RECEIVED
DEC 17 2015
DEPARTMENT OF
PLANNING & ZONING

PROJECT COMMENTARY

Applicants seek approval for a nine-unit planned residential development in three buildings on a 7.16-acre parcel of land (the "Parcel") located between 437 and 463 Ethan Allen Parkway in the Residential Low ("RL") density zoning district. The Applicants are Tim Alles and Bill Ellis ("Tim and Bill").

Tim and Bill bought the Parcel when they worked as beginning engineers at IBM. They originally intended to occupy as their principle residences two of the units they propose. Tim and Bill were downsized, forcing them to relocate to their current homes and jobs in Utah. Given the development costs and delays, Tim and Bill have brought their fathers into the project as investors. None of the applicant group is well heeled or a slick developer. Tim and Bill simply seek to realize a fair return on their investment in their land, as well as their development costs.

Use Regulations:

Tim and Bill's project complies with the proposed nine units of low density residential development in a district designated for that very purpose.

Conditional Use Review Standards

Article 3: Applications and Reviews
Part 5, Conditional Use & Major Impact Review:
Sec. 3.5.6, Review Criteria
(a) Conditional Use Review Standards

1. The capacity of existing or planned community facilities;

The proposed development will be served by municipal water and sewer. Sufficient capacity is likely available; however, written confirmation from the Department of Public Works will be obtained for final approval. Any improvements to, or new lines to service, the development will be installed by the applicants at their cost. A state wastewater permit will also be obtained prior to construction.

2. The character of the area affected as defined by the purpose or purposes of the zoning district(s) within which the project is located, and specifically stated policies and standards of the municipal development plan;

The subject property is located in the RL zone. This zone is primarily intended for low density residential development in the form of single family homes and duplexes. This district is typically characterized by a compact and cohesive residential development pattern reflective of the respective neighborhood's development history. While triplexes are included in this proposal, the scale and intensity of development is reasonably consistent with that of the neighboring residential areas. The project complies with all specifically stated polices of the municipal development plan.

3. Traffic on roads and highways in the vicinity evaluated in terms of increased demand for parking, travel during peak commuter hours, safety, contributing to congestion, as opposed to complementing the flow of traffic and/or parking needs; if not in a commercial district, the impact of customer traffic and deliveries must be evaluated;

The project will generate little traffic during peak hours. Based on the ITE Trip Generation Manual, 9th Edition, the project is anticipated to generate 7 exit trips and 1 entering trip during the a.m. peak hour and 5 entering trips and 3 exiting trip during the p.m. peak hour. All parking needed for the normal operation of the project is located on site. Additional public parking is located nearby. The project meets all sight distance requirements and parking circulation is safe.

4. Any standards or factors set forth in existing City bylaws and city and state ordinances;

The project complies with applicable bylaws as shown herein. The project complies with all City ordinances and all State laws.

5. The utilization of renewable energy resources;

The proposed dwelling units will be solar ready. Plumbing will be installed to allow for rooftop solar water heating.

In addition to the General Standards specified above, the DRB;

6. shall consider the cumulative impact of the proposed use. For purposes of residential construction, if an area is zoned for housing and a lot can accommodate the density, the cumulative impact of housing shall be considered negligible;

The cumulative impacts are negligible as defined by the Ordinance. Density requirements are satisfied.

7. in considering a request relating to a greater number of unrelated individuals residing in a dwelling unit within the RL, RL-W, RM and RM-W districts than is allowed as a permitted use, in addition to the criteria set forth in Subsection (a) hereof, no conditional use permit may be granted unless all facilities within the dwelling unit, including bathroom and kitchen facilities are accessible to the occupants without passing through any bedroom. Additionally, each room proposed to be occupied as a bedroom must contain at least one hundred twenty (120) square feet. There must also be a parking area located on the premises at a location other than the front yard containing a minimum of one hundred eighty (180) square feet for each proposed adult of the dwelling unit in excess of the number of occupants allowed as a permitted use. All other green space standards must be observed.

