

Response to Applicant's Comment

In the comment filed by the attorney for the applicant, he notes that my earlier comment on behalf of Westminster Ridge Subdivision states that “the property could accommodate up to 72 townhouses.” That statement is misleading. I did state that while technically the rezoning would permit that much development, the fact that a substantial portion of the property is under water during the summer pool or is in the flood zone, would prohibit that much development, but that **“even the construction of two or three duplexes on the applicant’s property would be inconsistent with the properties located in Westminster Ridge Subdivision and on the peninsula.”** This last quotation was omitted from and not addressed in the applicant’s response.

As noted in my first comment, the applicant’s house is directly across from the main entrance on Lyons Bend Road into our subdivision of 37 houses. There is only one narrow, two-lane road separating the applicant’s property from the first two properties in our subdivision. The first eight houses in our subdivision at this entrance are closer to the applicant’s property than they are to half of the other houses in our subdivision. My wife and I are two houses from that entrance. When the applicant was living on his property we could hear his dog barking in the front yard, his lawn service people when they were working in his yard and the music and conversation when he had parties on his property. This is not a complaint; Mr. Smith was a good neighbor. But this closeness reflects the intimacy his property and activity on that property has to our neighborhood. Section 9.3 of the developmental policies to be considered by this board when considering rezoning applications state: **“Ensure that the context of new development, including scale and compatibility, does not impact existing neighborhoods & communities.”** This visual and audible closeness to our subdivision enhances the adverse impact rezoning would have on our neighborhood.

The comment by the applicant’s attorney further states that as a result of the expansion of the ballfields across the river at Lakeshore Park the applicant moved from his property and demolished the house in which he was living. In fact the applicant has stated that he had planned to build his dream house on this property until the Lakeshore Park development constructed the ballfields and added many lights in that area. It is understandable that he would abandon his plan of building

his dream house on his property after that “**development**, including scale and compatibility . . . (negatively) impacted (his neighborhood and community). So now, having been deprived of his peaceful enjoyment of his property by development across the river, he is asking for rezoning which will allow “**development, including scale and compatibility, (that will negatively) impact existing neighborhoods & communities**, that is the 37 families living across the street in Westminster Ridge Subdivision. Section 9.3

If this rezoning application is granted, then applicant’s property would be the only property along Lyons Bend and Houser Roads which make up the Peninsula to be zoned MDR. All of the rest are LDR except for the Peninsula Club. Granting this application would open up the potential for a similar request for property a quarter of a mile south on Lyons Bend Road on a much larger tract of land.

The comment by the applicant’s attorney makes reference to other nearby developments along Northshore Drive in support of the application. The applicant’s property is not on Northshore Drive. It is on Lyons Bend Road with an address of 1476 Lyons Bend Road. Any development on applicant’s property would be on Lyons Bend Road and likely limited to the area 100 yards south of the intersection of Northshore Drive and Lyons Bend Road.

The comment by the applicant’s attorney notes that traffic and environmental concerns will be studied and mitigated as part of the Special Use process. The August 2007 West Sector Plan prepared by the Metropolitan Planning Commission included a five-year plan to develop infrastructure to accommodate bicycles and pedestrians along a 2.5 mile stretch from the intersection of Northshore Drive and Lyons Bend to the intersection of Northshore Drive and Wallace Road. That was 17 years ago and it hasn’t happened. Criteria for MDR land use includes being along corridors served by sidewalks and transit. Sidewalks were planned to be in existence 12 years ago and still haven’t been installed. Bus transit existed along Northshore Drive in the 2000s but was discontinued more than a decade ago.