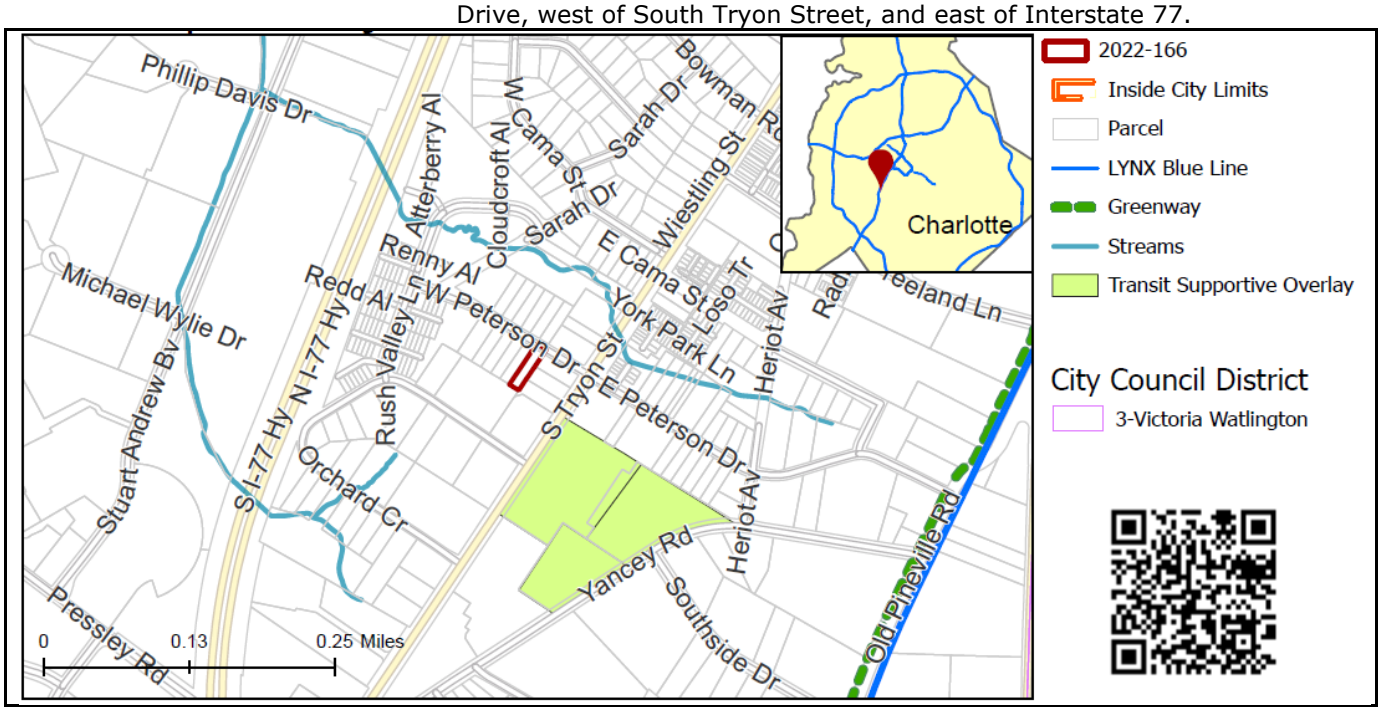
CHARLOTTE
PLANNING, DESIGN & DEVELOPMENT

Rezoning Petition 2022-166
Post Hearing Staff Analysis
May 2, 2023

REQUEST	Current Zoning: R-5 (single family residential) Proposed Zoning: TOD-NC (transit oriented development, neighborhood center)
LOCATION	Approximately 0.23 acres located on the south side of West Peterson Drive, west of South Tryon Street, and east of Interstate 77.



SUMMARY OF PETITION	The petition proposes to allow all uses in the TOD-NC zoning district on a parcel currently developed with one single family home.
PROPERTY OWNER	Shirley and Larry Hicks
PETITIONER	Boulevard Real Estate Advisors, LLC
AGENT/REPRESENTATIVE	John Carmichael, Robinson Bradshaw
COMMUNITY MEETING	Meeting is not required.

STAFF RECOMMENDATION

Staff recommends approval of this petition.

Plan Consistency

The petition is **inconsistent** with the *2040 Policy Map* recommendation for Neighborhood 1.

