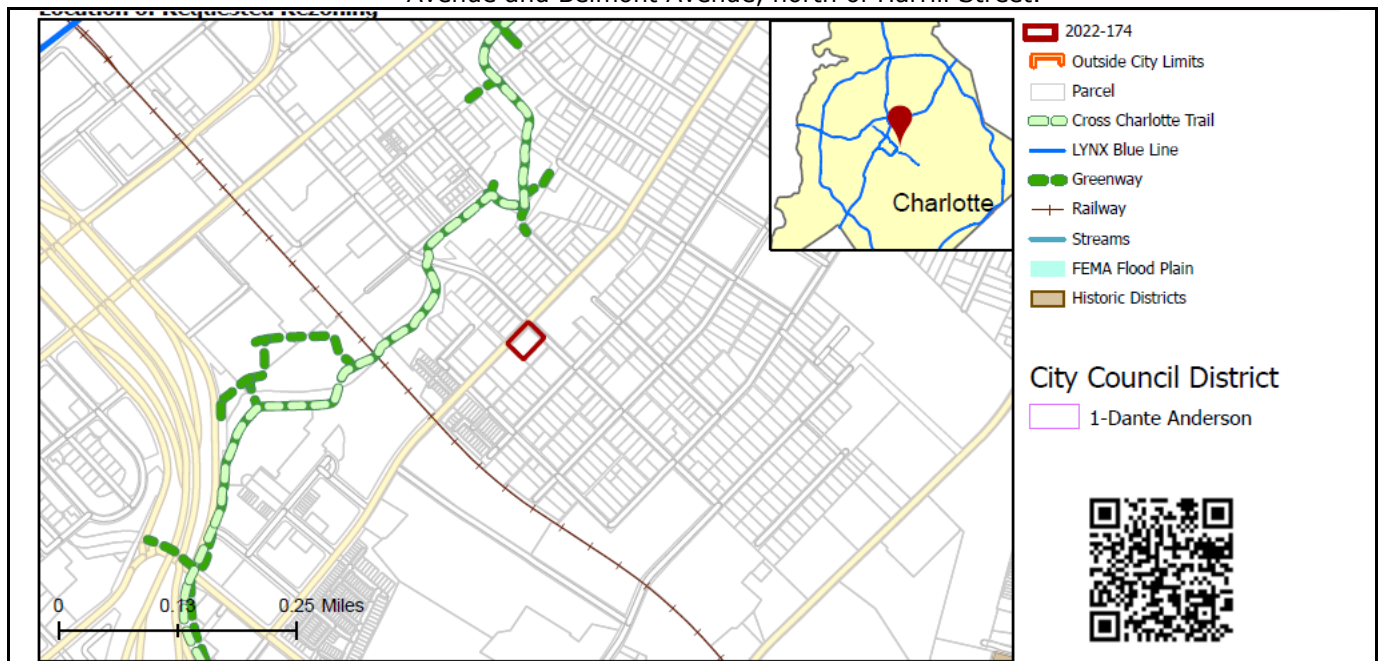


REQUEST

Current Zoning: B-1 (neighborhood business)
Proposed Zoning: MUDD-O (mixed use development, optional) with three-year vested rights

LOCATION

Approximately 0.34 acres located at the southwest intersection of Seigle Avenue and Belmont Avenue, north of Harrill Street.



SUMMARY OF PETITION

The petition proposes rezone a lot previously used as an auto car garage to allow the construction of a 9,000-square foot mixed-use building residential and nonresidential uses.

PROPERTY OWNER

1030 Seigle LLC

PETITIONER

Anderson Pearson

AGENT/REPRESENTATIVE

Anderson Pearson

COMMUNITY MEETING

Meeting is required and has been held. Report available online.
Number of people attending the Community Meeting: 22

STAFF RECOMMENDATION

Staff recommends approval of this petition upon resolution of outstanding issues related to environment.

Plan Consistency

The petition is **consistent** with the *2040 Policy Map* recommendation for Neighborhood Center.

Rationale for Recommendation

- Neighborhood Centers are small, walkable mixed-use areas, typically embedded within neighborhoods, that provide convenient access to goods, services, dining, and residential for nearby residents.
- The petition's proposed uses are compatible with the surrounding residential and non-residential uses.
- The recommended building height within the Neighborhood Center place type is no more than five stories. The petition limits building height to 50 feet.

