

REGULAR NORWALK PLANNING AND ZONING MEETING 11-23-15

Call to order

The Regular Meeting of the Norwalk Planning and Zoning Commission was held at the Norwalk City Hall, 705 North Avenue, Monday, November 23, 2015. The meeting was called to order at 5:45 P.M. by Acting Chairperson Chad Ross. Those present at roll call were Robin Wagner, John Fraser, Judy McConnell, Jim Huse, and Chad Ross. Absent: Dan Schulz, Stephanie Riva.

Staff present included: Luke Parris, City Planner; Wade Wagoner, Planning and Economic Development Director.

Approval of Agenda – 15-91

Motion by McConnell and seconded by Fraser to approve the agenda as presented. Approved 5-0.

Approval of Minutes – 15-92

Motion by Huse and seconded by McConnell to approve the minutes from the November 9, 2015 meeting. Approved as submitted 5-0.

Welcome of Guests

Acting Chairperson Ross welcomed guests present.

The business portion of the meeting was opened.

New Business

Continue Public Hearing and consideration of a rezoning request from Road Contractors, Inc. for the North Shore Planned Unit Development – 15-93

It was moved by Fraser seconded by McConnell to continue the public hearing. Approved 5-0. Ross declared the Public Hearing was opened at 5:49 P.M.

The bulk of Mr. Parris's staff report was presented at the November 9, 2015. Parris stated at that time staff had asked that the following be addressed:

1. The third paragraph of Section 3 states that all other owners within the PUD must get Road Contractors consent prior to seeking a PUD amendment from the City. Staff was concerned this may lead to procedural questions in the future should the issue ever arise. Would it be better to have this language left in the covenants for the property?
2. Parcel A was intended to be primarily commercial in nature, but the PUD does call out Mixed-Use as a potential type of development. Typically Mixed-Use developments are done within one structure (such as commercial on the bottom floor with office/residential above). Parcel A goes on to state that Mixed-Use could also mean a development that contained commercial in one part of the parcel with office/residential in another, those uses located in separate structures.

3. Parcel C is identified as R-4 and abuts to Iowa Highway 5 to the north. It is stated that buildings shall not exceed three stories, but that they can go up to four stories along Iowa Highway 5.
4. In Parcel E and F, the PUD states that any structure shall use the permitting process for a single family structure instead of the process for site plan review and approval.

Parris stated that the resubmission of the PUD addresses each and every one of his concerns above. He sees the overall PUD as well thought out and will bring a low-impact development to Norwalk that is unique to the metro area.

Staff recommends approval of the request to rezone the land to Planned Unit Development.

Ross opened the floor for public comment.

Parris read the following email from Stephanie Riva into the record:

Planning and Zoning Commissioners,

Section 9(5) on page 10 of 13 of the proposed North Shore PUD states that the private park space will serve to meet the park land dedication requirements of the City Subdivision Regulations. I am fine with the planned park space remaining private; it's the same to me as Lake Colchester serving as a private amenity for use solely by those who pay membership fees to use it. However, I strongly object to the proposal that the private park will satisfy all the City's park land dedication requirements for all parcels in the PUD.

Section 13, page 36 of the City's Subdivision regulations states that a private park will count as a credit of 25% of the total park land dedication, and I believe that requirement should be enforced.

The dedication of park land will not be considered until the residential land is platted, in which case, the individual developer of each residential parcel will be the entity required to meet the remaining 75% park land dedication provision. The developer could choose to include a public park in its development, do the dedication elsewhere in the City, or pay the equivalent fee.

I ran a very simplistic calculation of the cost for that park land dedication for a single family lot and a town home lot (details below for any who wish to see it). In that calculation, the park land dedication would cost the developer \$330 per single family house or \$225 per each town home. That is a very minimal amount that can easily be recouped through the lot or unit sales price.

