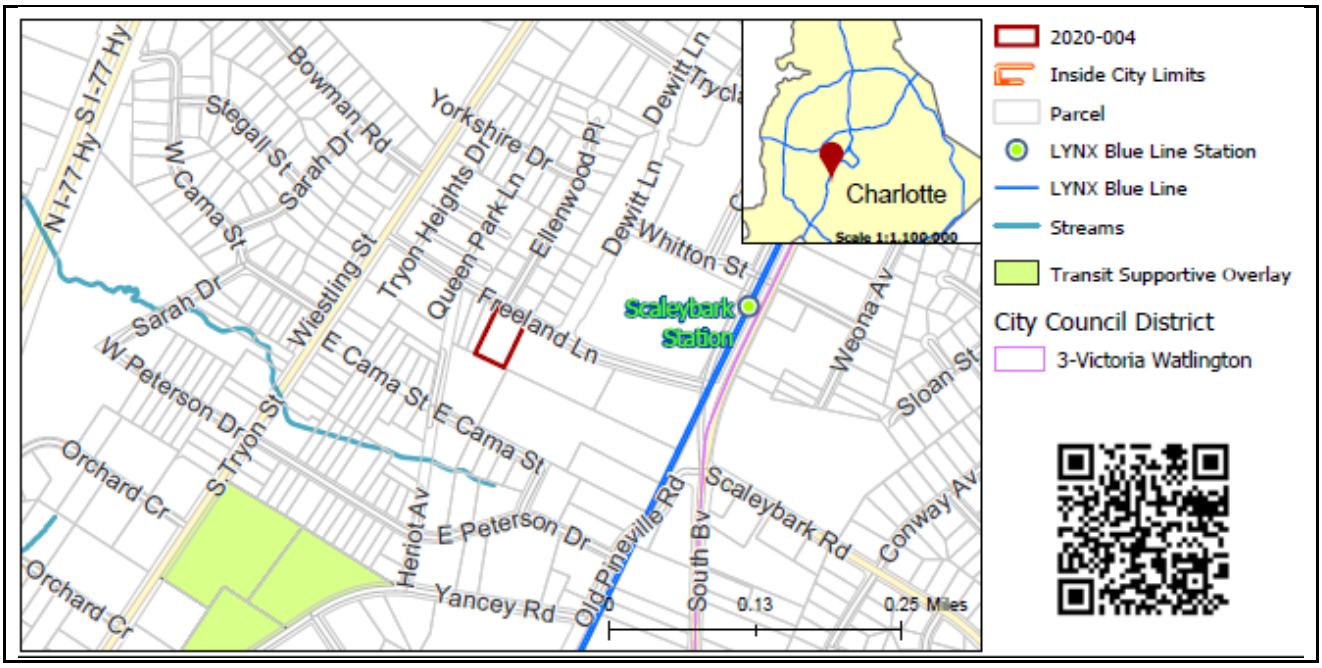
CHARLOTTE
PLANNING, DESIGN & DEVELOPMENT

Rezoning Petition 2020-004
Post Hearing Staff Analysis
June 30, 2020

REQUEST	Current Zoning: R-8 (single family residential) Proposed Zoning: TOD-TR (transit oriented development - transit transition)
LOCATION	Approximately 0.76 acres located on the south side of Freeland Lane, east of Tryon Street, and west of South Boulevard.



SUMMARY OF PETITION	The petition proposes to allow all uses in the TOD-TR (transit oriented development-transit transition) on a parcel developed with a single family dwelling located between South Boulevard and South Tryon Street. The parcel is located less than ¼ mile from the Scaleybark Transit Station.
PROPERTY OWNER **PETITIONER** **AGENT/REPRESENTATIVE**	Dwight E. McGarity and Carlen Kay McGarity Boulevard Real Estate Advisors LLC (c/o Chris Branch) John Carmichael (Robinson Bradshaw)
COMMUNITY MEETING	Meeting is not required.

STAFF RECOMMENDATION

Staff recommends approval of this petition.

Plan Consistency

The petition is **inconsistent** with the *Scaleybark Station Area Plan* recommendation for residential uses up to 8 units per acre.

Rationale for Recommendation

- The subject site is just over a ¼ mile walk of the Scaleybark Transit Station on the LYNX Blue Line.
- The rezoning site abuts parcels rezoned to TOD-CC and TOD-TR.
- Use of conventional TOD-TR (transit oriented development-neighborhood center) zoning applies standards and regulations to create the desired form and intensity of transit supportive development, and a conditional rezoning is not necessary.

