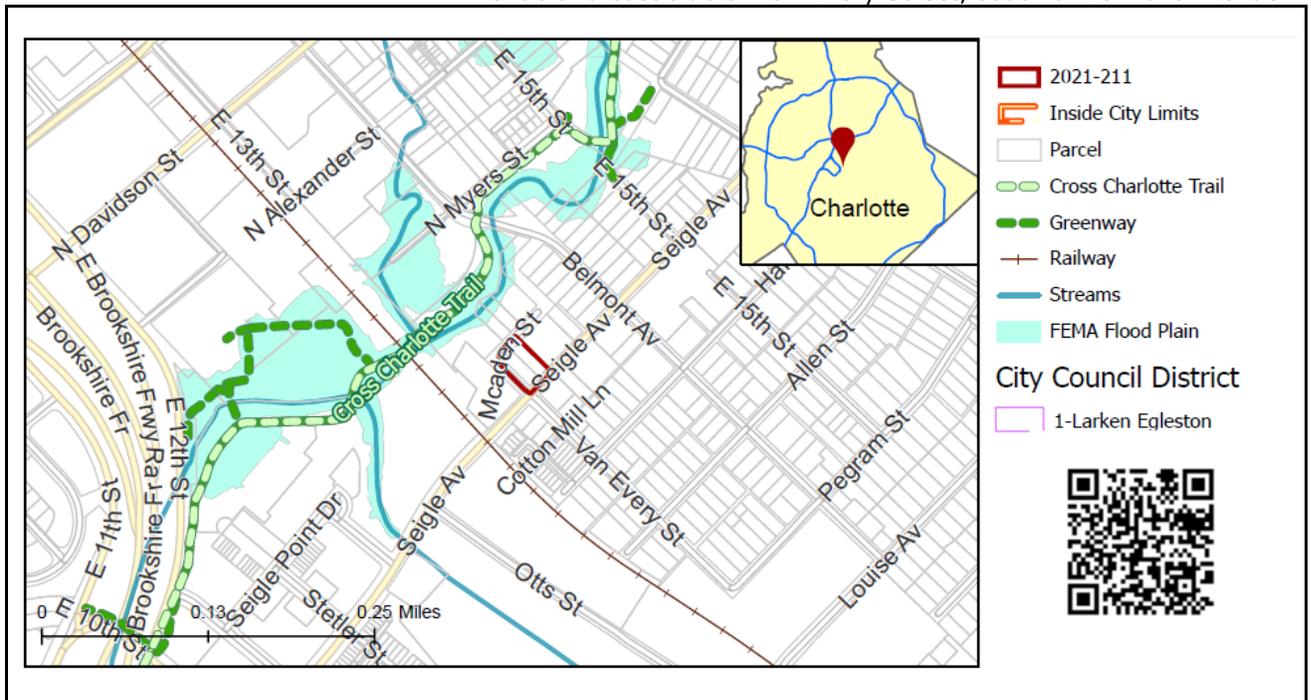


**REQUEST**

Current Zoning: I-2 (general industrial)  
Proposed Zoning: UR-2(CD) (urban residential, conditional) with 5-year vested rights

**LOCATION**

Approximately 0.35 acres located along the west side of Seigle Avenue and east side of Van Every Street, south of Belmont Avenue.



**SUMMARY OF PETITION**

The petition proposes to allow an infill development with 10 single family attached units at a density of 28.57 units per acre.

**PROPERTY OWNER  
PETITIONER  
AGENT/REPRESENTATIVE**

Legacy Construction Unlimited Inc  
Legacy Construction Unlimited Inc  
Robert Brandon and Harold Jordan

**COMMUNITY MEETING**

Meeting is required and has been held. Report available online.  
Number of people attending the Community Meeting: 8

**STAFF  
RECOMMENDATION**

Staff recommends approval of this petition upon resolution of outstanding issues related to transportation and site and urban design.

Plan Consistency

The petition is **inconsistent** with the *Belmont Area Revitalization Plan* (2003) recommendation for multi-family uses up to 22 dwelling units per acre (DUA).

