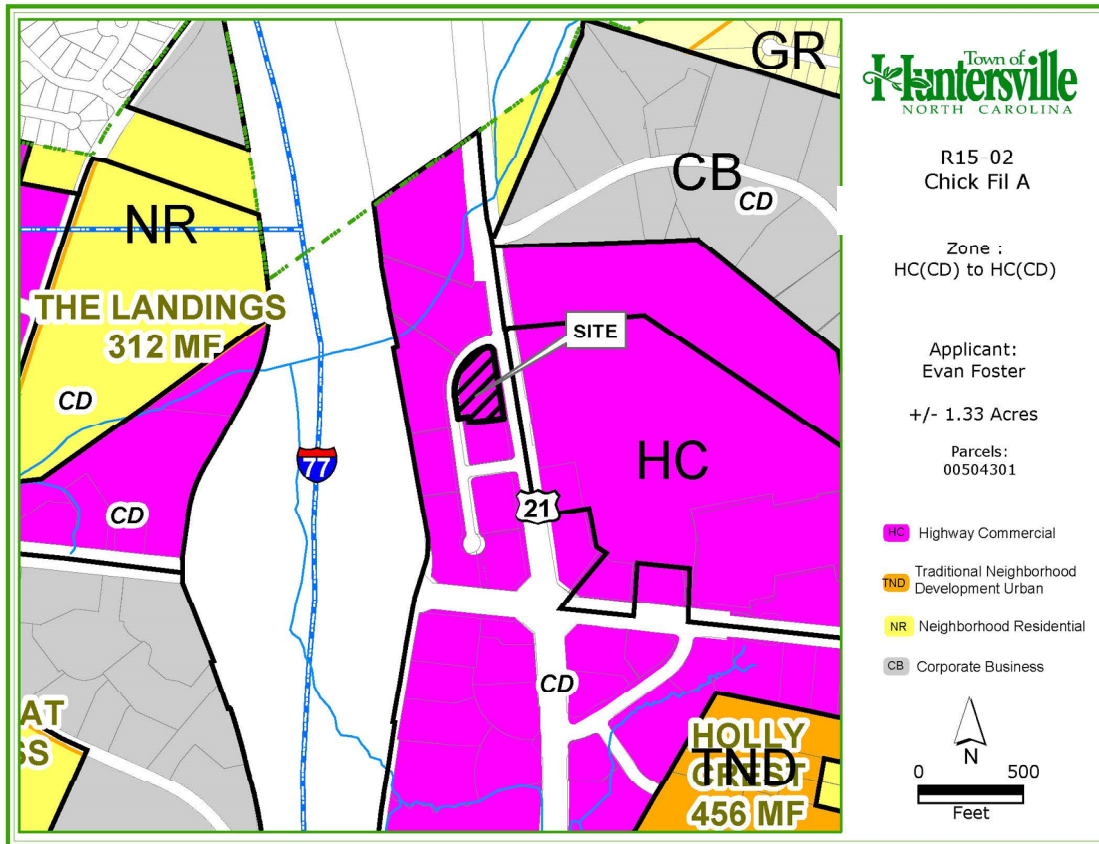


## Petition R15-02 Chick-fil-A Expansion

### PART 1: PROJECT SUMMARY



**Applicant:** Chick-fil-A, LLC

**Property Owner:**  
Same

**Property Address:**  
16915 Statesville Road

**Project Size:** +/- 1.33 acres

**Parcel Numbers:**  
00504301

**Current Zoning:**  
Highway Commercial Conditional District – Original Northcross Rezoning Plan (B-2).

**Current Land Use:**  
Chick-fil-A drive through restaurant.

**Proposed Zoning:**  
Highway Commercial Conditional District – Subject to Current Zoning Ordinance.

**Proposed Land Use:**  
Drive through restaurant with expanded drivethrough.

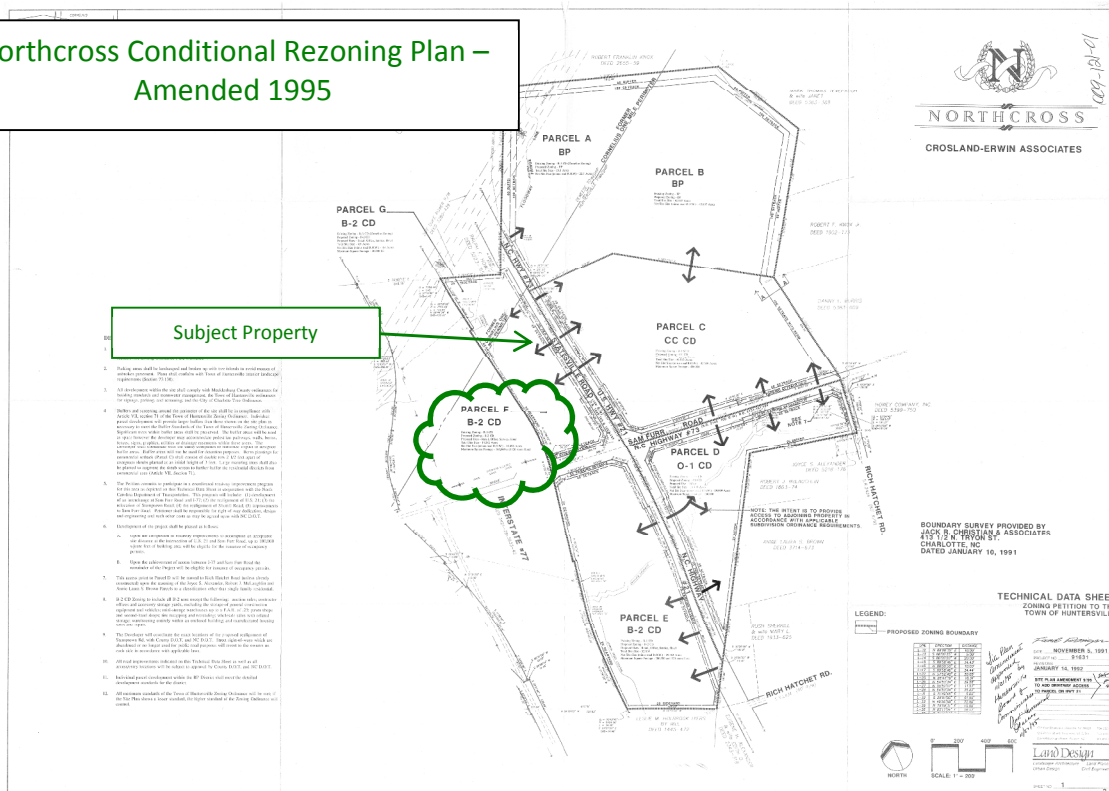
#### Application Summary:

- In order to expand their drive through facilities, the Chick-fil-A store would need to remove 9 parking spaces from the site. Under the 1991 Huntersville Zoning Ordinance, which the property is vested under, those parking spaces are required by ordinance and cannot be removed. The current Huntersville Zoning Ordinance mandates less parking and thus the applicants are asking for the rezoning. In return, the applicants will add design elements that bring their existing site up to current code standards “to the extent practical”. See notes 4-6 below for further details.
1. Adjoining Zoning and Land Uses\*\*(See note 3 below)
    - North: Highway Commercial (HC)\*\*, retail: carpet sales store and Home Depot store (Cornelius)
    - South: Highway Commercial (HC), retail/service: McDonald’s drive through restaurant and Sam’s Mart drive through car wash.
    - East: Highway Commercial (HC), retail: Northcross Shopping Center, Lowes Home Improvement, Harris Teeter, Target, etc.
    - West: Highway Commercial (HC), commercial, hotel, and restaurant.
  2. The subject parcel and surrounding properties are currently regulated for zoning under the overall Northcross Conditional Rezoning plan (amended) approved by the Huntersville Town Board on November 21, 1995. Please see the plan below. This plan was approved prior to the adoption of the current Huntersville Zoning Ordinance and therefore the development shown therein is vested under the zoning regulations of the 1991 Huntersville

