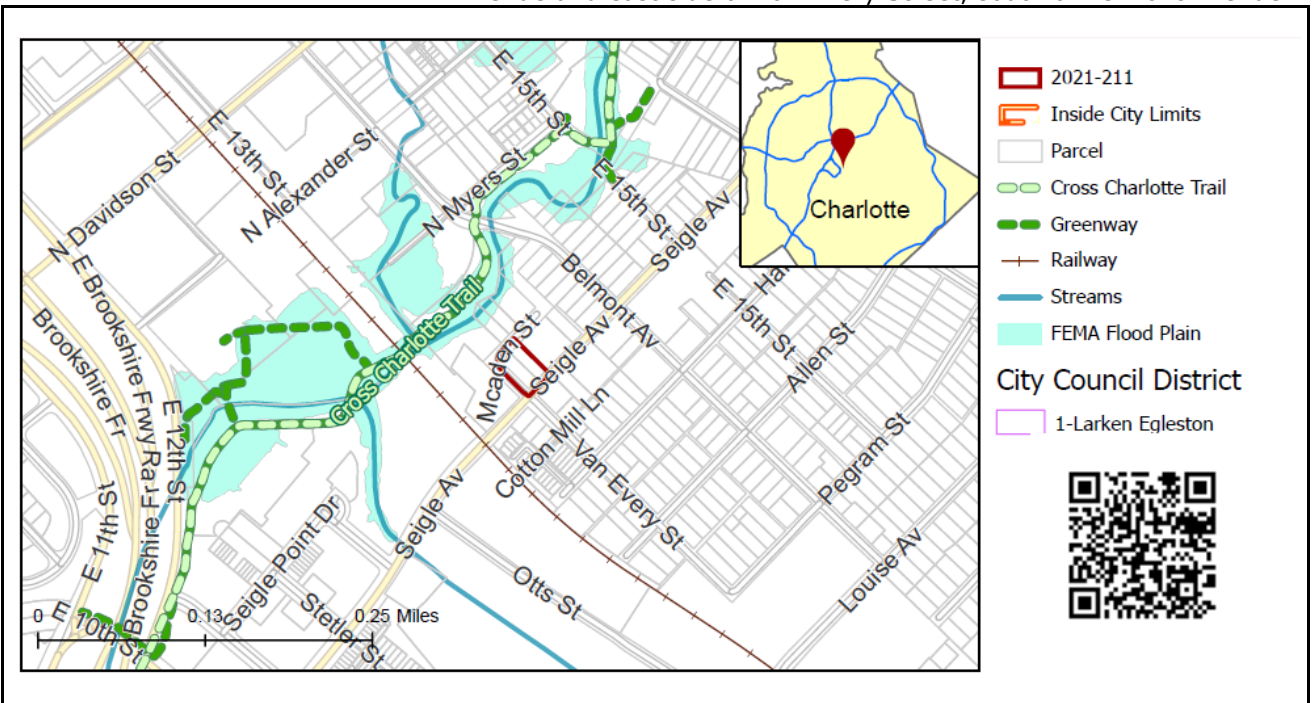


**REQUEST**

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  
Russell Fergusson 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, site and building design.

Plan Consistency

The petition is **consistent** with the 2040 Policy Map (2022) recommendation for the Neighborhood 2 Place Type.

Rationale for Recommendation

- The petition is consistent with the Charlotte Future 2040 Comprehensive Plan Goals #1: 10-Minute Neighborhood, #2: Neighborhood Diversity & Inclusion, #5: Safe & Equitable Mobility, and #9: Retain Our Identity & Charm.
- The rezoning site is surrounded by parcels recommended for Place Types N2 (Neighborhood 2), Neighborhood Center, and Parks and Preserves.

- The petition will provide a range of moderate to higher intensity housing types, including apartment and condominium buildings to meet the needs of a diverse population.
- 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 rezoning site is on a bus route and is approximately one mile from the Parkwood light rail transit station.

