

Case 22-ZONE-0050

5127 Terry Rd

Tina Burnell on behalf of Murray Heights Subdivision

3/2/2023

Murray Heights Subdivision abuts the property LDG proposes to develop at 5127 Terry Rd and will be most directly impacted by this development. Construction of our neighborhood began in 1964. Many residents have been here for decades and have plans to be here for many more. It is a good neighborhood. We have a diverse, quiet, well-kept community of only 192 homes and have always had one way in and one way out via Lemmah Drive. The scale of this development will greatly affect the character, the amount of thru-traffic, and essence of our neighborhood. We have made our homes here, we are invested here, and we appreciate you giving us time to share today.

As citizens unaccustomed to navigating this process, we have felt lost and discouraged. So, we come today to plead with you to help us minimize the adverse impact on our homes and our neighborhood - and to also consider our quality of life in the final decisions made today.

LDG, in both their own "waiver request" and "variance request", attempts to justify those requests by citing "relief to the applicant" and "unnecessary hardship" to the applicant, yet they have given ZERO consideration or respect to the relief and unnecessary hardship they are creating for our community and ZERO consideration to our homes and families that will be impacted.

Regarding the Applicant Justification Statement

The property at 5127 Terry Rd lies in the what Comprehensive Plan 2040 designates as the South-Central Dixie area. Our community has numerous apartment complexes, including at least 6 large apartment developments in the works within a 5 mile radius. New homes, townhomes, condominiums, patio homes, and duplexes are not being built at a proportional rate. This diminishes housing options and creates communities where citizens are trapped in the rent cycle. Building only apartments in this area is not equitable and does not provide for diverse housing options as required by Comprehensive Plan 2040.

Comprehensive Plan 2040 Community Form goal objectives state:

“the community is engaged in the planning and development process.” - that has not happened with LDG.

“The pattern and design of development is shaped by a preferred neighborhood character” - proposed plans will take a 60 year old single entrance neighborhood of 192 single-level homes and connect two stubs for vehicular traffic to an apartment development of 216 units. It will completely change the character and essence of our small neighborhood.

Community Form goal objectives also state:

“Ensure new development and redevelopment are compatible with the scale and site design of nearby existing development...”

“Ensure an appropriate transition between uses that are substantially different in scale and intensity or density.”

“Ensure...building heights are compatible with those of nearby developments.”

The scale of the buildings as the plans currently show are 3-story and over 44' tall making them incompatible against the single-level ranch style homes of our neighborhood - it is not an appropriate transition between the areas.

This is the current view from my back porch at 3210 Huberta Drive located north of the property. Our home is the center house on the street section most directly and visually impacted by this proposed development.

3-story tall apartments that exceed 44' in height will TOWER over our single-level homes and will adversely affect both our sight lines and privacy.

