Zoning Application 2020-721: Text amendment to modify the Open Space requirements in the C-MF zoning district

TO: Matthews Board of Commissioners
DATE: February 3, 2021
FROM: Robert Will, Senior Planner

During the Public Hearing for Text Amendments to modify the open space requirements and criteria for what is permitted as open space there was discussion about the possibility of using a graduated approach based on the acreage of each site and number of units that are proposed.

On January 13th staff meet with the applicant to discuss a proposed solution as the town was not comfortable with the proposed amendment because it is a whole-sale change to the open space section and on its face seemed to be difficult to administer. Based on this discussion the applicant has submitted the following for consideration:

"155.503.4.C.5
OPEN SPACE REQUIREMENT. A C-MF designation of three (3) or more acres shall include an open space system featuring pedestrian amenities which must be connected to pedestrian and bicycle facilities in the surrounding neighborhoods. The open space system may include areas devoted to post construction, water quality and/or storm water detention measures, any required or provided landscaping or screening areas, SWIM buffers, tree save areas, walkways and sidewalks, greenways or environmental protection features. A minimum of one-fiftieth (1/50) one thirty fifth (1/35) of an acre of open space must be provided for every dwelling unit created. The open space shall generally be located as a single tract within the C-MF designated site and at least one-half (1/2) of it shall be usable by residents or /and the public for recreation. Useable open space areas/amenities, such as grills, pools, tennis courts, playgrounds, dog parks and other improved areas with amenities for the residents or/and the public are permitted as part of the required open space. When the open space requirement cannot feasibly be accomplished on-site, then an off-site location of equivalent size and within one-half (1/2) mile shall be identified as an alternative public park site. This site shall be evaluated as a part of the conditional zoning process by the Board of Commissioners. This off-site property shall be deeded or dedicated to the Town after it is improved as a park."

*words in italics are proposed changes.
** words with strikethroughs are words to be removed.

At their regular meeting on January 26th, the Planning Board recommended approval of the proposed zoning text amendment with the following changes:

1. Remove tree save areas as a permitted part of the opens space system
2. Clarify that the Town Board is to evaluate the size and location of any off-site park that is used to satisfy the open space requirement.

Staff recommends approval with the Planning Board recommendations and striking of the word ‘generally’ for clarification of zoning Motion 2020-721 Text amendment to modify the Open Space requirements in the C-MF zoning district to the Board of Commissioners as amended.
DRAFT---FOR APPROVAL

STATEMENT OF CONSISTENCY WITH LOCAL ADOPTED GROWTH POLICIES
Board of Commissioners Decision on Zoning-Related Issues

ZONING APPLICATION # ______________________________
ZONING MOTION # _____________2020-721_____________
ADMINISTRATIVE AMENDMENT _______________________________

The Board of Commissioners adopts the checked statement below:

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

CONSISTENT: The text amendment is consistent because the purpose of the C-MF zoning district is to create higher density residential uses while still maintaining usable open space.

REASONABLE: The text amendment is reasonable because it allows more flexibility for urban open space in the C-MF zoning district.

OR

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)), as follows:

INCONSISTENT: The text amendment is inconsistent with the Land Use Plan because it reduces the amount of required open space in the C-MF district.

NOT REASONABLE: The text amendment is not reasonable as would allow for less open space for multi-family housing in the C-MF zoning district.

(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 8, 2021
ZONING APPLICATION FOR UNIFIED DEVELOPMENT ORDINANCE TEXT CHANGE
AS PROVIDED IN THE UDO AT 155.401.3

APPLICATION NUMBER _______________ DATE FILED 10/28/2020
APPLICANT’S NAME Two Capital Partners
APPLICANT’S MAILING ADDRESS 3060 Peachtree Road NW, Ste 960, Atlanta, GA 30305
APPLICANT’S PHONE NUMBER/EMAIL ADDRESS 404.926.1538; wtaubel@twocapitalpartners.com

I request consideration of the following change in text of the Matthews Unified Development Ordinance:

Requested text change is:

☑ a change in wording to existing Section(s)
☐ an addition to Section(s)
☐ a deletion of wording at existing Section(s)

Below is the text requested to be changed, added or deleted:

Existing Section 155.503.4.C.5 Proposed Section _______________________

SEE ATTACHED

(continue on additional page(s) as necessary)
What is the intended effect of this request?

To modify slightly, the existing open space requirement of the C-MF zoning district to a standard that can be provided by developments seeking to utilize this zoning district.
OPEN SPACE REQUIREMENT. A C-MF designation of three (3) or more acres shall include an open space system featuring pedestrian amenities which must be connected to pedestrian and bicycle facilities in the surrounding neighborhoods. The open space system may include areas devoted to post construction, water quality and/or storm water detention measures, any required or provided landscaping or screening areas, SWIM buffers, tree save areas, walkways and sidewalks, greenways or environmental protection features. A minimum of one-fiftieth (1/50) one thirty-fifth (1/35) of an acre of open space must be provided for every dwelling unit created. The open space shall generally be located as a single tract within the C-MF designated site and at least one-half (1/2) of it shall be usable by residents or and the public for recreation. Useable open space areas/amenities, such as grills, pools, tennis courts, playgrounds, dog parks and other improved areas with amenities for the residents or and the public are permitted as part of the required open space. When the open space requirement cannot feasibly be accomplished on-site, then an off-site location of equivalent size and within one-half (1/2) mile shall be identified as an alternative public park site. This off-site property shall be deeded or dedicated to the Town after it is improved as a park.

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