CITY OF DOVER PLANNING COMMISSION
June 20, 2016

The Regular Meeting of the City of Dover Planning Commission was held on Monday, June 20, 2016 at 7:00 PM with Chairman Mr. Tolbert presiding. Members present were Mr. Holden, Mr. Roach, Colonel Welsh, Mr. Holt, Mr. Baldwin, Ms. Still, Ms. Maucher and Mr. Tolbert. Dr. Jones was absent.

Staff members present were Mrs. Ann Marie Townshend, Mrs. Dawn Melson-Williams, Mr. Jason Lyon, Mr. Bill Cook, Mr. Eddie Diaz and Mrs. Kristen Mullaney. Also present were Mr. John Paradee and Mr. John Knight.

APPROVAL OF AGENDA

Colonel Welsh moved to approve the agenda as submitted, seconded by Mr. Holden and the motion was unanimously carried 8-0 with Dr. Jones absent.

APPROVAL OF THE PLANNING COMMISSION MEETING MINUTES OF MAY 16, 2016

Colonel Welsh moved to approve the Planning Commission Meeting minutes of May 16, 2016, seconded by Mr. Holden and the motion was unanimously carried 8-0 with Dr. Jones absent.

APPROVAL OF THE PLANNING COMMISSION QUARTERLY WORKSHOP MINUTES OF MAY 16, 2016

Ms. Still moved to approve the Planning Commission Quarterly Workshop minutes of May 16, 2016 as submitted, seconded by Mr. Baldwin and the motion was unanimously carried 8-0 with Dr. Jones absent.

The new members of Planning Commission are Mr. Kenneth Roach and Ms. Andrea Maucher.

COMMUNICATIONS & REPORTS

Mrs. Townshend stated that the next Planning Commission meeting is scheduled for Monday, July 18, 2016 at 7:00pm in the City Council Chambers.

Mrs. Townshend provided an update on the regular City Council and various Committee meetings held on May 23 & 24, 2016 and June 13 & 14, 2016.

OPENING REMARKS CONCERNING DEVELOPMENT APPLICATIONS

Mrs. Townshend presented the audience information on policies and procedures for the meeting.

OLD BUSINESS

1) Requests for Extensions of Planning Commission Approval: None

NEW DEVELOPMENT APPLICATIONS

MI-16-07 Clearview Meadows PND: Lots 213-265 Minor Lot Line Adjustment Plan and Consideration of Alternative Bulk Standards – Public Hearing and Review of Alternative Bulk Standards for the Clearview Meadows Planned Neighborhood Design development. This is

associated with a Minor Lot Line Adjustment Plan to resize fifty-three (53) townhouse lots within the Clearview Meadows Planned Neighborhood Design. Thirty-one (31) lots will be reduced in width from 22 feet to 20 feet, the remaining lots will be enlarged. The plan is accompanied by a request for the following Alternative Bulk Standards for the Clearview Meadows PND: to allow a minimum lot width of 20 feet for townhouses; reduction in minimum lot size to 2,000 SF for townhouses; and a lot coverage pf 75% for townhouse units. The properties subject to the Minor Lot Line Adjustment Plan are located east of JH Brown Boulevard fronting on Lady Bug Drive and Nob Hill Road. The properties are zoned RM-1 (Medium Density Residence Zone). The owner of record is Shirliz, LLC. Tax Parcels: ED-05-077.07-07-29.00 to ED-05-077.07-07-81.00. Council District 2. *The Clearview Meadows PND was reviewed by Planning Commission in 2004 as Application SB-04-04 with Final Plan approval of January 19, 2006. Ordinance #2014-18 adopted October 27, 2014 made amendments to the Zoning Ordinance regarding certain bulk standards for PND developments.*

Representatives: Mr. John Paradee, Baird Mandalas Brockstedt LLC; Mr. John Knight, Knollwood Development

