

Development Ordinance Workshop Summary  
May 11, 2002

*Sterling Ridge Apartments (aka Notting Hill Apartments)*  
*Resource Conservation District*

Group #3

Co-Facilitators: John Hawkins and Warren Mitchell  
Staff: Kay Pearlstein

**Description:**

The group discussed the Sterling Ridge Apartments site according to regulations in the existing Development Ordinance as well as the Second Draft of the Proposed Development Ordinance as they pertain to the Resource Conservation District regulations.

A Special Use Permit for this project was approved in 1996. The site is generally located east of Erwin Road and north of Sage Road. The site has access off of Old Sterling Drive, which was constructed as part of the project. The 29.8-acre tract is located in the Residential-5 (R-5) zoning district. Approximately 15.0 acres of the site are located in the Town's Resource Conservation District. Sixteen (16) buildings were approved, with a total of 200 dwelling units. Overall, the development includes 208,048 square feet of floor area, and has 377 parking spaces. Approximately 7.5 acres (25.2%) of the site are covered with impervious surface.

**Key Issues:**

➤ **Resource Conservation District (RCD) Buffers:**

Existing: The Development Ordinance has one zone for the Resource Conservation District. The proposed Development Ordinance has three.

Proposed: The RCD is proposed to be divided into three zones based on the proximity to the perennial stream. The zone closest to the stream is the most restrictive, the middle one less so, and the outer zone the least restrictive of the three.

The group noted that on the Sterling Ridge site, a stream was not always present to calculate the RCD zone widths despite there being a Resource Conservation District. A broad flood plain encompasses the entire northern conservation easement property and the watercourse is on other property. There was no way to measure the zones. And even if there were an existing stream to measure from, there would still be a majority of the land outside the RCD that extended beyond the 100-foot buffer.

The group also questioned whether the 3 different zones needed to have different values for Floor Area Ratios, Impervious Surface Area, or Disturbed Area. This could unnecessarily complicate the process.

157

➤ **Resource Conservation District (RCD) Permitted Uses:**

Existing: The Development Ordinance states that land-disturbing activities within the RCD after March 19, 1984 are prohibited unless included in a list of permitted uses or allowed with a Variance from the board of Adjustment.

Proposed: The group raised several questions/concerns with the proposed Table of Permitted Uses. These are:

- Parks are allowed but not playgrounds. A park often includes a playground.
- Stormwater facilities are required to demonstrate a practical necessity in order to be placed in the RCD. This is more restrictive.

Utilities in general are severely limited by the Disturbed Area Ratio for the dimensional requirements. Not enough disturbance is permitted for most utilities. It was suggested that utilities be linked to the dimensional requirements to allow for increased disturbance.

- To put in utility easements, RCD buffers must be removed. Why not ask for a comparable buffer replacement planting elsewhere?
- Trails are permitted in all three zones. Current paved greenway trails for bicycles and pedestrians in the RCD would be severely inhibited by the impervious surface limits.
- Streets and bridges are permitted only if a Variance is granted by the Board of Adjustment.

It was noted that under the Table of Permitted Uses streets, bridges, and other similar transportation facilities are permitted in all 3 zones where there is a demonstrated practical necessity. However, reading further, it states that streets and bridges shall be permitted only if a variance is granted by the Board of Adjustment. It was felt that this information should be presented together. Should this be a Council or Board of Adjustment decision?

- It is stated that proposed local streets in the Stream Side or Managed Use portions of the buffer shall not exceed 24 feet in width, shall not include sidewalks, and shall utilize swales. If the local street crosses the stream pedestrians would have to walk in the street when it crosses the stream because sidewalks are not permitted. If you have that large of a

disturbance, what is 5 more feet going to disturb? We did not agree as to whether the sidewalks should be excluded.

- It was recommended that there be specific design standards for street and utility crossings in the RCD. If so, should they be in the Design Manual or the Development Ordinance?

In general, it was felt that this section of the proposed ordinance (3.6.3-2) concerning the Permitted Uses with the RCD was confusing to use and that information should be presented in a more “user friendly” manner. Another example of this ambiguity that we came up with was the use of the term “street.” Does it mean public, private, or both?

➤ **Definitions:**

**Intermittent Streams** – The group noticed that neither intermittent nor perennial streams were defined in the Definition section of the Development Ordinance. Perennial streams are identified in the proposed ordinance by the presence of two of the following: water, aquatic and/or water-loving vegetation, or fish and/or arthropods or evidence of such recent presence. Some in group felt that just one of the perennial stream identifiers (water, water-loving, or fish and/or arthropods) was required to label a stream as perennial.

The group wanted to have clarified the length of time water would have to be contained in order to determine designation as intermittent or perennial.

**Water-loving Vegetation** - Should be defined.

**Wildlife Corridors** – Should be defined and be greater than 100 feet in order to be effective.