

Written Comments Planning Commission  
April 13, 2010

751 Assemblage (Z0800003)

**Mr. Brine.** I voted to recommend denial of this rezoning. Although the concept is nice, the location is horrible. Moreover, there are not enough commitments from the applicant to ensure that the finished product would have any resemblance to the vision they presented. Some other specific points:

A) While I recognize the need to encourage mixed-use development in the suburban tier, I do not think that we can ignore the density shown on the FLUM. In south and east Durham, the suburban tier goes from the urban tier all the way to the critical watershed areas. Consequently, there are places in the suburban tier where density should be encouraged and places where it should be discouraged. I believe the density of the proposed development is inappropriate for this location on the edge of the critical watershed.

B) Even with the required transportation infrastructure improvements, the traffic volume will be life-changing for anyone who now lives along the NC 751 corridor between the Durham/Chatham County line and I-40. Additionally, it is my understanding that these required infrastructure improvements will be phased to actual project construction. Potentially this means that if the school system accepts the site being offered, the school system could become liable for some of the transportation infrastructure improvements.

C) The exhaust from motor vehicles contains ammonia, nitrogen oxides, polycyclic aromatic hydrocarbons (PAHs) and volatile organic compounds (VOCs). With this much traffic so close to the lake, the chances are increased that more nitrogen will get into the lake *via* atmospheric deposition, and that PAHs and VOCs will get into the lake as well. Atmospheric deposition is not regulated. However, PAHs and some VOCs are regulated (15A NCAC 02B .0216). Thus, a by-product of the traffic is likely to be increased costs for water quality monitoring and protection, and increased costs for water purification if Jordan Lake becomes further contaminated.

D) Even though the applicant has talked about meeting the new Jordan Lake rules for new development (15A NCAC 02B .0265), he was unwilling to commit to meeting the new nutrient export limits (2.2 pounds of nitrogen/acre/year; 0.82 pounds of phosphorus/acre/year). The projected 600 pounds of nitrogen/year shown on the project website ([www.751south.com](http://www.751south.com)) for the development is 163% of the amount allowed under the new rules. Given that the local ordinance does not have to be in place under sometime in 2011, it is possible that portions of the proposed development will not meet the new nutrient export rules. That means that additional taxpayer money will need to be spent to bring those portions of the project into compliance. City stormwater has already estimated a probable cost of 570 million dollars to retrofit existing development to meet the Jordan rules. This cost will increase if portions of the proposed development do not meet the new rules.

E) There is presently no transit service to this site. While it is possible that the applicant may be able to get some transit, I note that the NC 751 corridor is not on the transit plan put forward by the STAC. NC 55 is the designated corridor for the Durham-Apex transit connection. I believe that if Durham's elected officials are going to ask Durham citizens to approve an additional half-cent sales tax to support the STAC recommendations, then Durham's elected officials need to support the STAC recommendations by encouraging dense development in the designated transit corridors and discouraging it outside of the designated transit corridors.

F) The Army Corps land adjacent to the proposed development is leased to the NC Wildlife Commission and used as game lands. Hunting with guns is allowed. Do we really want to locate a school and playing fields adjacent to game lands? As the Corps land is Federal land, the County and the City have no authority to stop the hunting. (A gathering place for hunters is the parking lot north of Stagecoach Road and east of New Hope Creek, not that far away.)

G) The estimated number of construction jobs is vastly overstated (ERA Report). The buildout assumptions (page 5) project that fewer housing units and less retail and office square footage will be built in each phase. This is reflected in the employment impacts shown on page 7, in which fewer jobs are available in each phase. In short, the maximum number of construction jobs will be the 1,722 produced during phase 1. The numbers **decrease** in each successive phase.

H) While it is projected that the completed project will generate 2,980 jobs, there is no guarantee that any of those jobs will be filled by residents of Durham County. Given the proximity to Chatham and Wake counties, it is highly likely that residents there would be among those employed.

Thank you for your consideration of these comments.

**Ms. Brown.** I strongly supported staff's recommendation of denial.

The proposed rezoning is much denser than anything anywhere near it.

Retail begs for more retail. If this is approved, commercial will continue to creep along 751 to the Chatham Co. line.

The development plan shows the project encroaching into Stagecoach Rd. Bottomlands which is not consistent with the Comp Plan.

Some tree coverage areas are shown as committed, but this commitment overlaps areas that are required to have protection by ordinance, including steep slopes and stream buffers.

