

**MINUTES
TOWN OF MONTVERDE
PLANNING AND ZONING BOARD**

January 5, 2017

The Planning and Zoning Board of Montverde met on January 5, 2017 at 6:30 p.m. in special session in the Town Hall Mayor's Office.

The recommendations of the Planning and Zoning Board will be submitted to the Town Council at a Council meeting to be held on Tuesday, January 10, 2017 (Tab 1) and February 14, 2017 (Tab 2) at 7:00 p.m. in the Town Hall Auditorium.

Board Members Present:

Glen Brecheen
Allan Hartle
Sandy Baker
Chris Mitchell
Karin Arellano

Staff Present:

Graham Wells, Town Clerk,
Sean Parks, Town Planner

Glen Brecheen called the meeting to order at 6:31 p.m., and then led the Pledge of Allegiance.

ROLL CALL:

Following the roll call by Graham Wells, Town Clerk; a quorum was announced. New Board member Karin Arellano was welcomed.

MINUTES:

Minutes for the Planning and Zoning meeting held on November 29, 2016 were unanimously approved.

MINUTE APPROVAL:

MOTION by Sandy Baker **SECONDED** by Allen Hartle to approve Planning and Zoning Board Minutes for November 29, 2016.

FOR: Brecheen, Hartle, Baker, Mitchell, Arellano

AGAINST: None

MOTION CARRIED: 5-0

MAJOR SITE PLAN REVIEW – MONTVERDE ACADEMY

Chairman Glen Brecheen handed the meeting over to Town Planner, Sean Parks. *Mr. Parks* outlined the application from Montverde Academy for a Major Site Plan Review to build additions to the Duncan Student Center and the Kreke Science Building. A Major site plan was required due to the size of the two additions.

The applicant has provided all of the information required. The Town's engineer has made comments in the staff report and asked questions that will need to be cleared up before it can be approved by Council.

Glenn Brecheen asked if the impervious surface is in bounds. *Sean Parks* replied that the Academy was required to address some stormwater questions but it did meet the Town's guidelines. *Sandy Baker* asked if there would be any increase in staff or students as a result of the expansion of the Duncan Student Center. *Chris Mitchell* speaking on behalf of the Academy said that there may be some extra staff to cover the larger buildings but there will be no additional students.

Both additions are to satisfy the existing student population and just providing additional space. The science center addition is to cater for new technology programs that will be coming in the future. He went on to say that the Academy was capping enrollment for the foreseeable future. *Sean Parks* added that parking on the campus is adequate.

Allen Hartle asked why with such limited available space was the Academy building out rather than up. *Mr. Mitchell* responded that a Major Site Plan was being put into place for the next fifteen years which addresses that issue; they only have 125 acres and recognize the need to build up in the future.

Sandy Baker asked about the Academy's plan to get students into proper housing. *Mr. Mitchell* said they have plans to build a new dorm. *Ms. Baker* was referring to the students who were currently living in houses in residential districts which were not zoned for dormitory housing. *Mr. Mitchell* said that they were currently addressing this issue. *Graham Wells* asked if the new additions would have fire sprinkler systems. *Sean Parks* responded that their plan was not to have sprinklers unless required by the County. He added that Chief Rausch had looked at the location of hydrants in relation to the building additions and he was comfortable with them.

Being no further discussion, a motion was put forward by Sandy Baker.

MOTION by Sandy Baker, SECONDED by Allen Hartle, to recommend to Council to approve both additions with the requirement that they meet the engineer's comments.

Glen Brecheen asked for a roll call vote.

FOR: Brecheen, Baker, Hartle, Arellano

AGAINST: None

RECUSED: Mitchell

MOTION CARRIED: 4-0

REVIEW OF ORDINANCES GOVERNING THE LOT SIZES FOR SUBDIVISIONS, CURRENT ZONING AND FOR PROPERTY ANNEXED INTO THE TOWN

At the previous Planning and Zoning meeting a motion was made by Sandy Baker to address Council requesting permission for the Planning and Zoning Board to revisit all subdivision ordinances as the assistance of staff would be required. The purpose of the review was to make recommendations of any changes to the Ordinances that the Board felt was necessary to Council. The review was approved by Council at the December 13, 2016 regular Council meeting.

Glenn Brecheen opened the discussion stating that the original subdivision ordinance dating back to 1990 was no longer on the books. Graham Wells outlined that when ordinance 2003-01 was created (189 pages); it replaced a number of ordinances including Ordinance 1.2.90 which along with others was repealed. Ordinance 1.2.90 stated that all building lots within a subdivision shall be a minimum of half-acre (1/2) in size.