Occupancy of all of the dwelling units in this development will be subject to the functional family provisions. An exception is not requested.

8. may control the location and number of vehicular access points to the property, including the erection of parking barriers

See Sec. 6.2.2 (i). A single curb cut is proposed to reduce congestion and improve traffic flow and safety along major streets. A secondary access point is not possible due to topography and the presence of wetlands at the site. The proposed access complies with applicable design standards.

9. may limit the number, location and size of signs.

No signage is included in this proposal. Signs will require separate zoning permits.

10. may require suitable mitigation measures, including landscaping, where necessary to reduce noise and glare and to maintain the property in a character in keeping with the surrounding area.

The proposed development will likely not generate offsite noise or glare substantial enough to require mitigation.

11. may specify a time limit for construction, alteration or enlargement of a structure to house a conditional use.

Approval is requested for the following construction schedule: 7 years to complete construction. In light of the surrounding residential properties, hours of construction must be specified and may be limited by the Development Review Board. Except in unusual circumstances, and with permission of the DRB, construction will not commence before 6:00 a.m. and will not extend past 9:00 p.m.

12. may specify hours of operation and/or construction to reduce the impact on surrounding properties.

Hours of operation need not be specified for this residential development.

13. may require that any future enlargement or alteration of the use return for review to the DRB to permit the specifying of new conditions.

In the event of future enlargement or alteration, permits would be required and reviewed under the regulations then in effect.

14. may consider performance standards, should the proposed use merit such review.

Performance standards relating to outdoor lighting and erosion control are addressed under Article 5 of these findings.

15. may attach such additional reasonable conditions and safeguards, as it may deem necessary to implement the purposes of this chapter and the zoning regulations.

Reasonable conditions and safeguards are acceptable.

(b) Major Impact Review Standards

1. Not result in undue water, air, or noise pollution;

No significant air or noise pollution is anticipated.

See Sec. 5.5.3 for stormwater management.

The project does not require a State of Vermont 3-9020 Permit for Stormwater Discharges Associated with Construction Activities nor does it require a State of Vermont 3-9015 Permit for Stormwater Discharges from New Development and Redevelopment. The project complies with the City of Burlington stormwater regulations.

2. Have sufficient water available for its needs;

See Sec. 3.5.6 (a) 1.

It is anticipated that the City has sufficient water to meet the needs of this project, but a letter will not be issued by the water department until a Final Approval application has been submitted.

3. Not unreasonably burden the city's present or future water supply or distribution system;

See Sec. 3.5.6 (a) 1.

The project should not unreasonably burden the water supply or distribution system.

4. Not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result;

See Sec. 5.5.3.

The erosion prevention and sediment control measures specified on the plans are in accordance with standard practices.

5. Not cause unreasonable congestion or unsafe conditions on highways, streets, waterways, railways, bikeways, pedestrian pathways or other means of transportation, existing or proposed;

See Sec. 3.5.6 (a) 3.

The construction of the new sidewalk extension proposed for the easterly side of Ethan Allen Parkway should decrease any congestion and unsafe conditions currently caused by pedestrians walking in the roadway.

6. Not cause an unreasonable burden on the city's ability to provide educational services;

The nine townhouse dwelling units are unlikely to generate a substantial impact on the local school system. If the project is approved, impact fees would be paid to help offset impacts on the school system.

7. Not place an unreasonable burden on the city's ability to provide municipal services;

Given that there are nine units proposed in an existing residential neighborhood, impacts on the city's ability to provide most municipal services appear to be minimal. The proposed public sidewalk is acceptable to Public Works with conditions for ADA accessibility. In addition, the proposed water lines, force main, and sewer pump station will require Public Works review and approval prior to final plat review. In addition, adequate emergency vehicular access must be assured by the Fire Marshal. If approved, impact fees would be paid to help offset the costs of some municipal services for this development.

8. Not have an undue adverse effect on rare, irreplaceable or significant natural areas, historic or archaeological sites, nor on the scenic or natural beauty of the area or any part of the city;

See Sec. 6.2.2 for effects on significant natural areas.

