

**ITEM NO. 4      COMPREHENSIVE PLAN AMENDMENT TO H2020 - CHP14; INVERNESS PARK DISTRICT PLAN (DDW)**

**CPA-3-1-11:** Clarify approval of Comprehensive Plan Amendment to Horizon 2020 – Chapter 14 to include the Inverness Park District Plan. (PC Item 8; approved 7-1 on 7/27/11)

**STAFF PRESENTATION**

Mr. Dan Warner reviewed the plan that was approved by Planning Commission in August. The approval included a change that the properties along Clinton Parkway be required to utilize Planned Development Overlay Districts when seeking a rezoning. He asked Planning Commission to clarify which of the two options they intended to apply to the three properties along Clinton Parkway:

Option 1: A Planned Development Overlay District 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.

**PUBLIC HEARING**

Mr. Matt Gough, Barber Emerson, said when the applicants considered the specific requirements associated with the PD Overlay it became apparent that it would not be a good fit. He said at the last Planning Commission meeting they discussed the need to have a governing body review the site plan because of the nature of the area. He said Option 2 would allow for either a PD Overlay or a stipulation that it be a public review, which would be the applicant's preference. He said they would not be using the PD Overlay to increase density.

Ms. Marci Francisco, League of Women Voters, expressed concern about there not being any regulations, suggestions, or recommendations for Planning Commission and City Commission to deal with conditions on zoning. The League felt that would be helpful. She said the League felt that these properties would be very appropriate for the Overlay District because of the stream that divides two properties, the flood hazard area, and the future Parks & Recreation facility to the south. She said it would be an appropriate place to identify a trail along the stream that could connect the park area and an appropriate opportunity for use of open space. She suggested the wording 'homeowners association' be replaced with 'owners association' for maintenance of jointly shared property.

**COMMISSION DISCUSSION**

Commissioner Burger asked if the 20% allowance for the set aside was for each individual parcel or if the parcels would become a congregate unit that would have a 20% requirement.

Mr. McCullough said it could be accomplished in different ways, depending on what type of project. He said for example, with a commercial development like Hy-Vee that, with a single use on one platted lot the open space may be contained on that lot. He stated an apartment complex could be on one lot with several buildings associated with it and the open space would be identified on the site plan. He said subdividing property for cluster housing projects would contain individual lots with a tract of open space that would be held in common with the owners association, and that there were enforcement methods for dealing with maintenance of open space. He said most apartment complexes were owned by one corporate entity so any issues would be dealt with through the management group at the complex.

Commissioner Finkeldei inquired about the provision regarding Planned Development Overlay District and if it had to be a homeowners association.

Mr. McCullough said it could also be held in land trust, conservation trust, or deeded to the city. He stated staff was seeking clarification on the intent of last month's discussion about site planning and the public

process that allows that. He said there were other ways to get the same outcome and same values of sensitive land, maintenance, and open space.

Commissioner Liese said the letter from League of Women Voters dated August 15 referenced not including Option 2 in the Inverness Park District Plan. He asked Ms. Francisco if that was the intent. He also inquired about the multiple motions Planning Commission could make this evening.

Mr. McCullough said there were options with the plan.

Ms. Francisco said there was a follow up letter from the League of Women Voters expressing concern about Option 2 for Remington Square Apartments because they could be sold off at some point as condominiums.

Commissioner Hird said conditioning would allow the opportunity to be heard at the City Commission level where the League of Women Voters and other public members could provide input.

Ms. Francisco said at that point it would be a specific site plan and there would not be the same requirements for the 20% set aside and the homeowners association. She said the League of Women Voters thought there was a request for an increased zoning.

Commissioner Burger asked if the applicant for the residential area had an opposition to the 20%.

Mr. McCullough said they did not talk specifically about that. He said the Code had other requirements for recreational open space for apartment buildings as well, 50 square foot per unit required. He said he did not know if the Planned Development Overlay District gave greater authority to require trails. He said given the circumstances surrounding Remington Square there would be some authority to encourage trail development through the public process of site planning. He said in his opinion, seeking a Planned Development District does not give the city any greater authority to seek exactions on property.

Commissioner Finkeldei said he was leaning toward Option 2. He said the language was being put in the Southeast Area Plan and Option 2 would include some sort of public process, Planned Development Overlay or rezoning with conditions.

## **ACTION TAKEN**

Motioned by Commissioner Finkeldei, seconded by Commissioner Culver, to clarify with Option 2:

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.

Commissioner Singleton said her intent last month was to insure a public process with site planning. She said her recollection was that it was unclear that the complications about the Planned Development Overlay District were not something they were aware of and with further investigation it does not work well in the area they put it in. She said she would support Option 2.

