

**Planning Commissioner's Written Comments
March 10, 2015**

Guglhupf Parking Expansion (Z1400027)

BUZBY- Given the support of the Tuscaloosa – Lakewood Neighborhood Association of the proposal, I vote to approve.

DAVIS- Approved, However I have concerns regarding slope and impervious surface.

GIBBS – Approve submitted parking plan.

HUFF - I voted to approve both the Plan Amendment and the rezoning. The process that brought the two negotiating parties to an agreement would appear to be an example for all to follow. Both the neighborhood and Guglhupf property owners kept at it until all were satisfied with the outcome. Kudos to everyone! I do agree with Susan Sewell that transitions from residential to commercial need to be carefully thought out and probably each one is different in important details. I am not sure what the remedy for this is except to be sensitive to everyone when the situation arises.

HARRIS – For

MILLER - I voted for both of these changes only because of the strict commitments worked out in the development plan associated with the rezoning. Had the rezoning not included a development plan restricting the use of this property to a heavily screened and buffered parking lot, neither the plan amendment nor the rezoning would have been appropriate. I am grateful to the property owners and their neighbors for the trouble they took to negotiate a resolution that could make the requested changes work.

I disagree completely with the staff's justification of its recommendation in favor of the plan amendment. Expanding commercial uses at the expense of residential in this area is not good planning or consistent with the policies staff cites as their justification for recommendation of approval. The commercial uses along 15-501 are not a "commercial node" as any reasonable understanding of that term will permit. It is an ugly highway strip development accessible only by automobiles. The Guglhupf's need for parking is what brought these cases about. The amendment and the rezoning are about extending and accommodating the undesirable pattern of strip development, not about creating a desirable, walkable, connected commercial node. It is more of the same old pattern. Expanding commercial onto the lot in question without the severe restrictions contained in the development plan would create a very undesirable interface between commercial and residential uses across a residential street so narrow that automobiles can barely pass one another. It cannot be good planning or a fair reading of Durham's planning policies to say that such a destabilizing juxtaposition of uses (absent the development plan's commitments) is what our Comprehensive Plan is meant to accomplish. I was disappointed that staff chose to read policies from the comprehensive plan which favor commercial expansion without really acknowledging that the residential neighborhood was there or expressing concern that the commercial expansion may cause harmful impacts upon the residential neighborhood. Staff hardly even mentioned the residential neighborhood and did not include any discussion of it in the staff analysis. I would have preferred a more thoughtful analysis that recognized competing interests and acknowledged the potential adverse effects. If staff's analysis here is a correct reading of our Comprehensive Plan policies, then the plan stands for expansion of commercial at the expense of

residential in all circumstances. This, clearly, is not the case. What makes these changes supportable is not this improper reading of city policy, but the fact that the development plan in the rezoning contains the restrictions which balances out the competing interests and promotes stability. Staff did not mention this.

It is possible to analyze this plan amendment request and its sister rezoning against the policies of the comprehensive plan and justify a favorable recommendation. To do it requires an analysis of the development plan. This development plan actually makes this residential lot a commercial property only in the most minimal sense of the concept. No building may be erected there. Only limited parking may occur there. The development plan turns a lot facing a residential street into a property more associated with the commercial boulevard behind it by making the lot's residential street yard its commercial back yard and by filling that space with a buffer and an opaque fence. Were it not for these restrictions, approval of the plan amendment and the rezoning would be poor policy decisions. But because of the restrictions, the plan amendment and the rezoning can be approved. The comprehensive plan amendment should consist of more than a FLUM color change, however. It should contain text that says that the future use of the property as a planning matter is conditioned upon the restrictions in the development plan remaining in place as part of the comprehensive plan.

The wisest thing said about this case during the hearing and our deliberations was said by Susan Sewell who said that the best joinder of commercial and residential is backyard to backyard, trash can to trash can and not across a narrow residentially proportioned street. We must have firm residential boundaries and we must respect them in our planning and zoning.

PADGETT – Approve, very much needed.

WHITLEY – I vote to approve.