INDEPENDENCE ZONING UPDATE COMMITTEE  
MEETING #13 SUMMARY

Date: Thursday, April 28, 2011  
Time: 6:00 pm – 8:00 pm  
Location: The Independence Senior Center

PRESENT
Committee
John Richardson, Chair  Chris Reinersman  
Alex Mattingly, Vice-chair  Bob Schroder  
Dan Groth  Scott Wells  
Mike Dominach  Rodney Crice

NKAPC Team Members
Jenna Haverkos, AICP  
Keith Logsdon, AICP  
Andy Videkovich, AICP  
Martin Scribner, AICP

DISCUSSION POINTS
Conservation Zone
Overview of Policy
• The vision/policy was set for this area when the Small Area Study was adopted. It was emphasized that the committee is not here to discuss changes to that policy, only to discuss the regulations that implement that adopted policy.
  o Through the Small Area Study, it was determined that the highest and best use for this area is high density conservation subdivisions. Specifically, this means the preservation of open space and increasing the density in the area to support the commercial nodes in downtown Independence and New KY 17. NKAPC staff pointed out that:
    ▪ Conventional subdivisions do not meet the policy for the area.
    ▪ If the committee veers too far from the adopted policy, it may be necessary to put these regulations on hold and recommend to the City that they revisit the policy for this area (i.e. consider changes to the Small Area Study).
  o On page 82 of the Small Area Study, it states “The conservation subdivision model should be provided as an option in addition to the conventional development model in all residential areas including single-family and multi-family, within the study area.” Why, then, is the discussion to require it in this area?
    ▪ The key language in this statement is “in all residential areas including single-family and multi-family, within the study area”. There are areas within the study area that are identified for straight residential development. This statement would apply to these areas.
    ▪ The area under consideration is specifically recommended for high density single-family conservation subdivision.
    ▪ There seems to be a conflict between the general statement above and the specific land use recommendation that is trying to be implemented.
    ▪ While this statement may be interpreted in different ways, the committee’s consensus is that the specific land use recommendation of “high density single-family conservation subdivision” should not be optional for this area. There was also discussion about what effect this will have on the current property owners, which is covered later in this summary.

Previous Concerns
• Feasibility
  o Independence is projected to gain 6,000 new residents between 2000 and 2009.
Trends show that the population is becoming younger and more affluent than the national average.

Some general assumptions about these estimates:
- People in the younger cohorts are starting to demand a different type of lifestyle.
- There may not be enough housing choices in Independence for the older population to stay in the city, hence the population is becoming younger because the older cohorts are leaving Independence.
- Younger and older populations have been trending towards lower maintenance lifestyles.

Locally, there are no examples of true conservation subdivisions. Nationally, there are numerous examples:
- Centennial by Estridge, Westfield, IN
  [http://www.estridge.com/CentennialAt146thSt.aspx](http://www.estridge.com/CentennialAt146thSt.aspx)
- Garnet Oaks, Bethel Township, PA
- Several examples in Eastern PA and Southern NJ
- Prairie Crossing, Grayslake, ILL

Economic Advantages
- One case study found that a developer saved between $500K and $1M in construction costs by designing conservation subdivisions instead of conventional subdivisions (which equates to 24% - 33% savings).
- Lots within conservation subdivisions also sell at a premium, with one study estimating that they sell for a $3K to $18K premium, based on the types of open space available.
- Lots are also shown to sell faster, again, in one study showing conservation subdivision lots sold in an average of 9.1 months compared to 14.5 months for conventional lots.
- Here are links to the case studies referenced above, as well as to some additional materials:
  - Changing Cost Perceptions: An Analysis of Conservation Development
  - The Economic of Conservation Subdivisions: Price Premiums, Improvement Costs, and Absorption Rates
  - Enhancing Subdivision Value Through Conservation Design
    [http://www.greenerprospects.com/PDFs/EnhancingSubdivisionValue.pdf](http://www.greenerprospects.com/PDFs/EnhancingSubdivisionValue.pdf)
  - Conservation Subdivisions: Good for the Land, Good for the Pocketbook
  - The Economic Benefits of Conservation Subdivisions
- Ultimately, whether these regulations succeed or not comes down to the will of the people who lead the community to not settle for anything less than what they really want for Independence
  - Maintenance of Open Space
There are several different options regarding who maintains and owns the open space. Care should be taken not to single out a specific strategy, because what may work in one area may not work in another area.

What is key is that when a conservation subdivision is proposed, a detailed Maintenance and Management Plan can be required. This plan can require:

- The owner or entity responsible for maintenance, and long-term funding strategies such as homeowners’ fees or assessments.
- Demonstrate the financial feasibility of the ownership and maintenance program.
- Specify guidelines for how the maintenance of the Conservation Areas and any facilities eligible for location in the Conservation Areas will occur.
- Include cost estimates for maintenance, including staffing, operation, or insurance costs, if any.
- Identify a board and procedures for oversight of and enforcement of the Management Plan.

Detailed Maintenance and Management Plans have not been required in the past, which may have contributed to some of the current issues locally with Home Owners’ Associations.

Current Property Owners

There are mechanisms that can be used within the regulations that trigger when the new vs. old regulations apply. The idea of this trigger is to allow the current property owners to:

- Subdivide (to a certain extent) their land and sell or give individual parcels (to a family member, for instance)
- Add on or expand an existing residence, or rebuild after a catastrophe

Open Space Discussion

The top two priorities of these regulations are:

- Open space/natural resource protection
- Increased residential density to support Courthouse Square, the transitional commercial areas along Madison Pike and McCullum/New KY 17
  - The committee is in agreement that these two priorities are still the vision of the community and are what is being sought through this zoning code update process.

Can these priorities be achieved by the options previously presented by staff?

- Requiring 50% open space?
  - Yes, a requirement of this magnitude would both preserve open space/natural resources as well as create a higher density development environment
- Requiring 35% open space?
  - Yes, however, additional regulations would be required to ensure that the appropriate balance is struck between the preservation of open space for the protection of desired natural features, and the desired density is achieved.

Staff reminded the committee of the key components of conservation development

- No lot size requirements
- No set back requirements
- Open space requirements
- Achievement of desired density (through a yield plan)

Staff and the committee discussed the ability to name either of the options presented as ‘conservation’

- 50% open space requirement could be named as a conservation regulation
35% open space requirement with additional regulations, while still able to achieve the top priorities for this area, would not technically be considered ‘conservation’ development. This is found to still be a viable option for this area, but would no longer be considered conservation.

- Staff presented sketches requested of the committee at the last meeting. These sketches depicted the ability to require a 50% open space requirement and not force development to include attached single family units. Discussion was had about the compromises the City may have to make in this particular situation – the design/layout benefits of a true conservation development may be somewhat compromised; however, both of the top two priorities are still able to be achieved with a purely single family detached layout.
- The committee questioned if a graduated scale of open space should be considered.
  - This option could be administratively cumbersome
- The committee discussed the potential for stacked condos to be permitted within this area.
  - This issue has been talked about many times amongst the committee and heard from the public. The general consensus is that these are not desired in this area. These can be prohibited in the regulations.
- The consensus of the committee was to proceed with the 50% open space requirement.

**Next Steps**
NKAPC staff continues to work on drafts of the Downtown Independence and Gateway Districts. Drafting the Conservation Subdivision regulations will commence immediately. The next Steering Committee meeting will be Thursday, June 16, 2011 from 6 pm – 8 pm at the Independence Senior Center. The purpose of this meeting will be to review the Downtown Independence draft regulations. A copy of that draft will be sent out for your review at least a week prior to the meeting.