That it had been repealed was not widely known. Mayor Wynkoop, Councilman Bates along with others thought it was still in the code or part of the comprehensive plan. It is not.

Sec. 2-52 of the code references that the size of lots for Low Density Residential can be up to 2 density units per acre but does not define whether it is gross or net. This was seized on by the developer of Black East who contested that as it did not say net, it was presumed to be gross. That it doesn't say gross or net means that legally it is gross. The permitted zoning district R1-L which corresponds to this land use category requires lots to be half-acre (net) which is confusing. *Sean Parks* concurred with this view. The details of Sec. 2-52 is shown below.

Sec. 2-52. - Comprehensive plan.

(a)

All developments must be consistent with the town's comprehensive plan which establishes the basis and general guidelines for guiding and regulating land uses. The future land use map of the comprehensive plan should be reviewed to determine if the land use shown would allow the type of development contemplated. The land use categories and zoning permitted in each are as follows:

Land Use Category	Permitted Zoning Districts
<i>Low density residential</i>	<i>(up to 2 density units/acre) RR, R1-L, PUD</i>

Equally at odds with this is Ordinance 03-07-00. Sec. 10-13 of the code for applies to properties that are annexed into the Town.

Sec. 10-13. - Lot size.

(a)

Minimum. *All property annexed into the town after March 7, 2000, that is subsequently used for residential purposes, shall maintain a minimum residential lot size of one acre. Right-of-way, utility easements and easements of a similar nature, including right-of-way and easements dedicated to the town or other political subdivisions for public purpose, may be included when calculating the size of a lot upon the approval of the town council.*

The issue was also raised about changing the ordinances to suit when annexation is preferred as happened with the Black East property. For Black East, this ordinance was replaced by Ordinance 2016-17 which amended the one acre requirement by adding the following paragraph:

All property annexed into the town after March 7, 2000, that is subsequently used for residential purposes and which is located in areas accessible to employment and commercial areas as well as being located north and west of Blackstill Lake Road may develop residential lots at less than one acre in size, but may not exceed two residential units per gross acre.

The Black East parcel is 117 acres and based on two units per gross acre allows 234 lots to be developed which after taking out open space, roads etc. would make the average buildable lot size around 0.3 acres.

Glenn Brecheen suggested a new ordinance adding the word 'net' to 2 units/acre along with a similar amendment to the comprehensive plan. He added that ideally there should be an ordinance stating specifically that the minimum lot size for a new subdivision shall be half-acre in size irrespective of the zoning designation that it is in. Within the Town, if a parcel that is subdivided into three or more lots it would also be required to have minimum half-acre lots.

Sean Parks agreed that for simplicity a specified lot size would work although he felt that the benefits of a Planned Unit Development (PUD) for larger subdivisions was better than a minimum lot size. He also conceded that the word NET should be defined as the Buildable Space.

The issue of splitting lots multiple times to avoid the new subdivision rule was discussed and options were put forward including a time period, maybe five years or a once only split. There was not an easy solution to this. It was brought up that in the R1-M (Residential medium district) zoning which requires a minimum of a quarter-acre; the LDC quotes the square footage as 10,400 which is incorrect. A quarter acre is 10,890 sq. ft. This would be amended as part of the new ordinance.

Sean Parks suggested that he draw up a new ordinance to cover all the changes that were discussed and bring it back to P & Z at the next meeting. The ordinance would include the following:

1. Repeal of the existing ordinance requiring the minimum lot size of one acre for properties annexed in to the Town.
2. Define Net and Gross in both the Comprehensive Plan and also the Land Development Code.
3. A parcel subdivided into four lots or more (currently three) will be required to have a minimum of half-acre lots.
4. A parcel with 4 to 9 lots will require a minor site plan review. 10 lots or more will require a major site plan review.
5. The number of square feet for a quarter acre will be corrected to 10,890.
6. A new policy would be put in place for the splitting of parcels.

The last twenty minutes of the meeting was spent reviewing the design standards that Sean Parks has been working on. Once finalized and adopted they will be the standards for all new home construction within new subdivisions.

Being no further business a motion to adjourn was requested at 8:35 pm.

ADJOURN:

MOTION by Chris Mitchell, SECONDED by Sandy Baker to adjourn.

FOR: Brecheen, Baker, Hartle, Mitchell, Arellano

AGAINST: None

MOTION CARRIED: 5-0

Respectfully submitted,

Graham Wells, Town Clerk

Glen Brecheen, Chairman