

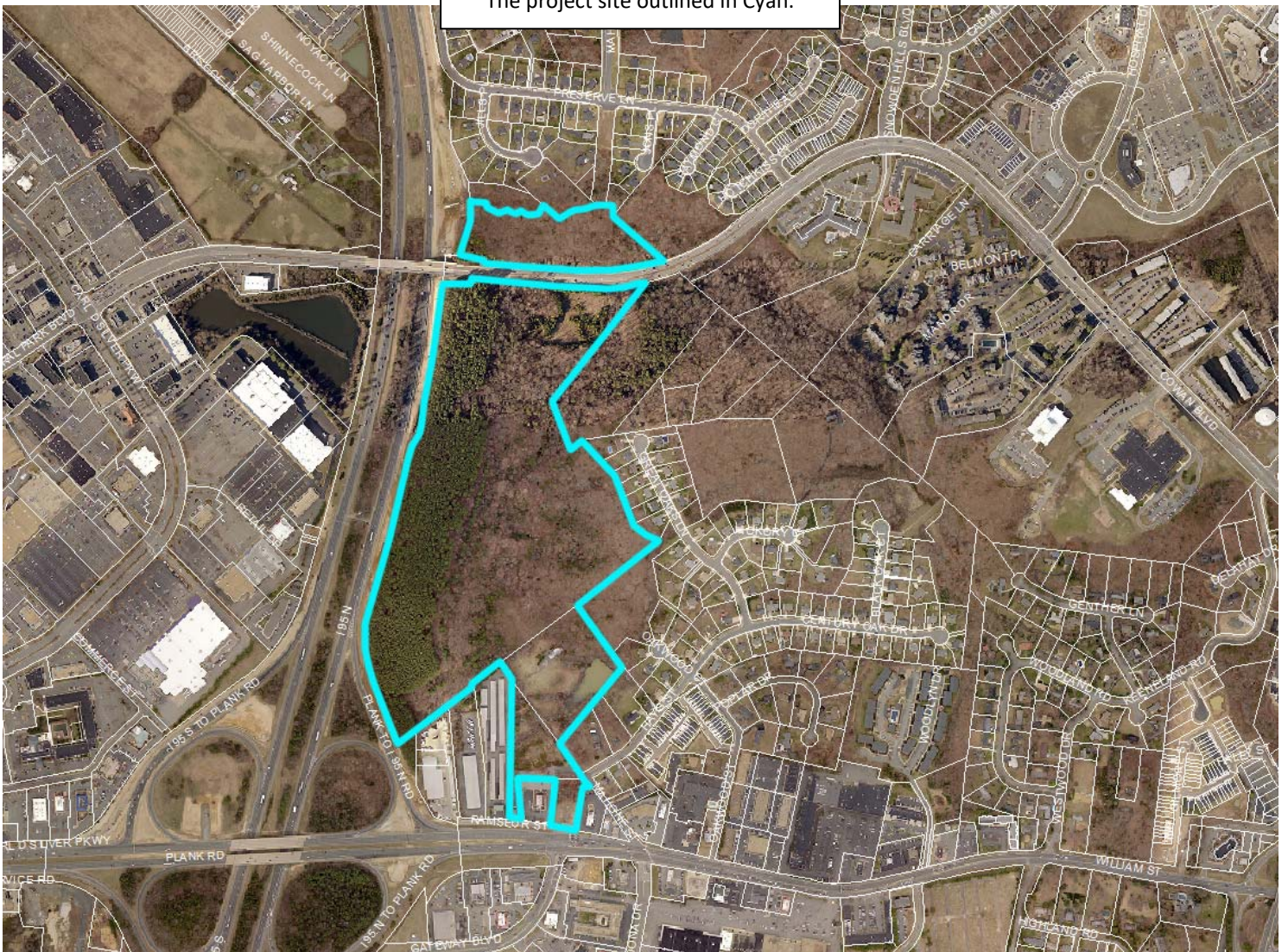
MEMORANDUM

TO: Chairman Durham and Planning Commissioners
FROM: Mike Craig, Senior Planner
DATE: March 17 for the March 22, 2023 meeting
RE: **RZFY23-01 Ideal Realty, LLC** request a rezoning from Planned Development-Medical Center (PD-MC) to Planned Development-Mixed Use (PD-MU), at 1500 Gateway Boulevard (GPIN 7769-93-9151, 7769-94-7825, 7779-02-1758, 7779-03-1528).

ISSUE

Should the Planning Commission recommend approval of the proposed rezoning from PD-MC to PD-MU?

