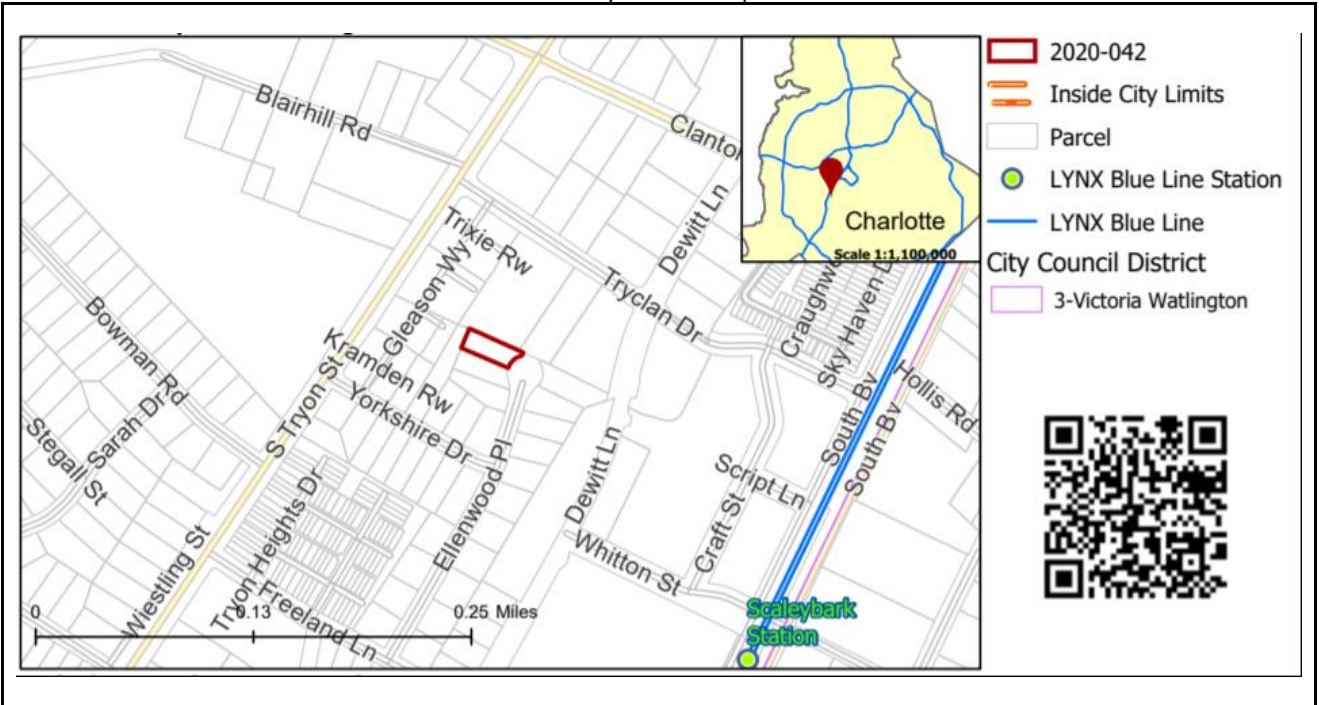


**REQUEST**

Current Zoning: R-5 (single family residential)  
Proposed Zoning: O-1(CD) (office, conditional)

**LOCATION**

Approximately 0.236 acres located east of South Tryon Street, south of Tryclan Drive, and west of Dewitt Lane.



**SUMMARY OF PETITION**

The petition proposes to allow off-street surface parking on a parcel used for parking and storage of materials by the adjacent business operators.

**PROPERTY OWNER**

Preston Properties, LLC ; SCP Property Holdings, LLC ; and Revocable Trust of Melinda Ann Presson

**PETITIONER**

Chris Branch/Boulevard Real Estate Advisors, LLC

**AGENT/REPRESENTATIVE**

John Carmichael/Robinson Bradshaw

**COMMUNITY MEETING**

Meeting is required and has been held. Report available online.  
Number of people attending the Community Meeting: 4

**STAFF  
RECOMMENDATION**

Staff recommends approval of this petition.

Plan Consistency

The petition is **inconsistent** with the the *Scaleybark Transit Station Area Plan* recommendation of residential up to 5 units per acre with the following note: "Similarly, the single family properties on Ellenwood Place and Yorkshire Drive are recommended for residential at 4 du/a. However, if all property owners agree and the land is consolidated, redevelopment for TOD-Mixed would be appropriate. If redevelopment occurs, street connections to Dewitt Lane and Tryclan should be provided."

