

**REGULAR MEETING
OF THE VINEYARD PLANNING COMMISSION,
Wednesday, October 6, 2021, at 6:00 p.m.**

PUBLIC NOTICE is hereby given that the Vineyard City Planning Commission will hold a regularly scheduled meeting at City Hall, 125 South Main Street, Vineyard, Utah. You can also view the meeting on our [live stream channel](#).

REGULAR SESSION

CALL TO ORDER

1. INVOCATION/INSPIRATIONAL THOUGHTS/PLEDGE OF ALLEGIANCE

2. OPEN SESSION - Time dedicated for public comment. Comments will be limited to three (3) minutes. No actions may be taken by the Planning Commission due to the need for proper public noticing.

3. MINUTES REVIEW AND APPROVAL:

3.1 September 1, 2021

4. BUSINESS ITEMS

4.1 Public Hearing – POSTPONED – Site Plan and Conditional Use Permit Application for a place of assembly (Church). The place of assembly will be located at 212 N 220 W. Parcel Number 41:914:0058. This property is located in the Hampton Subdivision and zoned SFD-15000.

- This item and public hearing is being postponed due to a conflict with the applicant.

4.2 Public Hearing – Conditional Use Permit Application for Sunlight Bilingual Preschool. This home-based preschool will be located at 73 W 160 N. Parcel Number: 41:971:0076. This property is located within the Hampton subdivision.

- The Planning Commission will hold a public hearing and consider the proposed conditional use permit for this applicant.

4.3 Public Hearing – Zoning Text Amendment regarding Section 15.14.2.08 Development Standards in the Vineyard Special Purpose Zoning District; modifying the language to increase the permitted number of residential units and density located within the regional mixed use zoning district. Ordinance Number 2021-14.

- The Planning Commission will hold a public hearing and consider proposed amendments to this section of the Vineyard Special Purpose Zoning District.

5. WORK SESSION

5.1 Utah State Ombudsman Training

- Jordan Cullimore with the Office of the Property Rights Ombudsman will present information for the Planning Commission.

6. COMMISSION MEMBERS' REPORTS AND EX PARTE DISCUSSION DISCLOSURE

7. ADJOURNMENT

The Public is invited to participate in all Planning Commission meetings. In compliance with the Americans with Disabilities Act, individuals needing special accommodations during this public meeting should notify Cache Hancey, Planning Technician, at least 24 hours prior to the meeting by calling (801) 226-1929 or email at cacheh@vineyardutah.org.

The foregoing notice and agenda were posted on the Utah Public Notice Website and Vineyard Website, posted at the Vineyard City Offices and City Hall, delivered electronically to city staff and each member of the planning commission.

AGENDA NOTICING COMPLETED ON: October 4, 2021

NOTICED BY: /s/ Cache Hancey

Cache Hancey, Planning Technician



**REGULAR MEETING
OF THE VINEYARD PLANNING COMMISSION,
Wednesday, September 1, 2021, at 6:00 p.m.**

Commissioners Present

Chair Bryce Brady
Vice-Chair Jeff Knighton
Commissioner Tim Blackburn
Commissioner Anthony Jenkins
Commissioner Shan Sullivan

Commissioner Amber Rasmussen (Joined Remotely)

Staff Present

Planning Technician Cache Hancey, Planner II Briam Amaya Perez, City Engineer Naseem Ghandour, Public Works Director Chris Wilson, Water Manager Sullivan Love, and Community Development Director Morgan Brim

Others Present

Kristen Bown and Stephani Tanner with Little Lakeside Preschool, Eric Towner and Steve Hutchings with Fifty Mill, and resident David Lauret

REGULAR SESSION

CALL TO ORDER

1.  INVOCATION/INSPIRATIONAL THOUGHTS/PLEDGE OF ALLEGIANCE

Chair Brady gave an invocation and lead the meeting in the pledge of allegiance.

2.  OPEN SESSION -


No comments were made during the open session.


3.  MINUTES REVIEW AND APPROVAL:

3.1 August 18, 2021

MOTION: COMMISSIONER BLACKBURN MOTIONED TO APPROVE THE MINUTES AS RECORDED. VICE-CHAIR KNIGHTON SECONDED THE MOTION. CHAIR BRADY, VICE-CHAIR KNIGHTON, COMMISSIONER BLACKBURN, COMMISSIONER JENKINS, AND COMMISSIONER SULLIVAN VOTED AYE. THE MOTION PASSED UNANIMOUSLY.