The project site outlined in Cyan.



RECOMMENDATION

The land use and transportation concepts presented in the applicant's proposal align with the City's Comprehensive Plan in a broad sense. However, the structure of its proposal, the commitments in the proffer statement, the role of the Design Guidelines, and several details related to timing of construction vs. utility availability and stormwater infrastructure are currently insufficient to clearly show that the project will actually implement the proposed concept. This memo focuses on the technical details of the General Development Plan, Design Guidelines and identifies recommended modifications to those documents to ensure that the project documents produce the type of development that meets the Comprehensive Plan's goals.

No action is recommended for the Planning Commission and consideration of the application should be continued until its April 12 meeting.

REVIEW TIME FRAME

In accordance with §72-22.1.E(4), the Commission's findings and recommendations for a proposed UDO text amendment, or a proposed Zoning Map amendment, shall be transmitted to City Council within 100 days after the first Planning Commission meeting after the application is referred to the Commission. However, the applicant has sent an e-mail to the Planning Department voluntarily extending the Planning Commission's review timeline to the April 26 meeting.

THE PROPERTY AND PROJECT DOCUMENTS

1500 Gateway Boulevard consists of four parcels totaling 85.5953 acres. The parcels are generally bounded by Route 3 to the south, Interstate 95 to the west, Smith Run to the north (300 +/- feet north of Cowan Blvd.), and open spaces, the Great Oaks Neighborhood, and the Wendy's to the east. The property is owned by Hylton Venture, LLC. The project applicant is Ideal Realty Group, Inc., contract purchaser of the property.

The applicant wishes to rezone the property to permit a mixture of uses. The rezoning will be enforceable through three main documents: a "General Development Plan (GDP)," a set of "Design Guidelines," and a "Proffer Statement." Together, the documents include many elements that conform to the concepts in the Area 3 Plan, the broader Comprehensive Plan, and the PD-MU zoning ordinance. However, as currently written, these documents are still missing a few key items and do not, yet, provide sufficient certainty that the illustrated concepts will survive potential changes in project ownership to construction phase and be implemented. Some small changes can provide more certainty such as modifying the proffer language to state the project will be developed in "substantial" conformance with the GDP and the Design Guidelines rather than "general" conformance for the GDP (proffer 2.c) and incorporating the Design Guidelines as "illustrative only" (proffer 3). The documents should also be clarified where necessary as discussed more specifically in the following sections of this memo.

USES, USE MIX, AND PHASING OF COMMERCIAL / RESIDENTIAL USE

The GDP includes the development of 649 residential units consisting of 187 single family attached units, 174 "two over two" attached units, and 288 multifamily units. The Proffer Statement permits some fluctuation in the mix of residential units in that any of the different total unit types can be increased by 20% so long as the total number of residential units does not exceed 649. The

applicant considers “two over two” units as multifamily for purposes of parking and calculation of the units impact on public facilities and services. However, the “two over two” concept is more similar in size and square foot to a traditional townhome and should be analyzed in a similar way. A definition text amendment is to be shortly introduced to Council to formalize this determination.

Comprehensive Plan Chapter 7: Residential Neighborhoods and Housing includes Goal 8, Variety of Housing and Goal 9, Homeownership. The diversity of unit types in the application and specifically the inclusion of use types that produce the opportunity for homeownership such as townhomes is a positive aspect of the application. The applicant should consider requiring that these unit types make up a minimum portion of the overall unit mix.

Form Based Design Concept – “Additional Notes on T-5W and Adjoining T-4 in Area 3” (CP 11(3)-6).



The plan now includes 443,900 square feet of non-residential use consisting of 66,500 square feet of lodging use, 204,000 square feet of office / institutional uses, and 173,400 square feet of retail / consumer uses. The non-residential use types listed in the General Development Plan, Design Guidelines, and Proffer Statement use different terminology. These documents should be updated so that they use the same nomenclature. Using the terms “Office”, “Institutional”, and “Retail and Consumer” match § 72-33 from the UDO. A definitions section should be added to the Proffer Statement to state which permitted use types matching the uses listed in the UDO fit into each of those categories. Similar clarity should be provided for the non-residential use types listed under Proffer 6.B.

The PD-MU zoning district requires that *“In a PD-MU District, no single use group shall make up more than 75% of the total gross floor area of the development.”* The residential portion of the project as revised constitutes 74.52% of the project. Non-residential land use in the revised proposal now constitutes 25.48% of the total gross floor area of the project.