## PLANNING STAFF REVIEW

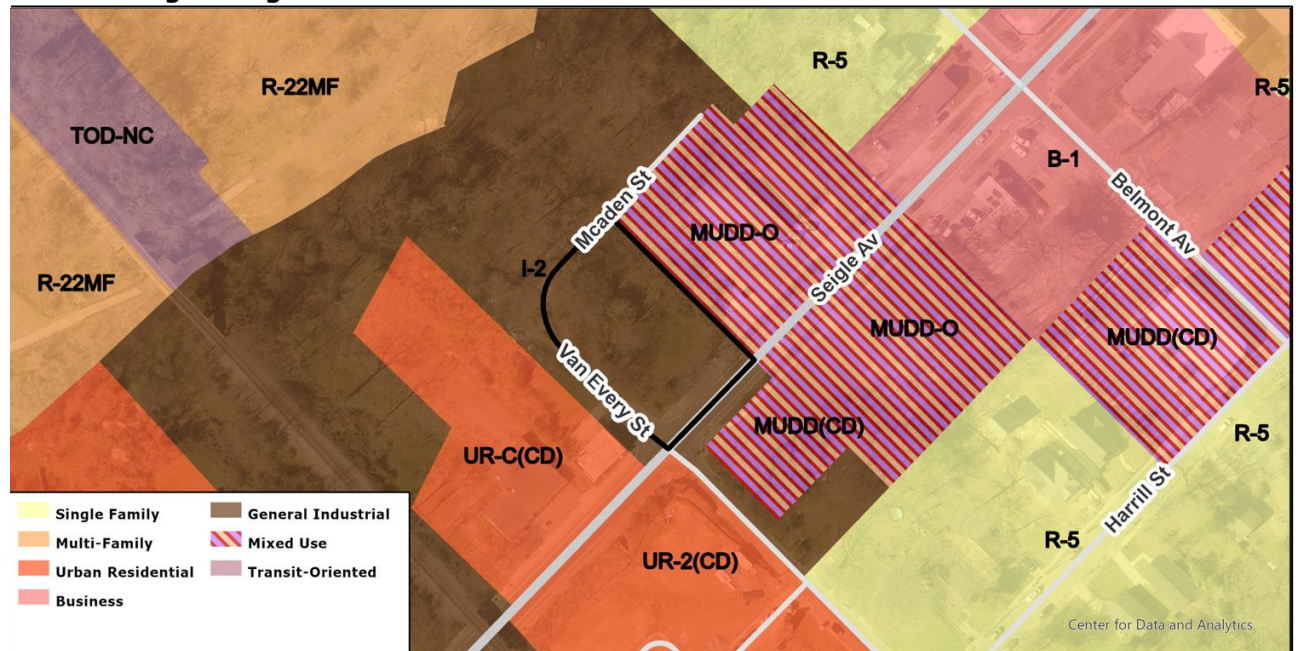
- **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Up to 10 single family attached (townhouse) units in up to two buildings at a density of 28.6 dwelling units per acre.
- Maximum building height of 40 feet.
- Proposes minimum ~~five-foot~~ **six-foot** wide sidewalk and eight-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 eight-foot wide sidewalk and eight-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.
- **Notes petitioner intends to use payment in lieu option for tree save area (required 2,250 square feet or 15%).**



- 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.

