



ATTACHMENT 8J:

PLANNING COMMISSIONERS WRITTEN COMMENTS ROMF (CASE #A1800003/Z1800006)

Case A1800003 (ROMF)

AL-TURK – I was on the fence about this case, but I ultimately voted against recommending approval. I do believe that GoTriangle has put a lot of effort into finding the appropriate site for a Rail Operations and Maintenance Facility (ROMF), and I realize that they face logistical and funding challenges that make approving this zoning change application an important step in making the Durham-Orange Light Rail a reality. Having said that, I voted against this application for two main reasons.

First, it was not clear to me, from either the staff report or the initial presentation that GoTriangle gave at the public hearing, what the impact of the ROMF would be on nearby neighborhoods. While we got a sense of how the ROMF would affect traffic (and other impacts that staff regularly assesses), I was not clear how the ROMF would affect the neighbors in other ways, such as noise and light, especially since this will be a 24/7 facility. Overall, I think that the impact on traffic will actually be minimal and, as some pointed out, would be less than if a residential neighborhood was developed there. But I was not convinced that the noise levels and amount of light that the ROMF would generate would be reasonable (although, again, I am not sure because I did not see a thorough analysis of it). Second, and relatedly, it did not seem to me that these effects were well communicated to the nearby neighborhoods. While GoTriangle has had some meetings to discuss this project, I am not sure that they have fully discussed and presented to the neighbors what the potential impacts would be.

Despite my no vote, I do not think that a ROMF cannot be near residential neighborhoods, and it is likely the case that one or two neighborhoods will have to take on that burden. But, if we are going to place a ROMF in an area that is predominantly zoned residential, especially one that has already been developed, we should make sure that the application before us is as comprehensive and informative as possible. That way, even if we know that some neighborhoods will be affected, we can assess whether those impacts are reasonable.

I hope that, before the public hearing at City Council, GoTriangle will make a greater effort to better communicate the potential impacts of this project. When pressed on the issue of noise and light impact at the public hearing, GoTriangle staff was quite helpful in giving us some idea of what the impacts would be. GoTriangle also made some more commitments that would potentially dampen some of the noise and light impacts, and I hope that they can make a few more commitments that will further lessen the impacts of a ROMF. It would be great if staff can give City Council a sense of how those commitments would have a positive effect.

BUZBY – I am persuaded this is the best option of the five sites that were evaluated for the Rail Operation Maintenance Facility (ROMF).

At the same time, we heard from a large number of well-informed and well-spoken citizens with a variety of concerns.

A few of these concerns have been addressed by the applicant – such as a commitment to build a barn (to visually shield part of the ROMF) as well as a commitment to not include a vehicle body repair or a vehicle paint shop.

However, many more concerns have not been addressed – such as noise and potential impacts to nearby Creekside Elementary School and the neighbors deserve to have their concerns heard, and potentially addressed, before this issue is heard by the City Council.

All told, my belief that this is the most appropriate site for the ROMF along with some initial commitments, leads me to vote yes for the proposal.

GIBBS – Voted yes to proposal.

HYMAN – Voted no to the zoning request. Far too much opposition from residents and insufficient number of efforts to bring residents along with updates that appeared to have a positive impact. Issue should improve before it reaches Council.

KENCHEN – I vote to approve. It is consistent with the comprehensive plan.

MILLER – The City Council should not approve this Comprehensive Plan Amendment and its attendant zoning change until important issues with the development plan are addressed. Most important of these issues are building design commitments and adequate buffering against nearby residential areas. I am disappointed in the way GoTriangle has managed its selection and planning for this site. It is probably too late to expect the agency to consider alternative sites, but it is not too late for GoTriangle to work with its neighbor stakeholders to produce a better plan. GoTriangle is a state agency and we should expect of it at least the same willingness to work with neighbors that we would expect of any other developer.