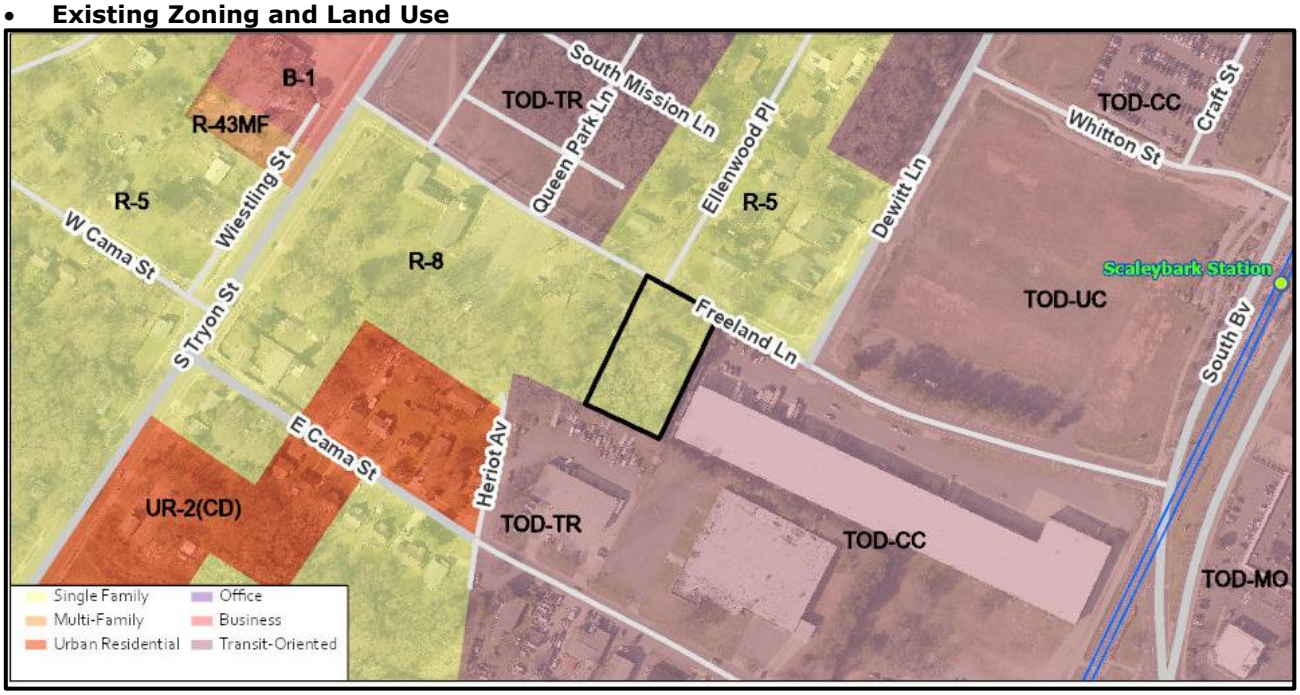
- TOD (transit oriented development) standards include requirements for appropriate streetscape treatment, building setbacks, street-facing building walls, entrances, and screening.

The approval of this petition will revise the adopted future land use as specified by the *Scaleybark Station Area Plan*, from residential uses up to 8 dwelling units per acre to transit oriented development for the site.

PLANNING STAFF REVIEW

- **Proposed Request Details**
  This is a conventional rezoning petition, which applies all the standards, regulations and uses in the TOD-TR (transit oriented development-transit transitional) zoning district. Uses allowed in the TOD-TR district include residential, commercial, institutional, and government uses.

