

The Town of New Market



December 1, 2023

TO: New Market Planning Commission
FROM: Pat Faux, Zoning Administrator and the Town Engineer Team.
RE: **Staff Report on Permit # 1876-B England Woods PDD Master Plan**

Dear All,

The Town received an application on September 15, 2023, from The Verdant Companies for a PDD Master Plan on their England Woods property. The applicant has since provided added information and refinements in response to staff questions. Staff advises that the matter is ready for Planning Commission consideration. The submittal materials can be viewed at Town Hall and on the town website. <https://www.townofnewmarket.org/planning-zoning/pages/england-woods-master-plan-2023>. The revised materials presented to the Planning Commission for approval includes the following:

- Exhibit E PDD Master Plan graphic - Rev 11-14-23
- Exhibit E2 PDD Master Plan Typical Details - Rev 11-14-23
- Exhibit E3 Prototypical Architecture- Rev 11-14-23
- Comment Response letter dated 11-14-2023
- Exhibit D - Forest Stand Delineation (rev 08.29.23)
- Exhibit G - Fiscal Impact Statement (02.23.22)
- Exhibit F - Traffic Impact Assessment (02.11.22)
- Annexation Agreement (11.10.2022)

At a Public Hearing held on November 9, 2023, the Town Council approved the PDD floating zone designation and established a maximum residential density of 5.87 DUA for this property. These approvals became effective on November 29, 2023.

The purpose of a PDD Master Plan is per LDO Article IV Section 15.7.1, 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.

Per LDO Article IV Section 15.7.3(a). the Planning Commission shall review the application for Master Plan approval and may upon completing its review:

- (1) If the Planning Commission determines that the Master Plan fulfills all of the requirements for approval, it may approve the Master Plan;

- (2) 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 it may approve the Master Plan subject to the appropriate conditions; or
- (3) 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, the Planning Commission shall deny the application.

Per LDO Article IV Section 15.7.3(b). The Planning Commission, must make the following five findings in order to grant Master Plan approval of development proposals in the PDD District:

- (1) The proposed Master Plan conforms to all applicable regulations contained in this Ordinance.
- (2) The proposed Master Plan conforms to the New Market Comprehensive 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

Per LDO Article IV Section 15, 6.6, the Commission may also approve site specific development standards that vary from the LDO in order to provide design flexibility consistent with public health and safety if so, requested by the applicant.

STAFF REPORT

Staff offers the following report and recommendations for Commission consideration. The report includes recommendations on the five required Findings, on approval of site-specific development standards and a recommendation of approval of the PDD Master Plan with conditions.

Recommended Findings:

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

- (1) The proposed Master Plan conforms to applicable regulations contained in the LDO Ordinance excepts as noted in the proposed variances.
- (2) The proposed Master Plan substantially conforms to the New Market Master Plan to the England Woods Annexation Agreement and to the maximum residential density approved at time of the PDD zoning map amendment.
- (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 based in the commitments made in the Annexation Agreement for senior housing restrictions and the proffered traffic mitigations.
- (4) The proposed Master Plan is planned in such a manner as to minimize adverse impacts to environmentally sensitive areas on the site. There are no important historic or cultural features on site.
- (5) The proposed Master Plan is designed to be compatible with existing development in the surrounding neighborhood and contains adequate screening, landscaping, and buffer yards to protect the surrounding neighborhood.

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

- Residential lots may front onto, and be given access to, a private alley rather than onto a public street.
- Reduction in size of parking spaces from 180 sf requirement to:
 - Parallel parking – 176 sf - 8' X 22'
 - Residential parking pad (driveways) – 162 sf - 9' X 18' from face of garage to property line. (**Provided that 20' shall be provided from the face of garage to the back of the public sidewalk.**) *Staff notes that this can be accommodated by reducing the planned grass strip from 5'4" to 4'4" wide. This change will help ensure that parked cars do not block the public sidewalk.*

Recommended Decision:

Staff advises that in their opinion Master Plan does not adequately fulfill any one or more of the requirements of approval, but the identified inadequacies are best addressed through application for subdivision approval and minor corrections before signature. Staff therefore recommends that the Planning Commission approve the Master Plan subject to the following conditions:

Recommended Conditions of Approval:

- 1) The applicant shall provide the following with the Preliminary Plan of Subdivision application:
 - a) Coordination documentation from DNR and USFWS regarding impacts to any rare, threatened, or endangered species onsite.
 - b) Final placement of street trees for Planning Commission approval based on tree species and possible site conflicts such as lot utility connections and parking pads. *(Staff notes that in the typical streetscape detail a 2' street tree offset from the driveway is called for but the math is unclear. A minimum lot width of 28' is proposed. The tree is dimensioned*

10' from the property line. 10' + 18' (2 parking spaces) leaves no green space between the neighboring driveway and would force the tree to be centered on the edge of the driveway with no room for the tree to grow.)

- c) Architectural Review Committee approval of architectural guidelines.
 - d) Architectural Review Committee approval of preliminary prototypical architecture for phase 1 residential structures.
 - e) Designations of one-way and two-way road sections.
 - f) Prototypical locations of public Utility lines relative sidewalks & Street Trees.
- 2) The applicant shall provide updated Master Plan sheets with the following changes prior to the Planning Commission Chair signing these sheets.
- a) Add a signature block on the Exhibit E PDD Master Plan graphic Exhibit E2 PDD Master Plan Typical Details with new revision dates. (Staff notes date location for approval of site-specific lot and block dimensions)
 - b) On the Master Plan Schematic Plan sheet:
 - i) Correct Note #1 and #9 so that the reported acreage is as stated in note #9.
 - ii) Update Note #10 to reflect a 28' lot width and 100' depth per the comment response letter rather than town homes lots with a minimum of 20' wide 75' deep.
 - iii) Update Note #10 regarding encroachments into the required yard setbacks to state that:
"Unless otherwise approved by the Planning Commission at Preliminary Plan of Subdivision, Architectural features of buildings such as windowsills, cornices, roof overhangs, unenclosed porches (i.e. decks) open fire escapes, fireproof outside stairways, chimneys and flues and ground level patios may encroach to within three (3) feet of front, rear or end unit side yards. No setbacks are required on interior side property lines units in an attached unit strings."
 - iv) Provide a more contrasting color scheme for the 3-unit types on the site.
 - v) Update Notes 10 and 17 to revise the variance request for 18' deep parking pads as measured from face of garage to ROW and add *"and 20' from face of garage to back of sidewalk."*

DRAFT MOTION FOR CONSIDERATION

I move that the Planning Commission adopt the Findings and Determinations stated in the staff report dated November 30, 2023, and approve the England Woods PDD Master Plan subject to the conditions stated in the Staff Report dated December 1, 2023.