The PD-MU zoning district requires that *“Development components shall be phased so that no more than 75% of the total residential units shall be issued a Certificate of Occupancy prior to the issuance of a shell final inspection for 25% of the total gross floor area of the development’s commercial use.”* The proposed Phasing of Use Mix on page 2 of the GDP has also been updated. The GDP now states that “development components shall be phased so that no more than 75% of the total residential units shall be issued a certificate of occupancy prior to the issuance of a shell final inspection for 25% of the total gross floor area of the development’s commercial floor area. The phasing plan would permit the development of 487 residential units. Prior to the issuance of a building permit for the 488th unit, a minimum of 110,975 square feet of non-residential use will have to have received its shell final inspection approval from the City’s Building Department. The phasing plan is in accordance with the PD-MU standards.

TRANSPORTATION NETWORK

The applicant updated its Transportation Impact Analysis (TIA) based on the adjustment in land use numbers for the project. The TIA serves several functions. It models traffic generated by the project as well as changes to existing traffic flows based on the new proposed connections in the transportation network. It analyzes the resulting Levels of Service (LOS) at existing and proposed intersections and recommends infrastructure improvements necessary to keep the LOS at those intersections at acceptable levels. Transportation infrastructure improvements are shown on page 5 of the GDP, in Proffer 5 in the Proffer Statement, and in section 1.4 Transportation Plan of the Design Guidelines.

The project includes intersection improvements at the Route 3 / Gateway Blvd. intersection, the extension of Gateway Blvd from Route 3 to Cowan Blvd., the realignment of Ramseur Street, a new intersection with Gateway Blvd. and Mahone Street, and a new intersection with Gateway Blvd. / Cowan Blvd.

The Proffer Statement states that transportation improvements will be developed “subject to applicable VDOT or City approvals (as applicable), agrees during the various phases of the Project, to provide the following transportation proffers”. Proffer 5.j further states that:

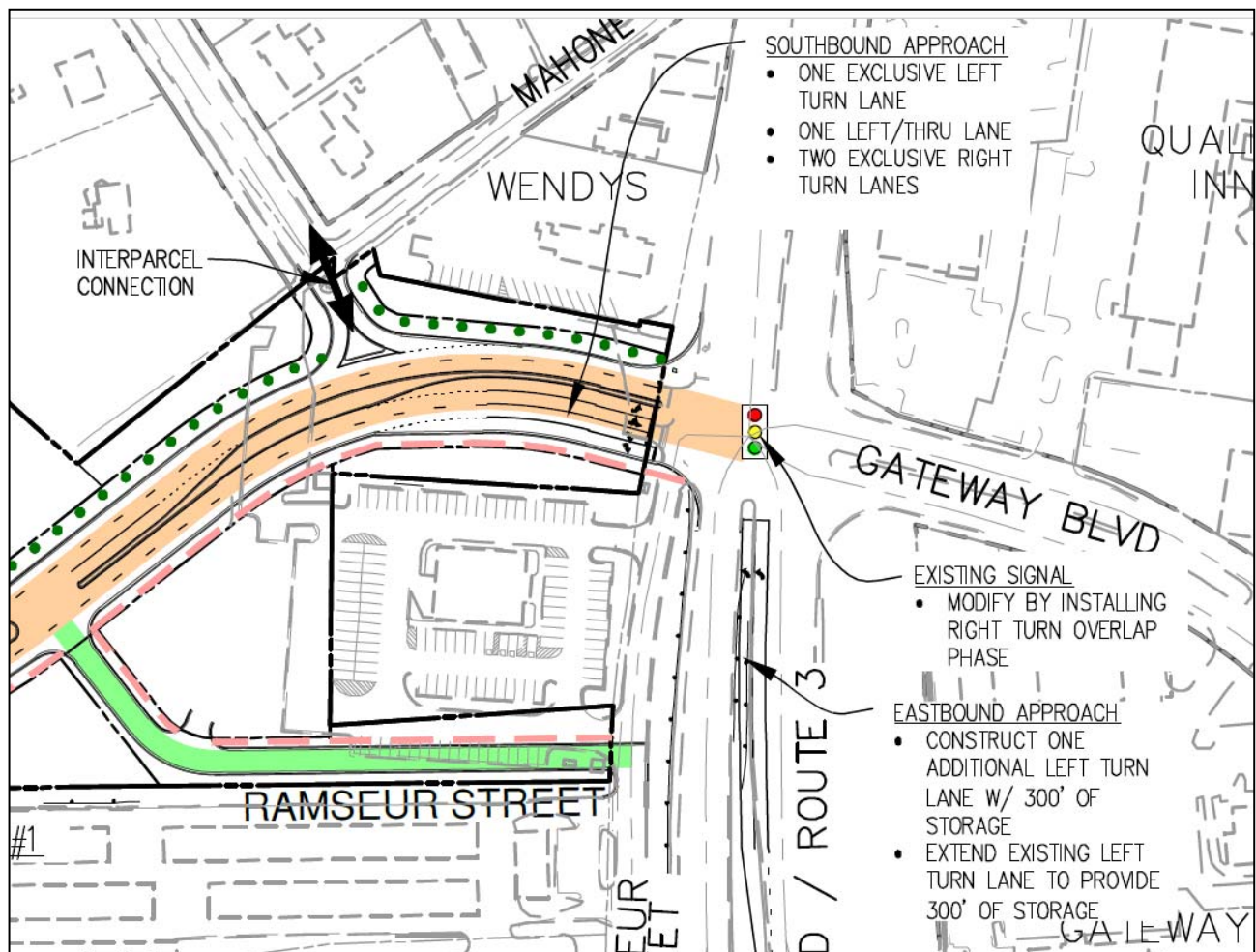
“Notwithstanding anything to the contrary hereunder, the Applicant is not required to make the proffered improvements provided under this Section 5 until such improvements are reasonably required for proceeding with and constructing the various phases of the Project, all in accordance with that certain Transportation Impact Analysis prepared by Bowman Consulting titled “Transportation Impact Analysis, 1500 Gateway Boulevard, Fredericksburg, Virginia”, dated March 6, 2023 (“TIA”), and attached hereto marked as Exhibit C.”

