



Zoning Committee

REQUEST	Current Zoning: I-2 (general industrial) Proposed Zoning: Area A - TOD-CC (transit oriented development, community center) and Area B - TOD-TR (transit oriented development, transition)
LOCATION	Approximately 12.1 acres (10.5 area A & 1.60 area B) located on the north side of Tyvola Rd, west of Old Pineville Rd. (Council District 3 - Mayfield)
PETITIONER	Tyvola Station Partners, LLC

ZONING COMMITTEE ACTION/ STATEMENT OF CONSISTENCY The Zoning Committee voted 5-2 to **recommend APPROVAL of Development Area A only** and adopt the consistency statement as follows:

This petition is found to be **consistent** with the overall vision of the *Tyvola & Archdale Station Area Plan*, based on the information from the staff analysis and the public hearing and because:

- The adopted plan recommends transit oriented development.

Therefore, we find the part of the petition pertaining to **Development Area A only** to be reasonable and in the public interest based on information from the staff analysis and the public hearing and because:

- This site is within a ¼-mile walk of Tyvola Station on the LYNX Blue Line and generally consistent with the long-term vision of the plan to provide a mix of transit supportive uses within walking distance of the transit station.
- The proposal allows the site previously used for an automotive dealership to be redeveloped with a transit supportive project.
- The proposed TOD-CC zoning applies commitments to create the desired form and intensity of transit supportive development including architectural building design standards, and open space amenities.

Motion/Second: McClung / Gussman
Yeas: Gussman, Ham, McClung, Nwasike and Spencer
Nays: Watkins and Wiggins
Absent: None
Recused: None

ZONING COMMITTEE DISCUSSION Staff provided a summary of the petition and noted that it is consistent with the adopted area plan. Staff noted that the site is

split into two areas (Development Areas A and B). Staff agrees with the proposal for TOD-CC for Development Area A, the larger portion of the site. Staff does not support the TOD-TR proposed for Development Area B because use of TOD-TR is not appropriate at the intersection location proposed. TOD-TR zoning is intended to provide a transition from higher intensity TOD districts to adjacent existing neighborhoods or allow for rehabilitation of buildings to preserve existing character. The portion proposed for TOD-TR is currently a parking lot and small retail building. Use of TOD-TR does not meet the intent and goals of the transit station area plan and new TOD standards. Therefore, TOD-CC zoning should be applied to the entire site.

A commissioner stated they felt that TOD-TR was appropriate because it would allow shops and commercial uses similar to existing development near the transit station. A motion was made to approve the petition as a whole. That motion failed with a 2-5 vote.

A commissioner asked what uses TOD-TR allowed that CC did not permit. Staff listed parking, minor automotive repair shops, climate controlled self-storage, gas stations, and accessory drive-through windows. Staff's position is that these auto oriented uses are not appropriate less than ¼ of a mile from the transit station. The site would have been included in the TOD alignment rezoning effort to zone the entire site TOD-CC if the applicant had not filed its own rezoning petition.

The commissioners suspended the rules to ask the petitioner's agent if they would agree to a partial approval. Keith MacVean representing the petitioner explained while that is not their preference they would rather have the majority of the site approved than none at all.

A commissioner noted that we are early in implementation of the new TOD system, and need to stick with it and not start making exceptions.

There was no further discussion of this petition.

MINORITY OPINION

- This site is within a ¼-mile walk of Tyvola Station on the LYNX Blue Line and generally consistent with the long-term vision of the plan to provide a mix of transit supportive uses within walking distance of the transit station.
- The proposal allows the site previously used for an automotive dealership to be redeveloped with a transit supportive project.
- The proposed TOD-CC zoning applies commitments to create the desired form and intensity of transit supportive development including architectural building design standards, and open space amenities.
- The TOD-TR would allow development consistent with existing development around the station.

PLANNER

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