

MINUTES OF THE PLANNING & ZONING COMMISSION

May 24, 2023

Call to order

The meeting was called to order at 6:30 p.m. by Commissioner Robert P. Newnam. Commissioners Carol Binns, Scott Clark, and Michael McGrath were present. Michael Reed was excused.

Also present were Senior Planner Jeremy Rothwell and Attorney D. Barrett Edwards. Crystal Wheeler was via zoom.

Commissioner Newman led the Pledge of Allegiance.

Recognition of visitors

Visitors present via zoom were Karin Sweeney, Rob Dawson, Linda Bowen, James Taylor, Doug Burns, J. Rost, Clarence, Darlene Turns, Paul Eichler, Burnel, and Elisha Lockhart.

Additions/deletions to published agenda

There was none.

Reading, correction, approval, or disposition of minutes

Commissioner McGrath made the motion to approve the minutes of April 26, 2023, and March 22, 2023, as presented. The motion was seconded by Commissioner Clark and carried unanimously.

Public Hearing

A. Robert Dawson, #CU-2023-200, 49 Paulette Drive, 1-17-02803-01-5100-00001

Applicant's Request: *Conditional Use* – The applicant is requesting after-the fact conditional use approval to establish an approximately 400 sq. ft. accessory dwelling unit (ADU) within an existing single-family dwelling.

Zoning & Project History: **April 3, 2005** – The Smyrna Town Council annexes 25.72 acres into the municipal boundaries of Smyrna under the R-2A Residential Zoning Designation. This land would encompass the later Brenford Station II residential subdivision.

April 25, 2013 – The 67-lot Brenford Station II residential subdivision is approved and recorded (Plot Book 120, Page 67). The above-mentioned parcel is shown as Lot 51 of this subdivision.

Circa 2016 – As per Kent County property tax records, the before-

mentioned 2,229 sq. ft. single-family dwelling is constructed on the site.

May 27, 2016 – The applicant purchases the subject parcel and single-family dwelling (Deed Reference 8111-36).

July 19, 2021 – The Smyrna Town Council adopts the 2020 Smyrna Comprehensive Plan. The above-mentioned parcel is identified as ‘Neighborhood Residential’ land use designation as shown on the Future Land Use Map (Figure 3) of said Comp Plan.

April 12, 2023 – Smyrna Code Enforcement issues a Notice of Violation for converting space to a dwelling unit without the necessary approvals and completing structural work without a building permit.

April 17, 2023 – The applicant requests conditional use approval to establish an accessory dwelling unit within approximately 400 sq. ft. of an former attached two-car garage.

Compliance with the Comprehensive Plan

As shown on the Future Land Use Map (Figure 3), the before-mentioned parcel is designated as ‘Neighborhood Residential.’ As detailed in Chapter 3 – Development Plan (Page 41) of the 2020 Comprehensive Plan:

Neighborhood Residential

This land use designation encompasses a wide variety of low and medium-density residential housing areas outside the historic core. These areas were previously designated as ‘Low Density Residential’ and ‘Medium Density Residential’ under the 2012 Smyrna Comprehensive Plan. These residential neighborhoods and subdivisions are generally suburban in character, and have been built out from the 1950’s to the present day. These residential neighborhoods comprise principally single-family detached dwellings (along with smaller numbers of duplex/twin dwelling units) on generally larger lots (especially when compared to downtown residential neighborhoods) and represent an overall gross density of between three to six dwelling units per acre.

This land use designation has been limited in this Comprehensive Plan to those residential subdivisions, which have already been platted, are being constructed, and/or are already built out. No additional residential subdivisions are expected to be built out under this land use designation. The principal purpose of this designation, and the accompanying zoning districts, is to protect the suburban residential character of these existing neighborhoods from incompatible uses and development. New development and housing units constructed should complement and enhance the character of these suburban neighborhoods. Adequate buffering should be used to limit the impact on these existing residential neighborhoods from adjacent and higher density commercial, industrial, and residential development. Residential neighborhoods under this land use designation shall be limited to single-family dwellings, duplex/twin dwelling units, and a limited number of institutional uses (including schools, religious institutions, and public parks).

Home occupation uses should not detract from the underlying residential character of these neighborhoods.

This land use designation is the most prevalent and widespread throughout the Town of Smyrna. The most appropriate zoning for this designation is R-1, R-1A, R-2, R-2A, and MHP – Mobile Home Park.

Accessory Dwelling Unit (ADA) Zoning Standards

Section 19 – Definitions

Dwelling Unit, Accessory (ADU). A residential dwelling unit located on the same lot as or incorporated within a one-family dwelling (single-family detached dwelling). Accessory dwellings may be located within an existing one-family dwelling, as an addition to an existing one-family dwelling, or within an accessory structure constructed on or before July 1, 2022.

Section 5.5 R-2A Residential District

D. [Uses permitted as conditional uses.] The following uses are permitted only if approved as a conditional use pursuant to section 6.16 [6.15] 6.14 of this ordinance:

- (1) Institutions of an educational nature.*
- (2) Public utility uses.*
- (3) Governmental buildings, structures, facilities and uses including, but not limited to, police stations, fire houses, ambulance stations, government offices, library.*
- (4) Planned Village Community, pursuant to the design and development standards and minimum lot requirements outlined in section 6.14 14 (Conditional uses, general guides and standards).*
- (5) Accessory dwelling units, in accordance with the standards outlined in section 6.14 (Conditional uses, general guides and standards).*

Section 6 – Conditional Uses

I. Accessory Dwelling Units (ADUs).

(a) Minimum Requirements.

- (1) ADUs are only permitted on lots with single-family detached dwellings, and only one accessory dwelling unit is permitted per lot.*
- (2) ADUs must have their own exterior entrance, along with water and electric meters separate from the primary single-family detached dwelling.*
- (3) Size Requirements.*
 - i. An ADU shall have a minimum size of 300 sq. ft. and a maximum size of 800 sq. ft.*
- (4) Setback Requirements.*
 - i. ADUs attached to a single-family detached dwelling shall comply with the underlying setback and bulk standards for the primary single-family detached dwelling.*
 - ii. ADUs located within an accessory structure constructed prior to July 1, 2022 shall comply with the bulk standards and requirements for accessory*

structures as set forth in Section 6.8 of the Appendix A – Zoning, subject to any applicable non-conforming provisions in Section 4 (Nonconforming lots, nonconforming uses of land, nonconforming structures and nonconforming uses of structures and premises).

iii. ADUs may not be located in accessory structures constructed after July 1, 2022.

(5) The owner of the lot on which the ADU is located is required to reside full time in either the primary single-family detached dwelling or within the ADU. If more than one person has an ownership interest in a lot, at least 50% of the owners must reside full time in either the primary single-family detached dwelling or within the ADU.

(6) An ADU is required to provide a minimum of one off-street parking space, in addition to the two spaces required for the primary single-family detached dwelling.

(7) An ADU must obtain an annual rental license and inspection and is subject to all standards and requirements set forth in Article XI – Rental Properties of Chapter 18 of the Smyrna Town Code.

Conditional Use Procedures

Section 6.14 – Conditional uses, general guides and standards. The purpose of the “conditional use” procedure is to provide for certain uses which cannot be well-adjusted to their environment in particular locations with full protection offered to surrounding properties by rigid application of the district regulations.

The uses either have unusual characteristics or are generally of a public or semipublic character and are essential and desirable for the general convenience and welfare but, because of the nature of the use, the importance or relationship to the comprehensive plan and possible impact, not only on neighboring properties, but on a large section of the town, require the exercise of planning judgement on location and site plan.

A “conditional use” should be approved by the mayor and council after compliance with the applicable section of this code concerning public hearings and only if it is found that the location is appropriate and not in conflict with the comprehensive plan, that the public health, safety, morals and general welfare will not be adversely affected, that necessary safeguards will be provided for the protection of surrounding property, persons and neighborhood values and, further provided that the additional standards of this article are complied with. Unless otherwise specified in this article or specified as a condition of approval, the height limits, yard spaces, lot area, sign and parking requirements shall be the same as for other uses in the district in which the conditional use is located.

