

REQUEST	Current Zoning: B-1 (neighborhood business), and R-22MF (multi-family residential) Proposed Zoning: MUDD-O (mixed use development, optional)
LOCATION	Approximately 1.37 acres located on the southwest corner at the intersection of East 10th Street and Seigle Avenue. (Council District 1 - Kinsey)
SUMMARY OF PETITION	The petition proposes to allow the infill redevelopment of a site in the Belmont neighborhood with up to 150,000 square feet of uses including general office, business/retail, eating/drinking/entertainment establishments, breweries, and warehousing within an enclosed building for self-storage uses and other non-residential uses as permitted in the MUDD (mixed use development) district.
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	Numerous Pamlico Investments, Inc. Keith MacVean, Moore & Van Allen, PLLC
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 1

STAFF RECOMMENDATION	<p>Staff recommends denial of this petition.</p> <p><u>Plan Consistency</u> The majority of the petition is inconsistent with the <i>Belmont Area Revitalization Plan</i> recommendation for multi-family residential uses up to 22 units per acre, and greenway/open space uses. The lot currently zoned B-1 (neighborhood business) is consistent with the <i>Belmont Area Revitalization Plan</i> recommendation for retail uses at the corner of 10th Street and Seigle Avenue.</p> <p><u>Rationale for Recommendation</u></p> <ul style="list-style-type: none"> • The subject property is located in a section of the Belmont neighborhood that is being redeveloped with primarily multi-family housing. • The location of retail uses to serve the neighborhood are desired in this location along East 10th Street as recommended by the <i>Belmont Area Plan</i>. • However, self-storage as the primary use of this site does not support the neighborhood transformation envisioned by the area plan. • In addition, the site abuts the proposed Cross Charlotte Trail and the proposed self-storage use will not result in the desired activation along the trail.
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PLANNING STAFF REVIEW

- **Proposed Request Details**
The site plan accompanying this petition contains the following provisions:
 - Up to 150,000 square feet of retail sales, type 1 and 2 eating/drinking/entertainment establishments, breweries, professional business and general offices, warehousing within an enclosed building for self-storage uses and other non-residential uses as permitted in the MUDD (mixed use development) district.
 - No more than 10,000 square feet of the gross floor area shall be devoted to non-self-storage uses, excluding rooftop activities.
 - Maximum of two buildings to be developed on the site.
 - Project to be developed in a single phase.
 - Building height limited to five stories and 90 feet, excluding rooftop activities.
 - Building materials to be a combination of portions of brick, stone, precast stone, precast concrete, synthetic stone, cementitious fiber board, stucco, EIFS, wood, architectural concrete, decorative metal panels, decorative block and/or wood. Vinyl as a building material may only

- be used on windows, soffits and handrails/railings.
- Accessory buildings and structures will be constructed using similar building materials, colors, architectural elements and designs as the principal buildings located on the site.
- The building shall incorporate community artwork to be located in unopened window facades along those portions of the building having unencumbered site lines to the Cross Charlotte Trail. In connection with developing the project, the petitioner shall create a fund of no less than \$10,000 to be used for art supplies, materials and other costs associated with the community artwork and shall commit to partnering with a local organization or school to create the community artwork.
- Access to the site provided via East 10th Street and Seigle Avenue.
- Right-of-way abandonment to be requested for the unopened alleyway running from East 10th Street to the Brookshire Boulevard right-of-way, dividing tax parcels 080-152-04 through 080-152-07 from 081-152-08-10 and the unopened portion of Stevens Street. If approved, the petitioner will grant the City and/or Mecklenburg County a nonexclusive perpetual easement for pedestrian traffic along a portion of the former Stevens Street between East 10 Street and the Cross Charlotte Trail, and build a trail on such easement.
- Shared parking is allowed for uses that do not have conflicting hours.
- Parking provided on-site behind and next to the building(s) along with new and existing on-street parking.
- A possible future connection to Cross Charlotte Trail is shown and labeled.
- Requested optional provisions:
 - In the event Stevens Street is not abandoned, the building footprint shall be revised to meet applicable setback standards via an administrative amendment to the rezoning plan, and the percentage of the ground floor building façade along Stevens Street being used for professional business and general offices, retail sales eating/drinking/entertainment establishments may be reduced to 0%.
 - To allow signs to be installed or maintained above the third floor of the building, but no higher than 50 feet above the ground.
- **Existing Zoning and Land Use**
 - The Planning Department initiated corrective rezoning's for the subject properties via Petition 2003-98D. The properties were rezoned from B-2 (general business) to R-22MF (multi-family residential), with the exception of the closed convenience retail store located at the corner of East 10th Street and Seigle Avenue, which was rezoned to B-1 (neighborhood business) so as to not create a nonconforming use.
 - The subject property is currently developed with a convenience retail store and a single family detached residential dwelling.
 - Surrounding properties located on the south side of East 10th Street contain a religious institution and an accessory child care center, office and warehouse uses, and single family detached dwellings in B-2 (general business) zoning that fronts East 10th Street and Seigle Avenue, and R-5 (single family residential) zoning.
 - The northwest side of the intersection of East 10th Street and Seigle Avenue is developed with multi-family residential dwellings in MUDD(CD) (mixed use development, conditional) and UR-2 (urban residential) zoning, while the northeast side is zoned MUDD(CD) (mixed use development, conditional) and undeveloped.
 - The site is bounded to the south and west by Interstate 277.
 - See "Rezoning Map" for existing zoning in the area.
- **Rezoning History in Area**
 - There have been no rezonings in the immediate area in recent years.
- **Public Plans and Policies**
 - The *Belmont Area Revitalization Plan* (2003) recommends multi-family residential uses for a majority of the proposed site, retail uses for the parcel with the convenience store building on the corner of Seigle Avenue and East 10th Street, and open space uses on about 0.18 acres adjacent to the I-277 on ramp from Independence Boulevard.
 - The Cross Charlotte Trail is planned to be located along the western edge of the proposed site. A signature connection between the existing Little Sugar Creek Greenway through the I-277 interchange is proposed to terminate in the vicinity of this site. Mecklenburg County already owns over a quarter of an acre along the on-ramp to I-277. This segment of the trail will be a connection point to the trail from other sites in the area.
- **TRANSPORTATION CONSIDERATIONS**
 - This proposed rezoning achieves some transportation goals through the implementation of streetscape improvements. However, this proposal requires the abandonment of the Stevens

