



Zoning Committee

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**REQUEST**

Current Zoning: R-8 (single family residential)  
Proposed Zoning: TOD-NC (transit oriented development, neighborhood center)

**LOCATION**

Approximately 5.807 acres located on the south and north side of Orchard Circle, west of South Tryon Street, and east of Interstate 77.  
(Council District 3 - Watlington)

**PETITIONER**

Boulevard Real Estate Advisors, LLC

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**ZONING COMMITTEE ACTION/ STATEMENT OF CONSISTENCY**

The Zoning Committee voted 6-0 to recommend APPROVAL of this petition and adopt the consistency statement as follows:

**To Approve:**

This petition is found to be **inconsistent** with the *Scaleybark Transit Station Area Plan (2008)* based on the information from the staff analysis and the public hearing, and because:

- The plan recommends residential uses up to eight DUA for the site.

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:

- The site is within a 1-mile walk to 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 TOD-NC zoning district maintains the high level of design standards associated with the TOD-UC zoning district, but TOD-NC is more appropriate for this site due to its surrounding context of more moderately intense uses, as compared to the high intensity uses just east and southeast of the site along Yancey Road and Old Pineville Road.
- 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 approval of this petition will revise the adopted future land use as specified by the *Scaleybark Transit Station Area Plan* (2008), from residential uses up to eight DUA to transit oriented development for the site.

Motion/Second: Spencer / Blumenthal  
 Yeas: Blumenthal, Ham, Rhodes, Samuel, Spencer and 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 adopted area plan.

The Zoning Committee considered petitions 2021-217, 2021-218, and 2021-225 in conjunction given the direct adjacency of the three petitions and the shared petitioner. Chairperson Samuel commented that at the public hearing she requested a copy of the mailing list and attendee list of the community meeting which was held by the petitioner despite it not being required for conventional petitions. Chairperson Samuel commented that these lists were requested due to a suspected discrepancy in the owners of the homes in the area and the actual residents of those homes given that many of them may be rented out. Chairperson Samuel noted that the mailing list for the community meeting was rather large but attendance was low, implying a gap between who actually lives in the area and who owns the homes; which creates a situation where residents who are renting may have been unaware of the community meeting since the mailing lists are compiled with the names of property owners in the area.

There was no further discussion of this petition.

**PLANNER**

Holly Cramer (704) 353-1902