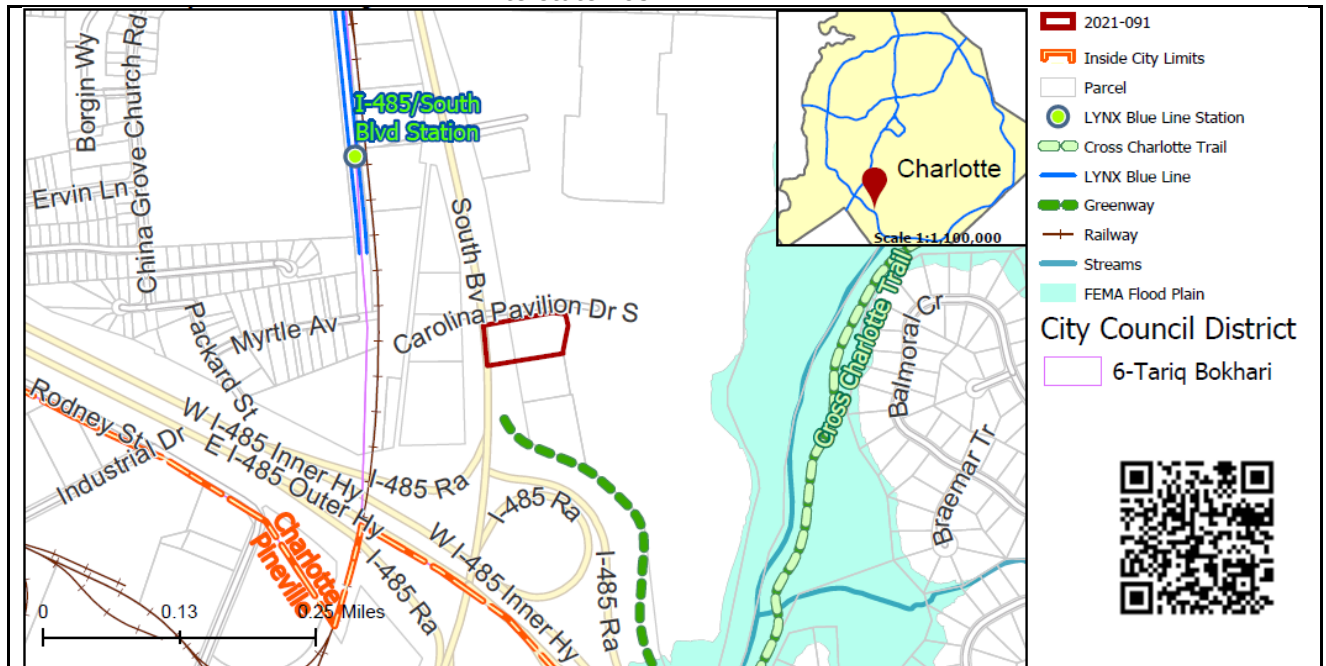


**REQUEST**

Current Zoning: TOD-CC (transit-oriented development, commercial center)  
Proposed Zoning: MUDD-O (mixed use development, optional)

**LOCATION**

Approximately 1.21 acres located at the southeast intersection of South Boulevard and Carolina Pavilion Drive South, north of Interstate 485



**SUMMARY OF PETITION**

The petition proposes redevelopment of the existing type 1 EDEE (eating/drinking/entertainment establishment) with accessory drive through, with a new model of the type 1 EDEE with accessory drive through lanes located in a shopping center at the I-485/ South Boulevard interchange.

**PROPERTY OWNER**

Chick-Fil-A, Inc.

**PETITIONER**

Chick-Fil-A, Inc.

**AGENT/REPRESENTATIVE**

John Carmichael, Robinson Bradshaw

**COMMUNITY MEETING**

Meeting is required and has been held. Report available online.  
Number of people attending the Community Meeting: None.

**STAFF  
RECOMMENDATION**

Staff recommends approval of this petition.

Plan Consistency

The petition is **inconsistent** with the *Sharon & I-485 Transit Station Area Plan* recommendation for transit-oriented development.

Rationale for Recommendation

- The proposed use with accessory drive-through is an existing non-conforming use on the site.
- The proposal will allow redevelopment of the existing use with drive-through with a new use with drive-through. The new site plan improves site layout by locating the drive-through

completely internal to the site behind the building. No parking or drive is between the building and street.