The project does not have an undue impact on such areas.

There are no historic buildings onsite or close by. No known archaeological sites are located on the property.

9. Not have an undue adverse effect on the city's present or future growth patterns nor on the city's fiscal ability to accommodate such growth, nor on the city's investment in public services and facilities;

The proposed development is relatively small and includes no public infrastructure except for a new sidewalk.

10. Be in substantial conformance with the city's municipal development plan;

The project is in substantial conformance with the MDP.

The proposed development constitutes infill development and brings additional housing units into Burlington, the historic core of the region (pg. I-30, Land Use Action Plan).

The project will leave significant open space intact (Sec I, Open Space Protection).

The project will comply with the city's current energy efficiency standards (pg. VIII-1, City Policies).

The project will include affordable housing (Sec. IX, City Policies).

Wetland impacts have been minimized.

The property is largely a wetland bordered by steep slopes.

Under Article 5 of the City of Burlington Development Ordinance, Buildable area is computed by subtracting all wetland area, all land steeper than 30% and half of the land between 15% and 30%. For this property, that computation is as follows; total property area of 311,936 s.f. minus 73,558 s.f. of wetland, minus 51,822 s.f. of land steeper than 30% minus 27,730 s.f. (half of the land between 15% and 30%). The resulting area of buildable land is 158,826 s.f. (3.64 acres).

11. Not have an undue adverse impact on the present or projected housing needs of the city in terms of amount, type, affordability and location;

The proposed development entails nine new residential units and should not adversely impact the present or projected housing needs of the city. An inclusionary unit will be provided as required.

12. Not have an undue adverse impact on the present or projected park and recreation needs of the city.

Residents of the new dwelling units will likely utilize the city's park and recreation facilities. Anticipated impacts are proportionately modest. If approved, park impact fees will be paid to help offset any related impact on park needs.

Article 4: Maps & Districts
Sec. 4.4.5, Residential Districts:
(a) Purpose
(1) Residential Low Density (RL)

The subject property is located in the RL zone. This zone is primarily intended for low density residential development in the form of single family homes and duplexes. This district is typically characterized by a compact and cohesive residential development pattern reflective of the respective neighborhood's development history. While triplexes are included in this proposal, the scale and intensity of development is reasonably consistent with that of the neighboring residential areas.

(b) Dimensional Standards & Density

Lot coverage is limited to a maximum of 35%. The buildable area of the property is about 158,826 square feet resulting in a coverage ratio of about 5.8% excluding front porch areas which do not exceed the additional 10% allowance.

Tim and Bill propose to reserve 5.55 acres of land for future development. The buildable area of the unreserved project land is calculated as follows: total property area of unreserved project land of approximately 70,100 s.f. minus approximately 16,620 s.f. of the unreserved project land steeper than 30% minus approximately 2,600 s.f. (half of the unreserved project land between 15% and 30%). The resulting area of project land is approximately 34,180 s.f. The coverage ratio of the unreserved project land is about 27% excluding front porch areas.

The front yard setback is based on the average of the two properties on either side of the subject property (i.e. the two neighboring properties to the north and the two to the south). The required setback is the average of these properties, plus or minus 5'. The average front setback of the two adjacent buildings is 21.5 feet. The proposed setback varies between 20.8 feet and 22.9 feet which is within ± 5 feet of the average. Side yard setbacks are 10% of the width, up to a 20' minimum. Side yard setbacks are compliant. The rear yard setback is 25% of the depth, up to a 75' minimum. The rear yard setback is compliant.

Maximum building height in the RL zone is limited to 35'. The proposed buildings are all 24' 6" tall, as measured half way up the pitch roofs on the front facades.

See Sec. 5.2.4 for residential density.

(c) Permitted & Conditional Uses

The major PUD is subject to conditional use review in the RL zone.

(d) District Specific Regulations
1. Setbacks

No setback encroachments are sought.

2. Height

Not applicable in RL.

