

## **MORGAN CREEK-KINGS MILL ROAD NCD RECOMMENDATIONS**

### **SUMMARY OF INITIATIVE FOR MORGAN CREEK-KINGS MILL ROAD NEIGHBORHOOD**

The Morgan Creek-Kings Mill Road Neighborhood Conservation District Initiative was initiated by a petition to the Town Council requesting the development of a neighborhood district that would include several new regulations, such as increasing the street and interior setbacks, increasing the minimum lot size, and placing limitations on rental activities in the neighborhood. The Morgan Creek-Kings Mill Road neighborhood engaged in three neighborhood meetings at the North Carolina Botanical Garden's Totten Center as part of the Neighborhood Conservation District Initiative. The three meetings were fairly well attended, with approximately 25-40 participants at each meeting. The Morgan Creek Neighborhood Association assisted with organizing the initial kickoff meeting and providing an email listserv for updating residents on the status of the initiative. Many residents have provided feedback on the key neighborhood issues, preliminary and final recommendations, and have contacted Clarion frequently to ask questions throughout this process.

### **SUMMARY OF KEY ISSUES RAISED BY THE NEIGHBORHOOD**

Residents provided input on the key issues to be addressed through this initiative at the initial kickoff meeting and through subsequent correspondence. The 1st *Neighborhood News* report provided several lists of information compiled from neighborhood feedback. The list that reported on "Issues to be Addressed" guided the development of the recommendations for the Morgan Creek-Kings Mill Road Neighborhood Conservation District and is listed below.

- Ensuring that future development is visually compatible with natural surroundings;
- Maintaining lower density uses and larger lot sizes throughout neighborhood;
- Ensuring appropriate size of new residential development, including massing, setbacks, and height;
- Requiring tree protection and ecological preservation of wildlife corridors throughout the neighborhood; and
- Ensuring that new development does not negatively impact the natural environment.

### **RECOMMENDED NEIGHBORHOOD DISTRICT BOUNDARY**

Throughout this initiative, there has been an open discussion on the boundary for the neighborhood that would define where new neighborhood conservation district regulations would be applied. In general, the proposed boundary follows the neighborhood boundary as defined by the neighborhood's many restrictive covenants, and has been supported by residents attending the neighborhood meetings and providing comment through other means. However, there has been much discussion regarding the inclusion of the Winter Drive subdivision as part of the neighborhood district.

There has been significant neighborhood support in favor of including the eight properties included in the Winter Drive subdivision, located at the western side of the neighborhood just north of the public meadow. The reasons for including these properties within the boundary are that the two neighborhoods abut, that impacts from one property can have an effect on

adjacent lots, and that the two areas share access to the public meadow and vistas across the meadow. Reasons for not including the Winter Drive subdivision are that vehicular access is separate, that the Winter Drive lots were developed separately and are not part of the original Morgan Creek restrictive covenants, and that the Winter Drive lots are not currently within the Town's corporate limits. On balance, the proximity and potential impacts of development activity favor including the Winter Drive lots, and the recommendation is to include these properties within the boundary. A map of the proposed neighborhood district boundary is included at the beginning of this section.

### **SUMMARY TABLE OF RECOMMENDATIONS**

Feedback on the recommended regulations presented at the 3<sup>rd</sup> meeting was used to revise the final recommendations. The revised recommendations are listed here in the following summary table. Following the table are descriptions for each of the recommendations, responses to the recommendations and any dissenting opinions that apply.