As written, the general commitment to building transportation improvements is unenforceable. The applicant has not proposed a “phasing” plan for the development. The applicant should revise the proffer statement to provide a specific timeframe for the development of each of the transportation improvements proposed either based on a specific amount of land use (i.e. number of units built) or development within certain proposed land bays.

The following are focused comments on each of the proposed transportation improvements based on an analysis of the TIA:

Intersection of Gateway Boulevard with Route 3

The applicant’s GDP and TIA do not include pedestrian signalization at the Route 3 / Gateway Blvd. Extended intersection. The Area 3 Small Area Plan identifies a “Pedestrian Equitable Intersection at Gateway Boulevard” (CP 11 (3)-10). A north / south signalized pedestrian crossing should be added into the traffic model. Appropriate pedestrian infrastructure to connect the proposed Gateway Blvd. shared use path across Plank Rd. should be integrated into the intersection design. The TIA currently shows that if the project is built there will be an improvement in LOS for several



of the directional movements at the Route 3 / Gateway Blvd. intersection. Much of this improvement is based on optimizing the signal timing along the Route 3. Within the model, the optimization of the signal timing should be completed for the “no build” scenario as that is a step that VDOT and the City will take in the general interest of efficient traffic flow whether or not the project is built. This change relates to the modeling, but is not expected to impact the reported overall intersection LOS in the build condition.

The southbound left / through movement from Gateway Boulevard extended shows a LOS of E. The configuration of the lane as a left turn / through lane also creates issues for future signal timing. The southbound through lane should be separated into a dedicated left turn lane and a dedicated through lane.

The TIA recommends that an additional eastbound (Route 3) to northbound (Gateway Boulevard extended) left turn lane be constructed and that the existing left turn lane be extended. Both turn lanes are proposed to be 300 feet in length, however, the traffic model indicates that queuing in the proposed lanes equals 355 feet. Both the new and extended turn lanes should be a minimum of 355 feet. A closer look at the model for these movements needs to occur. Some build models show dual left turn lanes EB Route 3 to NB Gateway and some show three lanes. Only two left turn lanes are proposed so the model and the reporting needs to be updated. Models with three EB left turn lanes from Route 3 to NB Gateway show three receiving lanes to the end of the model. The applicant should model the progression of lane reductions so the merging and lane choices are appropriately reflected. This will dictate how long the lanes need to be built to provide suitable merge operations.

Gateway Boulevard Extended – Roadway Assessment Evaluation

The GDP shows Gateway Boulevard Extended as a four lane divided section with a 16-foot-wide median, a 10-foot-wide shared use path on one the east side, and a 5-foot-wide sidewalk on the west side. Certain portions of Gateway Boulevard Extended are proposed to have on-street parking. These concepts are in conformance with the City’s Comprehensive Plan, which identifies the construction of Gateway Boulevard connecting Route 3 and Cowan Boulevard through the site as a 4-lane, divided roadway, with multi-use trail, and sidewalks. However, the TIA includes a “Gateway Boulevard Extension Roadway Assessment Evaluation” which states that “a two-lane roadway appears to be sufficient to accommodate the anticipated traffic”.

