Comments from Reinvestment Tools Public Meeting – May 11, 2016

General Comments

- I would prefer using a special exception process which respected the current neighborhood plan for dealing with orphaned parcels along corridors & roadways damaged by widening projects.
- Look at site compliance exceptions in the UDC for use changes – i.e. conditions UDC 3.3.3.H… We couldn't do a B&B @ 700 N. 7th Avenue because no part of the use can be residential and to be feasible (County Health Code for Kitchens), the B&B needs a live in caretaker ("res"). Also B&B's in residential areas need more than (2) guests….
- Public management does include the public.
- Do need to increase and improve how the public can be reached.
- It is critical, if any of these move forward, for neighbors to have an "omsbudsman" who can help balance the process, since developers have professionals to represent their interests. Many of these processes involve negotiations between the applicant and adjoining property owners. Negotiations imply parity, but you can't have parity when one side has no help or representation. Under no circumstances should anything be moved to backroom, closed, secretive Administrative decisions.
- Open space needs to be better defined.
- Be Heard supports the 3 Reinvestment Tools!

PAD Comments

- Make sure PAD in neighborhoods must follow neighborhood plan guidelines or not allow PAD in historic neighborhoods.
- PAD – When reviewing that ordinance, please ensure that there is a public process which guarantees that the public is not dependent on the developer for their understanding of the code AND the possible options to consider. There MUST be a knowledgeable neutral party involved.
- Set a minimum standard when 40-acre PAD limit goes i.e. it's inappropriate on a small single development lot within existing zoning.
- Safe guards like IID has, i.e. no PADs in HPZ zones or ensure HPZ prevails over PAD considerations.
- Agree that 40-acre limit for PAD development should be decreased – think there should be a minimum size for this flexibility. Zoning is _____.
- Must be clear that PADs do not supersede area plans, e.g. University Area Plan.
- Clarify who has standing with creating a PAD.
- Support expanded use of PADs because (due our City Atty's interpretations of rezoning that offer no protection to neighborhood negotiations) a PAD spells out the plan & details such as height, FAR, uses, etc, which cannot be changed w/o going back to public. Must keep 10% rule in PADs (i.e. can make minor changes but nothing major). However, I cannot support expanding PADs unless we have a functioning Code Enforcement division. Presently, CE is relatively non-functioning: inspectors do not seem to understand what to do about zoning code violations and not enough of them to actually resolve CE issues. What does happen when zoning code violations occur? Is certificate of occupancy revoked? Are owners required to stop and remedy violation? All zoning conditions for a property should be recorded & easily found by owners,

inspectors & the public. PADs must be public process w/ meaningful input by NA's & near-by impacted neighbors. No administrative approvals should be allowed →should go zoning examiner & then Mayor & Council for approval.

- PADs should retain a minimum lot size so it isn't used on a small lot.
- Eliminating the 40-acre requirement for a PAD seems reasonable for "Inner City Refill Projects" only! It should NOT be eliminated for areas on the perimeter! It would only result in Urban Sprawl. Also, you need to keep in effect the 10% rule. Any changes more than 10% needs to go back before the neighbors. Neighbors need to be notified regardless of the existence of any neighborhood plan or lack thereof.
- What was the reason(s) for the proposed change to PAD use? Who benefits? How? Who's idea was it?

MS&R Comments

- Major Streets and Routes - Ensure uses comply with neighborhood plan.
- I support all three tools. With respect to setback relief, I urge the City to present to the public for review, the revisions to the MS&R.
- Regarding the MS&R: What if one director decides "yes," and the other decides "no." What happens then? Appeal process?
- What if both say yes or no? Appeal process if the decision disfavors the developer? Appeal process if the decision disfavors the neighborhood/neighbors?
- MS&R – push for the total city review ASAP.
- Revamping the MS&R is way overdue, do not allow this band-aid to help a few projects – some very worthwhile, many may not be. Need a fair playing field – this will get muddy fast. Protect our R.O.W. screening & requirements.
- MS&Rs? Why do they list exist along roadways that 'never' will be widen? (powerpoint, "…not planned.")
- MS&R – To avoid having the taxpayers take a "hit" in the future for the purchase of the building that was allowed to located in the ROW, the applicant should be required to sign a waiver that will not hold the taxpayers liable for the decision.
- Building in future ROW → proposal sounds reasonable as long as due diligence is done by staff prior to approval of allowing building in ROW. MS&R should be reviewed to determine of future ROW is reasonable, especially if numerous requests to building in ROW of a certain road is approved.

Concurrent Plan Amendment / Rezoning

- PA&RZ – clarify who has the option. Unless the adjoining area impacted by the project agrees with the developer that it should be addressed together, it is not an option for the developer.
- Prefer staggered approach to concurrent P.A. and rezoning to ensure safeguards in process but agree discussion should include both from beginning.

- Very opposed to concurrent review of Plan Amendment & Rezoning. This will limit review and question periods needed for important and permanent changes directly affecting our neighborhoods. What about those neighborhoods without active watchdogs? The submission for Plan Amendment should be substantial; that affected people will have more complete information is a bunk argument. This only benefits the developer, the larger they are and the larger the development the slicker the ability to grease the process. Zoning changes are too important, any developer or design professional knows what they are getting into now when a project requires rezoning.
- Optional Concurrent Plan Amendment & Rezoning process must include options for all sectors to observe and follow through after implementation.
- Concurrent Plan Amendment & Rezoning could be beneficial to both developers & neighbors. As someone who worked w/staff on North Side Area Plan, understand amendments may be needed in the future. But once a plan amendment is approved, it will be part of plan text if applicant backs out of does not get rezoning → bad for neighborhoods in the long run. Being able to do both requests concurrently can be beneficial to all parties but no guarantee. Vote to approve plan amendment must precede rezoning vote & be part of a rigorous public process. Neighborhoods should be welcome to amendment plans as well as developers → those who live there are most impacted by plan conditions.