Land Use Regulations	Recommended Standards for Morgan Creek-Kings Mill Road
Minimum Lot Size	0.6 acre
Minimum Street Setbacks for Single-Family Dwelling (or Single-Family Dwelling with Accessory Apartment)	50 feet, except for lots that border Fordham Boulevard. For those frontages that border Fordham Boulevard, setback would remain as is.
Minimum Interior Setbacks for Single-Family Dwelling (or Single-Family Dwelling with Accessory Apartment)	25 feet
Maximum Floor Area Ratio for Single-Family Dwelling (or Single-Family with Accessory Apartment)	0.17
Maximum Size for Single-Family Dwelling (or Single-Family Dwelling with Accessory Apartment)	6,500 square feet. Larger single-family dwelling allowed if meets floor area ratio criteria and if required minimum street and interior setbacks are doubled.
Maximum Secondary Building Height	Limit of 2 stories and an unfinished attic, above the level of the street. Maximum secondary building height as currently defined in Land Use Management ordinance to be maintained at 40 feet.
Maximum Percent of Front Yard Used for Parking	25%
Fencing	Fences located in the front yard and taller than 2.5 feet shall be no more than 50 percent opaque. All fences located in the front yard, with street frontage, shall have a maximum fence height of 4 feet.

Land Use Regulations	Recommended Standards for Morgan Creek-Kings Mill Road
Zoning Compliance Permit Notification	Adjacent property owners must be notified through the Town if an increase in floor area or garages are proposed, with a 10-day waiting period to follow notification.
Tree Protection	Require consultation with Town before clearing deciduous trees measured at 24" DBH (diameter at breast height) or greater, except as part of construction and/or maintenance of permitted improvements, or to remove dead, diseased, or hazardous trees.
Tree Removal Notification	Adjacent property owners must be notified through the Town 1) prior to a landowner removing trees measured at 24" DBH (diameter at breast height) within their lot's interior setbacks, or 2) if more than 20% of the trees on a lot are to be removed, except when tree removal is part of construction and/or maintenance of permitted improvements, or to remove dead, diseased, or hazardous trees. A 10-day wait period would follow notification.

## ANNOTATED LIST OF FINAL RECOMMENDATIONS, RESPONSES & DISSENTING OPINIONS

### 1. Minimum Lot Size

*Recommendation:* 0.6 acre

*Discussion of Recommendation:* In general, participants at the 3<sup>rd</sup> meeting and/or respondents providing comment on the recommendations supported the minimum lot size recommendation. However, many were interested in learning more about nonconforming lot sizes and particularly how lots measuring less than 0.6 acre would be affected by the proposed regulation. The "Nonconforming Status" section on page 3 of this report addresses this issue.

*Dissenting Opinions:* Many residents voiced their concerns for retaining the right to develop their properties even if their lots did not meet the proposed minimum lot size. Similarly, they voiced their concerns regarding the development rights of landowners owning undeveloped vacant lots that are less than 0.6 acre.

### 2. Minimum Street Setback

*Recommendation:* 50 feet, except for lots bordering Fordham Boulevard. For those frontages that border Fordham Boulevard, setback would remain as is.

*Discussion of Recommendation:* Participants of the 3<sup>rd</sup> meeting were supportive of the recommended minimum street setback because it is similar to existing covenants. However,

many residents were concerned that the covenant restrictions and the zoning regulations are measured from different points and would not result in the same setback for some properties. Another key concern that was raised at the meeting was the affect of the new street setback provision on properties abutting Fordham Boulevard. Because the Fordham Boulevard street frontage of these properties does not have a direct effect on the aesthetic quality of the neighborhood, it is recommended that the recommended street setback should not apply to those street frontages.

*Dissenting Opinions:* Many residents raised concerns about existing setbacks that may not comply with the proposed regulations, specifically that they would not be able to expand their homes in these setback areas if the new regulations were adopted. The “Nonconforming Status” section on page 3 of this report addresses this issue.

### 3. Minimum Interior Setback

*Recommendation:* 25 feet

*Discussion of Recommendation:* In general, participants at the 3<sup>rd</sup> neighborhood meeting and/or residents providing comment on the recommendations supported the interior setback recommendation.

*Dissenting Opinions:* Most participants at the 3<sup>rd</sup> meeting had concerns about potential nonconforming setbacks and a property owner’s ability to build if they don’t comply with the new regulations.

