

RZ 2016-SU-003 – CARRHOMES, LLC

Decision Only During Commission Matters  
(Public Hearing held on July 13, 2016)

Commissioner Keys-Gamarra: Can I have the applicant come down, please? In Carrhomes.

Robert Brant, Applicant's Agent, Walsh, Colucci, Lubeley & Walsh, P.C.: Good evening. Robert Brant from Walsh Colucci. We represent the applicant, Carrhomes, LLC.

Commissioner Keys-Gamarra: Okay. So, as you know, yesterday there were a number of questions and some changed proffers. Can you explain to the Planning Commission what those changes were?

Mr. Brant: That is correct. Thank you for the opportunity to come back and present these changes. To briefly recap some of the discussion from yesterday evening, the Commission expressed some concerns about the proffer language with respect to the – particularly with respect to the disclosure of interior garage dimensions of the proposed townhomes. To briefly recap, this application proposes to construct 24 townhomes on approximately 2.34 acres of property that is proposed to be rezoned from the R-1 to the R-12 District. The previously-proposed Proffer number 4C proposed to disclose the interior dimensions of the garages associated with these townhomes. Seventeen of the townhomes will be rear-load units facing Elmwood Street and Vernon Street. Seven of the townhomes will be front-load units towards the center of the property. The applicant has agreed to proffer to minimum interior dimension of 20 feet by 20 feet of the rear-load units that are oriented towards the street frontages and a minimum interior dimensions of 18 feet by 20 feet for the rear-load units towards the middle of the property. Based on some of the discussion last night, the applicant worked with staff today to revise Proffer 4C to clarify that the disclosures will not only be made to prospective first-time purchasers of the townhomes, but also subsequent purchasers at the time of resale. And to it, I'd like to just draw the Commission's attention to revised Proffer 4C. Specifically, the language of 4C was revised to clarify that "prospective purchasers shall be advised of these restrictions and the interior dimensions of the garages", to clarify that these are interior dimensions that we're talking about and not exterior wall to exterior wall. And further, the last sentence of Proffer 4C was added to read that there is – "these restrictions and the interior dimensions of the garages shall be included in the marketing materials for the initial sales of units on the application property and in the HOA documents in order to provide notice to prospective purchasers in connection with future re-sales of the units." And once again, the idea behind those revisions was, in response to the Commission's concerns last night, to ensure that not only first-time buyers of the units receive notice of the dimensions, but also subsequent purchasers. Some additional language was added, also, to Proffer 4D to clarify that the driveways of the townhomes will have a minimum width of 18 feet. Previously, the applicant had proffered to minimum length of 20 feet for the driveways, but we felt that this additional language would further lend support to our position that these driveways – which should be wide enough to accommodate two cars. Finally, Proffer 4E was slightly modified to clarify that the garages with the – with a minimum interior dimensions for the parking of vehicles of 20 feet by 20 feet – again, and 18 feet by 20 feet for the front-load units – again, to clarify that the purpose of these

disclosures is to ensure that prospective purchasers are on notice. So I think that we successfully worked with staff to address the concerns that were raised at the hearing last night and I hope that the Commission agrees with me.

Commissioner Keys-Gamarra: Okay. I believe Commissioner Flanagan had a question regarding one of the changes.

Chairman Murphy: Mr. Flanagan.

Commissioner Flanagan: Yes. Thank you, Mr. Chairman. The – I'm interested in...

Chairman Murphy: I just want to remind everybody we're on verbatim.

Commissioner Flanagan: We're on verbatim. I just want to understand how the HOA documents will be modified. I take it we're not requiring that be made a part of the covenants, but some sort of general rules within the HOA.

Mr. Brant: I actually had an opportunity to speak with the applicant this evening about that to confirm. That's the applicant intent to include those dimensions in the actual declaration, which is – which is a recorded document and recorded along with the other covenants. So that's – that's what the applicant intends to do.

Commissioner Flanagan: So there's – we don't know just exactly how they will go about implementing this – whether the buyers – the additional buyers – future drive-byers will be – whether they are advised or not, we won't have any way of knowing.