Commissioner Burger said she was concerned that going with Option 2 would allow for Planned Overlay or rezoning with conditions. She did not like the idea of conditional zoning. She said if the PD overlay was not the appropriate tool that was fine but she was not comfortable with Option 2 as written. She was also concerned with the automatic 20% with the PD. She said she would be very favorable to only applying that to residential. She preferred Option 1. She inquired about the specifics of trails and green space being initiated by the public.

Mr. McCullough said Option 2 would not prevent Planning Commission from recommending conditions at rezoning or recommending a PD Overlay to City Commission once they see a request. He said it would broaden options about what the plan would support.

Commissioner Liese expressed concern about Option 2 and was not sure it was needed. He said he was leaning toward Option 1 and would vote against the motion.

Commissioner Finkeldei said Option 1 would make it very difficult to develop the commercial parcels. He said if the motion failed he would not support Option 1.

Mr. McCullough said staff felt the plan should be flexible enough to address any development proposals.

Commissioner Blaser asked if Option 2 would be a better option for lot one.

Mr. McCullough said it was designated commercial in the plan and PD may not be the most appropriate on commercial property.

Commissioner Burger inquired about the fourth parcel to the south.

Mr. McCullough said it was not applied to that parcel last month.

Commissioner Blaser said he would vote in favor of the motion for Option 2 because it was a broader statement of what could happen.

Commissioner Culver said the intention was to provide a public process for review. He felt Option 2 would make more sense.

Commissioner Britton asked if this was a public hearing item last month.

Mr. McCullough said yes.

Commissioner Britton asked if Option 1 would stand if they didn't take action.

Mr. McCullough said it was unique to bring back a Planning Commission decision for clarification. Staff wanted clarification on the intent. He said staff did not disagree that it could be appropriate for Remington Square but wanted flexibility for the future.

Commissioner Britton expressed concern about the process and that it sounded like asking the first question all over again as a non-public hearing item. He said he was leaning toward voting against Option 2 because it would preserve the decision made last month by Planning Commission.

Commissioner Hird said he came to the meeting convinced he would vote for Option 1. He said Option 2 does not lock in the PD but would preserve it and was appropriate for Remington Square but not the other parcels. He also liked that it would provide for a public process and would go to the governing body. He said this strip of land was a gateway into the city and the appearance was important so he liked the idea of having the most flexibility. He thought conditional zoning was a tool that could effectively be used on occasion. He said Option 2 appeared to be more favorable in terms of flexibility. He was hesitant about the idea of one owners association because it would give the entity shelter from their civic responsibilities. He said he would support Option 2 but thought a PD was still on the table for part or all the properties.

Commissioner Burger asked who would decide whether it would be a Planned Development Overlay or rezoning with conditions.

Mr. McCullough said Planning Commission would make a recommendation to City Commission.

Commissioner Burger asked if Planning Commission would see it either way.

Mr. McCullough said yes. He said once it was zoned and if conditions were placed they may or may not see it after that.

Commissioner Burger asked if staff and the applicant would work together to determine the best tool.

Mr. McCullough said yes, staff would make a recommendation to Planning Commission.

Commissioner Liese asked Ms. Francisco why having more options was a bad thing.

Ms. Francisco said the League of Women Voter letter was specifically directed at Remington Square. She said they were concerned about development at a higher density. She said this now would include the Overlay District which was a good thing. She said the concern was that the applicant would decide what they want to do and the community would have to object. She said conditional zoning needed to be incorporated in the Development Code. She was concerned about the language in Option 2 and that it was very amorphous. She said there was not a public process for site planning, there was a public process for reviewing site plans.

Commissioner Belt asked if the League preferred a more proactive approach as opposed to a reactive plan.

Ms. Francisco said the applicant specifically requested an increase in zoning for Remington Square and the League was responding with an equally specific proposal that they felt was much better for the lot. She felt conditional zoning needed to be incorporated in the Development Code so developers would know the rules.

Commissioner Hird asked if the conditions were stated on the site plan.

Mr. McCullough said based on some comments from the League about a year ago, staff revised the mapping techniques to include a layer of conditional zoning.

Ms. Francisco said the change was not to the site plan but rather a change to the zoning.

Commissioner Britton asked if the League of Women Voters issue was related specifically to Remington Square.

Ms. Francisco said the League thought the PD Overlay would be a better option to increase the density and would give the public the opportunity for planning. She felt they should change the requirements for homeowners association.

Motion carried 5-4, with Commissioners Belt, Britton, Burger, and Liese voting in opposition. Commissioners Blaser, Culver, Finkeldei, Hird, Singleton voted in favor of the motion.