

REQUEST	Current Zoning: I-2 (general industrial) Proposed Zoning: UR-2(CD) (urban residential, conditional)
LOCATION	Approximately 1.16 acres located between Seigle Avenue and Harrill Street, west of Van Avery Street. (Council District 1 – Egleston)
SUMMARY OF PETITION	The petition proposes to develop a vacant parcel in the Belmont neighborhood to allow up to 19 attached dwelling units, at a density of 16.37 dwelling units per acre.
PROPERTY OWNER	Michael H. Athanas
PETITIONER	CapRock, LLC
AGENT/REPRESENTATIVE	Keith MacVean and Jeff Brown, Moore & Van Allen, PLLC
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 4

STAFF RECOMMENDATION	<p>Staff recommends approval of this petition.</p> <p><u>Plan Consistency</u> The petition is inconsistent with the <i>Belmont Area Revitalization Plan</i>, which recommends single family residential uses at a density of up to five dwelling units per acre.</p> <p><u>Rationale for Recommendation</u></p> <ul style="list-style-type: none"> • The subject property is located in an area identified as the Seigle South Target Area by the adopted plan in the heart of the Belmont Community. • New and rehabilitated homes in the area should be compatible in design character with the existing adjacent housing stock. • The proposed density exceeds the density of five dwelling units per acre recommend per the adopted area plan. However, the proposed infill residential land use is more consistent than the nonresidential uses permitted in the current industrial zoning. • The proposal provides upgraded streetscape along two of the three public streets. Streetscape along the site's frontage on Seigle Avenue will be upgraded if the existing retaining wall along the site's frontage is found to be unstable and has to be replaced.
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PLANNING STAFF REVIEW

- **Proposed Request Details**
The site plan accompanying this petition contains the following provisions:
 - Maximum 19 attached dwelling units, with townhome buildings limited to six units or less.
 - Access to the site will be from Van Every Street and Harrill Street.
 - Reflects the future back of curb along Van Every Street and Harrill Avenue so that the width of each street will be 26 feet from face-of-curb to face-of-curb. Provides a 30-foot setback from existing back-of-curb along Seigle Avenue.
 - Provides a 28-foot setback from the future back-of-curb along Van Every Street to accommodate the new curb line.
 - Townhome Building 1 located at the corner of Van Every Street and Harrill Street is limited to a height of two stories and 40 feet. Townhome Buildings 2, 3 and 4 bounded by Seigle Avenue, Harrill Street and the railroad are limited to a maximum height of three stories and 40 feet.
 - Building materials consisting of brick, stone, precast stone, precast concrete, synthetic stone, cementitious fiber board, stucco, EIFS, decorative block and/or wood. Vinyl and aluminum as a building material may only be used on windows, soffits, and handrails/railings.
 - Blank walls facing internal private drives or public streets will not exceed 20 feet in length on all buildings.
 - Usable porches or stoops will form an element of the building design and be located on the front and/or side of the units. Stoop and entry level porches may be covered but not enclosed.
 - Each unit will provide a one or two car garage with decorative style doors, translucent glass

windows, and projecting building elements and windows located adjacent or above the garage doors.