The property in question is a narrow 23.5 acre parcel lying between Farrington Road and Interstate 40. The property is currently designated office and commercial on the Future Land Use Map of the Comprehensive Plan. It is zoned RS-20. The developer, GoTriangle, is a state agency. They seek to amend the Future Land Use Map designation for the property from residential to industrial and to rezone it to Light Industrial with a development plan. Because of the property's shape and contours and the presence of wetlands, stream buffers, highway rights of way, and Major Transportation Corridor buffers, it is ill-suited for industrial zoning and uses generally and the proposed Rail Operations and Maintenance Facility in particular. At its widest part on the southern end, the property is very low. This area contains a sizeable wetland and stream buffer. Two other areas of stream buffer pinch the property in its middle section. Along the property's boundary with Interstate 40 there is Major Transportation Corridor buffer 100 feet wide. This buffer takes up approximately one-fifth of the entire parcel. On the other side of the property, proposed right of way for a wider Farrington Road squeezes the property. The property is traversed by sewer and water easements. The proposed rail operations and maintenance facility will violate the wetlands and the stream buffers with track alignments, interior roadways, and building and parking envelopes. The Major Transportation Corridor buffer will have to be eliminated for much of the length of the property. The Farrington Road Right of Way expansion area

will have to be reduced and water and sewer facilities will have to be relocated. These encroachments and other measures would be fatal to any other project. If we are true to our planning principles and ourselves, they should be fatal to this project as well. But because we are politically committed to the light rail project we are called upon to treat this project and this developer differently than we treat any other. To this I object.

The project is not consistent with express policies in our Comprehensive Plan. The proposal to change the Future Land Use Map does not satisfy the criteria set out in section 3.4.7 of the UDO for changes to the FLUM. First, despite the staff's conclusion to the contrary, the property is not of adequate shape and size. How can the property be considered to be adequate in shape and size if it is necessary to clear cut 88% of the property to build the ROMF? How can the property be big enough it is necessary to run train tracks in a big loop over protected stream buffers? How can the property be appropriate if it is necessary to eliminate wetlands to build the facility? How can the property be of adequate size if it is necessary to encroach upon the Major Transportation Corridor buffer and to remove it entirely for 745 feet (a remarkable thing for which there is no recent precedent)? How can the property be of adequate shape and size if it is necessary to reduce the future right of way for Farrington Road? How can the site be large enough if there is no room for an adequate buffer against neighboring homes?

Next, the proposal is inconsistent with policies 2.3.1a of the Comprehensive Plan concerning contiguous development. The policy supports orderly development that does not leap-frog or create isolated islands of incongruous uses. Placing industrial uses in a suburban setting zoned and used for low density residential challenges this policy. The staff concludes that in this case the policy is satisfied by the developer's inclusion of a 20 foot-wide buffer along Farrington Road. This is a forced conclusion that willfully ignores the conditions of the site, the operation of the facility, and the inadequacy of the buffer. The ROMF will be a facility that operates indoors and outdoors 24 hours a day, 365 days a year. It will be lighted. The building will be as tall as 50 feet. Trains will come and go constantly. They will be powered by electrical current supplied from lines suspended on a forest of masts. The trains will routinely enter the building by means of a tight loop of track. Sharp turns are what cause railway wheels to squeal as their flanges come into contact with the sides of the rails. Even if the property were zoned and used for office and commercial uses as designated in the FLUM, the property would never operate at this level of intensity. More than one hundred and thirty employees will work at the facility. They will come and go by private vehicles. The proposed ROMF is not located near enough to a rail station to permit employees to walk to work from the station and the facility itself will have no platform. The proposed buffer will be 20 feet wide and may include a berm of 8-10 ft. The opacity of the buffer is limited to 40%. This means that the plantings at maturity will occlude only 40% of the view into the facility. Sixty per cent of what happens there will be on view all the time. Just where the buffer will lie cannot be shown on the development plan because it is as yet uncertain whether the project will result in a narrowing of the Farrington Road right of way. A buffer that is so small, so transparent, and so indefinite can hardly make uses at the opposite ends of the zoning spectrum compatible neighbors.

