

# Memorandum

## City of Lawrence

### Douglas County

### Planning & Development Services

**TO:           Lawrence-Douglas County Planning Commission**

**FROM:       Planning Staff**

**CC:           Scott McCullough, Director of Planning and Development Services**

**Date:        For August 22, 2011 Planning Commission Meeting**

**RE:           Inverness Park District Plan – Approval Clarification**

The Planning Commission approved the Inverness Park District Plan at the July 27, 2011 meeting.

The Commission sought to ensure that more public process would be involved with the future development of the three properties along Clinton Parkway. Therefore, the Commission included in the approval of the plan that the three properties along Clinton Parkway must develop as Planned Development Overlay Districts (PD), which requires that a preliminary development plan be reviewed by the Planning Commission and City Commission. The PD district contains requirements to ensure compliance with *Horizon 2020* such as preserving 20% open space, flexibility in parking, and the ability to require other appropriate site elements.

However, potential issues arise from applying the PD district as the only option to the three properties on Clinton Parkway. Those issues include the requirement that a PD have at least 20% of the site as Common Open Space. There are certain elements that are required for the open space preservation. Those required elements include the establishment of a mandatory-membership homeowner's association to own and maintain the open space, or transfer of the land to a conservation trust or some other conservation-oriented entity, or dedication of the land to the City. These methods of preserving open space may not be appropriate for the anticipated development along Clinton Parkway. They are most appropriate for single-dwelling cluster developments.

There is another option for a public process in the development of these properties. That option is to rezone the properties with the condition that the site plan, which is normally administratively approved, be approved by the City Commission. Staff does not normally encourage the practice of conditional zoning, but it may be appropriate in this circumstance given the intent of the Planning Commission. Conditional zoning can also set a framework for development, such as limiting Remington Square to 1-bedroom, 2-story structure types.

Staff wants to ensure the intent of the Planning Commission is reflected in the plan. Is the intent to require properties to develop only with Planned Development Overlay Districts and all of their required elements, or is the intent that a public process be followed when the properties are developed and that options to reach that goal, including conditional zoning, be included in the plan?

**Staff Recommendation**

Clarify which of the two options below the PC intended to apply the three properties along Clinton Parkway.

- Option #1:** A Planned Development District Overlay is required to develop the properties along Clinton Parkway.
- Option #2:** A public process for site planning the properties, such as rezoning with a Planned Development Overlay or rezoning with conditions that require site plan approval from the City Commission, is required.