

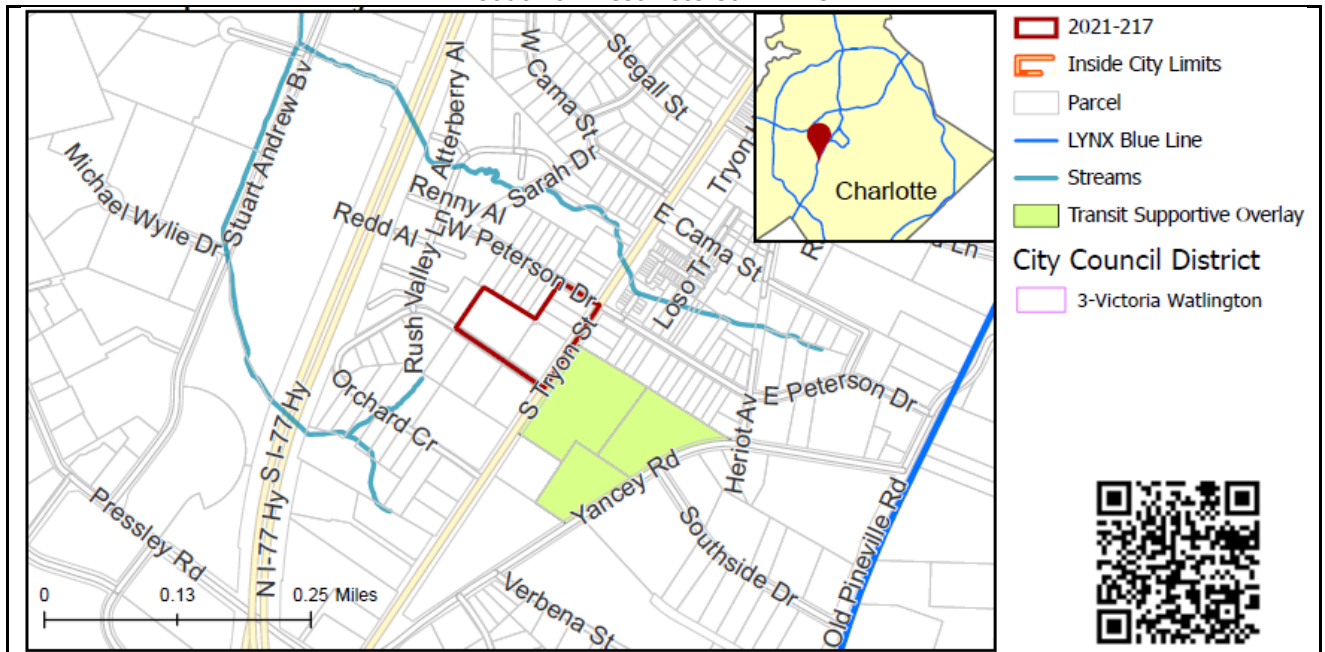
## REQUEST

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.



## SUMMARY OF PETITION

The petition proposes to allow all uses in the TOD-NC zoning district on parcels currently developed with some office and retail uses. A majority of the site is vacant with remnants of previous development such as concrete pads.

## PROPERTY OWNER

Piedmont-Sunset, LLC; Darryl Norman and Karen Norman

## PETITIONER

Boulevard Real Estate Advisors, LLC

## AGENT/REPRESENTATIVE

John Carmichael

## COMMUNITY MEETING

Meeting is not required.

## STAFF RECOMMENDATION

Staff recommends approval of this petition.

### Plan Consistency

The petition is **inconsistent** with the *Scaleybark Transit Station Area Plan* (2008) recommendation for single family residential uses up to eights dwelling units per acre (DUA), but **consistent** with the plan's recommendation for retail.