### 4. Maximum Building Height

*Recommendation:* Limit of 2 stories and an unfinished attic, above the level of the street. Maximum secondary building height as currently defined in Land Use Management ordinance to be maintained at 40 feet.

*Discussion of Recommendation:* There was good discussion on the topic of maximum building height at the 3<sup>rd</sup> meeting. The recommendation presented that night was to limit building height to 2 stories & an attic from the base street elevation. Many participants raised the issue that several homes in the neighborhood have walkout basements, and were concerned by how that would factor into this new building height restriction. The intent of the recommendation was to limit the number of stories, as seen from the street to maintain visual continuity throughout the neighborhood. An addition to this provision was discussed that would keep the recommended maximum of two stories and an attic from the base street elevation as seen from the street, and also add a provision that specifies “not to exceed 40 feet.” This would require that the heights of new houses would not exceed the current height limitation, while also requiring homes to fit in with the existing character of the neighborhood. The addition of a height cap was fairly well received.

*Dissenting Opinions:* No dissenting opinions were offered.

## 5. Maximum Floor Area Ratio & Maximum Building Square Footage

*Recommendation:* Floor Area Ratio – 0.17; Maximum Building Square Footage – 6,500. Larger single-family dwelling allowed if meets floor area ratio criteria and if required minimum street and interior setbacks are doubled.

*Discussion of Recommendation:* Some participants at the meeting were concerned that the original recommended floor area ratio of 0.2 would allow for a very large house (i.e., 7,500 square feet) on the average size lot found in the neighborhood. Some discussed the idea of lowering the ratio to 0.15 and one person proposed lowering it to 0.1. In response to this feedback, the recommendation is to lower the recommended maximum house size to 6,500 square feet and lower the recommended floor area ratio to 0.17.

*Dissenting Opinions:* A few neighbors responded that they would like the maximum house size to be 5,000 square feet.

## 6. Maximum % of Front Yard Used for Parking

*Recommendation:* 25%

*Discussion of Recommendation:* The participants at the 3<sup>rd</sup> neighborhood meeting were generally supportive of this recommendation. It was clarified that existing driveways larger than 25% of the front yard would be grandfathered and could be maintained, repaired and replaced as they currently exist.

*Dissenting Opinions:* Some participants raised concerns that topographical constraints in the neighborhood could require a larger driveway, but did not necessarily disagree with the recommendation.

## 7. Tree Protection

*Recommendation:* Requires consultation with Town before clearing deciduous trees measured at 24" DBH (diameter at breast height) or greater, except as part of construction and/or maintenance of permitted improvements, or to remove dead, diseased or hazardous trees.

*Discussion of Recommendation:* At the 2<sup>nd</sup> neighborhood meeting, participants voiced their concerns for the preliminary recommendation to require a Town permit prior to razing trees on single-family lots in the neighborhood. Because of this response, a recommendation for tree protection was not presented at the 3<sup>rd</sup> neighborhood meeting. Participants at that meeting supported developing a recommendation that addresses the potential clear-cutting of lots. The idea of requiring a tree removal permit from the Town was again opposed, but participants did support the idea of limiting the percentage of trees that could be removed from a lot. We have included this clear-cutting provision in the recommended notification requirements.

*Dissenting Opinions:* There are many varied opinions on the topic of tree protection, and none of the ideas has unanimous support. One idea has been to approach the issue as a forest management issue. Others support requiring a permit before removal of any trees. Others oppose any permitting requirements related to tree removal.

## 8. Notification of Tree Removal

*Recommendation:* Adjacent property owners must be notified through the Town 1) prior to a landowner removing trees measured at 24" DBH (diameter at breast height) within their lot's interior setbacks, or 2) if more than 20% of the trees on a lot are to be removed, except when tree removal is part of construction and/or maintenance of permitted improvements, or to remove dead, diseased, or hazardous trees. A 10-day wait period would follow notification.

