

Mayor & City Council
January 15, 2019
Workshop/Public Hearing
Minutes

The Mayor & City Council met on **January 15, 2019 in Council Chambers at Lewes City Hall**, in accordance with proper notification, with the following members present: Mayor Ted Becker, Deputy Mayor Fred Beaufait and Councilpersons Bonnie Osler, Dennis Reardon & Rob Morgan. Also present were: City Manager Ann Marie Townshend, City Solicitor Glenn Mandalas, City Planner Thomas West, Planner Savannah Edwards, and Recording Secretary Alice Erickson.

1. **Call to Order:** *Mayor Becker* called the meeting to order at **6:00pm**.
2. **MCC workshop and public hearing on Amendments to Comprehensive Plan and Zoning Code**
 - a) Amendments Purpose
 - b) Zoning Map amendments review
 - c) Comprehensive Plan amendments (Future Land Use Map) review

Planners Tom West and Savannah Edwards led the workshop with a PowerPoint presentation and handouts.

Mr. West explained the state of Delaware requires the city update their comprehensive plan every 10-years. To abide by the state code, the city is required to amend their zoning map to be consistent with their comp plan's future land use map within 18-months of adopting the plan. The city adopted the 2015 Comprehensive Plan on October 16, 2017.

Ms. Edwards explained the comprehensive plan was adopted by the state of Delaware and in doing so the city entered into a contract to implement and uphold the comprehensive plan as it is written. *"In crafting and refining the plan the commission and mayor and council have developed policy and recommendations that are reasonably likely to prove attainable. This plan sets policies and recommends possible actions, but difficult implementation issues remain. Identification and prioritization of steps to implement the plan, and allocation of resources to that end, however, remains difficult in complex issues which the city and citizens will consider over the 10-year period covered by the plan."* This is basically what they are doing.

Mr. West stated as the planning commission has been going through this process, they looked at more than just the mapping. They looked at issues with the residential districts and will be returning with issues regarding the commercial districts in the near future. They will be reviewing proposed map changes and recommendations for amending the residential districts.

Ms. Osler requested clarification that the map amendments must meet the 18-month deadline. The other changes to the zoning ordinance are more of an internal issue. *Mr. West* confirmed the deadline applies to the maps.

Ms. Edwards stated implementing the city's comp plan requires identifying any inconsistencies between the current zoning map and the comprehensive plan's future land use map. They were able to overlay these two maps using ARC GIS and then match up a number of layers to identify future land uses with the city's zoning districts. The state identifies uses as residential, commercial, industrial, institutional, open space, mixed use and canal/streams. They do not match perfectly so there has been discussion with the planning commission to review the inconsistencies to determine if they were real issues that needed to be addressed. One of those issues was that the Marine Commercial District didn't have a commercial future land use, but it was identified that industrial would fit into it.

Ms. Edwards stated there are proposed changes to the **ZONING MAP**.

- **335-8.07-137.00 (Beebe Hospital) from R4 (Residential Medium Density) to CF (HC) (Community Facilities (Health Care));**

This was added to Beebe's total property in 2014 but the zoning map was never updated. This is a housekeeping issue.

- **335-8.15-40.00 from R4 (Residential Medium Density) to OS (Open Space).**

This is the ¾ acre lot behind the library, between Kings and Freeman Highways. It was part of the original purchase of the Thompson property for the new library. This property is owned by the city and when the area was rezoned as open space this parcel was over looked. This change will fit well with the plans for the Garden for all Ages and the proposed railroad track project.

Ms. Edwards explained these changes will be made to the **COMPREHENSIVE PLAN FUTURE LAND USE MAP:**

- **Parcel 335-8.07-105.00 is classified as Residential, located at St. Paul and W. Fourth Street**

The future land use map classifies this parcel as institutional and the zoning use is residential. They could not determine why it had been designated as institutional, but it's current use is a residence.

Mayor Becker clarified that this structure was once a church and was renovated to a residential house several years ago.