Rationale for Recommendation

- The petition is in alignment with the plan’s Land Use and Development Goals in that it preserves the single family character and contributes to a overall mixed use environment that will enhance the area’s quality of life.
- Although the requested density (28 DUA) is higher than the proposed land use density for these parcels (22 DUA), the request

is in line with the plan recommendation for residential uses on this site.

- The petition’s proposed uses are compatible with the surrounding residential and non-residential uses. While zoned industrial, there have been multiple approved rezonings to mixed use districts in the area.

The approval of this petition will revise the adopted future land use as specified by the *Belmont Area Revitalization Plan*, from multi-family uses up to 22 DUA to residential uses greater than 22 DUA.

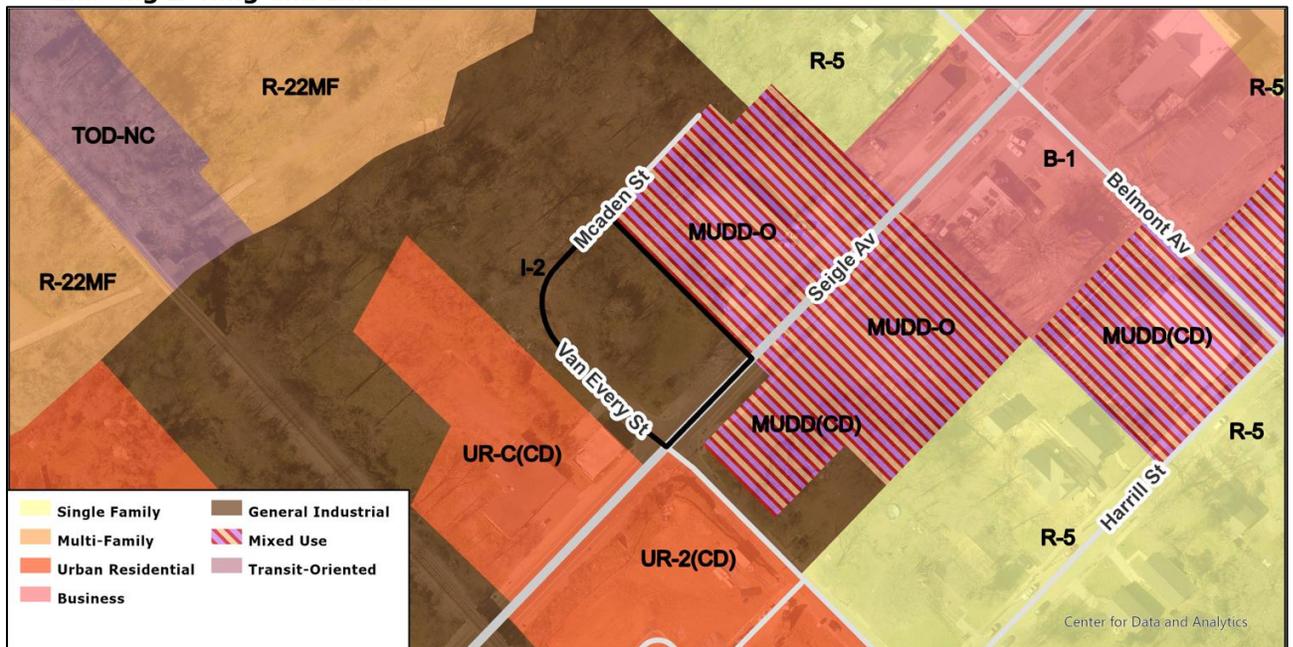
**PLANNING STAFF REVIEW**

• **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Up to 10 single family attached (townhouse) units in up to 2 buildings at a density of 28.6 dwelling units per acre.
- Maximum building height of 40 feet.
- Proposes minimum 5-foot wide sidewalk and 8-foot wide planting strip along Van Every Street and Mcaden Street frontages.
- Notes wall facing Seigle Avenue that is shielding the private driveway will be constructed of similar materials as the primary structure and softened with low shrubs/enhanced landscaping.
- Proposes 8-foot wide sidewalk and 8-foot wide planting strip along Seigle Avenue.