Mrs. Melson-Williams stated that this application is related to the Clearview Meadows Planned Neighborhood Design Subdivision. That subdivision actually dates to 2004; however, this evening they are considering a specific area of the site specifically related to Lots 213-265 that are proposed with a Minor Lot Line Adjustment Plan. These are a series of townhouse lots kind of centrally located (Plan on the screen); generally, in the area that has the big red circle on it. The Clearview Meadows subdivision extends from South Little Creek Road to North Little Creek Road and has been in the process of build-out for a number of years. This evening the Commission will be considering several alternative bulk standards for these townhouse lots. Specifically, the townhouse lots that they are dealing with have not been built upon. They front on Lady Bug Drive and Nob Hill Road within the subdivision and it is an area of fifty-three (53) townhouse lots. Overall, the Clearview Meadows subdivision consists of three hundred three (303) dwelling units. It is a mix of single family detached units, duplexes and townhomes. The property is zoned RM-1 (Medium Density Residential) in the area that they are considering tonight. As mentioned, this is a project that began in 2004 and at that time it was considered as a Planned Neighborhood Design and there were a series of design standards that were adopted for each of the housing types within the subdivision. Tonight, there is a Minor Lot Line Adjustment Plan and typically these plans are eligible for administrative review by Staff and do not require the Planning Commission review. However, in order to make these proposed lot revisions Planning Commission has to take action to authorize the use of some alternative bulk standards for these townhouse lots. The *Zoning Ordinance* establishes a process for the Planning Commission to consider alternative design standards, specifically in the PND Zone. Referring to the DAC Report Page 3, Staff has provided a summary table of the bulk standards for townhouses. Specifically, their request focuses on the lot width for townhouse units. Currently, the Clearview Meadows PND establishes townhouse lots at a width of twenty-two (22) feet and that is the same in the *Zoning Ordinance* provisions for PND's as well. Their request is to reduce the lot width to a twenty (20) foot measurement and in doing so, that also affects some of the other bulk standards for these townhouse lots. By reducing the lot width, it also impacts what would be the average lot area for townhouse dwellings and also the minimum lot area would be reduced as well. The other items related to the design standards are changes with portions of the PND requirements that were adopted for all PND's as part of an Ordinance change in 2014. Those relate to setbacks from the street and the property line as well as lot coverage. With

this request, they are seeking to utilize those new design standards for those elements as well. The overall Clearview Meadows subdivision remains unchanged. It will continue to have an Active Recreation Area requirement. The street network is established and is not changed with this proposal. The right-of-ways were previously laid out and part of the street network has actually been constructed. There are tree planting requirements and other utility requirements and stormwater management that will remain unchanged with this proposal.

The Planning Commission is really considering the Alternative Design Standards. The Planning Office did provide review comments on the entire package and identified some things on the Minor Lot Line Adjustment Record Plan that will need to be updated after this evening. They did note that there was one townhouse lot, Lot 249 that at the time of initial plan submission was not quite meeting the minimum lot area requirement but it's believed that with some engineering revisions that can be accomplished with some property line adjustments to make all lots compliant with a minimum lot area.

This application did go through the Development Advisory Committee and there are comments from the City of Dover Public Works Office. The Office of the Fire Marshal had no objections. The Kent Conservation District Office also provided comments for this application. Staff is supportive of the series of alternative design standards specific to the townhouse units. They find that the reduction in lot width does not significantly impact the character of the development as the number of units is not increasing and the grouping of townhouse units in 4 packs, 5 packs and 6 packs remains unchanged. The other related design standards are related to this reduction in lot width and Staff recognizes that they still continue to be appropriate.

Mr. Paradee stated that they have been here before asking for some tweaks in the design standards and this body has very graciously allowed that to happen. You may know a little bit about the history of this development as Mrs. Melson-Williams indicated; it started in 2004. The original developer went bankrupt and the project pretty much died in its tracks at that time. It became a little bit of an eyesore and a maintenance problem for the City and ultimately his client bought the project out of bankruptcy and since that time has been actively working with the City to develop the project. They are pleased to say that it has been going very well. When they got to the townhouses they ran into an issue with their developer which is Ryan Homes. Their standard townhouse product is twenty (20) feet width. The plans as originally approved called for the townhouse lots to be twenty-two (22) feet wide. They approached the Planning Office to inquire about how they might attempt to accommodate Ryan Homes because after all they have been doing a pretty nice job of filling out the subdivision and they are close to having the subdivision completely built out at this point. They followed this process to come back to the Planning Commission. As Mrs. Melson-Williams indicated the chart and the report shows the effect of all the changes. The only real change that they are seeking that is not otherwise consistent with design standards that already exist is in fact the lot width. You will see that all of the other changes that occur as a result of reducing the lot width of these thirty-one (31) units from twenty-two (22) feet to twenty (20) feet are changes that are already permitted by the existing design standards. For example, for the minimum lot area they had previously had approval for 2,200 square feet minimum lot area when the Code only requires 2,000 square feet. By making their lots go from twenty-two (22) feet to twenty (20) feet by one hundred (100) feet, that is obviously a 2,000 square foot lot. The point is that that 2,000 square foot design standard is still something that complies with the design standards in the Code. The only change that would provide some relief other than the design standards that were already part of the

project is the lot width. As he indicated, that is market driven. Ryan Homes has told them that if they had to redesign their product and make it twenty-two (22) feet width instead of twenty (20) feet width it would be significantly more expensive and obviously that would increase the cost and affect the affordability of the housing units and make they more difficult to market. Ryan Homes has indicated that based on their history and they have a very great deal of experience with developments like this that the product that moves the best is the twenty (20) foot width townhouse unit. They asked them to seek that relief and that's why they are here tonight.