- The petition could facilitate the following *2040 Comprehensive Plan* Goals:
 - 1: 10 Minute Neighborhoods
 - 9: Retain Our Identity & Charm

PLANNING STAFF REVIEW

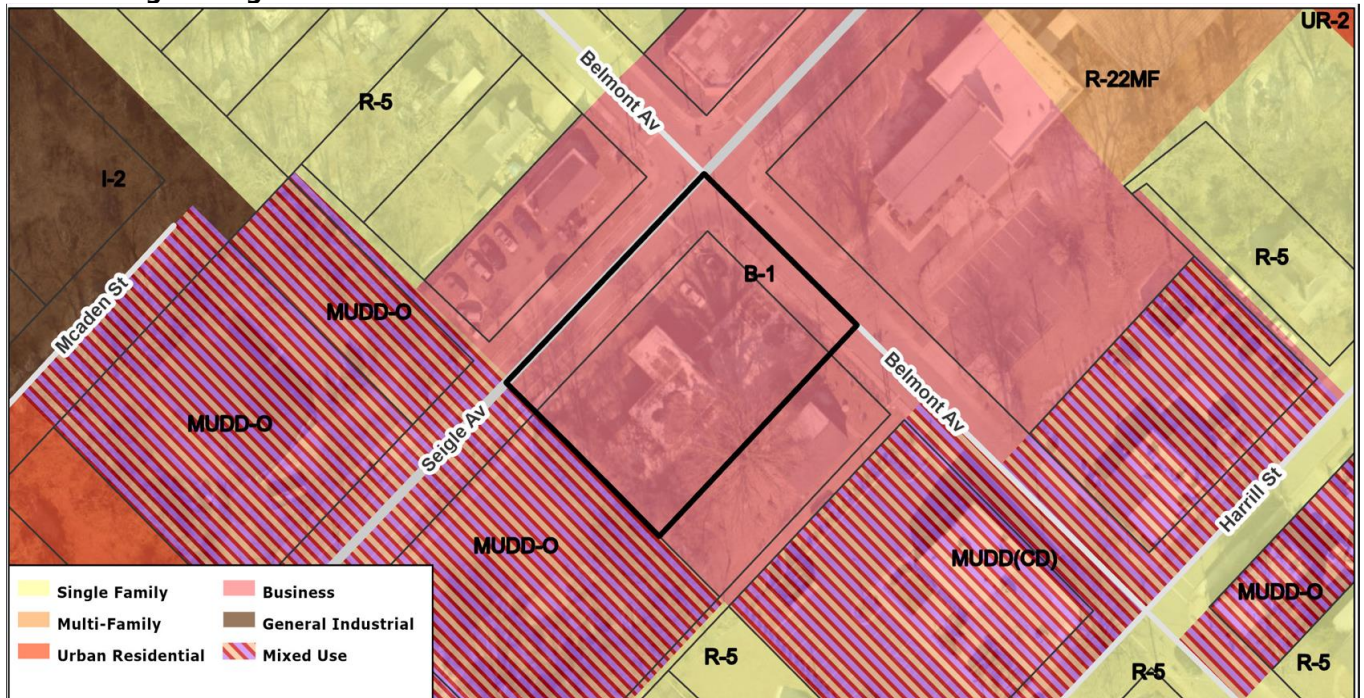
• Proposed Request Details

The site plan accompanying this petition contains the following provisions:

- Construct a 9,000 square foot building having a maximum building height of 50 feet.
- Illustrates parking area, upper and lower retaining wall, public amenity zone (bikes/scooters), public open space/amenitized tree areas, tree save, neighboring specimen trees.
- Provides illustrative sheet with building character/concepts within Belmont community framework.
- **Notes minimum 45 square feet of public open required and minimum 500 square feet proposed.**
- Proposes access via ingress/egress points onto Belmont and Seigle Avenues.
- Allow the following uses: buildings for dramatic, musical or cultural activities; bicycle-sharing station; small-scale class learning business such as culinary school, piano school, yoga/fitness classes and other similar categories; donation drop-off facility; EDEE (Type 1 and 2, subject to [Section 12.546](#)), food stall and/or food establishments including bodega, coffee shop, brewery and restaurant; arcade uses as part of an ice cream/candy shop, or similar indoor small-scale amusement; indoor recreation; institutional uses limited to churches, synagogues, parish houses, Sunday school buildings, convents, community recreation centers, libraries, museums; theaters or art galleries; outdoor fresh produce stands and mobile market produce; outdoor seasonal sales; outdoor open markets, mobile food or retail trucks, pop-up markets; parks, greenways and arboretums; indoor pet services, professional business and general offices; retail sales limited to uses permitted in the B-1 zoning district, services such as beauty/barber shops, locksmiths, studios for artists, designers, photographers, musicians, sculptors, gymnasts, potters, wood and leather craftsmen, glass blowers, weavers, silversmiths and designers of ornamental and precious jewelry, theaters, motion pictures; YMCAs, buildings for social fraternal, social service, union and civic organizations and comparable organizations. **Residential dwelling units (6 maximum), restricted to second and third levels.**
- Notes if alcohol is sold on site, food must be sold as well.
- Notes for any outdoor seating/activity area, no food/beverages to be consumed, nor outdoor entertainment allowed, between the hours of 11:00 p.m. – 8:00 a.m.
- Notes hood ventilation exhaust for kitchens shall not be placed on public-facing elevations.
- Prohibits the following uses: gas station, oil change facility, on-premises dry cleaning, car wash, adult establishment, accessory drive-in window.
- **Notes parking count shall not fall below 15 spaces, as listed on the site development table.**
- **Requests the following optional provisions:**
- To facilitate the preservation of the existing neighboring tree canopy (ie: "neighboring trees", shown as "heritage tree" & "specimen tree" on parcel 081-124-11:
 - The existing upper and lower site retaining walls shall remain (with repair and in-situ replacement to be allowed) until such time as "neighboring trees" die, are removed by neighbors, or are removed by acts of nature. To address the constrained condition and limitations this places upon the development of the site as a whole, the petitioner requests:
 - CDOT evaluation and approval of a vehicular sight triangle at the intersection of Seigle and Belmont Avenues of 20' x 20' (as depicted). This triangle would match the desired urban aesthetic of opposing parcel 081-099-12.
 - ~~CDOT evaluation and approval of the location of the driveway along Belmont Avenue to be no less than 70 feet to the centerline of Seigle Avenue (as depicted).~~
- To facilitate the design and placement of 100% ground floor commercial use at the corner of Belmont and Seigle Avenues, and its associated public and common open space **(as depicted 500 square feet minimum)**, the petitioner shall provide the following:
 - The setbacks along Seigle and Belmont Avenues shall be 14 feet from back of existing curb, consisting of an eight-foot planting strip and six-foot sidewalk.
 - The petitioner shall provide a utility easement set at two feet behind back of sidewalk where feasible prior to the issuance of the first certificate of occupancy.
- In consideration of existing elevated topography at Parcel 081-124-11 and existing entitlement of allowable height at Parcel 081-124-13, and to facilitate a 14-foot ground floor commercial height, two stories above and sloped roof:
 - The height of the building shall not exceed 50 feet tall, as determined by the ordinance standards for measurement of height.
- **To facilitate the preservation of the existing tree canopy (i.e. property line trees) and meet tree save requirements as shown on site plan and tree save data.**