3. Lot Coverage
No lot coverage exceptions are sought.

4. Accessory Residential Structures and Uses
No accessory structures are proposed.

5. Residential Density
The proposed residential units are subject to the functional family provisions of the Comprehensive Development Ordinance.

6. Uses
Not applicable.

7. Residential Development Bonuses
No development bonuses are being sought.

Sec. 4.5.4, Natural Resource Protection Overlay (NR) District
(d) District Specific Regulations: Wetland Conservation Zone
(6) Criteria for Review
The property contains mapped wetlands and their associated city buffer zones. As a result, review under this subsection is required. While a State of Vermont wetlands permit has been obtained. The wetlands boundaries have been determined. A complete stormwater management plan has been submitted. None of the proposed uses are prohibited. All proposed wetlands disturbances are conditionally permissible. The proposed project has no adverse impact on any of the values listed in *Sec. 4.5.4(d)(6)*. All disturbances are insignificant. *See* Attachment 2.

(f) District Specific Regulations: Special Flood Hazard Area
A portion of the property is affected by the SFHA; however, all proposed development remains out of the SFHA.

Article 5: Citywide General Regulations
Sec. 5.2.3, Lot Coverage Requirements
See Sec. 4.4.5 (b) above.

Sec. 5.2.4, Buildable Area Calculation
See above.

Sec. 5.2.5, Setbacks
See Sec. 4.4.5 (b) above.

Sec. 5.2.6, Building Height Limits
See Sec. 4.4.5 (d) above.

Sec. 5.2.7, Density and Intensity of Development Calculations
See Sec. 5.2.4 above.

Sec. 5.5.1, Nuisance Regulations
Nothing in the proposal appears to constitute a nuisance under this criterion.

Sec. 5.5.2, Outdoor Lighting
Exterior lighting is limited to front entries and garage doors.

A lighting plan has been provided, with eighteen building mounted lights. All of the lights will be RAB Lighting WBLEDR18 wall sconces, with one at each of the unit front doors mounted 8' high and one at each of the garage doors mounted 10' high new street lamps, being Kim Lighting ERA Heritage Style with Type III full cut-off luminaries, to provide safety for pedestrians and motorists and to eliminate glare by shielding light from shining skyward. As shown on the revised lighting plan, the maximum illumination level is calculated to be 2.76 footcandles.

Sec. 5.5.3, Stormwater and Erosion Control
The project incorporates significant stormwater management measures. The driveway, parking areas, and walkways are proposed to be pervious materials. Maintenance of the pervious material must be assured in a written maintenance plan so that the ability for water to infiltrate is not compromised by clogging from sand and sediment. The Stormwater Administrator has been engaged in the development of the stormwater system. Review and approval by the Stormwater Administrator per Chapter 26, Wastewater, Stormwater, & Pollution Control will be required.

Significant erosion is already present onsite. The project proposes to correct this erosion. An erosion prevention and sediment control plan has been submitted. It will be subject to review and approval by the Stormwater Administrator per Chapter 26, Wastewater, Stormwater, & Pollution Control. **Understood.**

Article 6: Development Review Standards:
Part 1, Land Division Design Standards
Sec. 6.1.2, Review Standards
(a) Protection of important natural features
The project is designed to minimize its impact on important natural features including the wetlands.

(b) Block size and arrangement
Not applicable.

(c) Arrangement of Lots
Not applicable.

(d) Connectivity of streets within the city street grid
Not applicable.

(e) Connectivity of sidewalks, trails, and natural systems

The public sidewalk along Ethan Allen Parkway will be extended to serve the new residential units.

Part 2, Site Plan Design Standards

Sec. 6.2.2, Review Standards

(a) Protection of important natural features

Important natural features consist of several large trees and extensive wetlands have been identified.

Much of the property contains mapped wetlands. As noted previously, State of Vermont wetlands permit 2011-182 has been issued for the proposed wetland and associated 50' buffer impacts. This permit issued because the project will have no significant impact on wetlands functions as follows:

A. Water storage for floodwater and stormwater;
The project does not affect this function. All water now going to the wetlands will still go there to be stored.

