



June 15, 2018

Dear Ms. Hancock:

The E470 Neighbors coalition would like to thank you and Don Elliott for the very informative zoning code presentation you gave our Adonea, Cross Creek, Murphy Creek, Tollgate Crossing, and Traditions communities on Tuesday. We have some comments and concerns particularly about parts of the code that will affect Subarea C, and they are itemized below.

Administrative Approvals

We appreciate that public hearings are expensive and agree they should not be required for applications that meet ALL of the code requirements. However, we believe that a public hearing should be required for any deviation from the code, no matter how small. We also believe that a public hearing should be required for any industrial use near residential zone districts. Administrative approvals for everything were fine when no one lived in Subarea C, but that is no longer the case.

Administrative adjustments are proposed to be available for a few specific items at 5%-10% of the standard. If after the 1st review there are significant neighborhood comments, the Planning Director will have the authority to move any item to the Planning Commission. Requests for Major Adjustments trigger a Public Hearing. Any use listed as a Conditional Use will require a Public Hearing. That would apply to any use listed in an industrial use category within 300 feet of any residential.

Thank you for the explanation about Major Adjustments and Conditional Uses triggering public hearings. That is good to know. There is still a concern about administrative approvals. Since the new code is supposed to be accommodating, clear, and flexible enough to handle most development requests, there should be minimal need to deviate from the code. Therefore, any deviations should be reviewed at a public hearing. Although the Planning Director will have the authority to move any item to the Planning Commission, it doesn't automatically mean that will happen. Also, we are concerned that neighborhoods will not be notified far enough in advance of administrative approvals and adjustments.

Small Lot Sizes

We appreciate developers' desires to increase profit by packing more houses into smaller spaces, but large clusters of these lots will not provide enough distance between houses, will create parking problems and congestion, will not provide enough variety of housing types, will cause overcrowding in the schools, and are more appropriate for areas with available public transportation and shopping within walking distance. Subarea C has neither of those and probably won't have them for decades, if ever.

Prior to adoption of the final document, more opportunities for community and general review and input will be provided. Staff will post the proposed changes to the lot configurations and sizes on the city website.

E470 Neighbors have significant concerns, so we would appreciate notification when the proposed changes are posted, and please consider this our request for a neighborhood meeting to discuss those changes.

Mixed Use Centers

We appreciate flexibility, but we have concerns about how developers' flexibility can impact homeowners' quality of life and finances. People purchase their homes based on what is currently located near it and what may be located near it in the future. If someone purchases a lot specifically because it is not near a mixed use center, that individual's quality of life may change if a mixed use center is suddenly located near his home. The value of the home may also be affected, based on the type of mixed use center. Allowing mixed use centers to be moved without a rezoning hearing is not fair to homeowners, especially those who may have paid a lot premium.

This is a carryover from existing E-470 code. The specific locations of commercial nodes within a large master planned community can be difficult to determine until the area is platted. The new code differs in that it will require that once the mixed use center is platted, the property will be zoned commercial or mixed use. After that point, a rezone will be required if they choose to relocate the zone district.

Thank you for the clarification, but we still have concerns. If our understanding of the proposed changes is correct, relocation of mixed use developments will not require public hearings, or even any neighborhood notification, provided the mixed use development remains within the mixed use zone. If this is not accurate, we will look forward to clarification at a neighborhood meeting.

Neighborhood Notifications

We appreciate that a First Review Neighborhood Meeting is required for certain applications, but we have concerns about the range of notification for Subarea C where the land is flat with few trees and line of sight can stretch for miles. Currently, neighborhoods in Subarea C may be distant from one another, but the far-reaching line of sight means they still affect one another. Also, some of the neighborhoods are rather large, with one side of the neighborhood being a mile or more from the opposite side. We believe the notification area for neighborhood meetings, as well as any other notifications, should be at least 2 miles.

The 1 mile notification is current practice that is proposed to be carried over.

We are still concerned that a 1 mile radius is not enough notification for developments on the Eastern Plains.