The applicant could build up to 750 residential units before building any non residential.

The developer has proffered a site for a school. (I thought DPS had already bought a site nearby on Scott King Rd) Does anyone know if the school system even wants this site? This request will generate 274 students (a low number in my opinion). Creekside, Githens and Jordan will receive huge impacts on classrooms from this rezoning. Where will the money come from (if the DPS

wants the site) to build the school? Wouldn't taxes have to be raise to build the school? The land does taxpayers no good if the County does not have the money to build the school by the build out date of the residential in this project.

I have concerns about the traffic in this area. NC 751 and Fayetteville Rd. are impacted by this request. **There are NO scheduled State or City roadway improvements for this area.** There is a long list of Committed Elements on traffic. Most of all the committed elements under the TIA are road improvements that are **required** by the NCDOT. The developer states they would do \$6 million dollars of road improvements. The improvements only help the developer and have huge traffic impacts on the residents outside of the rezoning.

There is no bus service to this area. How would construction workers from Durham, get to and from the site to get a job if they don't have transportation and no bus to ride? Because this site is so far from the core of Durham's neighborhoods, I fear that those who need jobs would not be able to get these jobs because of the distance they would have to travel. Someone who lives in East Durham without transportation would have to depend on others or a taxi service to take them to and from the site. Jobs in construction are short term jobs with low pay and most of the time no benefits. Without bus service one could spend a big portion of their salary getting to and from their job, especially taxi fees and the high price of gas, if they own a car.

The applicant does not have control of offsite road improvements. Massey Chapel road is a concern. To make improvements in this area, the applicant would have to make additional acquisition of property along Massey Chapel Rd.

Here again, we have a developer doing their own survey of the Inventory Site.

There is no commitment to affordable housing.

This site is environmentally sensitive. If we continue to develop areas around the Army Corp of Engineers property, there will be no natural wildlife refuge left in Durham. There are no committed elements to storm water runoff.

I have found through emails and phone calls, **NO** support for this project. Not one single person who contacted me asked me to support 751 Assemblage.

I personally think the concept of the project is ok. The location is what gives me heartburn. How will we continue to attract people to Downtown Durham? Building Village's near the Chatham Co. line does not help promote our downtown area, nor does it fill up all of the ugly empty commercial space throughout Durham.

I could find no justification to approve this request.

**Mr. Davis.** Based on the amount of under-utilized mixed use, commercial, and office space located in close proximity to this site I recommend denial.

**Ms. Jacobs.** I did not support this rezoning for many reasons. The proposed development plan and committed elements are not consistent with the neo urbanist designed development promised by the applicant. The location of this proposed high density, high intensity development (1300 residential units and 750,000 sf nonresidential uses) is inappropriate and completely inconsistent with the goals of our adopted long range transportation plans, our adopted Greenhouse Gas Plan, our adopted Comprehensive Land Use Plan, efforts to invest in our Urban tier, and efforts to comply with the upcoming Jordan Lake Rules. Furthermore, the proposed economic benefits purported by the applicants will be outweighed by the considerable public services needed for thousands of new Durham residents in an area where there is currently no such infrastructure or services and the additional cost of cleaning up Jordan Lake due to the impact of this massive development within the Jordan Lake watershed.

#### Land Use and Planning:

- A project of this nature is unprecedented in Durham. With 1300 proposed residential units, a school, and 600,000 square feet of commercial and office, this will be like adding a small, isolated town to Durham. This project could mass grade more than 100 acres of land where there are currently a significant number of large caliper specimen trees (see Existing Conditions D.P.O). More than 70 acres of this land that is now covered in mature forest and pastures could be paved over forever. The stormwater that now is able to naturally filter into the ground will have to be artificially channeled and engineered to allow as much of the nitrogen, phosphorus and other pollutants to filter out before they get into the tributaries that eventually end up as part of Jordan Lake. The stormwater will also pick up the gasoline, fertilizers, and other pollutants running off from all the streets, lawns, and cars in this massive development.
- This development is incompatible with Durham's Future Land Use Map and Durham's Comprehensive Plan which has designated this area as one of the only remaining areas in the Rural Tier in South Durham. This site is also within the Suburban Tier and is designated as Low Density Residential with 2 or less dwellings per acre.
- It is only through a loophole in Objective 2.3.2e Suburban Mixed Use of the Comprehensive Plan that this intensity and density of uses proposed in this rezoning is even "allowable" without a Plan Amendment. Because this project is committing to ONE vertically mixed use structure it is able to call itself a mixed use project and this is considered justification for this dramatic increase in density and intensity of uses of what is intended to be a low density residential/low impact site. This is NOT the true intent of the Objective 2.3.2e and this is clearly not the appropriate interpretation and implementation of this Objective. This loophole must be addressed and the intent and implementation of our Mixed Use ordinances must be changed to create the vibrant, innovative vertically mixed use developments that

were the intent of planners. Horizontal mixtures of uses and separations of uses is

currently being used as a sorry excuse for Mixed Use development in Durham.