- Proposes primary building material will be wood and/or hardi-board resembling traditional wood siding. Secondary building materials may include a combination of portions of brick, natural stone (or its synthetic equivalent), stucco, cementitious siding, fiber cement (e.g. HardiPlank), aluminum wrapped wood fascia, and/or other materials approved by the Planning Director.
- Prohibits the following exterior building materials: vinyl siding, excluding vinyl handrails, windows, soffits or door trim; and concrete masonry units not architecturally finished.
- Notes corner/end units will have a porch or stoop that wraps a portion of the front and side of the unit or provide blank wall provisions limiting the maximum blank wall expanse to 10 feet.
- Notes stoops and/or porches will form a predominant feature of the building design and be located along Van Every Street and/or Seigle Avenue, as applicable.
- Notes private open space will be met by rooftop terraces, balconies, and other means that will comply with the Zoning Ordinance definition of private open space.

• **Existing Zoning and Land Use**



The rezoning site is currently vacant and is surrounded by a mix of residential and nonresidential uses and vacant land on properties zoned R-5, R-22MF, UR-2(CD), UR-C(CD), MUDD(CD), MUDD-O, B-1, and TOD-NC.



The site is currently vacant.



North are a residential neighborhood and Little Sugar Creek.



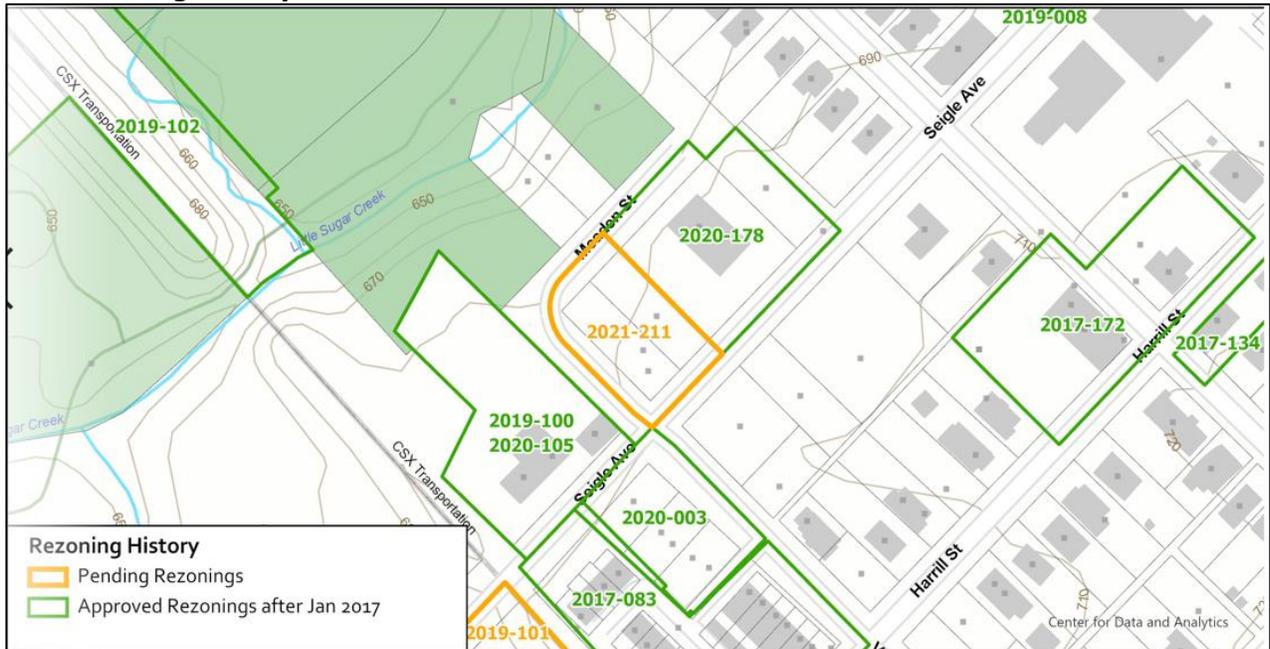
Northeast and east are businesses, vacant lots, and residential homes.



South and west (above and below) are a mix of single family and multi-family homes, vacant land, and office/warehouse uses. The CSX Railroad is also to the west.