4. BUSINESS ITEMS

- 4.1  Public Hearing – Site Plan and Conditional Use Permit Application for a golf outdoor recreational facility located at 484 N 700 E. Parcel Number: 56:037:0002. This property is located within the RMU zoning district.**


42  **MOTION: COMMISSIONER JENKINS MOTIONED TO OPEN THE MEETING TO A PUBLIC**
43 **HEARING. COMMISSIONER SULLIVAN SECONDED THE MOTION. CHAIR BRADY, VICE-CHAIR**
44 **KNIGHTON, COMMISSION BLACKBURN, COMMISSIONER JENKINS, AND COMMISSIONER**
45 **SULLIVAN VOTED AYE. THE MOTION PASSED UNANIMOUSLY.**

46
47  Planner II Amaya Perez gave a presentation regarding the TopGolf development.

48
49  **MOTION: COMMISSIONER JENKINS MOTIONED TO CLOSE THE PUBLIC HEARING.**
50 **COMMISSIONER BLACKBURN SECONDED THE MOTION. THE MOTION PASS UNANIMOUSLY.**


51
52  **MOTION: COMMISSION JENKINS MOTIONED TO APPROVE THE SITE PLAN AND**
53 **CONDITIONAL USE PERMIT WITH THE LISTED CONDITIONS. COMMISSIONER WELCH**
54 **SECONDED THE MOTION. ROLL WENT AS FOLLOWS: CHAIR BRADY, VICE-CHAIR KNIGHTON,**
55 **COMMISSION BLACKBURN, COMMISSIONER JENKINS, AND COMMISSIONER SULLIVAN VOTED**
56 **AYE. THE MOTION CARRIED UNANIMOUSLY.**

57
58 **4.2 Public Hearing – Conditional Use Permit Application for Little Lakeside Preschool. This**
59 **home-based preschool will be located at 132 N Rue de Matth. Parcel Number:**
60 **45:552:0128. This property is located within the LeCheminant subdivision.**

61  **MOTION: VICE-CHAIR KNIGHTON MOTIONED TO OPEN THE MEETING TO A PUBLIC**
62 **HEARING. COMMISSIONER BLACKBURN SECONDED THE MOTION. CHAIR BRADY, VICE-CHAIR**
63 **KNIGHTON, COMMISSION BLACKBURN, COMMISSIONER JENKINS, AND COMMISSIONER**
64 **SULLIVAN VOTED AYE. THE MOTION PASSED UNANIMOUSLY.**


65
66 Planning Technician Cache Hancey presented the staff report regarding Little Lakeside
67 Preschool. Both Kristen Bown and Stephani Tanner from the preschool were present and
68 answered questions from the planning commission.

69
70  **MOTION: VICE-CHAIR KNIGHTON MOTIONED TO CLOSE THE PUBLIC HEARING. VICE-**
71 **CHAIR KNIGHTON SECONDED THE MOTION. CHAIR BRADY, VICE-CHAIR KNIGHTON,**
72 **COMMISSION BLACKBURN, COMMISSIONER JENKINS, AND COMMISSIONER SULLIVAN VOTED**
73 **AYE. THE MOTION PASSED UNANIMOUSLY.**


74
75  **MOTION: VICE-CHAIR KNIGHTON MOTIONED TO APPROVE THE CONDITIONAL USE**
76 **PERMIT FOR LITTLE LAKESIDE PRESCHOOL WITH THE CONDITIONS GIVEN. COMMISSIONER**
77 **JENKINS SECONDED THE MOTION. CHAIR BRADY, VICE-CHAIR KNIGHTON, COMMISSION**
78 **BLACKBURN, COMMISSIONER JENKINS, AND COMMISSIONER SULLIVAN VOTED AYE. THE**
79 **MOTION PASSED UNANIMOUSLY.**

80 81 **5. WORK SESSION**


82 **5.1 Planning Commission Bylaws**

83  Community Development Director Morgan Brim mentioned that the Planning Commission
84 Bylaws have not been finalized yet.

85 **6. COMMISSION MEMBERS' REPORTS AND EX PARTE DISCUSSION DISCLOSURE**

86  Commissioner Blackburn reviewed multiple service projects in the coming weeks. Planner
87 Il Amaya Perez mentioned that the Providence Neighborhood parking permit program was
88 about to start.