- Intense commercial, residential and office development has been focused in the Southpoint Mall area with a mixture of these uses along the Renaissance Parkway corridor and perpendicular corridors along Fayetteville and the portion of 751 intersecting Renaissance Parkway. The Westpoint at 751 project will add commercial, office and retail to this axis. It is appropriate that this type of development be limited to this area directly surrounding the mall and directly off of the I-40 Major Transportation Corridor at its exits with 751 and Fayetteville Rd.
- All development South of the Southpoint Mall has been low density residential in nature and the Colvard Farm development directly adjacent to the proposed 751 Assemblage features large lots with executive homes and large areas of preserved rural landscape within the development. The adjacent pattern of development in Chatham County is also rural and consistent with what currently exists across the border in Durham.
- This part of South Durham is the last rural area left in this part of Durham. The rural landscape, the scenic vistas from 751, Massey Chapel, Fayetteville, Stagecoach Road and Scott King Road are enjoyed and of value to Durham residents who live in this area and those who simply drive through here. It is part of the value and beauty of Durham. As stated in our Comprehensive Land Use Plan, it is of value to the citizens of Durham to have a variety of land uses: Rural, Urban, Suburban. This is what makes Durham an attractive place to live and adds value to our community. This last remaining tiny piece of Rural South Durham needs to be protected and preserved.
- The project is incompatible with all of our adopted county wide and regional transportation plans which direct us to tie land use to transportation planning and place high density development along major transportation corridors where mass transit in the form of bus circulators or light rail is proposed. This is the only way we are going to effectively manage our future growth of 1.3 million residents in the Triangle region. Otherwise we will continue to have problems with traffic, poor air quality, and sprawling land use where there is no land use left for recreation and open space. Cities like Portland and Charlotte are carefully planning their high density growth along their mass transit corridors.
- Communities that put development in the right place, protect open space and scenic areas, have good mass transit, good quality drinking water and provide for a good quality of life for their residents are places that people want to move to and live in and that businesses want to invest in as well.
- We can house these future residents and businesses in a neo urbanist development that is carefully situated in Durham so that it is not in an environmentally sensitive area that is a drinking water source. We can properly plan for a neo urbanist development that lies within a mass transit corridor so that people without cars can actually live there and we don't add to our congestion, air pollution and carbon emissions.
- The proposed 751 Assemblage is the anti-thesis of planned, smart growth. It will promote sprawl all the way to the Durham- Chatham line and create even higher levels of automobile traffic and carbon emissions as it is not part of any current or planned mass transit system. It will be an isolated island that can only be reached by a car.
- In contrast, Meadowmont, intended to be a neo urbanist work/live/play community which is on a much smaller scale than this proposed project, is served by more than 70 buses a day and is part of the 54 Corridor, a major transportation corridor that is a part of our

regional mass transit planning. I question how much of a reality the goal of work/live/play has been realized. How many people actually live and work in Meadowmont? And how affordable is the housing?

- In Durham's Greenhouse Gas Plan adopted in 1999 we pledged to reduce our carbon emissions by 30% in the coming years and to avoid the automobile dependent sprawl of projects such as this and to focus on infill development with our existing urban and suburban areas where our infrastructure and services are in place.