*Discussion of Recommendation:* There were several instances discussed where trees had been removed by the neighboring property owner without the owner's consent. The intent of this provision is to address situations like this, keep open communication between neighbors, and prohibit the removal of trees without permission of the landowner. Participants at the 3<sup>rd</sup> meeting generally favorable to this provision.

*Dissenting Opinions:* Some participants did object to a notification process that would require landowners to submit notification through the Town.

## 9. Notification of Zoning Compliance Permit

*Recommendation:* Adjacent property owners must be notified through the Town if an increase in floor area or garages are proposed, with a 10-day waiting period following notification.

*Discussion of Recommendation:* Participants at the 3<sup>rd</sup> neighborhood meeting were generally supportive with the regulation that required neighbors notify them when applying for a zoning compliance permit to develop a new structure, or expand on an existing structure. The intent is to provide an opportunity for neighbor dialogue before issuing formal plans to the Town.

*Dissenting Opinions:* Some participants did object to a notification process that would require landowners to submit notification through the Town.

## 10. Fences

*Recommendation:* Fences located in the front yard and taller than 2.5 feet shall be no more than 50% opaque. All fences located in the front yard, with street frontage, shall have a maximum fence height of 4 feet. These limitations would not apply to the portions of properties with street frontage on Fordham Boulevard.

*Discussion of Recommendation:* At the 2<sup>nd</sup> meeting, a preliminary recommendation to prohibit fences in the setbacks was not supported by many participants. Because of this response, a fencing regulation was not recommended. However, prior to the 3<sup>rd</sup> meeting, several residents offered their support for a provision that regulated the height and opaque nature of fences in the neighborhood. There was only short discussion of fencing at the 3<sup>rd</sup> meeting. This provision has received support from several neighborhood residents.

*Dissenting Opinions:* Because the regulation was revised following the 3<sup>rd</sup> neighborhood meeting based on written and verbal correspondence with residents, the neighborhood has not had an opportunity to offer any dissenting opinions at the time this report was written.

## 11. Design Guidelines

*Recommendation:* General

*Discussion of Recommendation:* Participants seemed to be comfortable with the idea of voluntary design guidelines for the neighborhood. The intent is to provide guidance on the historic character and goals of the neighborhood to landowners developing their property. This document could provide basic design principles and best design practices, such as a list of appropriate tree and landscaping plantings, orientation of buildings, discussion on the visual impacts of new built structures from the public right of way and other building design issues that are not currently addressed through zoning. These guidelines would be voluntary and would not be developed as a formal regulation, but only as a guiding document.

*Dissenting Opinions:* No dissenting opinions were offered.

### **SUMMARY OF KEY ISSUES TO BE ADDRESSED BY OTHER MEANS**

Throughout the neighborhood initiative, residents raised several issues that cannot be directly addressed through the development of zoning regulations as part of a neighborhood conservation district. These issues included:

- Lack of pedestrian access into and from the neighborhood at Fordham Boulevard and ensuring pedestrian and bicycle access and safety throughout the neighborhood;
- Neighborhood impacts from intense land uses across Fordham Boulevard on Mason Farm Road;
- Recent break-ins to houses and cars;
- Potential increase in on-street parking due to UNC development; and
- Impacts from rental properties on the neighborhood.

The neighborhood was provided with preliminary recommendations for addressing those issues through means other than zoning regulations. The preliminary recommendations are listed below.

1. Invite Police Department representative to a neighborhood meeting to discuss:
  - Recent break-ins.
2. Invite Engineering Department representative to a neighborhood meeting to discuss:
  - Possibilities for Fordham Boulevard improvements at Morgan Creek Road;
  - Possibilities for better pedestrian access across Fordham Boulevard;
  - Any pending plans for widening Fordham Boulevard;
  - Current data on traffic volumes, projections; and
  - Management of on-street parking.
3. Prepare written statement to Town Council asking for attention to:
  - Preserving wildlife corridors and preparation of a forest management plan;
  - Concerns about impacts of University development;

- Concerns about break-ins, on-street parking; and
- Requests for bikeway and greenway facilities.