Staff Comments:

The applicant converted his former attached two-car garage into a studio accessory dwelling unit (ADU) with a loft bedroom, living space and kitchenette, and a bathroom. The applicant was previously advertising and utilizing this space online as an Airbnb before being reported by one of his neighbors, and issued a violation letter by a Smyrna Code Enforcement Officer for both converting the space to an ADU and for completing the renovations without a building permit. The space was converted and constructed without any building permit, and the loft bedroom space does not meet the minimum standards set forth in the 2012 Building Code. To comply with the Building Code, the applicant could renovate the previous 20' x 20' two-car garage to create a bedroom area.

At approximately 400 sq. ft. in size, the space would meet the allowable and permitted size requirements for an accessory dwelling unit. ADUs within existing single-family dwellings are expressly permitted so long as conditional use approval is obtained. As an attached former garage, the space has a separate exterior entrance as required by the Code.

Combined with the two required off-street parking spaces for the existing single-family dwelling, the proposed accessory dwelling unit (ADU) requires an additional off-street parking space for a total of three required spaces. Formally, the lot accommodated two off-street parking spaces in the two-car garage and two in the front driveway. However, with the conversion of the former two-car garage into an accessory dwelling unit, the property is left with only two of the three required off-street parking spaces. The applicant shall thus be required to obtain a parking waiver from the Planning Commission.

Staff Recommendation:

If the Planning Commission recommends approval of the requested conditional use to establish an accessory dwelling unit in the existing single-family dwelling, staff recommends the following conditions:

- 1.) The applicant shall be required to obtain a parking waiver from the Planning Commission for one (1) of the three (3) required off-street parking spaces (two for the existing single-family dwelling and one for the accessory dwelling unit).
- 2.) The applicant shall be required to obtain an after-the-fact building permit and comply with all applicable sections of the Building Code.

Commissioner McGrath made some questions to Staff. He asked if there was a fine that was issued. Doug Burns discussed that there was no fine issued and that Code Enforcement and himself met with the homeowner and discussed options to get this fixed. Commissioner McGrath was concerned because Mr. Dawson had violated parts of the law, by the planning and building. Mr. Burns did say that the violation will be resolved when the building permit has been obtained.

Mr. Dawson spoke for the application and stated that the HOA does not have anything in the by-laws that they don't have to have an Airbnb. Several people that lived in the same neighborhood spoke against this application. Several people were concerned about parking issues, traffic flow, and their kids. They are concerned for who is coming into the neighborhood. They want to maintain the peace that has already been established in their neighborhood. Mr. Freddie Burns,

who is a member of the HOA board, said that the HOA and property management was not aware of Airbnb and that it was a concern. Every homeowner is aware of the covenants of restrictions and that the neighborhood is only meant for residential private purposes. Mr. Dawson spoke against the neighborhood that had apposed the application. Mr. Dawson spoke that the people who came to rent the room was screened, given the rules and guidelines and there was no illicit drugs or smoking going on, and that everything that was said was fabricated.

Commissioner McGrath made a motion to the Town Council that the application for 49 Paulette Drive is not approved. Commissioner Clark seconded the motion, and it was carried unanimously. Commissioner McGrath stated that the actions of the applicant flaunting the community rules at the HOA levels but flaunting the Town rules regarding both the conditional use and the building codes and the hiring of a licensed contractor. All these reasons that have been given should show that the Town Council should not approve this application. The full review and discussion can be viewed starting at 0:01:37 on the posted recording.

B. North Smyrna Elementary School, #SP-2023-002, 365 North Main Street, 1-17-01013-01-0100-00001

Applicant's Request: *Category B Site Plan Preliminary Review* – The applicant is proposing to construct a one-story 36,400 sq. ft. addition onto the existing 56,735 sq. ft. North Smyrna Elementary School.

Zoning & Project History: **Circa 1963** – According to the Smyrna 1973 Comprehensive Plan, the front section of North Smyrna Elementary School is constructed. The rear section of the present elementary school was constructed in 1995 and 2005 respectively. The school has remained in its present configuration for approximately 20 years.

May 20, 1964 – The Smyrna Town Council adopts its first Zoning Ordinance. The subject parcel was zoned I & R and has remained under this zoning since the adoption of the ordinance.

February 18, 2003 – The Smyrna Town Council adopts the 2002 Smyrna Comprehensive Plan. The parcel is identified under the 'Institutional' land use designation as shown on the Future Land Use Map (Figure 4) of said Comp Plan.

February 4, 2013 – The Smyrna Town Council adopts the 2012 Smyrna Comprehensive Plan. The before-mentioned parcel is identified as 'Institutional' land use designation as shown on the Future Land Use Map (Figure 3) of said Comp Plan.

July 19, 2021 – The Smyrna Town Council adopts the 2020 Smyrna Comprehensive Plan. The before-mentioned parcel is identified as 'Institutional' land use designation as shown on the Future Land Use Map (Figure 3) of said Comp Plan.

September 21, 2022 – Preapplication meeting with Smyrna School District staff and their engineers and architects.

November 16, 2022 – Preapplication meeting with Smyrna School District staff and their engineers and architects.

April 25, 2023 – CDA Engineering applies for Preliminary Category B Site Plan.

Project Description:

The Smyrna School District proposes to construct an approximately 36,400 sq. ft. one-story addition to the rear of the existing 56,735 sq. ft. North Smyrna Elementary School over vacant grass fields. As specified by staff of the Smyrna School District, North Smyrna Elementary School houses the district’s early education program and children, and this addition will enable the school district to provide purpose-built classrooms and facilities for this program. The current school enrollment is approximately 600 students with between 86 to 90 full-time staff, and is in turn over capacity for the size of the building. To accommodate the increased number of students and the early education program in particular, teachers and staff have had to share and combine classrooms and other instructional/programming space. The 36,400 sq. ft. addition will in theory enable the school to accommodate up to 864 students, although the school district has no immediate plans to move this many students into the expanded school.

Compliance with the Comprehensive Plan

As shown on the Future Land Use Map (Figure 3), the before-mentioned parcel is designated as ‘Institutional.’ As detailed in Chapter 3 – Development Plan (Page 47) of the 2020 Comprehensive Plan:

3. Institutional Land Use

This plan generally limits major governmental and institutional uses to their current sites, many of which have significant additional developable land in Smyrna. The exceptions to this pattern may be consolidation and relocation of the town’s public safety and utility facilities to a new and more appropriate site, and the introduction of new religious facilities or fraternal organizations which may be appropriate in commercial or residential areas but should be subjected to special review on a case-by-case basis. The development and location of town facilities, fire services, schools, and recreational facilities are addressed in the Community Facilities Plan.

The appropriate zoning for the Institutional land use designation is I & R – Institutional and Recreational District.

Compliance with I & R District Use & Bulk Standards

Section 5.7 I & R – Institutional and Recreational District

<i>Cemeteries</i>	<i>P</i>
<u><i>Educational Institutions</i></u>	<u><i>P</i></u>
<i>Government Buildings</i>	<i>P</i>
<i>Hospitals and Related Research Centers</i>	<i>P</i>
<i>In-patient Rehabilitation Hospitals and Nursing Homes</i>	<i>P</i>
<i>Libraries and Museums</i>	<i>P</i>
<i>Outdoor Recreational Facilities</i>	<i>P</i>

<i>Philanthropic and Charitable Institutions</i>	<i>P</i>
<i>Portable Classrooms</i>	<i>C</i>
<i>Public Utilities</i>	<i>P</i>
<i>Religious Institutions</i>	<i>P</i>
<i>Theaters</i>	<i>P</i>

The proposed intermediate school is thus a permitted use in the I & R – Institutional and Recreational Zoning District.

	Required	Proposed
Front Yard Setback (North Main Street)	20 ft.	103 ft.
Side Yard Setback (North)	10 ft.	263 ft.
Side Yard Setback (South)	10 ft.	108 ft.
Rear Yard Setback	30 ft.	348 ft.
Lot Coverage	80%	Unknown
Maximum Height	4 stories/60 ft.	1 story

As outlined in the above bulk standards table, the applicant has complied with all of the setback and bulk standards, although they have not provided the amount of proposed lot coverage (it appears that they are well under the 80% threshold).

