

## 09-28-2022 Town Council Meeting Responses to Council Questions

### **ITEM #15: Open the Legislative Hearing: Conditional Zoning Application for 710 North Estes Drive Townhomes**

#### **Council Question:**

Is the request for approximately 216,000 sq. ft. rather than the approximately 154,000 sq. ft. allowed under the R-5 zoning due to the inclusionary zoning ordinance density bonus or just a request from the developer? If the latter, are there other zones for this site that might be more appropriate?

#### **Staff Response:**

*The square footage allowed factors in the Inclusionary Zoning density bonus, which adds 3,400 sq ft per affordable dwelling unit. Allowed floor area is calculated using the Floor Area Ratio (FAR) for the Residential-5 (R-5) zoning district, the site's gross land area, and the number of affordable dwelling units. The requested increase to 215,715 sq. ft. would therefore be considered as a Modification to Regulations.*

*The R-5 and R-6 zoning districts offer the highest FAR among the Residential- (R-) series of zoning districts. Few zoning districts offer an FAR that would allow the amount of square footage proposed by the applicant. For those that do (e.g. Mixed Use-Village, Town Center, or Residential-Special Standards), the application is not meeting the standards or locational requirements of the district. Staff notes that the dimensional regulations of the Land Use Management Ordinance (LUMO) and the density guidance found in the Future Land Use Map (FLUM) have been an area of inconsistency following adoption of the FLUM (and prior to a rewrite of the LUMO). In this case, staff advised the applicant to propose a zoning district based on compatibility between the district intent statement in LUMO and the proposed development, and to address dimensional limitations through request(s) for Modifications to Regulations.*

#### **Council Question:**

Do stormwater and planning staff have a specific recommendation to Council as to the merits of the applicant's request regarding steep slopes?

#### **Staff Response:**

*Staff notes that the total area of steep slopes (25% or greater) on the site is small – 1,328 sq ft of steep slopes across a site with a gross land area of 351,302 sq. ft. – and that therefore a small disturbance can produce a high percentage impact. In addition a good portion of the steep slopes are man-made slopes along Somerset Dr. Some steep slopes are within the stream buffer area, but those are not proposed to be disturbed. Staff does not see an issue with the steep slopes disturbance proposed, provided steep slopes within the stream buffer remain undisturbed.*

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**Council Question:**

I did not see a justification for the CDC's recommendation of denial. Can that be provided to us?

**Staff Response:**

*The CDC did not provide a justification in their motion to recommend denial of the application. There has been discussion among CDC members of developing a list of their concerns. Staff will provide Council with any documentation that comes out of their discussion.*

**Council Question:**

Would handicapped and bicycle access from Estes Dr. be possible for this project?

**Staff Response:**

*Yes. The applicant has stated that they are willing to commit to providing handicapped and bicycle access from Estes Dr.*

**Council Question:**

Can the staff provide us with an estimate of the PIL for the fractional AH unit?

**Staff Response:**

*Using the last established per-unit payment amount, the payment in lieu for the fractional unit equates to  $0.5 \times \$85,000 = \$42,500$ . This payment would be deposited into the Town's Affordable Housing Fund.*

**Council Question:**

On page 299 of our packet, in the Planning Commission comments, it is noted that the applicant states that moving to a 100-year stormwater management requirement would cost about \$500,000 and that 50-year would cost about \$250,000. Does our stormwater staff see these as reasonable figures?

**Staff Response:**

*The response to this question is complicated as the stormwater design has not been finalized yet. The actual cost estimate of the stormwater control measure will vary based on the type of the proposed stormwater control measure and drainage area it is treating. Precast concrete underground detention structure and other propriety stormwater control measures can be very expensive when compared to nature-based stormwater control measures like the wet pond, bioretention basin, etc. It is difficult to confirm what the developer is saying because we have not reviewed a final construction plan of the proposed stormwater control measure, however, using Bridgepoint Project on Homestead Road as an example, the engineer's cost estimate of*

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*the proposed wet pond with 30,000 sq. ft. surface area is around \$300,000. The wet pond is treating 289,674 sq. ft. drainage area, of which 166,399 sq. ft. is impervious.*