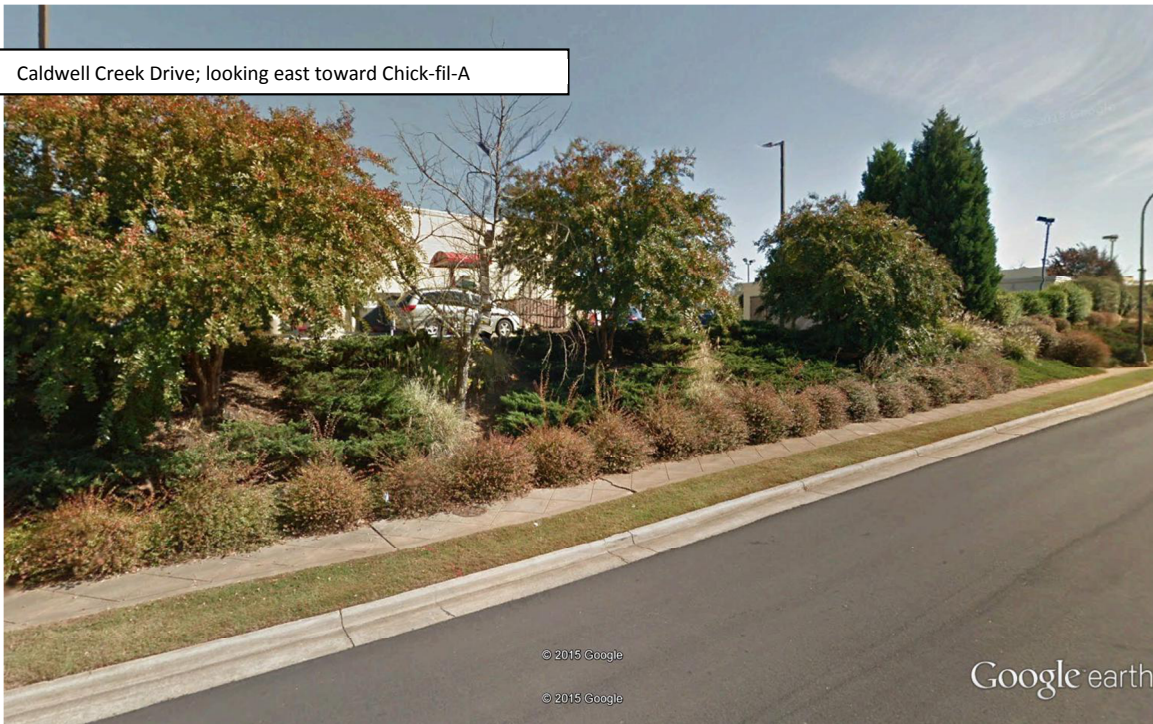
Zoning Ordinance (Please note however the Northcross Shopping Center to the east of the subject property has been rezoned since the 1995 plan and thus falls under different requirements.)