### 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.
- 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.

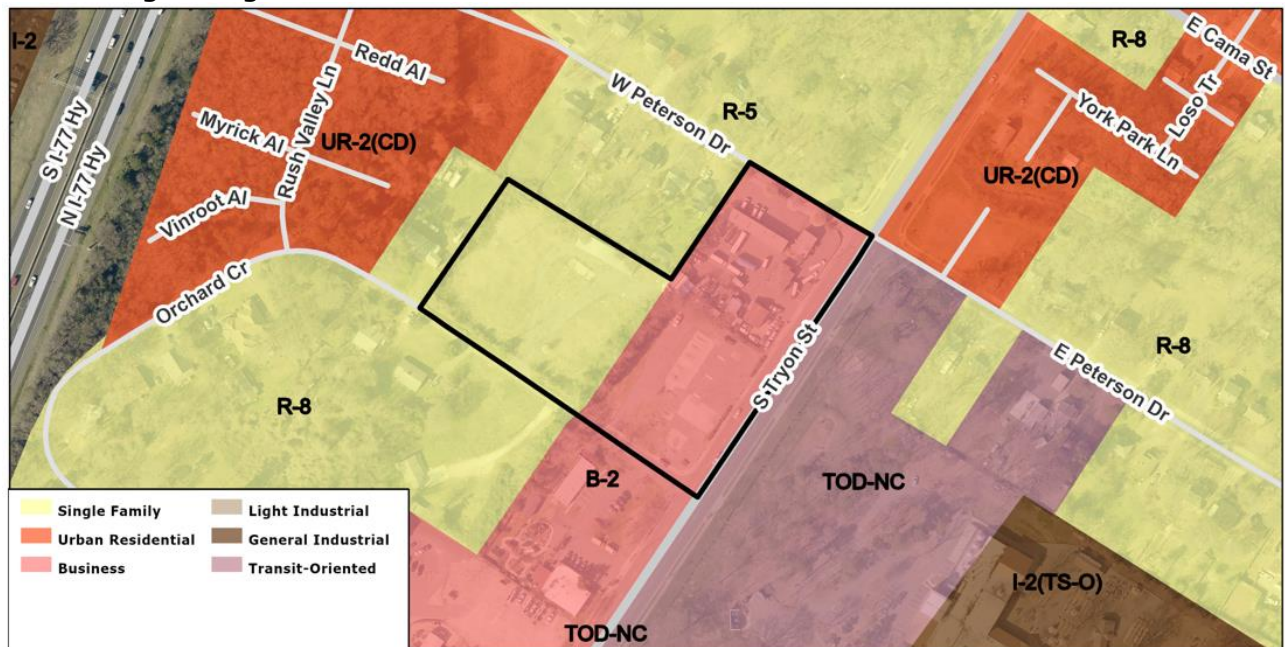
### PLANNING STAFF REVIEW

- **Proposed Request Details**

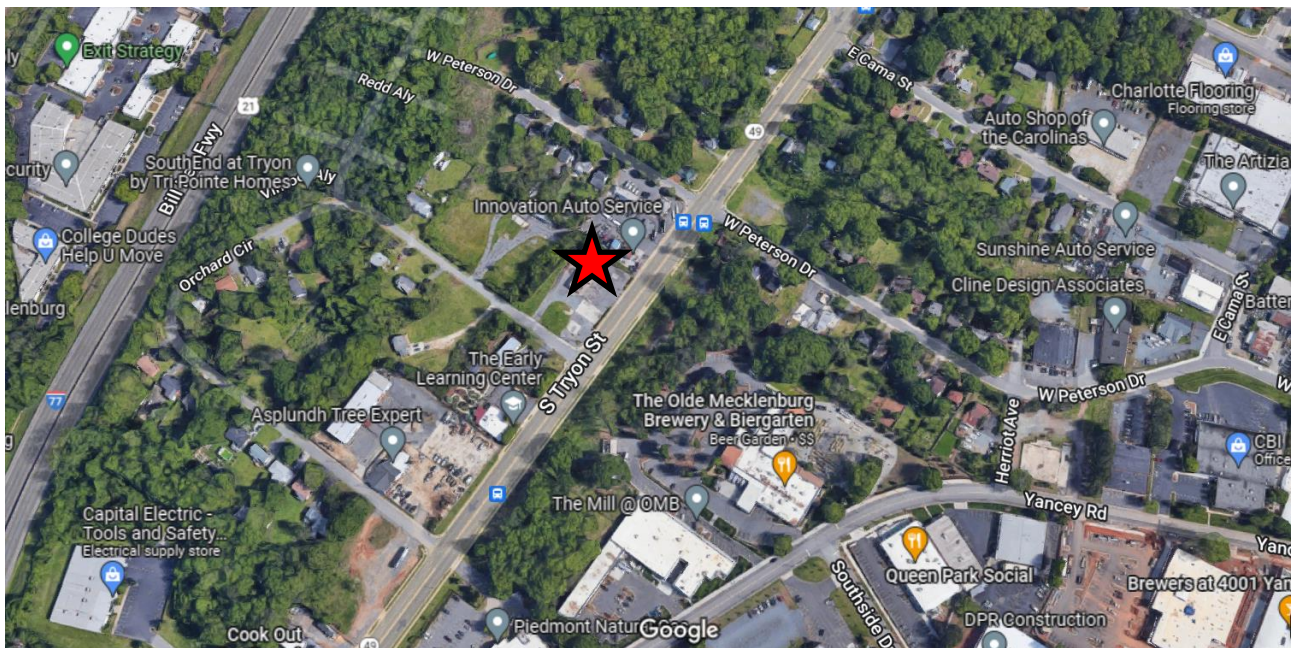
This is a conventional rezoning petition with no associated site plan.

