



## Zoning Committee Recommendation

Rezoning Petition 2021-232

January 4, 2023

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### REQUEST

Current Zoning: B-1 (neighborhood business)  
Proposed Zoning: B-2(CD) (general business, conditional)

### LOCATION

Approximately 0.88 acres bound by the east side of Randolph Road and west side of Colwick Road, north of North Sharon Amity Road.  
(Council District 6 - Bokhari)

### PETITIONER

Chick-Fil-A, Inc

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### ZONING COMMITTEE ACTION/ STATEMENT OF CONSISTENCY

The Zoning Committee voted 7-0 to recommend APPROVAL of this petition and adopt the consistency statement as follows:

#### To Approve:

This petition is found to be **inconsistent** with the *2040 Policy Map* (2022) based on the information from the staff analysis and the public hearing, and because:

- The map recommends Neighborhood Center place type.

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

- Although the petition is inconsistent staff feels the request is reasonable based on it being an existing use. The site design is intended to improve functionality of the use and the pedestrian and access improvements could provide benefits to the transportation infrastructure in the immediate area.
- The proposal replaces the existing building with an EDEE with no indoor seating and with accessory drive through facilities with multiple lanes that wrap the building and separate the building from the street.
- The proposal improves pedestrian access to the site with clearly marked pedestrian walkways from the public sidewalk to the building and parking areas.
- Replaces the existing back of curb sidewalk with an 8 ft planting strip and 8 ft sidewalk improving pedestrian safety and experience along Randolph Road frontage.
- The proposed site design increases drive through capacity and functionality to improve issues with traffic

blocking the sidewalk and backing up onto Randolph Road.

- The site is located in an area with other business uses including auto oriented uses with drive through service lanes.
- The site is currently developed with an EDEE with accessory drive through service lane.
- Although the plan proposes no indoor seating it provides a patio with outdoor seating.
- The petition could facilitate the following 2040 Comprehensive Plan goals:
  - 1: 10-Mintue Neighborhoods
  - 5: Safe & Equitable Mobility
  - 8: Diverse & Resilient Economic Opportunity.

The approval of this petition will revise the recommended place type as specified by the *2040 Policy Map*, from Neighborhood Center Place Type to Commercial Place Type for the site.

Motion/Second: Welton / Gaston

Yeas: Gaston, Gussman, Harvey, Lansdell, Rhodes, Russell, Welton

Nays: None

Absent: None

Recused: None

## ZONING COMMITTEE DISCUSSION

Staff provided a summary of the petition and noted that it is inconsistent with the *2040 Policy Map*.

A Commissioner Gussman asked if there had been any additional changes since the hearing. Staff stated no other changes had occurred since the hearing.

Commissioner Lansdell asked about ingress and egress to the site as it relates to service and queuing. CDOT staff explained that some of the functionality of the driveways and service lanes will be the responsibility of the operator of the business. The two-window pickup will be an improvement for stacking and processing. The outer lane could be directed to the eastern egress and the inner lane could be directed around the building to the northern egress. There is currently no by-pass lane function, and this proposal adds a by-pass lane. CDOT staff clarified that stacking on site is approximately 25-30 vehicles.

Commissioner Lansdell asked if CDOT had comments on the width of the by-pass lane nearest to Randolph Rd. CDOT staff stated that the width met the minimum for passenger vehicles. Staff elaborated that the northern driveway was wider to accommodate delivery vehicles. Commissioner Lansdell asked for clarification as to why the driveways were different widths and how they would provide improvements to line of site and potential conflicts. CDOT staff explained that the eastern driveway is designed for passenger vehicles with western drive

for deliveries. The biggest improvement for active transportation is at the eastern driveway. Currently there is only signage restricting left-in and left-out movements and this proposal would restrict the access to a right-in/right out only. Which reduces the number of conflict points for all transportation modes.

Commissioner Lansdell asked if the contribution of \$70,000 for transportation improvements is enough to fund a temporary or permanent solution. CDOT staff said that a HAWK signal would be more than \$70,000. There was a contribution from another rezoning recently. The improvements are often made incrementally as funding and development occur.

Commissioner Lansdell commented that this a challenging consideration, the business is existing, and product is familiar. The input and commentary from the community and businesses has been a help. Commissioner Gaston noted she was happy with the change to have patio space with outdoor dining and to allow customers to walk up and pick up orders.

Commissioner Russell asked for information about staffs rationale for recommending approval. Planning staff explained there are a couple options with a site like this, the petitioner could take by-right alternatives under the current zoning or once the UDO comes online but the outcome would likely be different but still provide drive through service. If this were a new development and not redevelopment of the existing use staff would probably look at the case differently. However, since the use is existing the approach was to work with the developer to come up with a plan that would make improvements for ingress/egress, pedestrian accessibility and provide contributions for other transportation improvements in the area. The proposed conditional zoning provides the opportunity for those commitments as opposed to a by-right scenario.

Commissioner Gussman noted that the Wicks neighborhood spoke at the hearing. Gussman noted he agreed with staff's position. While he does not generally support including drive-thrus in rezonings in areas that are developing as pedestrian areas. This petition is exceptional as it was a continuation of its current use with significant accommodations contributing to both traffic safety improvements and developing the pedestrian environment. Commissioner Gussman also stated that it would be nice to know the vision and/or timing of additional improvements for transportation and pedestrians would be, as contributions are made.

There was no further discussion of this petition.

**PLANNER**

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