Street right-of-way, which will be needed for possible Cross Charlotte Trail use, and the proposed parking configuration along 10th Street is not supported by CDOT.

- See Transportation Outstanding Issues, Notes 7 and 8.
- **Vehicle Trip Generation:**
Current Zoning: 1,070 trips per day (based on 22 multi-family dwelling units and retail uses)
Proposed Zoning: 8,850 trips per day (based on 150,000 square feet of retail uses)

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Neighborhood & Business Services:** No issues.
- **Charlotte Fire Department:** No comments received.
- **Charlotte-Mecklenburg Schools:** Non-residential petitions do not impact the number of students attending local schools.
- **Charlotte-Mecklenburg Storm Water Services:** No issues.
- **Charlotte Water:** See Advisory Comments, Note 9.
- **Engineering and Property Management:** No issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** See Advisory Comments, Notes 10 and 11.
- **Mecklenburg County Parks and Recreation Department:** Supports the request of CDOT to preserve the Stevens Street right-of-way. See Outstanding Issues, Note 8.

OUTSTANDING ISSUES

Note: Staff does not support this request and has not provided a full technical review of the site plan associated with this rezoning petition.

Land Use

1. The use is inconsistent with the plan recommendation for multi-family.
2. Reduce the height of five stories and 90 feet as it is much higher than any other building in this area.
3. Meet all of the standards of the recently approved text amendment (Petition 2015-084) for enclosed storage including the following:
 - a. Eliminate the optional provision for the façade along Stevens Street to allow 100% of the ground floor to have no active uses. This will result in a very uninviting environment for a street that is expected to be a neighborhood connection to the Cross Charlotte Trail.
 - b. Eliminate the optional provision to allow signs to be installed above the third floor and up to 50 feet above ground. This could result in highly visible signs from the neighborhood or from Independence Boulevard.
4. Label the elevations and clearly depict what will be constructed, including the portion of the building that will be along Stevens Street and Independence Boulevard.
5. Provide adequate area to accommodate the full width of the Cross Charlotte Trail that will run parallel to Independence Boulevard. In addition, provide building and pedestrian activity along the trail.

Transportation

6. Eliminate the request to abandon Stevens Street right-of-way as it is planned to be used by the Cross Charlotte Trail in the future.
7. Eliminate the reverse angle parking along Seigle Avenue and replace it with parallel on-street parking.

Environment

8. Provide a pedestrian connection from tax parcels 080-152-08, 09 and 10 to the Little Sugar Creek Greenway/Cross Charlotte Trail Corridor as called for in the 2014 Greenway Master Plan.

ADVISORY COMMENTS

9. Charlotte Water has water system availability for the rezoning boundary via existing six-inch water mains located along East 10th Street and Seigle Avenue, and sewer system availability for the rezoning boundary via existing eight-inch gravity sewer mains located along East 10th Street, Stevens Street, and Seigle Avenue.
10. LUESA Air Quality notes that development of this site may require submission of an asbestos Notification of Demolition and Renovation to MCAQ due to possible demolition or relocation of an existing structure. A letter of notification and the required forms have been mailed directly to the petitioner by MCAQ.
11. Ground Water Services records indicate a contamination site(s) exists on or within 1,500 feet of

the properties included in the petitions. An established Area of Regulated Groundwater Usage (ARGU) extends 1,500 feet around the contamination sites and has special regulations on specific water systems within this area.

Attachments Online at www.rezoning.org

- Application
- Site Plan
- Locator Map
- Community Meeting Report
- Department Comments
 - Charlotte Area Transit System Review
 - Charlotte Department of Neighborhood & Business Services Review
 - Charlotte-Mecklenburg Storm Water Services Review
 - Charlotte Water Review
 - Engineering and Property Management Review
 - Mecklenburg County Land Use and Environmental Services Agency Review
 - Mecklenburg County Parks and Recreation Review
 - Transportation Review

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