89 **7. ADJOURNMENT**

90  Chair Brady adjourned the meeting.

91

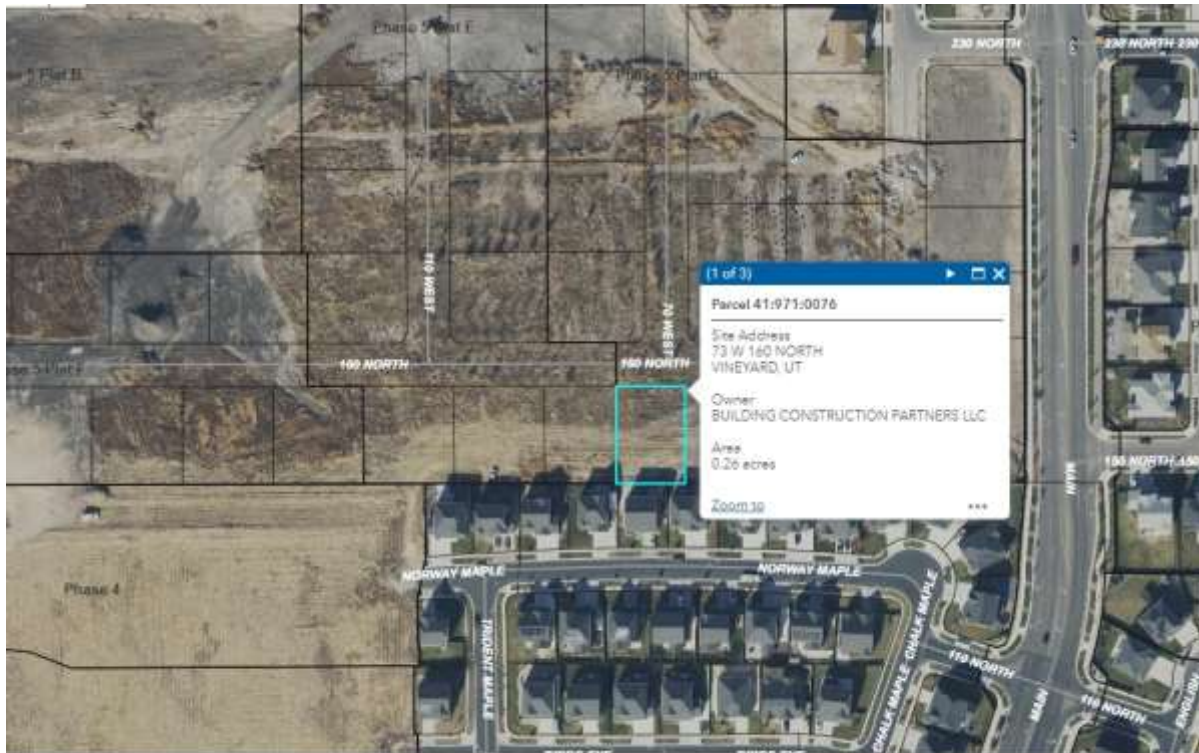
92 **CERTIFIED CORRECT ON:** October 4, 2021

93 **CERTIFIED BY:** /s/ Cache Hancey

94 Cache Hancey, Planning Technician

DRAFT

Date: October 6, 2021
From: Cache Hancey, Planning Technician
To: Planning Commission
Item: Conditional Use Permit – Sunlight Bilingual Preschool
Address: 73 W 160 N, The Hamptons Subdivision
Applicant: Alison McGrath & Georgia Porras



INTRODUCTION:

The applicant, Alison McGrath, is requesting a conditional use permit approval for a childcare facility within the McGrath home, which is located at 73 W 160 N. The applicant’s home is located in the Hampton subdivision and is zoned SFD-10000 which allows a preschool as a conditional use.

ANALYSIS:

The applicant in this case is not the owner of Sunlight Bilingual Preschool. As the home owner, she has agreed to be involved in the business as the zoning code requires. Georgia Porras as the owner of Sunlight Bilingual Preschool will be operating the business in the basement of the property. Georgia is planning on holding two preschool sessions daily, the first class from 9:00am-11:30pm, and the second class from 12:30pm-3:00pm. Each class will have 6 children however, they are permitted to have up to 8.

