

JUSTIFICATION STATEMENT RE: COMPREHENSIVE PLAN AMENDMENT FOR THE CORNERS AT BRIER CREEK

Introduction: The Corners at Brier Creek represents a unique opportunity for the City of Durham to grow in Wake County and capitalize on the large development in Raleigh known as Brier Creek which has developed over the past ten to fifteen years. By way of background, anecdotal evidence suggests that it is common for residents of East Durham to shop at Brier Creek, and that has created a significant sales tax leakage from Durham to Raleigh. We anticipate this project has the potential to mitigate this sales tax leakage in addition to boosting significantly the City's tax base. While such information is not specifically responsive to justify a comprehensive plan amendment, we believe such information provides some context for The Corners at Brier Creek and establishes the framework in which this application should be reviewed. Furthermore, it is important to note that this Comprehensive Plan Amendment does not request any changes whatsoever to the Recreation and Open Space areas designated within The Corners at Brier Creek.

Specific Responses:

1. The proposed change in future land use will contribute to the implementation of an adopted goal, objective or policy.

The environmental conditions for PINs 0769111061 and 0769006806 (along US 70, northwest of T.W. Alexander), with the existence of a perennial stream and steep grades, would force any commercial development on these parcels to be "strip" development, fronting on US 70 and therefore conflicting with Policy 2.2.2e. Suburban Tier Commercial Development:

Discourage auto-oriented commercial "strip" development and instead encourage commercial "nodes" with appropriately designed internal connections at key locations along major transportation corridors.

Accordingly, changing PINs 0769111061 and 0769006806 from Commercial to Medium Density Residential would allow for development of these parcels in a way that eliminates auto-oriented strip development at this location, and will serve to create a unified residential development that will be more compatible with the aforementioned environmental conditions on these parcels.

2. Environmental conditions make the proposed use more appropriate.

As noted above, the existence of steep grades and perennial streams make commercial development on PINs 0769111061 and 0769006806 difficult and probably unwise. Conversely, a 7.465 acre portion of PIN 0769304043 that presently is designated for Low-Medium Density Residential is requested to be changed to Commercial, and that would expand and enhance the commercial node that will make up the retail section of The Corners at Brier Creek.

3. Recent development patterns preclude the area from developing as designated on the adopted Future Land Use Map.

The advent of Brier Creek in Raleigh has altered the historic nature of US 70, which was once a commercial boulevard with numerous driveways for individual properties. Currently, our understanding is that NCDOT will not allow access from US 70 directly into PINs 0769111061 and 0769006806. Accordingly, new development must be designed as nodes with access provided from major intersections, such as T.W. Alexander Drive. Therefore, the development plan for The Corners at Brier Creek, which consolidates residential development as Medium Density Residential further from T.W. Alexander Drive, and consolidates Commercial development at the intersection of T.W. Alexander Drive and US 70, reflects the reality that recent development patterns have imposed on this section of the Triangle.

4. The Implementation of the Traffic Impact Analysis (TIA) Recommendations Supports this Comprehensive Plan Amendment.

The Development Team for The Corners at Brier Creek has worked closely with NCDOT staff regarding the traffic improvements required of this large project. The loop road configuration and the location of ACC Boulevard shown on the development plan reflect a consensus that supports approximately sixty (60) acres of commercial development at this location, which will address, to some extent, the sales tax leakage out of East Durham previously mentioned in the introduction. Moreover, as we currently estimate these road improvements listed with this development plan will cost approximately eight million dollars, it is necessary to adopt this Comprehensive Plan Amendment so that there is sufficient commercial development in The Corners at Brier Creek to support this ambitious amount of road construction. Lastly, the signalization plan and intersection improvements associated with the loop road will allow this intersection to function at an acceptable level of service for many years into the future, benefiting residents of both Durham and Raleigh (see Durham Comprehensive Plan Policy 8.1.2a, Traffic Level of Service Standards).

Criteria for Plan Amendments (UDO Section 3.4.7):

- A. Whether the proposed change would be consistent with the intent, goals, objectives, policies, guiding principles and programs of any adopted plans;

As noted above, The Corners at Brier Creeks is consistent with the intent and goal of Policy 2.2.2e. Suburban Tier Commercial Development, as this project will reduce the potential for auto-oriented commercial “strip” development and instead create a strong commercial node with appropriately designed internal connections at a key location, the intersection of US 70 and T.W. Alexander Dr.

