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September 24, 2012

To: Mayor and City Council
From: Hilary Larsen, Barclay Downs HOA President
Subject: Statement of Rebuttal

For the past six months, the HOA has worked tirelessly to find common ground with the Developer of the proposed apartment tower. Neighborhood concerns from the beginning focused on the project's precedent-setting height and density and proximity to our neighborhood's recreation center. Based on residents' concerns, we asked the Developer to reduce building heights along their northern boundary so that the project was more in spirit with the guidelines found in the South Park Small Area Plan (p. 33): ***“Building height should be compatible with surrounding development” and “buildings abutting single-family neighborhoods (should be) consistent with the current maximum (40 feet).”*** While the Developer did reduce the project's total square footage by 12,000 feet, building heights along the rear of the building are still averaging over 90' with no additional setback to reduce the impact on our recreational facility or neighborhood. While we appreciate the Developer's commitment to fund traffic and pedestrian improvements on Barclay Downs Dr., their financial support does not lessen our concerns regarding the project's size and height. **We therefore ask that you vote to oppose this rezoning petition.**

On the attached *Summary of Actions* table, we have inserted in red ink several points that we believe were either erroneous or not fully addressed by Planning staff or the Zoning Committee and merit your further consideration. In addition to addressing our specific concerns regarding the Woodfield project, we also would like to ask that Council consider taking action on the following broader planning issues.

1. Require greater scrutiny and design support from City Planning for smaller MUDD petitions. Because it offers no protection to adjacent land owners on setbacks and heights, any protection or provisions must be negotiated by Citizens without the resources or expertise to negotiate.
2. Review and strengthen the recent text amendment that allowed Developers to disregard R-3 zoning on institutional uses. Regulations are needed to protect community resources where vulnerable populations congregate (i.e., schools, daycares, assisted living facilities, recreational centers etc.) from higher density developments.
3. Engage the community in a revision to the South Park Small Area Plan. As Planning seems to be ignoring elements within the Plan, then we ask that we be involved in developing new guidelines for appropriate transitions between commercial and residential uses.

ZONING COMMITTEE RECOMMENDATIONS AND STAFF ANALYSIS
July 25th 2012

REQUEST	Current Zoning: O-2(CD), office, conditional Proposed Zoning: MUDD-O, mixed use development district, optional
LOCATION	Approximately 3.20 acres located on the northeast corner of Barclay Downs Drive and Morrison Boulevard across from Carnegie Boulevard.
SUMMARY OF PETITION	The petition proposes up to 280 multi-family dwelling units at 87.5 units per acre, and permitted accessory uses. If allowed, this building will be the highest density residential development outside Uptown and establish precedence for future development adjacent to residential neighborhoods.
STAFF RECOMMENDATION	<p>Staff recommends approval of this petition upon resolution of outstanding issues. The petition is consistent with the <i>South Park Small Area Plan</i>, which recommends office or a mixture of office and residential uses. (How can this same document be used as a basis of support yet guidelines in the document regarding height restrictions when abutting residential neighborhoods be considered out of date and no longer valid?)</p> <p>The site is located in an area identified as an Activity Center as set forth in the adopted <i>Centers, Corridors, Wedges Growth Framework</i>. The subject site meets many of the design standards recommended by the adopted area plan as follows:</p> <ul style="list-style-type: none"> • building architecture oriented to the town center, with use of brick and stone building materials; • reduced building height abutting a nonresidential outdoor recreation use in residential zoning. Not true. The Developer was able to claim that heights were reduced by pivoting building's orientation. In fact, the height of proposed building has actually increased from 92' to 95' and filed documents could allow 120'. • landscaping and buffers provided to transition between land uses; (no amount of landscaping can camouflage a building that is 9 stories tall and 62' from R-3 property line.) • open space in the form of an improved interior courtyard and natural or landscaped open space areas; (Total amount of open space is greatly reduced to increased mass of this project compared to the allowed 130,000 ft office building.)

Current zoning in area

The subject property is currently vacant. Adjacent parcels on the east side of Barclay Downs Drive are zoned R-3, O-2(CD), O-15(CD), O-1, B-1SCD and CC and are developed with an outdoor recreation use/commercial swim and racquet club, single family dwellings, office and retail uses, an amphitheater, and a hotel. Parcels on the west side of Barclay Downs Drive are zoned R-3, O-1 and MUDD-O and occupied by single family dwellings and office uses. **(Before Jan 2012, the Swim Club's R-3 zoning would have required that it be given the same level of protection as any R-3 property and this project would not have been allowed. As the first test case to come before City Council, we believe that City Council should carefully consider the unintended consequences of this text amendment on residential neighborhoods.)**

• Rezoning History in Area

Recent rezoning in the area include Petition 2010-056, which allowed 495,000 square feet of commercial floor area, 591 multi-family dwelling units, and limited the amount of retail and/or restaurant uses to 15,000 square feet. The 13 acres are bounded by Carnegie Boulevard and Congress Street near Barclay Downs Drive. **(We believe that Planning used an inappropriate example to support the Woodfield rezoning petition. 2010-056 is not adjacent to a residential area and is a significantly larger site. A more recent and better zoning comparison is 2011-009 (Crescent Resources) located 3 blocks from the Woodfield site. This project includes 350 residential units, commercial and office uses and shares a northern boundary with a residential neighborhood. The Developer was required to provide a 100' buffer, of which 75' was undisturbed. Two other approved MUDD zonings (2011-029 and 034) were of similar acreage to Woodfield. Neither was allowed to be as tall or close to residential areas as the proposed Woodfield project.**

• Public Plans and Policies

- The *South Park Small Area Plan* (2000) recommends a mix of office and residential uses as amended by the previously approved rezoning.
- The petition is consistent with the *South Park Small Area Plan*. **(It also states that new development should be sensitive to adjacent residential neighborhoods lowering heights along project edges to 40'. These guidelines have governed development in the South Park area for years. If plan is no longer up to date, then it should be updated with public support, not selectively used as we believe has been the case on this project.)**