

## Durham Planning Commission

### April 13, 2021 Written Comments

*Received as of April 29, 2021*

#### Z1800034 (Parcel K)

**AMANDOLIA** - This proposal exemplifies the difficult situation developers often put us in when making decisions. Here we have a situation where there is so much potential about what could be done with this parcel and yet we are left wanting a more ambitious approach.

I have several concerns with this case, beginning with the application itself. This item was originally delayed because the planning commission was presented with last minute text amendments, giving us little time to digest, let alone communicate with the community what was being proposed. We were again presented with last minute adjustments when this case came back to us for a vote, with the details of the case still being hazy when we voted. This is not a good process for making such decisions and for instilling trust in the public.

Further, the application contains inconsistent information with what the applicant stated during the planning commission meeting. The staff report explicitly states that the “applicant states... that the median sale price per single-family dwelling unit will be at \$250,000 per unit and the median price for townhouses will be at \$325,000.” While I recognize these are not commitments, when I asked for clarification of the applicant responded by suggesting they did not provide any estimated price points (staff confirmed they indeed provided estimates) and that the units would be market rate. According to the data provided in the staff report, market rate units in a nearby community are estimated upwards of \$414,000 per unit, clearly out of step with our affordability goals.

While the applicant has offered 2.5% of the total units to be affordable (5% of the apartments equals 22 units, or 2.5% of the 837 total proposed units), it appears to me we could be way more ambitious with a development that will be selling homes above the \$400K mark, especially with many market rate homes being sold at \$20K to \$30K more than the original list price. We are being asked to swallow a simple supply-side argument on housing that does not address the neighborhood-level issues Durham is struggling with. More housing does not guarantee affordability and this development leaves much on the table given the high price points of the single-family homes.

This leads me to consider what clear-cutting 147 acres of land is worth. I believe if we are going to allow developers to cut down acres of land, we need to ensure we are getting something that truly meets people’s needs, not the needs of profit-driven entities. Durham is asking for more. We are asking for more ambitious policies and more ambitious and creative asks of the development community.

If developers want to build here, we need to ensure they are doing so in a way that improves our community. Here, we have yet another auto-oriented development that continues our pattern of suburban sprawl.

While I have listed many things I dislike about this proposal, I also want to appreciate the stormwater commitments of this site. The applicant is agreeing to providing stormwater measures to account for the 100-year flood event, above and beyond the required 10-year event. I believe this is a standard every developer should be held to and appreciate this developer for setting the standard on stormwater.

I also must commend the fact that affordable units are offered at all. We rarely see that. It is unfortunate that there are so few units offered in such a large case, but I recognize that, while not satisfactory, there is an eye towards progress here.

Because of this, I voted No on this proposal.

**BAKER -**

**BUZBY** – This was a complicated case. There were positive proffers made by the applicant that are worth noting - particularly the affordable housing commitment as well as 100 year stormwater capture and transportation improvements. However, these positives were outweighed by ongoing concerns - in particular traffic challenges, significant opposition from the community (nearly 50 residents signed up to testify at the Planning Commission meeting) and continued changes to the plan. Therefore, I voted no.

During the Planning Commission meeting, the applicant verbally noted they were changing the plan from 185 single-family houses, 220 multi-family townhouses and 432 multi-family apartments to instead proposing 120 single-family houses, 285 multi-family townhouses and 432 multi-family apartments. The Planning Department staff had not been notified of this proposed change and there was nothing presented in writing, including any updates to the site improvement plan.

Given the affordable housing commitment, I would have liked to have been able to vote yes on this project. But unfortunately, I believe the negatives outweigh the positives at the time of the Planning Commission decision.

I hope that City Council will receive a complete proposal that doesn't have so many moving parts that continue to get changed without enough information to make a thoughtful decision. I also hope that continued outreach will continue with the neighboring residents, who have raised legitimate concerns and also deserve to have clarity on the proposed project before a final decision is made.

**CUTRIGHT** – I voted no on this project.

I really wanted to approve this project. I think it is a solid project and the housing is definitely needed, but I'd like to see more affordable housing on a project of this size. I don't think that we should continue settling for the meager handouts that the developer is offering. My sense is that there has been limited effort toward putting forth creative solutions for solving this problem. There haven't been any conversations with local affordable housing groups or DHA as potential partners in achieving the goal of more affordable.

I think that the Planning Commission, and more importantly City Council, has signaled over a long enough period that projects should contain affordable housing in a meaningful way.

**DURKIN** – This applicant should be recognized for proffering a minimum amount of affordable housing, to be regulated and monitored pursuant to UDO Section 16.3 and overseen by the Community Development Department. However, their offer of 2.5% of the aggregate number of units is insufficient

- note that the offer of 5% of the apartment units equals approximately 22 units, or 2.5% of the overall 837 units. This developer made it clear that adding affordable housing and having a structure by which to implement and monitor those units is feasible. If we want to address the dire need for affordable housing in Durham, we should be pushing for more than mere incremental change, especially in a development of this size (837 units on 140 acres).

