

## **REGULAR NORWALK PLANNING AND ZONING MEETING 4-25-16**

The Regular Meeting at the Norwalk Planning and Zoning Commission was held at the Norwalk City Hall, 705 North Avenue, Monday, April 25<sup>th</sup>, 2016. The meeting was called to order at 5:45 P.M. by Chairperson Chad Ross. Those present at roll call were Jim Huse, John Fraser, Chad Ross, Elizabeth Thompson, Donna Grant, Judy McConnell and Brandon Foldes.

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

Council Liaison present: Stephanie Riva.

### **Approval of Agenda – 16-14**

Motion by Fraser and seconded by McConnell to approve the agenda as presented. Approved 7-0.

### **Approval of Minutes – 16-15**

Motion by Thompson and seconded by Foldes to approve the minutes from the March 28, 2016 meeting as amended regarding the Echo PUD amendment. Approved 7-0.

### **Welcome of Guests**

With no guests present and no one wishing to speak the business portion of the meeting was open.

### **P & Z Meeting Notes 4-25-16**

#### **Public Comment -**

None received for items not on the agenda.

#### **New Business:**

#### **Public hearing and consideration of a request from Norwalk Land Co to amend the setbacks, buffer requirements, and ownership requirement of Parcel 3 of the Orchard View Planned Unit Development – 16-16**

Public hearing was opened at 5:47 P.M.

Parris explained the location of the request was northwest of the intersection of Wright Road and Orchard Hills Drive. The proposal is requesting to adopt a Master Plan with setbacks for each structure, change the required setback for the perimeter of the complex to 35', allow for a 15' buffer to overlap the setback, and delete the "owner occupied" requirement.

Parris discussed the need to change/adopt a new master plan for this area was due to the 25' setback requirement and its difficulty to achieve.

Parris noted the second request was in regards to buffers overlapping setbacks.

Parris informed Commission that Request number 3 is in regards to occupancy type. Staff recommends approval of these requests.

Ross asked why was this rezoned R-3? It was originally zoned as R-1 and was it rezoned as R-3 to allow for potential use of townhomes? He reported that citizens have concerns about rental property potentially being in this area.

Parris explained why City staff has concern with the language regarding occupancy types and especially the rental portion part. Parris read responses from surrounding metro communities when asked if they regulated occupancy type. The consensus from surrounding communities, and the opinion of Parris, is that regulating occupancy type if not land use and should not be regulated in City zoning ordinances.

McConnell noted that the Commission has examined this one time before in relation to another PUD.

Wagoner added the Farms of Holland agreement highlighted and that language like this would impact the ability for banks to issue mortgages to individuals in this area. The issue of who would be able to enforce this would be difficult.

Ross asked if there other ways for homeowners to have options for this?

Wagoner discussed some of the options to answers Ross's question, mostly private restrictive covenants.

Huse asked if we leave the language as is, would it potentially open up legal ramifications for the City?

Wagoner answered the best way to go from here if we want to leave the language in is to have a developer sign a covenant.

McConnell stated that it has been found that banks are hesitant to loan money on these properties if this particular language is included.

Parris stated that we are trying to keep the City's best interests in mind and also keep in mind the impacts such regulations would have on the future owners of property in the development.

Carl Morton, 610 Tangelo Circle, spoke regarding a bad experience with a past issue and would like to know who Norwalk Land Co. is and what is their track record regarding owner occupancy/rental occupancy throughout the metro? Morton pointed out concerns on the map of where specifically the project is located at.

Parris highlighted to Mr. Morton where the project is at on the map in relation to the surrounding vicinity.

Morton is concerned about the traffic that could come from this. He is also concerned about the types of units there since it looks that the layout says there is about 800 square feet of living space. This would have a negative impact on surrounding property values and thinks that they should leave the language as is.

Pat Stoffel, 616 Tangelo Circle said she is living in the same development that Morton mentioned and the first proposed development was not a good fit for the area. Stoffel thinks this current proposed development will be a nice addition to the neighborhood. She asked the Planning and Zoning Commission to make sure the language exists so that the development attracts the right builders, developers, and occupants to keep the neighborhood the way the current residents expect it to be.

Jon Larson, Norwalk Land Co., questioned where the 800 square feet number is coming from? The first floor might be 800 square feet but there is a second floor as well so its about 1400-1450 square feet for the townhomes. Larson stated he would be happy to answer any questions regarding this project. They want to change the language because the banks will want to have protection. The idea is not to rent these units, but as a result of the recession, people are sitting on properties and are forced to rent them out. There are covenants in place for Orchard Hills but there is no language in those covenants regarding rental units, so a home could be built and rented out.

Ross asked at what point the covenants are in place? Parris said that is during the Final Plat.

Mellisa Hills, Civil Engineering Consultants, answered some of Morton's concerns and questions. There is a limit to density in this PUD and would not be able to do more than the units shown.

Public hearing closed at 6:22 P.M.

Foldes asked if the future land use map has this area as high density residential?

Parris said it was.

Ross asked if the Comprehensive Plan was written after the PUD? Parris said it was.

Ross noted the language was a concern at the time the PUD was written. The PUD was written prior to the Future Land Use Plan in 2013 and making a change to the language in this PUD would open the door to more people wanting to change. Ross wants to be cautious regarding this issue.

McConnell asked what year was it changed? Parris said the PUD was put into place in 2012.

Parris further explained that staff feels it is problematic to have the language in the City ordinance.

