Agenda Item: Request to Waive One-Year Waiting Period for Previously Denied Rezoning Request

DATE: September 9, 2021
FROM: Jay Camp

Background/Issue:

- On April 12, 2021, Council denied a request by True Homes to rezone property along the future Greylock Ridge Road alignment. The proposed project was a 75-unit townhome development on approximately 7.3 acres.

- True Homes is now working in partnership with Lat Purser on a much larger rezoning request that includes the 7.3 acres as well as land previously zoned for mixed-use development and known as Wingate Commons. The new rezoning request totals about 53 acres.

- The portion of the plan that has been shared with staff indicates 11.52 acres and 120 units set aside for True Homes. A comparison of the two site layouts is attached. These plans are subject to change.

- Lat Purser filed the attached zoning plan in August. However, the application could not be accepted as the traffic study is not complete and the one year waiting period is still in effect. It is our understanding that the application will be resubmitted at the end of the year.

Proposal/Solution:

The UDO Language that pertains to the waiver process is provided below:

EFFECT OF DENIAL. After a public hearing, no application for a proposed zoning map change or amendment of this Title which has been denied wholly or in part by the Board of Commissioners shall be resubmitted for a period of one (1) year from the date of action on the original request. However, the Commissioners may choose to allow a re-application, if after a report from the Planning Board, they determine that there have been substantial changes in circumstances or conditions not discovered or not possible during the previous zoning action, which may relate to the request. [formerly § 153.270]

There are several developers working in partnership on this large-scale rezoning request. Staff has suggested that the best way to approach the proposed rezoning request is a large, combined request as opposed to two or three individual requests. This ultimately allows for better coordination and design of the project. Planning Board vote unanimously to recommend approval of the waiver and found that substantial changes were present.

Recommended Motion/Action
Approve Waiver Request for True Homes for parcels 21504219 and 21504212.
August 3, 2021

Mr. Jay Camp  
Town of Matthews Planning Director  
Matthews, NC

Re: Request to Waive the One Year Waiting Period

Dear Mr. Camp,

We are writing to you as the property owner of a portion of land (parcels #21504219 and #21504212) included in a recent application for a Change in Zoning Classification and a Change in Zoning Conditions for property located at 1205 East John Street. As you have noted, these parcels were the subject of a rezoning application denied earlier this year, as a result these parcels are subject to a 1-year waiting period for any future rezoning actions. UDO Section 155.401.1.G allows a re-application if it is determined that there are substantial changes.

We respectfully request a Waiver of the One Year Waiting Period. Since the denial of the rezoning, several changes have taken place and are outlined below.

- We have coordinated with adjoining property owner Lat Purser to develop a fully integrated mixed-use center of residential, office, retail, restaurant and other commercial uses.
- As a result of the coordination, there has been a redesign of the site layout for the residential townhomes with up to 120 attached units on 11.52 acres vs the original 7 acres.
- Townhomes have been redesigned to allow for a mix of 2 and 3 story homes within the same attached building.

We believe these changes satisfy the threshold for a Waiver of the One Year Waiting Period.

Sincerely,

Mark Boyce, Manager  
Red Pill Investments, LLC
CURRENT ZONING.......................................R-9
PROPOSED ZONING.................................... MUD

DEPENDING ON THE ULTIMATE DESIGN FOR THE GREYLOCK REALIGNMENT, THIS CORNER IS TO BE USED AS A NATIVE PLANT TAX PARCELS...............................................21504212 & 21504219
DEMONSTRATION AREA
TOTAL SITE AREA........................................ 7.3 ACRES
PROPOSED NUMBER OF UNITS................ 75
TOWNHOME SIZE SHOWN......................... 20' X 32'
TREE CANOPY REQUIRED ONSITE.......... 0.58 ACRES (8% OF SITE)
TO BE CONSTRUCTED BY TREE CANOPY TO REMAIN........................ 0.88 ACRES
OTHERS
OPEN SPACE PROVIDED .......................... 3.3 ACRES
FUTURE DEVELOPMENT AREA ................ 0.5 ACRES

AREA IN LOTS ............................................ 2.3 ACRES
RESERVED 60' PUBLIC R/W FOR SCREENING REQUIRED............................ OPTION 3 (10' WIDTH) ALONG NC FIRM License: P-2068
FUTURE E. CHARLES ST.
SC COA: 6231
FRONT SETBACK ........................................ 10' FROM R/W
5' EXTERIOR

There are 11 two-story townhomes and 64 three-story townhomes proposed. The three-story units have a one-car garage.

There is not a min. of 19' of SOD/TURF AREA RESERVED FOR PUBLIC ART INSTALLATION.

The area of Greylock Ridge extension to be built by others and not constructed at this time.

This drawing is not to be used for construction purposes unless he signature of the responsible Contractor. This is a preliminary (non-boundary) drawing, and fees have been sent to the Authority having jurisdiction by the Owner, Owner's Agent, or the Contractor.

PARKING SUMMARY
PARKING AT REAR OF TOWNHOMES........71 SPACES (NOTE THAT UNITS 1-3, AND 30 DO NOT HAVE PARKING
THERE ARE 11 TWO-STORY TOWNHOMES WITH GARAGES...................64 SPACES
ADDITIONAL PARKING ALONG ALLEYS.....22 SPACES
TOTAL SPACES ............................................157 SPACES

SCALE: 1" = 50'
SCALE: 1" = 20'

Sheet: 20069-Site Plan.dwg