Mr. Ritzert questioned if there is any requirement for off-street parking and does this home have any? *Ms. Edwards* stated there is a requirement in the residential district. *Mayor Becker* stated he believes it has at least one space. *Mr. Ritzert* questioned that when the property was turned into a residential property, was there a requirement to bring it up to code? *Mayor Becker* stated it would be impossible without taking down the building. There are several houses in the Burton Subdivision that have no off-street parking. *Councilperson Morgan* stated this would be a change to the future land use map, not a rezoning. Rezoning would raise a different question. *Atty. Mandalas* stated it would be considered a legal nonconforming structure.

- **Parcel 335-4.15-69.00 is classified as Open Space**
- **Parcel 335-4.15-70.00 is classified as Open Space**

Ms. Edwards explained these two building lots are at the end of Smyrna Avenue and owned by the city. When Smyrna Avenue was abandoned and zoned open space, these two lots were also abandoned and designated open space.

Mr. West explained these three lots will go before the state's PLUS review. They should be a relatively minor oversight cleanup.

Sumner Crosby, 11 Missouri Avenue, congratulated the city for rectifying all the differences in the maps, which is an amazing thing. *Atty. Mandalas* agreed this doesn't happen with many municipalities; it is an effort that is on the forefront.

Ms. Edwards & Mr. West reviewed LPC recommended **CHANGES TO THE RESIDENTIAL DISTRICTS.**

Mr. West explained they challenged the LPC to consider each of the residential zones and look at some of the issues that keep coming up in terms of where uses are permitted and if they are consistent or not consistent. They looked at accessory uses and some of the dimensional requirements. Once issues were identified by the LPC, a subcommittee was formed to review them. Through a series of meetings, a packet was developed and given to LPC outlining the research compiled. The LPC then evaluated the issues and came up with recommendations.

Councilperson Osler pointed out the chart presentation does not line up with the proposed ordinance. *Atty. Mandalas* agreed and he will be checking the ordinance as they go through the presentation. The ordinance is arranged by code section.

Ms. Edwards & Mr. West summarized recommended changes to the **SUBURBAN ZONE R-1**:

- **Old Purpose Statement:** Provide for residential development in the outer portion of the city at a lower density. This zoning designation is intended for annexed lands that are already developed at similar densities and for annexation of undeveloped lands.

New Purpose Statement: Provide for residential development in the city at a lower density while incorporating environmental and conservation best practices.

Impact: Newly annexed properties will be designate AX-MIX or AX-RES unless otherwise requested by the applicant.

Councilperson Morgan stated he doesn't understand how this impact statement follows from the proposed change. *Ms. Edwards* explained the change was to omit the part of the purpose statement that states this zoning is designated for annexed properties.

Mr. Morgan stated he believes council annexes and zones properties at the same time but questioned why the AX zones would be considered the default for those lands. *Ms. Edwards* agreed, that is why they added the statement "unless otherwise requested by the applicant." *Mr. West* explained the old purpose statement stated this would be the district for all annexations. They wanted to change that language to say any zone could be used for annexation.

Councilperson Morgan felt the impact statement made a new policy. It should be up to council what zone is designated to newly annexed land. *Councilperson Reardon* explained when they created the annex zones, they were only applicable to newly annexed properties, but he didn't believe it was to be exclusive. Other zoning districts could be requested. *Councilperson Morgan* stated these zones were created as a transition between the county and the city. He doesn't understand why it would be the default. *Councilperson Reardon* doesn't believe it is an absolute that annexed property must be zoned one of the two annex zones.

Councilperson Morgan requested the statement be omitted. *Ms. Townshend* explained the outcome is that the R1 zone would no longer be the default for annexation.

Mayor Becker explained the Suburban Zone was created at the time Savannah Place was annexed into the city. The lots in Savannah Place were so much larger, around 20,000 square feet, and were already developed. This was an attempt to insure those lots would not become subject to further subdivision.

