

**VILLAGE OF CLEMMONS PLANNING BOARD DRAFT
STAFF REPORT**

PETITION INFORMATION	
Docket #	C-213
Staff	Megan Ledbetter
Petitioner(s)	Chickfila
Owner(s)	Hubbard Commercial and Lew-Clem 2551, LLC
Subject Property	2551 Lewisville Clemmons Road
Type of Request	Special Use Zoning District rezoning from HB-S to HB-S
Proposal	<p>The petitioner is requesting to amend the Official Zoning Maps for the subject property from HB-S Highway Business District (Restaurant (w/o drive-through service); Restaurant (w/ drive through service); Office, Miscellaneous; Professional Office; Banking and Financial Services; Services, Business A; Services, Business B; Services, Personal; Building Contractors, General; Building Contractors, Heavy; ABC Store; Building Material Supply; Convenience Store; Food or Drug Store; Furniture and Home Furnishing Store; General Merchandise Store; Hardware Store; Nursery, Lawn and Garden Supply Store, Retail; Retail Store, Specialty or Miscellaneous, Recreation Services, Indoor to HB-S Highway Business District. The petitioner is requesting the following uses:</p> <ul style="list-style-type: none"> • (Restaurant (w/o drive-through service); Restaurant (w/ drive through service); Office, Miscellaneous; Professional Office; Banking and Financial Services; Services, Business A; Services, Business B; Services, Personal; Building Contractors, General; Building Contractors, Heavy; ABC Store; Building Material Supply; Convenience Store; Food or Drug Store; Furniture and Home Furnishing Store; General Merchandise Store; Hardware Store; Nursery, Lawn and Garden Supply Store, Retail; Retail Store, Specialty or Miscellaneous; Recreation Services, Indoor <p>NOTE: Both general and special use district zoning were discussed with the petitioner(s) who decided to pursue the rezoning as presented. With a General use, all uses in the District must be considered.</p>
Zoning District Purpose Statement	<p>The HB District is primarily intended to accommodate retail service and distributive uses. The district is established to provide locations for establishments which require high visibility and good road access, or which cater primarily to passing motorists. However, the district is not intended to encourage or accommodate strip commercial development. Developments in this district generally have substantial front setbacks. This district is intended for application in Growth Management Areas 2, 3, and 4.</p>

Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(S)	(S)(1) - Is the proposal consistent with the purpose statement(s) of the requested zoning district(s)?		
	YES		
GENERAL SITE INFORMATION			
Location	East side of Lewisville-Clemmons Road		
Jurisdiction	Village of Clemmons		
Site Acreage	Approximately ± 1 acre		
Current Land Use	Commercial Development including grocery, retail stores, restaurants (w/o and with drive-through services,), jewelers, apparel store(s), etc.		
Surrounding Property Zoning and Use	Direction	Zoning District	Use
	N	HB and HB-S	Car wash, commercial/retail uses
	E	RM-8 and RS-15	undeveloped
	S	LB and LB-S	offices
	W	HB	Retail, restaurants, office
Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(S)	(S)(2) - Is/are the use(s) permitted under the proposed classification/request compatible with uses permitted on other properties in the vicinity?		
	YES, the proposed use, restaurant, with drive through is permitted under the Highway Business (HB) zoning classification (under table B.2.6, permitted uses) and is compatible with other properties in the vicinity		
Physical Characteristics	The subject site is developed with relatively flat topography.		
Proximity to Water and Sewer	Public water and sewer are available onsite.		
Stormwater/ Drainage	No known issues.		
Watershed and Overlay Districts	The site is not within a water supply watershed.		
Historic, Natural Heritage and/or Farmland Inventories	n/a		
Analysis of General Site Information	The proposed use does not adversely affect the pre-existing development.		
Generalized Recommended Conditions	<u>BRIEF DESCRIPTION OF CONDITION(S):</u> <ul style="list-style-type: none"> • OBTAIN A STORMWATER MANAGEMENT PERMIT • STORMWATER MANAGEMENT PERMIT 		