The zoning ordinance defines a preschool facility as a facility, operated by a person qualified and licensed by the State of Utah, in which lessons are provided for not more than ten (10) children for each session of instruction. If there are eight or more children, there must be two or more providers present. Sessions shall last for not more than four (4) hours and shall not overlap. Individual children may attend only one (1) preschool session in any 24-hour period. The home occupation ordinances states that preschools must meet the following:

Sunlight Bilingual Preschool

73 w 160 n

Vineyard, UT

Narrative

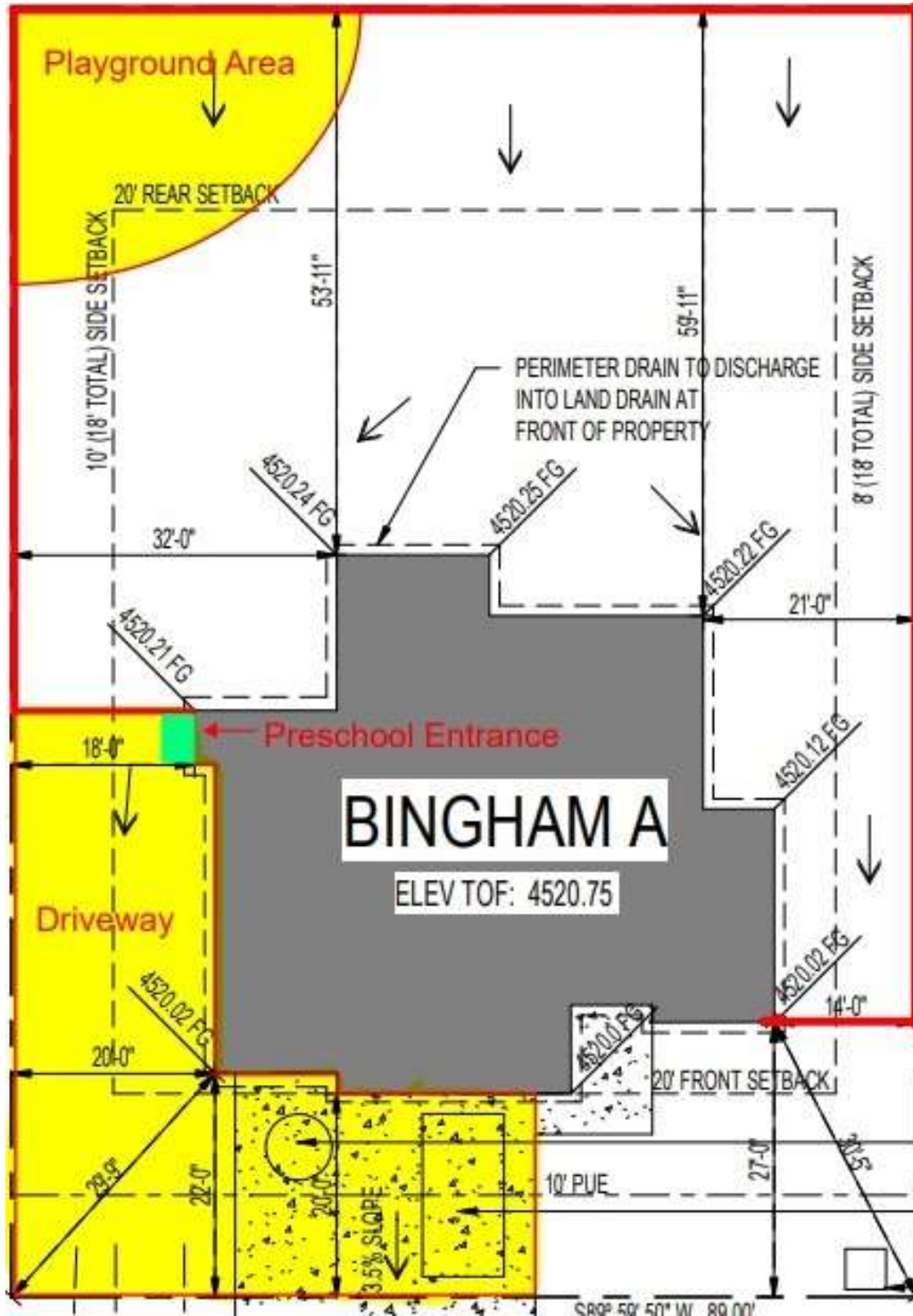
Sunlight Bilingual Preschool will provide preschool services for children between the ages of three and six to prepare them for kindergarten. The preschool will provide Spanish, yoga, and academic services to prepare the students for a future immersion program in elementary school.

Classes

- 9:00am – 11:30pm; Monday-Friday
- 12:30pm – 3:00pm; Monday-Friday

Safety & Parking

Parents will be instructed a drop off and pickup time. As they arrive, they will park in the driveway and RV pad as an instructor escorts the child to the basement through the walkout staircase. This will serve as the main entrance and exit. There is also a proper emergency exit protocol in place as suggested by the fire marshal, Russ Sneddon. There is a dedicated outdoor play area. The backyard is completely fenced in. There are 7 available parking spaces in the driveway. The pickup will be similar to the drop off where the instructor will bring the child up from the walkout entrance and to their car.