Councilperson Osler stated the theory used to be that lots would become larger the further away from town, but that is not the reality. It is up to city council to determine the zoning designation of a newly annexed parcel. All the other residential zones are addressed geographically, such as the town center or the beach. She is concerned if they remove reference to the outer portion of the city, this will be the only zone without some kind of location marker. She has a concern about the language "incorporating environmental and conservation best practices." While she agrees with the idea, it is aspirational and not defined. *Mayor Becker* agreed they need to be careful about including language that is subjective.

Atty. Mandalas stated the courts have said purpose statements within a zoning code are aspirational and have very little legal significance. *Ms. Osler* understands it is not legally enforceable, but she doesn't want statements in the code that have no definition as to what they are going to do. She would like some kind of recognized standard from the development community.

Tom Panetta, LPC, explained this was meant to be an inspirational statement. They are participating in studies that are looking at best practices with other coastal communities and these are the type of things they are looking at. Best practices change and may not be the same in 5-years. They want to make sure they get incorporated, especially with large parcels that allow for more flexibility to do environmental best practices.

Councilperson Osler stated she agrees with the intent and aspiration, but she is concerned about the language. She wants the LPC to define it.

Sumner Crosby, 10 Missouri Avenue, agreed they need to define these terms up front in the definition section of the code. They need to create an incentive system for incorporating these best practices no matter the size of the parcel. He is concerned the AX RES zone is going to turn the city inside out. He requested council reconsider how much high density they want in the outer portions of the city.

Mr. West stated Section 197-3 outlines the general purpose of the zoning code and it could be placed there. *Ms. Osler* stated she would be comfortable with that.

Dave Ennis, Harborview Road, stated during the Sussex County re-write of their comprehensive plan he advocated for the inclusion of agro-communities designation. One of the LPC recommendations under R-1 is the addition of "Agriculture" as a Permitted Use by special exception. He believes it would be a valuable option to preserve agricultural opportunities around homes.

Mr. West stated this is a specific type of use and is not permitted anywhere in the code. This is to address that agriculture is currently not permitted in any districts in the city and the discussions were to permit it in one or two of the zones. The type of use *Mr. Ennis* is talking about is not addressed with this recommendation and if it is something that council wants, they would have to look into it further.

Ms. Osler stated she understands what *Mr. Ennis* is addressing and it could be possible on some of the larger parcels. *Mayor Becker* agreed, there are still some parcels that could be annexed into the city and would be suitable for agriculture.

Kay Carnahan, Coleman Avenue, Planning Commission, explained they were trying to find an appropriate place for agriculture within the town, though it is hard, and space is limited.

Deputy Mayor Beaufait pointed out that in the AX MIX and AX RES district agriculture is permitted. *Mr. West* agreed it is permitted by right.

- **Bed & Breakfast by Special Exception**
- **Adult Day Care Centers as a Conditional Use**

Councilperson Morgan questioned what an Adult Day Care Center is. *Atty. Mandalas* read the definition of an Adult Day Care Center in to the record as follows: *An establishment providing health, social and related support services for the elderly and/or functionally impaired adults in a protective setting for part of a day, including but not limited to, those facilities licensed and regulated by the State Department of Health and Social Services.*

Councilperson Morgan questioned how many R-1 districts are in the city? *Mayor Becker* stated Highland Acres and Savannah Place are the only two.

Councilperson Morgan stated under Impacts it states extra conditions may be set on top of the general CU requirements. Who would set those requirements? *Mr. West* stated that would require further LPC discussion. There are general conditions that are applied to all CU and then some have conditions specific to the use. Nothing came up during discussion.

- **Eliminate tract size requirements** (which is currently 5 acres)

Impact: Individual lots within the city could apply for rezoning to R-1 if they meet lot size and setback requirements.

- **Amend the zoning code to allow for accessory structures to equal in size up to 10% of the lot size**

Impact: This caps the size of total accessory structures instead of individual structures. Previously, each individual structure was capped at 900 SF, but there was no limit to the number of accessory structures a lot could have on it outside of the maximum allowable lot coverage.