#### Development Plan and Committed Elements:

- The development plan in its current form could result in a project that is just a group of big box type stores and separation of residential units that we typically see in Durham. There is NOTHING in the plans current form or committed elements to ensure the creation of the neo urbanist, pedestrian friendly, LEED certified, Low Impact Development, affordable, local business oriented, work/live/play development promised by the applicant.
- SDD promise small locally owned stores but will not commit to a 75,000 sf size limit that would prevent a big box retailer.
- SDD promise pedestrian friendly streets but will not commit to sidewalks on both sides of the street.
- SDD promise recreation but will not commit to provide amenities such as a pool or playground.
- SDD say they will be a nature oriented development but have only set aside the land that is the minimum they are required to (stream buffers and part of the Inventory site) and do not want to adequately protect the Stagecoach Bottomlands Natural Inventory / Natural Heritage Site. State experts have asked them to adhere to a 100 meter buffer from the 100 year floodplain due to the well documented flooding in this area and the need for wildlife to have access to safe, dry land as a wildlife corridor. The applicant refuses to abide by this request to protect what is a public resource.
- As stated in the staff report, it is doubtful that this will be a real mixed use project as touted by the applicant, due to the fact that there is the commitment to only one vertically integrated structure, due to the phasing plan in its current form and unknown market conditions.
- If this rezoning is approved, this land could be flipped and sold and what could be built here would look NOTHING like the applicant's beautiful illustrations and alluring promises.

#### Economic Benefit:

- The economic benefit of this project is questionable.
- There is no guarantee that construction jobs will go to Durham residents. Many jobs will be transient and low paying.
- According to one of Durham's assistant City Managers, the cost of services: providing public schooling, recreation, fire, public safety and EMS service, trash, recycling and

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yard waste collection, street maintenance to just name a few, are usually not covered by residential property tax revenue except in the case of high cost housing.

- This development could negatively drain away the economic vitality of the Southpoint Mall/other South Durham commercial/residential/office development areas where there is currently an excess capacity of available retail, office, homes, apartments, condos and building lots available.
- This development could also negatively compete with and affect the success of planned work/live/play projects already approved and planned for in infill areas: Heritage Square and the South Square/Shannon Rd. Mixed Use Project as well as the BethPage/Crosland suburban mixed use project currently in development on Page Road near RTP or the Metro Town Center/Hopson Rd/Davis Drive Mixed in construction on the edge of RTP.
- In contrast to the 751 Assemblage, these approved or underway projects are within the Urban Tier, along existing major transportation corridors, or next to RTP and are appropriate locations for high density/high intensity development
- The proposed donation of land for a DPS school site would be a drop in the bucket for the real cost of building and operating a new school to serve the hundreds of children that could live in the 751 Assemblage. The land donation may be worth \$6 million but the average cost of a new elementary school is \$20 million and a middle school is \$40 million. And that does not include the ongoing costs to run the school for teachers, materials, programs, maintenance, etc.
- Any possible tax benefits will probably be outweighed by the amount Durham citizens will have to pay to clean up Jordan Lake from the impact of this project on the water quality.
- The applicant refused to commit to the soon to be implemented Jordan Lake Rules as many other developers such as Westpoint at 751 have done. If they do not commit to limiting the amount of nitrogen leaving this development to 2.2 lbs /acre/year –what will soon be required by the new Jordan Lake Rules- then it will be **Durham Citizens** who will foot the bill for the retroactive clean up that will be required. SDD will only agree to current requirement of 3.6 lbs/acre/year nitrogen export. With 167 acres involved this will be a **huge economic cost** for Durham Citizens. It is irresponsible and unfair to expect the public to bear this cost that should be the responsibility of the applicant.
- The projected cost of Falls Lake Clean up for Durham residents is \$500 million. The projected cost of Jordan Lake Clean up for Durham residents is up to \$1 billion. With 250,000 residents in Durham you can divide up this cost and it comes to thousands of dollars per Durham resident! While we are facing the need to retrofit our water treatment plants, increase our natural buffer protection of tributaries and improve or stormwater BMPS's, why would be shooting ourselves in the foot by encouraging the type of land use and development that we know will add to our clean up costs.
- The Durham City Council recently got the sticker shock that we can expect \$56-60 million worth of repairs and improvements to the sewer lines and the North Durham plant, \$320-370 million worth of stormwater-treatment retrofits, new installations, stream restorations and land purchases and up to \$30 million worth of improvements to the South Durham wastewater plant due to existing pollution levels in Falls and Jordan Lake and the new standards that the state will require. **WE CAN NO LONGER PUT OUR HEADS IN THE SAND. IF WE ALLOW THE 751 ASSEMBLAGE REZONING**

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**THERE WILL BE A HUGE PRICE FOR DURHAM TAX PAYERS TO PAY TO CLEAN UP ITS IMPACT ON JORDAN LAKE!**

- **Affordability:** What will make this development affordable for Durham citizens? How will low income people who do not have cars be able to live or work there?
- **Degradation of Quality of life for current South Durham residents:** What about the Durham residents who moved to this part of Rural, low density Suburban South Durham for its rural feel and scenic beauty? This will be destroyed by the 751 Assemblage project and the 29,000 additional traffic trips expected will change their lives forever. Many residents will no longer consider this a desirable place to live and will leave.