B. Erosion and sedimentation control through binding and stabilizing the soil or shoreline;
The wetlands are not being disturbed. Sedimentation control will be accomplished by the new stormwater system.

C. Surface water and groundwater protection, including sediment and toxicant retention, nutrient retention and transformation, and groundwater discharge and recharge;
The wetlands are not being disturbed. The project has no impact on their ability to retain sediment and treat sediment and toxicants.

D. Fisheries habitat;
No impact.

E. Wildlife habitat;
The wildlife habitat will be improved by addressing previous erosion and with plantings.

F. Examples of natural community types that are exemplary, rare, or make an important contribution to the natural heritage of Burlington and Vermont;
No impact. This wetland is not significant for this purpose.

G. Habitat for are, threatened and endangered species;
No impact. This wetland is not significant for this purpose.

H. Education and research in natural sciences;
No impact. This wetland is not significant for this purpose.

I. Recreational and economic benefits; and
If anything, the project will improve such benefits. The wetland buffer area will be cleaned up and the wetlands and open space will be available for residents to enjoy.

J. Open space and aesthetics.
If anything, the project will improve such benefits. The wetland buffer area will be cleaned up, previous erosion will be addressed and the wetlands and open space will be available for residents to enjoy.

(b) Topographical alterations

The property can be characterized as a wetland bordered by steep slopes. As a result, any development would involve some degree of fill and grading. The proposed development involves substantial fill and grading; however, it is concentrated at the western end of the site and will result in a final grade similar to that of neighboring properties along Ethan Allen Parkway. The applicant previously proposed a retaining wall, the massive footings for which required increased wetlands disturbance. This wall has been deleted.

(c) Protection of important public views

There are no important public views from or through the property.

(d) Protection of important cultural resources

The site has no known archaeological resources.

(e) Supporting the use of alternative energy

As noted previously, the residential units will be constructed to be "solar ready" for rooftop solar hot water.

(f) Brownfield sites

Not applicable.

(g) Provide for nature's events

See Sec. 5.5.3 for stormwater management.

Sheltered doorways are provided for all of the dwelling units, and there is ample room for snow removal equipment.

(h) Building location and orientation

Two of the three new buildings are located close to Ethan Allen Parkway and reflect the existing development pattern within the neighborhood. All three new buildings are oriented towards the Parkway with clearly identifiable front entries.

(i) Vehicular access

A single driveway from Ethan Allen Parkway will serve the development. Driveway width is unacceptable at 20'; it cannot exceed 18' wide. Based on previous review of this

project, the right turn sight triangle is sufficient at 425'. The applicant proposes to remove the two locust trees blocking much of the left turn sight triangle. Doing so, along with the associated filling and grading, will increase sight distance to 415' (280' is required). Sight distances will be subject to review and approval by the Department of Public Works.

(j) Pedestrian access

The six dwelling units in the two front buildings will have direct access to the public sidewalk by way of new front walkways. The units in the rear building are not afforded this direct access and need to be. A sidewalk is proposed along the southerly side of the access drive and along the front of the rear building providing all of the resident's direct, unimpeded access to the public sidewalk.

(k) Accessibility for the handicapped

The sidewalks are designed to be accessible, with ramps at both sides of the driveway. Given that this project will be constructed using private funding, and there are less than 4 units per building the Vermont Access Rules do not require units to have an accessible entrance. Nevertheless, unit owners could make their units accessible as necessary by incorporating a ramp into the front porches.

(l) Parking and circulation

Parking is provided behind and within the new townhouses. There is sufficient circulation room to maneuver vehicles so as to avoid backing out onto Ethan Allen Parkway.

(m) Landscaping and fences

A landscaping plan has been provided and consists of fairly typical residential plantings. A variety of trees and shrubs are proposed and are used as foundation and accent plantings. Relatively dense plantings are proposed at either side of the development to provide screening for neighboring properties to the north and south. No new fencing is proposed, but may be required if retaining walls are reincorporated into the project plan.

