



ATTACHMENT 10:
PLANNING COMMISSIONERS'
WRITTEN COMMENTS
ROUGEMONT COMMERCIAL
APRIL 9, 2019

Case Z1800037 (Rougemont Commercial)

AL-TURK – I voted to recommend denial. The applicant proposes to change zoning from CN and RS-10 to CN(D) (a commercial neighborhood designation with a text-only development plan). I did not oppose this application because I think that a commercial neighborhood designation does not make sense at this particular location. There are commercial sites nearby, as well as residential neighborhoods. Nonetheless, I oppose this application because it will likely not include basic infrastructure that we should, as a matter of good policy, require. As the Bicycle and Pedestrian Advisory Commission (BPAC) notes in attachment 9 of the staff report, the applicant does not make a commitment to build a sidewalk on the frontage of the site along N. Roxboro and Bill Poole Road. There is also no commitment to provide safe pedestrian access to nearby residential neighborhoods.

I think it is unfortunate that we do not have this requirement in the UDO, and I think it is short-sighted on our part to think that we should not change this (or ask applicants to make a proffer) because sidewalks are less important in the rural tier. We may, in fact, need sidewalks in this part of the county as much as we would, say, in the urban tier, for a number of reasons. While I have not looked at the numbers, it's possible that we have a high proportion of the elderly or people without access to a car that live in this area and in many parts of the rural tier. The second reason is that, if we continue to not require sidewalks in certain parts of the county, we risk putting a burden on taxpayers in the future.

If we are not going to require, in the UDO, that a developer build a sidewalk, then we should use the rezoning process to get a proffer from the developer to do so. Unfortunately, the applicant, in this case, submitted a text-only development plan, which the Board of Commissioners approved a few months ago. I think the text-only development is a good idea (I voted in favor of the change), and it's a good step toward not having to require graphical development plans. Having said that, I think we should proceed with caution and actually give these text-only development plan cases a little more scrutiny. We risk letting developers off the hook, simply because they now have a tool that asks very little of them. Finally, text-only development plans, which right now can only be used to restrict uses, will limit the ability of the one advisory board we have (BPAC) that consistently provides excellent feedback on issues that relate to pedestrian and bicycle safety.

BRINE – I voted to recommend approval of this rezoning request (CN and RS-10 to CN[D]) with a text-only development plan that excluded certain uses. The 2.37 acre site at the SW corner of Bill Poole Road and highway 501 is within the area designated as commercial on the FLUM. The applicant stated that they had held a public meeting (attended by nine citizens) and that no one present had objected to the rezoning or to the uses still possible on the site. Some concerns had been raised about traffic in general, and the only other speaker at the meeting repeated these concerns. However, no one attended the public hearing in opposition to the rezoning or the possible uses. Transportation staff did note that at site plan review the traffic issue could be raised and that traffic infrastructure improvements could be requested. The absence of sidewalks was also discussed. Planning staff noted that sidewalks were not

required in the rural tier. I think that this rezoning will add commercial opportunities for the residents of Rougemont.

BUZBY – There was no neighborhood opposition to this proposal – only one resident who raised concerns about the general increase in traffic. Given that this proposal would only have a small increase in traffic and meets all standards, I vote to approve.

DURKIN - I voted for this rezoning, however, would like transportation staff to connect with the NC DOT regarding concerns over traffic safety at this intersection.

JOHNSON – While I voted in favor of this request, I do have concerns regarding a, to some degree, blind approval of this site. Without knowing more specifics regarding what is planned to go on the site, ensuring and promoting standards established to promote an attractive quality of life for Durham residents and communities is difficult.

KENCHEN – I'm in favor of this project. It is consistent with the comprehensive plan. In addition, I have visited the site. This area of Durham, in my opinion, needs development such as this. There are currently not enough options in this area of Durham.

I also believe that this development, if in fact it will be a Dollar General, will not create a problem with increased traffic. This store will be frequented by people who live in the vicinity or drive by every day. I don't think people from other areas will make the trip to Rougemont just to shop at the Dollar General. So, traffic shouldn't be a problem. It's also my hope that the project will help spur additional development.

MILLER – The property in question is a 2.4-acre parcel located in the southwest corner of the intersection of Hwy 501 (Roxboro Road) and Bill Poole Road. The parcel is regular in shape and almost flat. There are no significant topographical or environmental impediments to developing it. The property is occupied by one small, run down house. The land surrounding the subject parcel is occupied by a mix of low intensity residential and commercial uses. There is a commercial building on the northeast corner of the Bill Poole Road- Hwy 501 intersection. A third of the subject property – that facing Hwy 501 – is zoned CN. The rear portion is zoned RR. The land nearest the intersection is zoned CN, but the subject property and a great deal of the property nearby are designated for future commercial use under the Future Land Use Map of the Comprehensive Plan.

The applicant in this case has asked that the subject property be rezoned from CN and RR to CN-(D). The development plan attached to this rezoning request is a "text-only" plan, probably the first such plan to come to the Board of Commissioners under the recently revised UDO provision which allows a development plan which only shortens the list of allowed uses to be submitted without maps or drawings. In this case the text commitments makes only minor adjustments to the list of uses which would be allowed under CN. Of greater importance to consideration of this case are the limitations to the size and types of business structures allowed under the CN zone generally. Under CN in the rural tier, the largest building allowed is 20,000 sq. ft. on a two-acre parcel. The maximum height allowed is 25 feet. A commercial building of these dimensional limits located on this 2.37 acre parcel is entirely consistent with the concept of a rural commercial village as laid out in policies 2.2.1a and 2.2.1e in the Comprehensive Plan. Policy 2.2.1a specifically states, "Ensure that new development promotes

agricultural uses and single-family residential development on large lots to minimize demands for public infrastructure. *Commercial areas shall be small scale and neighborhood oriented.*” (emphasis added). Because the proposed rezoning is consistent with the FLUM and the applicable policies of the Comprehensive Plan, the rezoning should be approved.

During the Planning Commission hearing and debate of this case, sometime was given to the consideration of requiring sidewalks on the subject parcel. In my opinion, sidewalks should not be required. The roads are state-maintained and neither the state nor the county currently have resources to maintain sidewalks in the area. The comprehensive plan envisions very low density residential and commercial density for the area which means that expensive pedestrian infrastructure should not be required. Comprehensive Plan policy 2.2.1e ii and iii envision developing more specific design guidelines for rural villages. If we act on this, I would support developing a new vision for a more compact “village” commercial and services area in Rougemont which would involve shared parking facilities and a network of pedestrian facilities which would allow customers to park once and walk. I realize that today we call such arrangements strip shopping centers, but I am thinking of something more innovative than a 1969 model shopping center. Planning for that more innovative rural commercial village is in the future, however, if it occurs at all. Today, the proposed rezoning is consistent with the Comprehensive Plan and should be approved.

MORGAN – Consideration for pedestrian traffic should ask of the applicant, though not required to include sidewalks.

WILLIAMS – I do believe that we are heading in the perspective of getting it right. Where we can afford growth with the exceptions of the need for sidewalks and the completion of design plans. This project will create the need to attract more residential developers to take the strain off already heavily densitized areas in and around downtown Durham.