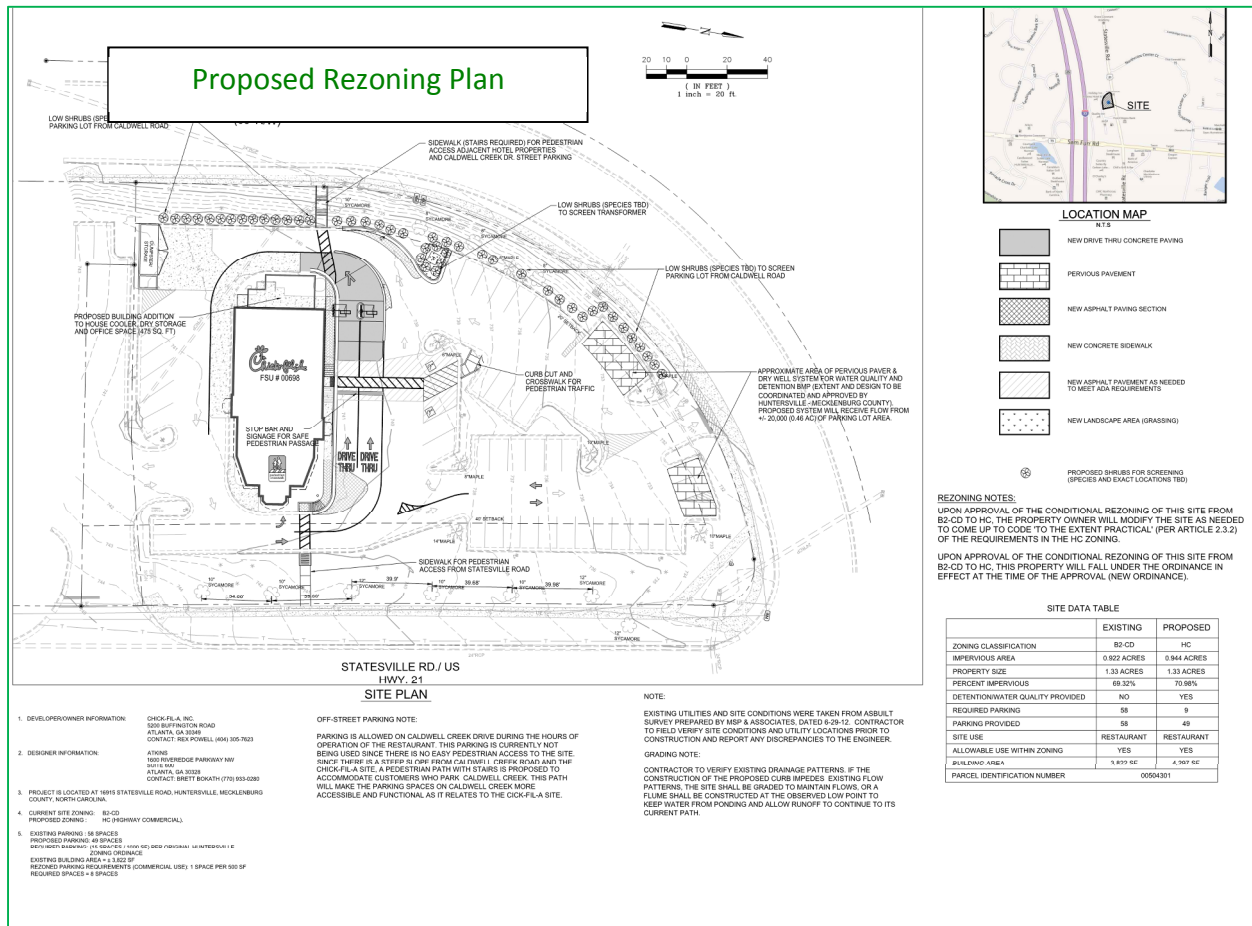
3. The Northcross Conditional Zoning plan assigned the subject property (and surrounding properties) the “B-2” zoning district under the regulations of the 1991 Huntersville Zoning Ordinance. However when the new code was adopted along with the new zoning map in 1996, the older “B-2” zoning district was represented on the zoning map by the closest fitting new code zoning category to it; Highway Commercial (HC). Although assigned the HC designation on the new map for consistency purposes, the property in question is vested under the older 1991 Huntersville Zoning Ordinance “B-2” designation.
4. Under the 1991 Huntersville Zoning Ordinance, restaurants are required to have a minimum 15 parking spaces per 1,000 ft<sup>2</sup> of building area. Under the proposed Chick-fil-A expansion plan, the total building size would be 4,297 ft<sup>2</sup> (475 ft<sup>2</sup> addition), which would require 65 parking spaces. Currently the Chick-fil-A only has 58 parking spaces (the minimum for the current size) and therefore cannot expand due to a shortage of required parking. In addition, the expansion of the drive through to two ordering lanes will remove 9 parking spaces from the site, making the site even less compliant with the old parking standards.
5. Therefore, the applicants are requesting to rezone their property to Highway Commercial Conditional District (HC-CD) in order to remove their established vesting under the 1991 ordinance and become subject to the current zoning ordinance requirements. Current parking requirements are much less for restaurants and businesses in general; one parking space per 500 ft<sup>2</sup> is required. Thus only 9 spaces would be needed under the proposed plan and the expansion could be allowed as shown.
6. Article 2.3.1 of the current Huntersville Zoning Ordinance however requires that when existing buildings not conforming to the current ordinance redevelop or expand, their site must be “brought up to code to the extent practical”. Therefore staff has worked with the applicant during the rezoning review process to add site design elements that would bring the development more in line to current design standards to a reasonable degree. Please see the current site plan below. Such improvements include:
  - Pedestrian connection in the front of the building to connect to Statesville Road.
  - Pedestrian corridor with signage and a stop bar leading from the parking lot to the building; to allow safer passage of pedestrians from the parking lot to the building.
  - The addition of pervious pavement and a “dry well” water quality system that will filter runoff from an estimated 20,000 ft<sup>2</sup> of the parking lot.
  - Additional landscaping and screening of the parking lot.
  - Added notes stating that site lighting and building signage will be brought up to current code standards.
7. Although the parking requirements of the current ordinance are comparatively lower than the old code, it is understood that the parking demands of this specific use at this location is relatively high. Therefore in order to accommodate the need for parking, the applicants have worked with staff to make use of the available on-street parking on Caldwell Creek Drive. Due to the topography of the site along Caldwell Creek Drive, the parking is rarely used. Please see the photo below. However the applicant has proposed adding stairs from Caldwell Creek Drive to the parking lot; along with a cross walk leading to the building. Therefore the parking that is removed from the site for the addition of the extra drive through lane can be replaced with accessible on street parking adjacent to the site. Staff also believes this is a positive addition to the area in general that will make the Chick-fil-A and McDonald’s more accessible to pedestrians from the adjacent hotel.
8. The applicants have also added a note to the plan that states that once the rezoning is approved, all subsequent development of the property will be subject to the current ordinance requirements.
9. The rezoning and removal of vesting for this application only applies to the Chick-fil-A site and has no bearing on the other parcels associated with the existing Northcross conditional rezoning.
10. As of 7/13/15 no protest petitions have been received for this application.
11. A neighborhood meeting for this application was advertised for and held on 5/7/15. A report on the meeting and an attendance list is attached. No one from the public attended the meeting.

