

## **Testimony of Steven McKay Regarding Zoning Map Amendment R-16-01(C), to Add 700 Age-Restricted Homes in the Southern MXD**

I admit that I tend to go back and forth on the question of this development. I have my concerns. For one, I'm concerned that when this development is road tested under the APFO, it will be held to an artificially low standard for traffic generation. I'm convinced that it will generate higher than estimated traffic based on the fact that people in this area work later in life and also tend to have adult children living with them. But these facts will be ignored because some engineering manual written to a national "standard" will say so. As a result, our roads will be more heavily congested and that problem won't be sufficiently mitigated by this developer.

But by and large, I don't disagree with adding an age-restricted development. The big question for me is whether this location is really a proper site. To answer that question, I looked to the zoning ordinance because I thought – how can it be proper to put a residential zoning use over land classified ORI in the Comp Plan? Now, I recognize that MXD zoning can be placed over ORI, and this proposal is for an MXD. However, the ordinance clearly states in Section 1-19-10.500.7 (A) (1), that residential land use of the ORI land within that MXD will ONLY be permitted as identified within the Comprehensive, Community or Corridor Plan. I know of no such plan that identifies this parcel for residential use. Please show me a plan, prior to this proposal, which shows that this land – not the community at large – but the land within this specific zoning request, was designated for residential use. I don't think you can. This has been planned for employment use. The ordinance clearly doesn't allow this proposal.

That doesn't make what Mr. Natelli is proposing a bad proposal. However, it does make this a bad process. Mr. Natelli needs to wait until there is an opportunity within the Comprehensive Planning process, and request a change in the land classification or in the CGA or the Growth Corridor definitions. Once that's been complete, then this zoning amendment can be properly heard and actually be consistent with the Comp Plan. You should deny this proposal.

That's what you should do, but I don't know if that's what you will do. I look forward to hearing your deliberations and I'll be deeply disappointed if you don't ask strong questions to staff on this issue and, in particular, ask those questions to your legal counsel.

But let's say that you do approve the zoning amendment. Maybe I'm wrong, or maybe you'll choose to ignore the issue. If that's the case, then I'll remind you of my other concern about this proposal – keeping age-restricted as age-restricted. I'm not doubting Mr. Natelli's integrity. I believe that he will try to build an age-restricted community. However, he may not succeed. Or, he may not succeed quickly enough, leading him to come back to the County requesting the age-restriction be lifted. We've seen it before: Ballenger Run, Landsdale, and Monrovia Town Center were all age-restricted – until they weren't.

I think you all know why this is so important, and how challenging it would be to the schools in Urbana if this were to ever convert to an all-age development. Well, at least most of you know.

So what can you as a Council do? If you choose to approve this request, you must take every means possible to ensure that age-restricted stays age-restricted. I agree with the provisions to record this into

the land covenants, but it should also be an essential finding in your enabling ordinance, and each and every one of you should pledge not to support such a change in the future.

Lastly, I am again very disappointed that Staff has chosen to not include the specific approval criteria from the zoning ordinance for an age-restricted development. I pointed this out last time we were here, and nothing has changed. I've again given you each copies of that provision. This isn't optional, these are mandatory approval criteria for you to consider this proposal. These need to be the subject of specific findings of law in your enabling ordinance. Unless you've dealt with this issue in documents that were not made public, then you still have some work to do.