(n) Public plazas and open space

Not applicable.

(o) Outdoor lighting

See Sec. 5.5.2.

(p) Integrate infrastructure into the design

A dumpster pad and associated enclosure are depicted on the plans. They will be located at the northern end of the development, in a corner of the driveway. The enclosure will consist of 6' tall stockade fencing with a gate.

Part 3, Architectural Design Standards
Sec. 6.3.2, Review Standards

(a) Relate development to its environment

1. Massing, Height, and Scale

The proposed buildings consist of three separate triplex townhouses. While this configuration of units is unusual for this neighborhood, the overall massing, scale, and height of the buildings is not out of character. The units themselves appear to be relatively small, particularly when viewed from the street, and the overall mass and scale are consistent with the array of home sizes in the immediate neighborhood. Perceived building height is substantially limited by the grade which slopes away from Ethan Allen Parkway.

2. Roofs and Rooflines

The townhouses will have gable roofs with eve ends facing the street. Gable roofs are common in this residential neighborhood.

3. Building Openings

Proposed windows are double-hung 6-over-1 units and are appropriately scaled for the homes. Door styles relate to the window styles. The overall fenestration pattern is typical and appropriate for these residential units.

(b) Protection of important architectural resources

Neither the subject property nor neighboring properties contain architectural resources.

(c) Protection of important public views

There are no significant public views from or through the subject property.

(d) Provide an active and inviting street edge

All of the new homes will face the street with prominent front entries. They will all include front porches and other architectural details to add visual interest. The units are slightly differentiated, particularly by way of their porches. Differing colors among the units are depicted. Building placement along Ethan Allen Parkway is consistent with the existing streetscape.

(e) Quality of materials

The townhouses will be clad in fiber cement clapboards and trim. Asphalt shingles will be used on the roofs, and clad wooden window units will be installed. These materials are of acceptable quality for this new construction. Railing details are not evident and must be noted.

(f) Reduce energy utilization

All of the new homes must comply with the city's energy efficiency standards. They will all have ample solar access and will be plumbed for installation of optional solar hot water panels.

(g) Make advertising features complimentary to the site

No new signs are included in this proposal.

(h) Integrate infrastructure into the building design

Utility meters are depicted on the building elevations. They must be screened. Mail boxes are depicted as well. Utility lines will be buried.

(i) Make spaces safe and secure

All of the new homes must comply with the city's current egress requirements. Consideration should be given to sprinkler the units. Confirmation of adequate emergency vehicle access must be confirmed by the Fire Marshal.

Article 8: Parking

Sec. 8.1.8, Minimum Off-Street Parking Requirements

The subject property is located in the neighborhood parking district. As a result, each one of the 9 dwelling units requires 2 parking spaces for a total of 18. The plan depicts sufficient parking, including garage and surface spaces, for each of the units.

Sec. 8.2.5, Bicycle Parking Requirements

Two short term and two long term bike parking spaces are required. No bike parking details are evident on the sketch plans.

Section 8-2-5 of the Zoning Regulations requires 1 short-term bicycle space per 10 units (1 space required), plus an additional 1 long term space per 4 units (3 spaces required). A two bicycle rack has been added to Sheet 4 near the intersection of the access drive with Ethan Allen Parkway. Long-term parking is available in the cellars of each unit.

Article 9: Inclusionary and Replacement Housing

Sec. 9.1.5, Applicability

As the proposed development includes 9 new dwelling units, it is subject to the inclusionary housing provisions of this Article. At least 1 of the new dwelling units will be affordable.

Article 10: Subdivision

The formal filing of the preliminary plats complies with subdivision regulations.

Article 11: Planned Unit Development

Sec. 11.1.6, Approval Requirements

(a) Lot coverage requirements of the district shall be met

Lot coverage is compliant.