Sidewalks and Multi-Modal Connectivity

As set forth in *Section 5.02A(3)* of the Smyrna Subdivision and Land Development Ordinance, a concrete sidewalk at least 6 ft. in width is required to be constructed along both sides of all streets as part of all subdivisions and land development plans. As shown in site photographs in Attach A, the existing sidewalks fronting this property along North Main Street are only 3 to 4 feet in width, and do not meet both this section of the Code. Furthermore, the 2010 ADA Standards for Accessible Design require passing spaces 5 ft. square every 200 linear feet. The applicant shall be required to install 6’-wide concrete sidewalks along the frontage of North Main Street or else obtain a variance from the Board of Adjustment.

Elsewhere throughout the site, sidewalks at least 5 ft. or 6 ft. (or larger) have been provided around the eastern (front), north, and western faces of the existing school and proposed addition. In addition, the applicant has proposed a sidewalk to run along the northern property boundary and around the western property boundary (around the proposed multi-purposed playing field) to connect to the proposed new rear parking area and fire lane. Curb ramps and piano key-style crosswalks have been provided across and through the proposed new parking lots and drive aisles. Staff recommends that a marked crosswalk be provided at the northeast corner of the school property connecting the existing finger-shaped curb and sidewalk across the northern driveway aisle.

Existing substandard sidewalks approximately 3 to 4 feet in width connect Smyrna Elementary School along North Main Street southward to the intersection of Glenwood Avenue (whose

sidewalks are new and 5 ft. in width). Staff recommends that the Smyrna School District coordinate with DelDOT, local state representatives, and the Town of Smyrna to replace the approximately 500 linear feet of substandard sidewalk along North Main Street to the intersection of Glenwood Avenue (along the property of Glenwood Cemetery). As shown in DelDOT's FY23-28 Capital Transportation Plan (CTP), North Main Street between Glenwood Avenue and Duck Creek Parkway is to be improved with new sidewalks, curbing, shoulders, and bike lanes. However, the design phase of this project is not slated to begin until FY2026 with construction not likely to begin before 2028 or 2029 (or later). Staff recommends that the Smyrna School District coordinate with DelDOT to potentially bring up the construction schedule of this pedestrian improvement project or to work with our local state representatives to obtain Community Transportation Funding for this before-mentioned segment of sidewalk.

Traffic Circulation and Connectivity

The existing elementary school is served by two entrances onto North Main Street, and the applicant is not proposing any additional access points onto North Main Street. The northernmost entrance is 24'-wide and accommodates two-way traffic, including as the entrance for the school buses entering the site. This two-way northern drive aisle then forks whereby vehicular car traffic (employee parking and student drop-off/pickup) continues westward to an existing side parking lot (north of the existing school) while school buses and visitors utilize a one-way 20'-wide access loop before entering back onto North Main Street. The applicant is not proposing to make any alterations or improvements to this existing one-way access loop. Staff recommends that a stop bar and stop sign be installed to this one-way access loop as it intersects with North Main Street since one is currently not provided.

Student drop-off and pickup is currently accommodated by an internal 24'-wide drive aisle loop from the northern fork off of the northern entrance of North Main Street onto the site. This drive aisle loop is approximately 560 ft. in length off of North Main Street which wraps around an existing parking lot for drop-off/pick-up at the side (northern) entrance of the existing elementary school. The short length of this student drop-off/pick-up drive aisle loop routinely causes significant backup of vehicular traffic from North Main Street trying to enter the school site. The applicant proposes to lengthen the existing student drop-off/pickup by approximately 200 feet (400 feet in total) which will likely alleviate the existing backup of vehicular traffic trying to enter the school site at the beginning and end of the school day. Staff concurs that this will be a positive design improvement for the elementary school site and will likely lessen traffic congestion along North Main Street.

The applicant is proposing to create a new expanded employee parking lot on the western end of this new drive aisle loop. The applicant is also proposing to construct a new 24'-wide fire lane that will run along the entire western rear side of the new proposed 36,400 sq. ft. addition. Citizens Hose Company has recommended that this fire lane be extended around the southern face of the proposed 36,400 sq. ft. school addition if at all practical.

Compliance with Parking and Loading Requirements

Town of Smyrna Code Appendix A – Zoning §6.1A(9)(i) Required Parking Spaces by Use

Schools – 1 spaces per fifteen (15) seats or students

Required (864 students) – 57 vehicular parking spaces

Existing – 102 vehicular parking spaces (including 5 ADA spaces)

Provided – 179 vehicular parking spaces (including 6 ADA spaces)

Given that there will be an estimated 86-90 full-time employees at the expanded school, staff recognizes that Smyrna has an outdated parking requirement for schools. There are 122 vehicular parking spaces at Sunnyside Elementary School (55,000 sq. ft.) and 118 parking spaces proposed at Graceville Intermediate School (66,000 sq. ft.), so staff trusts that this slightly larger school (with larger student and staff capacity) will require a larger number of parking spaces. Staff concurs with this larger number of parking spaces than required by the Code.

The applicant has proposed 9' x 18' parking spaces on the site. The before-mentioned section of the ordinance does not mandate a minimum size for parking spaces, however AASHTO recommends a minimum size of 9' x 18' for pull in (perpendicular) parking spaces.

As set forth in the 2010 Standards for Accessible Design, parking lots of between 151 and 200 spaces are required to provide six (6) ADA accessible parking spaces. The applicant is thus in compliance with this Federally mandated requirement.

As set forth in the *Town of Smyrna Code Appendix A – Zoning §6.1A(8)*, blocks of parking stalls are limited to fifteen (15) consecutive spaces before a 9' x 15' landscaped island must be installed. As proposed, the applicant will exceed this maximum 15 consecutive spaces threshold on three instances: one segment of 32 existing parking spaces in front of the existing school, a segment of 26 proposed parking spaces on the north side of the drive aisle adjacent to the proposed addition, and a segment of seemingly 28 unmarked parking spaces along the fire lane to the rear of the proposed school addition. The applicant shall be required to interrupt these parking segments of greater than 15 spaces with a landscaped island or else obtain a variance from the Board of Adjustment. In addition, the applicant has provided two at-grade painted islands in the parking lot to the north of the existing elementary school rather than raised landscaped islands as specified in the Code. The applicant shall be required to provide landscaped islands rather than painted islands on the asphalt or else obtain a variance from the Board of Adjustment.

This section of the Code also requires that one street tree be provided for every 160 sq. ft. of interior parking lot island, which roughly equates to one tree per single parking lot island and two trees per each double landscape island (where parking spaces are double stacked). As shown on the landscape plan, the applicant has provided street trees in all but two parking islands (both just north of the existing school).

As set forth in the *Town of Smyrna Code Appendix A – Zoning §6.1A(7)*, a minimum of one bicycle rack (5 bicycle spaces) is required for each parking lot of twenty spaces or more. The applicant has not specified or provided any bike racks (although one or more bike rack may already be present on the site but shown on the plans). With at least three parking lots of twenty

spaces, the applicant shall be required to provide three (3) bike racks of five spaces or more, or else obtain a variance from the Board of Adjustment.

Town of Smyrna Code Appendix A – Zoning §6.1B(1) Required Loading Spaces by Use

(h) *Schools, One off-street Loading Space required for the first 10,000 sq. ft. of GFA and one additional loading space for each 25,000 sq. ft. of GFA or fraction thereof.*

The applicant is thus required to provide one (1) 12' x 60' marking loading space and three 12' x 40' loading spaces to accommodate the proposed 93,135 sq. ft. expanded North Smyrna Elementary School. The applicant has not provided any marked loading space, although the unmarked 24' x 280' unmarked area immediately to the proposed addition may be planned to accommodate tractor and trailer loading spaces (there is no markings or notes or explanation on the plan view). If the applicant chooses not to provide the required four loading spaces, they shall be required to seek and obtain a waiver from the Planning Commission as set forth in Section 6.1C of the Zoning Ordinance. Staff recognizes that the loading requirements are not based upon actual need and trusts the judgement and experience of the Smyrna School District.

Compliance with Landscaping Requirements

As set forth in the *Smyrna Town Code Appendix B – Subdivision & Land Development Section 5.17(c)*, the applicant is required to plant one (1) tree per 3,000 sq. ft. of lot area at least 2" in caliper. At 701,316 sq. ft. in size, the before-mentioned parcel and project would require 234 trees (at least 2" in caliper) to be planted or already existing. The applicant has proposed to plant 123 trees or one (1) tree per 5,701 sq. ft. of lot area, and shall thus be required to obtain a variance from the Board of Adjustment.