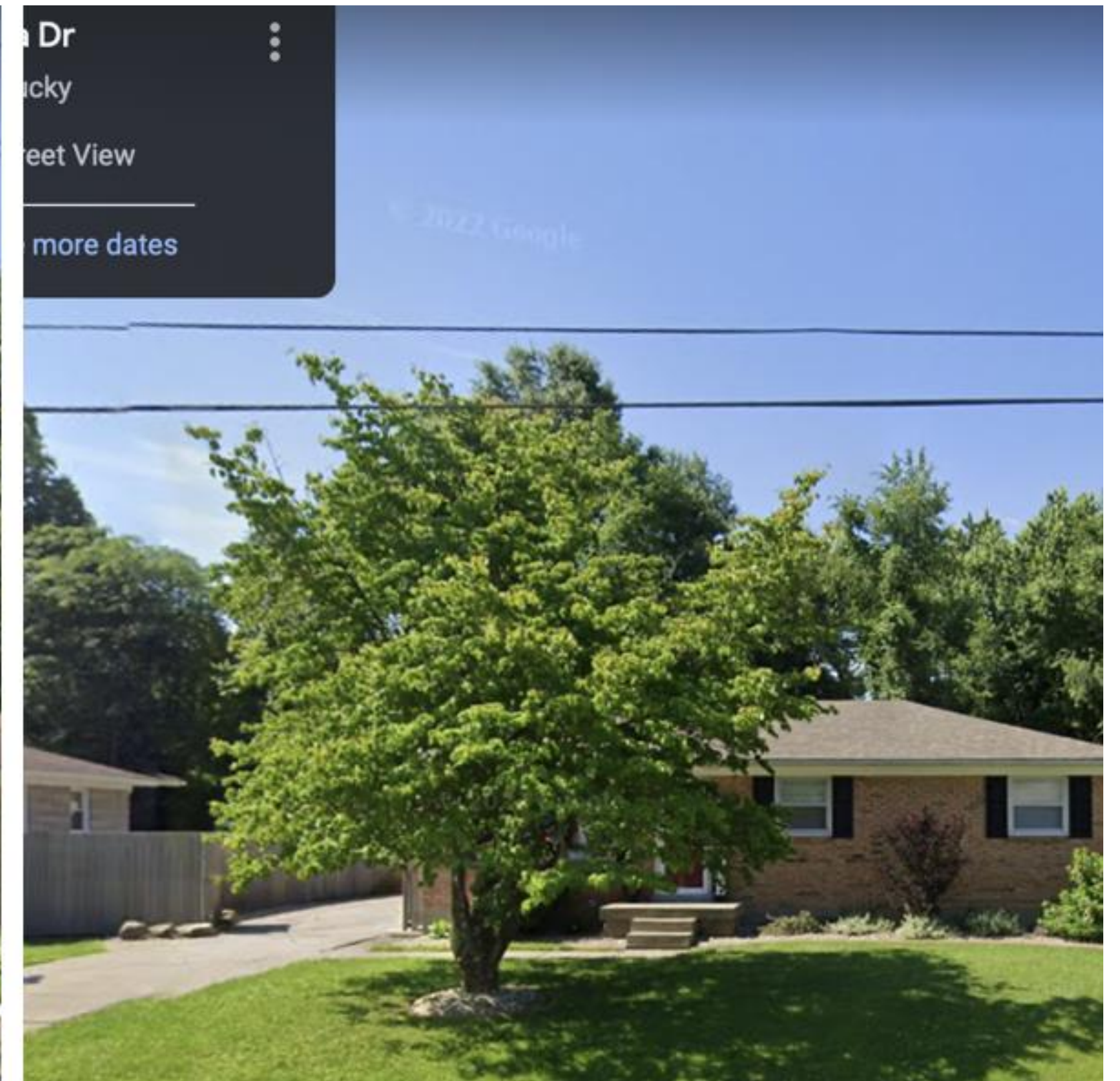
If this is permitted, what you see in this picture will become the backside of massive apartment buildings with balconies that have full views of our backyards and into the windows of our homes.

LDG has indicated no plans to keep these mature trees on their side of the property.



3210 Huberta Drive - view from back porch

This is the front view of homes on Huberta Drive in summer. The apartments will be highly visible from this view and will TOWER over our homes at the proposed height. The beautiful trees you see behind the houses will be replaced with the backside of buildings.