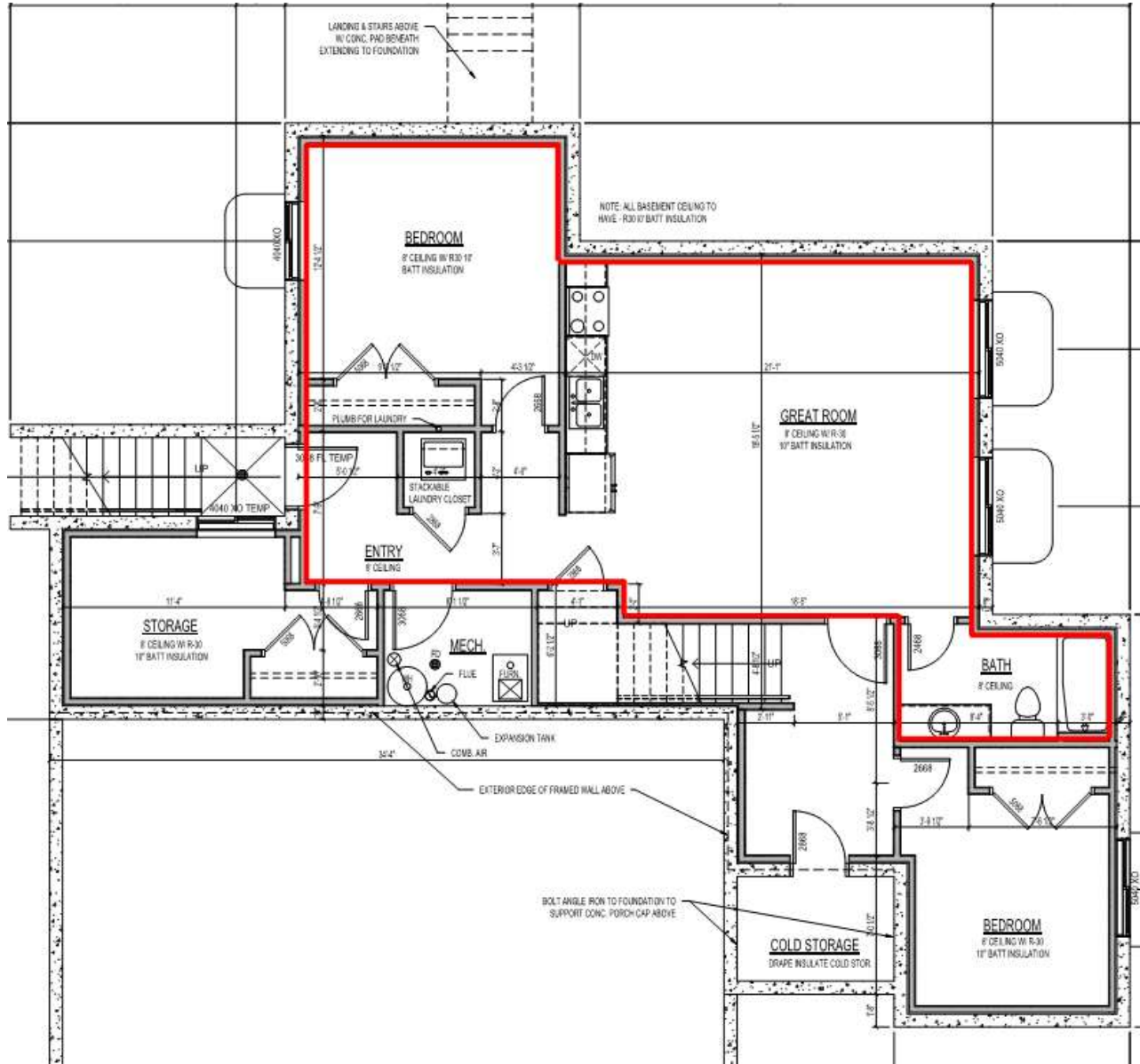


Square Footage and Site Plan

Property square footage: 11,292

Total home finished square feet: 4,350

Preschool square footage: 659. (Allowed up to 1,087 sq/ft)





Community Development

- 1) Only a maximum of two (2) sessions are permitted per day.
- 2) Preschool programs shall only be permitted only between 8 am and 8 pm.

There will be two class each day and each class will include up to 7 (7) students with one to two teachers present for every class session. A proposed class schedule is below.