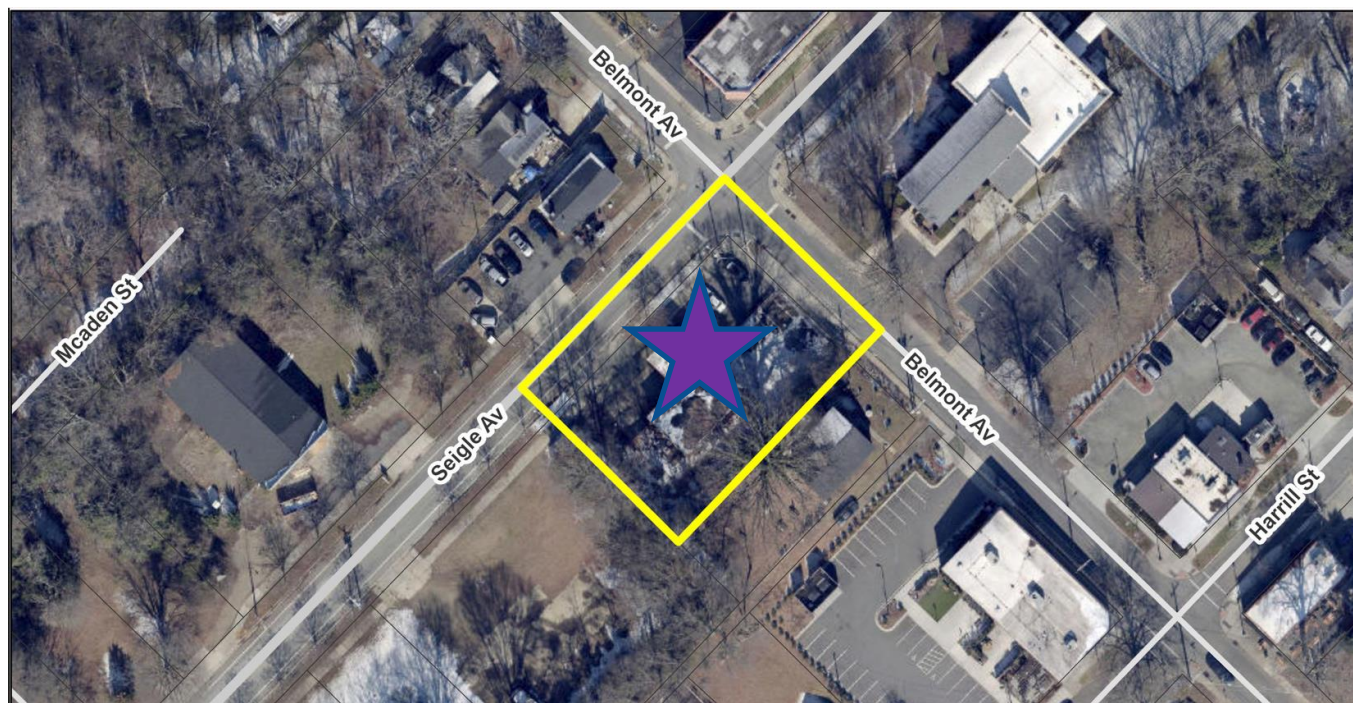
- Petitioner shall commit to protecting the five property line trees located on the southern property line. Except for acts of nature, the petitioner shall be required to replace any removed tree with a large maturing tree, 2"-3" caliper, from the zoning ordinance's approved list. Petitioner shall follow tree and soil specifications of Section 21-968(B) of the Tree Ordinance. Trees are to be planted in the same general location as original, or as mutually agreed by petitioner and Urban Forestry.
- Proposes the following architectural standards:
 - Proposes the following building materials: brick, cedar shake, wood siding, wood columns, fiber cement siding, stucco, natural stone (or its synthetic equivalent), architecturally finished concrete, architectural concrete masonry units, concrete parge, aluminum storefront, corrugated metal siding, vinyl or wood or metal handrails/guards/windows/trim/decking, **recycled material**, and/or other materials approved by City Planning.
 - **Commits to 75% minimum brick along Seigle Avenue and 55% minimum on Belmont Avenue as a primary building material at the ground level of both street frontages (openings, fenestrations, stairs and bike shelter materials excluded).**
 - Prohibits vinyl siding, Masonite siding and non-architectural concrete masonry units.
 - Permits the following sloped roof materials: asphalt shingles, composition shingles, standing seam metal corrugated metal or polycarbonate panels and real or synthetic equivalents of the following: wood shingles, clay tile, slate shingles.
 - Addresses building elevations, facades, massing, and expanses of blank walls via architectural features and treatments, and modulations such as but not limited to: exterior wall off-sets, projections, recesses, pilasters, banding, change of materials and color.
 - Provides a six-foot high wood wall along adjoining property of parcel #081-124-11.
 - Coordinates with Urban Design to provide a paved public amenity zone within the planting strip along Seigle Avenue for bicycle and/or scooter parking.
 - Provides common open space (covered patio) for patron use and public open space amenity zones (water fountain and amenitized tree save) **500 square feet combined total, minimum.**
 - Provides one artist mural (100 square feet minimum) on the site within public view. Petitioner shall coordinate artist/subject matter with neighborhood association.
 - **Illustrates potential location of transformer.**

• **Existing Zoning**



- The site is developed with an auto repair garage and is surrounded by a mix of residential, office/institutional, commercial uses and vacant land on parcels in various zoning districts in the Belmont community.

Existing Zoning	Translated Zoning	Recommended Place Type
B-1 (neighborhood business) district	CG (general commercial) district	NC (neighborhood center)



The rezoning site (denoted by purple star) is located at the corner of Belmont and Seigle Avenues and is developed with an auto repair garage. The site is surrounded primarily by residential development with some non-residential uses.



