Agenda Item: Zoning Petition 2021-737, Mt. Harmony Cottages, Kinger Homes, LLC Change in Zoning from R-15 to R-9 (CD)

TO: Board of Commissioners  
DATE: November 2, 2021  
FROM: Robert Will, Senior Planner

Background/Issue  
The applicant proposes to change the zoning of the property from R-15 single family to R-9 (CD) for the purpose of constructing 17 single family homes.

- Comments Raised at the Public Hearing(s):
  - The term ‘masonite’ should be defined and is potentially acceptable as an exterior building material.
  - More tree save should be considered.
  - The lots 1 and 17, adjacent to Mt. Harmony Church Rd., should be buffered or have wrap-around architecture.

- In response to these comments the applicant submitted a revised site plan showing an increase in tree save area and replanting areas. Replanting areas include the rear of lots 1, 12, and 13, and in the south east corner of the property close to the storm water BMP and trees along Mt. Harmony Church Rd. In a further revision, the Petitioner has included a rear/side elevation as well as a conceptual streetscape graphic.

- Many of the members of Planning Board had concerns over the increase in density from R-15 to R-9 and questioned why this could not be developed as R-15 and be consistent with the neighborhood to the north. Additionally, some members wanted to eliminate lot 11 in order to create more open space and tree save area. The Planning Board passed a recommendation to approve the zoning petition by split vote four to three.

Proposal/Solution  
Included with this memo is the amended site plan and proposed conditions.

Recommended Motion/Action  
Defer Zoning Petition 2020-737 Change in Zoning from R-15 to R-9 (CD) in order for the applicant to work with staff on an acceptable street design that eliminates the corner bulb-out.
DRAFT – FOR APPROVAL

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

ZONING APPLICATION # ________2020-737______________________
ZONING MOTION # __________________________________________
ADMINISTRATIVE AMENDMENT _______________________________

Matthews Board of Commissioners adopts the checked statement below:

A) _____ 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 rezoning is consistent with the land use plan because it will provide a variety of housing styles, densities and locations and encourage design and construction of alternative style housing and infill development.

REASONABLE: The rezoning is reasonable in that it provides for a compatible land use adjacent to single-family zoning.

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 rezoning is inconsistent with the Land Use Plan in that this location is too distant from the transit corridor to support higher density uses.

NOT REASONABLE: The rezoning is not reasonable as it will create additional traffic along Mt. Harmony Church Rd.

(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: November 8, 2021
DEVELOPMENT STANDARDS

A. General Provisions

1. These Development Standards form a part of the Rezoning Plan associated with the Rezoning Petition described in this Case No. 02 10/20/21 UDP PER TOWN OF MATTHEWS.

B. Site Planning

1. The maximum height of any single-family detached dwelling unit shall be 35-feet as measured by the North Carolina Department of Transportation ("NCDOT").

C. Transportation

1. Vehicular access to the Site shall be as generally depicted on the Rezoning Plan. The placement and configuration of the internal private drives/alleys shall be subject to the terms of these Development Standards and the Rezoning Plan.

2. The development and use of the Site will be governed by the Rezoning Plan, these Development Standards, and any amendments or modifications thereto. The configurations, placements, and uses depicted on the Rezoning Plan, the Development Standards, and the Ordinance, are subject to minor alterations or modifications during the design development and construction phases.

3. Any alterations or modifications to the Rezoning Plan or Development Standards must be approved by the Petitioner or their authorized representatives.

4. DISTANCE TAKE-OFFS

D. Elevations

1. These Development Standards form a part of the Rezoning Plan associated with the Rezoning Petition described in this Case No. 02 10/20/21 UDP PER TOWN OF MATTHEWS.

E. Lighting

1. Outdoor lighting fixtures installed on the site shall comply with the requirements of the outdoor lighting regulations established under the Ordinance.

2. LIGHTING FIXTURES

3. The lighting fixtures shall be of the type of fixtures determined by the NCDOT and the Ordinance.

F. Binding Effect of the Rezoning Documents and Definitions

1. These Development Standards form a part of the Rezoning Plan associated with the Rezoning Petition described in this Case No. 02 10/20/21 UDP PER TOWN OF MATTHEWS.

G. Subdivision Rules

1. These Development Standards form a part of the Rezoning Plan associated with the Rezoning Petition described in this Case No. 02 10/20/21 UDP PER TOWN OF MATTHEWS.

H. Vegetation and Landscaping

1. These Development Standards form a part of the Rezoning Plan associated with the Rezoning Petition described in this Case No. 02 10/20/21 UDP PER TOWN OF MATTHEWS.

I. Decks and Patios

1. These Development Standards form a part of the Rezoning Plan associated with the Rezoning Petition described in this Case No. 02 10/20/21 UDP PER TOWN OF MATTHEWS.

J. Signage

1. These Development Standards form a part of the Rezoning Plan associated with the Rezoning Petition described in this Case No. 02 10/20/21 UDP PER TOWN OF MATTHEWS.

K. Building Codes

1. These Development Standards form a part of the Rezoning Plan associated with the Rezoning Petition described in this Case No. 02 10/20/21 UDP PER TOWN OF MATTHEWS.

L. Easements

1. These Development Standards form a part of the Rezoning Plan associated with the Rezoning Petition described in this Case No. 02 10/20/21 UDP PER TOWN OF MATTHEWS.

M. Zoning

1. These Development Standards form a part of the Rezoning Plan associated with the Rezoning Petition described in this Case No. 02 10/20/21 UDP PER TOWN OF MATTHEWS.

N. Subdivision

1. These Development Standards form a part of the Rezoning Plan associated with the Rezoning Petition described in this Case No. 02 10/20/21 UDP PER TOWN OF MATTHEWS.
Mt Harmony Cottages
2700 Mt Harmony Church Road, Matthews NC (PID: 21512307)
Kinger Homes
215 N Pine Street, Unit 2011
Charlotte, NC 28202

BDS
UDP

10.08.2021
21-CLT-075

Conceptual Elevations

RZ-1.2

01 09/29/21 UDP PER TOWN OF MATTHEWS
02 10/20/21 UDP PER TOWN OF MATTHEWS
03 11/01/21 UDP PER TOWN OF MATTHEWS