- Units along Van Every Street will have a prominent entrance oriented toward the street.
- Townhome buildings within 15 feet of a sidewalk along an abutting public street will be raised a minimum of 12 inches above average grade.
- Pitched roofs may be provided and sloped no less than 5:12.
- On-street parking provided along Van Every Street and Harrill Street.
- The petitioner will work with the Belmont Community to commission an artist to install a mural on the existing or future replacement retaining wall located along the site's frontage on Seigle Avenue. The petitioner will have the right to review and approve the mural that will be installed. The petitioner will provide up to \$5,000 to implement the installation of the proposed mural. These funds will be contributed to the Belmont Community prior to the issuance of the last certificate of occupancy issued in the townhome community. The funds must be used to install a mural along Seigle Avenue.
- Tree save and natural vegetative screening comprised of a minimum 15% of the site in area will be provided along a portion of the railroad right-of-way abutting the site to the west.
- Front yards of units along Van Every Street will be landscaped.
- New eight-foot planting strip and six-foot sidewalks will be provided along Van Every Street and Harrill Street.
- Existing retaining wall and sidewalk along Seigle Avenue to remain. Petitioner will seek a waiver of the sidewalk requirement and request the existing condition remain during the permitting process as allowed per Section 9.407(4)(C) of the zoning ordinance.
- A sidewalk connection to Seigle Avenue will not be provided due to the existing retaining wall and topography. An improved streetscape consisting of an eight-foot planting strip and six-foot sidewalk will be provided along Seigle Avenue if the existing retaining wall is found to be unstable and needing replacement.
- Petitioner will obtain a variance from Section 12.529 of the Zoning Ordinance or revise the site plan to show a sidewalk connection to Seigle Avenue prior to the rendering of a decision on the rezoning.
- Internal private streets will be provided off Van Every Street and Harrill Street. Sidewalks will be provided along one side of internal private streets
- All required roadway improvements and right-of-way dedication will be completed prior to the issuance of the first certificate of occupancy for the first building on the site.
- A permanent sidewalk easement will be provided for any sidewalks that fall outside of the right-of-way.
- A connection to the internal private streets from the three parcels located at the intersection of Van Every Street and Seigle Avenue if the lots are developed with compatible residential uses and a cross-access agreement is executed.
- The petitioner will provide a sidewalk easement that will include the proposed sidewalks and two feet behind the proposed sidewalks along Van Every Street and Harrill Street.
- Parallel on-street parking will be provided.
- **Existing Zoning and Land Use**
 - The subject property is zoned I-2 (general industrial) and is undeveloped. It abuts the active Carolina-Central Railway to the southwest.
 - Abutting to the west and along Otts Street to the south are the City of Charlotte fleet management and solid waste services facilities in I-2 (general industrial) zoning.
 - Properties to the north/northwest across Seigle Avenue are zoned UR-2 (urban residential), I-2 (general industrial), MUDD-O (mixed use development, optional), R-22MF (multi-family residential), and R-5 (single family residential), and developed with multi-family dwellings, single family detached dwellings, warehouse, and business uses.
 - To the east/southeast exists I-2 (general industrial), MUDD(CD) (mixed use development, conditional), B-1 (neighborhood business), UR-3(CD) (urban residential, conditional), R-22MF (multi-family residential), and R-5 (single family residential) developed with single family detached and attached dwellings, civic and institutional, office, and business uses.
 - See "Rezoning Map" for existing zoning in the area.
- **Rezoning History in Area**
 - Petition 2017-48 rezoned approximately 0.357 acres located at the northeast intersection of Belmont Avenue and Pegram Street, east of Allen Street from R-5 (single family residential) to MUDD-O (mixed use development, optional) to reuse an existing building and an abutting parcel to allow eating/drinking/entertainment establishments, neighborhood food and beverage services, exercise gym, general office, retail and/or residential uses.
 - Petition 2015-129 rezoned approximately 2.77 acres located on the northwest corner at the intersection of Otts Street and Louise Avenue from I-2 (general industrial) to MUDD-O (mixed

use development, optional) to allow reuse of an existing building to allow uses permitted in the MUDD (mixed use development) district, which include retail, office, residential, institutional, and eating/drinking/entertainment establishments (EDEE).

- **Public Plans and Policies**

- The *Belmont Area Revitalization Plan* (2003) recommends single family residential uses at a density of up to five dwelling units per acre.
- The plan identifies this area as the Seigle South target area. The boundaries include the area south of 16th Street, east of Seigle Avenue, north of the railroad tracks, and west of Pegram Street. This area is in the heart of the Belmont community with numerous vacant lots along Seigle Avenue and Harrill Street that are ideal for infill development. Single family rehab opportunities are scattered throughout the area. In this target area, there is opportunity for single family infill development on vacant lots. Some of the existing single family dwellings require minor and major rehabilitation, while most are in good condition and do not require significant repair. New and rehabilitated homes in the target area should be compatible in design character with the existing adjacent housing stock.

