



Zoning Committee

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**REQUEST**

Current Zoning: B-2(CD) (general business, conditional)  
Proposed Zoning: TOD-NC (transit oriented development-neighborhood center)

**LOCATION**

Approximately 1.89 acres located on the east side of Lambeth Drive, north of North Tryon Street, and west of West Eastway Drive  
(Council District 1 - Anderson)

**PETITIONER**

Kennedy Properties LLC

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**ZONING COMMITTEE ACTION/ STATEMENT OF CONSISTENCY**

The Zoning Committee voted 4-2 to recommend APPROVAL of this petition and adopt the consistency statement as follows:

**To Approve:**

This petition is found to be **inconsistent** with the *2040 Policy Map* (2022) based on the information from the staff analysis and the public hearing, and because:

- The map recommends Neighborhood 1 place type.

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 adjacent to multifamily residential, mobile home park, a daycare, a pre-K and commercial uses.
- The parcel's current B-2(CD) zoning would allow a range of commercial uses including some auto oriented uses that would not provide appropriate transition to adjacent educational and residential uses.
- The site is adjacent to areas recommended for Neighborhood Center.
- The site is within 100 ft of the proposed alignment of the Cross Charlotte Trail (Segment 8, North Tryon St to Orr Rd)
- The TOD-NC district may be applied to parcels within 1 mile of a rapid transit station.
- The site is within a ½ mile walk of the Old Concord Rd. station on the Lynx Blue Line.

- The site is located a block off N. Tryon St. in an area with recent rezonings to TOD designations.
  - The proposed zoning would allow the site to be developed with transit supportive uses compatible with existing development and recent redevelopment occurring in the area.
  - 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 Place Type to Neighborhood Center Place Type for the site.

Motion/Second: Welton / Gaston  
 Yeas: Gaston, Gussman, Harvey, Lansdell, Russell, Welton  
 Nays: Harvey, Lansdell  
 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 Lansdell stated that if you look at the larger picture it is a tough walk to the transit station and with the issues of transportation and its location next to the Cross Charlotte Trail feels like there could be better options. Commissioner Welton asked where the Cross Charlotte Trail was in relation to the petition. Staff showed the map showing the planned route for the Cross Charlotte Trail and noted it would go along Hillsborough Ave and then north of the mobile home park. Although it is called the North Tryon segment it is located within the neighborhood north of N. Tryon.

Commissioner Gussman asked Commissioner Lansdell about his concerns with TOD-NC. Commissioner Lansdell expressed concerns of how effective the proposed zoning would be this far away from the transit station, heading back into the neighborhood. The commissioners questioned if the site was within a 1/2 to the station as the crow flies or walk distance. Staff clarified it was 1/2 mile walk distance. Staff showed the recommended land use map and pointed at adjacent to the site is Neighborhood Center place type which is appropriate for TOD. Staff noted that although the petition is conventional it would extend Platform Way, thus allowing pedestrians to walk to the nearest station without having to walk along N. Tryon. Staff also noted that they looked at the surrounding uses, the parcel to the

south recommended for Neighborhood 1 is a day care, across the street is early childhood education, north is a mobile home park and east is multi-family and south are commercial uses.

Commissioner Welton noted that he can rely on staff's determination that it meets the criteria for TOD zoning and while it may not be an easy walk to the station it is adjacent to future trail. Commissioner Russell said this is a good opportunity for development but questions if TOD is the right choice due to the walk distance to the station. Commissioner Welton noted that TOD zoning allows other uses and some might be trip destinations rather than trip originations. Commissioner Gussman noted that this level of TOD can be a transitional use and a better fit than the current B-2 zoning. Staff clarified that TOD-NC can be applied to areas within 1 mile of the transit station and it is right at ½ mile walk distance.

There was no further discussion of this petition.

#### **MINORITY OPINION**

Commissioner Harvey stated he agreed with statements made by Commissioner Lansdell but in summary it is an issue of safe and equitable mobility. Commissioner Lansdell added stating his concern is that it is pushing TOD-NC a bit too far away from the station and fails to understand how this would be beneficial.

#### **PLANNER**

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