The “Gateway Boulevard Extension Roadway Assessment Evaluation” in the TIA refers to Appendix G. The analysis in Appendix G consists of forms labeled “Directional Two-Lane Highway Segment Worksheet.” This form was discussed with VDOT’s Fredericksburg Residency. This is not a standard tool used by the residency to identify the appropriate number of lanes for a street segment in an urban area. Further, the variables selected on the form relate to a rural road (class 2 highway) with tapered shoulders, larger lane widths, and a higher design speed than would be expected on Gateway Blvd. Extended. Gateway Blvd. Extended is proposed in the GDP to be an urban street with curb and gutter and on-street parking, which would indicate a maximum posted

speed limit of 35 MPH¹. VDOT is discussing the form further with the VDOT Central Office for more context on if and when this form is used.

The more appropriate determination of the number of lanes is based comparable conditions in a locality, the anticipated land use of property's along the facility, the configuration and traffic flow on adjacent roads, and the City's Comprehensive Plan. Gateway Blvd. Extended is envisioned to be a link between Route 3 (where it is currently 10 lanes wide) and Cowan Blvd. (which is 4 lanes wide). The property served by the road extension is envisioned to be an intensely developed workforce center with supportive residential use. The appropriate configuration of Gateway Blvd. Extended is as a four lane divided highway.

Gateway Boulevard Extended – Proffer 5.H and 6.C

Proffer 5.H states:

“As generally shown on Sheet 5 of the GDP, the Applicant will construct improvements to the Gateway Boulevard extension from Plank Road to Cowan Boulevard. Notwithstanding the foregoing, the Applicant, in lieu of constructing the said improvements, may construct the full, four (4) lanes of Gateway Boulevard extension from Plank Road to Cowan Boulevard (including intersection improvements at Cowan Boulevard and Plank Road as shown on the GDP), and receive the Cash Proffer Credit as described below under Section 6 C.”

Proffer 6.C states that if the applicant constructs Gateway Boulevard Extension as shown on the GDP then:

“Notwithstanding anything to the contrary under these Proffers, in the event the Applicant constructs the four (4) lane Gateway Boulevard Extension as expressed above under Section 5 H. of these Proffers, then the Applicant shall receive a credit towards the cash proffers provided under this Section 6 in the amount of \$4.35 million, whereby the Applicant will not be required to pay said cash proffers up to this amount (“Cash Proffer Credit”).”

There are several issues with the application's "proffer credit" concept most of which can be addressed by removing the "proffer credit" discussion from the Proffer Statement and instead incorporating it into the applicant's Proffer Justification Analysis. The City's Capital Impact Study focuses on capacity for schools and public safety services. The applicant has voluntarily identified that the project will impact the capacity of those services and propose to mitigate that impact with approximately \$2,857,938. Here is a table showing how those amounts compare to those identified by the City's Capital Impact Study:

Schools Capital Impact Comparison

City of Fredericksburg Capital Impacts for Schools	\$6,038,780
Applicant Net Proffer Contribution for Schools*	\$2,012,016
Difference	(\$4,026,764)

Fire and EMS Capital Impact Comparison

	Residential	Nonresidential	Total
City of Fredericksburg Capital Impacts Study Costs and Methodology	\$427,016	\$252,375	\$679,391
Applicant Net Proffer Contribution for Fire and EMS*	\$559,070	\$286,852	\$845,922
Difference	\$132,053	\$34,477	\$166,531

* Calculations replicated from 1500 Gateway, Proffer Justification Analysis, March 1, 2023

¹ The applicant's proposal for Gateway Blvd. Extended includes on-street parking and minimum length turn lanes, which would require a posted speed limit between 25 and 35 MPH.

This summary chart shows the total difference between the Study and the applicant’s Proffer Statement. Please see the Technical Memorandum dated March 17 from TischlerBise attached to the memo for additional information on the applicant’s submission of cash proffers:

Source	Total
Capital Impact Study	\$6,718,171
Applicant Proffer Statement	\$2,857,938
<i>Difference</i>	<i>(\$3,860,233)</i>

It is not clear why the applicant has included the “proffer credit” regarding transportation impacts in the portion of the Proffer Statement related to mitigating the project’s impacts on public school and safety capacity. The credit concept is unenforceable without an extensive set of procedures established in the Proffer Statement for how payment and credit would be applied in consideration of the timing of building occupancy (at which time school and safety proffers are collected), selling and purchasing of lots, transfer of ownership and liability, and road construction phasing.