Adequate parks, trails and recreational facilities greatly enhance the quality of life and serve to connect the community, and the City frequently hears how important those amenities are to Norwalk residents. It's unrealistic to believe the North Shore residents will only use the private North Shore park and not any other City parks, trails or recreation areas such as the pool and ball fields, yet the proposed PUD makes no provision for enabling the City park system to support its use by the residents of an additional 1,245 dwelling units (or 3,398 residents, using census data of 2.73 persons per household in Norwalk). Further, I believe it sets a bad precedent to waive the Subdivision Regulations for one PUD when it has been enforced for others.

Stephanie Riva

Stephanie L. Riva, CFA
515-822-1425

The math details:

Assume a \$25,000/acre land value regardless of whether the parcel borders Highway 5 or the lake. (Random guess. Assigns a generous 25% premium over a recent Holland land transaction due to the lake and the close Hwy 5 access.) Assume the maximum town home density and that every single family home will sit on a 1/3 acre lot:

Say each single family lot is 1/3 acre (188 acres total, 525 lots).

25.5 acre lot = 85 house

85 houses x 783 sf park land = 66,555 sf

66,555 sf / 43,560 sf = 1.53 acres

1.53 acres x \$25,000 acre value = \$38,197 park land value

\$38,197 x 75% = \$28,266 to be given to city for park land dedication

\$28,266 / 85 houses = \$330 per house additional cost

R3- 27.2 acres

10 du per acre x 27.2 = 272 units

272 units x 522 sf per unit = 141,984 sf

141,984 sf / 43,560 = 3.26 acres

3.26 acres x \$25,000 per acre = \$81,488 (assumes all land valued the same)
park land value

\$81,488 x 75% = \$61,116 to be given to city for park land dedication

\$61,116 / 272 units = \$225 per unit additional cost

Parris then presented a memo titled Parkland Dedication in existing developments. Parris explained that most of the development he has overseen in his tenure has been within PUD's.

PARKLAND DEDICATION IN EXISTING DEVELOPMENTS

Below are the ways each Planned Unit Development (PUD) in the City has addressed the City's parkland requirements. Some of the PUDs specifically identify park locations while others are more general in nature. It is worth noting that the majority of new developments in the City have occurred in one of these PUD areas. There have been four recent developments that have been outside of these PUDs, they are: Blooming Heights; Timber View; Silverado Ranch Estates Plat 2; and Old School. Each of those would require parkland per the Subdivision Ordinance and only the Old School plat has been final platted and a check provided as a fee in-lieu of the parkland dedication.

From Echo Valley Community PUD:

The landscape element of the Master Plan identifies proposed open spaces and recreational areas and any environmentally sensitive areas that should be protected and preserved as part of the uniqueness of the area. A street tree planting plan shall be prepared and implemented with a variety of trees as the PUD is developed. Open space is designed extensively into the development to provide the identification and the utilization of the golf course, drainage ways, and utility corridors as passive open space and recreation areas.

From Legacy PUD:

The landscape element of the Master Plan identifies proposed open spaces and recreational areas and any environmentally sensitive areas that should be protected and preserved as part of the uniqueness of the area. A street tree planting plan shall be prepared and implemented with a variety of trees as the PUD is developed. Open space is designed extensively into the development to provide the identification and the utilization of the golf course, drainage ways, and utility corridors as passive open space and recreation areas.

PARCEL 4. This parcel shall be reserved as open space and park use for the purpose the "Town Center Commons". This parcel shall be dedicated to the City of Norwalk for ownership and maintenance at the time of development and platting of adjoining streets and Parcels.

PARCEL 8. Parcel 8 shall be reserved for open space and neighborhood park purposes to be dedicated to the City of Norwalk for ownership and maintenance at the time of development of adjoining streets and Parcels.

From Orchard Hills PUD:

The landscape element of the Master Plan identifies proposed open spaces and recreational areas and any environmentally sensitive areas that should be protected and preserved as part of the uniqueness of the area. A street tree planting plan shall be prepared and implemented with a variety of trees as the PUD is developed. Open space is designed into the development to provide passive open space and recreation areas.

PARCEL X. This park parcel shall be dedicated to the city via a warranty deed at the time that surrounding plats are approved. The developer shall dedicate the property in a usable condition with proper grading and drainage as approved by the City and the Developer.

