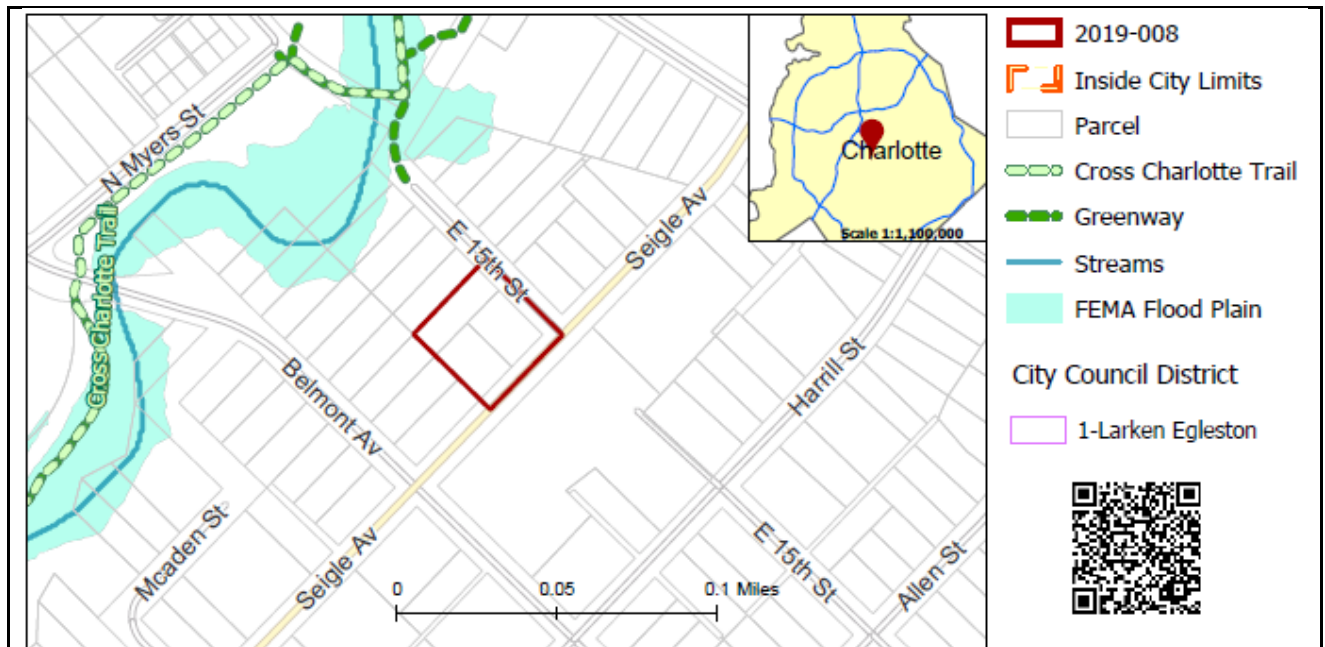


**REQUEST**

Current Zoning: R-5 (single family residential)  
Proposed Zoning: MUDD(CD) (mixed use development, conditional)  
with 5-year vested rights

**LOCATION**

Approximately 0.517 acres located on the west side of the intersection of Seigle Avenue and E. 15th Street.  
(Council District 1 - Egleston)



**SUMMARY OF PETITION**

The petition seeks to redevelop the site with up to 35 residential dwelling units, at a density of 68.6 units per acre.

**PROPERTY OWNER**  
**PETITIONER**  
**AGENT/REPRESENTATIVE**

Alltime Factors Inc. and John Edward Amon, Sr.  
CoHab LLC  
Russell Fergusson

**COMMUNITY MEETING**

Meeting is required and has been held. Report available online.  
Number of people attending the Community Meeting: 44.

**STAFF**  
**RECOMMENDATION**

Staff does not recommend approval of this petition in its current form.

Plan Consistency

The petition is inconsistent with the *Belmont Area Plan*, which recommends single family residential uses up to five dwelling units per acre, and institutional uses for the site.

Rationale for Recommendation

- The proposed multi-family development is located within an established single family detached neighborhood.
- The proposed 65-foot tall multi-unit structure, with a density of 68.6 units per acre is in excess of the adopted plan recommendation for up to five units per acre, and is not consistent with the plan's recommendation that all new and rehabilitated homes be compatible in design and character with the existing adjacent housing stock.