Proposed Class Schedule

CLASS DAYS	CLASS TIMES
M-F	9am – 11:30pm
M-F	12:30pm – 3pm

FINDINGS:

The proposed conditional use meets the Home Occupation Zoning Ordinance depending on the involvement of the property owner.

RECOMMENDATION:

Staff recommends approval of the conditional use application with the following conditions.

1. The applicant is subject to federal, state and local laws.
2. The applicant will finish any requirements to obtain a business license
3. The applicant follows the involvement requirements set forth by the Planning Commission

PROPOSED MOTION:

“I move to approve the conditional use permit for the Sunlight Bilingual Preschool with the conditions listed above.”



Community Development

DATE: October 06, 2021
FROM: Briam Amaya Perez, Planner II
TO: Planning Commission
ITEM: Zoning Text Amendment pertaining to the Regional Mixed-use (RMU) Zoning District
PERMIT: PLAN21-259
APPLICANT(S): Snell and Wilmer, acting on behalf of Fifty Mill LLC

INTRODUCTION:

The applicant is seeking to add a provision to the Regional Mixed-use District section of the Special Purpose Zoning Districts Code that would allow a modification to the base standards of the Regional Mixed-use District through a Development Agreement with the City. This amendment is being requested to facilitate a higher density multifamily project. The granting of this code amendment is the first step towards negotiating the specifics of a project that fulfills an identified need of the city.

The applicant proposes to add a provision to the existing code that would allow a property owner to exceed the maximum residential density and unit standards for the Regional Mixed-use District. The purpose statement of the RMU District can be found in the Special Purpose Zoning Districts Code §15.14.2.02:

The purpose of the Regional Mixed-use District (RMU) is to promote the goals of the General Plan in areas of the Town that are designated by the General Plan for a combination of land uses in a mixed-use development pattern either horizontal or vertical design. This zoning designation recognizes that adherence to a traditional pattern of development standards would preclude the application of a more flexible approach. Commercial, employment, and residential uses are encouraged to be provided with intensities and densities that promote a mix of day and nighttime activities. Developments within this district shall be compatible with surrounding existing and planned land uses.

The applicant believes the inclusion of the proposed amendment would allow for a “more flexible approach” in the development of the RMU District. After all, a Development Agreement is “a method of providing the City with additional control and flexibility in the approval of development projects by tailoring development standards and requirements to the unique features of a particular development site”. See Vineyard Zoning Code §15-16-010.

RECOMMENDATION:

Staff is recommending approval of the proposed zoning text amendment.

PROPOSED MOTION:

“I move to recommend approval of the proposed zoning text amendment.”

ATTACHMENTS:

ORD. 2021-14

Project Narrative/Scope

Redlined proposal of Special Purpose Zoning District code section 15.14.2.08

**VINEYARD
ORDINANCE 2021-14**

AN ORDINANCE OF THE CITY OF VINEYARD, UTAH, AMENDING THE REGIONAL MIXED-USE DISTRICT OF THE VINEYARD SPECIAL PURPOSE CODE SECTION 15.14.2.08(3) 'DEVELOPMENT STANDARDS'; PROVIDING A REPEALER CLAUSE; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A PUBLICATION AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Title 10, Chapter 9a Municipal Land Use, Development, and Management Act of Utah Municipal Code, permits Vineyard to ensure the health, safety, and welfare of the community through local land use planning and the adoption of land use ordinances; and

WHEREAS, Vineyard is authorized to amend the City's Zoning Ordinance pursuant to Utah Municipal Code Section 10-9a-102(2); and

WHEREAS, the Planning Commission held a public hearing on October 06, 2021, and after fully considering public comment and staff recommendations recommended approval to the Vineyard City Council; and

WHEREAS, the Vineyard City Council, having reviewed the proposed text amendments, held a public hearing on October 13, 2021; and

WHEREAS, the Vineyard City Council having considered the recommendation of the Planning Commission and submitted comments and testimony from the public, having determined that it is in the best interest of the public and adopt the proposed text amendments to the Zoning Ordinance.

NOW THEREFORE, be it ordained by the Council of the Vineyard, in the State of Utah, as follows:

SECTION 1: **AMENDMENT** “2.08 Development Standards” of the Vineyard Special Purpose Zoning Districts is hereby *amended* as follows:

AMENDMENT

2.08 Development Standards

Except as identified below all development standards shall be established within the approval process including residential density, lot sizes, building setbacks, required yards, etc.

