

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

DATE: March 6, 2019
FROM: Jay Camp

Background/Issue:

- On October 23rd, Planning Board voted unanimously to recommend approval of the rezoning request.
- A revised site plan has been submitted along with a cross section detail and landscape layout for the proposed screening. The new plans indicate additional screening along the southern property line and a combination of fencing and screening along the western property line. Approximately 310 lineal feet of fencing is proposed behind lots 2, 3, 4, 8 and 9. The fencing and plantings will be maintained by the future homeowner's association.
- 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.
- The current site plan may be accessed [here](#):

Proposal/Solution:

- The Public Works department prefers a traffic calming measure such as a chicane (narrowing of the street) or mini roundabout and does not recommend stop signs to accomplish traffic calming. Staff has completed review of the plans and have no additional comments at this time.

Financial Impact:

None

Related Town Goal(s) and/or Strategies:

Quality of Life

Economic Development/Land Use Planning

Recommended Motion/Action:

Approve Application 2018-689.

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: *March 11, 2019*

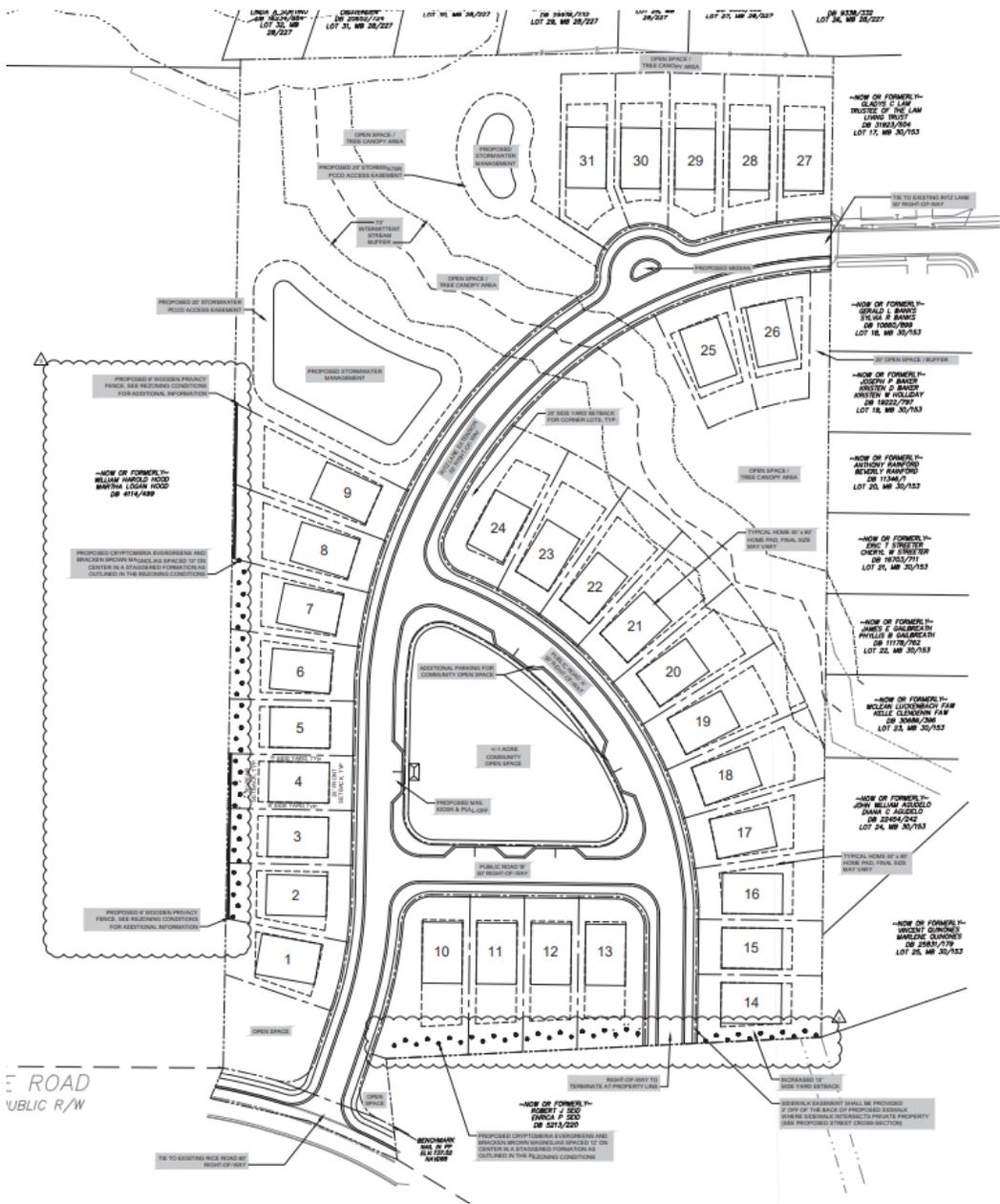
REVISED
LANGUAGE

13. SCREENING

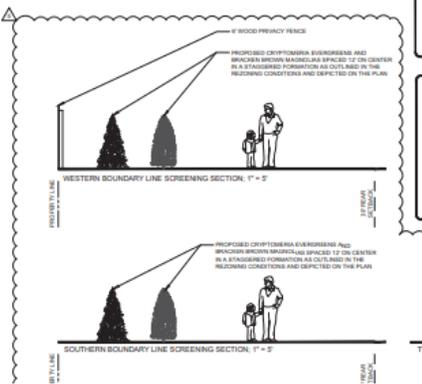
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SCREENING