Ms. Edwards explained impervious surface, maximum coverage, and setbacks would still have to be met.

Mr. West stated there is currently a maximum size of an accessory structure, but more than one could be placed on a lot, so a 20,000 s/ft lot could have multiple accessory structures. A swimming pool is considered an accessory structure also.

Mr. Ennis questioned if there was any way to add a sentence about the impact on adjoining property owners to not take away a view shed. There are properties that have two story garages.

Mayor Becker stated there are height limits for accessory structures. He understands the concern. There are many instances of this happening over on the beach. Councilperson Osler stated this is a very, very big issue but would not be dealt with by council tonight. That is for future discussion by LPC

- **Amend the Table of District Requirements as follows:**

Current: Maximum lot coverage: 60%; Maximum main structure coverage: 50%

Proposed: Maximum lot coverage: 50%, Maximum main structure coverage: 45%

Ms. Edwards explained that in order to be more proactive in finding solutions for flooding issues, LPC recommends a reduction in maximum lot coverage from 60% to 50% and maximum main structure coverage from 50% to 45%.

Mr. Beaufait stated he is concerned that in reducing the maximum lot coverage they are not being considerate of the property owner. If there are no accessory structures, why couldn't it go into the main structure.

Mr. Panetta stated the LPC felt it was appropriate on these large lots. Councilperson Osler agreed. At some point there has to be someplace for draining to go. Mayor Becker agreed this is reasonable. Gradually over the years the LPC and council have been bringing this number down.

- **Eliminate “Dwelling, single family detached, including modular and manufactured” as a permitted use. Allow “dwelling, single family detached, including modular” as a permitted use within the R-1 zone.**

Ms. Edwards explained this is to separate modular and manufactured homes. Only modular homes would be a permitted use in the R-1 zone.

Councilperson Morgan questioned if this is a recommendation across all the zones? Ms. Edwards stated yes. A manufactured home would be a conditional use only in the annexation districts. Mayor Becker clarified there are still some in other districts they have been grandfathered in.

- **Add “Agriculture” as a permitted use by special exception in the R-1 and R-2 zone as per attachment A.**

Impact: To preserve farmland currently in the city of Lewes. While it's unlikely for properties to be combined and developed into farmland, the proposal will allow for those current farms in the city to be conforming. This gives the property owners more incentive to continue operating as a farm, instead of developing into higher intensity uses.

Additional requirements for the special exception include:

- Agricultural Uses shall have a minimum lot size of 2.5 acres
- The minimum distance between any non-residential building(s) and any lot zoned for residential use shall be 50 feet.

Ms. Edwards & Mr. West summarized recommended changes to the **RESIDENTIAL LOW-DENSITY R-2**

- **Old Purpose Statement:** “(1) Provide for residential development outside of the City’s town center and beachfront area. (2) Maintain lots that will permit the efficient use of ~~public water and sewer services~~. (3) Diversify the City’s residential development pattern by providing an opportunity for lots larger than those found in or near the center of the City.”

New Purpose Statement: “(1) ... (2) Maintain lots that will permit the efficient use of utilities. (3)”

- **Eliminate “Dwelling, single family detached, including modular and manufactured” as a permitted use. Allow dwelling, single-family detached, including modular as a permitted use (as previously discussed)**
- **Amend the zoning code to allow for accessory structures to equal up to 10% of the lot (as previously discussed)**

Mr. West read the definition of “accessory structure” in to the record as follows: Accessory buildings and structures: A building or structure customarily incidental or subordinate to an accessory to the principle building or structure located on the same lot as the principle building or structure, provided however that an accessory building or structure shall not exceed 900 square feet on the first floor and adhere to the dimensional requirements found in 197-52, and shall not have the following facilities: cooking, toilet or commode or sleeping facilities.

Mayor Becker stated this needs to be updated as they now allow commodes in accessory structures.