The applicant has submitted a “Proffer Justification Analysis” with their project. The Proffer Justification Analysis would be the appropriate place to identify why the applicant has chosen to voluntarily submit cash proffers. In that document, the applicant should provide information on how they developed any proposed cash proffer formulas including whether or not they considered offsets in the generation of those amounts based on any investments being made. Where an offset is contemplated, the applicant should also provide information on the amount invested and the timing of that investment. The applicant states the value of two lanes of Gateway Blvd. Extended is worth a \$4.35 million credit, but it has provided no cost estimate showing the actual construction costs of building the proposed road section. As currently proposed, there is no end date proffered for full construction of the all elements of the proposed Gateway Blvd. Extension (i.e. all lanes, intersections, connections to existing roads, shared use paths, sidewalks, pedestrian crossings, etc.). Completion of any additional investment is a necessary component to justifying a proposed offset in the amount of voluntary cash proffers proposed.

Gateway Blvd. Extended –Pedestrian Facilities, Right-of-Way Dedication, and Access Management
Gateway Blvd. Extended includes a 10-foot-wide shared use path along the eastern side and a 5-foot-wide sidewalk along the western side. These facilities are consistent with the Comprehensive Plan. However, no pedestrian crossings are shown across Gateway Blvd. Extended. Pedestrian crossings should be identified and some detail should be provided to ensure that they provide safe passage and refuge to pedestrians.

The applicant proposes to dedicate a 100-foot right-of-way in proffer 5D. The proffer needs to be more specific about the timing of the right-of-way dedication, including the dedication of right-of-way north of Cowan Blvd. and its inclusion of appropriate construction and / or utility easements.

The TIA contemplates new intersections along Gateway Blvd. Extended. Dimensions should be added to the plan showing that these intersections meet VDOT Access Management Standards.

Intersection of Ramseur St. with Gateway Blvd. Extended

Turn lane warrant analyses are provided for the new entrances along Gateway Blvd extended, but not for the relocated Ramseur intersection. This analysis needs to be provided.

Intersection of Cowan Blvd. with Gateway Blvd. Extended

The applicant's traffic study indicates that roundabouts perform substantially better than traditional signalized intersections. The Proffer Statement and GDP state that either a standard intersection or a roundabout will be constructed. The intersection of Cowan Blvd. and Gateway Blvd. Extended should be a roundabout.

Intersection of Cowan Blvd. with Preserve Lane

The intersection of Cowan Blvd. and Preserve Lane is currently constrained. The previous TIA indicated that project traffic contributed to the degradation of the intersection to LOS F under the build condition of this project. The applicant has revised page 5 of the GDP and Proffer 5.G to restripe the Southbound approach to delineate an 11-foot-wide shared left turn / through lane and an exclusive 11-foot-wide right turn lane at the intersection. The TIA indicates that this would preserve a LOS C at the intersection under build conditions.

Other Transportation Network Components

The applicant's GDP includes a "potential Interparcel Connection" to the City owned Vermont Ridge parcel. The connection is a positive aspect of the application, but is not included in the proffer statement and lacks a description of who will build it when. These details should be included in the proffer statement if the applicant continues to show it on the GDP.

The applicant shows a "60-foot Public Ingress / Egress Easement" to a "Potential Future Bridge Crossing (By Others)" on the GDP as proposed in the Area 3 Small Area Plan. The alignment shown on the GDP, however, needs to be shifted to the north as shown in the Area 3 Plan to minimize conflicts between the future bridge and the exit ramps in the vicinity.

SANITARY SEWER AVAILABILITY

The City's Department of Public Works has reviewed the last submittal of the rezoning request. They've provided two comments on sanitary sewer capacity to serve this project:

- A study by Whitman, Requardt, & Associates identified segments of the downstream sanitary sewer interceptor cannot accommodate additional flows without system improvements. The improvements have been identified and recommended for inclusion in the FY 2024 Capital Improvement Plan, which is currently in process. If approved, these improvements are programmed for design and construction within the next 4 to 5 years as funding is appropriated.
- The Department of Public Works is in the process of developing a Sewer Pro Rata Program for the Hazel Run Sewer Basin. This program is intended to identify costs for various sanitary sewer infrastructure improvement projects that can be proportionally assigned to developments and projects that will contribute additional flow to this sewer basin. It is anticipated that the final Pro Rata rates and proportional equations for the Hazel Run Sewer Basing will be determined within the next 6 months.