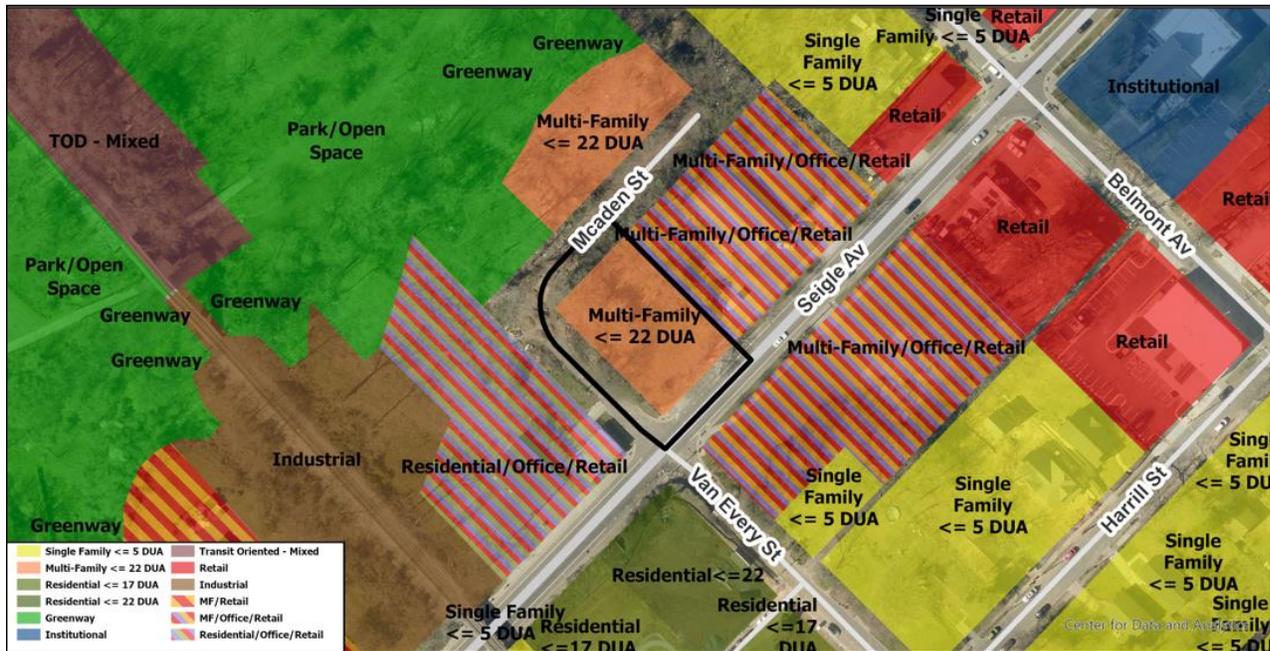
• **Rezoning History in Area**



Petition Number	Summary of Petition	Status
2020-178	Rezoned 0.7 acre from MUDD-O and I-2 to MUDD-O SPA to allow 15,000 sq ft of non-residential uses.	Approved
2020-105	Rezoned 0.95 acre from MUDD-O to UR-C(CD) to allow 3,900 sq ft of non-residential uses and 22 single family attached units.	Approved

2020-003	Rezoned 0.3 acre from I-2 to UR-2(CD) to allow 3 duplex residential units.	Approved
2019-102	Rezoned parcels to TOD.	Approved
2019-101	Rezone 4.5 acres from I-2 to MUDD-O to allow a mix of uses.	Pending
2019-100	Rezoned 1.01 acres from I2 to MUDD-O to allow 12 single family attached units and 13,800 sq ft of non-residential uses.	Approved
2019-008	Rezoned 0.5 acre from R-5 to MUDD(CD) to allow 28 residential units and office space for leasing and management office.	Approved
2017-172	Rezoned 0.844 acre from B-1 to MUDD-O to allow the adaptive reuse of an existing building for a mix of residential and non-residential uses.	Approved
2017-134	Rezoned 0.16 acre from R-5 to MUDD-O to allow a commercial building and single-family residential uses.	Approved
2017-083	Rezoned 1.16 acres from I-2 to UR-2(CD) to allow 19 townhomes.	Approved

• **Public Plans and Policies**



- The Belmont Area Revitalization Plan recommends multi-family use up to 22 DUA for the site.

