

**Planning Commissioner's Written Comments
August 11, 2015**

Southwest Durham at 15-501 (Z1400030)

Buzby: I ultimately voted to approve this proposal but I have significant reservations which urge the City Council to consider in their deliberations. My vote to approve is based on the fact that this proposal is an appropriate use for this property, has significant text commitments and includes what I believe to be a more appropriate interchange design (As opposed to the current NCDOT plan). However, I do have significant concerns. My main concern is the lack of clarity on what happens if NCDOT means the City of Durham has to make a decision that may make sense in the long term from a design perspective but may also put the City at risk of NCDOT does not design their plan. This is a calculated risk but with vigorous advocacy I believe NCDOT will eventually change their plan and the City of Durham will have a better outcome. Finally, I also had concerns with this proposal due to the late or incomplete information provided. I would urge the applicant to provide as much information as possible to allow the City Council to make the best possible informed decision.

Ghosh: The subject land has been in jeopardy since 1994 due to a plan put together by NCDOT at that time. Since then, development at the site has been too ominous for any developer to take on. The clover leaf design proposed by NCDOT is very disruptive to the tract.

As I understand it, since 1994, the clover leaf project has never been funded. Only minor projects, such as milling, have been funded near the proposed interchange. Twenty-one years is long enough to hold this property hostage. Moreover, NCDOT is NOT Durham. In fact, no representative from NCDOT attended the meeting and apparently NCDOT is unwilling to cooperate with the applicant.

While the 1994 clover leaf design may be what NCDOT feels is best, it is not necessarily best for Durham. The traffic numbers on which the clover leaf project was based are not likely to be accurate going forward with the introduction of a commuter line and/or light rail. It simply does not make sense to incentivize people to stay in their cars by over-engineering an interchange to handle excess amounts of traffic while at the same time working to introduce mass transit options. The clover leaf study is outdated and should be revisited by NCDOT. We should not hold up a good thing for Durham merely because NCDOT does not want to take a second look at this time.

The applicant also introduced an alternative design which is purported to handle the same or more traffic as the clover leaf design, has less of an impact on all properties, and is likely less expensive to implement. Right-of-way costs and engineering alone for a clover leaf design could cost taxpayers more than the applicant's proposed design. Approving the applicant's project will give NCDOT a reason to pursue alternative, potentially less expensive, yet just as effective, interchange designs; therefore, I am in favor of it.

Finally, University Ford has been a part of Durham for as long as I can remember. It currently occupies a very prominent location downtown. Our downtown has seen an expansive revitalization. Approving this project will allow University Ford to move thereby opening up a key location downtown. The possibility of opening up opportunities for business downtown and continuing the revitalization is very exciting and no doubt good for Durham. These are the reasons why I support this project.

Harris: Voted no.

Hollingsworth: I would have like more information on this case in advance of the meeting. I do not feel that there is enough information to make a well-informed decision on this case tonight

Huff: Although this rezoning was problematic in its non-compliance with a future corridor study, I voted to approve it. It is obviously a plus for Durham to move the car dealership from by the ballpark to a more appropriate spot but that is not the main reason I support this rezoning. I believe the plan presented by the applicant for the interchange at Southwest Durham Drive and 15-501 is far superior to the cloverleaf interchange envisioned by the NCDOT which would be very disruptive to the properties along the 501. The proposed interchange more fully supports the present direction of development through that area which includes light rail and a proposed multipurpose trail along 15-501. If the corridor is developed along the lines of the NCDOT's proposal it will be extremely hostile to pedestrian or bicycle use. This exclusively car-centric planning is out of date especially where there is planned to be rail and exists the possibility of people disembarking from trains and needing to walk or bike to their destinations. It produces dead areas where roads are enclosed in chain link fence with orphaned business areas accessible only by automobile. One has only to visit such places as Revere, Massachusetts to see the inefficient and very unfriendly nature of such configurations.

Hyman: Approval granted.

Miller: The council should reject this rezoning out of hand.

The property in question is marked in applicable adopted plans for loops and ramps necessary to change the intersection of Southwest Durham Drive and the Durham - Chapel Hill Boulevard from an at-grade intersection to a grade-separated facility. Our plans for the area call for the conversion of the Boulevard (Hwy 15-501) to a freeway. This is a sensible goal which is being pursued project by project along the length of the highway. Completion will take some time. We should not abandon our adopted plans to accommodate a single development project without also going through a process to thoughtfully consider changing the plans.

The developer has hired a private engineering firm to redesign the intersection. It is possible that the developer's redesign may work and be an adequate substitute for the adopted design concept. The developer complains that the current plans are old and should be rethought. If this is so, then let's reopen the planning process for the whole facility and consider how, with modern traffic designs and more recent data, we might adjust the adopted plans. This process should involve all of the local government, state government, and private stakeholders. If, as a result of this approach to the planning process, we conclude that the developer's interchange design is superior to the one contained within the current adopted plans, then – and only then – we should consider rezoning the property in question for commercial development. It is because this is being approached today as a land development process only and not a highway design process, that the NCDOT is leery of becoming involved. We should be concerned as well for the same reason. The planning staff is correct to point out that this rezoning is not consistent with adopted plans.

I also note the that the property in question is identified as part of a future compact neighborhood tier and design district. The proposed redevelopment of the property as an auto dealership with large areas of surface parking would be inconsistent with desired land uses and development intensities in compact tiers and design districts as we have created such districts in the recent past. The creation of a design district in this area will involve rezoning this and other parcels in the proposed districts in accordance

with a district-wide plan. Rezoning this parcel now for development in a way that is essentially inconsistent with design district planning and zoning would work to defeat the entire planning process now underway. I believe that we should withhold rezoning of parcels within proposed design districts in order to let that process shape future land development.

I do not believe that our adopted plans are always correct and should never be changed. When I believe them to be wrong, I am quick to criticize them and urge appropriate change. That change must go through a thoughtful process involving the affected stakeholders. We should avoid changing plans piecemeal to accommodate single development proposals. We should never ignore and abandon adopted plans for that reason – but that is exactly what we are being asked to do in this case. In this case, I believe the adopted plan to make 15-501 a freeway and to use this parcel for necessary ramps and connections to be eminently sensible. We should not rezone this land without being certain that we are not defeating our larger ideas for vehicle communication between Durham and Chapel Hill.

Whitley: I voted to not approve. They the Avden Group believe residential housing will develop next to the freeway.

Winders: I recommend approval of the rezoning. This area will experience a great deal of change in the future light rail is built, but that will not happen for at least 10 years. The proposal use seems to be a reasonable interim use. The developers design for the 15-501 SW Durham Drive interchange seems superior to the 1994 clover leaf. We should not leave this land undeveloped waiting for the project to be funded by D.O.T.