Rationale for Recommendation

- The parcel is located at the end of the street and will serve as an interim buffer between TOD zoning and single family residential uses.
- The project will be required to buffer all property lines abutting residential uses and/or zoning per ordinance.
- The proposed rezoning plan has included language restricting use of the proposed vehicular access point to and from Ellenwood Place.
- The proposed rezoning plan incorporates possible amenities on the parcel, prohibiting dwelling units or habitable structures.

The approval of this petition will revise the adopted future land use as specified by the *Scaleybark Transit Station Area Plan*, from current recommended residential up to 5 units per acre to the new recommended office use for the site.

## PLANNING STAFF REVIEW

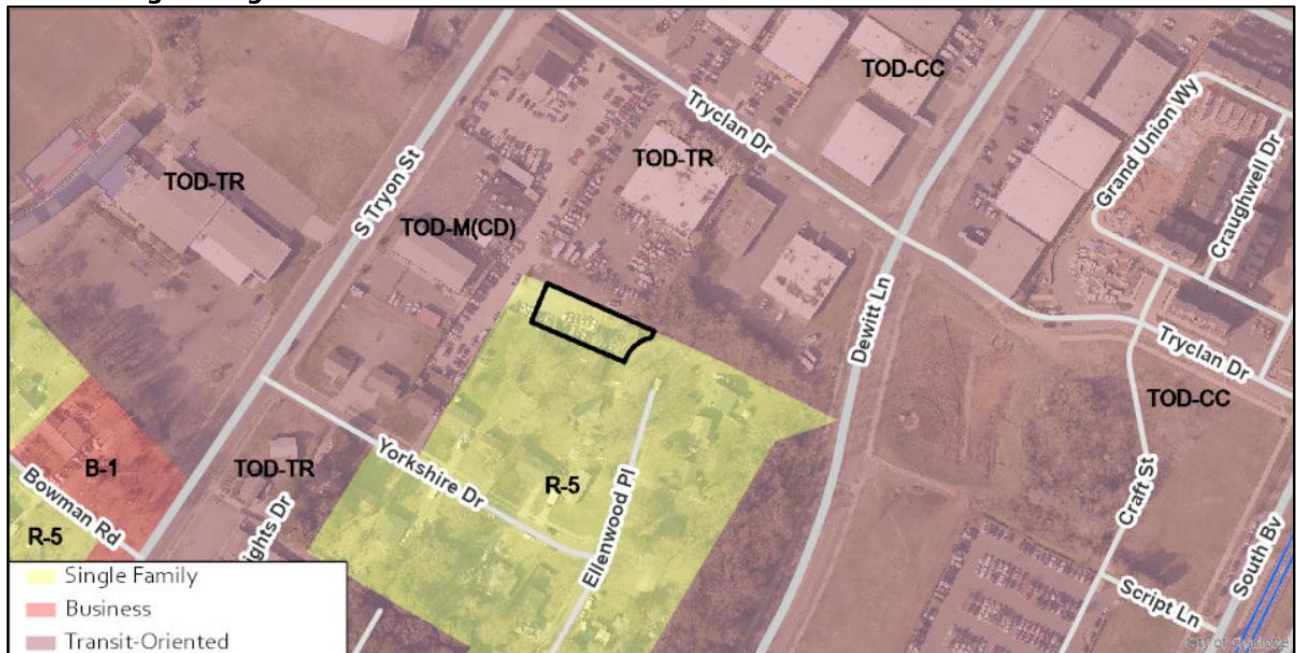
### • Proposed Request Details

The site plan accompanying this petition contains the following provisions:

- Off-street surface parking that will be utilized as accessory off-street parking for improvements and uses located on adjacent parcels.
- Amenities (such as a swimming pool and house; a dog walk area; a park or open space area; seating, pergolas and shade screens; and similar uses) and structures related to any such amenities, which amenities shall serve and be accessory to improvements and uses located on adjacent parcels; provided, however that amenities shall not include dwelling units or habitable structures.
- Uses and any structures constructed on the site shall not be located in any buffers or setbacks required by the ordinance.
- No buildings or structures shall be located in the storm drainage easements more particularly depicted on the rezoning plan. Notwithstanding the foregoing, off-street surface parking and vehicular access will be allowed in the storm drainage easements more particularly depicted on the rezoning plan.
- Use of vehicular access point to and from Ellenwood Place shall be restricted to emergency vehicles ~~and to service and delivery vehicles only, and petitioner will install a gate across the site's access point in order to restrict access to emergency vehicles only and petitioner shall install a gate across the site's access point, which gate shall be locked, in order to restrict access to emergency access only.~~ ~~Service and delivery vehicles may only utilize the Ellenwood Place access point between the hours of 7:00 a.m. and 7:00 p.m. The petitioner shall post in a conspicuous location a sign stating that the use of the Ellenwood Place access point is limited to emergency vehicles and to service and delivery vehicles.~~
- States the site, and any vehicular access point to and from Ellenwood Place shall not be used as the primary vehicular access point to or from any development on the adjacent parcels fronting Tryclan Drive; provided, however, that nothing in this note shall restrict the ability of emergency vehicles to utilize the vehicular access point to and from Ellenwood Place as set forth in above note.
- Proposes a 6-foot tall wooden fence with gate at access point for emergency vehicles.
- Notes if the site is used for off-street parking that will be utilized as accessory off-street parking for improvements and uses located on adjacent parcels, as provided in specified note, then the number of parking spaces on the site shall not be of a number that would cause the total number of parking spaces on the adjacent parcels and the site, together, to exceed the maximum number of parking spaces permitted for the use(s) located on the adjacent parcels served by the off-street parking on the site. For clarity and for example only, if the adjacent parcel served by the off-street parking on the site is zoned TOD-TR, then the total number of parking spaces on the adjacent parcel and the site, combined, shall not exceed the maximum number of parking spaces permitted for the use under the ordinance applicable to the TOD-TR zoning district.
- Notes that during the permitting process, the petitioner shall provide turning movements for the access drive on Ellenwood Place to CDOT.



- **Existing Zoning and Land Use**



The subject site has been used for parking and storage of materials by the adjacent business operators. The site is surrounded by single family residential homes, office/warehouse/distribution uses, and retail on acreage in R-5, B-1, and TOD zoning districts.



The subject site has been used for parking and storage of materials by the adjacent business operators.





South are single family homes.



Along Tryclan Drive are office/warehouse/distribution uses.



Along South Tryon Street are retail, office, office/warehouse/distribution uses.