- **TRANSPORTATION SUMMARY**

- The site is located on Seigle Avenue, a City-maintained minor thoroughfare, and Van Every Street, a City-maintained local street. A Traffic Impact Study (TIS) is not needed for this site. Site plan revisions are needed to meet ordinance requirements and the outstanding items including, but not limited to committing to dedicate a minimum of 30' of right-of-way measured from the centerline of Seigle Avenue. Site plan revisions are also needed to commit to constructing an 8-foot planting strip and 8-foot sidewalk along Van Every Street and McAden Street and showing existing 5' bicycle lane on Seigle Avenue on site plan, and calling out CLDSM typical section for new proposed streets. Further details are listed below:
  - **Active Projects:**
    - No active project near the site.
  - **Transportation Considerations**
    - See Outstanding Issues, Notes 1-7.
  - **Vehicle Trip Generation:**
    - Current Zoning:
      - Existing Use: 0 trips per day (based on vacant land).
      - Entitlement: 70 trips per day (based on 14,810 sq ft warehouse).
      - Proposed Zoning: 35 trips per day (based on 10 townhomes).

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

- **Charlotte Area Transit System:** No outstanding issues.
- **Charlotte Department of Housing and Neighborhood Services:** No comments submitted.
- **Charlotte Department of Solid Waste Services:** No outstanding issues.
- **Charlotte Fire Department:** No comments submitted.
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning could generate 0 students, while the development allowed under the proposed zoning may produce 0 students.
  - The proposed development is not projected to increase the school utilization over existing conditions (without mobile classroom units) as follows:
    - Villa Heights Elementary remains at 75%
    - Eastway Middle remains at 117%
    - Garinger High remains at 117%
  - See advisory comments [www.rezoning.org](http://www.rezoning.org).
- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 8-inch water distribution main located along Seigle Avenue. Charlotte Water has accessible sanitary sewer system infrastructure for the rezoning boundary via an existing 8-inch gravity sewer main located along Seigle Avenue. See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Erosion Control:** No outstanding issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Mecklenburg County Parks and Recreation Department:** No outstanding issues.
- **Stormwater Services Land Development Engineering:** No outstanding issues.
- **Storm Water Services:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Urban Forestry / City Arborist:** See Outstanding Issues, Notes 12.

**OUTSTANDING ISSUES**

Transportation

1. Revise site plan and conditional note(s) to commit to dedicate 30' of right-of-way from the road centerline of Seigle Avenue. The site plan shall label and dimension the right-of-way from the road centerline.
2. Revise site and conditional note(s) labeling both Van Every Street and McAden Street as public streets and specify street typical section per CLDSM.
3. Revise site plan and conditional note(s) to commit to construct an 8-foot planting strip, and 8-foot sidewalk on Van Every Street and McAden Street with a 2' sidewalk utility easement at the back of sidewalk (if needed) per Chapter 19 and Chapter 20. The site plan shall label and dimension both items from the back of curb and gutter.

4. The proposed dwelling units exceeds 12 per acre. Per Chapter 20 Subdivision ordinance, site plan and conditional note(s) revisions are needed to commit to construct an 8-foot planting strip, and 8-foot sidewalk along Van Every Street and McAden Street. The wider sidewalk also meets the Charlotte WALKS Policy.
5. Site plan and conditional note(s) revisions are needed to commit to maintain existing bicycle lane along Seigle Avenue to meet the City Charlotte BIKE Policy.
6. Show bicycle lane along site frontage on Seigle Avenue.
7. Remove the second sentence from Transportation Note #10. Neither of these sight triangles will be applied in this zoning district.

~~s). Two 35' x 35' sight triangles (and two 10' x 70' sight triangles on NCDOT-maintained streets) are required and/or identification signs shall not interfere with sight distance at the entrance(s) and shall be identified on~~

Site and Building Design

8. Remove 5-year vested rights from the application and site plan.
9. Provide a minimum 6-foot sidewalk along the frontages of both Van Every Street and McAden Street. Label and dimension sidewalks on site plan and modify development note accordingly.
10. For Transportation Note III.17, please note the planting schedule of the accompanying shrubs or remove the last sentence.
11. Under Site Development Data, note density of proposed project.
12. Under Tree Save Data, modify to state required tree save area = 2,250 square feet and tree save will be provided per the ordinance.