Rationale for Recommendation

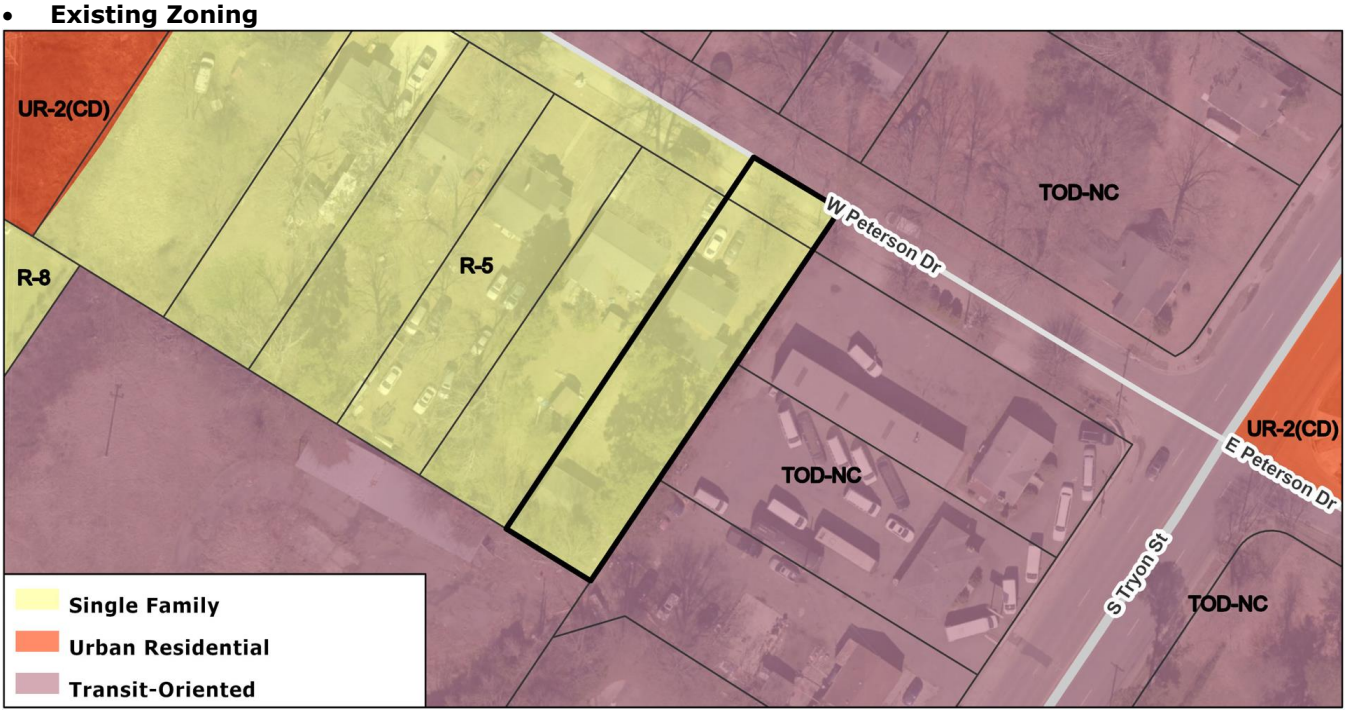
- The site is within a 1-mile walk of the Scaleybark Station.
- The TOD-NC district may be applied to parcels within a 1-mile walking distance of an existing rapid transit station or within a 1-mile walking distance of an adopted Metropolitan Transit Commission (MTC) alignment station location.
- The site is immediately adjacent to other parcels recently rezoned to TOD-NC by the same petitioner, Boulevard Real Estate Advisors, LLC.
- The TOD-NC zoning district has required height transitions built into the regulations that provide protections to neighboring single family uses. As a result, although this site is adjacent to other R-5 parcels, it will be subject to the prescribed TOD-NC height caps which ensure a contextually sensitive transition into lower density uses.

- If approved, the site's designated Place Type would be Neighborhood Center. The application of Neighborhood Center is appropriate when adjacent to Neighborhood 1, and this rezoning would add to the existing swath of Neighborhood Center that it shares boundaries with.
- The use of conventional TOD-NC zoning applies standards and regulations to create the desired form and intensity of transit supportive development, and a conditional rezoning is not necessary.
- TOD standards include requirements for appropriate streetscape treatment, building setbacks, street-facing building walls, entrances, and screening.
- The petition could facilitate the following *2040 Comprehensive Plan* Goals:
  - 1: 10 Minute Neighborhoods
  - 4: Trail & Transit Oriented Development
  - 5: Safe & Equitable Mobility
  - 6: Healthy, Safe & Active Communities

The approval of this petition will revise the recommended place type as specified by the *2040 Policy Map*, from Neighborhood 1 to Neighborhood Center for the site.