- A. APPLICANT SHALL INSTALL A MINIMUM 6 FOOT TALL DOG EARED WOODEN PRIVACY FENCE 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. THE FINISHED SIDE OF FENCE 1 SHALL FACE THE WESTERN BOUNDARY LINE OF THE SITE, AND FENCE 1 SHALL BE CONSISTENT WITH THE PICTURE OF THE FENCE SET OUT ON THE REZONING PLAN. FENCE 1 SHALL BE MAINTAINED AND REPLACED (AS NEEDED) BY THE HOMEOWNERS ASSOCIATION FOR THIS RESIDENTIAL COMMUNITY.
- B. APPLICANT SHALL INSTALL A MINIMUM 6 FOOT TALL DOG EARED WOODEN PRIVACY FENCE 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. THE FINISHED SIDE OF FENCE 2 SHALL FACE THE WESTERN BOUNDARY LINE OF THE SITE, AND FENCE 2 SHALL BE CONSISTENT WITH THE PICTURE OF THE FENCE SET OUT ON THE REZONING PLAN. FENCE 2 SHALL BE MAINTAINED AND REPLACED (AS NEEDED) BY THE HOMEOWNERS ASSOCIATION FOR THIS RESIDENTIAL COMMUNITY.
- C. APPLICANT SHALL INSTALL CRYPTOMERIA EVERGREEN TREES AND BRACKEN BROWN MAGNOLIA TREES ALONG THOSE PORTIONS OF THE SITE'S WESTERN BOUNDARY LINE THAT ARE MORE PARTICULARLY DEPICTED ON THE REZONING PLAN. MORE SPECIFICALLY, CRYPTOMERIA EVERGREEN TREES AND BRACKEN BROWN MAGNOLIA TREES SHALL BE INSTALLED 12 FEET ON CENTER IN AN ALTERNATING, STAGGERED PATTERN AS DEPICTED ON THE **WESTERN BOUNDARY LINE SCREENING EXHIBIT** ON THE REZONING PLAN. THE CRYPTOMERIA EVERGREEN TREES AND BRACKEN BROWN MAGNOLIA TREES SHALL HAVE A MINIMUM HEIGHT OF 5 FEET AT INSTALLATION, AND THE CRYPTOMERIA EVERGREEN TREES AND BRACKEN BROWN MAGNOLIA TREES SHALL BE MAINTAINED BY THE HOMEOWNERS ASSOCIATION FOR THIS RESIDENTIAL COMMUNITY. ADDITIONALLY, IN THE EVENT THAT A CRYPTOMERIA EVERGREEN TREE OR A BRACKEN BROWN MAGNOLIA TREE DIES, THE CRYPTOMERIA EVERGREEN TREE OR THE BRACKEN BROWN MAGNOLIA TREE SHALL BE REPLACED BY THE HOMEOWNERS ASSOCIATION WITH A REPLACEMENT TREE WITH A MINIMUM HEIGHT OF 5 FEET AT INSTALLATION.
- D. EXCEPT WHERE THE STUB ROAD AND THE SIDEWALKS ADJACENT TO THE STUB ROAD ARE LOCATED ON THE SOUTHERN BOUNDARY LINE OF THE SITE, APPLICANT SHALL INSTALL CRYPTOMERIA EVERGREEN TREES AND BRACKEN BROWN MAGNOLIA TREES 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 AS DEPICTED ON THE REZONING PLAN. MORE SPECIFICALLY, CRYPTOMERIA EVERGREEN TREES AND BRACKEN BROWN MAGNOLIA TREES SHALL BE