



MEMORANDUM

July 12, 2013

TO: Mayor and Council

FROM: David Hill and Jack Leiderman

SUBJECT: Minority Opinion, Planning Commission recommendation on Amendment of CPD1995-00002, for 144 additional townhouse units at King Farm From recommendation hearing July 10, 2013

This minority opinion of the Planning Commission fails to make findings #2 and #11, pertaining to the amended addition to the King Farm development Resolution.

2. Will not be detrimental to the public welfare or injurious to property or improvements located or to be located in or adjacent to the development....

The following facts lead us to find that this site is ill-conceived for residential units, especially of a single family (attached) character.

Regarding parcel F5, this site is bounded by:

1. I-270 to the west, a ten lane highway. While not directly abutting, the intervening area is flat open space, or open space of the highway ramps.
2. The CCT right-of-way wraps around two sides.
3. Abutting to the north with scant set-back, the major structured parking of the Upper Rock site lies atop a significant grade.

Regarding parcel F6, this site is bounded by:

1. A hotel and its surface parking on two sides (think trips at all hours).
2. On the third side, a large commercial use parking structure is across the street. [note: half of the row of townhouses facing Piccard Dr. is sandwiched between the hotel parking lot out the back door, and structured parking out the front door, across the street.]
3. The remaining side is the right-of-way for the CCT.

We cannot conceive of approving original residential units so located, as beneficial “to the public welfare” because it would be “injurious to property ... located in ...the development....” The City should use its zoning powers to accomplish more felicitous adjoining uses, than the rule of caveat

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emptor. The surrounding build-out of adjoining parcels, such as placement of parking lots/structures, siting of the CCT, or proximity of the highway, are all in keeping with these sites being commercial uses, not residential.

Further, we observe the recent resistance of the existing residential portions of King Farm to the long standing CCT alignment, as disruptive to the normal residential calm. We expect that townhouses placed such small distance (in part wrapped on two sides) to this transit infrastructure, will only exacerbate such conflict and be noxious for residents. While having convenient transit access can be desirable, practically living atop a heavy vehicle right-of-way, with frequent pass-by trips, is not.

11. Will be suitable for the type of development, the use contemplated....

King Farm was planned as a hallmark New Urbanist community, with uses and higher densities “sold” to the public on accompanying premises. A conceptual cornerstone is the presence of mixed uses providing live, work and daily services in a compact community. We presume the original designers knew what they were doing in establishing the proportion of residential, commercial and retail uses, for greatest long term community vitality. Public acceptance of the concept and City regulatory approval counted on this. We note that a prior action to convert uses removed approximately 30% of the commercial area to residential elder housing. This action would remove approximately another 20% of the commercial area to high-ish density residential use; to a total of 50% loss of commercial land use over original planning.

We think this further erosion in balance of commercial space within the development, toward residential increase, harms the long term build-out upon which this development should operate and reneges on the premises of public approval. Therefore, we find that such conversion of commercial space to residential is not “suitable for the type of development”, and not “the use contemplated” for a balanced New Urbanist community. Rather, this action belies the virtues extolled for mixed uses, as density busting. Please do not conflate what may happen as option in the King Farm Resolution, with what should happen to make real the premises of the planning. We perceive a growing crisis of public confidence in mixed usage land planning, as the reality of working sympathetic mixed uses seldom builds out. While we recognize residential market conditions have been more favorable for a moderate time, simply acceding to more and higher density residential space supplanting other uses in intended mixed use areas does not sustain public confidence in development within the City. Our general prompt to developers that promised mixed use cityscapes in return of density and clustering concessions is: make it so.