PLANNING STAFF REVIEW

- **Proposed Request Details**
  This is a conventional rezoning petition with no associated site plan.
  - Allows all uses in the TOD-NC (transit oriented development, neighborhood center) zoning district.
- **Existing Zoning**



  - The site is currently zoned R-5 and is in an area with TOD-NC, UR-2(CD), R-8, and R-5 zoning.

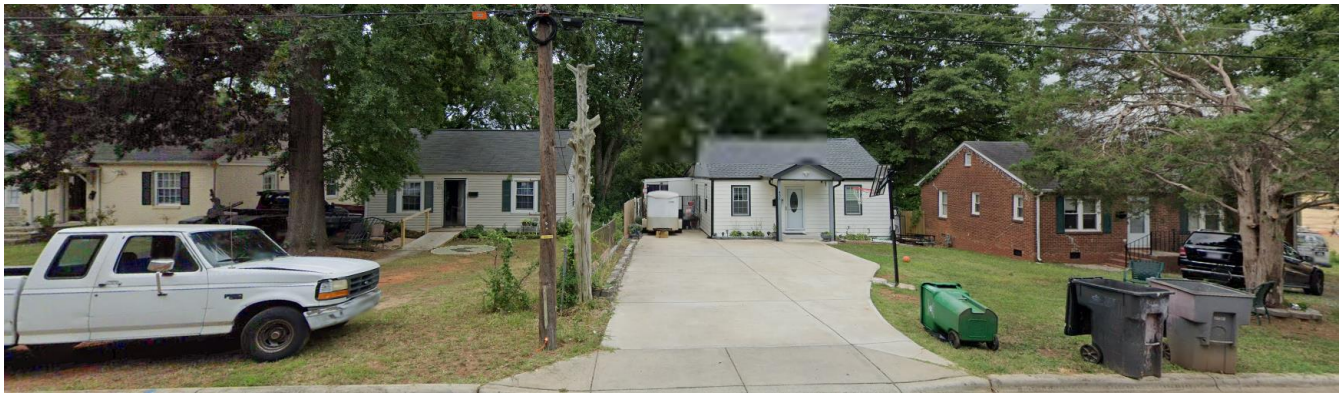
Existing Zoning	Translated Zoning	Recommended Place Type
R-5 (single family residential)	N1-C (neighborhood 1, C)	Neighborhood 1

- The subject site is denoted with a red star and is in an area with office, commercial, light industrial, institutional, and a mix of residential uses.

- North of the site are single family homes.

- East of the site is a warehouse and office uses.

- The lot to the south of the site is vacant.

