

Agenda Item: Decision on Application 2018-689 Rice Road Subdivision

DATE: February 6, 2019
FROM: Jay Camp

Background/Issue:

- On October 23rd, Planning Board voted unanimously to recommend approval of the rezoning request.
- Staff received the attached email and revised conditional notes today and have not yet had time to review the revisions. An update will be provided on Monday.
- No changes to the site plan have occurred. The project consists of 31 single family homes.
- The updated elevations that were submitted in January are attached.

Proposal/Solution:

- Mecklenburg County has approved the Post Construction Ordinance Concept Plan.

Financial Impact:

None

Related Town Goal(s) and/or Strategies:

Quality of Life

Economic Development/Land Use Planning

Recommended Motion/Action:

Staff will provide a recommendation after review of the revised conditional notes.

DRAFT---FOR APPROVAL

**STATEMENT OF CONSISTENCY WITH LOCAL ADOPTED GROWTH POLICIES
Final Decisions on Zoning-Related Issues**

ZONING APPLICATION # 2018-689
ZONING MOTION # _____
ADMINISTRATIVE AMENDMENT _____

Matthews Board of Commissioners adopts the checked statement below:

A) The requested zoning action, as most currently amended, is **approved**, and has been found to be **CONSISTENT** with the Matthews Land Use Plan (or other document(s)), and to be **REASONABLE**, as follows:

CONSISTENT: with Matthews Land Use Plan by allowing an R-VS single family development to be built in an area of existing single-family homes.

REASONABLE: The rezoning creates new housing opportunities in an area that is within convenient walking distance to Rice Road Park and creates new street connections within the Matthews street network.

OR

DRAFT – FOR DENIAL

B) _____ The requested zoning action, as most currently amended, is **not approved**, and has been found to be **INCONSISTENT** with the Matthews Land Use Plan (or other document(s)), and **NOT REASONABLE**, as follows:

INCONSISTENT: The rezoning is inconsistent with the lower density, single family neighborhoods in the area and is not appropriate for this site.

NOT REASONABLE: The rezoning is not reasonable and would cause additional congestion to area roads while overburdening the school system.

(In each case, the Statement must explain why the Board deems the action reasonable and in the public interest (more than one sentence). Reasons given for a zoning request being “consistent” or “not consistent” are not subject to judicial review.)

Date: *February 11, 2019*



Jay Camp <jcamp@matthewsnc.gov>

Revised Development Standards for Rezoning Application No. 2018-689

Carmichael, John <JCarmichael@robinsonbradshaw.com>

Wed, Feb 6, 2019 at 7:59 AM

To: Jay Camp <jcamp@matthewsnc.gov>

Cc: "Paul Sagadin (paul@customhomescarolina.com)" <paul@customhomescarolina.com>, "Shad Rafferty (shad@customhomescarolina.com)" <shad@customhomescarolina.com>, "Andrew Polonus (apolonus@bloc-nc.com)" <apolonus@bloc-nc.com>

Jay, I hope you are well.

Attached are clean and redlined versions of the revised development standards for the above referenced Rezoning Petition.

I am sending these to you so that you will be aware of the changes since the last submission. We will add these notes to the Rezoning Plan and submit the Rezoning Plan to your office. We will also have a power point presentation on Monday night to share these revisions.

Below is a brief discussion of the revisions.

1. Paragraph 4.B. We added the traffic calming note that the Applicant had previously agreed to with Susan and you. It may be that the Board will want to specify the traffic calming measure at the meeting on Monday night.
2. Note 7.F. We revised this note as the Applicant had stated it would do at the last Board meeting. It just reflects an all brick option should a purchaser desire it.
3. Note 7.G. We removed "tapered" since I believe folks wanted the option to do various types of columns and I believe there are some non-tapered columns on the elevations.
4. Note 7.I. We revised the note regarding the height of the step. Paul and Shad thought this was more of a clarification. If it is an issue, we can discuss it.
5. Note 11.A. We added "existing" so that it is clear that the prohibition on construction traffic relates only to existing Ritz Lane. Ritz Lane would be extended through the site to Rice Road, and construction traffic would need to access the extended portion of Ritz Lane from Rice Road to access the site.
6. We added a new section (Section 13) entitled "Screening." This section is the result of Paul and Shad working with the relevant adjacent property owners. They just completed their discussions with these adjacent property owners late last week, and that is why we did not file a revised Rezoning Plan last Wednesday.

Finally, the Rezoning Plan will depict the locations of the fences and the green giant arborvitae referenced in Section 13.