- Much of the surrounding single family area has an established lot pattern with one home per lot. As currently designed, the proposed single family attached development is not consistent with the existing residential context described above due to the attached units, and a total of five units on a lot the same size as lots containing a single home.
- The existing single family core of the community should be preserved and rehabilitated as a whole, to protect the area's "feel" as a traditional pedestrian-oriented single-family neighborhood."
- New construction and rehabilitation projects should be designed in a way that is compatible with the existing character of the area. Approval of this project could lead to the demolition of nearby single family dwellings and requests for higher density on the homesites.
- Staff does not support a five-year vesting option for a site of this size with an individual single-use building. That five-year time period for vested rights is intended to apply to large sites, with a mix of uses that require multiple levels of coordination to complete.

The approval of this petition will revise the adopted future land use as specified by the *Belmont Area Plan*, from single family residential uses up to five dwelling units per acre, and institutional uses to residential uses at 68.6 dwelling units per acre for the site.

#### PLANNING STAFF REVIEW

- **Proposed Request Details**

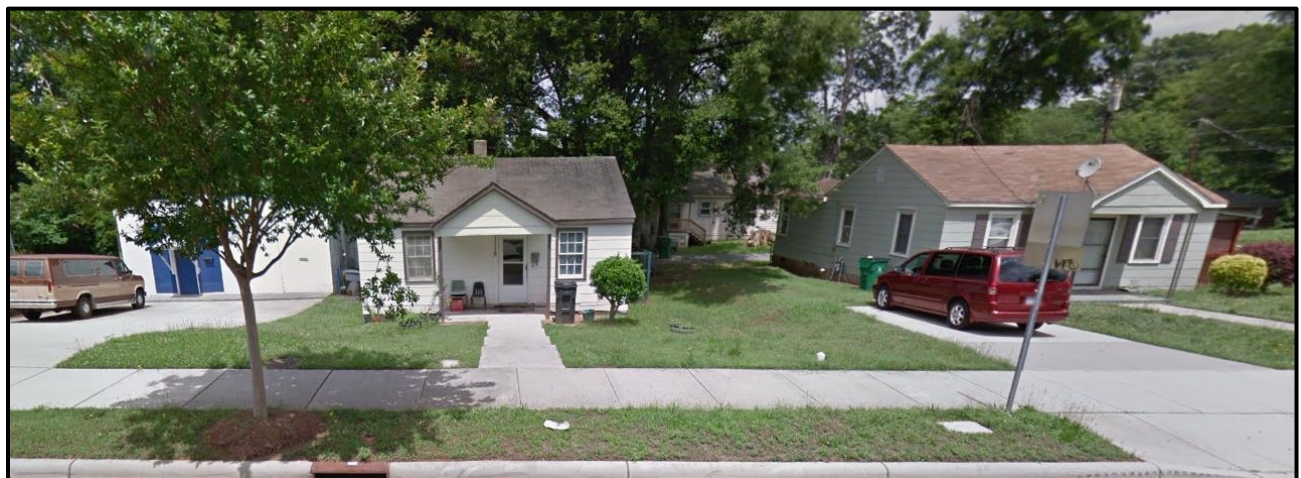
The site plan accompanying this petition contains the following provisions:

- A maximum of 35 residential units, at a density of 68.6 units per acre. Three units will be reserved as affordable units. The three units will either be rented below market at a rate eligible for the Federal Housing Choice Voucher Program or sold at 80% of the area median income, with a 10-year restriction on the resale of the property, or shall be eligible for the City of Charlotte's House Charlotte Program.
  - Note allowing any uses in MUDD zoning district, including mix of commercial space fronting Seigle in addition to the residential units.
  - Maximum building height of 65 feet.
  - Access to the site via Seigle Avenue.
  - Subterranean parking provided at a rate of one space per residential unit.
  - Building materials will be comprised of brick, cedar shake, wood siding, fiber cement siding, stucco, and masonry.
- Provides eight-foot planting strips and eight-foot sidewalks along Seigle Avenue and E. 15<sup>th</sup> Street.

- **Existing Zoning and Land Use**



- The subject properties are zoned R-5 (single family residential) and developed with a religious institution and three single family detached dwellings.
- Properties located on the west side of Seigle Avenue are developed with single family detached and multi-family detached residential, warehouse, parks, and junk yard uses. Single family detached and multi-family residential, institutional, and warehouse uses exist on the east side of Seigle Avenue.



The subject property is developed with three single-family homes.



The properties to the north along East 15<sup>th</sup> Street are developed with single-family homes.



The properties to the south along Belmont Avenue are developed with single-family residential and a warehouse use.

