Agenda Item: Administrative Amendment for Tyler Mundy, Williams Rd.

TO: Matthews Town Board of Commissioners
DATE: December 8, 2021
FROM: Robert Will, Senior Planner

Background/Issue:
The applicant is requesting an administrative amendment for the recently approved rezoning on Williams Rd. They are asking for the following amendments:
- Reducing the number of lots from 10 down to 7
- Reducing the length of the cul-de-sac so as to avoid a stream crossing
- Revise the location of the storm water BMP
- Move lot 1 closer to Williams Rd.
- Increase open space and tree save areas

The Planning Board recommended approval of the Administrative Amendment to the Board of Commissioners.

According to the UDO, the Board of Commissioners may approve, modify and approve, or deny the Administrative Amendment, additionally The Board of Commissioners may schedule a public input session or require the applicant to hold a community meeting.

Proposal/Solution:
The revised site plan and Amendment request are attached. Additionally, there is an overlay of the previously approved rezoning plan showing the proposed changes.

Financial Impact:
None

Related Town Goal(s) and/or Strategies:
Economic Development/Land Use Planning

Recommended Motion/Action:
Approve the requested Administrative Amendment to the Williams Rd. rezoning case 2021-730.
DRAFT – FOR APPROVAL

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

ZONING APPLICATION # ______________________________
ZONING MOTION # __________________________________________
ADMINISTRATIVE AMENDMENT ___XX____________________________

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 administrative amendment is consistent with the plan in that reduces density while still providing quality housing options.

REASONABLE: The administrative amendment is reasonable in that it will tailor the existing zoning site plan to the neighborhood.

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 administrative amendment is inconsistent with the Land Use Plan in that the changes drastically alter the relationship of the site to the neighboring properties.

NOT REASONABLE: The administrative amendment is not reasonable as it will change the impact to neighboring properties.

(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: December 13, 2021
MEMO

Date: November 16, 2021
To: Town of Matthews Planning Board
From: Brian Rossi
Subject: Williams Road Subdivision 2021-730
Copies: Tyler Mundy

Overall Administrative Amendment Summary

The Williams Road Subdivision project is requesting administrative amendment approval of a minor change to the Williams Road Subdivision. The request is being made to minimize the impact to streams and wetlands onsite by reducing the density of the development and shortening the proposed roadway by approximately 280′, resulting in a reduction of the development from 10 lots to 7 lots. It is anticipated that the reduced development will have a BUA of less than 24% falling under the classification for a Low Density project based on the Town of Matthews Unified Development Ordinance Chapter 8 – Post Construction Storm Water Regulation – Section 155.803-C.1. With this classification it is anticipated that a dry pond will be utilized onsite to meet the Mecklenburg County Detention Ordinance which would have similar aesthetics from the adjacent property as the rear yards previously approved at this location. No changes are proposed to vegetative buffers, storm easements, etc. along the southern property line. The area will still need to be cleared for the dry pond the same as if we were building homes in the same location.

To accommodate the revised layout it is proposed that Lot 1 be shifted approximately 25’ to the east towards Williams Road. This adjustment will not impact the 20’ setback from Williams and the associated screening proposed in this setback as shown on the Concept Plan. In addition the proposed home on Lot 1 is also set back off of Williams Road approximately 10’ further than the home located on the southwest corner of Williams Road on the adjacent property which would not alter the basic relationship of the proposed development to the adjacent property.
This amendment was discussed with City Staff in advance of the Planning Board submittal. Based on those discussions two items of importance were noted: “The location of the BMP as it will now back up to two of the adjacent lots and the distance of Lot 1 moving closer to Williams Road.” Additional responses to these items and other considerations are provided below.

Amendment will not alter the basic relationship of the proposed development to adjacent property:

By reducing the overall impervious area and lot count we are able to eliminate the need to provide water quality (sand filter) and manage post construction flows with a dry pond. Dry ponds will look similar to a back yard as they are grassed, but are obviously depressed for storage during high rainfall events. Regardless of a home or dry pond being located along this southern property line, the area will need to be cleared as the previously approved plan would have intended. Additionally, the BMP allows the addition of some plant back of trees around the dry pond (non-berm sides). The location of the BMP provides a predictable flood route path for the proposed 7 lot development and also allows improvements to the existing drainage issues noted by the adjacent property owners. The ditch along the southern property line will still either be a ditch or piped to manage offsite flows.

Amendment will not alter the uses permitted or increase the density or intensity of development:

We are reducing overall lot count from 10 to 7 and overall impervious development from high density to low density. Additionally, the tree save and undisturbed open space will increase. This reduces the impact to adjacent lot owners from any changes behind their homes as no development will occur past the stream.

Amendment will not decrease the off-street parking ratio or reduce the yards provided at the boundary of the site:

All perimeter setbacks and buffers are remaining as previously approved. Lot 1 shifting towards Williams Road reduces the overall size of Lot 1 and/or eliminates a strip of HOA maintained open space. Overall relationship of Lot 1 and the home placement to Williams Road is no different than the development to the south where the home is approximately 20’ from the existing ROW.