- **Add “agriculture” as a permitted use by special exception, as per attachment A for special exception provisions** (*as previously discussed*)
- **Lot Averaging:** *Mr. West* reviewed lot averaging. This would only be allowed in the R-2 district or single-family development. There are a number of lots surrounding the R-4 district that don’t meet R-2 size requirements but aren’t as small as R-4 lots or don’t touch the Town Center. The planning commission wanted to examine infill options like lot averaging and clustering. *Mr. West* explained they looked at clustering but did not pursue it for the R-2 zone but is permitted in the AX districts. They believe lot averaging would be an appropriate solution for the city of Lewes.

Mr. West explained in conventional development all lots in a subdivision must meet the minimum area and bulk requirements. In the R-2 zone for single family dwellings it would be 10,000 s/ft lots, frontage is 75 feet with a depth of 100 feet and front yard setback of 30 feet or established building line, side yard setback of 8 feet and rear of 15 feet. With lot averaging there is no common open space, but the lot sizes vary. It would require all lots to meet the average minimum area and bulk requirements. In the R-2 zone, lot averaging requirements would be:

- (a) **Minimum lot area of 7500 square feet.**
- (b) **Minimum street frontage of 60 feet**
- (c) **Lot width of 60 feet**
- (d) **Lot depth of 75 feet**

These would be the minimum requirements so there would have to be lots in the same subdivision that were larger and some that were smaller. This would allow the protection of different features on a parcel.

Councilperson Morgan questioned what features would be protected. *Ms. Carnahan* explained it could be something like wetlands or trees. This would give them an option for maintaining items on a parcel without worrying about a specific minimum lot size. *Mr. Morgan* questioned if it would allow a developer to fit more houses onto a parcel. *Mr. West* stated with an irregular lot there would be a possibility of gaining one or two lots, depending on the size.

Councilperson Morgan questioned the value to the city to allow additional houses in a development. *Mr. West* explained in the past they have had requests for irregular lots in R-2. The developer would then have to request R-4 because there is not a middle ground with a zone that allows, for example, 8,000 s/ft lots. It is either 10,000 s/ft lots or 5,000. This could possibly result in one or two more lots but would be a good option. As drafted, it would be by right, but council could make it a conditional use.

Mr. Panetta explained the LPC was looking for a tool to help give an option for the LPC to offer a developer that would give them a way to preserve features such as trees or wetlands. They looked at a lot of examples and there were rare occasions where more lots resulted.

Ms. Townshend stated one of the problems with a conditional use is that council would need to reapprove it every year. To make it work as a conditional use, that provision of the code would have to be changed.

Councilperson Osler stated this would allow a situation that already exists in the city. She agreed it could allow an additional lot, but it wouldn’t happen very much. If it is by right, the LPC would have no authority over where it is used. Would there be a way to give the LPC authority?

Mr. Panetta explained that currently the minimum number of lots is 4. If they changed that to 6 it would be a major subdivision and would have to go to LPC. They would then have that control.

Ms. Osler stated if they are only going to allow lot averaging with a minimum of 6 lots that have to average to 10,000 s/ft, then the minimum parcel size would have to be 60,000 s/ft.

Mr. Morgan stated they could require lot averaging to be a major subdivision. Mr. West agreed, there are other conditions they could impose. It's not always just the number of lots. Atty. Mandalas clarified that by definition if a developer wants to use lot averaging, it could have to be submitted for review as a major subdivision. Ms. Townshend agreed that could be written in. Council agreed with this amendment.

Sumner Crosby, Missouri Avenue, questioned if the condition of "Roadways and surface detention/retention facilities shall not count toward the calculations for lot size averaging" occurs in any other place. It appears to be a common practice with the county that surface detention/retention facilities are counted as open space. For consistency, they need to be looking at this across the other zones.

Mr. West explained in the annexation zone there is a formula that determines the density. This option doesn't use a formula. Roadways and retention facilities don't count in a conventional subdivision in the city either. Cluster development is calculated differently.