The rezoning site is developed with an auto repair garage.



North and northeast are the Salvation Army (above) and a mix of residential housing types (below).



East are residential homes of different types, nonresidential, and a park (above and below pics).



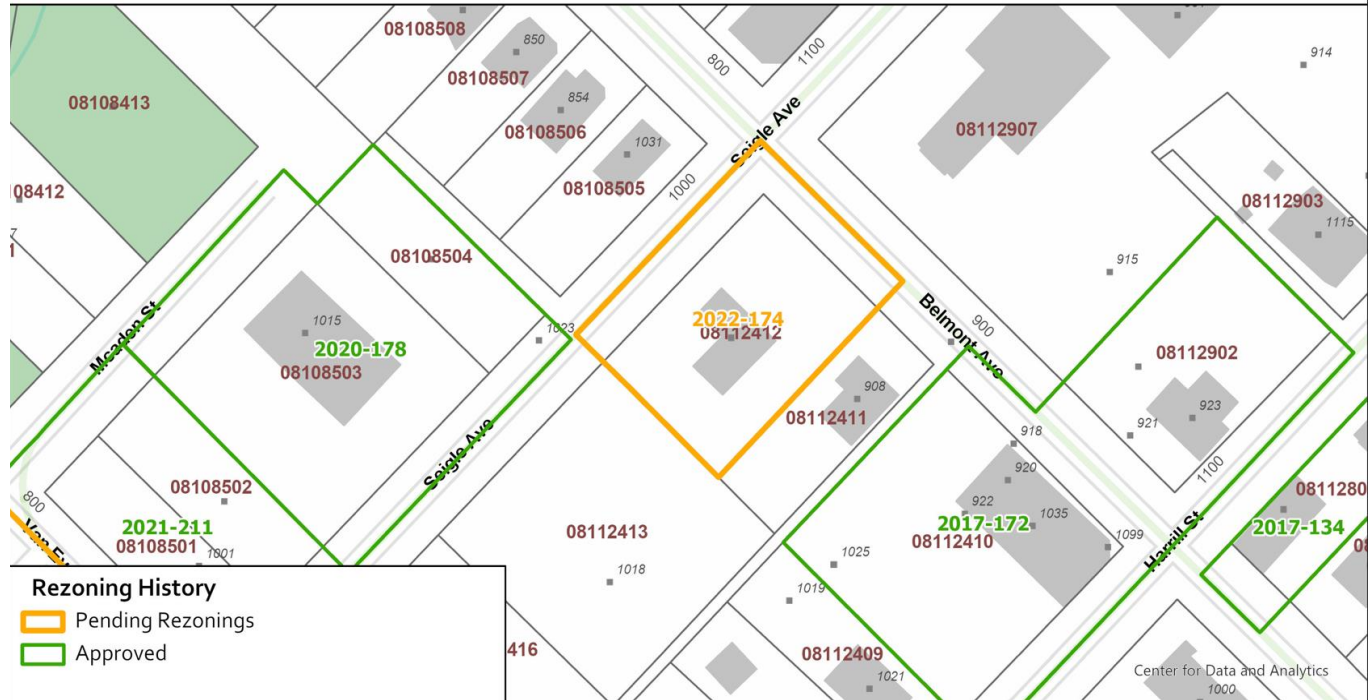
South are vacant land, commercial/industrial buildings, and residential (above and below pics)



West are commercial buildings and residential homes (above and below pics)

