



REQUEST	Current Zoning: R-3, single family residential Proposed Zoning: MX-1, mixed use residential, innovative
LOCATION	Approximately 13.18 acres located on the south side of Windyrush Road between Sheffingdell Drive and Summerlin Place.
CENTER, CORRIDOR OR WEDGE	Wedge
SUMMARY OF PETITION	This petition proposes to convert public streets to private streets and to allow the installation of gates at the entrance to the subdivision.
Property Owner	Bellmore Hall, LLC
Petitioner	Bellmore Hall, LLC
Agent/Representative	Jeff Brown and Keith MacVean
Community Meeting	Meeting is required and has been held. Report available online

ZONING COMMITTEE ACTION	<p>The Zoning Committee voted unanimously to recommend APPROVAL of this petition with the following modifications:</p> <ol style="list-style-type: none"> 1. A note has been added indicating that the minimum side yards for corner lots is 10 feet. 2. A note has been added limiting the height of the pedestrian lighting to 12-feet. 3. An innovative standard has been added reducing the side yard setback from 10 feet to five feet.
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VOTE	<table border="0"> <tr> <td>Motion/Second:</td> <td>Simmons/Locher</td> </tr> <tr> <td>Yeas:</td> <td>Allen, Griffith, Howard, Locher, , Simmons and Walker</td> </tr> <tr> <td>Nays:</td> <td>None</td> </tr> <tr> <td>Absent:</td> <td>Rosenburgh</td> </tr> <tr> <td>Recused:</td> <td>None</td> </tr> </table>	Motion/Second:	Simmons/Locher	Yeas:	Allen, Griffith, Howard, Locher, , Simmons and Walker	Nays:	None	Absent:	Rosenburgh	Recused:	None
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Yeas:	Allen, Griffith, Howard, Locher, , Simmons and Walker										
Nays:	None										
Absent:	Rosenburgh										
Recused:	None										

ZONING COMMITTEE DISCUSSION	<p>Staff reviewed the petition noting that the purpose of the rezoning is to allow the public streets to be converted to private streets and to install gates across the streets. The entrance at Edenbridge will have a turn around and the entrance at Banfield will have signs indicating residents only. Staff noted that a subdivision was approved for this site in May 2008.</p> <p>Staff noted that since the public hearing an issue has arisen about the wall on Windyrush Lane. The Commission clarified that this is a wall that could be there under the current R-3 zoning. It was explained that due to the way setbacks are determined, the wall is only allowed to be six feet in height. The wall varies in height from six feet to eight feet in height based on the grade. In order to address this issue the petitioner is requesting an innovative standard to reduce the side setback from ten feet to five feet. This will move the wall outside the setback and eliminate the height restriction for the wall.</p>
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A Commissioner asked staff to explain why we are making an exception. Staff replied that if we had been aware of the problem when the petition came in, it would have been addressed earlier in the process. However, since staff is now aware of it the solutions are to request the innovative standard or to ask for a variance or to remove portions of the wall. As they already have several other innovative standards and the wall is appropriate in appearance, staff felt this is a justified addition to those standards.

Staff noted that full cut off light fixtures were requested by staff. However the lights have already been installed per the May 2008 subdivision approval and full cut off fixtures were not available.

The Committee discussed the gates and staff noted that future connectivity is not an issue because the properties surrounding the site are developed and/or there are topographic constraints.

**STATEMENT OF
CONSISTENCY**

This petition is found to be consistent with the *South District Plan* and to be reasonable and in the public interest, by a unanimous vote of the Zoning Committee (motion by Commissioner Simmons seconded by Commissioner Locher).

STAFF OPINION

Staff agrees with the recommendation of the Zoning Committee.

FINAL STAFF ANALYSIS

(Pre-Hearing Analysis online at www.rezoning.org)

PLANNING STAFF REVIEW

• **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- 39 single family lots.
- 11.4 percent common open space.
- 10.2 percent tree save.

The site plan also includes innovative requests to allow:

- Private streets built to public street standards on the interior of the site.
- Construction of vehicular and unlocked pedestrian gates at the entrances to the subdivision.
- In addition, the site plan contains details for a decorative brick wall with an average height of six feet with columns and/or capitals extending up to two feet above the average height of the fence and shrubs and trees between the wall and right-of-way of Windyrush Road.

• **Public Plans and Policies**

The *South District Plan* (1993) as amended by the *General Development Policies* supports residential land uses at a density up to four (4) units per acre. Staff supports this proposal as the development will be built to R-3 standards and the planned gates do not interfere with transportation priorities for that area.

This petition is consistent with the *South District Plan*.

• **STAFF RECOMMENDATION (Updated)**

- Staff agrees with the recommendation of the Zoning Committee.

PUBLIC INFRASTRUCTURE UPDATES (see full department reports online)

- **CDOT:** No issues.
- **Charlotte Fire Department:** No issues.
- **CATS:** No issues.
- **Connectivity:** No issues.
- **Schools:** No issues.

ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

- **Storm Water:** No issues.
- **LUESA:** No issues.
- **Site Design:** No issues.

OUTSTANDING ISSUES

No issues.

Attachments Online at www.rezoning.org

- Application Form
- CATS Review
- CDOT Review
- Charlotte Fire Department Review
- CMS Review
- Community Meeting Report
- LUESA Review
- Pre-Hearing Staff Analysis
- Site Plan
- Storm Water Review

Planner: Tammie Keplinger (704) 336-5967