- Allows all uses in the TOD-NC (transit oriented development – neighborhood center) zoning district.

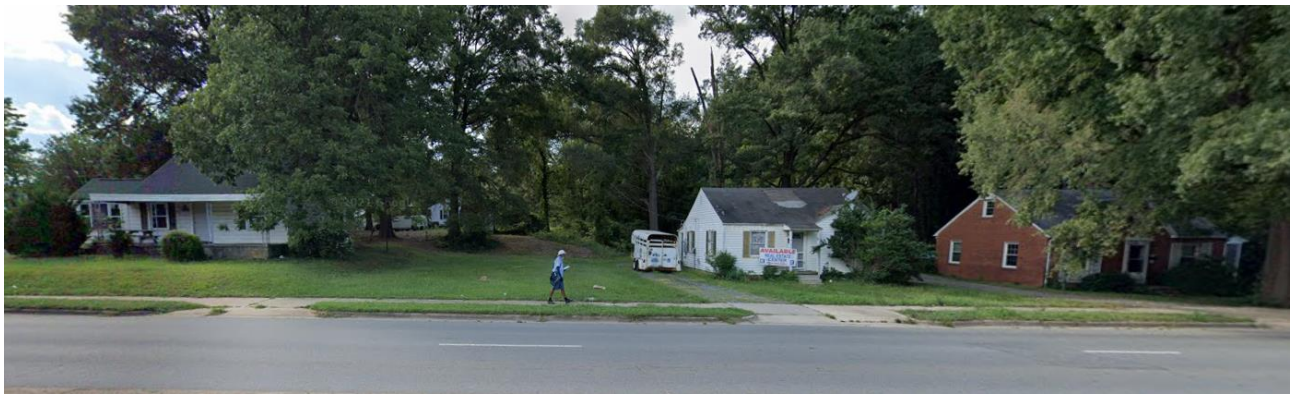
- **Existing Zoning and Land Use**



- The site is currently zoned B-2 and R-8 and is in an area with single family residential, office, retail, institutional, and industrial uses.



- The subject site is denoted with a red star.



- North of the site are single family homes.



- East of the site is the parking area for The Old Mecklenburg Brewery and some office and single family residential uses.

