

Rezoning Decision: Application 2020-712, Morris Family Investments, LLC

TO: Mayor and Board of Commissioners
FROM: Robert Will, Senior Planner
DATE: September 8, 2020

Background/Issue

At the regular meeting on July 28th, the Planning Board voted unanimously to recommend approval contingent on additional efforts to resolve parking and storm water runoff concerns. Issues and concerns that were noted at the July 28th meeting included:

- Storm water designs for the impacted portion of Freemont St. have not been completed and the Board has concerns over runoff to adjacent properties.
- The scale of the proposed home design is larger than that of surrounding residences. Also noted was that the proposed elevations would not have a front porch.
- The applicant is proposing 5-foot side setbacks using the flexible design standards that are permitted in the R-VS zoning district. Otherwise the side setbacks would have to be 6 feet.
- A concern expressed over the limited parking for autos, with only a one-car garage and limited driveway space. Cars may end up being parked across the sidewalk or on the street.
- Removal of the row of vegetation on the right side of the lot would result in a loss of screening from the adjacent non-residential property.

Proposal/Solution

The applicant has requested another one-month deferral to further address stormwater drainage and parking issues raised at the public hearing and at the Planning Board Meeting.

Financial Impact

None

Related Town Goal

Quality of Life and Economic Development/Land Use Planning

Recommended Action

Defer final zoning action one month to the October 12th regular meeting to give the applicant time to address concerns raised by staff and at the public hearing.

To: Mayor and Board of Commissioners

2 Sep 20

Re: North Freemont Project

I am asking for another deferral of the rezoning decision on my North Freemont application as I have too many unanswered questions to present an approach on 14 September to the issues raised by the rezoning process

I guess I am a slow learner but I have finally concluded and believe had it confirmed by the Town Manager that decisions regarding construction and streets rest with the Mayor and Board, not with Planning or Engineering or Public Works. Matthews Staff have not responded to my questions below which I believe is expected as they cannot make these decisions.

Accordingly, I am now addressing questions to you to see if building three houses instead of an office building is practical. I have questions in three areas where I need information to formulate a plan.

Number and size of houses – The rezoning application proposes three, two-story, 2000-2500 sq ft houses. These are like the Summey Avenue homes built by Saussy Burbank in size and spacing. They will be about 30' high. I think they are typical for infill projects. Question - is there any objection to this part of the proposal? I realize that the neighbors would like the lot to remain as it is or to see one house or only two houses but doing nothing is not an option. Three houses would seem a better option than an office building.

Drainage - As North Freemont has very little fall (about 1' in 135') south to north and the section in front of my lot lacks the standard 3/8" per foot crown, it is a challenge to both deal with the current well-documented drainage problem on North Freemont and also ensure the new project does not make the current situation worse (and ideally make it better).

Several options have been considered, but all depend on Town regulations and requirements as determined by the Mayor and Board. To finalize a design, I have the following questions that I believe only the Mayor and Board can answer:

1. I have been directed to MCLDSM where the Town has drawings for a Local Street (drawing 11.51R2) requiring an asphalt width of 12' per side and for a Limited Local Street (drawing 11.54R3) requiring an asphalt width of 10' per side. I cannot find any definition of a Local or Limited Local Street. As there are only five houses past my lot, I would think North Freemont could be considered a Limited Local Street. Question – does Freemont require 10' or 12' of asphalt per side?
2. Question – does the Mayor and Board require me to fix the current drainage problem? If so, will the Town fund this repair?
3. The current drainage problem could be solved by installing a standard Valley Gutter curb on North Freemont on the side opposite my lot. This would also ensure any new water from the proposed project would be contained on the street. Question – would the Mayor and Board approve a Valley Gutter curb at the edge of the existing street (pavement is about 9' wide per side)? Question – if not, would the Mayor and Board approve widening the street to 10' or 12' on that side and installing a curb with no sidewalk? At least one neighbor could live with a curb or widened street and curb but would not like to give up an added 5' of his yard for a sidewalk.

4. Question - As retaining water on the street is important, how high is a Valley Gutter? I could not find a height dimension on any MCLDSM drawing for Matthews LOCAL or LIMITED LOCAL streets?

Parking – The proposed rezoning application site plan provides for two parking spaces per house, one in the garage and one in the driveway (not blocking the sidewalk). The Town plans a parking area at the end of North Freemont (about 100 yards from my lot). I have not found any parking requirement for the R-VS zoning. Question – how much parking is required as opposed to desired?

If I proceed and widen the street to 10 or 12' on my side, this will add up to 5' of added width to the street. As cars are about 6' wide, cars can park on the widened street. If the street on the opposite side is widened by about 5', on-street parking will be even less of a problem. Question – how much parking does the Town require given the on-site parking, the parking on the widened street, and the Town parking 100 yards away?

Going forward

If I can have answers from the Mayor and Board to these questions, I believe it will be possible to devise a plan that all parties will recognize as the best option. I will be out of the State for all of September, but Paul Jamison, my partner when the development goes forward, can be available to meet anyone on North Freemont.

How do I get answers to these questions? Should I plan to attend the 14 September meeting to seek answers? Should I contact individual Board members to get answers? I would like to proceed in whatever manner is most efficient for the Board.

Thank you,

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