



Zoning Committee

Zoning Committee Recommendation

Rezoning Petition 2021-217

July 5, 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 *2040 Policy Map* (2022) based on the information from the staff analysis and the public hearing, and because:

- The policy map recommends Commercial on a portion of the site, which although intended for auto-centric destinations, does accommodate uses such as retail and personal services which are allowed in the TOD-NC district; and
- The policy map recommends Neighborhood 1 on 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 as well as areas designated as Community Activity Centers under the *2040 Policy Map*.

- 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 recommended Place Type as specified by the *2040 Policy Map* (2022), from Neighborhood 1 and Commercial Place Types to Neighborhood Center for the site.

Motion/Second: Barbee / Gaston

Yeas: Barbee, Gaston, Gussman, Harvey, Samuel Russell

Nays: None

Absent: Rhodes

Recused: None

ZONING COMMITTEE DISCUSSION

Staff provided a summary of the petition and noted that it is inconsistent with the *2040 Policy Map*.

Commissioner Russell noted that TOD districts are intended for transit areas and asked staff how the rezoning site was being identified as a transit area that is applicable for the application of a TOD zoning district. Staff explained that the petition meets TOD-NC applicability standards of being within a 1-mile walk of an existing light rail station and the rezoning is in an area with a number of other TOD zoned parcels as this area transitions away from lower density and industrial uses to transit supportive projects as evidenced by the parcels adjacent to the site already zoned TOD-NC.

Commissioner Russell asked staff why the petition was being recommended for approval despite it being inconsistent with the adopted Place Type. Staff replied that the sites for petitions 2021-217, 2021-218, and 2021-225 all met criteria used to evaluate minor map amendments to the adopted *2040 Policy Map*. The criteria met by these petitions to amend the adopted Place Type to Neighborhood Center (NAC) included proximity to Neighborhood 1 (N1), Neighborhood 2 (N2), Innovation Mixed Use (IMU), and Community Activity Center (CAC) Place Types as well as locational criteria that the sites not be located in Uptown and be adjacent to N1 or N2 Place Types. Staff also explained that a NAC Place Type for these three petition sites helps

establish a transition from the more intense uses seen east of this area into the surrounding neighborhoods that border the petitions.

Commissioner Barbee asked staff how the petitioner will accommodate the land uses supported in the N1 and Commercial Place Types and acknowledged that there is no site plan to review given that these are conventional petitions. Staff responded that the adopted Place Types would be amended to Neighborhood Center if the rezoning is approved, and the uses allowed in the TOD-NC zoning district are supported by the NAC Place Type.

Commissioner Samuel noted that although a community meeting was not required for this petition, one was held anyway. However, there was no attendance at the community meeting and Commissioner Samuel raised questions over whether the standard practice of sending mailed meeting notices to the home and business owners is sufficient in reaching out. Commissioner Samuel added that the majority of those living in this area may be renters and may not have known about the meeting.

Commissioner Russell asked staff to explain the 2040 Comprehensive Plan Goal Sheets that are attached to the staff analyses and specifically what the checkmarks, "X"s, and "N/A"s mean in regard to the petitions. Staff replied that the checkmarks denote that the correlated goal is being facilitated by the petition, the "X"s mean that the correlated goal is not being facilitated by the petition, and the "N/A"s mean that the correlated goal is not specifically applicable to that petition based on the proposed district and land uses.

There was no further discussion of this petition.

PLANNER

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