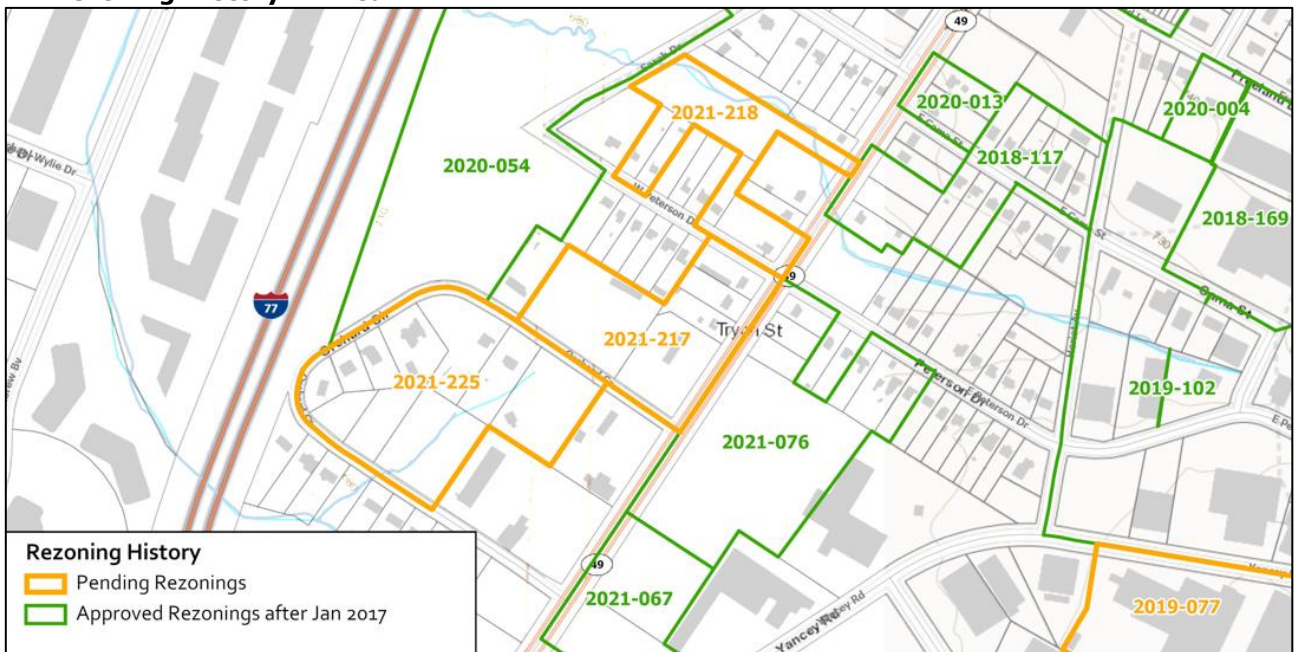


- South of the site is a preschool and tree removal business.



- West of the site are single family homes and a vacant area that was recently rezoned to UR-2(CD) to allow for the development of 94 townhomes.

#### • 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

2018-169	Amendment to zoning ordinance to replace 3 existing transit oriented development districts with 4 new transit oriented development districts and regulations. The amendment resulted in 3 existing conventional districts translating to the new TOD-CC +.	Approved
2019-077	Rezoning 5.10 acres from MUDD-O to MUDD-O SPA.	Pending
2019-102	Rezoned 1,7771.18 acres under a range of zoning districts to TOD-UC, TOD-NC, TOD-CC, or TOD-TR.	Approved
2020-004	Rezoned 0.76 acres from R-8 to TOD-TR.	Approved
2020-013	Rezoned 0.613 acres from R-8 to UR-C(CD).	Approved
2020-054	Rezoned 13.27 acres from R-8 to UR-2(CD).	Approved
2021-067	Rezoned 3.45 acres from I-2 to TOD-NC.	Approved
2021-076	Rezoned 5.74 acres from I-2(TS-O), O-2 and R-8 to TOD-NC.	Approved
2021-218	Rezoning 3.68 acres from R-5 to TOD-NC.	Pending
2021-225	Rezoning 5.807 acres from R-8 to TOD-NC.	Pending

• **Public Plans and Policies**



- The *Scaleybark Transit Station Area Plan* (2008) recommends single family residential uses up to 8 DUA and retail on the site.

• **TRANSPORTATION SUMMARY**

- The site is located adjacent to Tryon Street, a State-maintained major thoroughfare and Orchard Circle a City-maintained local street. This site is requesting a TOD-NC zoning and 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 in the TOD-zoned areas.
- **Active Projects:**
  - There are no active projects near this site.
- **Transportation Considerations**
  - No outstanding issues.
- **Vehicle Trip Generation:**

Current Zoning:

Existing Use: 80 trips per day (based on 4,560 square feet of warehouse and office).  
Entitlement: 3,890 trips per day (based on 52,650 square feet of retail).  
Proposed Zoning: Too many uses to determine the trip generation.