As set forth in *Section 6.13A*, proposed dumpsters shall be situated at an 'appropriate location' to not interfere with users of the property and adjacent property owners, and shall be 'appropriately screened.' The applicant has not specified a dumpster pad or enclosure location(s), but staff recommends that if one is to be provided, that it be located to the rear of the proposed 36,400 sq. ft. addition along the fire lane.

Utility Infrastructure

The existing elementary school is served by both an 8" and 6" sanitary sewer gravity line and a 4" water line. It is unclear from the plan submission whether the proposed 36,400 sq. ft. addition will be served by the existing water and sewer connections or whether through a new connection(s).

There are currently two fire hydrants on the site: one at the northeast corner of the existing elementary school and a second along the northern drive aisle between two sections of the existing school. The applicant has proposed installing an additional fire hydrant at the northwest corner of the proposed 36,400 sq. ft. addition. In consultation with Citizens Hose Company, staff recommends that a second additional hydrant be installed at the southwest corner of the proposed 36,400 sq. ft. addition along the rear fire lane.

Staff Recommendation:

Preliminary Category B Site Plan – Staff recommends that the Planning Commission grant Preliminary Category B Site Plan approval for the construction of the 36,400 sq. ft. addition to Smyrna Elementary School and accompanying site improvements subject to the following conditions:

Required Code Conditions:

- 1.) The applicant shall limit all parking rows to 15 consecutive spaces or else obtain a variance from the Board of Adjustment.
- 2.) The applicant shall be required to replace the two painted parking islands (just north of the existing school building) with landscaped parking islands (each with one street tree), or else obtain a variance from the Board of Adjustment.
- 3.) The applicant shall be required to plant street trees in two proposed landscaped parking islands just north of the existing school or else obtain a variance from the Board of Adjustment.
- 4.) The applicant shall plant at least 234 trees at least 2” in caliper or else obtain a variance from the Board of Adjustment.
- 5.) The applicant shall install 6’-wide concrete sidewalks along the entire frontage of the 16.10-acre school site with North Main Street.
- 6.) The applicant shall be required to provide three (3) bike racks of five spaces or more, or else obtain a variance from the Board of Adjustment.
- 7.) The applicant shall provide one 12’ x 60’ loading space and three 12’ x 40’ loading spaces or else obtain a waiver from the Planning Commission.

Suggested Staff Conditions:

- 8.) Staff recommend that a stop bar and stop sign be provided at the intersection of the one-way bus loop with North Main Street.
- 9.) On the recommendation of Citizens Hose Company, staff recommends that an additional fire hydrant be provided at the southwestern corner of the proposed 36,400 sq. ft. building addition.
- 10.) On the recommendation of Citizens Hose Company, staff recommends that the proposed fire lane along the rear side of the 36,400 sq. ft. building addition be extended to the southern side of said building addition.

Commissioner Newman spoke that 1-7 from the required Code Conditions, if required would need to apply for variances and to apply for a waiver for the loading spaces. From the Suggested Staff Conditions, #10 would be stricken, but could be stated that the Fire Company and the school district will work with the Fire Marshall office regarding the fire lane. #11 would be that both curbs be installed.

Commissioner Clark made a motion to approve per the changes that were made. Commissioner Clark seconded the motion and carried unanimously. The full review and discussion can be viewed starting at 0:50:15 on the posted recording.

C. Goldsborough Road Development, #SP-2023-003/#SD-2023-001, 1705 Goldsborough Road, 28-001.00-003

Applicant's Request:

Major Subdivision Concept Review – The applicant is proposing to subdivide an existing 57.28-acre vacant parcel into 118 parcels (110 townhouse lots, 3 apartment parcels, and 5 open space parcels) with accompanying new streets and alleys.

Category A Site Plan Concept Review – The applicant is proposing to construct 16 (18-unit and 24-unit) multi-family apartment buildings on three proposed parcels with the 118-lot subdivision.

Zoning & Project History:

February 18, 2003 – The Smyrna Town Council adopts the 2002 Smyrna Comprehensive Plan. The parcel is identified under the 'High Density Residential' land use designation as shown on the Future Land Use Map (Figure 4) of said Comp Plan.

August 18, 2003 – The Smyrna Town Council annexes the 57.53-acre vacant farm property into the municipal boundaries of Smyrna under the R-3 Residential Zoning designation.

August 21, 2008 – The applicant obtained approvals from the Town of Smyrna to construct 288 apartment dwelling units and 109 attached townhouse dwelling units (shown as an attachment). This plan has subsequently expired and is no longer valid.

February 4, 2013 – The Smyrna Town Council adopts the 2012 Smyrna Comprehensive Plan. The before-mentioned parcel is identified as 'High Density Residential' land use designation as shown on the Future Land Use Map (Figure 3) of said Comp Plan.

August 13, 2019 – Pre-application meeting between staff and the applicant and their engineer to discuss resubmittal of three-part Watson Farm project. Staff recommended that they seek higher density through the PVC – Planned Village Community conditional use option.

November 15, 2019 – Second pre-application meeting between staff, the applicant, and their engineer.

February 19, 2020 – Meeting between Town staff, the applicant and staff of Smyrna School District to discuss the potential dedication and/or acquisition of a school site within the three-part Watson Farm project.

March 10, 2020 – Pre-application meeting between Town staff, the applicant, the applicant's engineer, and DelDOT planning staff to discuss potential road improvements to be required as part of the revised and expanded Watson Farm project.

July 19, 2021 – The Smyrna Town Council adopts the 2020 Smyrna Comprehensive Plan. The before-mentioned parcel is identified as 'Planned Village Community' land use designation as shown on the Future Land Use Map (Figure 3) of said Comp Plan.

March 21, 2022 – Third pre-application meeting between Town staff and the applicant and their engineer.

April 25, 2023 – Karins & Associates applies for Concept Major Subdivision and Concept Category A Site Plan.

Project Description:

JMC Properties (Joseph Capano & Co.) previously obtained approvals from the Town of Smyrna in 2008 for the construction of 288 apartments in twelve (12) apartment buildings and 109 attached townhouses on the before-mentioned vacant farm. The project was designed with a series of two dead-end cul-de-sac streets for the townhouses and a series of two dead-end parking lot areas in a suburban garden-style arrangement. No street interconnectivity (both internal and external to the site) was called for, and no active recreational amenities were provided. This recorded plan subsequently expired because of the 2008-2009 recession.

Since meeting with the applicant and their engineers in the summer of 2019, staff prodded them to redesign the project utilizing the PVC – Planned Village Community conditional use standards. As part of the adoption of the 2020 Smyrna Comprehensive Plan in July 2021, the 57.53-acre property was designated to be rezoned to a new PVC – Planned Village Community District, subsequently created and adopted by the Town Council on October 18, 2021.

The Concept Subdivision Plan submitted with this application utilizes the new PVC – Planned Village Community design standards through the use of an interconnected grid street network, rear access parking lots for the apartment buildings, rear-access alleys for the townhouse lots, and a variety of open space and recreational amenities incorporated throughout the project. The total number of dwelling units has risen from 397 in 2008 to 434 in 2023, and staff has provided suggestions and recommendations on obtaining a further modest increase in dwelling units/townhouse lots. This project includes 3 apartment parcels (to contain sixteen 18-unit and 24-unit apartment buildings for 324 total apartment dwellings), 110 attached townhouse lots, and 5 open space parcels.

Compliance with the Comprehensive Plan

As shown on the Future Land Use Map (Figure 3), the before-mentioned parcel is designated as ‘Planned Village Community.’ As detailed in Chapter 3 – Development Plan (Page 43-44) of the 2020 Comprehensive Plan:

Planned Village Community

This land use designation includes a collection of large vacant parcels north of Duck Creek within the existing municipal boundaries of Smyrna. This designation stemmed from a conditional use option permitted in all residential zoning districts since 2013. The purpose of this land use designation is to recreate traditional downtown neighborhoods on large vacant parcels of land. Mimicking a traditional downtown residential neighborhood, new projects constructed under this designation should provide of mix of housing types (single-family detached dwellings, duplex/twin dwellings, townhouses, and multi-family dwellings, etc.),

dwelling sizes, and lot sizes. Dwellings, multi-family buildings, and mixed-use buildings should be constructed close to the street. Rear access alleys are encouraged for single-family detached dwellings and duplex/twin dwellings, and shall be required for attached (townhouse) dwelling units. Multi-family buildings should be appropriately sized to mimic larger homes or mixed-use buildings in the historic downtown, and should be served by rear accessed garages or alleys. Parking lots and areas should be constructed to the rear (preferred) or side of mixed-use and multi-family buildings.