SITE ACCESS AND TRANSPORTATION INFORMATION					
Street Name	Classification	Frontage	ADT Count	Capacity/LOS D	
Lewisville-Clemmons Road	Major	806'	38000	34,600	
Stadium	Minor	549'	8500	16,100	
Proposed Access Point(s)	Two (2) access points off of Lewisville-Clemmons Road One (1) access point off of Stadium Drive				
Planned Road Improvements	None at this time.				
Trip Generation - Existing/Proposed	<p><u>Existing</u>-HB-S(Auto Parts Sales) 6000/1000X61.91=371 trips per day</p> <p><u>Proposed</u>-HB-S(restaurant with drive-through) approximately 2,347 trips per day, with pass by adjustments peak hour trips</p> <ul style="list-style-type: none"> • AM 33 Enter/23 Exit • Midday 68 Enter/67 Exit • PM 57 Enter/49 Exit 				
Sidewalks	None existing along Lewisville-Clemmons Road or Stadium Drive; the site will be installing sidewalks along the outparcel perimeter				
Transit	The subject site does not have any existing or proposed transit routes.				
Traffic Impact Study (TIS)	A Traffic Impact Study is required and was performed by Ramey Kemp and Associates				
Analysis of Site Access and Transportation Information	<p>Access is provided at two (2) points on Lewisville-Clemmons Road and one (1) point on Stadium Drive.</p> <p>The TIS Report shows that all intersections provide an adequate LOS projection with the construction of the drive-through restaurant.</p>				
Generalized Recommended Conditions	<p><u>BRIEF DESCRIPTION OF CONDITION(S):</u></p> <ul style="list-style-type: none"> • DRIVEWAY PERMIT FROM THE VILLAGE OF CLEMMONS • SIDEWALKS • ISLANDS WITHIN THE PARKING LOT 				
SCHOOL DISTRICT INFORMATION					
Schools Serving Zoning Site	Project Students From Project	2007-2008 Enrolled Students	2007-2008 Projected Students w/ Accumulated Totals	School Capacity	Number of Mobile Classrooms on Site
Clemmons Elementary	0	n/a	n/a	n/a	n/a
Clemmons Middle	0	n/a	n/a	n/a	n/a

West Forsyth High School	0	n/a	n/a	n/a	n/a
School System Remarks and Analysis	n/a				
CONFORMITY TO PLANS AND PLANNING ISSUES					
Legacy GMA	Suburban Neighborhoods (GMA 3)				
Relevant Legacy Recommendations	<ul style="list-style-type: none"> Legacy recommends concentrating highest densities and mixed use development in the city/town centers. 				
Clemmons Community Compass(2010)	This area is denoted as Mixed-Use Commercial in the Clemmons Community Compass and shall provide urban scale retail, commercial, office, and residential along the corridor. The intent of the commercial classification is to promote development or redevelopment of existing commercial corridors to make them accessible by all modes of transportation and to make corridors more visually appealing from the street.				
Thoroughfare Plan Information	The 2030 Long Range Transportation Plan calls for a feasibility study of a fiscally constrained four lane divided highway				
Greenway Plan Information	The subject site is not a designated greenway site.				
Other Applicable Plans and Planning Issues	n/a				
Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(S)	(S)(3) - Have changing conditions substantially affected the area in the petition?				
	No				
	(S)(4) - Is the requested action in conformance with Legacy?				
	Yes, the site is a pre-existing HB-S site.				
Analysis of Conformity to Plans and Planning Issues	The subject property was originally rezoned from single-family residential B-3-S(converted) to HB-S as an original county case, F-839 in March 1988. The total square footage of the center is approximately 125,675 s.f. The approved site plan, F-839 will not be modified for the existing shopping center from a rezoning perspective. The outparcel request will require the tear down of the existing Advance Auto and lot combination to the south for required parking, site plan layout and stack requirements. The proposal is not a rezoning request but a site plan review. All original conditions of the approval have been met and the bufferyard still meets UDO requirements. As part of the site plan review, staff has asked the petitioner to complete the sidewalk along the property frontage at Market Center Drive and to add landscaped islands to help delineate the future road connection through phase II of the overlay redevelopment plan. The site provides outdoor seating, ample stacking room for motorist using the drive-through facility as well as appropriate building form/elevations for this land use designation.				

This request is in conformity with <i>Legacy</i> , as well as, <i>The Clemmons Community Compass (2010)</i>						
RELEVANT ZONING HISTORIES						
Case	Request	Decision & Date	Direction from Site	Acreage	Recommendation	
					Staff	PB
C-082	HB-S to HB-S	Approval 08-28-98	N	1.01	Approval	Approval
C-083	RS-15 to RSQ	Withdrawn 08-28-98	SE	1.31	Denial	Withdrawn
C-114	RM-12-S to RS-15	Approval 05-14-01	S	.43	Approval	Approval
SITE PLAN COMPLIANCE WITH UDO REQUIREMENTS						
Building Square Footage	Square Footage		Placement on Site			
	4730 sq. feet		The southernmost point facing Lewisville-Clemmons Road			
Parking	Required	Proposed		Layout		
	59	39 spaces, 10 stack, 2 handicap and 15 shared parking		Dispersed throughout the site		
Building Height	Maximum			Proposed		
	60'			One story		
Impervious Coverage	Maximum			Proposed		
	85%			Existing impervious coverage(development is not proposing any additional impervious coverage)		
UDO Sections Relevant to Subject Request	<ul style="list-style-type: none"> Chapter B, Article II, Section 2-1.3 (I) 					
Complies with Chapter B, Article VII, Section 7-5.3	(A) <i>Legacy</i> policies:		Yes, <i>Legacy</i> supports infill development and higher densities in urban/town centers.			
	(B) <i>Environmental Ord.</i>		N/A			
	(C) <i>Subdivision Regulations</i>		N/A			
Analysis of Site Plan Compliance with UDO Requirements	The outstanding site plan issues are noted below. It is anticipated that a revised site plan that meets the UDO requirements will be submitted.					
REMAINING SITE PLAN ISSUES						
Issue			Status			
Relocation of the dumpster			Complete			
Continuation of sidewalk and additional islands			Complete			