DEVELOPMENT STANDARDS

January 2, February 11, 2019

1. GENERAL PROVISIONS

- A. These Development Standards form a part of the Rezoning Plan associated with the Rezoning Application filed by Kinger Homes, LLC (“Applicant”) for an approximately 13.596 acre site located on the north side of Rice Road, east of the intersection of Rice Road and Dylan Drive, which site is more particularly depicted on the Rezoning Plan (hereinafter referred to as the “Site”). The Site is comprised of Tax Parcel No. 193-532-05.
- B. The development and use of the Site will be governed by the Rezoning Plan, these Development Standards and the applicable provisions of the Town of Matthews Unified Development Ordinance (the “Ordinance”). The regulations established under the Ordinance for the R-VS zoning district shall govern the development and use of the Site.
- C. The development and uses depicted on the Rezoning Plan are schematic in nature and are intended to depict the general arrangement of the uses and improvements on the Site. Accordingly, the ultimate layout, locations and sizes of the development and site elements depicted on the Rezoning Plan are graphic representations of the proposed development and site elements, and, subject to the terms of these Development Standards and the Ordinance, are subject to minor alterations or modifications during the design development and construction document phases.

2. PERMITTED USES/DEVELOPMENT LIMITATIONS

- A. The Site may only be devoted to a residential community containing a maximum of 31 one-family detached dwelling units and to any incidental or accessory uses relating thereto that are permitted in the R-VS zoning district.

3. DIMENSIONAL STANDARDS

- A. The development of the Site shall comply with the applicable dimensional standards of the R-VS zoning district set out in Table 155.604.4.B of the Ordinance.
- B. The established setback may vary, so that the front building lines of the one-family detached dwelling units may be staggered.
- C. The lot lines depicted on the Rezoning Plan are illustrative in nature and are subject to minor alterations or modifications during the design development and construction document phases.

4. TRANSPORTATION

A. Vehicular access shall be as generally depicted on the Rezoning Plan. The placement and configuration of the access points are subject to any minor modifications required to accommodate final site and construction plans and designs and to any adjustments required for approval by the Town of Matthews.

B. ~~Prior to the issuance of the first certificate of occupancy for a new one family detached dwelling unit constructed on the Site, Applicant shall submit the sum of \$5,000 to the Town of Matthews to pay for and fund the installation of traffic calming measures chosen by the Town of Matthews on Ritz Lane Extension if the Town of Matthews determines that traffic calming measures on Ritz Lane Extension are necessary. This \$5,000 payment shall be held by the Town of Matthews for the 5 year period commencing on the date of the issuance of the first certificate of occupancy for a new one family detached dwelling unit constructed on the Site.~~ Applicant will include a traffic calming feature within the Ritz Road extension right of way generally depicted on the Rezoning Plan to control speeds. Applicant will work with Town Engineering and Planning Department on the design details of the feature during the Development Review phase.

~~— If the Town of Matthews has not commenced the installation of traffic calming measures on Ritz Lane Extension within this 5 year period, then the \$5,000 payment shall be returned to Applicant by the Town of Matthews. Applicant and the Town of Matthews shall enter into an Escrow Agreement to document this agreement.~~

5. STREETScape TREATMENT

A. The streetscape treatment along the Site's public street frontages shall meet the requirements of the Ordinance.

B. Curb, gutter and a sidewalk shall be installed along the Site's frontage on Rice Road as generally depicted on the Rezoning Plan.

C. A sidewalk easement shall be provided to the Town of Matthews for any portion of a sidewalk located on private property.

6. TREE PRESERVATION AREAS

A. Tree preservation areas will meet the intent of the Ordinance and shall occur in areas generally depicted on the Rezoning Plan.

B. A minimum of 15.8% percent of the Site shall be devoted to tree preservation areas.

7. ARCHITECTURAL STANDARDS

- A. The maximum height of any one-family detached dwelling unit constructed on the Site shall be 35 feet as measured under the Ordinance.
- B. Attached to the Rezoning Plan are a series of conceptual, schematic images of the front elevations of the one-family detached dwelling units to be constructed on the Site that are intended to depict the general conceptual architectural style, design treatment and character of the front elevations of the one-family detached dwelling units to be constructed on the Site. Accordingly, each one-family detached dwelling unit to be constructed on the Site shall be designed and constructed so that the front elevation is substantially similar in appearance to one of the attached conceptual, schematic images. Notwithstanding the foregoing, changes and alterations to the front elevation of a one-family detached dwelling unit to be constructed on the Site that do not materially change the overall conceptual architectural style, design treatment and character shall be permitted.
- C. Applicant may subsequently propose additional conceptual, schematic images of the front elevations of the one-family detached dwelling units to be constructed on the Site, and such additional conceptual, schematic images must be approved by the Matthews Board of Commissioners prior to the issuance of a building permit for a one-family detached dwelling unit that utilizes one of the additional conceptual, schematic images for the front elevation.
- D. The primary exterior building materials for the one-family detached dwelling units to be constructed on the Site will be a combination of portions of the following: brick veneer or similar masonry products, stone, manufactured stone and cementitious siding.
- E. Vinyl, EIFS or masonite may not be used as an exterior building material on the one-family detached dwelling units to be constructed on the Site. Notwithstanding the foregoing, vinyl may be utilized on windows, doors, garage doors, soffits, trim and railings.
- F. ~~The exterior building material for the~~ ground floor of the front facade of each one-family detached dwelling unit constructed on the Site shall be clad in brick veneer. However, a purchaser of a one-family detached dwelling unit shall have the option to clad each facade of his or her one-family detached dwelling unit in brick veneer.
- G. Each one-family detached dwelling unit constructed on the Site shall include overhangs, brackets and ~~tapered~~ columns.
- H. Each one-family detached dwelling unit constructed on the Site shall have a covered front porch with a minimum depth of 6 feet.
- I. Each one-family detached dwelling unit constructed on the Site shall have a step with a minimum height of ~~128~~ inches from the immediately adjacent sidewalk or walkway to the front stoop located at the front entry door into such one-family detached dwelling unit and

[a minimum height of 12 inches from the adjacent street level](#) to the front stoop located at the front entry door into such one-family detached dwelling unit.