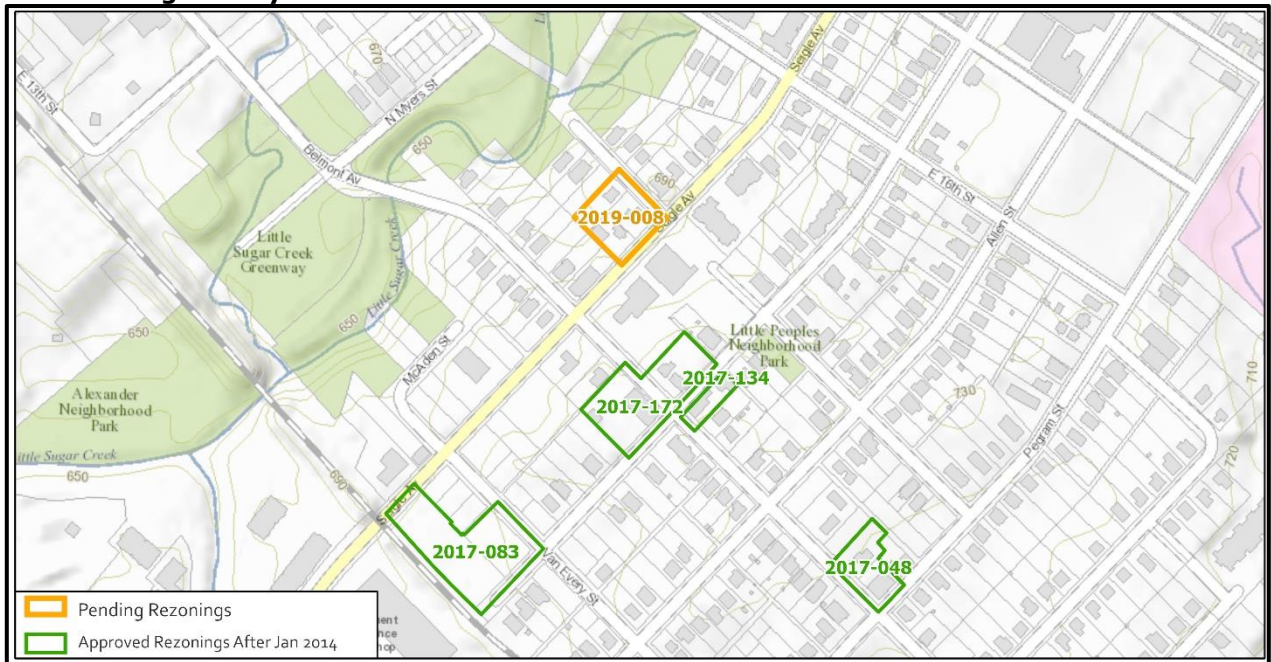


The properties to the west along East 15<sup>th</sup> Street are developed with single-family residential.



The property to the east is developed with a religious institution.