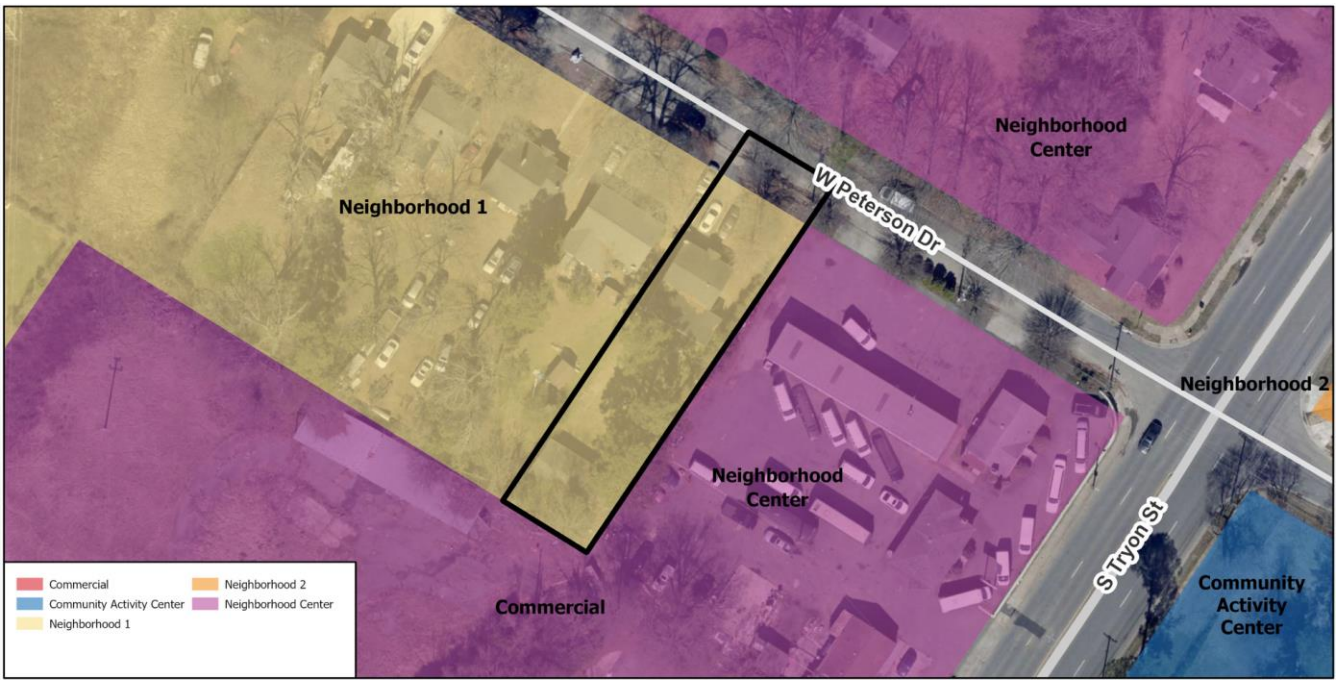


- West of the site are single family homes.

- **Rezoning History in Area**

Petition Number	Summary of Petition	Status
2018-117	Rezoned 4.02 acres from R-8 and MUDD(CD) to UR-2(CD).	Approved
2020-054	Rezoned 13.27 acres from R-8 to UR-2(CD).	Approved
2021-076	Rezoned 5.74 acres from I-2(TS-O), O-2 and R-8 to TOD-NC.	Approved
2021-217	Rezoned 3.513 acres from B-2 and R-8 to TOD-NC.	Approved
2021-218	Rezoning 3.68 acres from R-5 to TOD-NC.	Approved
2022-001	Rezoned 2.99 acres from I-2(TS-O) and R-8 to TOD-NC.	Approved

- **Public Plans and Policies**



  - The *2040 Policy Map* (2022) calls for Neighborhood 1 for the site.

- **TRANSPORTATION SUMMARY**
  - The site is located on the south side of West Peterson Drive, a City-maintained local street west of South Tryon Street, a State-maintained major throughfare. 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 during the permitting process the site generates more than 2,500 daily trips, then a traffic study will be required. The site will be subject to transportation improvements in accordance with the TOD Ordinance and the adopted CDOT Streets Map. CDOT will work with the petitioner during the permitting process to pursue all options to provide additional forms of connectivity that reflect the types of development associated with the TOD-zoned areas.
- **Active Projects:**
  - There are no active transportation projects near the site.
- **Transportation Considerations**
  - No outstanding issues.
- **Vehicle Trip Generation:**

  Current Zoning:

  Existing Use: 10 trips per day (based on one dwelling unit).

  Entitlement: 10 trips per day (based on one dwelling unit).

  Proposed Zoning: Too many uses to determine trip generation.

DEPARTMENT COMMENTS

- **Charlotte Area Transit System:** No comments submitted.
- **Charlotte Department of Housing and Neighborhood Services:** No comments submitted.
- **Charlotte Department of Solid Waste Services:** No comments submitted.
- **Charlotte Fire Department:** No comments submitted.
- **Charlotte-Mecklenburg Schools:** The conventional district allows a variety of uses; therefore, the impact on local schools cannot be determined.
- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 2-inch water distribution main located along West Peterson Drive. Charlotte Water has accessible sanitary sewer system infrastructure for the rezoning boundary via an existing 8-inch gravity sewer main located along West Peterson Drive. No outstanding issues.
- **Erosion Control:** No comments submitted.
- **Mecklenburg County Land Use and Environmental Services Agency:** See advisory comments at www.rezoning.org

- **Mecklenburg County Parks and Recreation Department:** No comments submitted.
- **Stormwater Services Land Development Engineering:** No comments submitted.
- **Storm Water Services:** No comments submitted.
- **Urban Forestry / City Arborist:** No comments submitted.

Additional information (department memos, site plans, maps etc.) online at www.rezoning.org
Planner: Holly Cramer (704) 353-1902