*Motion by Huse and seconded by McConnell to approve a request from Norwalk Land Co. to amend the setbacks, buffer requirements and ownership requirements of Parcel 3 of Orchard View PUD. Approved 4-3 with Fraser, Thompson and Ross in dissent.*

### **Request from Norwalk Land Co. to approve the Preliminary Plat & Site Plan of the Norwalk Orchard View Townhomes – 16-17**

Parris went over what the preliminary plat proposal from Norwalk Land Co. for the Norwalk Orchard View Townhomes.

Huse asked what the zoning is for this? Parris answered that the surrounding ground is R-1 with unincorporated farm fields to the south.

Parris went over more details regarding the buffers and drainage area of this location.

Ross noted that the two car garages don't look wide enough, and also questioned whether these units have basements? Larson answered there are not basements, they are slab on grade. The perimeter lots will be two stories, but the interior lots could be three stories.

Grant asked if there is there parking on both sides of the streets? Parris said he didn't know if there is enough room to park on the streets but that it would be up to the development to decide. Visitor stalls are in place.

Huse left the meeting at 6:47 P.M.

Foldes asked if architectural standards are being updated from time to time? Parris explained that they were updated in the last zoning code update that was just completed.

Foldes said it concerns him that there are no basements. Residents will store more items in their garages and this would leave more people to park on the street. Parris responded that the City did not have a requirement for units to have a basement.

Grant said for comparison, Legacy Point has a parking issue and she can see those issues arising in this development. Larson addressed some of the concerns about parking.

*Motion by McConnell and seconded by Grant to approve the preliminary plat and site plan of the Norwalk Orchard View townhomes. Approved 5-1 with Ross in dissent.*

**Request from Estates on the Ridge LLC. to approve the Final Plat of the Estates on the Ridge Plat 2 – 16-18**

Parris went over the details of the Final Plat to the Commission and stated that staff recommends approval of this Final Plat.

Ross had a question regarding sidewalks. Parris answered that 6' sidewalks were on the outer ring of lots with 5' sidewalks for the rest of the lots.

Foldes asked what the third item in the recommendation was? Parris answered the sign off on a plat and when it is recorded with the county.

Wagoner noted there is no consensus in the metro when developers can build regarding the release of plats to the courthouse.

Riva asked what is being done to address the drainage issues in some of the lots?

Dean Roghair, Civil Design Advantage outlined what the plans were to address the drainage issues.

*Motion by Grant and seconded by McConnell to approve the final plat of the Estates on the Ridge plat 2. Approved 6-0.*

**Request from Hubbell Realty Company to approve the Final Plat of the Legacy Plat 19 – 16-19**

Parris went over the details of the Final Plat for Legacy Plat 19.

Fraser stated that a road is needed to connect to G-14.

Ross asked if this is the pond where the golf course made weird modifications?  
Parris confirmed that it was.

Staff recommends approval for this plat.

Grant questioned how soon will the roads connect in this area?

Ross asked when it is appropriate for City staff to recommend the construction of an outlet road? Parris addressed the question from Ross.

*Motion by Grant and seconded by Fraser to approve the Final Plat of the Legacy Plat 19. Approved 6-0.*

### **Request from Hubbell Realty Company to approve the Final Plat of the West Grove Villas – 16-20**

Parris discussed the request from Hubbell Realty Company in regards to the Final Plat of the West Grove Villas to the Committee.

Ross clarified that there were no changes essentially from the Preliminary Plat to the Neighborhood meeting and Parris informed him there have been some minor changes.

Staff recommends approval for this Final Plat.

Wagoner noted that Cypress Drive would need to be corrected since we have had concerns from our public safety officials about similar street names in the vicinity. Parris agreed that this issue would be addressed.

*Motion by Foldes and seconded by Thompson to approve the Final Plat of the West Grove Villas. Approved 6-0.*

### **Discussion on Sign Ordinance memo**

Parris began the discussion by giving an overview of the Sign Ordinance and future developments in regards to signs.

Riva asked what panel signs are? Parris explained that a panel sign is a print or painted sign mounted to the wall.

Fraser commented that it would be nice to see what other cities are doing regarding signage.

Riva wondered if other cities have certain location restrictions regarding signs?

Brandt Johnson noted that areas like the Merle Hay have certain restrictions regarding signs.

Ross asked if it was possible to table the rest of the discussions for tonight? Parris said that would not be a problem.

**Discussions – 16-21**

*Motion by Fraser and seconded by McConnel to table the rest of the discussions for tonight's agenda. Approved 6-0.*

**Staff Development Update:**

Wagoner discussed the street name situation with Market Street and Marketplace. Work with developers. Discussed about the conversation with Culvers regarding a new store in Norwalk. Discussed about the possible redevelopment of the intersection at North and Main.

Foldes asked if there is a need to discuss why a person would vote aye or nay regarding votes on the Commission? Wagoner said that staff would look into that matter.

Wagoner discussed the new maps that are available to look at.

**Future Business Items:**

- Legacy Plat 19 Final Plat**
- West Grove Villas Final Plat**
- Estates on the Ridge Plat 2 Final Plat**
- Cort Landing Final Plat**
- Old School Plat 2 Final Plat**

Next Meeting Date: May 9, 2016

**Adjournment – 16-22**

*Motion by Fraser and seconded by Grant to adjourn at 8:12 P.M. Approved 6-0.*

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Chad A. Ross, Chairperson

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Luke Parris, City Planner