- B. Whether the proposed change would be compatible with the existing land use pattern and

designated future land uses;

The existing land use pattern in Durham and Raleigh around Brier Creek is predominantly commercial and medium-density residential, so this proposed change is very compatible with existing development and designated future land uses. We believe that the change from Low-Medium Density to Medium Density is very compatible with the newer residential development in Durham and Raleigh near this intersection.

C. Whether the proposed change would create substantial adverse impacts in the adjacent area or the City or County in general; and

We are not aware of any substantial adverse impacts to the adjacent area, or the City or County in general, that could arise in relation to approval of the Comprehensive Plan Amendment for The Corners at Brier Creek.

D. Whether the subject parcel is of adequate shape and size to accommodate the proposed change.

The Corners at Brier Creek is an assemblage of over one hundred (100) acres, and therefore the subject parcels are clearly of adequate shape and size to accommodate the proposed changes.

RALEIGH/WAKE COUNTY CONTEXT FOR PROPOSED COMPREHENSIVE PLAN AMENDMENT

The vast majority of the acreage covered by this Plan Amendment application is located in Wake County. This acreage is subject to the City of Durham's planning jurisdiction on account of an annexation agreement that the Cities of Durham and Raleigh entered into back in the late 1990's. A copy of a map showing the Raleigh/Durham Annexation & Service Agreement is attached as Exhibit A for your reference. It is important to note that these areas in Wake County that were agreed to be annexed into the City of Durham are in the Crabtree Creek drainage basin, and not within the Falls Lake watershed.

About three years ago, the City of Raleigh adopted its *2030 Comprehensive Plan* which incorporates reflecting the City of Raleigh's Growth Framework and its Future Land Use. The adopted Growth Framework Map designates the Brier Creek area as a "City Growth Center." A copy of the Raleigh Comprehensive Plan Growth Framework Map is attached as Exhibit B for your reference. Given that the Brier Creek area was designated as a City Growth Center, we believe it is reasonable to accept the proposition that the City of Raleigh studied the Brier Creek area in some detail during the formulation of the *2030 Comprehensive Plan*. We also believe it is instructive to review the future land use categories assigned to the parcels in Wake County that comprise The Corners at Brier Creek. The Raleigh Future Land Use Map designates the parcels making up The Corners at Brier Creek as Commercial, Office Residential-Mixed Use and Moderate Density Residential (6-14 units per acre). A copy of the segment of the Raleigh Future Land Use Map covering the Brier Creek area is attached as Exhibit C for your reference. Of particular importance is the definition of Office Residential-Mixed Use in the Definition of Future Land Use Categories within the *2030 Comprehensive Plan*, which states that "[t]his

category encourages a mix of moderate to medium density residential and office use.” According to the Definition of Future Land Use Categories, medium density residential is 14-28 units per acre. A copy of the Definition of Future Land Use Categories is attached as Exhibit D for your reference. Accordingly, the Raleigh Future Land Use Map designated the residential development on several of the parcels within The Corners at Brier Creek for residential densities ranging from 6 units to 28 units per acre.

Our Comprehensive Plan Amendment application for Medium Density Residential (6-12 dwelling units per acre) is either within or below the density range designated on the Raleigh Future Land Use Map for the Wake County parcels within The Corners at Brier Creek. We have also provided an exhibit entitled “Brier Creek Multi-Family Developments,” which is attached as Exhibit E. As shown on Exhibit E, there are already seven (7) multi-family developments within a one-mile radius of The Corners at Brier Creek (most are built; the remainder have been approved) that are at or above the 6-12 units per acre denoting Medium Density Residential in the Durham Comprehensive Plan. There are several more multi-family developments within a two-mile radius with similar or greater residential densities. Our understanding is that all of these multi-family developments in Wake County shown on Exhibit E were approved within the past fifteen years, and most, if not all, were built or approved within the past decade. In short, we think that these multi-family developments in Raleigh shown on Exhibit E strongly support Medium Density Residential as the appropriate designation on the Durham Future Land Use Map for the proposed residential sections within The Corners at Brier Creek.