

Written Comments Planning Commission

November 9, 2010

Arrington II (Z0900015)

Ms. Beechwood - I voted to deny this zoning change.

My primary reason:

The current MU(D) zoning has been in place on this site since 2001. Since then, 320 apartments have been developed. So, in 9 years what we have is not mixed use. What we have is an apartment complex.

When I asked the applicant to explain what would be different on the ground with the requested changes to the existing MU(D) zoning, he said that he had no answer for me. It appeared that he had no idea what would be different, and could not make the case for why the zoning should be changed. I found this troubling.

To be sure, the applicant did offer a vision for what they wanted to create in area D. But precious few elements were committed. A vision is important, but meaningless without commitments to key pieces of the development plan.

I am also concerned with unintended consequences of the current Mixed Use zoning designation. As it is currently written, there is almost nothing to require an applicant to actually deliver the kind of robust mix of uses seen in successful mixed use developments. As a result, it can be used as a blanket designation for whatever single use the applicant finds expedient, with only a token gesture (if any) toward the other allowed uses. I understand that the recent update to the UDO contains new language to the mixed use designation that will more closely articulate the expectation, and this will help mixed use in the future. But until then, there is no assurance that successful mixed use will occur. By assurance, I mean a specific commitment (numbers and phasing) of vertically mixed elements.

It is possible that the applicant simply wants to build a larger, denser apartment complex. It is possible that they want to shift the focus to primarily office or retail. I would be happy to facilitate any of these possibilities *with the appropriate single-use zoning in place*. But lets not call this mixed use.

Mr. Brine - This request was to modify a previously approved Development Plan. The changes included nearly doubling the amount of allowed office square footage, greatly reducing the amount of committed commercial square footage, and increasing the allowed residential density. It appeared that the new development would be largely office with some residential and a small amount of support commercial. Additionally, vertical integration of uses was committed in area D (residential and commercial) and area G (office and commercial). Area F has already been developed as residential (320 apartments).

The proposed project is located near the intersection of I-40 and I-540. This is a prime location for a mixed-use development. However, the existing residential development is suburban in nature. I do not believe that development of other areas at an urban density that the revised plan would allow would mesh very well with the existing residential development. The mixture of uses allowed in the present plan appears to me to be a better fit for the existing development in terms of both the mix of uses and the density. I note that the applicant could not offer a convincing reason why the changes sought in the application would produce a better development.

Mr. Davis – I approve the Zoning change for Z0900015. Be mine full however of mascot need infrastructure improvements on this development project.

Ms. Jacobs – I am opposed to this rezoning for the following reasons:

- 1) Site can be currently developed as mixed use project (residential, commercial and office) but since 2001 only the residential component has been built. Why the need for a change in the zoning? The rezoning request will basically allow the amount of commercial to nearly double from 898,000 sf to 1,550,000 sf with only an increase of 100 residential units required and one vertically integrated building. The amount of Commercial will reduce significantly from 124,000sf to 58,000 sf with this rezoning.
- 2) Due to the structure of the phasing plan there is no guarantee of any real mixture of uses. The rezoning would allow up to nearly 45% of the site to be office with only 100 more residential units (a total of 420 units). It is a possible that only 16,000 sf of retail will only be built (8,000 sf required in area G and 8,000 sf in area D).
- 3) As pointed out by Planning Staff in the staff report on page 5, this rezoning does not really meet the “spirit and intent” of the mixed use and staff has concerns about the phasing plan and what will actually be built with this rezoning plan. The phasing plan does not offer much guarantee that there will be a mixture of uses, even though they will probably be just horizontal mixture of uses.
- 4) Applicant has not made any commitment to alleviate impact of 210 additional students attending Durham Public Schools.
- 5) This site will virtually be a giant parking lot with minimal open space and tree save area and 85% impervious surface allowable. What is now a mostly wooded, rolling site with many mature hardwood trees will be almost completely mass graded. This will not be an attractive, comfortable place for Durham residents to live. We can do better for Durham.

Mr. Kimball – I approve with additional commitments.

Mr. Martin – Yes, the phasing plan improves the future development potential of this parcel. The developer needs to offer some financial assistance to Durham Public Schools due to increased school enrollment.

Mr. Whitley – This Zoning Map is consistent with the future land use designation. This increase additional residential development and 124,000 square feet of commercial development. By passing this zoning change we keep retail dollar in East Durham. I vote to approve.

Mr. Womack – I voted against the change to development plan. The change increases the impervious surface to 85 % which is too high for responsible runoff. The current development plan has been in place since 2001 with only the residential part being developed with no commercial or office space developed. There was no commitments to offset increased needs for school systems.