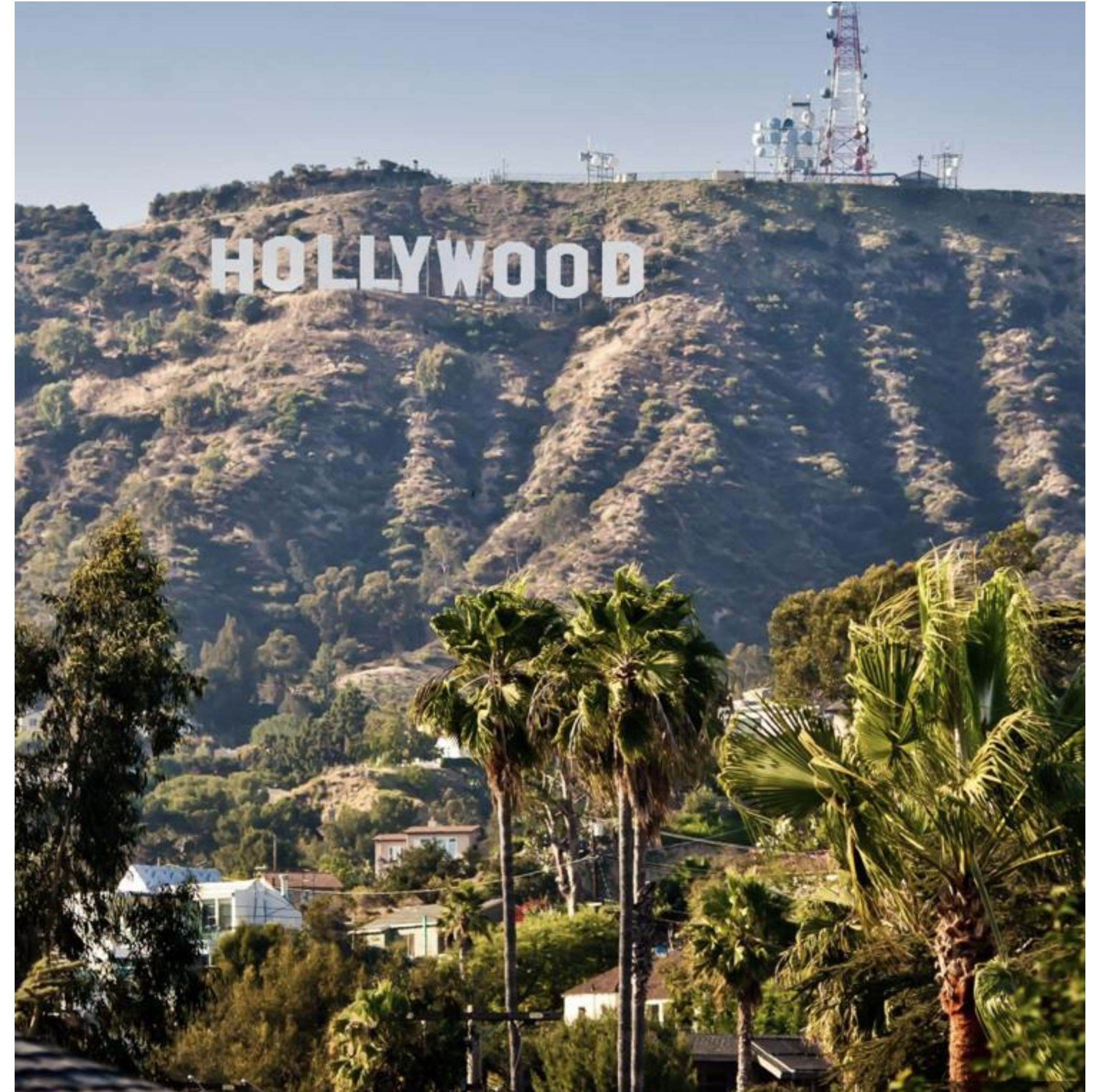


Street view

To put the height of these proposed massive apartment buildings in perspective. The famous HOLLYWOOD sign letters are 45' tall.

The apartments will be slightly taller. That's what we are facing a mere 50' from our property lines.

Again, the transition from single-level homes to 3-story apartments of this magnitude is too dramatic of a change. The scale is not appropriate. It doesn't blend compatibly into the existing landscape and neighborhood area as required by Comprehensive Plan 2040. It will obliterate our sight-lines and overshadow the adjacent single-level homes.



Hollywood Sign

Regarding the Variance from Section 5.3.1

As we just went over - when you consider the overall scale of these proposed buildings, the request for a variance to exceed max height requirements adds insult to injury. Higher ceilings are aesthetic - and logically thinking when you are providing affordable housing options - the additional height actually results in higher heating and cooling expense to tenants. Increased building height would also increase the adverse impact on the sight-lines of adjacent property owners.

The staff report wisely notes that “building height is a design choice...and the buildings could be shorter with more standard ceiling heights”.

We believe the applicant fails to provide legitimate justification for this request. It does not arise from special circumstances and keeping these provisions will not deprive the applicant of reasonable use of the land and it does not create a hardship to the applicant. Therefore, we ask that you deny the variance request.

VARIANCE JUSTIFICATION STATEMENT

LDG Multifamily, LLC

5127 Terry Road

The proposed variance from Section 5.3.1 of the Land Development Code, to allow the maximum building height to be 39 feet instead of the required 35 foot maximum height, will not adversely affect the public health, safety or welfare. The proposed variance will permit the applicant to exceed the maximum building height by ~~two~~ feet. The applicant proposes to develop this vacant property into a multi-family residential community. The proposed variance is necessary to provide additional volume in each of the units for higher ceilings.

4ft

The proposed variance will not alter the essential character of the general vicinity as it will permit the multi-family structures to exceed the maximum building height by only ~~two~~ feet. The proposed development is located adjacent to Terry Road and will observe all required setbacks between the proposed buildings and adjacent residential properties. The variance will not alter the proposed density.

The proposed variance will not cause a hazard or nuisance to the public. The proposed variance will permit the multi-family structures to exceed the maximum height by only ~~two~~ feet.
X The variance will not have any adverse impact on the sightlines of adjacent property owners.