Projects constructed under this designation should generally contain a grid-like street network, and avoid dead-end cul-de-sacs to the greatest extent practicable. The design of said projects should promote an interconnected street and sidewalk network to allow for both enhanced vehicular traffic flow and pedestrian circulation. The streetscape should be enhanced with street trees, streetlamps, landscaping, appropriately-sized sidewalks, front porches, stoops, and other front yard amenities.

Projects constructed under this designation should provide active and passive open space and recreational areas. Greens, squares, fountains, plazas, and parks should be constructed and located as centerpieces of said projects to provide vistas and overlooks for residences and buildings in said projects. Before-mentioned greens, squares, plazas, and parks should be adorned with pedestrian seating, benches, gazebos, pavilions, pergolas, fountains and/or civic art to promote active use of said public open spaces.

Appropriately scaled mixed-use, office, and commercial buildings are encouraged to be constructed as part of projects in this designation to serve the needs of neighborhood residents. Schools, religious institutions, and other civic buildings are encouraged to be constructed and located in Planned Village Communities.

Developers are strongly encouraged to partner and coordinate with the Town of Smyrna, local, county, and state agencies and approval authorities in a collaborative master planning process for the extension and upgrade of public utilities and infrastructure to serve said Planned Village Communities projects.

This land use designation will be served by one or more new Planned Village Community zoning district(s), which will be created following the adoption of the 2020 Comprehensive Plan Update.

So as to comply with the 2020 Comprehensive Plan, the applicant is required to rezone the 57.53-acre parcel from R-3 Residential to PVC – Planned Village Community. In the opinion of staff, the applicant has conformed with the intent outlined in the Planned Village Community land designation in the 2020 Comprehensive Plan.

Compliance with PVC – Planned Village Community District Use & Bulk Standards

Section 5.22 – Planned Village Community

	PVC Requirements	Tappahanna Subdivision
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Apartment Dwelling	C	C
Minimum Lot Area	N/A	1.73 acres – 7.97 acres
Minimum Lot Width	N/A	250 ft. – 400 ft.
Minimum Lot Depth	N/A	150 ft. – 650 ft.
Maximum Height	45 ft.	3 stories (TBD height)
Minimum Front Setback	6 ft. min/20 ft. max	6 ft. – 45 ft.
Side Yard Setback	6 ft.	6 ft.
Rear Yard Setback	20 ft.	90 ft. – 220 ft.
Maximum Units Per Building	24 d/u	24 d/u
Maximum Lot Coverage	N/A	TBD
Townhouse Dwelling	P	P
Minimum Lot Area	1,600 sq. ft.	1,760 sq. ft. – 2,240 sq. ft.
Minimum Lot Width	20 ft.	22 ft. – 28 ft.
Minimum Lot Depth	80 ft.	80 ft.
Maximum Height	3 stories/45 ft.	TBD
Minimum Front Setback	6 ft. min/20 ft. max	6 ft. min/8 ft. max
Side Yard Setback	6 ft.	6 ft.
Rear Yard Setback	20 ft.	30 ft.
Maximum Lot Coverage	N/A	TBD
Maximum Allowable Density	12 dwelling units per acre	7.57 dwellings per acre

Apartment Building No. 5, 9, 10, 13, 14, and 16 are corner units (fronting two streets) and are all located greater than 20 ft. from one of the two front setbacks (up to 45 ft. from the front property line). Staff recommends meeting this standard by replacing the respective 18-unit building with a 24-unit building and/or two 12-unit buildings, or by the replacing the 24-unit building with an 18-unit and 12-unit building. This would also partially rectify the requirement for providing four different apartment building sizes. Alternatively, Apartment Building No. 9 or 10 could be moved closer to the central bisecting alley and construct/install a square on the actual corner of these blocks. Otherwise, the applicant will be required to obtain a variance for any apartment to exceed the 20 ft. maximum front setback, which staff will not support.

Planned Village Community Subdivision Design Standards – Section 6.2C

- (a.) *Neighborhoods shall be laid out in a generally block or grid pattern formed by an interconnected network of streets and alleys. Blocks should generally be 180 – 300 ft. in depth, and 400 – 700 ft. in length. Blocks longer than 700 ft. shall have mid-point pedestrian connections. Dead-end cul-de-sac streets are prohibited.*

Staff Response: The subdivision has been designed into a series of variously sized rectangular blocks with all interior blocks having rear-access alleys for the townhouse dwelling blocks and rear access parking lots for the apartment dwelling blocks. The proposed townhouse blocks are all 180 ft. in width and range in length from 170 ft. to 600 ft. Apartment blocks range in length from 450 ft. to 650 ft. In addition, the applicant has provided a series of mid-point pedestrian

connections for the townhouse blocks and apartment blocks. The applicant thus meets this section of the Code.

- (b.) *Connections and/or street stubs should be made to adjacent properties to provide interconnectivity between other developed or potentially developable residential neighborhoods and commercial centers. Connections should also be made to all adjacent streets and roadways wherever practicable.*

Staff Response: The proposed redesigned Graceville directly connects to a 2-acre vacant commercial property owned by KRM Development, and at staff's request, the applicant has proposed a street stub connection via Road D. This will hopefully eventually lead to a street connection onto U.S. Route 13. As the only adjacent vacant parcel, this 2-acre parcel is in the opinion of staff the most likely to develop in the foreseeable future so as to provide an opportunity for a second subdivision entrance.

- (c.) *Buildings should directly face the street or a public green, square, or courtyard. Those dwellings and buildings that directly front a green, square or courtyard shall directly abut a sidewalk.*

Staff Response: All proposed townhouse lots and apartment buildings directly face a public street, and many are directly across a street or adjacent to an open space feature. The applicant has met this section of the Code.

- (d.) *A variety of lot sizes should be provided, even within the same block, to increase the diversity of dwelling sizes and configurations and to avoid an overly regimented or barracks-like streetscape. Multiple dwelling types and compatible uses are encouraged to be located together on the same block.*

Staff Response: The proposed townhouse lots are 22 ft. in width for interior units and 28 ft. in width for end units. This design standard is more applicable for single-family dwelling lots since lot size (and configuration) has significant impact on the type of dwelling able to be constructed. Townhouse lots are meanwhile significantly more uniform in size (reflecting a much greater uniformity in width of townhouse units), even in a PVC or new urbanist-style development.

- (e.) *At least two (2) different residential dwelling types must be included in a PVC project situated in the R-2 zoning district, and at least three (3) different residential dwelling types must be included in a PVC project situated in the R-2A or R-3 zoning district. Dwelling types shall not be clustered in specific areas of the project, but rather appropriately interspersed throughout the project.*

Staff Response: Since this project will be within the PVC Zoning District (as opposed to conditional use in one of the other residential districts), the applicant is exempt from this requirement.

- (f.) *At least 60% of all single-family detached dwelling lots and semi-detached lots shall be served by rear access alleys. 100% of all attached (townhouse) dwelling lots shall be served by rear-access alleys.*

Staff Response: 100% of all proposed attached (townhouse) lots within the Tappahanna subdivision are served by rear-access alleys, and the applicant is thus in compliance with this section of the Code.

- (g.) *Off-street parking areas for apartment dwellings and other non-residential buildings shall not be located at the front of the building, but shall be located to the rear or, when rear parking is impractical, the side of said buildings. Off-street parking areas shall not be located at street corners. Off-street parking areas for all building types shall be situated at the rear of the building where practical. Off-street parking areas may directly front a street so long as said parking areas are situated to the side of buildings, and shall be screened by any of the following, not to exceed three (3) feet in height: a wall, vegetative hedge, fence, or an alternative approved by the Planning Commission.*

Staff Response: All off-street parking lots and areas have been located to the rear of the proposed apartment buildings, and no parking lots directly front a public street (or located to the side of the proposed apartment buildings). The applicant is thus in compliance with this section of the Code.