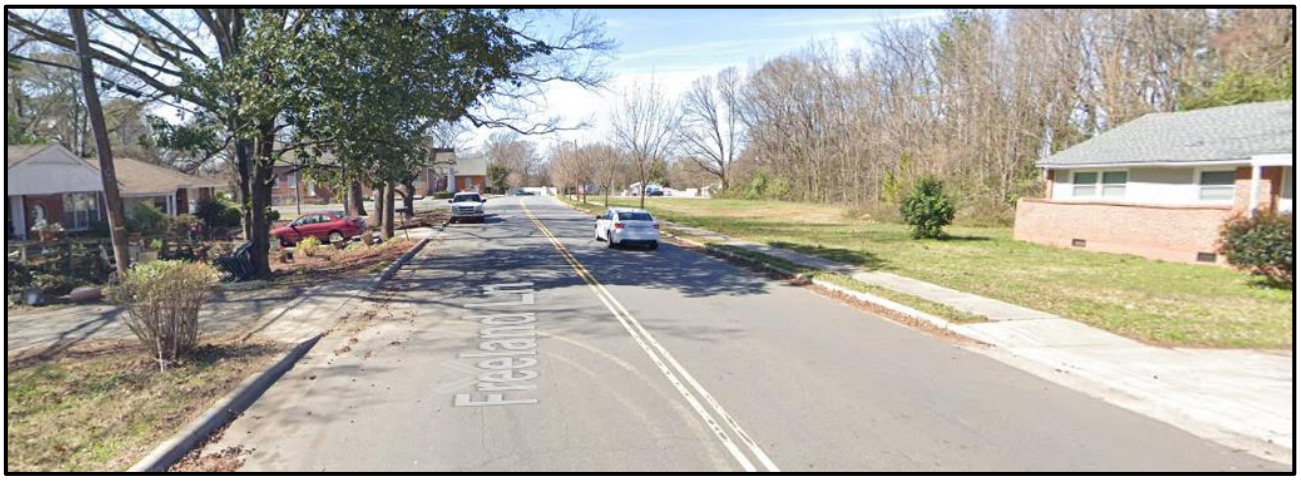
- **Existing Zoning and Land Use**



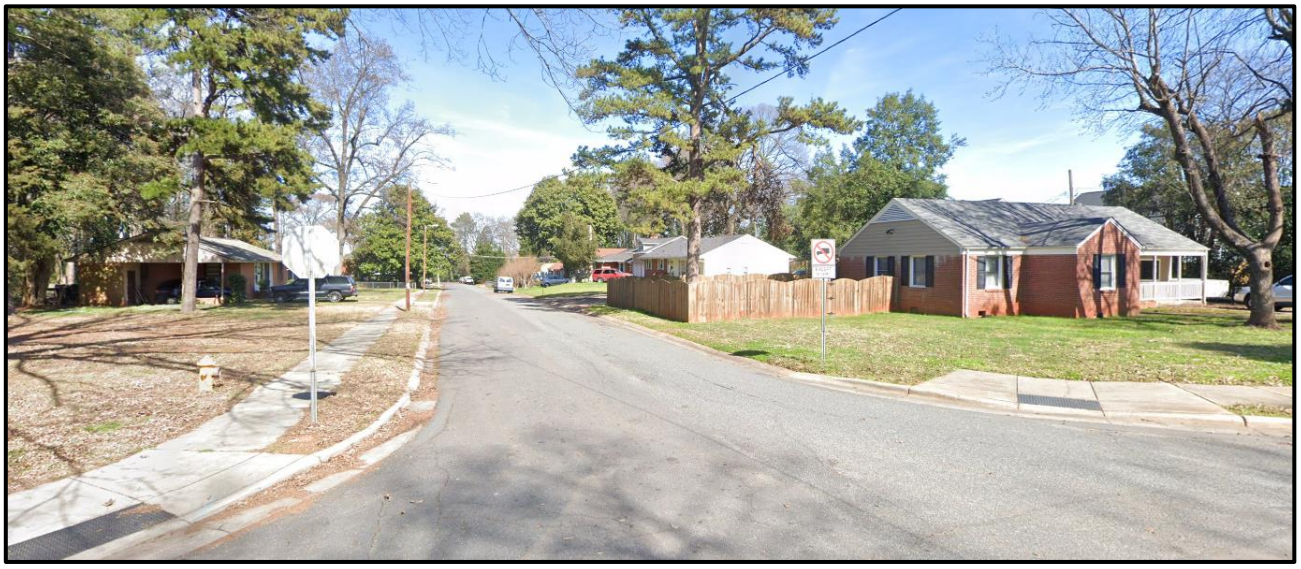
- The site is developed with a single family residential and is surrounded by a mix of single family homes, warehouse/distribution, and institutional in various zoning districts. The site was rezoned from B-1 to R-8 via petition 1993-082C.

The site is developed with a single family residential home.

East are single family homes and warehouse/distribution uses.