Mr. Brant: I do know, Commissioner Flanagan, that the HOA is required, as a matter of law, to provide certain disclosures at the time of resale, should the prospective purchasers request them. One of those – one of those required disclosures is, in fact, the record declaration bylaws of the association. And so prospective purchasers will certainly have an opportunity to review those documents.

Commissioner Flanagan: Yeah, we've had many cases of garages being converted, of course, to daycare, unknown to the homeowners association until they make an application for some change in the daycare. So I just – it's a rather shaky process we've set in motion here.

Mr. Brant: To briefly address that concern, Commissioner Flanagan, the applicant had previously proffered to setting forth a covenant in the restrictions indicating that any conversions of garages that would preclude the parking of vehicles and the storage of trash and recycling containers within the garage is prohibited. So the applicant had previously addressed that concern.

Commissioner Flanagan: So it's up to the homeowners association and if they don't care why, then it'll occur.

Mr. Brant: I'm sorry?

Commissioner: Yeah, okay.

Mr. Brant: It will be recorded in the documents.

Chairman Murphy: Ms. Keys-Gamarra.

Commissioner Keys-Gamarra: Yes, the last issue that was raised last night was with respect to the reserve trees as well as the electrical pole.

Mr. Brant: Certainly.

Commissioner Keys-Gamarra: I did go out to look at the property today and there was a request from the community that – I believe, two poles along Elmwood were removed, but they seemed to be across the street. There was only one pole, I believe, actually on the property itself.

Mr. Brant: That is correct. The concern that was raised from the member of the community did relate to two utility poles that are across Elmwood Street from the application property and farther south across the intersection of Lindendale Drive. The applicant does not intend to remove or modify those poles that are, again, off-site – off-site poles. But to reference the utility poles that are on the application property, it is the applicant – it is the applicant's intent to remove those poles and to underground the utilities that will ultimately serve the community and the property.

Commissioner Keys-Gamarra: And it's also my understanding there will be significant improvements along Elmwood as well as, I believe, Vernon with attractive colonial-style...

Mr. Brant: That's correct.

Commissioner Keys-Gamarra: ...street lights.

Mr. Brant: That's correct. In addition to the road frontage improvements, lighting improvements are proposed along Vernon Street and Elmwood Street. And I believe a – a detail of the proposed lighting fixtures that are proposed for that area is shown Sheet 4 of the Generalized Development Plan.

Commissioner Keys-Gamarra: All right. Thank you. Mr. Chairman, then I'd like to make my motion now.

Chairman Murphy: Please.

Commissioner Keys-Gamarra: Okay. Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF RZ 2016-SU-003, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE DATED JULY 14<sup>TH</sup>, 2016. I move that the Planning Commission recommend to the Board of – I'm sorry. Should I do that separately? Or is that...

Chairman Murphy: No. Let's do the main motion first.

Commissioner Keys-Gamarra: Okay.

Chairman Murphy: Is there a second to the motion?

Commissioner Hart: Second.

Chairman Murphy: Seconded by Mr. Hart. Is there a discussion? All those in favor of the motion to recommend to the Board of Supervisors that it approve RZ 2016-SU-003, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Keys-Gamarra: All right. I ALSO MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THE MODIFICATIONS AND WAIVERS DATED JULY 14<sup>TH</sup>, 2016, WHICH SHALL BE MADE A PART OF THE RECORD OF THIS CASE.

Commissioner Hart: Second.

Chairman Murphy: Seconded by Mr. Hart. Is there a discussion? All those in favor of that motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Keys-Gamarra: Thank you.

Chairman Murphy: Thank you. Thank you.

Mr. Brant: Thank you.

Chairman Murphy: By the way, I abstain on both those – Jake, I abstain on both those motions. I was not present for the public hearing.

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(Each motion carried by a vote of 9-0-1. Commissioner Murphy abstained. Commissioners Lawrence and Strandlie were absent from the meeting.)

JLC