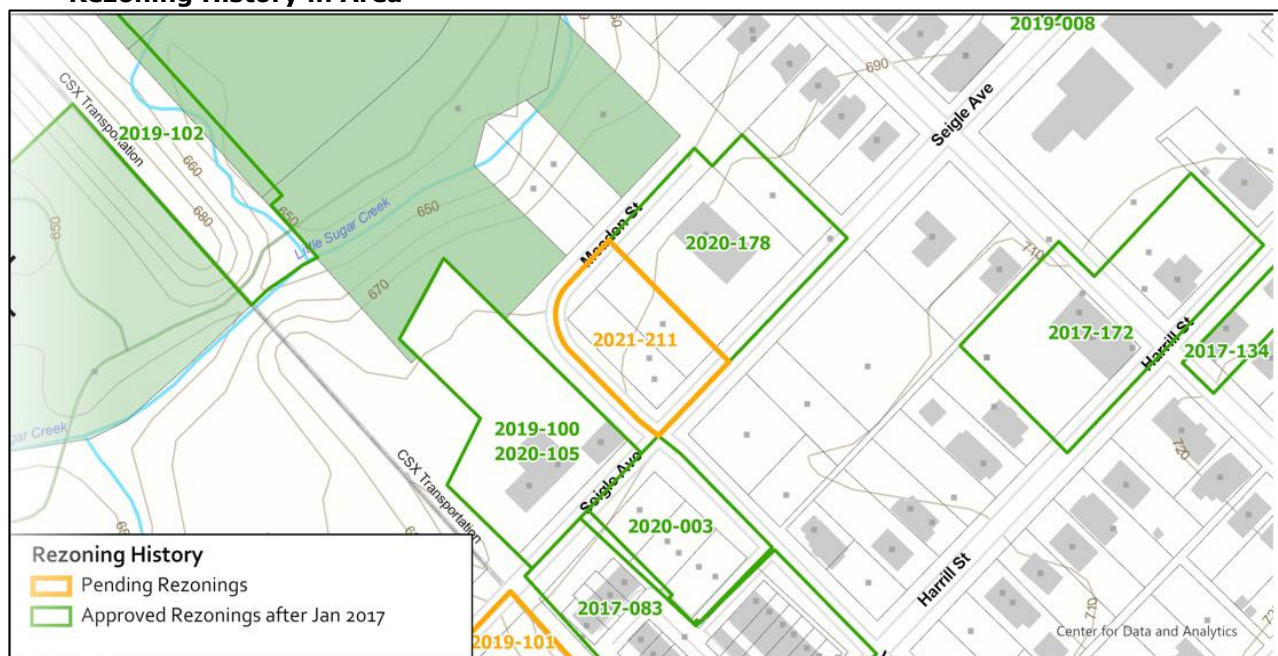


South and west (above and below) are a mix of single family and multi-family homes, vacant land, and office/warehouse uses. The CSX Railroad is also to the west.





### • 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 2040 Policy Map (2021) recommends the Neighborhood 2 Place Type for this 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. The petitioner has committed to constructing an 8-foot planting strip and an 8-foot sidewalk along Seigle Avenue and an 8-foot planting strip and 6-foot sidewalk along Van Every and McAden Streets. The existing bicycle lane on Seigle Avenue will remain to meet the City Charlotte BIKE Policy. The petitioner has also committed to extending McAden Street within the existing right-of-way as generally depicted on the site plan. 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, dimensioning the bicycle lane along Seigle Avenue and removing the existing fire hydrant from the site plan. Further details are listed below:

- **Active Projects:**

- No active project near the site.

- **Transportation Considerations**

- See Outstanding Issues, Notes #1, #5, and #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.

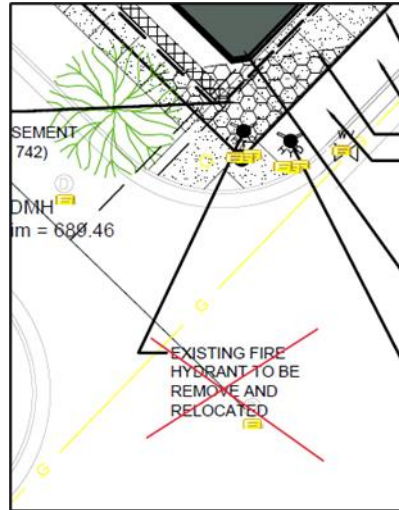
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning could generate 0 students, while the development allowed under the proposed zoning may produce 0 students.
  - The proposed development is not projected to increase the school utilization over existing conditions (without 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 13.

## 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. **Not addressed**
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.~~ **Addressed**
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.~~ **Addressed**
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.~~ **Rescinded**
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.~~ **Update to Comment (New Site Plan, 06-21-2022): Show bicycle lane along site frontage on Seigle Avenue. Dimension existing bike lane and add bicycle symbol to existing bike lane for clarity.** **Not addressed**
6. ~~Remove the second sentence from Transportation Note #10. Neither of these sight triangles will be applied in this zoning district.~~ **Addressed**
7. **New Comment (New Site Plan, 06-21-2022):** Revise site plan removing existing fire hydrant and call out for clarity. **Not addressed**





#### Site and Building Design

8. ~~Remove 5-year vested rights from the application and site plan.~~ Addressed
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.~~ Addressed
10. ~~For Transportation Note III.17, please note the planting schedule of the accompanying shrubs or remove the last sentence.~~ Addressed
11. ~~Under Site Development Data, note density of proposed project.~~ Addressed
12. ~~Correct the following wording so it is a clear note on the site plan: "Private Open Space to be met by rooftop terraces, balconies, and other means that will comply with the Zoning Ordinance definition of Private Open Space."~~ Addressed
13. Under Tree Save Data, modify to state required tree save area = 2,250 square feet and tree save will be provided per the ordinance. **Not addressed. Payment in Lieu is not an option for Urban Sites located in a wedge. A minimum of 2,250 square feet of tree save is required. If it cannot be protected then it must be replanted at a rate of 150%. Please review the exact section of the ordinance you referenced because there is not option for Payment in Lieu and it give clear guidance about replanting and amenitized tree save.**

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**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
	<b>Goal 1: 10- Minute Neighborhoods</b> 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.	✓
	<b>Goal 2: Neighborhood Diversity &amp; Inclusion</b> 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.	✓
	<b>Goal 3: Housing Access for All</b> 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.	X
	<b>Goal 4: Trail &amp; Transit Oriented Development (2-TOD)</b> 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.	N/A

	<p><b>Goal 5: Safe &amp; Equitable Mobility</b></p> <p>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></p> <p>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></p> <p>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></p> <p>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></p> <p>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></p> <p>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>