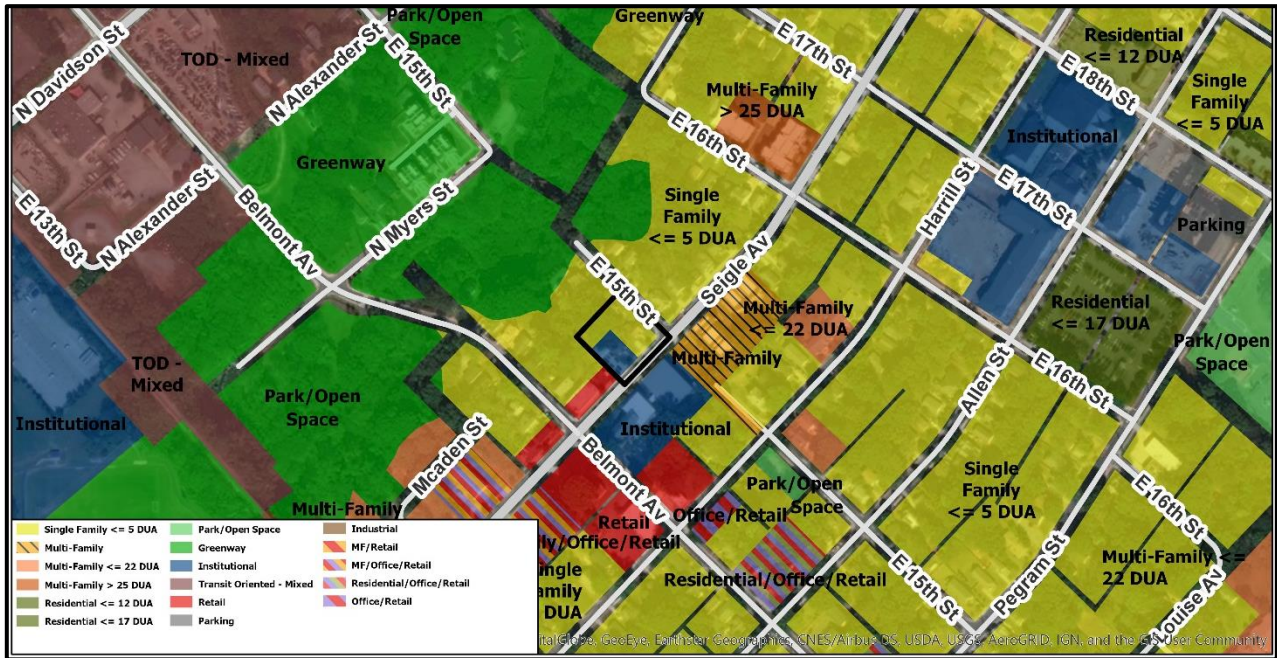
- Rezoning History in Area**



Petition Number	Summary of Petition	Status
2017-172	Approximately 0.844 acres located on the northwest and southwest corners of Harrill Street and Belmont Avenue to MUDD-O to allow eating/drinking/ entertainment establishments, neighborhood food and beverage services, exercise gyms, general offices, retail, and/or residential uses.	Approved
2017-134	Approximately 0.16 acres located at the intersection of Harrill Street and Belmont to MUDD-O to allow an eating/drinking/ entertainment establishment and residential use.	Approved

2017-083	Approximately 1.16 acres located between Seigle Avenue and Harrill Street, west of Van Every Street to UR-2(CD) to allow up to 19 attached dwelling units, at a density of 16.37 dwelling units per acre.	Approved
2017-048	Approximately 0.357 acres located at the northeast intersection of Belmont Avenue and Pegram Street, east of Allen Street to MUDD-O to allow for an eating/drinking/entertainment establishment and other select retail and office uses.	Approved

#### • Public Plans and Policies



- The *Belmont Area Revitalization Plan* (2003) recommends single family uses up to five units per acre for tax parcels 08110914 and 21 located at the corner of Seigle Avenue and E. 15<sup>th</sup> Street and E. 15<sup>th</sup> Street respectively, and institutional land use for tax parcel 08109913.
- Design policies in the adopted plan recommend that new and rehabilitated homes be compatible in design and character with the existing adjacent housing stock. The existing single family core of the community should be preserved and rehabilitated as a whole, to protect the area's "feel" as a traditional pedestrian-oriented single-family neighborhood. New construction and rehabilitation projects should be designed in a way that is compatible with the existing character of the area.

#### • TRANSPORTATION CONSIDERATIONS

- CDOT is requesting the petitioner make off-site improvements to the receiving ADA ramps at the corner of Seigle Avenue and East 15<sup>th</sup> Street to meet current city and Public Rights-of-Way Accessibility Guidelines (PROWAG) standards.
- See Outstanding Issues, Note 4.
- **Vehicle Trip Generation:**  
Current Zoning:  
Existing Use: 30 trips per day (based on three single family dwellings).  
Entitlement: 30 trips per day (based on three single family dwellings).  
Proposed Zoning: 540 trips per day (based on 35 multi-family units and 1,500 square feet of retail).

#### DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No outstanding issues.
- **Charlotte Department of Housing and Neighborhood Services:** No outstanding issues.
- **Charlotte Department of Solid Waste Services:** See Outstanding Issues, Note 4
- **Charlotte Fire Department:** No outstanding issues.

- **Charlotte-Mecklenburg Schools:** No comments received.
- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 2-inch water distribution main located along East 15<sup>th</sup> Street and via an existing 6-inch water distribution main located along Seigle Avenue. Charlotte Water has sanitary sewer system infrastructure accessible for the rezoning boundary via an existing 8-inch gravity sewer main located along East 15<sup>th</sup> Street and via an existing 8-inch gravity sewer main located along Seigle Avenue.
- **Engineering and Property Management:**
  - **Arborist:** No comments submitted.
  - **Erosion Control:** No outstanding issues.
  - **Land Development:** No outstanding issues.
  - **Storm Water Services:** See Outstanding Issues, Note 11
  - **Urban Forestry:** See Outstanding Issues, Note 8
- **Mecklenburg County Land Use and Environmental Services Agency:** No comments submitted.
- **Mecklenburg County Parks and Recreation Department:** No outstanding issues.

## OUTSTANDING ISSUES

### Land Use

1. Reduce the density to not exceed five dwelling units per acre.
2. Remove the request for 5-year vested rights.
3. Amend Note 2A to delete commercial uses. If commercial space will be included specify the maximum square footage allowed.

