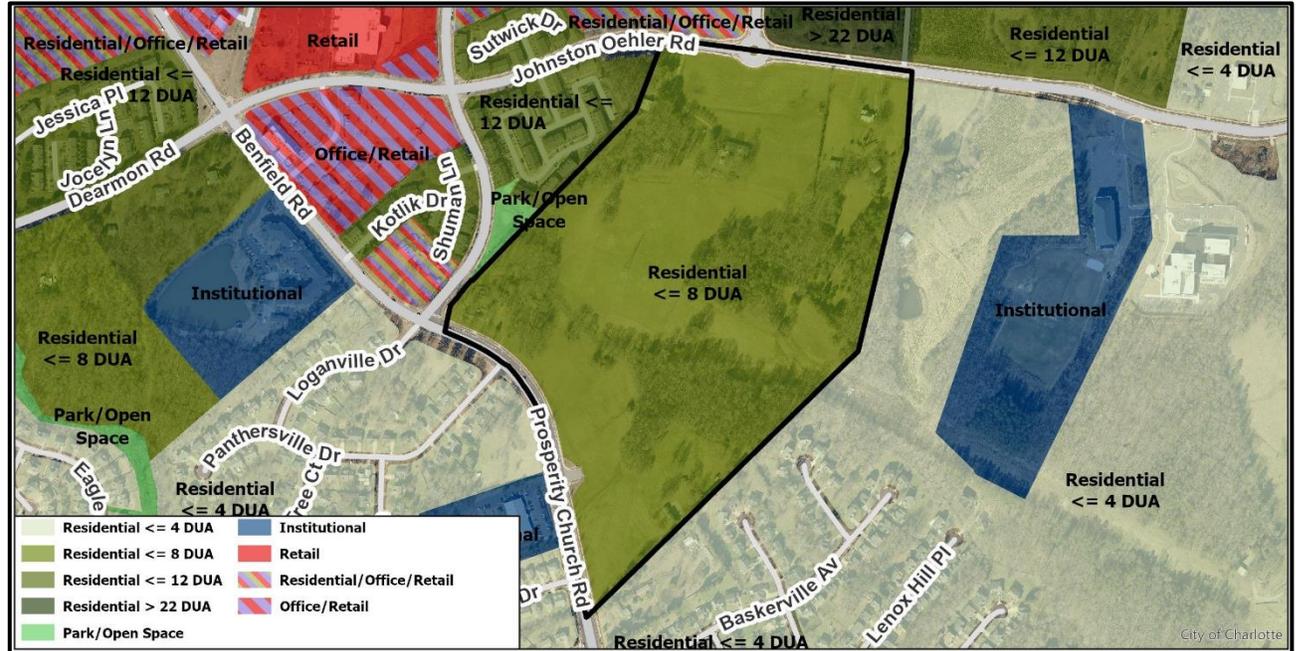
The property to the west along Johnston Oehler Road is developed with townhomes.

• **Rezoning History in Area**



Petition Number	Summary of Petition	Status
2016-001	Rezoned 3.65 acres to allow up to 70,000 square-feet of retail or office uses.	Approved
2016-055	Rezoned 2.52 acres to allow up to 17,400 square-feet of commercial uses.	Approved
2016-089	Rezoned 4.35 acres to allow a 5,600 square-foot masonic lodge.	Approved
2017-096	Rezoned 8.96 acres to allow up to 260 multi-family dwelling units.	Approved
2017-152	Rezoned 8.91 acres to allow the reuse of an existing shopping center up to 110,000 square-feet of uses allowed in the MUDD district.	Approved
2019-078	Rezoned 41.91 acres to allow up to 440 multifamily units.	Approved
2019-151	Rezoned 11.63 acres to allow up to 124 townhome units.	Approved
2019-164	Rezoned 1.1 acres to allow up to 8 townhome units.	Approved

• **Public Plans and Policies**



- The *Prosperity Hucks Area Plan (2015)* recommends residential uses up to 8 DUA.