**KENCHEN** – I recommend approval of this development. This recommendation is based on three primary reasons. First, there are few areas in Durham that are this well-primed for development. There has been significant infrastructure improvement, all designed to promote development. Second, the developer has made a number of commitments that make development even more favorable. This includes traffic improvements as well as environmental considerations. Lastly, Durham needs more density. While there are not a huge number of proposed affordable housing units, the developer has committed to a number of these. And if we don't increase the Durham housing stock, then the rising housing costs will only add to the challenges around affordability.

To the first point, this proposed development fits well into the existing characteristics of surrounding development. The property is adjacent to similar development and is in very close proximity to commercial development that includes shopping and restaurants. Parcel K, in my opinion, is the perfect example of the kind of infill development that we need in Durham. In addition, there have been major investments to infrastructure to prepare for development. The lift station, which was built to spur development in this area, is one example. These investments were all made because this area is perfectly positioned for the kind of development proposed in this case.

Additionally, the development plan includes many elements which will bring improvement to the area. Traffic is one important example. There are numerous improvements proposed to impact traffic flow. These include dedicated right-of-way extensions, turn lanes, installation of traffic signals, and a bicycle lane. These are in addition to other planned improvements planned to fully develop this section of the northern Durham Parkway. These additions will significantly improve traffic in this area, as evidenced by the transportation impact analysis.

Parcel K is proposing to bring 837 housing units to the city. This is significant. The developer has also voluntarily committed to making some of these units affordable. Durham has been trying to find a way to encourage more affordable units for a number of years. To date, not one developer has taken advantage of the density bonus available for affordable housing. Not one. While this developer is not proposing to take advantage of this incentive, they have voluntarily committed to making 5% of the apartments affordable. I think this is commendable and I am very uncomfortable hearing disparaging comments to the contrary. Certainly, I would like to see more of these units be affordable. It's unprecedented, though, that a developer has made this kind of commitment. This is a great step in the right direction. We are not able to compel developers to develop affordable housing. Nor can we deny an application because it does not offer any affordable units. Lecturing them, in my opinion, is counter-productive. In this case, the developer is doing the right thing and should be commended.

This issue of affordable housing is most important to me. Adding to the housing stock in Durham is a positive. Adding to the housing stock in a manner consistent with existing neighborhood characteristics is even better. Parcel K is a big step in the right direction. While it does not meet the definition of affordable housing, it nevertheless makes significant impact. I strongly urge council to approve this development.

**LOWE –**

**MACIVER -**

**MILLER -** The City Council should not approve this rezoning or its attendant annexation.

The property in question is a 140-acre tract next to the large Brightleaf development near the intersection of Hwy 70 and Leesville Road. The property is roughly shaped like a “K,” hence the name. tract is significantly impacted by buffered streams and is bisected by a wide Duke Power easement running roughly north and south. The property does not have direct access to Hwy 70, but it does reach to Leesville Road near its intersection with Hwy 70. At the northern edge of the property it touches the reserved right of way for North Durham Parkway. These two places will be the primary access point for the project if it is approved.

The property is currently zoned a combination of Rural Residential, Industrial, and Industrial Park with the largest part of the land zoned Industrial Park. The property is designated for low density residential use and commercial on the Future Land Use Map of the Comprehensive Plan. The developer now asks that the property be rezoned to PDR-5-949 to accommodate 837 residential units. When the case first came before the commission in march, the mix was to be 185 sfrs, 220, townhouses, and 432 apartments. When the case came before the commission again on April 13, the developer announce that the mix had changed to 120 sfrs, 285 towns, and 432 apartments.

The property is bordered on the north by the large Brightleaf residential neighborhood. The land to the east and west is vacant, however, I believe the developer owns the parcel to the west. Access to Hwy 70 is restricted, I believe which makes the traffic impact on Brightleaf a significant issue. Most of the subject property is zoned Industrial park, but the development trend in the area is suburban residential and the land is too severely impacted by streams to be a realistic location for industrial development. The property is in the lift-station basin which groups it with the many residential rezoning cases that have come up recently. If differs, arguably, from many of the other cases because it is located at the edge of the area, and has access to planned and existing transportation facilities (70 via Leesville and the planned North Durham Pkwy) that the other projects do not have. It is similar to the other projects in that it has no close access to public amenities or a well-designed and positioned residential scale commercial node. Like many of the other projects designed in the basin, this proposal suffers from inadequate design commitments showing how the project will harmonize with its neighbors and how the internal layout and individual dwelling units will work to make the well-designed neighborhood that our Comprehensive Plan goals, objectives, and policies favor.