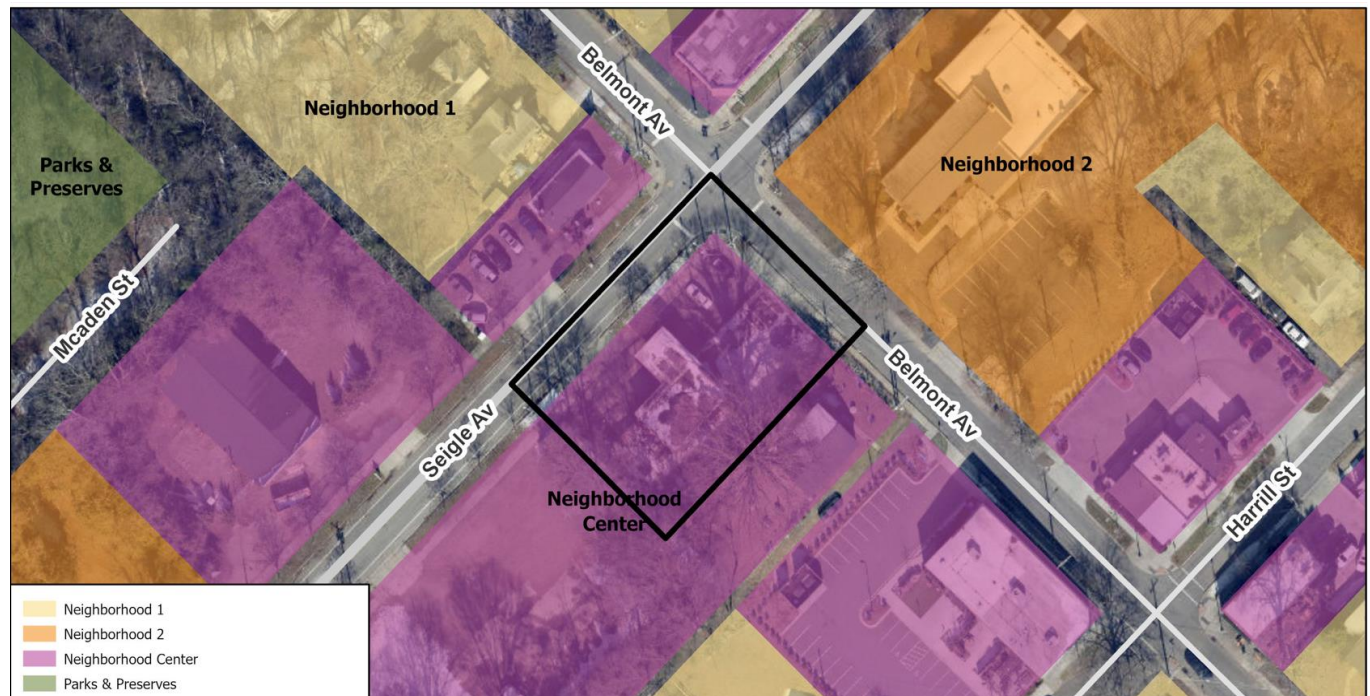


- Rezoning History in Area**



Petition Number	Summary of Petition	Status
2021-211	Rezoned .34 acre from I-2 to UR-2(CD) to allow up to 10 attached single family dwellings.	Approved
2020-178	Rezoned 0.7 acre from MUDD-O and I-2 to MUDD-O SPA to allow 15,000 sq ft of nonresidential uses.	Approved
2017-172	Rezoned 0.844 acre from B-1 to MUDD(CD) to reuse the existing commercial buildings to allow non-residential and/or residential uses.	Approved
2017-134	Rezoned 0.16 acre from R-5 to MUDD-O to reuse the existing buildings to allow an EDEE and residential use.	Approved

- Public Plans and Policies**



- The 2040 Policy Map (2022) recommends the Neighborhood Center place type for this site.

- **TRANSPORTATION SUMMARY**

- The petition is on the south side of Belmont Avenue, a City-maintained minor collector east of Seigle Avenue a City-maintained minor throughfare. A Traffic Impact Study (TIS) is not required for this site. Site plan and/or conditional note commit to dedicating right of way and installing 8 foot sidewalk along Seigle Avenue to accommodate the Charlotte Streets map. There are no further outstanding issues.
- **Active Projects:**
 - N/A
- **Transportation Considerations**
 - ~~See Outstanding Issues, Notes 1-7.~~ Addressed
- **Vehicle Trip Generation:**
 - Current Zoning:
 - Existing Use: 90 trips per day (based on service garage).
 - Entitlement: 375 trips per day (based on 3,440 square foot retail uses).
 - Proposed Zoning: 610 trips per day (based on 9,700 square foot retail building).