- Provides direct pedestrian access from the public sidewalk along South Boulevard to the entrance of the building via an 8 ft sidewalk, and via a 6 ft sidewalk from the new sidewalk along the private street Carolina Pavilion Drive S.
- The proposed site plan will result in an improved pedestrian experience by constructing a 12 ft multi-use path along the South Bv frontage and 6 ft sidewalk along the private street, Carolina Pavilion Drive.
- The proposal modifies driveway access in coordination with CDOT/NCDOT and installs a No U-turn sign at the end of the median of Carolina Pavilion Dr as requested by NCDOT.

The approval of this petition will revise the adopted future land use as specified by the Sharon & I-485 Transit Station Area Plan from transit oriented development-mixed use to residential/office/retail use.

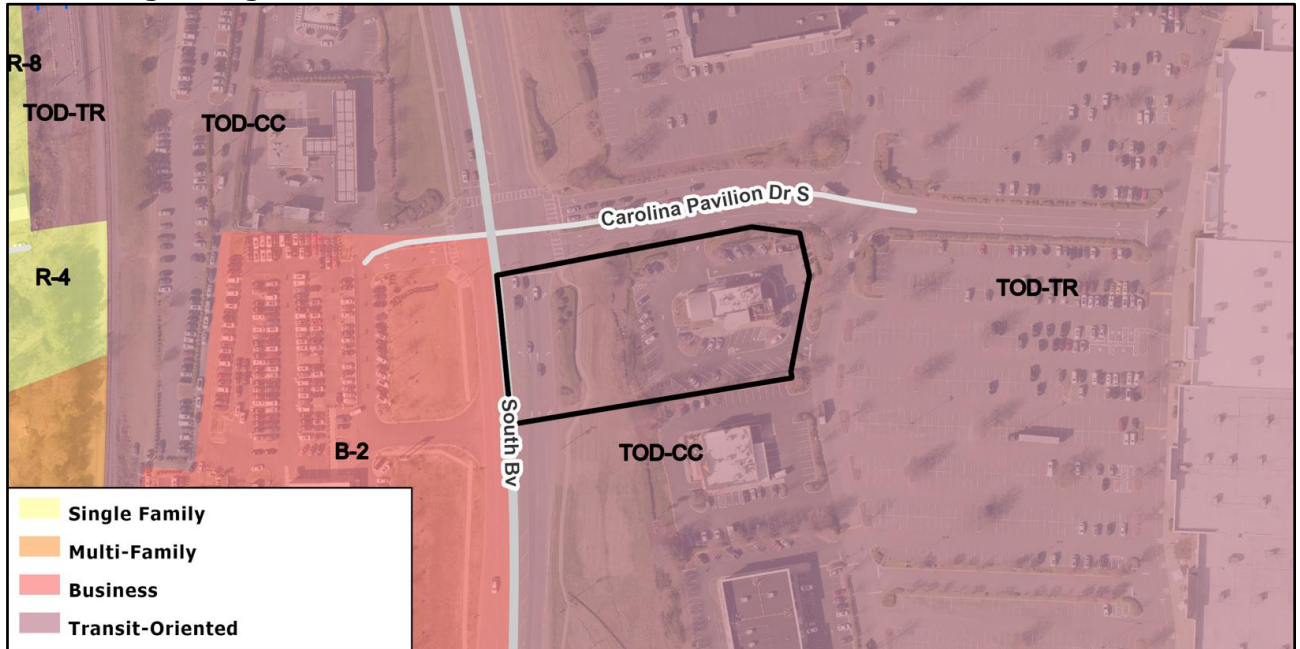
## PLANNING STAFF REVIEW

### • **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Demolishes the existing type 1 EDEE, with accessory drive-through and constructs a new model closer to South Boulevard. The new accessory drive-through lanes are located behind the building.
- Allows a building up to 5,200 square feet and up to 30 ft in height. The current building is 3,584 square feet.
- Provides direct pedestrian access to the building from the new sidewalk along Carolina Pavilion Drive via a 6 ft sidewalk and from multi-use path along South Boulevard via an 8 ft sidewalk.
- Shows an area of outdoor dining on the northern end of the building near Carolina Pavilion Drive.
- As part of changes to site layout modifies locations of driveways into site. Provides a 2-way drive along the east property line onto a shared drive in the shopping center and a one way in and one way out on Carolina Pavilion Drive.
- Commits to placement of "No u-turn" sign at the end of the median on Carolina Pavilion Drive.
- Installs a 6 ft sidewalk along Carolina Pavilion Drive and a 12 foot multi-use path along the site frontage of South Boulevard.
- Requests the following optional provisions:
  - Allow accessory drive through services lanes/windows.
  - Not require building entrance requirements of Section 9.8506.2(h) of the Zoning Ordinance.