# Northcross Conditional Rezoning Plan – Amended 1995



Caldwell Creek Drive; looking east toward Chick-fil-A





## PART 2: REZONING/SITE PLAN ISSUES

- Staff has no major site plan issues with the redevelopment proposed. There are some comments remaining in regard to recommended notes being added to the plan. These notes address flexibility of the uses and design allowed in the rezoning plan and clarification that the rezoning is only proposed to affect the subject property. These notes however are minor and can be corrected after the public hearing is held.

## PART 3: TRANSPORTATION ISSUES

- **NC-73 Interchange Modification Study (TIP project I-5715):** NCDOT is developing an environmental document for the NC-73 interchange modification. Based on Huntersville's environmental screening studies, the NCDOT study includes a potential street connection to Caldwell Creek Drive and Statesville Road. The Town's preferred connector road runs directly in between the subject property and the adjacent McDonald's restaurant to the south. An aerial showing the proposed connection is attached. If the environmental study concludes with this location still as the preferred connection and is ultimately chosen, it could have a significant impact on the circulation and function of the Chick-fil-A site and/or the McDonald's site. With that said, the proposed



connector does not necessarily have a direct impact on the building or drive through expansion currently proposed by Chick-fil-A; and, the impact of the interchange modification would affect the overall subject property whether the business is rezoned and expanded or not. Therefore while staff does not think that accommodation of the connector is imperative to the rezoning approval, it is recommended that the applicant work with staff to understand how the connection will ultimately affect their circulation and parking in the next several years. The current timeline for construction of the interchange modification is fiscal year 2021.



## PART 5: REZONING CRITERIA

Article 11.4.7(d) of the Zoning Ordinance states that “in considering any petition to reclassify property, the Planning Board in its recommendation and the Town Board in its decision shall take into consideration any identified relevant adopted land-use plans for the area including, but not limited to, comprehensive plans, strategic plans, district plans, area plans, neighborhood plans, corridor plans, and other land-use policy documents”.

STAFF COMMENT – Staff finds the proposed use consistent with the following policies of the 2030 Huntersville Community Plan:

- **Policy CD-2: Focus higher intensity development generally within 2 miles of the I-77 and NC 115 corridor.** The proposed drive through facility is a high intensity commercial and automotive oriented use and is consistent with Highway Commercial (HC) type development. The subject location is almost immediately adjacent to I-77 and is therefore appropriately located.
- **Policy E-4: Reduce Outdoor Lighting:** The applicant as part of the rezoning process will switch out any existing non-conforming building lighting to full cut off fixtures that will eliminate glare and light trespass.
- **Policy T-6: Pedestrian Connections:** Sidewalks and pathways are being installed as part of the conditional rezoning that will create pedestrian connections between businesses on Caldwell Creek Road and Statesville Road.