- (h.) *Non-residential buildings shall be of an appropriate scale, massing, and character to complement the adjoining residential neighborhood.*

Staff Response: The applicant is not proposing any non-residential buildings, whereby this standard is not applicable to the project.

- (i.) *Sidewalks shall be installed along both sides of all streets (except alleys). Sidewalks shall be at least 5 ft. in width and may be wider along commercial, office, or mixed-use street frontages/blocks. Sidewalks shall be connected using crosswalks where appropriate. Shared use paths shall be a minimum of 8 ft. in width.*

Staff Response: The applicant has provided sidewalks 5 feet in width on both sides of all public streets and between and within parking lots. The applicant has also provided an 8'-wide shared use path around the western and southern perimeter of the subdivision. The applicant is thus in compliance with this section of the Code (although not in compliance with the 6' minimum width now required for sidewalks fronting public roadways).

- (j.) *Traffic calming measures, including but not limited to, curb extensions, medians, narrower "queuing" travel lanes, and traffic circles should be used wherever possible to slow vehicular traffic within the neighborhoods.*

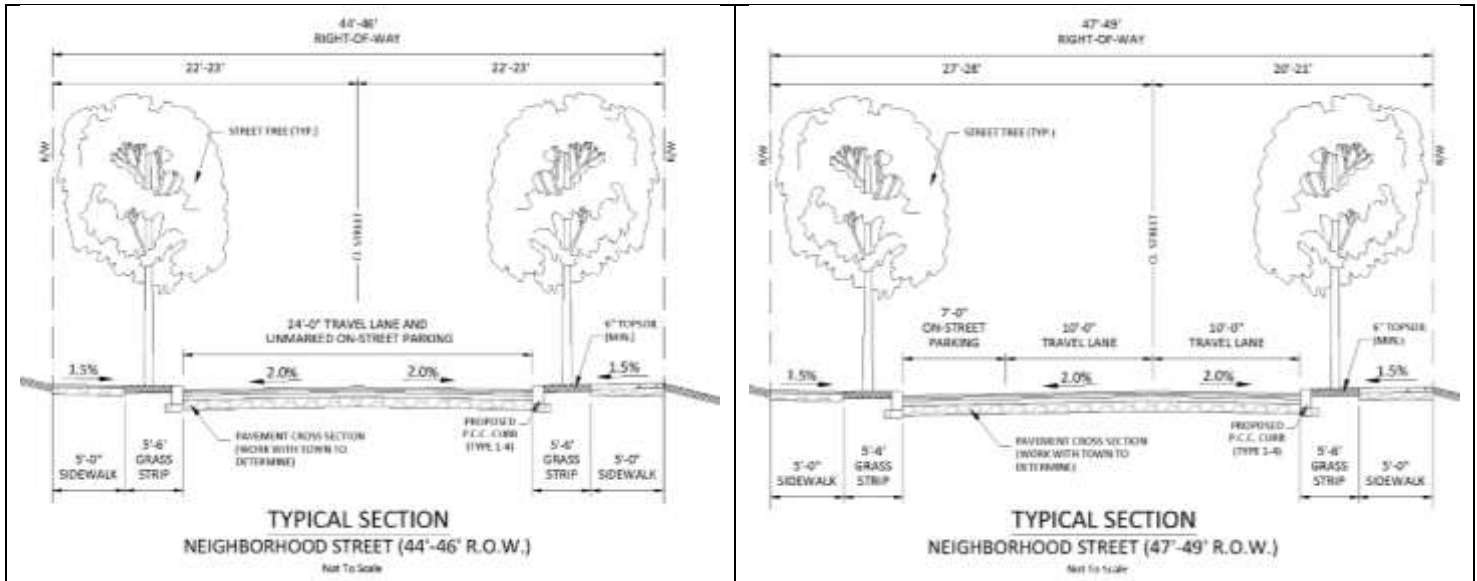
Staff response: Curb extensions (also known as bulb-outs) have been proposed along all boulevard-type and neighborhood streets. The applicant meets this section of the Code.

- (k.) *A street hierarchy shall be utilized to ensure that street and ROW widths are appropriately scaled based upon their functional classification.*

Staff Response: The applicant has proposed two street typologies based upon the housing density and anticipated flow of traffic. This includes a boulevard street (Road A) at the subdivision entrance stretching for three full blocks with a 9'-wide landscaped median, 12'-wide travel lanes, but with no on-street parking. This street typology is not specified in the PVC design standards, although the Planning Commission may approve a developer alternative. Staff recommends that this boulevard street be redesigned with on-street parking on both sides, which will provide additional parking spaces for the four apartment buildings along the street and for the proposed club house and fitness center and pool along the third block (which lacks an off-street parking lot). Secondly, on-street parking provides a turn-off area to prevent the street from being blocked in the event of an emergency (which is especially important given that only one subdivision is being proposed). To accommodate the wider ROW required for on-street parking, the applicant could reduce the width of the median from 9' down to 4' or 5.'

The second street type is a neighborhood street with two 10'-wide travel lanes with on-street parking on both sides of the street and curb extensions, sidewalks, and street trees. This street type is utilized for Roads B, D, G, and H. Given that Road D may eventually serve as an extended entrance for the subdivision onto U.S. Route 13 (if adjacent Parcel No. 28-002.00-00-004) is ever developed), staff recommends that the travel lanes for Road D be widened from 10 ft to 11 ft. Otherwise these road segments are in the opinion of staff adequately sized.

Lastly, the applicant has proposed a series of alleys between and through the townhouse blocks; each with a 20'-wide ROW and a 16'-wide roadway. While attached (townhouses) dwellings are required to be served by rear-accessed alleys, staff strongly recommends that Alley B and the eastern portion of Alley D (closest to U.S. Route 13 between Road D and Road E be widened to a neighborhood street type. It is recommended that Alley B be widened to two 10'-wide travel lanes and one row of on-street parking for the adjacent townhouse lots. Meanwhile, staff recommends that the eastern portion of Alley D be widened to include two 10'-wide travel lanes, but with no on-street parking. These two street types are shown below:



- (l.) *The streetscape shall be lined with street trees and streetlights.*

Staff Response: As shown on the Landscape Plan, the applicant has proposed street trees and along streets within the subdivision. A more detailed plan shall be shown as part of the Preliminary Plan submission.

- (m.) *Neighborhoods shall feature a variety of open space types and sizes including, but not limited to, pocket parks, tot lots, playgrounds, greens, squares and plazas, playing fields, basketball/racquet ball/tennis courts, pet parks, and larger parks and passive recreation areas. Open spaces shall be adorned with pedestrian seating, gazebos, pavilions, pergolas, kiosks, fountains, and other pedestrian furniture where appropriate.*

Staff Response: The applicant has proposed a total of nine (9) types of open space/recreational amenities along for a total of ten (10) open space and recreational features. Staff concurs that an adequate variety of open space and recreational amenities have been provided, although staff has recommendations of the proposed location and design of said features.

Townhouse (Attached) Dwelling Design Standards – Section 6.2F(3)

- (a.) *All attached dwelling units must be served by rear-access alleys and may have attached or detached garages or carports.*

Staff Response: As required by this section of the Code, all attached (townhouse) lots are served by rear-access alleys.

- (b.) *Attached dwelling blocks may range in size from three (3) to eight (8) units. For projects with less than 50 attached dwelling unit lots, a minimum of three (3) different*

block sizes must be constructed. For projects with between 50 to 99 attached dwelling unit lots, a minimum of four (4) different block sizes must be constructed. For those projects with 100 or more attached dwelling unit lots, a minimum of five (5) different block sizes must be constructed.

Staff Response: With 110 proposed attached (townhouse) dwelling units, the applicant is required to provide five different block sizes, but has only provided blocks of four, five, and six respectively. The applicant shall thus be required to provide five different sizes of townhouse blocks, or else obtain a variance from the Board of Adjustment (which staff will not support).