This proposal is not without merits that deserve consideration. The developer is offering about 21 of 837 units to be affordable. Not much, but more than most other projects. The developer has promised to catch the 100 year flood – more than the minimum. The developer has promised to make 15% rear-loaded parking (if I understand this unusually worded commitment correctly). If I understood the developer correctly, the plan will locate single-family units and townhomes closest to the project’s Brightleaf neighbors to ease the transition from one unit type to another. The project could do more, however. There are no serious commitments concerning g unit design and materials. There are no design commitments explaining how the units will engage with the street. With 140 acres to work with, this will be a big project and a load stone in the area. What will be built on the site matters. The nature of the unit mix is uncertain. During our deliberations, commission members Tony Sease read aloud the

UDO's intent statement for PDR development. It was a useful thing to do and helped me focus on what matters in evaluating this project. The statement reads,

*The PDR District is established to allow for design flexibility in residential development. The district is intended to encourage efficient use of the land and public services and to promote high quality design that will provide a variety of dwelling types as well as adequate support services and open space for the residents of the development. The district regulations are intended to allow innovative development that is integrated with proposed adjacent uses and compatible with existing patterns of development.*

As Mr. Sease observed, this PDR project is high on flexibility, but falls short on high quality design, innovative development, and integration with adjacent uses. A significant number of residents turned out to oppose this project. Their concerns focused on traffic – a legitimate concern since one of the major access points for the project will be through the Brightleaf development. The north Durham Pkwy will dump traffic into brightleaf, but the overall parkway project is unfunded. The road will not function as a major collector or thoroughfare. They were also concerned about buffering. If the developer's PDR commitments were more precise about project and unit design, the neighbors would care less about buffering.

The planning staff is now working on a focus area plan for the lift station basin area. I fear that if the council continues to approve cases as they come through, this badly needed planning exercise may be too late. The problem is that by expending public resources to provide sewer utilities into this area we have signaled to the development community that development in the basin is wanted. While it is wanted, we are not ready for it. In addition to improving the sewer infrastructure, we also should have planned roadway improvements, public amenities like parks, trails, and open spaces, and for integrated and intentional commercial nodes designed to serve the new suburbs. We should have also thought through what we want new residential subdivisions to look like, what their elements should be, and how they are laid out. This is work that still desperately needs to be done. As Durham grows, it is in these new suburban neighborhoods where most newcomers will live. I am not knocking old suburban neighborhoods. The people of Durham who live in them love them. They should be protected, but we need for new neighborhoods to function more thoughtfully and we need new policies and rules to guide their placement and approval. Several planning commission members spoke of a moratorium on development in this area to provide time to think these issues through. I oppose a moratorium, but I do desire an accelerated planning initiative to get ahead of the case load. Rather than hitting pause, I favor considering each proposal as it comes along but evaluating each proposal with a high standard for design. We have one chance to get development for this important area right. Those proposals which are primarily speculative in nature or short on quality design commitments should be disapproved, development plans which simply max out the zoning within the project boundaries without concessions to good design and harmonious placement will hurt Durham for decades. Frank Lloyd Wright said something to the effect that the only thing you can do respond to bad design is plant ivy. I fear that we are building way too much ivy planting into our planning policies.

Finally, I must comment on the practice of withholding development plan commitments until the night of the Planning Commission hearing. On both occasions when this case was heard, the developer proffered a number of commitments beyond those listed on the development plan in the staff report. As they were read out I was unable to jot them down fast enough for later consideration or to comprehend them even as they were read. This practice is disrespectful to the commission, the planning staff and to the public. Such commitments should be made available to everyone concerned as soon as possible. They should not be withheld until it appears they may be necessary to sway votes.

The point of the planning commission is to allow the public to test projects for review and approval purposes. The commission members themselves, when they are well selected, are a cross section of the community and serve as an open door to the general public to enter and participate in a complicated process. It does not do to have everyone playing catch up or stumbling around.

**MORGAN** – I voted "No" to the application due to significant opposition by the community and also the impact on road transportation. Overall, the current road infrastructure is weak for this community and there is a need to link up the proposed road infrastructure to the various communities. While the development addresses housing needs in this community, entry and exiting this community, as well as linkage with neighboring Brightleaf will put continued stress on roads such as Sherron, Leesville and even Rt. 98 that are 2-lane and can cause vehicle safety issues.

I would strongly suggest that the City Council evaluate the road infrastructure as another investment like the lift station to support these new developments. By voting "No", we need to listen to the community concerns who live nearby rather than developers who may have their own visions.

Overall, the plan proposed seems to be a good use of the land as well as the proffers offered, but the City needs to provide a better partnership with the development in Southeast Durham.

**SEASE** –

**WILLIAMS** - My vote on this is **NO**. This parcel is a far cry from what Durham is looking to do in order to address the issues with affordable housing and it is high time that we destroy the notion that Durham is just willing to take anything that is put on the table with the expense of Durham residents. WE need to listen to the residents when they say that their neighborhoods are over run with traffic and increasing the build number is a moveable target just because. We need to actually practice sustainable building in the city of Durham and it time to stop selling so much of what makes Durham, Durham to the highest bidder and start taking care of the people that live here already. The citizens are asking and its time to answer them and hear them. We have to remain vocal in our attempts to hold developers accountable even in their seemingly legitimate attempts help us solve our issues and water down the arrogance and matter-of-factly manner in which they address our community and its members.