- **DEPARTMENT COMMENTS**

- **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 outstanding issues.
- **Charlotte-Mecklenburg Schools:** Too many uses to determine.
- **Charlotte Water:** Charlotte Water has accessible water system infrastructure for the rezoning boundary via an existing 8-inch water distribution main located along Belmont Avenue and an existing 6-inch water distribution main on Seigle Avenue. Charlotte Water has accessible sanitary sewer system infrastructure for the rezoning boundary via an existing 8-inch gravity sewer main located along Belmont Avenue. See advisory comments at www.rezoning.org.
- **Erosion Control:** No comments submitted.
- **Mecklenburg County Land Use and Environmental Services Agency:** Review of NCDEQ records indicates UST Section Inc 36384, Scarlett's 66, at this location. This property is part of Brownfields Redevelopment Section site 26037-22-060, Scarlett's 66 BF. Any development on this parcel should comply with applicable NCDEQ requirements for management of this contamination site. See advisory comments at www.rezoning.org.
- **Mecklenburg County Parks and Recreation Department:** No outstanding issues.
- **Stormwater Services Land Development Engineering:** No outstanding issues.
- **Storm Water Services:** No outstanding issues.
- **Urban Forestry / City Arborist:** See Outstanding Issues, Notes 7-8.

- **OUTSTANDING ISSUES**

- Transportation

- Existing curb and gutter can remain in existing location but label and dimension the future curb and gutter location from the centerline for each road on the site plan. Addressed

- 1. ~~The site plan shall label and dimension the right of way from the road centerline. Site plan shows 25' to centerline but does not show the existing 50' from centerline. Label and dimension the existing 50' right of way from centerline of road.~~ Addressed
 - 2. ~~CDOT requests petitioner commit to 8' sidewalk and place Streets Map streetscape behind future curb location.~~ Addressed
 - 3. ~~Add a conditional note specifying "A Right of Way Encroachment Agreement is required for the installation of any non-standard item(s) (irrigation systems, decorative concrete pavement, brick pavers, etc.) within a proposed/existing City-maintained street right of way by a private individual, group, business, or homeowner's/business association. An encroachment agreement must be approved by CDOT prior to construction/installation. Contact CDOT for additional information concerning cost, submittal, and liability insurance coverage requirements."~~ Addressed
 - 4. ~~Add a conditional note specifying "the Petitioner shall dedicate and convey in fee simple all rights-of-way to the City before the site's first building certificate of occupancy is issued. CDOT requests rights-of-way set at 2' behind back of sidewalk where feasible."~~ Addressed
 - 5. ~~Petitioner should revise the site plan and conditional notes to show sidewalk utility easement on plans behind proposed sidewalk.~~ Addressed

- ~~6. Petitioner should revise the site plan and conditional notes to show 10x10 triangles behind the sidewalk.~~ **Addressed**

Environment

7. Review urban tree requirements. While the 10' no build zone can be counted towards tree save there must still be a minimum of 10' of replanted tree save. (20' total width) Trees cannot be planted within 10' of a structure/retaining wall. Utilities such as transformers are not permitted within trees save or amenitized tree save. **Petitioner response:** Petitioner has reconfigured preliminary off-street parking layout to accommodate 10' distance & 10' width requirements. Potential transformer locations have been moved outside of amenitized tree save (See Site Plan on RZP-01, Rev 2). **Update:** Per discussion, the best option for tree save at this point will be provided per the ordinance and removed "potential tree save" designation for areas that we not sure would even qualify as tree save and review that during development plan review.
8. Trees outside of the property line cannot count towards any requirements. Trees must be completely on the property to count towards requirements. **Petitioner Response:** Petitioner commits to protecting the five "property line trees" on southern property line. (See Note 2D, RZP-01 Site Plan, Rev 2). Petitioner is open to amending the wording of this Optional Provision to suit Urban Forestry, if desired. Note: as provided to Henry Kunzig via 4-17-23 email, center measurement of 12" oak is completely on property at dbh. Updated Tree Survey uploaded to ACCELA. Petitioner is willing to reduce protection to just that tree, if desired. **Update:** While trees on the property line can be protected, trees not completely located on the property cannot be counted towards meeting tree save requirements.

Site and Building Design

- ~~9. Please confirm if residential is proposed as it is not specified under proposed uses.~~ **Addressed**
- ~~10. Under proposed list of permitted uses, please modify Type EDEE Types 1 and 2 to note subject to ordinance requirements.~~ **Addressed**
- ~~11. Under proposed list of permitted uses, please modify breweries to note subject to ordinance requirements.~~ **Addressed**
- ~~12. Include minimum % brick required on ground floor.~~ **Addressed**
- ~~13. Include minimum area for public open space required.~~ **Addressed**
- ~~14. The precedent imagery is showing a structure constructed with brick. Recommend brick being used as a primary building material on the first floor.~~ **Addressed**

Additional information (department memos, site plans, maps etc.) online at www.rezoning.org

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