- (c.) *No more than three (3) adjoining attached dwelling units shall be constructed along the same front plane without a minimum 2 ft. change in plane (distance from front property line). This requirement may be waived if there are varying numbers of stories among and between units, and/or a change in the roof pitch, roof type, or roof height between units.*
- (d.) *No more than two (2) adjoining dwelling units within the same block shall be constructed of the same exterior building material or color.*

Staff Response: Enforced at the building permit stage.

- (e.) *Attached dwellings must be 2 or 3 stories in height.*

Staff Response: Enforced at the building permit stage.

- (f.) *At least 50% of the attached dwelling units in each dwelling block must have an unenclosed front covered entry porch a minimum 6 ft. in depth and 6 ft. in width.*

Staff Response: Enforced at the building permit stage.

- (g.) *On corner lots, the front entrance to the end attached dwelling unit may face either the primary or secondary street frontage.*

Staff Response: Enforced at the building permit stage.

- (h.) *A concrete sidewalk at least 4 ft. in width must extend from the street to the front entrance and/or entry porch/stoop of the dwelling.*

Staff Response: Enforced at the building permit stage.

- (i.) *A vegetative hedge (either evergreen or flowering) or a raised flower bed shall be planted directly in front of the dwellings and/or along the sidewalk to create a continuous street buffer. A vegetative hedge shall not exceed 3 ft. in height. The*

Building Code Official may approve alternative buffer types, including but not limited to a low vinyl or wood picket fence.

Staff Response: Enforced at the building permit stage.

Apartment Dwelling Design Standards – Section 6.2F(4)

- (a.) *Off-street parking areas serving apartment dwellings must be located to the rear of said building(s), provided that off-street parking areas may be situated on the side of said building if the configuration of the development makes rear parking impractical. Apartment dwellings may also be served by attached or detached garages or carports along rear-access alleys. Modified parking designs are encouraged, including but not limited to, double stacking residential parking spaces and placing parking spaces on the rear ground story of apartment buildings or behind a front façade wall.*

Staff Response: As required by this section of the Code, all off-street parking lots and areas are placed and located to the rear of the proposed apartment buildings. The applicant is thus in compliance.

- (b.) *Apartment buildings may not exceed fifteen (15) dwelling units. Projects with 36 to 72 dwelling units shall have a minimum of two (2) apartment building sizes. Projects with 73 to 144 dwelling units shall have three (3) apartment building sizes. Projects with 145 or more dwelling units shall be required to have at least four (4) apartment building sizes.*

Staff Response: The discrepancy between the allowable 15-unit maximum size in the PVC conditional use standards compared to the allowable 24-unit maximum size in the PVC Zoning District shall be rectified through a zoning text amendment of the former to raise from 15 units to 24 units. With 324 apartment dwelling units, the applicant is required to utilize four different sized apartment buildings, but has provided only 18-unit and 24-unit apartment buildings. The applicant has technically provided two types of 18-units apartments and 24-unit apartment buildings, although the former 18-unit buildings are both 148.33 ft. in width and the latter 24-unit buildings being 194.17' and 205.08' in width (nearly identical in size and configuration). The applicant shall be required to provide two additional apartment building sizes as specified in this section of the Code or else obtain a variance from the Board of Adjustment. Staff recommends that one or more nine (9), twelve (12), and/or fifteen (15) unit apartment buildings be provided to comply with this design requirement.

- (c.) *Apartment dwellings shall be two (2) stories or three (3) stories in height.*

Staff Response: The applicant has proposed that all sixteen (16) apartment buildings be three stories in height, and thus in compliance with this section of the Code.

- (d.) *Apartment dwellings of six (6) or fewer units should generally be constructed to resemble a large single-family dwelling or mansion found in the historic downtown of Smyrna or another historic downtown in Delaware. Apartment buildings of seven (7) or more dwelling units should be generally constructed to resemble either: a block of attached (townhouse) dwellings, or multi-story mixed building in the historic downtown of Smyrna or another historic downtown in Delaware.*

Staff Response: Enforced at the building permit stage. Example of large 12-unit apartment building designed to resemble a block of townhouses shown below from Florin Hill in Mount Joy, PA:



- (e.) *Apartment buildings greater than 50 ft. in length shall incorporate design elements that break up the expanse of building facades every 20 – 50 ft. to mimic the façade of an historic townhouse block or mixed-use building that was constructed in sections over time utilizing various traditional architectural styles. The following design elements may be used to break up the facades of apartment buildings at said intervals:*
- i. *Varied roof height (of at least two feet) or roof type. This also includes the varied use of dormers along said roof sections.*
 - ii. *Varied building material and/or colors, to include the use of scales/shingles and ground level wainscoting.*
 - iii. *The use of staggered wall offsets of at least two (2) feet in depth.*
 - iv. *The use of variously sized and detailed exterior covered entry porches, projecting balconies and 2nd/3rd floor porches.*
 - v. *The use of variously sized and shaped windows, window moldings and pediments, and window shutters between each section of the building façade.*

Staff Response: Enforced at the building permit stage.

- (f.) *An unenclosed covered porch/stoop, at least 4 ft. by 4 ft. in size, shall be located at every ground floor exterior entrance in each apartment building.*

Staff Response: Enforced at the building permit stage.

- (g.) *A concrete sidewalk at least 4 ft. in width must extend from the street to every exterior ground floor entrance of every apartment building.*

Staff Response: Enforced at the building permit stage.

- (h.) *A vegetative hedge (either evergreen or flowering) shall be planted either (or both) directly in front of the dwellings and/or along the sidewalk to create a continuous street buffer. A vegetative hedge shall not exceed 3 ft. in height. The Building Code Official may approve alternative buffer types, including but not limited to a low vinyl or wood picket fence.*

Staff Response: Enforced at the building permit stage.

Sidewalks and Multi-Modal Connectivity

As set forth in *Section 5.02A(3)* of the Smyrna Subdivision and Land Development Ordinance (adopted in July 2022), a concrete sidewalk at least 6 ft. in width is required to be constructed along both sides of all streets as part of all subdivisions and land development plans. As shown in the plan set, the applicant has provided 5’-wide concrete sidewalks along all public (and private streets and driveways). The applicant shall be required to provide 6’-wide sidewalks or else obtain a waiver from the Town Council.

The applicant has provided curb extensions and curb ramps along all public and private streets and driveways. Staff recommends that marked piano key crosswalks be provided at all intersections and pedestrian crossings.

The applicant has provided an 8’-wide concrete shared use path and walking trail wrapping around the entire subdivision and project in a horseshoe shape near the edge of the existing tree line. Staff concurs with the location and path of this shared-use path although staff recommends that it be widened to 10 ft. and constructed of asphalt instead of concrete.

Compliance with Parking and Loading Requirements

Town of Smyrna Code Appendix A – Zoning §6.1A(9) Required Parking Spaces by Use

(a) Residential structures

- v. *Apartment Dwellings*
 - a. *Efficiency and one-bedroom – 1.5 spaces per unit*
 - b. *Two-bedroom and three-bedroom – 2 spaces per unit*
 - c. *Four or more bedrooms – 3 spaces per unit*

334 Apartment Dwellings – (96 1-bedroom, 189 2-bedroom, and 39 3-bedroom units)
Required – 600 off-street vehicular parking spaces
Off-street Parking Spaces Provided – 516 vehicular parking spaces (including 30 garage spaces)
On-street Parking Spaces Provided – 123 vehicular parking spaces

While the applicant does not provide enough required off-street parking spaces as required by the Code, when combined with the on-street parking provided, the applicant will have a surplus of 39 parking spaces. The applicant will be required to obtain a parking waiver from the Planning Commission, which staff will support.

Town of Smyrna Code Appendix A – Zoning §6.1A(9) Required Parking Spaces by Use

(a) Residential structures

iv. Townhouse dwellings – Two (2) spaces per unit

110 Townhouse Dwellings
Required – 220 off-street vehicular parking spaces
Off-street Parking Spaces Provided – 220 vehicular parking spaces
On-street Parking Spaces Provided – 87 vehicular parking spaces

The applicant has provided more than the required number of parking spaces as required by this section of the Code.

The applicant has proposed 9' x 18' parking spaces on the site. The before-mentioned section of the ordinance does not mandate a minimum size for parking spaces, however AASHTO recommends a minimum size of 9' x 18' for pull in (perpendicular) parking spaces.

