**Outline of Zoning Case**

**Case # PB2103**

Chairman Sherman and members of the Planning Board:

My name is Rick Muenks and I represent the Stonehenge Property Owners Association. The Stonehenge subdivision is situated immediately west of the property seeking rezoning in this case. It was part of Phase II of the Stonehenge subdivision which is a mid-priced single-family subdivision with home constructed from generally around 2006 through generally around 2016.

My clients are opposed to the rezoning of this parcel. My clients take issue that this parcel is somehow a remnant piece of land.

Phase II, which included a larger parcel of land accessed from Stonehenge Drive was removed from the CCR’s of Stonehenge Subdivision on September 25, 2012, in book 2012 page 042439-12 of the Greene County Recorder’s Office. Given the prohibition on access from Farm Road 146, the means of access to this property is most likely through the Stonehenge subdivision and that was always the proposed plan of Phase II. As you will note, there exist a strip of land that extends to Stonehenge Drive to support a roadway. The owner acquired this property with its current configuration and zoning in place and therefore any view that this is a remnant or the shape creates some hardship is not a reasonable position or as these factors predate acquisition.

The multi-family use being proposed is incompatible with the surrounding area which is single-family residential uses both to the east and to the west with a park to the north.

Rezoning to an incompatible use such as a multi-family use, which is a higher density use, would likely create a windfall to the current owner at the expense of the neighborhood.

It is recognized that the Greene County future land use map does indicate that this area to be mixed use, but it should be noted that this mixed-use category also includes the Stonehenge subdivision and a large area extending along the US 60 corridor. Page 62 of the land use plan, notes the areas designated as mixed use are currently being reviewed as part of the east/west US 60 corridor studies. The plan has not been completed at this time. Early drafts indicate the areas were to be outlined as a mixture of commercial, industrial, office and residential land uses. Greene County will file the final draft for the corridor plans in making land use decisions in these areas. To our knowledge those studies have not been completed, so I question the reliance of the land use plan indicating a zoning.

I believe that it is also important to note that under the policy section of the Greene County Land Use Plan on page 64 that neighborhood consistency and character is an important factor and the Greene County Land Use Plan states “any request to change a land use should be substantially consistent with the character of the existing area or the direction in which the areas developing in relation to the general density and land uses”. In this particular case, I believe the application is in essence attempting to spot zone and create a land use in the middle of single-family residential uses that are incompatible with the existing and developing land use trend.

For these reasons, I do not believe that the Greene County Land Use Plan is a compelling factor to be considered in reaching a decision on this zoning change. I believe that the overwhelming factor is compatibility with existing land use trends which suggest that the proposed zoning change would be incompatible with the current land uses in the area.

I also believe that because access to this property would need to be directed through an existing single-family residential development its use should be compatible with the subdivision.

For these reasons, my clients respectively request that the board recommend denial of the rezoning application.

Are there any questions?