They met with the Development Advisory Committee on June 8, 2016 and they agreed to all of the recommendations which are a total of seven (7) as itemized in the DAC Report. The one that Mrs. Melson-Williams mentioned in particular with regard to townhouse Lot 249, when the engineer redesigned these lots some of them are on a curve. One of the interior lots being number 249 came out at 1,999.75 square feet. It is literally three (3) inches short of fulfilling the requirement. The engineer that they spoke to actually called from the DAC meeting and he committed that he could shift that line so Lot 249 will in fact be 2,000 square feet. That was a requirement that the DAC requested that they incorporate and they are happy to do that. As mentioned earlier, all of the other comments and recommendations they agree with and are happy to incorporate. With that said, the Planning Staff recommend approval noting that it does not significantly impact the character of the residential development. He would respectfully submit that the only significant thing that will happen as a result of doing this is that it will make the development much easier to complete and sell in a timely fashion.

Mr. Holt questioned if they put in a community pool or a clubhouse instead? Responding to Mr. Holt, Mr. Paradee stated that Mr. Knight is here to answer that question.

Mr. Knight stated that the pool will go in. Some of the residents didn't want to clubhouse when they came to the Commission to ask for that change. For some reason the residents shot that down but it would have been built already. The pool is something that they won't do until the subdivision is actually sold out at about 60-65%. It's not so much the money because they already have the money allocated for the pool; it's that they don't want to have to do the maintenance. That is a huge item. They also own another project known as Hazel Farm and the pool for that development costs the HOA $16,000 a year for maintenance for three (3) months. That's the only reason that they hold back on the pool until they have enough HOA dues to support the maintenance.

Mr. Holden questioned what percentage the development is built out at this time? Responding to Mr. Holden, Mr. Paradee stated that Ryan Homes just came in a few months ago and have put three (3) model homes up. Since then they have sold twenty-four (24) homes. He thinks that Mrs. Townshend has seen some requests for permits.

Mrs. Townshend stated that they have permits waiting to be picked up.

Mr. Paradee stated that if their request is granted he would look for Ryan Homes to be in after Mrs. Townshend again to put a group of townhomes up for models. He thinks that it's really going to help the homeowners out that already live there because this development won't look like an abandoned place anymore. The more they move here, the happier the residents are going to be because it's going to become a neighborhood. There are about sixty (60) homes sold in the

development when Ryan Homes began. If they have twenty-four (24) homes sold then there are about eighty-four (84) homes sold out of the three hundred three (303) total.

Ms. Maucher state that in reading the summary, it states that this is only going to affect thirty-one (31) lots. Responding to Ms. Maucher, Mr. Paradee stated that it would affect fifty some lots. Responding to Ms. Maucher, Mr. Knight stated that there are fifty-three (53) units in the red circled area that you see but only thirty-one (31) of them are interior units. For example, if you have a four (4) pack townhome and the lot sizes are reduced from twenty-two (22) feet to twenty (20) feet what happens is the two (2) interior lots get shrunk by two feet each and the outside lots actually grow. The size of the lots on the outer ones actually get larger even though the building envelope stays the same. The amount of land surrounding them increases. So of the fifty-three (53) lots, thirty-one (31) of them are interior lots that will actually shrink from twenty-two (20) to twenty (20) in terms of that building envelope. The others on the outside will still end up being twenty (20) foot wide townhomes but the land because there is no party wall on one side the actual size of those lots gets bigger.

Mr. Tolbert opened a public hearing and after seeing no one wishing to speak, closed the public hearing.

Ms. Still moved to approve MI-16-07 Clearview Meadows PND: Lots 213-265 Minor Lot Line Adjustment Plan and Consideration of Alternative Bulk Standards, seconded by Colonel Welsh and the motion was unanimously carried 8-0 by roll call vote. Mr. Holden voting yes; there are no public concerns. They are keeping the same number of lots; they are just addressing market drivers which he thinks is important. They have gotten some good feedback on the recent homes that have been put up. It doesn't necessarily change the impact or character of the development so he thinks it's a good move. Mr. Roach voting yes; it doesn't impact the look and it seems like a good plan to move forward with. Colonel Welsh voting yes, for previous reasons stated. Mr. Holt voting yes; it is a market driven plan and he thinks that it will be good for the whole project to get moving along. Mr. Baldwin voting yes, for previously reasons stated. Ms. Still voting yes; it's a good plan to keep everything moving along. Ms. Maucher voting yes; it improves the viability of the community for marketing purposes. Mr. Tolbert voting yes, for all of the reasons stated and he further agrees because Mr. Paradee and Mr. Knight have shown their willingness to work cooperatively with the Planning Staff to bring this project to a successful conclusion.

Colonel Welsh stated that he has submitted his letter of resignation and it should be effective tomorrow. He doesn't know how many years that he has been on the Planning Commission but he thinks that it is approaching twenty (20). He has really enjoyed working with everyone but it is time for him to move on. The Commission needs some fresh blood. Bring some new people in that can provide a new perspective. He will miss everyone including the Planning Staff.

Meeting adjourned at 7:34 PM.

Sincerely,

Kristen Mullaney
Secretary