### Transportation

4. Rebuild the receiving ramps at the corner of Seigle Avenue and East 15<sup>th</sup> Street to meet City of Charlotte and PROWAG standards.

### Site and Building Design

5. Amend Note 5 to remove "in the sole discretion of petitioner."
6. Show and label required space for dumpster(s)/compactor and recycling, which is required to be set aside even if property owner and/or developer elects to use a private hauler for individual rollout cart service.
7. Amend Note 4D to delete all verbiage after "By Section 6.207 of the ordinance."
8. Specify Tree Save information under heading of Development Data.
9. Correct the discrepancy between the number of parking spaces provided and the parking ratio specified in the site development data table.
10. Add the following notes under heading of Architectural and Site Design:
  - a. All principal and accessory buildings abutting a network required public or private street shall comprise a minimum of 30% that building's entire façade facing such network street using brick, natural stone (or its synthetic equivalent) stucco or other material approved by the planning director.
  - b. List the following as prohibited building materials: vinyl siding as a prohibited exterior building material except on hand rails, windows or door trim; concrete masonry units not architecturally finished.
  - c. Buildings shall be placed so as to present a front or side façade to all network required streets (public or private); buildings shall front a minimum of 60% of the total network required street frontage on the site (exclusive of driveways, pedestrian access, points, accessible open space, tree save or natural areas, tree replanting areas and storm water facilities); parking lots shall not be located between any building and any network required public or private street; driveways intended to serve single units shall be prohibited on all network required streets.
  - d. Buildings exceeding 120 feet in length shall include modulations of the building massing/façade plane (such as recesses, projections, and architectural details). Modulations shall be a minimum of 10 feet wide and shall project or recess a minimum of six feet extending through the building.
  - e. Building elevations shall be designed with vertical bays or articulated architectural façade features which may include but not be limited to a combination of exterior wall offsets, projections, recesses, pilasters, banding and change in materials or colors; buildings shall be designed with a recognizable architectural base on all facades facing network required public or private streets. Such base may be executed through use of preferred exterior building materials or articulated architectural facades features and color changes; building elevations facing network required public or private streets shall not have expanses of blank walls greater than 20 feet in all directions and architectural features such as but limited to banding,

- medallions or design features or materials will be provided to avoid a sterile, unarticulated blank treatment of such walls.
- f. Roof form and lines shall be designed to avoid the appearance of a large monolithic roof structure as follows: long pitched or flat roof lines shall avoid continuous expanses without variation by including changes in height and/or roof form to include but not be limited to gables, hips, dormers or parapets; for pitched roofs the minimum allowed is 4:12 excluding buildings with a flat roof and parapet walls; roof top HVAC and related mechanical equipment will be screened from public view at grade from the nearest street.
  - g. Service areas such as dumpsters, refuse areas, recycling and storage shall be screened from view with materials and design to be compatible with principal structures. Such design shall include a minimum 20% preferred exterior building materials or a Class B buffer not less than 10 feet in depth at all above grade perimeter not paved for access.
  - h. Sidewalk extensions should be provided between all street trees on all public and private network required streets when parking is adjacent.

#### Environment

11. Amend Note 5(A) to add the following notes:

##### Storm Water Quality Treatment

For defined watersheds greater than 24% built-upon area (BUA), construct water quality stormwater control measures (SCMs) designed for the runoff generated from the first 1-inch of rainfall for all new and redeveloped BUA associated with the project. SCMs must be designed and constructed in accordance with the Charlotte-Mecklenburg BMP Design Manual.

##### Volume and Peak Control

For defined watersheds greater than 24% built-upon area, control the entire volume for the 1-year, 24-hour storm for all new and redeveloped BUA associated with the project. Runoff volume drawdown time shall be in accordance with the Charlotte-Mecklenburg BMP Design Manual.

For commercial projects with greater than 24% BUA, control the peak to not exceed the predevelopment runoff rates for the 10-yr, 6-hr storm and perform a downstream flood analysis to determine whether additional peak control is needed and if so, for what level of storm frequency, or if a downstream analysis is not performed, control the peak for the 10-yr and 25-year, 6-hour storms.

For residential projects with greater than 24% BUA, control the peak to not exceed the predevelopment runoff rates for the 10-year and 25-year, 6-hour storms or perform a downstream analysis to determine whether peak control is needed, and if so, for what level of storm frequency.

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#### **Attachments Online at [www.rezoning.org](http://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 Water Review
  - Engineering and Property Management Review
    - Erosion Control
    - Land Development
    - Storm Water
    - Urban Forestry
  - Mecklenburg County Parks and Recreation Review
  - Transportation Review

**Planner:** Sonja Strayhorn Sanders (704) 336-8327