The applicant should provide a phasing plan for their development referencing anticipated sanitary sewer availability. The applicant should include a statement about participation in the any future prorated sewer development program as part of their phasing plan.

STORMWATER TREATMENT PLAN

The applicant's stormwater treatment plan is conceptualized on page 7 of the GDP. The plan includes the general location of "Potential Ponds" to treat the runoff generated by future development. One of the stormwater ponds is proposed in Land Bay G. Siting a pond in Land Bay G will require stormwater from the development to cross under Cowan Blvd. More information is needed to fully analyze this proposed treatment strategy including the proposed drainage areas feeding the ponds and the location and size of existing culverts transmitting stormwater under Cowan Blvd.

Stormwater from the project discharges into several tributaries of Smith Run. These tributaries are upstream of "Pond D", which is a regional storm water facility maintained by the City of Fredericksburg. Due to the limited throughput of Pond D, enhanced quantity controls are required on the 1500 Gateway Boulevard site. The applicant commits to the appropriate storm water retention control in the "100-YR Storm (Downstream Pond Protection)" note on page 7 of the GDP.

FORM BASED CODE ELEMENTS

The GDP includes urban fabric, frontage, and building type standards. These standards are supplemented by a "Design Guidelines Manual" that contains some additional pictures and text related to those topics. Sufficient information related to Urban Fabric, Frontage, and Building Type standards are included in the GDP document. There are still specific quantifiable standards that need attention to ensure that the "illustrative" elements contemplated in the Design Guidelines Manual translate into the ultimate development.

Potential Sound Wall Along Residential

Sheet 8 of the GDP references a "Potential Sound Wall along Residential" adjacent to Interstate 95. A sound wall is a necessary buffer between the Interstate and proposed residential uses. The sound wall is not identified in the proffer statement and there is no other commitment to building the facility. A sound wall meeting VDOT standards should be constructed between proposed residential uses and Interstate 95.

General Open Space

Open space concepts are presented in the GDP, the Design Guidelines Manual, and the Proffer Statement. Page 2 of the GDP states that a minimum of 15% of the total gross area of the site or 12.54 acres of open space is required.

The "Proposed Development Program" on page 2 of the GDP lists that Land Bays G and H (totaling 8.584 acres) will be open space, which would meet 68% of the total requirement. Proffer 9 in the Proffer Statement also states that "the applicant agrees to preserve as open space Land Bays G & H." The preservation of Land Bays G and H is a positive aspect of the application as those

Land Bays contains sensitive slopes and a Resource Protection Area adjacent to Smith Run. Smith Run, which establishes the northern boundary of the property, is a major tributary to Hazel Run and the Rappahannock River.

A stormwater pond is proposed in Land Bay G. The GDP shows the potential pond outside of the designated Resource Protection Area adjacent to Smith Run. Comprehensive Plan Chapter 5 Environmental Protection includes Goal 1 Resource Protection and Goal 3 Natural Functions of Rivers and Streams. These two goals envision land use polices that protect the function of natural ecosystems and the ecological integrity of the City's watersheds. Additional language should be included in the proffer statement stating that the future pond will be designed and constructed to minimize impacts on the existing topography in Land Bay G and that the pond will not encroach into the designated Resource Protection Area adjacent to Smith Run.

Land Bay H is situated such that it may be a natural extension of the Smith Run Nature Trail in the future. Proffer 8 Trails and Sidewalks includes language about a multi-use trail along Gateway Boulevard and sidewalk networks throughout the development. Additional language should be added stating that a future trail easement will be granted to the City in the event the Smith Run Nature Trail is extended to Gateway Blvd. Extended.

Formal Open Space

Page 2 of the GDP states that 50% of the general open space for the project site or 6.72 acres is required to be usable formal open space. Proffer 7 states that "all amenities for the Project are as generally described and depicted under the Design Guidelines and as generally shown on the GDP. There are no quantifiable metrics regarding formal open space in the GDP or the Proffer Statement. The Design Guidelines Manual includes an "Open Space Plan" on page 33 that "illustrates" some open space concepts including a town center, formal parks, a neighborhood park, and a clubhouse and pool. There are currently no standards, timing, or commitment to building these spaces. Further, the illustrations in the Design Guidelines Manual appear to show less formal open space than the total required 6.72 acres.