Orchard View PUD:

A landscape element shall be developed in coordination with the Master Plan identifying proposed open spaces and any environmentally sensitive areas that should be protected and preserved as part of the uniqueness of the area. A street tree planting plan shall also be prepared and implemented with a variety of trees as the PUD is developed. Open spaces shall be designed into the development to provide the identification and the utilization of drainage ways and utility corridors as open spaces and pedestrian access corridors.

Park Land dedication requirements pertaining to the PUD shall be satisfied by the transfer of Parcel 1 to the City of Norwalk.

PARCEL 1. This Park Parcel shall be dedicated to the City via a warranty deed in accordance with the Transfer Agreement at the time that the PUD is approved, and shall satisfy all Parkland Dedication or Contribution requirements. The developer shall dedicate the property to the City in its existing condition.

From Rolling Greens PUD:

PARK DEDICATION In-lieu of park land dedication, a cash payment will be made to the City of Norwalk by the developer pursuant to the provisions of the Ordinance No. 93 -02.

From Southern Crossing PUD:

PARK LAND DEDICATION. Park land dedications shall be done in accordance with the Subdivision Ordinance and locations of said parks shall be identified at the time of platting.

From Dobson PUD:

Proposed landscape and open space elements shall be provided as separate documents to become part of this Master Plan or submitted at time of the site plan for each parcel.

Parris also explained developments outside of PUD's. Parris explained that only Old School has made it to final plat. Old School provided a fee in lieu of parkland. Fee in lieu is based on the fair market value of the land. We used \$20,000/acre for Old School but other parts of town may be higher or lower. Parris explained that single family has the highest requirement, but multifamily has a requirement too. It's outlined in the subdivision ordinance.

Luke explained the nuances behind if a PUD can waive the 75% requirement of public open space. Wagoner feels that the City has broad discretion to address this. Section 17.10.170.5 #4 allows for the City, when reviewing a PUD, make changes to the "Provision and use of open space and landscaping." It's not a question of can we; it's a question of should we?

Wagoner also indicated that Jim Dougherty did not share his opinion. Dougherty feels that the City has a responsibility to provide parkland that cannot normally be waived through a PUD, but it can be transferred, in this case because there is another taxing entity (the Lakewood Benefitted Recreational Lake District), the City could, thru the PUD, waive the 75% public park requirement. What is unique

about this PUD is the other taxing entity. So it is not an issue of can the City waive. The issue is should the City waive and that is a policy decision.

Tom Greteman, 5237 Clearwater Dr., talked about parkland and how as a Lakewood citizen he saw it differently. He pays taxes to support all parks, but nobody else pays to support his parks. Greteman also said that Echo Valley has been allowed to count their golf course to satisfy parkland. But there's a huge difference between parks and golf courses because even those that live in echo valley have to pay to play golf, but a new resident of North Shore would be able to use the park. Greteman also said the Lakewood Village Association and Rec District are financially better able to build park amenities than the City. Greteman indicated that he is a part of the North Shore planning committee and they would prefer that this is private.

Steve Gillotti of Road Contractors pointed out that there is almost 50 additional acres green space along the shoreline, bringing his total green space to 70 acres when you add that to the 20 acre park space. Gillotti indicated that there is a mix of trails, both private and public. Gillotti said that paying for the park twice is not an option he will pass on to potential buyers. The Park needs to count for 100% or he intends to dedicate it to the City.

John Fraser asked about boat docks. Gillotti said the issuance of docks will be up to the Rec District because they will be the ones controlling the shoreline.

Greteman spoke again. He said you can't imagine how much maintenance is required on a shoreline. He personally has spent \$21,000 on his 80' of shoreline. The City wants no part of the expense of the shoreline and that should remain private.

Lloyd Carlson, 8832 Woodmayr, Circle, said he has been involved with the Lakewood Village Association and he believes the association is financially healthy and is the best entity to maintain the park. They currently maintain five private parks and do a great job. He advocated for keeping the park private. He echoed Greteman's comments about the amount of work that goes into keeping the lake tidy.

