
REQUEST	Current Zoning: O-1, office Proposed Zoning: NS, neighborhood services
LOCATION	Approximately 1.3 acres located on the northeast corner of Pineville-Matthews Road (Hwy 51) and Johnston Road.
SUMMARY OF PETITION	The petition proposes to allow the construction of a 12,500 square-foot retail pharmacy/drugstore with a drive-through service window.
STAFF RECOMMENDATION	Staff recommends approval of this petition upon resolution of outstanding plan issues. The petition is inconsistent with the <i>South District Plan</i> . However, the petition is consistent with existing land uses in the area and appropriate for approval.
Property Owner	Allen Tate, Jr.
Petitioner	Allen Tate, Jr.
Agent/Representative	Bailey Patrick, Jr. and Collin W. Brown, K&L Gates, LLP
COMMUNITY MEETING	Meeting is required and has been held. Report available online.

PLANNING STAFF REVIEW

- **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Construction of a 12,500 retail pharmacy/drugstore with a drive-thru component located away from the public streets.
- Uses permitted by-right or under prescribed conditions in the NS district are allowed, except for the following:
 - restaurants with drive-through facilities,
 - convenience stores with gasoline sales,
 - automobile service stations,
 - car washes,
 - nightclubs, bars and lounges,
 - animal crematoriums, and
 - funeral homes.
- Installation of 44 parking spaces.
- Replacement of existing five-foot wide sidewalks with six-foot wide sidewalks and installation of a minimum eight-foot planting strip along Pineville-Matthews Road (Hwy 51) and Johnston Road.
- Driveways provided along Pineville-Matthews Road (Hwy 51) and Johnston Road.
- Landscaped setbacks along both street frontages.

- **Existing Zoning and Land Use**

The property is currently developed with a vacant office building and is surrounded by a mix of office and commercial development, institutional, and multi-family development on properties zoned office, business and multi-family.

- **Rezoning History in Area**

There have been no recent rezonings in the immediate area.

- **Public Plans and Policies**

- The *South District Plan* (1993) recommends office at this location.
- This petition is inconsistent with the *South District Plan*. However, the petition is considered appropriate for approval as it is similar in nature to the existing land use in the area.

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No issues.

- **Charlotte Department of Transportation:** CDOT requests the following:
The conveyance of right-of-way in fee simple title to include the planting strip and sidewalk along Johnston Road and Pineville-Matthews Road.

A “pork-chop” raised concrete island located at the site’s Highway 51 propose driveway and/or a raised concrete median will need to be constructed a minimum of six feet in width for pedestrian refuge along Highway 51 to restrict the proposed driveway to right-in/right-out access. The median needs to be constructed from the intersection of Johnston Road and Highway 51 to 100 feet past the end of radius of the driveway to the site on Highway 51. Since Highway 51 is a state-maintained facility, the petitioner should coordinate with NCODT.
 - **Vehicle Trip Generation:**
Current Zoning: The petition will allow a wide range of trip generation based on the existing zoning.
Proposed Zoning: 2,450 trips per day.
This petition will have a minor impact on the surrounding thoroughfare system given the size of the site.
 - **Connectivity:** No issues.
- **Charlotte Fire Department:** No issues.
- **Charlotte-Mecklenburg Schools:** The development allowed under existing zoning would generate an undetermined number of students, while the development allowed under the proposed zoning would produce 14 students. Therefore, the net change in the number of students generated from existing zoning to proposed zoning is undetermined.
- **Charlotte-Mecklenburg Storm Water Services:** No issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
- **Mecklenburg County Parks and Recreation Department:** No issues.
- **Neighborhood & Business Services:** No issues.

ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

- **Site Design:** The following explains how the petition addresses the environmentally sensitive site design guidance in the *General Development Policies*.
 - This site meets minimum ordinance requirements.

OUTSTANDING ISSUES

- The petitioner should:
 1. Address CDOT comments.
 2. Delete the second paragraph under General Provisions as it conflicts with the “Amendments to Technical Data Sheet”.
 3. Remove the notation that the building is “12,144 S.F.” to avoid conflict with the development notes.
 4. Note in the “Parking Summary” the proposed building size is 12,500 square feet.
 5. Eliminate the types of plantings in the “Landscape Summary Table” and say that trees will be from the Charlotte [Land Development Approved Tree Species list](#).
 6. Provide landscaping in the area between the northern property line and the parking lot curb.
 7. Provide a cross section with details of the proposed landscaping along Johnston Road.

Attachments Online at www.rezoning.org

- Application
- Site Plan
- Community Meeting Report
- Charlotte Area Transit System Review
- Charlotte Department of Transportation Review
- Charlotte Fire Department Review
- Charlotte-Mecklenburg Schools Review
- Charlotte-Mecklenburg Storm Water Services Review
- Mecklenburg County Land Use and Environmental Services Agency Review
- Mecklenburg County Parks and Recreation Review
- Neighborhood & Business Services Review

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