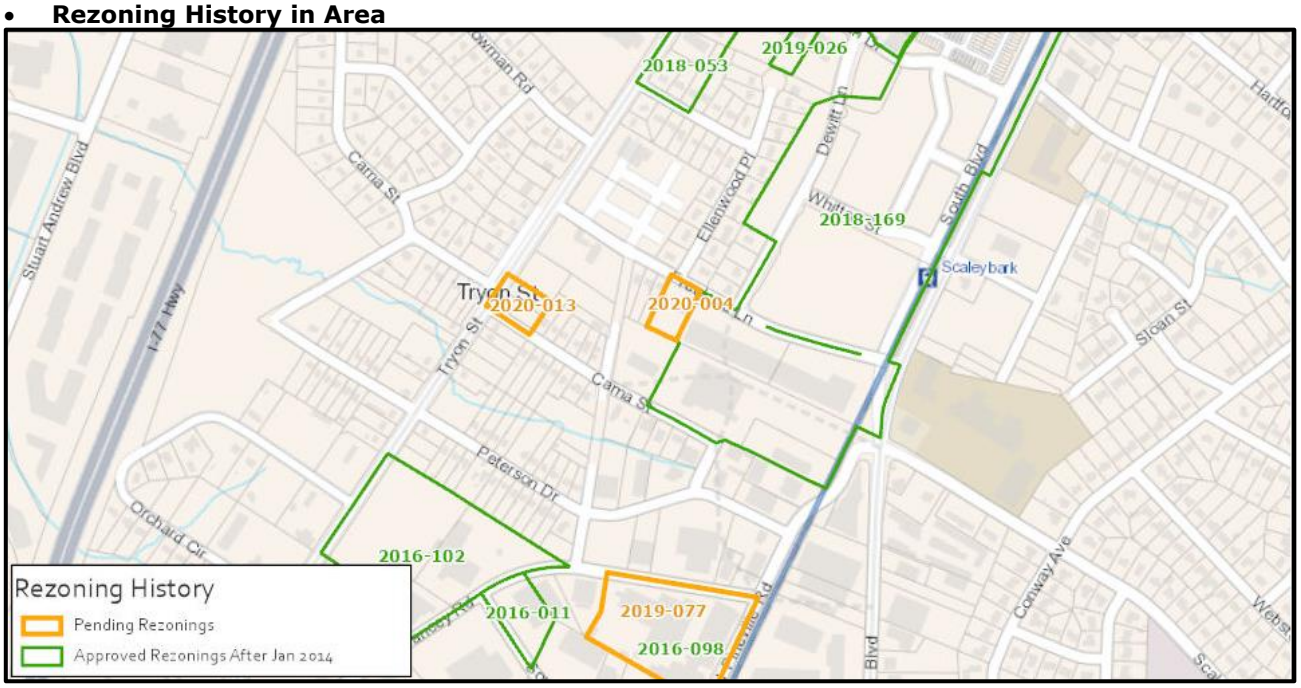


Single family homes, a religious institution, and vacant land are located to the west.



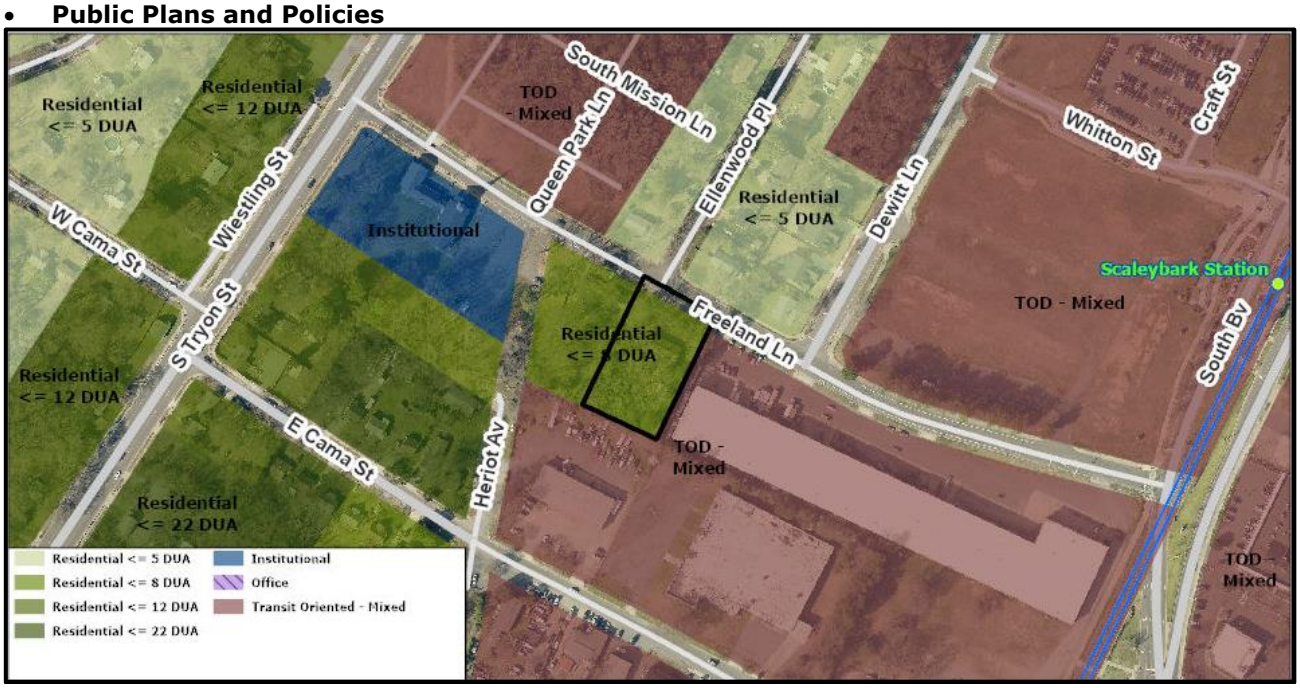
North is a single family residential neighborhood.