Another way to reconcile incongruous uses is by means of design, but here the developer's design commitments only make the contrast of residential and industrial uses harsher. The materials list contained in the development plan limit the building to exposed concrete, metal, and glass windows. GoTriangle often refers to the Charlotte ROMF as an example of what the Durham facility will be. In truth, the Durham ROMF will be nothing like the Charlotte facility. The Charlotte facility is located in what was an existing rail and industrial part of town near the city center, not in the rural/urban fringe of town. The Charlotte ROMF backs up to the city's multi-modal transportation facility. Its employees can

ride the train or bus to work. The Charlotte building is remarkably attractive for what it is. It is clad with brick. Its train spaces are covered with a roof containing saw-tooth skylights which give the building visual interest. The building is located on a parcel large enough to provide landscaped lawns. The Durham building, we are told, will be built of pre-cast concrete panels, not brick. GoTriangle explains that the included the buffer so that people won't see the building and therefore there is no need for it to be aesthetically pleasing. If this is so, then why is the buffer only supposed to achieve 40% opacity? GoTriangle notes that the Charlotte facility now has nearby apartment neighbors. This is true and tends to demonstrate that an appropriately sited, well-designed facility in an urban/city center setting can be compatible with urban/city center uses. It is important to note that in Charlotte, the ROMF was built first and the apartment buildings near it later. The apartments and the ROMF are located in what in Durham we would call a compact neighborhood tier/design district, where dense development near rail stations is important and desirable. In Durham, the ROMF will not be in a compact neighborhood tier. It will not be in a design district. It is coming to the neighborhood, the neighborhood is not coming to it. These are very important distinctions.

And finally on this point, it is important to remember that for there to be enough room to build the ROMF on this parcel, GoTriangle must blow out the 100 ft. Major Transportation Corridor buffer. The point of the buffer is to protect nearby residences from the worst impacts of the Interstate highway. If this project is approved, not only will it put an isolated ugly round-the-clock industrial facility in a suburban area reserved for residential uses, it will replace the 100 ft. highway buffer with an inadequate 20 ft. buffer. If this development plan satisfies the standard set out in 2.3.1a for contiguous uses, then the policy expresses no standard at all and should be stricken from the Comprehensive Plan.

Next, the proposed ROMF project fails to satisfy objective 4.2.1, Design Features, and policy 4.2.1a, Unique Site Features, set out in the Comprehensive Plan. These policies encourage the retention and incorporation of unique site features into open space of proposed projects. The features expressly listed include wetlands and streams. This ROMF plan proposes to eliminate wetlands and streams, not retain them or work them into open space.

Finally, and what disappoints me most about this project is how poorly GoTriangle has worked with interested neighbor stakeholders. The GoTriangle planners are quick to recite the number of public engagement meetings they have had, but these meetings did not treat this site in detail. Instead the subject was the light rail project in general. But since GoTriangle settled on this Farrington Road site for the ROMF, they have not held one meeting with the surrounding neighbors to talk about how the facility can be made a better neighbor. One speaker whose land is being taken, including his driveway connection, told the planning commission that he could not even get GoTriangle meet with him. When I met with GoTriangle's officers and planners I asked them to consider a more effective buffer at a greater opacity. I asked them to consider a broader materials list and design commitments to build a more attractive building like the Charlotte ROMF they showed me. They promised to consider my requests, but they did not get back to me. On the night of the hearing I asked them what their responses were and they told me that would not improve the buffer or build a more attractive building.

GoTriangle's argument is that failing to allow their ROMF project as they have proposed it may be fatal to the Durham's hopes for light rail. I hope that is not the case. If it is the case, then the fault is theirs for allowing the planning process they control to develop this way. The citizens of Durham deserve to have this development proposal heard and determined according to the same rules and expectations as

any other without special treatment. I don't respond well to a hostage-taking situation. Planning in desperation produces bad results.

WILLIAMS - This item before us is most unsuccessful and deserves to be deeply reviewed. There was not enough information provided to the community. There are several environmental impacts that have not been considered. From a sustainable site of development the proposed project is a push – through with minimal sight and human impact analysis and consideration.