Some flexibility in the siting and design of formal open spaces is appropriate in a development concept this larger. An appropriate balance between flexibility and design and commitment to neighborhood quality and character still needs to be refined in the document.

A total minimum amount of formal open space should be included in the GDP. Minimum standards for the formal open spaces should also be established. Where formal open spaces are proposed, several quantifiable standards should be provided including:

- The minimum width and length of the formal open space as well as a maximum width to length ratio;
- A description of its accessibility and adjacency to street frontages;
- definition of how the open spaces will be planted, utilized, or amenitized. The description should include whether each amenity will be open to all residents of the project or if access will be limited by land bay or other factor.

Frontages

Unified Development Ordinance § 72-51.3 Lots requires that single family attached and multifamily uses front on streets. Up to 25% of the attached lots or multifamily uses may front on alleys and up to 25% may front on an open space that abuts a street.

Page 13 of the Design Guidelines Manual illustrates a Residential Unit Frontage Plan. The plan shows that out of the 242 lots proposed for single family attached and two over two uses, 49% front on streets, 24% front on alleys, and 27% front on open spaces. Some additional standards are necessary to ensure that this proposed arrangement of lots meets Comprehensive Plan Chapter 7 Residential Neighborhoods and Housing Goals 2 Neighborhood Quality, 3 Distinct and Attractive Neighborhoods, and 6 Compatible Design and Functionality.

The applicant has increased the percentage of lots that front on alleys. This is largely in response to the enhanced buffer and open space provided in Land Bay B between the project and the Great Oaks neighborhood. Page 28 of the Design Guidelines Manual shows a frontage plan for “Front Loaded Townhomes” on an alley. No sidewalk network is shown for these uses and one should be provided to ensure that all units within the project have safe and easy pedestrian access to the broader transportation network.

The applicant has increased the percentage of lots that front on an open space. The number proposed would require a site plan / subdivision exception during that review to permit an additional 2% of units to front on open spaces. Fronting lots on formal open spaces is an appropriate means of providing flexibility in neighborhood design. However, as proposed, there are no standards associated with the open spaces that these units are shown to front on. Some of the spaces seem sufficient, but others, specifically the “courtyard” style townhomes illustrated in the southeastern portion of Land Bay B appear to be too narrow. For example, “courtyards” permitted in the Valley Run development are a minimum of 50’ in width and the main “courtyard” approved in the recent Highlander subdivision is 70 feet wide.

The applicant should include a maximum percentage of lots that front on either an alley or a formal open space on the GDP as well as minimum standards where lots are proposed to front on open spaces.

Building Type Standards

The applicant has updated the Building Type standards on page 2 of the GDP. In general, the applicant proposes 3 different building types. Building Type 1 can be up to 500 feet wide with no maximum footprint. Building Type 2 can be up to 250 feet wide with no maximum footprint. Both Building Type 1 and 2 are required to have 15% transparency and are permitted to be up to 80 feet tall.

The applicant has established two Transitional Zones on page 2B of the GDP. Building Type 4 is the only building type permitted within those Transitional Zones. Building Type 4 is limited to 90 feet in width, a 6,000 square foot maximum building footprint, and 35 feet and three stories in height for a residential building and 25 feet or two stories for a non-residential or mixed-use building.

The Design Guidelines Manual includes sections on the architectural character of commercial and flex properties as well as residential buildings. The Design Guidelines Manual contemplates architectural design, general building heights, location of loading and storage, location of pedestrian access, and building materials. The list of materials for commercial and flex buildings includes brick, natural stone, architectural metal, architectural concrete, and glass (DGM page 23). The list of materials for residential buildings is stated as “high quality and durable materials” including brick, stone, or siding (either fiber board or vinyl) (DGM page 26). The Design Guidelines Manual is a positive aspect of the application, however, it is currently categorized in Proffer 3 of the Proffer Statement as “illustrative only,” which makes its enforceability questionable. The applicant should proffer substantial conformance with the Design Guidelines Manual.

CONCLUSION

The applicant has submitted a revised development concept to respond to substantive issues identified through the technical analysis of and public comment on their original concept. The concept continues to evolve in a way that brings the application closer to conformance with the Comprehensive Plan and Unified Development Ordinance. This memo highlights several areas that need additional attention to accomplish that goal. The Planning Commission should discuss these elements and any other comments at the work session at the March 22 meeting. The public hearing on this application should then continue at **the Planning Commission’s April 12 meeting** to provide time for public comment on the revised proposal.

ATTACHMENTS:

1. TischlerBise Analysis of the Applicant’s Revised Proffer Statement