1. **Project Characteristics.** All projects within the RMU district shall have the following characteristics:

- a. Multiple buildings which may accommodate one or more uses;
 - b. Buildings on the site connected by internal streets and drives, and pedestrian connections and pathways; and,
 - c. At least one major private or public space, such as a plaza, park, town square, or other gathering space.
2. **Minimum Acreage.** The minimum acreage required for a Development Plan shall be ten (10) acres; provided, however, that a parcel of less than ten (10) acres may be approved, subject to compliance with all provisions of this ordinance and approval by the Town Council.
3. **Residential**
 - a. The maximum residential density for any project is twenty-six (26) units per acre. The maximum number of residential units shall not exceed 2,009.
 - b. A maximum of thirty (30) percent of the RMU district may be used for standalone residential uses. Residential uses above the first floor are excluded from this requirement.
 - c. The maximum residential density may be increased up to 85 units per acre and the number of residential units increased up to 2,350 through a Development Agreement as provided for in Section 15.16 of this title.
4. **Non-Residential.** There is no limit on the intensity of non-residential units as long as each development complies with the development standards of the approved development plan and the requirements herein.
5. **Building Height -** Building height standards are provided for in Section 15.12.060-Dimensional Standards Table
6. **Setbacks**
 - a. All setbacks shall be determined as part of the development plan except as follows:
 - i. Arterial – 25 feet
 - ii. Collector – 20 feet
 - iii. Local – 15 feet
 - b. These areas shall be landscaped in accordance with VSP 2.12.
7. **Compatibility Requirements**
 - a. Development shall be compatible with, and preserve the character and integrity of adjacent land uses, the development shall include improvements or modifications either on-site or within the public rights-of-way to mitigate adverse impacts, such as traffic, noise, odors, shadow, scale, visual nuisances, or other similar adverse effects to adjacent land uses. These improvements or modifications may include, but shall not be limited to, the placement or orientation of buildings and entryways, parking areas, buffer yards, alteration of building mass, and the addition of landscaping, walls, or both, to ameliorate such impacts.
8. **Separation Between Industrial Uses.** There shall be an appropriate separation between existing or planned industrial uses and planned residential uses to provide adequate safety and to avoid concerns with noise, odors, views, and other reasonable concerns as determined by the Town Council at the time of Development Plan approval.

9. Mixed Use Requirements

a. Mixed use development is a development in which land uses are mixed on-site or are mixed in combination with existing or planned adjacent land uses; the combination of land uses shall promote easy access by pedestrians.

Development within the RMU District shall comply with the following standards:

i. Each development shall be designed in such a way that it is well integrated within adjacent land uses. Integrated means that uses are within a comfortable walking distance (1/4 mile) and are connected to each other with direct, convenient, and attractive pedestrian pathways; or the proposal contains a superior way to achieve the above criteria as approved by the Town Council.

ii. Projects shall develop a comprehensive open space network that uses plazas and other open space elements to connect uses. Open space areas and the paths that link them shall facilitate the integration of adjacent land uses on the site.

iii. Each development shall provide an on-site system of pedestrian walkways and/or public sidewalks throughout the RMU district. Connections shall be made to provide direct pedestrian and bicycle travel from within the development to adjacent uses and/or sites, transit stops, perimeter sidewalks, major destinations, etc. In order to provide efficient pedestrian connections to adjacent destinations, the Town may require additional sidewalks, walkways, or bike paths not associated with a street, or the extension of a sidewalk from the end of a cul-de-sac to another street or walkway. Specifically, onsite pedestrian connections shall be provided to and between the following points:

- (1) The primary entrance or entrances to each building;
- (2) Existing or planned transit stops, stations, and park-n-ride locations, etc;
- (3) Trail systems, where determined appropriate either by the Town based on the Master Trails Plan;
- (4) On-site amenities; and
- (5) Adjacent development.

10. **Open Space.** All projects shall provide open space within the development as follows:

a. At least one major private or public space, such as a plaza, park, town square, or other gathering space. These spaces should also be designed and located for substantial use. The gathering space should include a significant public amenity, such as water features and/or public art.

b. A private outdoor living space shall be provided adjoin each dwelling unit equal to a minimum of five (5) percent of the floor area of the dwelling unit. An alternative to this requirement may be approved by the Town Council upon finding that the need is met through an alternative means.

c. A minimum of fifteen (15) percent of the site area of the residential development shall be set aside as recreation amenities. The minimum size of a

recreational amenity area shall be 5,000 square feet with one area being at least 10,000 square feet in size. Such areas shall be uses for tot lots, play fields, armadas, gardens, and other similar areas as approved by the Town Council at time of Development Plan approval.