Councilperson Osler pointed out that major subdivisions have an open space requirement that needs to be considered. Atty. Mandalas stated if it is a part of the subdivision ordinance, it could be waived.

Ms. Edwards & Mr. West summarized recommended changes to the **RESIDENTIAL BEACH R-3**

- **Old Purpose Statement:** "(1) Provide for residential development in the City's beachfront area. (2) Preserve the distinctive residential character of the City's beachfront area. (3) Preserve physical and visual access to nearby beaches and marshes."
New Purpose Statement: "(1) ... (2) ... (3) ... (4) *Protect and conserve the environmental integrity of the beachfront.*"

Councilperson Reardon stated the beach is controlled by DNREC, so this statement wouldn't change anything. Ms. Edwards stated this is more aspirational. Mr. West agreed. It is a continuation of 1, 2 and 3. There are no regulations, but this is an over-riding aspirational goal of the city to preserve and protect the dunes.

Impact: The impact will be noticed most clearly in other administrative documents. We hope that this addition will lead to extra scrutiny towards development in this district as it relates to the environmental impacts of development.

- **Eliminate "Dwelling, single family detached, including modular and manufactured" as a permitted use and ALLOW "dwelling, single family detained including modular as a permitted use within the R-3 zone" (as previously discussed)**
- **Amend the zoning code to allow for accessory structure to equal up to 15% of the lot (as previously discussed)**

Councilperson Reardon stated there are a number of accessory structures on the beach that would not comply with this. He presumed they would be grandfathered in as a nonconforming structure. Mr. West agreed.

Atty. Mandalas read 197-86 C into the record, "Status when damaged or destroyed (other than by neglect). If any nonconforming building is damaged or destroyed, such building may be repaired, rebuilt or reconstructed, provided that it is not increased in size or square footage nor repaired, rebuilt or reconstructed in such a manner that the nonconformity which existed prior to such damage or destruction is increased in any way."

Ms. Edwards & Mr. West summarized recommended changes to the **RESIDENTIAL MEDIUM DENSITY R-4.**

- **Purpose Statement:** (1) Provide for residential development adjacent to the City's **Ttown Ceenter** zoning district. (2) Preserve face-to-face intimacy in an urban setting. (3) Preserve architecturally diverse but harmonious streetscapes. (4) Encourage a residential development pattern that is: (a) appropriate for older, densely settled sections of the City and also provides for light, air, and private open space. (b) Compact and urban so that nearby commercial and public services are available to residents by walking or bicycling.

Impact: No more parcels within the city can be zoned R-4 until the Town Center district is expanded.

- **Add the Burton Subdivision to the zoning map.** The Burton Subdivision includes that area bound by W. Fourth Street, Park Avenue, Johnson Street, and Burton Avenue, consisting of lots on both sides of Burton, Paynter, Dupont, Park and Johnson Avenues, lying and being on the south side of W. Fourth Street between Park and Burton Avenues.

Mayor Becker stated it needs to be expanded slightly to include St. Paul, Maul Alley and Mulberry Street. These lots are all smaller lots and consistent with the Burton Subdivision.

Councilperson Osler questioned the reason for this expansion. She thought the significance of the Burton Subdivision was that it is the only area with 4,000 s/ft lots. She thought it would violate the historical context of the Burton Subdivision.

Mayor Becker stated these are all small lots, but for one exception where smaller lots were combined. They are all smaller than 4,000 s/ft. The one lot that is larger could be divided back into smaller lots. They were all a part of the African American community in Lewes at one time.

Ms. Osler requested the planning commission look at the requested expansion.

- **Eliminate “Dwelling, single family detached, including modular and manufactured” as a permitted use and ALLOW “dwelling, single family detached including modular as a permitted use within the R-4 zone” (as previously discussed)**
- **Eliminate the 2.5-acre tract size requirement for duplexes in the R-4 zone. Allow Dwelling, Two-Family as a Conditional Use (CU)**

Impact: Duplexes may now be built after meeting Conditional Use requirements within the R-4 district as individual structure (two units). A number of nonconforming duplexes in the city will no longer be nonconforming.

