

For the September 30th, 2020 DRB hearing

Regarding the Wintergreen Apts.

Dear DRB Board members,

I would like to add additional comments regarding the Wintergreen Apartments proposal.

In my previous letter dated August 5th, I expressed that the 4 story Wintergreen Apartments are out of place for the surrounding neighborhood and thereby does not meet many of the ABC-Z comp Plan policies; as the apartments are out scale and character.

It should be noted that the **primary purpose of zoning**: is to segregate uses that are thought to be incompatible. In practice, zoning is used to prevent new development from interfering with existing uses and/or to preserve the character of a community, Zoning laws - Wikipedia.

In summary:

1. The site was zoned C2. The IDO converted it to MXM. Apartments were a condition use in the C zone. Now apartments are permissive in the newly adopted IDO. This feels more like a zone change

2. A MXM zone, allows building height to go up to 45 ft. high. Four stories that will tower over the nearby residents, as shown in the August 5th letter/ photo. This size will affect neighbors privacy, loss of views and solar access.....

Would like to request a sunshade analysis for this site, since the building height would shade t the adjacent residents, as the sun goes down in the afternoon.

3. The IDO is a new ordinance that replaced the prior zone code. The zone code - C2 Conditional use had 3 criteria for approval which were eliminated in the IDO/ MXM zone. The 3 criteria were, jobs to housing balance, school capacity and meeting the usable open space requirement.

4. The adjacent neighbors were not notified of the IDO zone changes, that will now impact them.

5. APS estimates the proposed apartments will generate 53 elementary students which is over the 17 remaining elementary school space for Seven Bar elementary. The west side overall has a high rate of overcrowded schools, "How will APS overcrowding be addressed when it becomes a problem?"

6. Most of the site plans are now going to DRB who said they cannot address the ABC-Z Comp Plan policies, only the EPC has discretionary authority to address policy. Please note Wintergreen site is in an Area of consistency, there is no transit service for this area, traffic is an issue for the west side with limited river crossings, school capacity is an issue. City Council removed the adverse criteria from DRB review. How will adverse impacts now be addressed?

7. When does the ABC-Z Comp Plan policies address protections for the neighborhoods? These are the issues that need to be addressed.

Thank you,

Rene' Horvath

WSCONA Land Use Director