- Existing Zoning and Land Use



The site was previously rezoned to TOD-CC as part of the Transit Oriented Development alignment rezonings because the area was recommended for transit oriented development by the *Sharon & I-485 Transit Station Area Plan*.



The site (indicated by red star) is located in an area with a range of commercial uses. The I-485 Transit station is located northwest of the site across South Boulevard and the Little Sugar Creek Greenway (west of the site behind the shopping center) is accessed via a connector at the southern end of the center.



The site is developed with an existing fast-food style EDEE use with accessory drive-through window.





North of the site are retail shops part of the shopping center.



East of the site is parking field for the shopping center.

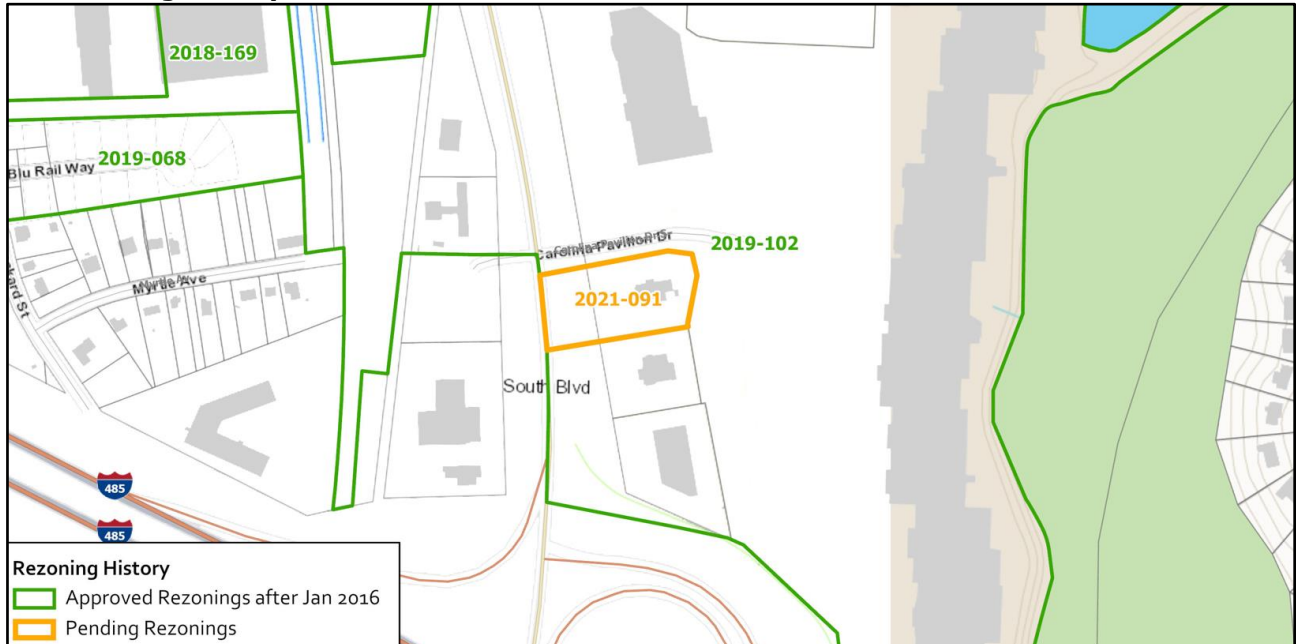


South of the site is an outparcel of the shopping center with an EDEE use.



