

The Town of New Market



August 25, 2023

TO: New Market Planning and Zoning Commission
FROM: Pat Faux, Zoning Administrator and Shawn Burnett Town Engineer
RE: Staff Report on Permit # 1863-B East Main St. TRC Master Plan and related E Main St NRI-FSD permit # 1818-B

Dear All,

The Town received an application on April 28, 2023, from The Verdant Companies for a TRC Master Plan on their E Main Street property. The applicant has since provided added information and refinements in response to staff questions. These materials can be viewed at Town Hall and on the town website. <https://www.townofnewmarket.org/planning-zoning/pages/east-main-street-trc-master-plan>. On August 3rd the Planning Commission made a determination that the Master Plan was complete as submitted and is ready for consideration once zoning is effective. The final Master Plan materials presented to the Planning Commission for approval includes the following;

- Master Plan Plat sheet - 07/25/23
- Existing Conditions Plan (NRI/FSD) Permit # 1818-B - 07/25/23
- Traffic Impact Statement - 07/07/23
- Adjoiners Map - 4/28/23
- Architectural Illustrations - 4/28/23
- Fiscal Impact Statement
- Justification Statement - 4/28/23
- East Main St Road Proffer Letter - 08/01/23

At a Public Hearing to be held on August 10, 2023, the Town Council approved the TRC floating zone designation, established a maximum residential density and approved the applicant's request to abandon the undeveloped 10th Ally ROW. These approvals will be effective prior to the Planning Commission Meeting of September 7, 2023.

Staff has reviewed the final application materials and offers the following report and recommendations for Commission consideration. The reports include recommendations on the

five required Findings, on a Determination of Excellence of Design, on approval of site-specific development standards and a recommendation of approval of the TRC Master Plan as submitted.

STAFF REPORT

The purpose of a TRC Master Plan is to establish a unified scheme of development which is consistent with the applicable Town planning documents and policies, and which, once approved, the developer will be obligated to comply with when applying for subdivision approval.

In order to approve a TRC Master Plan the Planning Commission shall make several findings per LDO Article IV Section 16.6.2. These are as follows:

- (1) The proposed Master Plan conforms to all applicable regulations contained in this Ordinance.*
- (2) The proposed substantially conforms to the New Market Master Plan.*
- (3) The proposed Master Plan in conjunction with reasonably anticipated development in the surrounding neighborhood, will not create a substantial adverse impact on the adequate and orderly provision of public services and facilities for the area.*
- (4) The proposed Master Plan is planned in such a manner as to minimize adverse impacts to environmentally sensitive areas and important historic or cultural features on the site.*
- (5) The proposed Master Plan is designed to be compatible with existing development in the surrounding neighborhood and/or the proposed development contains adequate screening, landscaping and buffer yards to protect the surrounding neighborhood.*

As the Town Council has approved a maximum residential density that exceeds 4 units to the acre the Commission is obliged, Per LDO Article IV Section 16.6, to determine whether the proposed Master Plan retains an Excellence of Design per LDO Article IV Section 16.6,.

Per LDO Article IV Section 16.6.7 & 16.6.7, the Commission may also approve site specific development standards that vary from the LDO for private internal roads, for off street parking and loading if so requested.

After making their Findings the Commission shall decide to approve, conditionally approve or deny the Master plan Application as follows:

1. Approve the Master Plan as submitted if -
The Planning Commission determines that the Master Plan fulfills all of the requirements for approval; or
2. Conditionally Approve the Master Plan if -
the Planning Commission determines that the Master Plan does not adequately fulfill any one or more of the requirements of approval and that such inadequacy can be addressed through minor revision to the Master Plan, or the inadequacy is more appropriately addressed through application for subdivision approval; or
3. Deny the Master Plan If -

The Planning Commission determines that the Master Plan does not fulfill any one or more of the requirements for approval and that the requirements for approval cannot be fulfilled by amendment to the Master Plan or by the application of conditions to approval.