INSTALLED APPROXIMATELY 15 FEET FROM THE SOUTHERN BOUNDARY LINE OF THE SITE EXCEPT ON LOT 14, WHERE THE CRYPTOMERIA EVERGREEN TREES AND BRACKEN BROWN MAGNOLIA TREES SHALL BE INSTALLED ON THE SOUTHERN BOUNDARY LINE OF LOT 14. THE CRYPTOMERIA EVERGREEN TREES AND BRACKEN BROWN MAGNOLIA TREES SHALL BE INSTALLED 12 FEET ON CENTER IN AN ALTERNATING, STAGGERED PATTERN AS DEPICTED ON THE **SOUTHERN BOUNDARY LINE SCREENING EXHIBIT** ON THE REZONING PLAN. THE CRYPTOMERIA EVERGREEN TREES AND BRACKEN BROWN MAGNOLIA TREES SHALL HAVE A MINIMUM HEIGHT OF 5 FEET AT INSTALLATION, AND THE CRYPTOMERIA EVERGREEN TREES AND BRACKEN BROWN MAGNOLIA TREES SHALL BE MAINTAINED BY THE HOMEOWNERS ASSOCIATION FOR THIS RESIDENTIAL COMMUNITY. ADDITIONALLY, IN THE EVENT THAT A CRYPTOMERIA EVERGREEN TREE OR A BRACKEN BROWN MAGNOLIA TREE DIES, THE CRYPTOMERIA EVERGREEN TREE OR THE BRACKEN BROWN MAGNOLIA TREE SHALL BE REPLACED BY THE HOMEOWNERS ASSOCIATION WITH A REPLACEMENT TREE WITH A MINIMUM HEIGHT OF 5 FEET AT INSTALLATION.
- E. FENCE 1 AND FENCE 2 REFERENCED IN PARAGRAPHS A AND B ABOVE SHALL BE INSTALLED PRIOR TO THE ISSUANCE OF THE FIRST BUILDING PERMIT FOR A NEW ONE-FAMILY DETACHED DWELLING UNIT CONSTRUCTED ON THE SITE.
- F. THE CRYPTOMERIA EVERGREEN TREES AND BRACKEN BROWN MAGNOLIA TREES REFERENCED ABOVE IN PARAGRAPHS C AND D SHALL BE INSTALLED DURING THE FIRST PLANTING SEASON AFTER THE ISSUANCE OF A GRADING PERMIT FOR THE SITE.
- G. THIS RESIDENTIAL COMMUNITY SHALL BE SUBJECT TO A DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS THAT WILL BE RECORDED IN THE MECKLENBURG COUNTY REGISTRY (THE "COVENANTS"). THE COVENANTS SHALL, AMONG OTHER THINGS, REQUIRE THE ESTABLISHMENT OF A MANDATORY HOMEOWNERS ASSOCIATION FOR THIS RESIDENTIAL COMMUNITY. THE COVENANTS AND THE DEEDS TO THE RELEVANT LOTS SHALL REQUIRE THAT FENCE 1 AND FENCE 2 AND THE CRYPTOMERIA EVERGREEN TREES AND BRACKEN BROWN MAGNOLIA TREES REFERENCED ABOVE BE PRESERVED ON THE RELEVANT LOTS BY THE RELEVANT LOT OWNERS, AND THAT FENCE 1 AND FENCE 2 AND THE CRYPTOMERIA EVERGREEN TREES AND BRACKEN BROWN MAGNOLIA TREES BE MAINTAINED AND REPLACED (AS NEEDED) BY THE HOMEOWNERS ASSOCIATION AS REFERENCED ABOVE.



RITZ LANE
50' PUBLIC R/W
(MB 30/153)



ROAD
UBLIC R/W



