The proposed variance will not allow an unreasonable circumvention of the requirements of the zoning regulations. The applicant proposes to exceed the height requirement as minimally as necessary. The proposed development will allow the applicant to exceed the maximum building height by only ~~two~~ feet to provide additional high-quality multi-family units to the area.

The proposed variance arises from special circumstances that do not generally apply to land in the vicinity of the project. The proposed development calls for the erection of nine multi-family structures, which requires a variance of only ~~two~~ feet from the maximum building height.

The strict application of the regulations would create an unnecessary hardship as the applicant is requesting only a ~~two~~ foot variance from the maximum building height. Strict application of the regulations would force the applicant to redesign its buildings to lower the ceilings in each unit.

The circumstances are not the result of the actions taken by the applicant subsequent to the adoption of the zoning ordinance as the applicant has not yet developed or taken any action with respect to the property.

Regarding the Waiver Request of 5.9.2.A.1.a.ii

The staff report indicates that “the property to the south is likely to be developed as a contractor’s shop”. Those are plans that could change tomorrow, or next week, or next year. The stub streets should be put in place so that if that land is developed residentially at some point, those connections would be there to provide access according to the Land Development Code.

Just as the stub streets for Joy Dr and Harvest Dr have remained closed ends for 60 years and will now be connected to the proposed development - plans certainly change. The staff report also states “the site plans could be changed so as to provide the connections”.

Considering these things - this request does not arise from special circumstances and keeping these provisions will not deprive the applicant of reasonable use of the land and it does not create a hardship to the applicant. We believe the applicant fails to legitimately justify their request for this waiver. Therefore, we ask that you deny the waiver.

WAIVER JUSTIFICATION STATEMENT

LDG Multifamily, LLC

5127 Terry Road

The requested waiver of Section 5.9.2.A.1.a.ii of the Land Development Code, to remove the requirement of a stub street on the vacant adjacent south property to serve future developments, will not adversely affect adjacent property owners. The adjacent property to the south has been proposed for commercial development and it is likely that a connection will no longer be necessary for that redevelopment. Further, even if the south property is not commercially developed, the required connection would not create any significant improvement to access for either property.

The proposed waiver will not violate the Comprehensive Plan. The subject site exists in the Neighborhood Form District, which requires neighborhood streets be “designed to support physical activity for all users and invite human interaction.” The applicant has integrated a proposed a playground and dog park into the development and is providing connections to the neighborhood to the north with both a road and pedestrian connection, which supports the Comprehensive Plan.

The extent of the waiver is the minimum necessary to afford relief to the applicant. The waiver will permit the applicant to utilize the property fully and adaptively while also maintaining the essential character of the general vicinity.

The strict application of the regulations would create an unnecessary hardship on the applicant, as the applicant would be required to create stub streets to a property that will not provide any additional improvements or access.