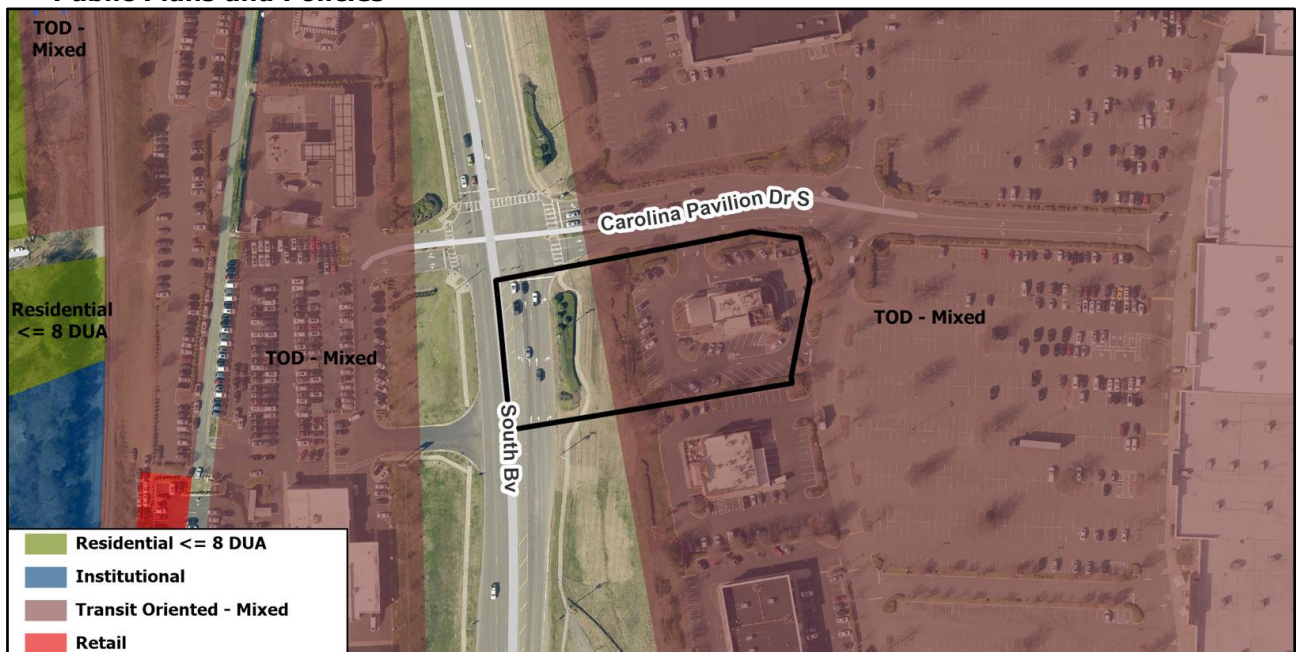
West of the site, across South Boulevard, is an automotive dealership.

- Rezoning History in Area**



| Petition Number | Summary of Petition  | Status   |
|-----------------|--|----------|
| 2018-169        | Transition of existing TOD zoned parcels as part of the text amendment for the new TOD Ordinance.  | Approved |
| 2019-068        | 6.17 acres off China Grove Church Road from R-4 to R-8 to allow residential development  | Approved |
| 2019-102        | Rezoned multiple parcels along the Blue Line corridor as part of the implementation of the recommendations of the transit station area plans and the new TOD zoning districts. | Approved |

- Public Plans and Policies**



- The *Sharon & I-485 Transit Station Area Plan* (2009) recommends transit-oriented development mixed use.



- **TRANSPORTATION SUMMARY**

- The site is located on South Boulevard, a State-maintained major thoroughfare, and Carolina Pavilion Drive South, a privately maintained local street. A Traffic Impact Study (TIS) is not necessary for the complete review of this petition due to the site generating less than 2,500 daily trips. If the site generates more than 2,500 daily trips, during the permitting process, then a traffic study will be required.

The Petitioner commits to installing a 12-foot multi-use path along the site's South Boulevard frontage in accordance with the Charlotte Bikes Plan. This upgraded facility provides connectivity towards the Cross Charlotte Trail (XCLT) Spur, located approximately 250 feet south of the project's site. The Petitioner also commits to reconfiguring the site's ingress and egress points along the private Carolina Pavilion Drive while installing a "No U-Turn" sign in the median at the first internal intersection, in compliance with the NCDOT's standards and City of Charlotte's Driveway Regulations. All outstanding CDOT comments have been addressed.

- **Active Projects:**

- No projects in the area.

- **Transportation Considerations**

- No outstanding issues.

- **Vehicle Trip Generation:**

Current Zoning:

Existing Use: 1690 trips per day (based on 3,584 sqft Type 1 EDEE).

Entitlement: Too many uses to determine (based on TOD-CC zoning).

Proposed Zoning: 2450 trips per day (based on 5,200 sqft Type 1 EDEE).