Duane Sands, 8998 Golden Valley Drive, said he participates in the Lake District. He loves the plan Mr. Gillotti has put forth and all the hard work that went into it and how they listened to the existing residents. He supports it as presented with the park being private.

It was moved by Wagner, seconded by Fraser to close public hearing. Motion carried unanimously.

Ross, question about tax abatement. Parris and Wagoner, explained both commercial and residential schedules as follows:

- For Improvements to Existing Residential Structures: Improvements to existing residential structures are eligible to receive a 100% exemption from taxation on the first \$75,000.00 of actual value added by the improvements. The exemption is for a period of 5 years.
- For New Residential Construction: New residential construction is eligible to receive a 100% exemption from taxation on 30% of the increase in assessed value up to a maximum of \$75,000.00. The exemption is for a period of 5 years.
- For New and Existing Commercial and Industrial Improvements: All qualified real estate assessed as commercial or industrial is eligible to receive an exemption from taxation on the actual value added by the improvements. The exemption is for a period of 5 years. The amount of the exemption is equal to a percent of the actual value added by the improvements, determined as follows:

For the first year – 75%
For the second year – 60%
For the third year – 45%
For the fourth year – 30%
For the fifth year – 15%

Concerns were raised as to how this would affect the Rec Districts ability to create a park.

Greteman explained that it's only the first \$75,000. When a \$300,000+ home is built out there, there will be ample revenue generated by new housing to pay for the park. He reiterated that the Rec District is the best entity to create and to take care of the park.

Parris explained that the Commission has the option to forward to council as presented, or to make changes, or forward with conditions/changes.

Parris reiterated the unique situation with the private park is that there is an established rec district that the city can transfer its obligations to. That is different from anywhere else in the city.

It was moved by Huse, seconded by McConnell to recommend to forward to Council as presented, motion carried unanimously.

Discussion and recommendation regarding Home Occupation section of the Zoning Ordinance in relation to in-home daycares – 15-94

Parris gave the staff report indicating that council wants to allow C2 without the special permit requirement. Council had concerns about that being an arbitrary process. The Council doesn't want to debate that further, just wants

recommendation as to possible additional conditions for those C2 providers to mitigate their impact.

The conditions staff thought of include 6' fence, hours of operation 6 to 7, register with city, and follow zoning and building requirements. Parris said staff kept their list to things that were easily enforceable.

Huse asked how will complaints be handled? Parris said on a case by case basis. Look at this list, and also other parts of the home occupation code, and perhaps the nuisance ordinance.

Cindy Gavin, 927 18th Street asked how new providers that move in to the area going to know about this? Parris didn't think there would be a fee associated with registration. We'll try to get it up on our web page, but we could use all the word of mouth help we can get.

Jill Larson, 1027 Norwood Ct, indicated that she's in a good position to help spread the word and let the new providers know about the requirements. Jill indicated she did a lot of training, such as CPR classes, and that she will help get people registered.

It was moved by Wagner, seconded by Huse to forward to council as presented. Carried unanimously

Wagoner presented staff update. Highlighting the award the City received in New Orleans and gave a report on the items from the Thursday morning Council meeting which was moved because of the State Championship football game. Those items included the West Grove preliminary plat and the future of private streets in the City. Masteller's potential closing and vacating, Rolling Hills Plat 5, the hiring of Confluence for the Comp Plan and Sub Area 1, and the hiring of DCI as a construction manager to help implement Elizabeth Holland Park and development.

Ross asked about Stephanie's Departure. Luke said Dan is vice chair currently, and that Stephanie would be joining the council in January. The commission can elect officers at that time.

Ross asked for update on Welcome sign. Wagoner indicated he would forward out Welcome sign update from Jonathan Martin of RDG.

Next meeting date is December 14.

Adjournment – 15-95

Motion by Fraser and seconded by Wagner to adjourn the meeting at 6:47 P.M.
Approved 6-0.

Chad Ross, Acting Chairperson

Luke Parris, City Planner