**DEPARTMENT COMMENTS** (see full department reports online)

- **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:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Erosion Control:** No comments submitted.
- **Mecklenburg County Land Use and Environmental Services Agency:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Mecklenburg County Parks and Recreation Department:** No comments submitted.
- **Stormwater Services Land Development Engineering:** No comments submitted.
- **Storm Water Services:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Urban Forestry / City Arborist:** No comments submitted.

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**See Attachments (applications, department memos, maps etc.) Online at [www.rezoning.org](http://www.rezoning.org)**





**Planner:** Holly Cramer (704) 353-1902









## Goals Relevant to Rezoning Determinations

### Rezoning Petition # 2021-217

The following table represents an overview of the relationship between the **Charlotte Future 2040 Comprehensive Plan** and **Rezoning Petitions**. This is an evolving analysis that is expected to be refined when **Policy Mapping** is completed and adopted (anticipated early 2022).

Please note: not all goals will apply to all rezoning petitions.

Goals	Goal Description	Relationship to Charlotte Future 2040 Comprehensive Plan
	<b>Goal 1: 10- Minute Neighborhoods</b> All Charlotte households should have access to essential amenities, goods, and services within a comfortable and tree-shaded 10-minute walk, bike, or transit trip by 2040. Not all neighborhoods are expected to include every essential amenity, good, or service, but every resident should have access within a ½ mile walk or a 2-mile bike or transit ride.	✓
	<b>Goal 2: Neighborhood Diversity &amp; Inclusion</b> Charlotte will strive for all neighborhoods to have a diversity of housing options by increasing the presence of middle density housing (e.g. duplexes, triplexes, fourplexes, townhomes, accessory dwelling units, and other small lot housing types) and ensuring land use regulations allow for flexibility in creation of housing within existing neighborhoods.	N/A
	<b>Goal 3: Housing Access for All</b> Charlotte will ensure opportunities for residents of all incomes to access affordable housing through the preservation of naturally occurring affordable and workforce housing and increasing the number of affordable and workforce housing units through new construction.	N/A
	<b>Goal 4: Trail &amp; Transit Oriented Development (2-TOD)</b> Charlotte will promote moderate to high-intensity, compact, mixed-use urban development along high-performance transit lines and near separated shared-use paths or trails.	✓

	<p><b>Goal 5: Safe &amp; Equitable Mobility</b></p> <p>Charlotte will provide safe and equitable mobility options for all travelers regardless of age, income, ability, race, where they live, or how they choose to travel. An integrated system of transit and tree-shaded bikeways, sidewalks, shared-use paths, and streets will support a sustainable, connected, prosperous, and innovative network that connects all Charlotteans to each other, jobs, housing, amenities, goods, services and the region.</p>	
	<p><b>Goal 6: Healthy, Safe &amp; Active Communities</b></p> <p>All Charlotteans will live and work in safe and resilient neighborhoods that enable healthy and active lifestyles by reducing exposure to harmful environmental contaminants, expanding and improving the quality of tree canopy, encouraging investment in walking, cycling, and recreation facilities, and providing access to healthy food options and healthcare services.</p>	
	<p><b>Goal 7: Integrated Natural &amp; Built Environments</b></p> <p>Charlotte will protect and enhance its surface water quality, tree canopy, and natural areas with a variety of trees, plantings, green infrastructure, green building practices, and open space at different scales throughout the entire community as a component of sustainable city infrastructure that addresses the threat of climate change.</p>	<p>N/A</p>
	<p><b>Goal 8: Diverse &amp; Resilient Economic Opportunity</b></p> <p>Charlotteans will have opportunity for upward economic mobility through access to a diverse mix of jobs and careers that align with education and skill levels of residents and the economic strengths of the region.</p>	<p>N/A</p>
	<p><b>Goal 9: Retain Our Identity &amp; Charm</b></p> <p>Charlotte will cultivate community-driven placemaking and identity, while limiting displacement and retaining the essence of existing neighborhoods by intentionally directing redevelopment.</p>	<p>N/A</p>
	<p><b>Goal 10: Fiscally Responsible</b></p> <p>Charlotte will align capital investments with the adopted growth strategy and ensure the benefit of public and private sector investments benefit all residents and limit the public costs of accommodating growth</p>	<p>N/A</p>