

**REQUEST** Current Zoning: I-2 (general industrial)  
Proposed Zoning: UR-1(CD) (urban residential, conditional)

**LOCATION** Approximately 0.67 acres located on the south side of West Summit Avenue between Merriman Avenue and Wilmore Drive.  
(Council District 3 - Mayfield)

**SUMMARY OF PETITION** The petition proposes to allow the development of four single family lots at a density of six dwelling units per acre on a vacant infill parcel located adjacent to the Historic Wilmore Neighborhood.

**PROPERTY OWNER** William H Sutton, Bonnie Sutton, and Howard Sutton  
**PETITIONER** Essex Homes  
**AGENT/REPRESENTATIVE** Jeremy Smith/Essex Homes

**COMMUNITY MEETING** Meeting is required and has been held. Report available online.  
Number of people attending the Community Meeting: 5

**STATEMENT OF CONSISTENCY**

- The Zoning Committee found this petition to be inconsistent with the *Central District Plan*, based on information from the staff analysis and the public hearing, and because:
  - The plan recommends industrial uses for the subject parcel.
- However, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because:
  - The subject property abuts single family homes fronting on Merriman Avenue and located within the Wilmore Historic District; and
  - The proposed development will add four additional homes along Merriman Avenue; and
  - The proposed residential density of six dwelling units per acre is compatible with the adjacent residential properties' density of five dwelling units per acre; and
  - Although the zoning district requested is UR-1 (urban residential) and the immediate area has been developed under more suburban districts such as R-5 (single family residential), the setback along Merriman Avenue, the wide side yards, and the buffer abutting the existing industrial use to the rear are sensitive to and compatible with the existing residential and industrial context; and
  - The proposed 20-foot wide buffer will screen the development from the existing industrial use, as will the requested 10-foot buffer along West Summit Avenue;

By a 5-0 vote of the Zoning Committee (motion by Labovitz seconded by Eschert).

<b>ZONING COMMITTEE ACTION</b>	<p>The Zoning Committee voted 5-0 to recommend <b>APPROVAL</b> of this petition with the following modifications:</p> <p><u>Site and Building Design</u></p> <ol style="list-style-type: none"> <li>1. A 10-foot "Class B" buffer has been shown along West Summit Avenue.</li> <li>2. Note 4B under "Streetscape and Landscaping" that allows the buffer located along the northern property line to be reduced by 25% has been removed.</li> </ol>
--------------------------------	--

**VOTE**

Motion/Second: Labovitz / Majeed  
Yeas: Eschert, Labovitz, Lathrop, Majeed, and Wiggins  
Nays: None  
Absent: Dodson

	Recused: Sullivan
<b>ZONING COMMITTEE DISCUSSION</b>	Staff noted that this petition is inconsistent with the <i>Central District Plan</i> and that the proposal had several outstanding issues that have been addressed since the public hearing. One Commissioner asked about the required buffer on the adjacent industrial property owned by the North Carolina Department of Transportation Rail Division. Staff responded that a buffer was not required since the State of North Carolina is not required to comply with the City of Charlotte Zoning Ordinance standards. If an industrial use was proposed on the site by a private property owner a "Class A" buffer would be required across from the subject site if approved for the residential use. There was no further discussion of this petition.
<b>STAFF OPINION</b>	Staff agrees with the recommendation of the Zoning Committee.

**FINAL STAFF ANALYSIS**  
(Pre-Hearing Analysis online at [www.rezoning.org](http://www.rezoning.org))

**PLANNING STAFF REVIEW**

• **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- Allows up to four single family attached dwelling units at a maximum density of six dwelling units per acre.
- Includes a 20-foot "Class A" buffer along the southern edge of the site adjacent to a property developed with an industrial structure.
- Provides a 10-foot "Class B" buffer along Summit Avenue.
- Limits height to a maximum of 40 feet.
- Dedicates 30 feet of right-of-way measured from the centerlines of Summit and Merriman Avenues.
- Indicates that an eight foot-planting strip and six-foot sidewalk will be installed along Summit and Merriman Avenues.

• **Public Plans and Policies**

- The *Central District Plan* (1993) recommends industrial land uses for the subject site.

• **TRANSPORTATION CONSIDERATIONS**

- This petition will not have significant impacts on local traffic in the area and therefore CDOT has no concerns about the proposed development.
- **Vehicle Trip Generation:**  
Current Zoning:  
    Current Use: 0 trips per day (based on the property being vacant).  
    Entitlement: 50 trips per day (based on 6,700 square feet of industrial uses).  
Proposed Zoning: 40 trips per day (based on four single family residential units).

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

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Neighborhood & Business Services:** No issues.
- **Charlotte Fire Department:** No issues.
- **Charlotte-Mecklenburg Schools:** The development allowed under the existing zoning would generate zero students, while the development allowed under the proposed zoning will produce two students. Therefore, the net increase in the number of students generated from existing zoning to proposed zoning is two students. The proposed development is not projected to increase the school utilization (without mobile classroom units) for Dilworth Elementary (129%), Alexander Graham Middle (112%) or Myers Park High (115%).
- **Charlotte-Mecklenburg Storm Water Services:** No issues.
- **Charlotte Water:** The subject site has water availability via an existing six-inch water main located along Merriman Avenue and existing eight-inch main along West Summit Avenue. Sewer system availability is via an existing eight-inch main located along Merriman Avenue and West Summit Avenue.

- **Engineering and Property Management:** No issues.
  - **Mecklenburg County Land Use and Environmental Services Agency:** The petitioner should add a note to the site plan which requires the disclosure of the proximity to and nature of nuisance complaints related to the Charlotte Pipe & Foundry Company, Inc. to all potential buyers.
  - **Mecklenburg County Parks and Recreation Department:** No issues.
- 

**Attachments Online at [www.rezoning.org](http://www.rezoning.org)**

- Application
- Pre-Hearing Staff Analysis
- Locator Map
- Site Plan
- Community Meeting Report
- Department Comments
  - Charlotte Area Transit System Review
  - Charlotte Department of Neighborhood & Business Services Review
  - Charlotte Fire Department Review
  - Charlotte-Mecklenburg Schools Review
  - Charlotte-Mecklenburg Storm Water Services Review
  - Charlotte Water Review
  - Engineering and Property Management Review
  - Mecklenburg County Land Use and Environmental Services Agency Review
  - Mecklenburg County Parks and Recreation Review
  - Transportation Review

**Planner:** Solomon Fortune (704) 336-8326