Case Z1800006 (ROMF)

AL-TURK – I was on the fence about this case, but I ultimately voted against recommending approval. I do believe that GoTriangle has put a lot of effort into finding the appropriate site for a Rail Operations and Maintenance Facility (ROMF), and I realize that they face logistical and funding challenges that make approving this zoning change application an important step in making the Durham-Orange Light Rail a reality. Having said that, I voted against this application for two main reasons.

First, it was not clear to me, from either the staff report or the initial presentation that GoTriangle gave at the public hearing, what the impact of the ROMF would be on nearby neighborhoods. While we got a sense of how the ROMF would affect traffic (and other impacts that staff regularly assesses), I was not clear how the ROMF would affect the neighbors in other ways, such as noise and light, especially since this will be a 24/7 facility. Overall, I think that the impact on traffic will actually be minimal and, as some pointed out, would be less than if a residential neighborhood was developed there. But I was not convinced that the noise levels and amount of light that the ROMF would generate would be reasonable (although, again, I am not sure because I did not see a thorough analysis of it). Second, and relatedly, it did not seem to me that these effects were well communicated to the nearby neighborhoods. While GoTriangle has had some meetings to discuss this project, I am not sure that they have fully discussed and presented to the neighbors what the potential impacts would be.

Despite my no vote, I do not think that a ROMF cannot be near residential neighborhoods, and it is likely the case that one or two neighborhoods will have to take on that burden. But, if we are going to place a ROMF in an area that is predominantly zoned residential, especially one that has already been developed, we should make sure that the application before us is as comprehensive and informative as possible. That way, even if we know that some neighborhoods will be affected, we can assess whether those impacts are reasonable.

I hope that, before the public hearing at City Council, GoTriangle will make a greater effort to better communicate the potential impacts of this project. When pressed on the issue of noise and light impact at the public hearing, GoTriangle staff was quite helpful in giving us some idea of what the impacts would be. GoTriangle also made some more commitments that would potentially dampen some of the noise and light impacts, and I hope that they can make a few more commitments that will further lessen the impacts of a ROMF. It would be great if staff can give City Council a sense of how those commitments would have a positive effect.

BAKER – Recused.

BUZBY – I am persuaded this is the best option of the five sites that were evaluated for the Rail Operation Maintenance Facility (ROMF).

At the same time, we heard from a large number of well-informed and well-spoken citizens with a variety of concerns.

A few of these concerns have been addressed by the applicant – such as a commitment to build a barn (to visually shield part of the ROMF) as well as a commitment to not include a vehicle body repair or a vehicle paint shop.

However, many more concerns have not been addressed – such as noise and potential impacts to nearby Creekside Elementary School and the neighbors deserve to have their concerns heard, and potentially addressed, before this issue is heard by the City Council.

All told, my belief that this is the most appropriate site for the ROMF along with some initial commitments, leads me to vote yes for the proposal.

DURKIN – I am satisfied that this site is the most feasible for the Rail Operations and Maintenance Facility needed for the contemplated light rail system.

GIBBS – Hope for more efforts to substantially “alleviate” residents’ concerns.

HYMAN – Voted no.

KENCHEN – I vote to approve. Unfortunately there are no perfect sites. If we had built the ROMF before the city developed, then we could have picked the perfect site. Not possible. Instead, we have to pick the best site and mitigate as many negative consequences as possible. Of course, it will be impossible to please everyone. People, understandably, do not want a ROMF anywhere near their neighborhood. We have to trust, though that the applicant has done the work – with all due diligence to make sure that we have a facility that works for all residents. In my opinion, this has been done. I do wish that the applicant had communicated better. I’m not sure, though, whether, it would have been possible to get 100% buy-in. This project is too important for us to not move forward. I urge Council to approve.

MILLER – The City Council should not approve this Comprehensive Plan Amendment and its attendant zoning change until important issues with the development plan are addressed. Most important of these issues are building design commitments and adequate buffering against nearby residential areas. I am disappointed in the way GoTriangle has managed its selection and planning for this site. It is probably too late to expect the agency to consider alternative sites, but it is not too late for GoTriangle to work with its neighbor stakeholders to produce a better plan. GoTriangle is a state agency and we should expect of it at least the same willingness to work with neighbors that we would expect of any other developer.

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