- J. The front building lines of the one-family detached dwelling units constructed on the Site shall be staggered to create a more interesting streetscape.
- K. The front building line of the garage shall be setback from the front building line of the front porch on each one-family detached dwelling unit.
- L. A two car garage shall have two single garage doors rather than one large garage door.
- M. The mail kiosk for this residential community will be located on the Site as generally depicted on the Rezoning Plan. A small structure with a roof will be located over the mail kiosk to provide cover.
- N. One-family detached dwelling units located on the same side of the street and on abutting lots may not have the same front elevation design.
- O. Optional side loaded one-family detached dwelling units shall be offered to the purchasers of Lots 1, 10, 13 and 24.

8. SIGNS

- A. All signs installed on the Site shall comply with the requirements of the Ordinance.

9. LIGHTING

- A. Outdoor lighting fixtures installed on the Site shall comply with the requirements of the Outdoor Illumination provisions of the Ordinance.

10. COMMON OPEN SPACE

- A. Common open space areas shall be provided on the Site as generally depicted on the Rezoning Plan.
- B. That portion of the Site designated as the +/- 1 Acre Community Open Space shall contain benches or other seating elements.

11. CONSTRUCTION TRAFFIC

- A. Construction vehicles shall be prohibited from using [existing](#) Ritz Lane to access and exit the Site during the development of the Site and the construction of the one-family detached dwelling units on the Site.

12. ENVIRONMENTAL

- A. In each instance and location where a silt fence is required to be installed under the applicable regulation or ordinance, Applicant shall install a double silt fence (i.e., two silt fences).
- B. Applicant shall obtain Habitat and Wildlife Keepers (HAWK) – National Wildlife Federation Certification for those portions of the Site located within the tree save and open space areas.

13. SCREENING

- A. Applicant shall install a minimum 6 foot tall wooden privacy along those portions of the Site’s western boundary line that are located to the rear of Lots 2, 3 and 4 (“Fence 1”) as depicted on the Rezoning Plan.
- B. Applicant shall install a minimum 6 foot tall wooden privacy along those portions of the Site’s western boundary line that are located to the rear of Lots 8 and 9 (“Fence 2”) as depicted on the Rezoning Plan.
- C. Tax Parcel No. 193-532-04 is located immediately adjacent to the western boundary line of the Site (the “Western Adjacent Parcel”). Subject to the approval of the owner of the Western Adjacent Parcel, Applicant will plant green giant arborvitae on the Western Adjacent Parcel in accordance with the requirements set out below.
 - (1) On the west side of Fence 1 and for the length of Fence 1, green giant arborvitae shall be planted on the Western Adjacent Parcel at the rate of 1 green giant arborvitae every 9 linear feet. The green giant arborvitae shall have a minimum height of 5 feet at installation.
 - (2) From the northern terminus of Fence 1 to the southern terminus of Fence 2, green giant arborvitae shall be planted on the Western Adjacent Parcel at the rate of 1 green giant arborvitae every 12 linear feet. The green giant arborvitae shall have a minimum height of 5 feet at installation.
 - (3) Applicant shall provide a one year warranty on the green giant arborvitae to the owner of the Western Adjacent Parcel, such that the Applicant will replace any dead or diseased green giant arborvitae within the one year warranty period. The one year warranty period shall commence on the date of the planting of the green giant arborvitae.
- D. Except where the stub road and the sidewalks adjacent to the stub road are located on the southern boundary line of the Site, green giant arborvitae shall be installed on the Site along that portion of the southern boundary line of the Site located to the rear of Lots 10, 11, 12 and 13 and to the side of Lot 14. The green giant arborvitae shall be planted on the Site approximately 15 feet from the southern boundary line of the Site except on Lot 14,

where the green giant arborvitae shall be planted on the southern boundary line of Lot 14. The green giant arborvitae shall be planted at the rate of 1 green giant arborvitae every 15 linear feet.

14. BINDING EFFECT OF THE REZONING APPLICATION

- A. If this Rezoning Application is approved, all conditions applicable to the development and/or use of the Site imposed under this Rezoning Plan will, unless amended in the manner provided under the Ordinance, be binding upon and inure to the benefit of Applicant and the current and subsequent owners of the Site and their respective successors in interest and assigns. Throughout these Development Standards, the terms, "Applicant" and "owner" or "owners" shall be deemed to include the heirs, devisees, personal representatives, successors in interest and assigns of Applicant or the owner or owners of the Site from time to time who may be involved in any future development thereof.





