**Environmental Cost:**

- From an environmental and land use perspective this proposed development is in the wrong place.
- The current zoning allows only 9% impervious and 37 homes on 167 acres. This means about 14 acres could be paved over. In contrast the rezoning would allow up to 58% impervious on most of the site with 1300 housing units and 750,000 sf of mostly commercial and office uses. All because of an interpretation of Objective 2.3.2 e Suburban Mixed Tier Use and the fact that the applicant has promised to have one vertically integrated structure?
- There will be 35 times the current level of residential density. More than 70 acres can be paved over and more than 100 acres mass graded. Again, allowed without a Comprehensive Plan Amendment because of one vertically integrated building?!
- The affect of this tree removal and mass grading will undeniably have an impact on the ability of water to seep back into the ground and sediment ending up in the nearby and on site streams that flow into Jordan Lake.
- The negative impact of development on New Hope Creek has been documented for nearly 20 years by John Kent of New Hope Audoban. Each month, Kent tests the water quality of New Hope Creek at its origins in Duke Forest in Orange County, and as the creek flows through the Hollow Rock area of Erwin Road in Durham, down past 15-501, Garrett Road and finally at Stagecoach Road near the 751 Assemblage site. He has consistently documented that as the Creek flows south through increasingly developed areas of Durham, the water quality deteriorates and is at its most impaired at Stagecoach Road just before it empties into Jordan Lake.
- New Hope Creek is the largest tributary of Jordan Lake, its flows West of the 751 Assemblage site. The creeks flowing from the 751 Assemblage flow into New Hope Creek. There is no way that the impact of extensive mass grading, significant deforestation of the site, and the massive amount of impervious surface will not negatively impact New Hope Creek and the lake.

**The Right Development for this Site:**

- We need more high end housing options in the Durham real estate market. This site is currently zoned for 37 homes. Like adjacent Colvard Farm, this is an excellent site for an

upscale, executive home type of development that we are lacking in Durham. Randall Arendt, who is part the SDD design team, is known for his upscale conservation oriented developments throughout the United States where large areas are set aside for walking trails and common use of the residents with luxury homes. These types of exclusive, eco friendly nature preserves are very popular and marketable and lacking in the Durham housing market.

- Another option would be to make use of Durham's Conservation Subdivision Ordinance which allows developers to optimize the density potential of low density suburban or rural sites while protecting the conservation value of their property.

Bottom line:

- This proposed rezoning is inappropriate for this location. It contradicts all of our current land use and transportation planning goals. In addition, the applicant has refused to protect the Durham Natural Inventory Site areas as directed by the Natural Heritage Program.
- There are currently NO guarantees that the 751 Assemblage will be anything like the Neo urbanist community promised by the applicant.
- It is questionable that there will be substantial economic benefit to Durham from this project. The cost of environmental clean up, services provided, and possible negative impact on already planned and developed projects may outweigh any economic benefits.
- This site should be developed as low density residential/rural as currently designated. We need high end, luxury type housing in Durham. We are lacking in this market and this type of housing is most beneficial to our property tax revenues.

**Ms. Mitchell-Allen.** I voted to deny. While I like the concept of the applicant's plans for the subject area, I have concerns around the potential impacts to the environment. Although the applicant has advised that he will adhere to the new watershed rules once they are implemented, the applicant refuses to proffer it as a committed element, which is a concern. The applicant makes mention that the development will have "complete streets", which would be amenable to bikers and pedestrians, yet the applicant will not proffer it as a committed elements. The applicant was asked to make several committed elements but was inclined to do so for the majority of the major concerns presented. My concern is that there is no certainty in regards to what the applicant intends to do with the property. I only hope that the applicant will take into consideration the concerns stated tonight as I believe the development concept would be a great asset to Durham. The development will result in upgrades to streets and will potentially result in additional jobs for the community.

**Mr. Moffitt.** Commissioners spent many hours reviewing the case, and three hours on it in our meeting. "If there's no commitment, it's a good intention but it's not required. Concerns: Because of phasing, this project could be mixed use but 500,000 sf of non residential can be built without a building a single house. Or they could build 750 homes without building anything else. There's no commitment for a pool or for a playground. Although the intention expressed was that the school custodian could live here, there's no commitment to maintaining affordable housing. There's no commitment to limit the size of retail, opening the way for a big box store -

not in keeping with their stated intent to focus on “local merchants”. If Economic conditions don’t change if they sell the land, there’s no commitment to build what they say they will build.