CONCLUSIONS TO ASSIST WITH RECOMMENDATION

Positive Aspects of Proposal	Negative Aspects of Proposal
Request would permit a new business to occur in an area which is already zoned HB-S and currently is developed.	The proposal will provide an addition of more Trips per Day to the existing site.

SITE-SPECIFIC RECOMMENDED CONDITIONS OF APPROVAL

The following proposed conditions are from interdepartmental review comments and are proposed in order to meet codes or established standards, or to reduce negative off-site impacts.

Note: The following conditions were approved as part of the original zoning for the site, F-839. These conditions have been met as a consequence of previous building permits. New conditions are shown in bold italics.

PRIOR TO THE ISSUANCE OF GRADING PERMITS:

- a. *Developer shall submit a stormwater management permit for review and approval.*

PRIOR TO THE ISSUANCE OF BUILDING PERMITS:

- a. The Health Department shall approve the septic field for the proposed uses.
- b. Developer shall dedicate 50 feet from the center line of Lewisville-Clemmons Road for right-of-way to the NCDOT.
- c. Out parcels A and B must have a final development plan approval by the City-County Planning Board and County Commissioners.
- d. *Developer shall submit building elevations for review and approval to the Village of Clemmons Planning Board*
- e. *Developer shall complete a recombination of the two outparcels as shown on the site plan and record the plat at the Forsyth County Register of Deeds.*

PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS:

- a. A sign shall be placed at the entrance of Brookland Drive designating it as a service entrance only.
- b. The developer shall construct a right hand deceleration lane and left turn lane into the main entrance on Lewisville-Clemmons Road and a right hand turn on Lewisville-Clemmons Road at the corner of Stadium Drive. Said turn lanes are to be constructed in accordance with the standards of NCDOT.
- c. Developer is to install a left hand turn lane on Stadium Drive from Lewisville-Clemmons Road up to a point 100 feet east of the intersection with Brookland Drive. Said turn lane is to be constructed in accordance with NCDOT.
- d. A 15' bufferyard of screen type "A" shall be installed where this property abuts residential zoning
- e. *Developer shall submit a stormwater occupancy permit for review and approval.*
- f. *Developer shall submit a photometric lighting plan that denotes that no more than 1/2 foot candle of light disbursement over the property line.*
- g. *Developer shall delineate heavy duty truck circulation route on the proposed site plan.*
- h. *The developer shall install three landscaped medians in the immediate vicinity shown on the site plan. Exact configuration, size and planting restrictions will be determined in the field by mutual agreement of the developer, the property owner, and the Village of Clemmons, it being expressly understood that the landscape islands will not reduce the existing number of parking spaces in the center, nor materially affect traffic flow. It is further understood that tenants in the center retain certain rights of approval of changes made to the common areas of the center, and while property owner will make good faith efforts to obtain any necessary approvals, if any, its failure to do so will result in a lapse of this condition.*

OTHER REQUIREMENTS:

- a. The driveways on out parcel A and B shall be combined, creating only two drives for both parcels on the eastern portion of these sites.
- b. Petitioner to reserve land for a 60 foot right-of-way for a possible road connecting with Brookland Drive and James Street, including the alignment with Brookland Drive. If a decision is made to construct such a road, the petitioner shall dedicate the right of way to NCDOT.
- c. *Developer shall provide 15 parking spaces in the shopping center for overflow parking requirements for the proposed development.*

STAFF RECOMMENDATION: APPROVAL

NOTE: These are **staff comments** only; final recommendations on projects are made by the Village of Clemmons Planning Board, with final decisions being made by the appropriate Elected Body, who may approve, deny, table or request modification for any project. **THE APPLICANT OR REPRESENTATIVE IS STRONGLY ENCOURAGED TO ATTEND THE PUBLIC HEARINGS WHERE THE CASE WILL BE CONSIDERED BY THE PLANNING BOARD AND THE ELECTED BODY.**