

Planning Committee Comments Summary
June 30, 2016

THESE ARE NOT THE MINUTES OF THE JUNE 30, 2016 MEETING.

On June 30, 2016, the Planning Committee conducted a meeting to discuss the proposed amendments regarding conservation subdivisions.

Brian Davis, AICP, Planning Manager provided an overview of conservations subdivisions and the actions that led to the formation of the Conservation Subdivision Task Force. The task force conducted six meetings between March 17 and June 13, 2016. The draft amendments were prepared by staff based on information and discussion presented at these meetings.

Brian Davis presented an overview of the proposed amendments.

Committee Member Richard Carlson stated that the appendix at the end of the proposed document includes many pavement widths that are considered too narrow to provide fire protection. Brian Davis explained this is an existing appendix and no changes are proposed to it. Jeff Brown explained fire departments have to sign off on all road widths and Public Works wouldn't allow anything a fire department wouldn't sign off on.

Committee Member Barbara Kelly stated she felt any conservation trees which are proposed to be preserved would need a larger area than just around the drip line to provide adequate protection. Also, she would like to see language added to the Tree Removal Affidavit that says it is in consultation with the city arborist, urban forester or staff landscape architect.

Committee Member David Tomes is concerned that the purpose statement and the proposed regulations do not coordinate. He stated the 4,500 square foot lot is too big to make the yield bonuses work and it would create a situation where a developer does not have the land available to accommodate the bonuses they've accumulated.

Barbara Kelly added that she thinks the developer needs to factor in the savings associated with not having to make as many improvements/installing infrastructure when developing on a smaller portion of a property. She doesn't understand the resistance to being able to develop the same number of units as a standard subdivision but just on a smaller piece of property.

Committee Member Chuck Kavanaugh discussed how the yield on a standard R-4 subdivision has gradually decreased over the years because of various other programs. He feels the draft regulations have reduced the incentives to get a greater yield and that may push developers away from using the conservation subdivision regulations.

David Tomes made some more comments about the draft:

- In 7.1.4, he believes the applicant should provide a color aerial photo of the site as part of the submittal.
- 7.11.5.A, he doesn't like the term "incompatible uses" as it is not defined.
- On page 7.11-11, he does not like the dimensional restrictions on conservation areas.
- 7.11.12 – Doesn't feel the language saying staff may waiver the requirement is appropriate.
- In the setback table, he believes a 1 rear yard setback along alleys is appropriate. He also believes the front and rear yard setbacks may be too much. He also asked if porches are allowed to encroach into a front setback.
- He questioned the need for a floor area ration (FAR) in the regulations
- He pointed out conflicting language in the regulation regarding the length of loop lanes and cul-de-sacs.

Chuck Kavanaugh expressed some more of his comments.

- Need to define the term "undeveloped." Does this mean you can't do anything? Does it only apply to parcels with structures and roads on them? Does it mean it can't be touched at all?
- In regards to the tree removal affidavit, he believes the word "any" could be troublesome as sometimes prior to beginning a project some trees may need to be removed to allow preliminary studies to be conducted. Does this also restrict the removal of dead or diseased trees?
- He believes the initial 5% lot yield bonus for 30% open space is too low. He would suggest at least 10%.
- He believes the percentages for the conservation tree bonuses should be increased.

The Committee opened the meeting up to comments from others in attendance.

David Mindel had a number of comments.

- He agreed with Committee Member Kavanaugh that the term "undeveloped" should be defined. It should not preclude the inclusion of walkways, detention basins or sidewalks in an area. What if a developer did some significant work to include something like a lake on the property, would that be considered development?
- He believes the maximum open space length could be restricting and should be removed.
- He stated that he thinks the lot yield bonus percentage for 30-34.99% open space should be at least 10%.
- He demonstrated that on the conservation tree lot yield bonuses, saving a tree wouldn't result in any kind of bonus on smaller lots because the percentage is so small.
- He is not in favor of the half credit conservation areas.

Michael Farmer believes the new changes are an improvement and a step in the right direction but are far short of real conservation. He believes the "conservation subdivision method" should be the standard for all subdivisions, not just something a developer can choose to do if they want. He is also of the opinion that the draft is too focused on lot and lot yield and should be more about conservation.

Harrell Hurst would like to see the percentages in the proposed lot yield bonus table for preserved conservation area backed down because the high lot yield bonus values listed in the current table will cause the additional bonuses for woodland and tree protection, as well as for green design practices, to be underutilized due to limitations on available lot space. Also, developers will receive the advantage of less infrastructure costs with the small lot spacing in the conservation design versus costs of conventional subdivision. This is additional incentive that has hardly been acknowledged by developers. He believes the best idea is to make them smaller so the developer has to be more creative with additional tree preservation/planting, design, etc. to earn additional bonuses to get them to the higher lot yields.

Michael Diebold commented that he believes the true problem in the community is the R-4 zoning classification. The conservation subdivision language as revised still gives too much away to developers. They should not get any credit for land that cannot be developed, built upon or used. That is the wrong starting point. The code should place the common good, for the entire community FIRST and NOT for the developers as it stands now.

Steve Porter presented a number of comments.

- He believes the 4,500 square foot minimum lot size for detached homes in the R-4 and R-5 districts may need to be smaller. He would recommend changing this or going back to the average lot size.
- He stated his opinion that he thinks there shouldn't be any open space credit given to undevelopable lands or lands protected by other sections of the code.
- He questioned whether protected steep slopes begin at 20% or 30%.
- In 7.11.6.C.1, he would like to see the requirement to provide buffers along public park lands be extended to properties containing conservation easements as well.
- He too believes the developer needs to consider the savings associated with not putting in as much infrastructure and not just lot counts.

Councilman James Peden addressed the committee.

- He believes there should be caps on each of the bonuses so that a developer just can't earn the full 35% by just preserving a couple trees.
- He thinks evenly spaced street trees should be preferred and encouraged as they help with aesthetics and with heat island issues.
- He said the only way to get developers to utilize the green design methods and save additional trees is to lower the lot yield bonus percentages associated with conservation areas. Otherwise he believes developers will only do the minimum needed to achieve their lot count.

The committee went into business session.

Committee Member Donnie Blake expressed some of his thoughts and concerns with the draft regulation. He wants to create a regulation that will be used, because if the restrictions are too small they will not be used at all. If smaller lot sizes will permit clustering then maybe the 4,500 sf minimum should be changed to allow that flexibility. In regards to Mr. Porter's comment about the half credit conservation areas, they began at 100% and he believes moving them to 50% is a big change and isn't comfortable eliminating the credit completely.

Chuck Kavanaugh said that open space preservation should be the main incentive. The conservation tree and green infrastructure requirements are nice but are relatively minor in the eyes of the developers.

Donnie Blake stated he would like to see the conservation area lot yield percentages changed so that the 30-34.99% is 10 percent but then bump the rest of them down 5% each.

In regards to conservation tree bonuses, Brian Davis suggested making it a certain number of lots instead of a percentage. Staff will look into this.

Barbara Kelly stated connected open space is important.

David Tomes suggested adding a definition for conventional subdivision. In regards to the tree removal affidavit, he stated maybe there should be a clause added that states approval can be granted by someone (PDS, Urban Forester, etc.). He also believes detention basins should receive full conservation area credit. And finally, he thinks there should maybe be some flexibility in terms of sidewalk materials in conservation areas as a way to make them less expensive.

David Mindel stated maybe keeping the minimum lot average is a better tool. Barbara Kelly agreed because it may promote a more organic looking development with a wider variety of lot sizes.

The meeting was adjourned at 12:10 p.m.