



Zoning Committee Recommendation

Rezoning Petition 2021-091

January 4, 2022

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
(Council District 6 - Bokhari)

PETITIONER

Chick-Fil-A, Inc.

**ZONING COMMITTEE
ACTION/ STATEMENT
OF CONSISTENCY**

The Zoning Committee voted 6-1 to recommend APPROVAL of this petition and adopt the consistency statement as follows:

This petition is found to be inconsistent with the *Sharon & I-485 Transit Station Area Plan*, based on the information from the staff analysis and the public hearing and because:

- The plan recommends transit-oriented development.

However we find this petition to be reasonable and in the public interest based on information from the staff analysis and the public hearing and because:

- 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.

Motion/Second: Welton / Chirinos

Yeas: Blumenthal, Chirinos, Ham, Rhodes, Samuel, and Welton

Nays: Spencer

Absent: None

Recused: None

ZONING COMMITTEE DISCUSSION

Staff provided a summary of the petition and noted that it is inconsistent with the adopted area plan.

Commissioner Ham asked about the pedestrian connectivity and vehicular circulation around and accessing the site.

Staff explained that there were two pedestrian connections to the building, one from the public sidewalk along South Boulevard and another from a new sidewalk to be constructed along Carolina Pavilion Drive. Vehicular access is from Carolina Pavilion Drive and to the rear of the site from the shopping center parking lot.

The petitioner has worked with CDOT and NCDOT to redesign the access on Carolina Pavilion from a joint right in/right out drive to separated right in and right out, and at NCDOT's request will be installing a no u-turn signage at the end of the median where Carolina Pavilion t's into the internal drives for the shopping center. Commissioner Samuel noted the proposal was similar to the location at Mt. Holly Huntersville at Hwy 16. Dave Pettine noted pointed out that the plan provides dual drive through lanes to accommodate additional stacking internal to the site.

Commissioner Welton noted that the plan improves bike and pedestrian access by constructing the multi-use path and sidewalk which connect to the Cross Charlotte Trail.

There was no further discussion of this petition.

MINORITY OPINION

The commissioner believes the expansion of the car intensive use goes against planning principles, the SEAP, and commitment to planning climate change.

PLANNER

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