As set forth in the *Town of Smyrna Code Appendix A – Zoning §6.1A(8)*, blocks of parking stalls are limited to fifteen (15) consecutive spaces before a 9' x 15' landscaped island must be installed. As proposed, the applicant has provided a landscaped island as few as every 5 parking spaces. So as to provide additional off-street parking as required for existing apartment units (and the few additional apartment units recommended by staff), staff recommends that the applicant reduce the number of landscaped parking islands to conform with what is required by the Code. This would provide an additional 47 off-street parking spaces lessening the need for a parking waiver while still conforming with the Code for landscaped islands.

The applicant has provided on-street parking spaces along all public streets except along the 3-block gateway boulevard entrance into the subdivision. Staff strongly recommends that off-street parking be provided along both sides of this entrance boulevard. This will result in approximately 68 additional on-street parking spaces, particularly needed in the vicinity of the clubhouse/fitness center/pool/picnic area.

As set forth in the *Town of Smyrna Code Appendix A – Zoning §6.1A(7)*, a minimum of one bicycle rack (5 bicycle spaces) is required for each parking lot of twenty spaces or more. The applicant has not specified or provided any bike racks. With five parking lots of at least 20

spaces, the applicant would be required to provide a minimum of 5 bike racks, and staff recommends that additional bike racks be provided.

Compliance with Landscaping Requirements

As set forth in the *Smyrna Town Code Appendix B – Subdivision & Land Development Section 5.17(c)*, the applicant is required to plant one (1) tree per 3,000 sq. ft. of lot area at least 2” in caliper. At 701,316 sq. ft. in size, the before-mentioned parcel and project would require 234 trees (at least 2” in caliper) to be planted or already existing. The applicant has proposed to plant 123 trees or one (1) tree per 5,701 sq. ft. of lot area, and shall thus be required to obtain a variance from the Board of Adjustment.

As set forth in *Section 6.13A*, proposed dumpsters shall be situated at an ‘appropriate location’ to not interfere with users of the property and adjacent property owners, and shall be ‘appropriately screened.’ The applicant has not specified a dumpster pad or enclosure location(s), but staff recommends that if one is to be provided, that it be located to the rear of the proposed 36,400 sq. ft. addition along the fire lane.

Open Space and Recreational Amenities Design Requirements

In accordance with Section of the Planned Village Community Conditional Use Standards:

(b.) Each PVC shall include a variety of open space types, sizes, and recreational amenities to meet the needs of all ages, and to provide for a diversity of recreation activities. Projects shall be required to provide at least one (1) of the following open space features or recreational amenities for every 50 dwelling units, rounded to the nearest increment of 50. The various neighborhoods and areas of larger PVC projects are better served by multiple smaller features, and more than one of each open space/amenity type may be used to meet the required number. The breakdown and allocation of open space types and recreational amenities shall be approved by the Planning Commission based upon the intent of the PVC. The Planning Commission may grant waivers from the minimum and maximum sizes of the approved open space and recreational amenities options, which are as follows:

- (i.) Two (2) separate Pocket Parks in different locations of the PVC (400-3,000 sq. feet each with pedestrian seating, trash receptacles, lighting, and/or plantings)*
- (ii.) Playground (Minimum 3,000 sq. ft. in size and furnished with at least five pieces of recreational equipment suitable for children)*
- (iii.) Neighborhood Green (5,000 – 25,000 sq. ft.)*
- (iv.) Town Center Green (40,000 – 80,000 sq. ft. with at least one pergola, gazebo, or pavilion)*
- (v.) Walking/Biking Trails (most often as part of a larger 1+ acre passive open space)*
- (vi.) Square or Plaza (2,500 – 10,000 sq. ft. mixture of pavement and landscaped green space with a fountain, public art, statue, etc.)*
- (vii.) Picnic Area (5,000-20,000 sq. ft. with at least six (6) tables)*

- (viii.) *Club House (at least 1,500 sq. ft. in size with meeting and recreational space, restrooms, etc.)*
- (ix.) *Fitness Center (may be part of a club house, and must include at least fifteen (15) pieces of equipment)*
- (x.) *Swimming Pool*
- (xi.) *Sports Courts (tennis, basketball, volleyball, racquetball, etc.)*
- (xii.) *Athletic Fields (soccer/lacrosse, football, baseball, etc.)*
- (xiii.) *Pet Parks (Minimum 20,000 sq. ft. in size)*

With 434 total proposed dwelling units, the applicant shall be required to provide nine (9) total open space/recreational amenities based on the above standards. The applicant has provided for the following open spaces and recreational amenities:

- 1.) One (1) 1,100 SF Pocket Park (0.5 open space units)
- 2.) One (1) 23,860 SF Neighborhood Green (1 open space unit)
- 3.) One (1) 6,600 SF Picnic Area (1 open space unit)
- 4.) One (1) 5,600 SF Square (1 open space unit)
- 5.) One (1) 3,025 SF Playground (1 open space unit)
- 6.) One (1) 5,200 SF Pet Park (1 open space unit)
- 7.) One Set of Walking Trails (1 open space unit)
- 8.) One Community Pool (1 open space unit)
- 9.) One 9,600 SF Clubhouse (1 open space unit)
- 10.) One Fitness Center (1 open space unit)

Total Amenities Provided – 9.5 open space units

The applicant is in compliance with providing the required number of open space and recreational amenities, although the 5,200 SF pet park does not meet the 20,000 SF minimum size for pet parks in the above-mentioned section of Code. Recognizing the impracticality, staff will recommend a zoning text amendment to lower the minimum size for pet parks to 5,000 – 8,000 SF. Staff recommends the following minor revisions and additions to the open space and recreational amenities already provided:

- 1.) So as to better fill the void of space at the intersection of Road A and Road B, staff recommend that the proposed pocket park be enlarged to 2,500 – 3,000 SF.
- 2.) If Building 9 or 10 is not enlarged, staff recommends that the proposed building be moved closer to the center mid-block private road entrance, and that an open space feature (i.e. square, playground, etc.) be provided on the actual corner of the intersection of Road B (or D) with Road H.
- 3.) Staff recommends that Building 8 be moved closer to Road D and that Building 7 be moved closer to Building 6 and in turn construct a 2,000-3,000 SF pocket park between Buildings 7 and 8 similar to the one shown below:



- 4.) Staff recommends that the dog park be moved from the back corner adjacent to four existing residences to either the triangular space between Alley C and Road G or the intersection of Alley C and Alley D.
- 5.) Staff recommends that the applicant construct a covered pavilion within the 6,600 SF picnic area to allow community residents to utilize the space for parties, etc.
- 6.) Staff recommends that the applicant consider constructed a raised covered stage/pavilion on the 23,860 SF neighborhood green which could be used to host community concerts, etc. The playground could be moved to a couple of different locations.

Utility Infrastructure

Currently, water, sewer, and electric infrastructure is directly across U.S. Route 13 at the Duck Creek Business Campus and to the north at the intersection of Paddock Road with U.S. Route 13. To serve this residential subdivision (along with the Tappahanna, Duck Creek Crossing, and Watson Farm projects) further up Duck Creek Road, water, sewer, and electric will be run across U.S. Route 13 through Parcel No. 15-022.00-044 (more likely) or 28-022.00-044. The former would require annexation into the Town of Smyrna. The project will be served by a 12" water main and a 10" gravity sewer line. As part of the design for the extension of utility infrastructure to serve properties and projects on the west (southbound) side of U.S. Route 13, Pennoni (with staff input) allocated 500 dwelling units for this 57.53-acre parcel. The project will thus be adequately served by this new utility infrastructure and not overburden the system.

The Fire Marshall's concern is the traffic impact study. Joe Goldsborough Road is extremely limited now and there is a school that is on the opposite side of the road. The school is not in operation now. The width of the road is a concern and there are no turning lanes. The applicant stated that the proposed roadway will be wider. The applicant will need to do a traffic impact study since there are two state roadways. The applicant will need to make significant improvements to Joe Goldsborough Road, and potentially the intersection of Paddock Road at 13. The applicant

will need to continue to work with the Fire Marshall and Staff. The full review and discussion can be viewed starting at 1:46:50 on the posted recording.

Other business

There was none.

Adjournment

Commissioner Newman adjourned the meeting at 9:56 p.m.

clw