



Zoning Committee Recommendation

Rezoning Petition 2021-217

June 7, 2022

REQUEST

Current Zoning: B-2 (general business) and R-8 (single family residential)

Proposed Zoning: TOD-NC (transit oriented development, neighborhood center)

LOCATION

Approximately 3.513 acres located at the northwest intersection of Orchard Circle and South Tryon Street, east of Interstate 77, and south of West Peterson Drive.

(Council District 3 - Watlington)

PETITIONER

Boulevard Real Estate Advisors, LLC

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 **consistent and 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 calls for single family residential uses up to eight DUA; and
- The plan recommends retail uses for a portion of 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 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.
- Immediately adjacent to the site are other parcels zoned TOD-NC.
- 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 of uses along South Boulevard and Old Pineville Road, just east of the site.

- 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 single family residential uses 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