Ms. Edwards explained there are a number of duplexes throughout the city that are currently R-4. *Councilperson Osler* stated there are a number of duplexes that should not have been approved to be built. She doesn't want them to be “boot strapped” into a reason to allow more.

Mr. West stated the context behind it is these duplexes came about, even though not permitted in the code, with the idea that when the code was updated it should be revisited to see if it is something that is a desirable change. They would be allowed by conditional use.

Councilperson Osler stated she would need to see a map that says what this might mean. She can see this affecting a wholesale change in Lewes' housing stock and the nature and rhythm on the neighborhoods. She would need a lot more information about what it could result in.

Councilperson Reardon questioned if it has to be touching the Town Center, where would there be able to put anything R-4 in the city. *Ms. Townshend* stated it would apply to vacant lots already in R-4.

Councilperson Morgan agreed he would like more information.

Councilperson Osler stated this happened without permission and she doesn't want that to become the basis for increasing something that shouldn't have been allowed to happen in the way it happened, whether it turned out to be a good idea or not, she needs additional information.

Ms. Edwards explained currently it is allowed by right, and this would make duplexes by conditional use. Secondly, currently a 2.5-acre tract is required, while this would allow them to be more cohesive in the community, varying the house styles. Also, there are stricter impervious surface coverage requirements for a duplex versus a single-family structure so there is a little bit of balance.

Councilperson Osler stated that by requiring the 2.5 acres, it may be by right, but it may also be impossible in the Town Center. Again, she needs additional information.

Sumner Crosby stated he is concerned about the whole sale change if they remove the lot size requirement and make it open season on duplexes. He has heard a lot of concerns about parking and if you put twice as many households in the same area it will double the number of vehicles and the parking problem.

Mayor Becker clarified that the requirement for two off-street parking spaces would remain.

Councilperson Osler stated her other concern is about people knocking down a single-family structure and building a duplex.

Marta Nammack questioned if there is any chance the Town Center will be expanded. *Mayor Becker* didn't see that happening.

- **Amend the zoning code to allow for accessory structure to equal up to 15% of the lot** (*as previously discussed*)

Ms. Edwards & Mr. West summarized recommended changes to the **MIXED RESIDENTIAL R-5**

- **Purpose statement:** amend to include "Provide for a mix of housing types to include multi-family, **workforce** and affordable housing alternatives".

Mr. Ennis questioned the context of the overall zoning code and comp plan. The Canary Creek development did not go through the same kind of format that is being discussed, but they did create a very attractive living system where there are single family homes around townhouses. The prices for the townhouse are amazingly high. Is there anything in the currently code that would preclude or prevent the development of another community like Canary Creek where single family homes could be built around townhouses.

Mr. West stated someone in the R-5 zone where townhouses are permitted by right could opt to do this kind of development and there is nothing to prohibit it. One of the things that happened with Canary Creek was beyond zoning. There was discussion and negotiations about what would happen. It was not entirely in the zoning code to create this kind of community.

Mr. Crosby stated in reality Canary Creek worked very well, especially given the amount of open space that was protected in the process.

Drew McKay, Chairperson, LPC, thanked Mayor & City Council for their diligence, insight and comments. He pointed out that the LPC subcommittee was made up of Steve Rogers, and Tom Panetta who worked with Tom West and Savannah Edwards over many meetings to pull together the information supplied to council. He thanked all members of LPC for their efforts in this process. He appreciates city council's comments and perspective and the community's participation in this process.

Mayor Becker stated it is a lot of work and it is good that we have so much engagement from the community. This is only part of the process and they still need to review the commercial and institutional districts.

Mr. West stated it is such a big task to review it all and they wanted to bring in before council one piece at a time and make sure there is consistency throughout all the districts.

There being no further discussion, the meeting adjourned at **8:25pm**.

Minutes submitted by,

Alice M. Erickson
Recording Secretary