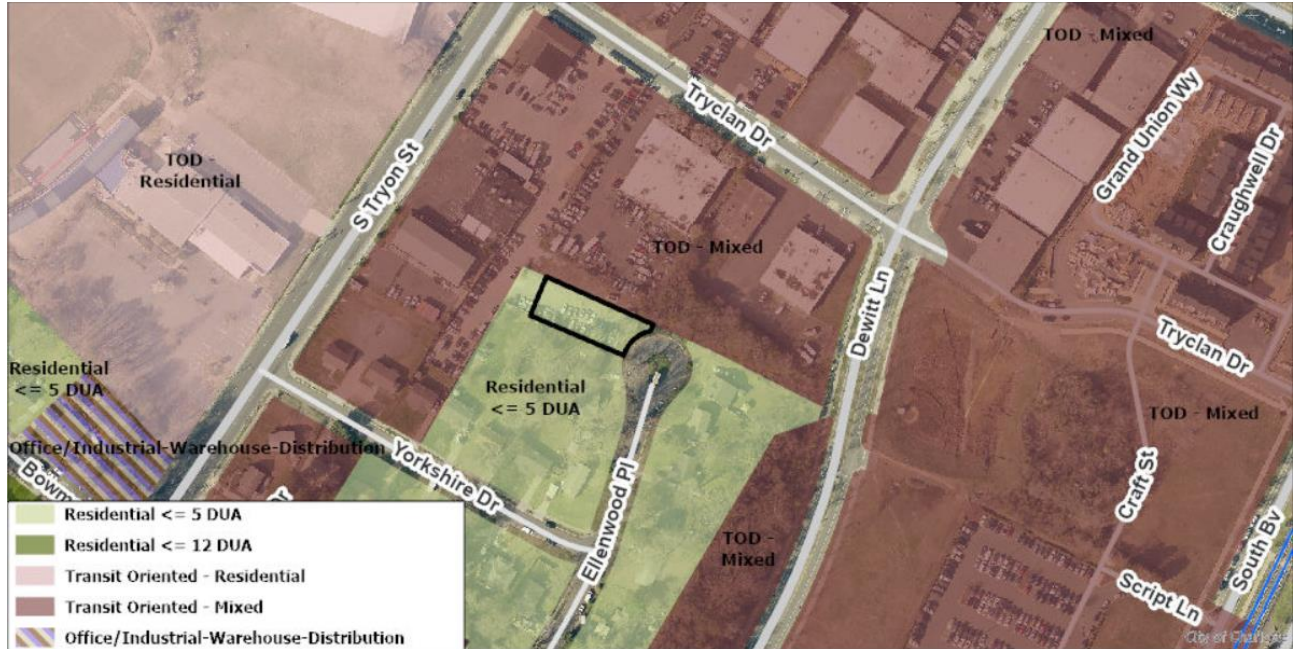
• **Rezoning History in Area**



Petition Number	Summary of Petition	Status
2019-102	Rezoned 1,771.18 acres under a range of zoning districts to TOD-UC, TOD-NC, TOD-CC or TOD-TR	Approved
2019-097	Rezoned 17.02 acres to TOD-TR.	Approved
2019-026	Rezoned 3.0 acres to TOD-CC and TOD-TR.	Approved
2018-169	Amendment to the Zoning Ordinance to replace 3 existing transit oriented development districts with 4 new transit oriented development districts and regulations. These 4 new districts are the first phase of the City's Unified Development Ordinance (UDO).	Approved
2018-053	Rezone 0.83 acres to TOD-M(O) to allow the reuse of existing 30,000 square foot building with a possible outdoor expansion area.	Withdrawn
2016-036	Rezoned 0.45 acres to TOD-M.	Approved



- **Public Plans and Policies**



- The *Scaleybark Transit Station Area Plan* recommends residential up to 5 units per acre with the following Note. 15: "Similarly, the single family properties on Ellenwood Place and Yorkshire Drive are recommended for residential at 4 dua. However, if all property owners agree and the land is consolidated, redevelopment for TOD-Mixed would be appropriate. If redevelopment occurs, street connections to Dewitt Lane and Tryclan should be provided."

- **TRANSPORTATION SUMMARY**

- The site is within ¼ mile of Scaleybark Transit Station. There is existing curb and gutter on Ellenwood Place, but no sidewalk. CDOT will work with the petitioner during the permitting to upgrade the streetscape in accordance with City ordinances and to develop a street network that accommodates the surrounding TOD and residential zoning districts.
- **Active Projects:**
  - There are no active projects in the immediate vicinity.
- **Transportation Considerations**
  - ~~See Outstanding Issues, Note 6~~ Addressed
- **Vehicle Trip Generation:**
  - Current Zoning:
  - Existing Use: vacant
  - Entitlement: 9 trips per day (based on 1 single family dwelling).
  - Proposed Zoning: 28 trips per day (based on 2,400 square feet office; revised site plan 10/9/2020)

**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:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Charlotte Fire Department:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Charlotte-Mecklenburg Schools:** Nonresidential petitions do not impact the number of students generated.
- **Charlotte Water:** Water service is accessible for this rezoning boundary. The proposed rezoning is located in an area that Charlotte Water has determined to have limited sanitary sewer system capacity. Sanitary sewer service will be dependent on the completion of a public infrastructure project—Charlotte Water's Scaleybark Project. This project was identified to support current and future customers, and any proposed sanitary sewer flow shall be coordinated to discharge after completion of said project. Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 2-inch water distribution main located along Ellenwood Road. See advisory comments at [www.rezoning.org](http://www.rezoning.org)

- **Engineering and Property Management:**
  - **Arborist:** No comments submitted.
  - **Erosion Control:** No comments submitted.
  - **Land Development:** See Outstanding Issues, Notes 2-3 Addressed
  - **Storm Water Services:** No outstanding issues.
  - **Urban Forestry:** 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.

#### OUTSTANDING ISSUES

##### Site and Building Design

1. ~~Add a note stating that parking on the subject rezoning site will not be used to exceed the maximum parking requirement on the adjacent TOD parcel. If so, the spaces on the subject rezoning site will be considered a zoning violation.~~ Addressed
2. ~~Show building and development envelope.~~ Addressed. Petitioner's Response: As discussed with Land Development staff, the Petitioner is unable to depict a building and development envelope on the rezoning plan because, until the use is determined, the exact buffers and setbacks cannot be depicted. The petitioner believes this comment is addressed by Note 3.B, which provides that no uses or structures can be located in any buffers or setbacks required under the ordinance.
3. ~~Per Transportation Note 3.B, petitioner will need to provide gate access or another ideal for this location.~~ Addressed.
4. ~~Modify Buffers and Screening Note 4.C. to state "Uses on the site shall be screened to the extent and as required by the ordinance."~~ Addressed
5. ~~Ensure the setback is similar to that of the other residences along Ellenwood Place.~~ Addressed

##### Transportation

6. ~~Add a conditional note requesting turning movements will be provided for the access drive on Ellenwood Place.~~ Addressed

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

**Planner:** Claire Lyte-Graham (704) 336-3782