- **TRANSPORTATION CONSIDERATIONS**

- The site is at the unsignalized intersection of local streets with frontage along a minor thoroughfare. The current site plan commits to standard planting strip and sidewalk widths along the local streets but not along Seigle Avenue due to an existing high retaining wall. CDOT recommends the petitioner preserve and later dedicate sufficient right-of-way to the City along the site's Seigle Avenue frontage to construct an eight-foot planting strip and six-foot sidewalk in the future by others.

- **Vehicle Trip Generation:**

Current Zoning:

Existing Use: N/A trips per day (based on a vacant parcel).

Entitlement: 60 trips per day (based on 17,400 square feet of warehouse use).

Proposed Zoning: 150 trips per day (based on 19 single family attached/townhome dwellings).

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Housing and Neighborhood Services:** No issues.
- **Charlotte Department of Solid Waste Services:** City of Charlotte does not service solid waste or recycling carts in alleyways as the truck is not allowed to back out onto the street. Carts must be brought to the curb of the street for collection.
- **Charlotte Fire Department:** No on-street parking on roads less than 26 feet clear width.
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning would generate zero students, while the development allowed under the proposed zoning will produce zero students. Therefore, the net change in the number of students generated from existing zoning to proposed zoning is zero students.
 - The proposed development is not projected to increase the school utilization (without mobile classroom units) over existing conditions, and school utilization is expected to be as follows:
 - Walter G. Myers PreK-8 remains at 102%; and
 - West Charlotte High remains at 96%.
- **Charlotte Water:** Charlotte Water has water system availability for the rezoning boundary via an existing six-inch water distribution main along Seigle Avenue, an existing six-inch water distribution main located along Harrill Street, and existing two-inch water distribution mains located along Van Every Street and Harrill Street. Sewer system availability for the rezoning boundary is provided via existing eight-inch gravity sewer mains located along Seigle Avenue and Harrill Street.
- **Engineering and Property Management:**
 - **Arborist:** Trees cannot be removed from or planted in the right-of-way of all City of Charlotte maintained streets without permission of the City Arborist's office.
 - **Erosion Control:** No issues.
 - **Land Development:** No issues.
 - **Storm Water Services:** No issues.
 - **Urban Forestry:** No issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
- **Mecklenburg County Parks and Recreation Department:** No issues.

OUTSTANDING ISSUESTransportation

1. Properly dimension the future back-of-curb on Harrill Street as 17.5 feet. Addressed
2. Depict on the site plan both existing and proposed right-of-way lines along each of the site's public street frontages to determine areas where right-of-way and/or sidewalk easements will be required. Addressed

Site and Building Design

3. Limit buildings along Harrill Street to a maximum height of two stories and 40 feet. Addressed
4. Provide illustrative annotated building elevations to clarify commitments and building materials. Addressed
5. Orient buildings in a manner that forms a consistent relationship with the scale and character of the existing neighborhood. For example, provide entry doors accessible from the streets, and setbacks consistent with abutting single family dwellings. Addressed
6. Add note that petitioner reserves right to seek a variance to allow the existing stairs on Seigle Avenue to serve as the access to the public street, as intended by Section 12.529 of the zoning ordinance. Staff has rescinded this request because the petitioner's property does not include the existing stairs that provide access to Seigle Avenue.

Attachments Online at www.rezoning.org

- Application
- Site Plan
- Locator Map
- Community Meeting Report
- Department Comments
 - Charlotte Area Transit System Review
 - Charlotte Department of Housing and Neighborhood Services Review
 - Charlotte Department of Solid Waste Services Review
 - Charlotte Fire Department Review
 - Charlotte-Mecklenburg Schools Review
 - Charlotte Water Review
 - Engineering and Property Management Review
 - City Arborist
 - Erosion Control
 - Land Development
 - Storm Water
 - Urban Forestry
 - Mecklenburg County Land Use and Environmental Services Agency Review
 - Mecklenburg County Parks and Recreation Review
 - Transportation Review

Planner: Sonja Strayhorn Sanders (704) 336-8327