• **TRANSPORTATION SUMMARY**

- The site is located on two thoroughfare roads: Prosperity Church Road (City-maintained) and Johnston Oehler Road (City-maintained). The adjusted TIS was resubmitted for review 11-12-2020, as an addendum was needed to account for development areas included within the 8-28-2020 revised site plan. CDOT requests clarification on minor commitments to relocate the curb line to accommodate on-street parking on Prosperity Church Road for the portion that is located within the Activity Center, in accordance with the Prosperity Hucks Area Plan. The petitioner has committed to construct Prosperity Ridge Road Extension, which is a thoroughfare identified within the Comprehensive Transportation Plan (CTP); CDOT and the petitioner are actively coordinating road design for this extension. The petitioner is constructing over 1,600 linear feet of the Prosperity Ridge Road Extension, including a cross-section up to 80 feet of public right-of-way, which will connect to the existing roundabout at Johnston Oehler Road. The petitioner will construct bike lanes, in accordance with Charlotte BIKES, within the Prosperity Ridge Road Extension.

• **Active Projects:**

- There are no active projects within the immediate project area.

• **Transportation Considerations**

- See ~~Outstanding Issues, Note 1.~~ **Addressed**

• **Vehicle Trip Generation:**

Current Zoning:

Existing Use: 30 trips per day (based on 3 single family dwellings).

Entitlement: 2,500 trips per day (based on 260 single family dwellings).

Proposed Zoning: 13,753 trips per day (based on 26,900 square-foot shopping center, 5,300 square-foot restaurant, 2,500 square-foot fast food restaurant, convenience store, 10,000 square-foot medical office building, 70,000 square-foot health/fitness club, 5,300 square-foot day care center, 300 multi-family dwelling units, and 132 townhomes).

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

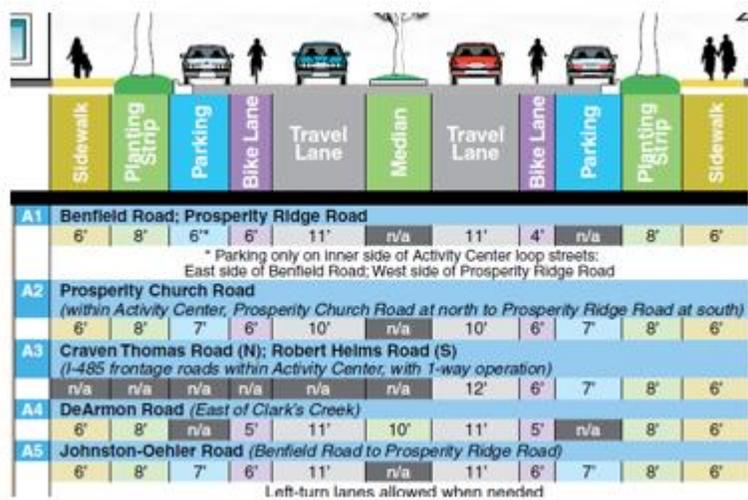
- **Charlotte Area Transit System:** No outstanding issues.
- **Charlotte Department of Housing and Neighborhood Services:** No outstanding issues.
- **Charlotte Department of Solid Waste Services:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Charlotte Fire Department:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning could generate 43 students, while the development allowed under the proposed zoning may produce 57 students. Therefore, the net increase in the number of students generated from existing zoning to proposed is 14 students.

- The proposed development is projected to increase the school utilization over existing condition (without mobile classroom units) as follows:
  - Croft Community School from 79% to 84%
  - Ridge Road Middle from 126% to 127%
  - Mallard Creek High from 123% to 124%.
- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 12-inch water distribution main located along Johnston Oehler Road. The proposed rezoning has the potential to significantly impact the capacity of the local sanitary sewer collection system. It is recommended that the applicant contact the Charlotte Water New Services group for further information and to discuss options regarding sanitary sewer system capacity. 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:** No outstanding issues.
- **Mecklenburg County Parks and Recreation Department:** No outstanding issues.

**OUTSTANDING ISSUES**

Transportation

1. Prosperity Church Road: Location of curb and gutter should be placed per A1 below:



The site plan should show the curb and gutter labeled and dimensioned from the centerline.  
Addressed

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

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