**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:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **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 8-inch water distribution main located along South Blvd. Charlotte Water has accessible sanitary sewer system infrastructure for the rezoning boundary via an existing 8-inch gravity sewer main located along South Blvd. See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Erosion Control:** 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.
- **Stormwater Services Land Development Engineering:** No outstanding issues.
- **Storm Water Services:** No outstanding issues.
- **Urban Forestry/City Arborist:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)

**REQUESTED TECHNICAL REVISIONS**

Site and Building Design

1. Place petition number RZP-2021-091 on the site plan. Addressed
2. It's been verbally stated that the proposal meets TOD-TR design standards aside from the maximum parking requirement. Please provide a note on the rezoning plan committing to TOD-TR design if that is indeed the case. Rescinded, petitioner is not comfortable making commitment on the site plan in case there are TOD-TR standards it does not meet.
3. Amend the site plan to show at least 5 ft of clearance from door swings. Addressed

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





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





## RZP 2021-091

### Goals Relevant to Rezoning Determinations

The following table represents an overview of the relationship between the **Charlotte Future 2040 Comprehensive Plan** and **Rezoning Petitions**. This is an evolving analysis that is expected to be refined when **Policy Mapping** is completed and adopted (anticipated early 2022).

Please note: not all goals will apply to all rezoning petitions.

| Goals   | Goal Description  | Relationship to Charlotte Future 2040 Comprehensive Plan |
|---|---|--|
|    | <b>Goal 1: 10- Minute Neighborhoods</b><br>All Charlotte households should have access to essential amenities, goods, and services within a comfortable and tree-shaded 10-minute walk, bike, or transit trip by 2040. Not all neighborhoods are expected to include every essential amenity, good, or service, but every resident should have access within a ½ mile walk or a 2-mile bike or transit ride.                  | ×  |
|  | <b>Goal 2: Neighborhood Diversity &amp; Inclusion</b><br>Charlotte will strive for all neighborhoods to have a diversity of housing options by increasing the presence of middle density housing (e.g. duplexes, triplexes, fourplexes, townhomes, accessory dwelling units, and other small lot housing types) and ensuring land use regulations allow for flexibility in creation of housing within existing neighborhoods. | ×  |
|  | <b>Goal 3: Housing Access for All</b><br>Charlotte will ensure opportunities for residents of all incomes to access affordable housing through the preservation of naturally occurring affordable and workforce housing and increasing the number of affordable and workforce housing units through new construction.   | ×  |
|  | <b>Goal 4: Trail &amp; Transit Oriented Development (2-TOD)</b><br>Charlotte will promote moderate to high-intensity, compact, mixed-use urban development along high-performance transit lines and near separated shared-use paths or trails.  | ×  |

|   |   |   |
|---|---|---|
|    | <p><b>Goal 5: Safe &amp; Equitable Mobility</b></p> <p>Charlotte will provide safe and equitable mobility options for all travelers regardless of age, income, ability, race, where they live, or how they choose to travel. An integrated system of transit and tree-shaded bikeways, sidewalks, shared-use paths, and streets will support a sustainable, connected, prosperous, and innovative network that connects all Charlotteans to each other, jobs, housing, amenities, goods, services and the region.</p> |    |
|    | <p><b>Goal 6: Healthy, Safe &amp; Active Communities</b></p> <p>All Charlotteans will live and work in safe and resilient neighborhoods that enable healthy and active lifestyles by reducing exposure to harmful environmental contaminants, expanding and improving the quality of tree canopy, encouraging investment in walking, cycling, and recreation facilities, and providing access to healthy food options and healthcare services.</p>  |    |
|   | <p><b>Goal 7: Integrated Natural &amp; Built Environments</b></p> <p>Charlotte will protect and enhance its surface water quality, tree canopy, and natural areas with a variety of trees, plantings, green infrastructure, green building practices, and open space at different scales throughout the entire community as a component of sustainable city infrastructure that addresses the threat of climate change.</p>   |  |
|  | <p><b>Goal 8: Diverse &amp; Resilient Economic Opportunity</b></p> <p>Charlotteans will have opportunity for upward economic mobility through access to a diverse mix of jobs and careers that align with education and skill levels of residents and the economic strengths of the region.</p>   | <p>N/A</p>  |
|  | <p><b>Goal 9: Retain Our Identity &amp; Charm</b></p> <p>Charlotte will cultivate community-driven placemaking and identity, while limiting displacement and retaining the essence of existing neighborhoods by intentionally directing redevelopment.</p>  |  |
|  | <p><b>Goal 10: Fiscally Responsible</b></p> <p>Charlotte will align capital investments with the adopted growth strategy and ensure the benefit of public and private sector investments benefit all residents and limit the public costs of accommodating growth</p>   | <p>N/A</p>  |