(b) The minimum setbacks required for the district shall be met

According to Table 4.4.5-3 of the City of Burlington Comprehensive Development Ordinance, the front yard setback in the Residential – Low Density Zoning District is the average of the 2 adjacent lots +/- 5'. The dwelling to the south of the project is approximately 20' from the sideline of Ethan Allen Parkway, while the dwelling to the north is approximately 20' from the sideline of Ethan Allen Parkway. The units for this project are proposed to be approximately 15 feet from the sideline of Ethan Allen Parkway. The side yard setback is 10% of the lot width, or the average of the two adjacent lot widths on both sides, but in no case greater than 20'. For

the right setback requirement, on the south, the setback of the first lot is approximately 9', and the setback of the second lot is approximately 11'. On the north, the first lot is approximately 4' and the second lot is approximately 14', thereby creating a right side yard setback of 9.25'. Unit 7, at approximately 23' from the southerly project property line is well in excess of the minimum requirement. For the left setback requirement, on the south, the setback of the first lot is approximately 17', and the setback of the second lot is approximately 9'. On the north, the first lot is approximately 17' and the second lot is approximately 61', thereby creating a left side yard setback of 26' (reduced to the 20' minimum). Unit 6, at approximately 21' from the northerly project property line meets of the minimum requirement. The rear yard setback is 25% of the lot depth but no less than 20' and no more than 75'. Unit 7 is approximately 770' from the project's rear line.

(c) The minimum parcel size shall be met if the project is located in a RL or RL-W district
The 10,000 s.f. minimum lot size requirement has been met.

(d) The project shall be subject to design review and site plan review of Article 3, Part 4
See Article 3 above.

(e) The project shall meet the requirements of Article 10 for subdivision review
See Article 10 above.

(f) All other dimensional, density, and use requirements of the underlying zoning district shall be met as calculated across the entire property
The sketch plans are lacking a number of items regarding dimensions (front yard setback) and density (based on buildable area). Triplexes insofar as the RL zone is concerned may be acceptable as part of a PUD; however, an assessment per the Natural Resource Protection Overlay (i.e. wetlands) is needed. This assessment would be better put together by Sheila.

(g) Open space or common land shall be assured and maintained in accordance with the conditions as prescribed by the DRB
A draft common space maintenance agreement is included with the application.

(h) The development plan shall specify reasonable periods within which development of each phase of the planned unit development may be started and shall be completed. Deviation from the required amount of usable open space per dwelling unit may be allowed provided such deviation shall be provided for in other sections of the planned unit development.
A build-out/phasing schedule is proposed. See above.

(i) The intent as defined in Sec. 11.1.1 is met in a way not detrimental to the city's interests

Sec. 11.1.1, Intent

(a) Promote the most appropriate use of land through flexibility of design and development of land;

The project does so as outlined herein.

(b) Facilitate the adequate and economical provision of streets and utilities;

The proposal will provide adequate driveway access and utilities. The placement of the dwelling units close to the road results in an economical provision of utilities and associated infrastructure.

(c) Preserve the natural and scenic qualities of open space;
Remaining open space will retain its natural and scenic qualities.

(d) Provide for a variety of housing types;
The proposed triplexes will add to the diversity of housing in the area.

(e) Provide a method of development for existing parcels which because of physical, topographical, or geological conditions could not otherwise be developed; and,
The subject property is undeveloped precisely due to its physical and topographical conditions. PUD regulations allow for flexibility in design to develop around such constraints. In order to be feasible, this project is dependent on the flexibility of the PUD process.

(f) Achieve a high level of design qualities and amenities.
The proposed low impact design (i.e. pervious pavements) measures for stormwater management are a unique amenity and will result in improved water quality if installed and maintained properly. The development as most recently proposed has a street presence and will connect to, and extend, the city's public sidewalk network. The Design Advisory Board found the proposed buildings to be acceptable under previous review. The buildings remain unchanged but continue to be acceptable under the standards of the CDO.

(j) The proposed development shall be consistent with the Municipal Development Plan
See Sec. 3.5.6 (b) 10. The project complies as outlined herein.