Zoning Application 2020-728: Text amendment to permit private streets in the R-VS zoning district

TO: Matthews Board of Commissioners  
DATE: April 5, 2021  
FROM: Robert Will, Senior Planner

Background

Currently the R-VS (Residential Varied Styles) conditional zoning district requires that all streets must be dedicated to the public, only alleys are permitted to be private:

155.503.1 F. 2.  
f. Private streets and gated streets are prohibited. All streets must be dedicated to the public, although alleys may be private.

To permit private streets in the R-VS (built to public street standards) allows a development to maintain control over the road network instead of having the Town have responsibility for the maintenance. Many of the neighborhoods that are zoned R-VS are small and do not have a large or complex street network and they can be a burden for the Town to maintain. On the other hand, when private streets fall into disrepair residents may petition for the town to take them over because of lack of an effective HOA or other reasons.

The proposed text amendment is as follows:

155.503.1 F. 2.  
f. Private streets may be permitted for R-VS district. Gated streets are prohibited. Alleys are allowed and may be made private.

Issues Raised at the Public Hearing

There was concern raised over the potential for private streets falling into disrepair. There was also discussion about including the option for private streets in the flexible design standards section of the UDO.

Planning Board Recommendation

At their regular meeting on March 23rd the Planning Board recommended approval of the text amendment voting 5 to 1.

Recommended Action

Staff recommends allowing the option of private streets in the R-VS zoning district to permit flexibility for the Town and future developments.
Matthews 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 R-VS conditional zoning district is meant to have flexible design standards to allow for a variety of housing types, allowing private streets contributes to this flexibility.

REASONABLE: The text amendment is reasonable because private streets are permitted in other residential zoning districts.

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 because allowing private streets in the R-VS district prevents an interconnected public street network.

NOT REASONABLE: The text amendment is not reasonable because the addition of private streets to the Town network is not in the public interest.

(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: April 12, 2021