- d. A minimum of ten (10) percent of the site area of the non-residential development shall be set aside for open space. Such areas shall be used for plaza areas, outdoor seating areas, or other similar areas as approved by the Town Planner. The minimum size of an open space areas shall be 2,000 square feet.
- e. All open space areas shall be owned and maintained by a property owners association or landowner. Areas greater than 5 acres in size may be dedicated to the Town upon approval of the Town Council.

SECTION 2: REPEALER CLAUSE All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 3: SEVERABILITY CLAUSE Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 4: EFFECTIVE DATE This Ordinance shall be in full force and effect from _____ and after the required approval and publication according to law.

PASSED AND ADOPTED BY THE VINEYARD COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Mayor Julie Fullmer	_____	_____	_____	_____
John Earnest	_____	_____	_____	_____
Tyce Flake	_____	_____	_____	_____
Chris Judd	_____	_____	_____	_____
Cristy Welsh	_____	_____	_____	_____

Presiding Officer

Attest

Julie Fullmer, Mayor, Vineyard

Pamela Spencer, City Recorder
Vineyard

Snell & Wilmer

15 WEST SOUTH TEMPLE
SUITE 1200
GATEWAY TOWER WEST
SALT LAKE CITY, UT 84101
801.257.1900 P
801.257.1800 F

Craig T Jenson
(801) 257-1881
cjenson@swlaw.com

September 13, 2021

Mayor Julie Fullmer
Vineyard City
125 S Main Street
Vineyard, UT 84059

Re: Vineyard City Zoning Code Amendment

Dear Honorable Mayor

On behalf of the Fifty Mill LLC, the owners of Parcel Nos. 56:037:0003 and 56:042:0009, we are making an application for an amendment to the Vineyard City Zoning Code. This request is made pursuant to Vineyard City's Zoning Code § 15-10-6, as adopted.

We are seeking to add a provision to the Vineyard City Code that would allow a modification to the base standards of the Regional Mixed Use District through a Development Agreement with the City. This amendment is being requested in order to facilitate a higher density multifamily project. The granting of this code amendment is the first step towards negotiating the specifics of a project that fulfills an identified need of the City.

As required in Vineyard City Code §15-10-070, we have included a redlined version of Code §15-14-2-08. Our proposal is to simply add a provision to the existing code that would allow a property owner to exceed the maximum residential density and unit standards for the Regional Mixed Use District. Exceeding the established standards could only be accomplished through a Development Agreement. It should also be noted that we have included a revised maximum, as opposed to allowing the request to be for an unlimited amount.

The purpose statement of the RMU District can be found in Vineyard City Code §15-14-2-02:

The purpose of the Regional Mixed Use District (RMU) is to promote the goals of the General Plan in areas of the Town that are designated by the General Plan for a combination of land uses in a mixed use development pattern either horizontal or vertical design. This zoning designation recognizes that adherence to a traditional pattern of development standards would preclude the application of a more flexible approach. Commercial, employment, and residential uses are encouraged to be provided with

Snell & Wilmer

Mayor Julie Fullmer
September 9, 2021
Page 2

intensities and densities that promote a mix of day and nighttime activities. Developments within this district shall be compatible with surrounding existing and planned land uses.

We think the inclusion of our proposed amendment would allow for a “more flexible approach” in the development of the RMU District. After all, a Development Agreement is “a method of providing the City with additional control and flexibility in the approval of development projects by tailoring development standards and requirements to the unique features of a particular development site”. See City Code §15-16-010.

We ask for the opportunity to present our proposed Code amendment to the Planning Commission for their recommendation and ultimately the City Council. We are pleased to have for the opportunity to work with the City through this Code amendment request.

If you have any questions or concerns, please feel free to reach out to us.

Respectfully submitted,

CC Fifty Mill LLC
Jayme Blakesly, Esq.
Jacob McHargue

Enclosures:
Redlined proposal of code section 15.14.2.08

15.14.2.08 Development Standards

Except as identified below all development standards shall be established within the approval process including residential density, lot sizes, building setbacks, required yards, etc.

1. **Project Characteristics.** All projects within the RMU district shall have the following characteristics:
 1. Multiple buildings which may accommodate one or more uses;
 2. Buildings on the site connected by internal streets and drives, and pedestrian connections and pathways; and,
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 2. A maximum of thirty (30) percent of the RMU district may be used for standalone residential uses. Residential uses above the first floor are excluded from this requirement.
 - ~~2.~~3. The maximum residential density may be increased up to 85 units per acre and the number of residential units increased up to 2,350, through a Development Agreement as provided for in Chapter 15.16 of this title.