Article 11 Section 11.4.7(e) of the Zoning Ordinance states that: “in considering any petition to reclassify property the Planning Board in its recommendation and the Town Board in its decision should consider:

**1. Whether the proposed reclassification is consistent with the overall character of existing development in the immediate vicinity of the subject property.**

**STAFF COMMENT:**

The property adjacent to the subject property is zoned Highway Commercial (or “B-2” under the 1991 ordinance) and includes high intensity commercial uses such as drive through restaurants, hotels, and big box retail stores. The addition of a second drive through lane and a small building addition will not be out of character with the existing commercial development. In addition, removing the vesting from the “B-2” zoning under the 1991 zoning ordinance and rezoning to the current HC zoning will not be a significant change in uses allowed. The two zoning districts are very similar in intent, which is to allow for retail and commercial uses along major thoroughfares. No doubt this is why the HC designation was used to represent the vested B-2 district on the current regulating map.

**2. The adequacy of public facilities and services intended to serve the subject property, including but not limited to roadways, transit service, parks and recreational facilities, police and fire protection, hospitals and medical services, schools, storm water drainage systems, water supplies, and wastewater and refuse disposal.**

**STAFF COMMENT:**

- Transportation staff has reviewed the proposed addition and determined that the added drive through lane and addition of 475 ft<sup>2</sup> of building would not meet the threshold of trips produced to require a Traffic Impact Assessment to be conducted. The TIA determination is attached for reference.

**3. Whether the proposed reclassification will adversely affect a known archeological, environmental, historical or cultural resource.”**

**STAFF COMMENT:**

Planning staff has no indication that the request will adversely affect known archeological, environmental resources.

**PART 7: PUBLIC HEARING**

The Public Hearing is scheduled for July 20, 2015.

**PART 6: STAFF RECOMMENDATION**

Staff recommends approval of the rezoning with the condition that the remaining comments from staff be addressed.

**PART 7: PLANNING BOARD RECOMMENDATION**

The Planning Board meeting is scheduled for July 28, 2015

**PART 8: CONSISTENCY STATEMENT - R 15-02 Chick-fil-A Expansion**

Planning Department	Planning Board	Board of Commissioners
<p><b>APPROVAL:</b> In considering the proposed rezoning of Petition R15-02, Chick-fil-A expansion, located on Statesville Road, the <b>Planning Staff</b> finds that the rezoning is consistent with the Town of Huntersville 2030 Community Plan (CD-2, E-4, and T-6) and other applicable long range plans. Staff recommends amending the conditional rezoning plan for Chick-fil-A as shown in Rezoning Petition R15-02, subjecting the property to the current Huntersville Zoning Ordinance. It is reasonable and in the public interest to rezone this property because <i>the proposed expansion is minimal, on street parking is available adjacent to the site, and the uses allowed under the current HC ordinance are very similar to the uses existing adjacent to the subject property.</i></p>	<p><b>APPROVAL:</b> In considering the proposed rezoning of Petition R15-02, Chick-fil-A expansion, located on Statesville Road, the <b>Planning Board</b> finds that the rezoning is consistent with the Town of Huntersville 2030 Community Plan and other applicable long range plans. The Planning Board recommends amending the conditional rezoning plan for Chick-fil-A as shown in Rezoning Petition R15-02, subjecting the property to the current Huntersville Zoning Ordinance. It is reasonable and in the public interest to rezone this property because...(explain)</p>	<p><b>APPROVAL:</b> In considering the proposed rezoning of Petition R15-02 Chick-fil-A expansion, located on Statesville Road, the <b>Town Board</b> finds that the rezoning is consistent with the Town of Huntersville 2030 Community Plan and other applicable long range plans. We recommend amending the conditional rezoning plan for Chick-fil-A as shown in Rezoning Petition R15-02, subjecting the property to the current Huntersville Zoning Ordinance. It is reasonable and in the public interest to rezone this property because... (Explain)</p>
<p><b>DENIAL:</b> N/A</p>	<p><b>DENIAL:</b> In considering the proposed rezoning of Petition R15-02 Chick-fil-A Expansion, located on Statesville Road the Planning Board finds that the rezoning is not consistent with the Town of Huntersville 2030 Community Plan and other applicable long range plans. We recommend denial of Rezoning Petition R15-02. It is not reasonable and not in the public interest to rezone this property because..... (Explain)</p>	<p><b>DENIAL:</b> In considering the proposed rezoning of Petition R15-02 Chick-fil-A expansion, located on Statesville road, the Town Board finds that the rezoning is not consistent with the Town of Huntersville 2030 Community Plan and other applicable long range plans. We recommend denial of Rezoning Petition R15-02. It is not reasonable and not in the public interest to rezone this property because..... (Explain)</p>