---

**See Attachments (applications, department memos, maps etc.) Online at [www.rezoning.org](http://www.rezoning.org)**

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

## Goals Relevant to Rezoning Determinations

### Rezoning Petition # 2021-211

The following table represents an overview of the relationship between the **Charlotte Future 2040 Comprehensive Plan** and **Rezoning Petitions**. This is an evolving analysis that is expected to be refined when **Policy Mapping** is completed and adopted (anticipated early 2022).

Please note: not all goals will apply to all rezoning petitions.

Goals	Goal Description	Relationship to Charlotte Future 2040 Comprehensive Plan
	<p><b>Goal 1: 10- Minute Neighborhoods</b></p> <p>All Charlotte households should have access to essential amenities, goods, and services within a comfortable and tree-shaded 10-minute walk, bike, or transit trip by 2040. Not all neighborhoods are expected to include every essential amenity, good, or service, but every resident should have access within a ½ mile walk or a 2-mile bike or transit ride.</p>	
	<p><b>Goal 2: Neighborhood Diversity &amp; Inclusion</b></p> <p>Charlotte will strive for all neighborhoods to have a diversity of housing options by increasing the presence of middle density housing (e.g. duplexes, triplexes, fourplexes, townhomes, accessory dwelling units, and other small lot housing types) and ensuring land use regulations allow for flexibility in creation of housing within existing neighborhoods.</p>	
	<p><b>Goal 3: Housing Access for All</b></p> <p>Charlotte will ensure opportunities for residents of all incomes to access affordable housing through the preservation of naturally occurring affordable and workforce housing and increasing the number of affordable and workforce housing units through new construction.</p>	
	<p><b>Goal 4: Trail &amp; Transit Oriented Development (2-TOD)</b></p> <p>Charlotte will promote moderate to high-intensity, compact, mixed-use urban development along high-performance transit lines and near separated shared-use paths or trails.</p>	

	<p><b>Goal 5: Safe &amp; Equitable Mobility</b> Charlotte will provide safe and equitable mobility options for all travelers regardless of age, income, ability, race, where they live, or how they choose to travel. An integrated system of transit and tree-shaded bikeways, sidewalks, shared-use paths, and streets will support a sustainable, connected, prosperous, and innovative network that connects all Charlotteans to each other, jobs, housing, amenities, goods, services and the region.</p>	
	<p><b>Goal 6: Healthy, Safe &amp; Active Communities</b> All Charlotteans will live and work in safe and resilient neighborhoods that enable healthy and active lifestyles by reducing exposure to harmful environmental contaminants, expanding and improving the quality of tree canopy, encouraging investment in walking, cycling, and recreation facilities, and providing access to healthy food options and healthcare services.</p>	<p>N/A</p>
	<p><b>Goal 7: Integrated Natural &amp; Built Environments</b> Charlotte will protect and enhance its surface water quality, tree canopy, and natural areas with a variety of trees, plantings, green infrastructure, green building practices, and open space at different scales throughout the entire community as a component of sustainable city infrastructure that addresses the threat of climate change.</p>	<p>N/A</p>
	<p><b>Goal 8: Diverse &amp; Resilient Economic Opportunity</b> Charlotteans will have opportunity for upward economic mobility through access to a diverse mix of jobs and careers that align with education and skill levels of residents and the economic strengths of the region.</p>	<p>N/A</p>
	<p><b>Goal 9: Retain Our Identity &amp; Charm</b> Charlotte will cultivate community-driven placemaking and identity, while limiting displacement and retaining the essence of existing neighborhoods by intentionally directing redevelopment.</p>	
	<p><b>Goal 10: Fiscally Responsible</b> Charlotte will align capital investments with the adopted growth strategy and ensure the benefit of public and private sector investments benefit all residents and limit the public costs of accommodating growth</p>	<p>N/A</p>