STAFF RECOMMENDATIONS

Recommended Findings:

As previously noted at the time of zoning approval Staff recommends the following Findings.

- (1) The proposed Master Plan conforms to all applicable regulations contained in this Ordinance.
- (2) The proposed Master Plan substantially conforms to the New Market Master Plan.
- (3) The proposed Master Plan in conjunction with reasonably anticipated development in the surrounding neighborhood, will not create a substantial adverse impact on the adequate and orderly provision of public services and facilities for the area.
- (4) The proposed Master Plan is planned in such a manner as to minimize adverse impacts to environmentally sensitive areas and important historic or cultural features on the site.
- (5) The proposed Master Plan is designed to be compatible with existing development in the surrounding neighborhood and/or the proposed development contains adequate screening, landscaping and buffer yards to protect the surrounding neighborhood.

Recommended site-specific development standards: Applicants has requested several variances from town design standards. Staff recommends that the following variances with clarifications shown in red be approved:

- Residential lots may front onto, and be given access to, a private alley rather than onto a public street.
- Private alley pavement width 20' wide with a 30' wide ROW width
- Reduction in size of parking spaces for 180 sf requirement to:
 - Commercial 90-degree parking – 162 sf - 9' X 18'
 - Curb stops are required for all spaces abutting sidewalks.
 - Spaces placed less than 5' from a building wall shall be designated for compact parking.
 - Parallel parking – 176 sf - 8' X 22'
 - Residential parking pad (driveways) – 162 sf - 9' X 18' from face of garage to property line. (This results in 23' to edge of alley pavement)

Recommended Determination of Excellence of Design: the applicant has offered several elements that represent Excellence in Design. Staff recommends a Determination that the requirement for Excellence of Design based on these features:

- Extension of the Marley Street to complete the historic street grid in this area.
- Improvement of Town owned Tenth Alley ROW to provide an expansion of the Community Park and provide he Town's new event barn with a loading area service

access along with a provision of a commitment for the HOA to maintain that improved area.

- Provision of a new active urban streetscape along Main Street and a commitment for the HOA to maintain that streetscape section.
- Provision of a new active urban plaza along Main Street and a commitment for the HOA to maintain that plaza.
- Agreement to pave the section of South Alley abutting the southern property line of the site.

Recommended Decision:

Staff advises that the Master Plan application adequately fulfills all of the requirements of Master Plan approval as submitted. Staff recommends that the Commission approve the Master Plan on the condition that the following design issues be addressed in subsequent applications for Preliminary Plan of Subdivision and Final Plat.

Recommended Conditions of Approval:

Trash Collection/ Dumpsters - At Preliminary Plan of Subdivision locate a dumpster for the commercial uses behind the buildings. Provide screening enclosure and landscape buffering.

Loading/pick-up Areas - At Preliminary Plan of Subdivision locate an area for loading and deliveries that is off-street.

Landscape and Buffers

- Provide ornamental street edge fence & plantings along the SWM element that faces Marley Street.
- Provide screening/buffer for commercial parking lots facing the Main and Marley St using a combination of decorative fences and plantings. Coordinate with SWM elements and street trees.
- Add trees along the back of the abutting Masonic Hall lot to soften the view of garages and parking from Main St.
- Provide design plan for the central square at Preliminary Plan of Subdivision

Outdoor Lighting - Provide a lighting plan at Preliminary Plan of Subdivision.

Per LDO Article V Section 8 for the shared walkways, common areas and parking areas etc. Hardwired porch and garage lights with light sensors are acceptable in residential areas etc. Provide a final lighting plan for the commercial lots at the time of site plan approval.

DRAFT MOTION

I move that the Planning and Zoning Commission adopt the Findings and Determinations stated in the staff report dated August 25, 2023, and approves the East Main Street TRC Master Plan identified in the staff report on the condition that the subsequent Preliminary Plan of Subdivision and Final Plat comply with the condition stated in the staff report.

Further, I move that the Planning and Zoning Commission approve permit #1818-B the Natural Resource Inventory and the Forest Delineation Plan dated 7/25/23