**Mr. Monds.** I voted not to approve the Zoning change. I have concerns related to the lack of transit service, the impact of the intense development and density in the fragile area, the impact of increased traffic, the impact on water quality and on downtown development.

**Ms. Smith.** I agree with others on the Planning Commission that in theory and as an idea this development is great. But all it is, is an idea. The developer was unwilling to commit to anything that might have assured me the development would really proceed in the rosy way it was presented. I voted denial because of the following:

1. Refusal on the developer’s part to commit to complying with the more strict Jordan Lake stormwater rules
2. Refusal on the developer’s part to commit to the 100 meter buffer from the 100 year floodplain as suggested by the Natural Heritage Program in case an alternate agreement is not reached.
3. Refusal on the developer’s part to commit to no commercial space larger than 75,000 sq. ft.
4. The phasing of the development would allow for the project to proceed in troubling ways:
  - a. As much as 500,000 sq. ft. of commercial could be built without a single residential property being constructed—only platted. Conversely 750 units of residential could be built without any commercial happening. This is not mixed use and would not realize the vision proposed by the developer.
  - b. If the developer runs into trouble the phases may be sold off to another developer who does not share the walkable, workable community vision of this developer.
  - c. Allows some phases to be built without compliance to the more stringent stormwater regulations coming later in the year. This creates a regulatory and monitoring problem and expense.
  - d. The phasing plan allows some traffic improvements to be put off. For instance the developer could build out just enough not to trigger the widening of 751 and leave that to be paid for by the Durham Public Schools when they decide to build.
5. It is at the end of the county and there is no real plan for public transit. City people needing jobs will have no way to get there.
6. This project could degenerate into a collection of big-box stores and further suburban sprawl, its mixed-use designation being satisfied by only one vertically integrated building.
7. Live, work, walk sounds great until you look at the elements closely. The project plan is EYE-CANDY. The plan is vulnerable to considerable opportunity for bait and switch. In

an economy where the developer is dealing with shrinking retail and residential markets, anything could end up in this space as long as it satisfied the strict numerical commitments. It is foolhardy to put this next to an important water supply and into such a sensitive site. It is an affront to the people living in the adjacent areas to gamble with their rural surroundings. It is an affront to the rest of the county to gamble with our water supply.

**Mr. Womack.** The mega size of this development will have an adverse affect on the rural character of this part of the county. It will also have an adverse affect on the quality of life for all those that live nearby who have been led to believe there would be no more commercial creep – There is an abundance of vacate residential and commercial property already available in this area. I feel the likely 70 acres of impervious surface will damage the near wetlands and wildlife and cause increased pollution for Jordan Lake. This is very close to the Chatham County line and no transit service is planned. There will be an increase in traffic congestion with no major improvements planned for the infrastructure. For these reason and a number of others not listed I am voting against this change.

**Ms. Beechwood.** I voted to deny approval, primarily because the applicant would not commit to addressing the concerns of the city staff regarding project phasing and the boundary offset for the Stagecoach Road Bottomlands.

This is an exciting project with many good features. Mixed use villages are an innovative way to address a variety of live-work-play needs. The city obviously feels this way too, because they offer an MU district that allows the necessary increased densities. Successful mixed use villages try to offer a robust mix of uses that meets the needs of the villagers – from the pioneers who begin the community to the latest arrivals. This requires very careful phasing throughout, from inception to buildout.

In this case, neither the city nor myself was convinced that a successful outcome could be achieved without the applicant making lower phasing thresholds a committed element of the plan.

To the applicants' credit, they met with staff from the city and NHP to determine the presence and extent of the Stagecoach Road Bottomlands. NHP originally recommended the 100 meter offset as a boundary. I am aware that the applicant was recently working with NHP on a different, alternative boundary, but this was not in place at meeting time. The applicant would not accept my request to make the recommended 100 meter buffer a committed element, *even with the potential of replacing it with a new alternative boundary that they worked out with NHP.*

Additionally, the applicant refused a request to commit to the new nitrogen thresholds that are coming.

Lastly, a project of this scope and magnitude will essentially create an urbanized node in southern Durham County. I am not sure we have adequately addressed that possibility in our comprehensive plan and looked seriously at the regional implications. Should we want to go in that direction, we will need to coordinate with our regional neighbors in Chatham and Wake counties.