- **Rezoning History in Area**



Petition Number	Summary of Petition	Status
2020-013	Rezone approximately .653 acres from R-8 to UR-2(CD) to allow a townhouse development.	Pending
2019-077	MUDD-O site plan amendment for 5.10 acres to allow 334,000 square feet of allowed uses and a maximum building height of 134 feet.	Pending
2019-026	Rezoned 3 acres from I-1 and I-2 to TOD-CC and TOD-TR to all uses in approved rezoning districts.	Approved
2018-053	Rezoned 3.17 acres from R-5, B-1, I-1, and I-2 to TOD-M(CD) to allow all uses in the TOD-M.	Approved
2016-102	Rezoned 9.52 acres from I-2 to I-2 TS-O to allow the expansion of the existing uses associated with the Olde Mecklenburg Brewery.	Approved
2016-098	Rezoned 5.1 acres from I-2 to MUDD-O to repurpose industrial buildings to allow 74,877 of permitted uses.	Approved
2016-011	Rezoned 1.173 acres from I-2 to MUDD-O to allow 17,455 square feet of a mix of uses.	Approved

- **Public Plans and Policies**



  - The *Scaleybark Station Area Plan (2008)* recommends residential up to 8 dwelling units per acre.

- **TRANSPORTATION CONSIDERATIONS**
  - The site is on a major collector and is located approximately 1/4 of a mile from the Scaleybark LYNX Blue Line Station. CDOT will work with the petitioner during permitting to implement the streetscape in accordance with city ordinance to support the transit-oriented district requested by the petitioner.
  - There are no active projects in this site.
  - **Vehicle Trip Generation:**
    Current Zoning:
    Existing Use: 10 trips per day (based on 1 single family home).
    Entitlement: 60 trips per day (based on 6 single family homes).
    Proposed Zoning: Too many uses to determine (based on 0.75 acre of TOD-TR uses).

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** The site is within a ¼ mile walking distance from the Scaleybark transit station. The Scaleybark plan recommends higher density development within ¼ mile of transit stations and the provision of sidewalks and other pedestrian amenities to improve access around station areas.
- **Charlotte Department of Housing and Neighborhood Services:** No comments submitted.
- **Charlotte Fire Department:** No outstanding issues.
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning could generate 3 students, while the development allowed under the proposed zoning may produce 0 students. Therefore, the net increase in the number of students generated from existing zoning to proposed zoning is 0 students.
  - The proposed development is not projected to increase the school utilization over existing conditions (without mobile classroom units) as follows:
    - Dilworth/Sedgefield Elementary (Campus K-2) at 66%
    - Dilworth (Latta Campus 3-5) at 64%
    - Sedgefield Middle at 73%
    - Myers Park High at 125% (Construction of a new high school; relieves crowding at South Mecklenburg, Ardrey Kell and Myers Park High schools)
- **Charlotte Water:** Water 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 6-inch water distribution main located along Freeland Lane. 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.

- **Engineering and Property Management:**
  - **Arborist:** No comments submitted.
  - **Erosion Control:** No outstanding issues.
  - **Land Development:** No outstanding issues.
  - **Storm Water Services:** No outstanding issues.
  - **Urban Forestry:** No outstanding issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** See advisory comments at www.rezoning.org regarding ground water services.
- **Mecklenburg County Parks and Recreation Department:** No outstanding issues.

See Attachments (applications, department memos, maps etc.) Online at www.rezoning.org

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