Lower Parking Requirements

We appreciate that incentives for the production of affordable housing are being offered, but some of our communities have already experienced the issues caused by lower parking requirements. Especially with alley-loaded and cottage homes, lower parking requirements cause congestion on neighborhood streets and become a safety issue due to not being able to see pedestrians, particularly children who may dart out from between parked cars. This also creates problems for large emergency vehicles that may not be able to readily access a home, due to the congestion of people parking on the streets.

This reduction is only for projects that are receiving federal or state funds for dedicated affordable housing, and will not apply to any market rate residential development. Such projects as limited by their funding sources to low income census tracts and will have minimal impacts in Area C, based on the income levels of the Area C census tracts.

Thank you for the clarification about affordable housing and lower parking requirements. This is of even greater concern, as it appears that current and future parking problems will become the norm, instead of the exception.

Adjustment Procedures

We appreciate developers' desires for more predictable decisions – homeowners also want more predictable decisions. We have concerns that allowing administrative adjustments based on percentages as described will be too subjective and the compensating mitigation may not actually benefit the community impacted by the adjustments.

Minor adjustments are proposed for a specific list of items at 5%-10% of the standard. Below, we have copied over the Minor Adjustment Table from the draft UDO for reference. If after the 1st review there are significant neighborhood comments, the Planning Director will have the authority to move any item to the Planning Commission. Requests for Major Adjustments always trigger a Public Hearing. Any use listed as a Conditional Use will require a Public Hearing.

We are still concerned about Administrative Adjustments. Since the new code is supposed to be accommodating, clear, and flexible enough to handle most development requests, any deviations from the code should be reviewed at a public hearing, not automatically granted from within the code itself. This may encourage the makings of a "slippery slope" type of mentality for developers. For example, a developer could argue that, "I'm already allowed 10% leeway through the code, and 15% isn't that much more". Although the Planning Director will have the authority to move any item to the Planning Commission, it doesn't automatically mean that will happen. Also, we are concerned that neighborhoods will not be notified far enough in advance of administrative adjustments.

Table Error! No text of specified style in document.-1 Administrative Adjustments	
Ordinance Standard	Amount of Variation Permitted from Ordinance Standard
All Permits and Approvals	
Maximum or minimum building setbacks	10%
Maximum lot coverage	10%
Maximum building height	5% in Residential districts; 10% in other districts
Minimum open space	5% in Residential districts; 10% in other districts
Maximum height of fence or wall	10%
Minimum off-street parking required or maximum off-street parking permitted	5% in Residential districts; 10% in other districts
Additional for Redevelopment Plans	
Any development standard in Article 146-5	The minimum amount needed to allow redevelopment of the property given the location of lawfully existing buildings and structures that will remain after redevelopment.
Additional for Signs	
Maximum total sign area	10%
Maximum number of signs	1 additional sign
Additional for Fences	
Location, setback, or height of fences constructed under the Neighborhood Fence Replacement Program	As necessary to allow the replacement fence to comply with requirements of the Neighborhood Fence Replacement Program
Table Error! No text of specified style in document.-1 Administrative Adjustments	
Ordinance Standard	Amount of Variation Permitted from Ordinance Standard
Additional for Existing Single-Family Property	
Setbacks	10%
Fences	10%
Other property issues identified in Section 106 Article 3	10%
Additional for Subarea C Mixed Residential Developments	
Any dispersal standard	10%

Although we have other concerns, the timeframe for reviewing the latest changes and submitting comments is very short, so we are submitting just these for now and may have additional comments in the next few weeks.

Also, we do want to congratulate the consultants and staff for the tremendous job they've done on the UDO. That was an enormous task.

Our collective communities appreciate your serious consideration our concerns.

Sincerely,

Margaret A. Sobey
E-470 Neighbors – Chairman

Lisa Gajowski – Adonea

Currently Representing 450 households

Jerald Lane – Cross Creek

Currently Representing 500 households

Doug Schriener – Murphy Creek

Currently Representing 1170 households

Brian Matisse – Tollgate Crossing

Currently Representing 1200 households

Jon Barber – Traditions

Currently Representing 975 households