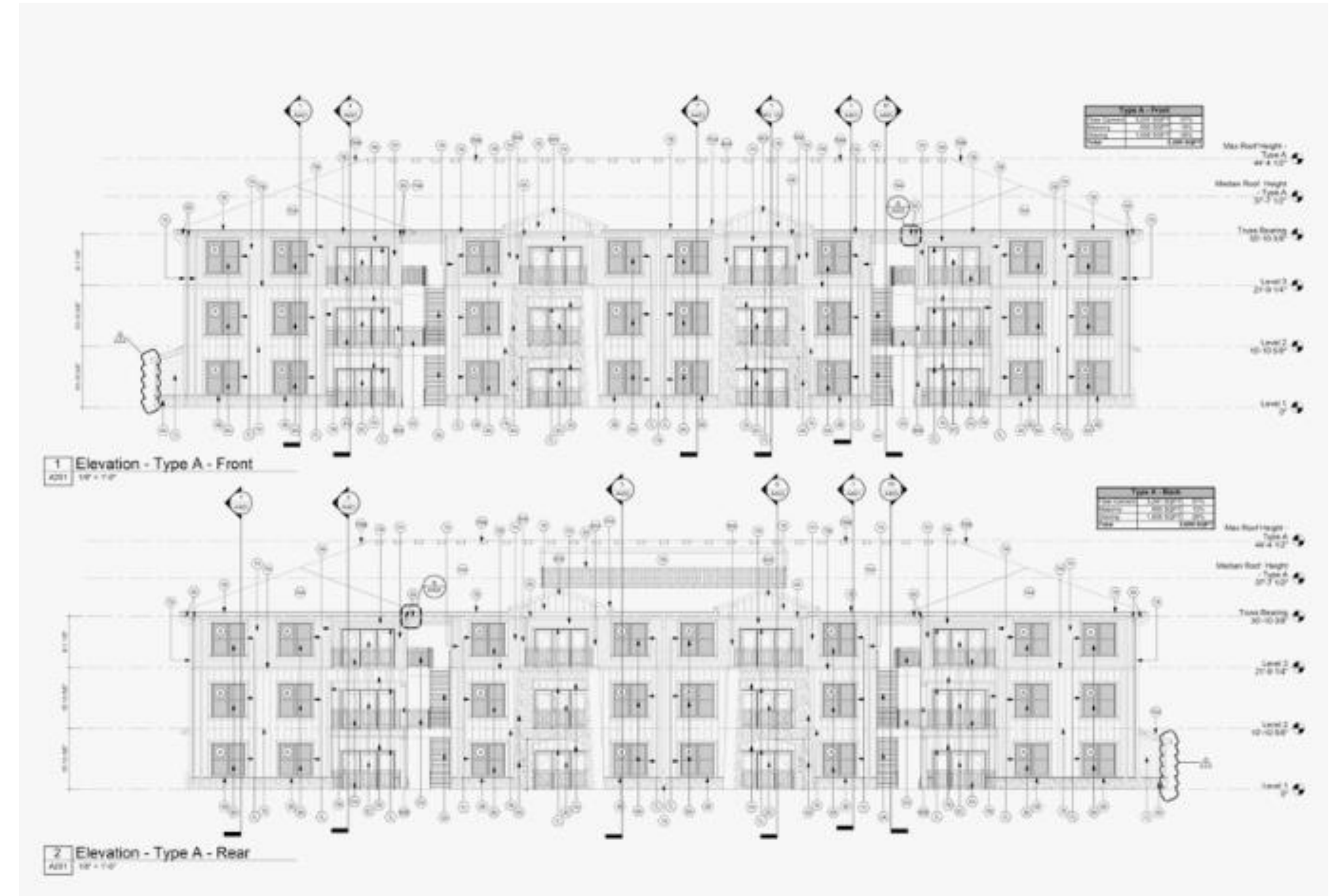
Detailed District Development Plan with Binding Elements

This is the proposed design of the buildings. They are massive both in width and height, especially when compared to the adjacent single-level, single-family ranch homes of Murray Heights. The scale of this development is inappropriate and unfitting as it stands.

Nine 3-story buildings of 24 units each will not blend compatibility into the existing landscape and neighborhood areas. 216 units is more than the number of homes in our neighborhood. **We have 192 homes in our small neighborhood.**

We ask that the buildings remain where they are shown, but be scaled down to 2-story apartment buildings for a more appropriate fit to the Neighborhood Form - especially buildings 3 & 4, which will lie directly behind and parallel to existing homes, and ideally, buildings 1 & 2 as well, which are also angled close to homes.

If LDG's interest is quality housing options - we hope they would agree this is a reasonable compromise that is fair to both parties.



Lastly, we had no understanding of Binding Elements to discuss previously, so today we collectively ask that these be included:

- That 6' white vinyl fencing and an enhanced landscape buffer area (with trees that don't lose their leaves) be installed behind the full length of houses on Huberta Drive.
- That the mature trees that grow behind the houses on Huberta Drive remain in place. It is a relatively small line of trees that would provide some relief for adjacent homeowners.
- That common areas (pool, dog park, recreational and open spaces, etc.) be maintained.
- That no abandoned or non-operational vehicles be permitted to remain on the property.
- That no towels, clothings, or other materials be permitted to hang from balconies.
- That garbage areas be enclosed on at least 3 sides and maintained at all times.
- That speed humps be installed where the complex will connect at Joy and Harvest. (We already have plans and funding for speed humps on the main street sections in our neighborhood, Joy and Harvest were not included in our efforts because at the time - they were short, closed-end roads with very limited vehicular traffic.)

We are not opposed to economic development. We are people who love our neighborhood and we ask for your consideration to help mitigate any adverse impact to our homes and to the character of our subdivision in accordance with the goals of Comprehensive Plan 2040.

On behalf of myself and fellow residents of Murray Heights...

Thank you for your time and consideration.