

December 14, 2016- Revised

Dear Members of the Durham Planning Board:

Here are a few comments regarding the most recent Mill Plaza Redevelopment Plan:

- While the design team has worked hard to try to accommodate both the requirements of the property owner and concerns voiced by the public, after several iterations, I fear the design team was asked to accomplish the impossible. Given the size of the parcel, the goal of the developer to house 330 students (allowed by not *required* by The Settlement Agreement), the proximity to Chesley Drive and Faculty Road, our zoning regulations regarding height, number of stories, required amount of commercial space, and our Conditional Use Criteria, a project of this size simply does not fit on the site, nor, according to our Conditional Use Criteria, does it belong on the site. Keep in mind that despite The Settlement Agreement, the PB is obligated to follow our normal PB procedures and our Zoning Ordinance except for the current density requirements.
- Please consider ZO 175-41. **Central Business District (CB)**

**F. *Development Standards in the Central Business District***

In addition to the dimensional standards, development in the Central Business District shall conform to the following additional requirements:

1. Maximum Height of Mixed-Use Buildings – The height of a new or redeveloped mixed-use building that provides both residential and nonresidential space shall be a maximum of three (3) stories notwithstanding other height limitations. The first floor shall be nonresidential. However, if the building contains nonresidential uses on the first floor and one additional story of nonresidential, the maximum permitted height shall be four (4) stories. If the proposal is for a four (4) story building, the first floor shall be nonresidential and the remaining three floors shall consist of two residential and one nonresidential.

Clearly the developers have no intention of meeting this zoning regulation, which is unfortunate because not only does it provide reasonable height restrictions based on our vision for our town, but also it addresses the desired balance between commercial and residential uses in our downtown. Because we share our Main Street with the University, Durham struggles with available commercial space. Thus this particular regulation represents our good faith effort to incentivize redevelopment of some underutilized space balanced with our need to seek out additional commercial space in a downtown. You will note that in 175-41F(1) above, our zoning clearly indicates that: 1) there is a desired ratio between commercial and residential space (1:2 for 3 stories or 1:1 for 4 stories) and 2) the desired height is three stories and under no circumstances will a building be taller than four stories or have more than two floors of residential. It is regrettable that the developer chooses to ignore these very reasonable regulations.

- Regarding the need for commercial space downtown, also keep in mind that while the developer is required to provide a minimum of 80,000 – 90,000 sq. feet of new commercial space per The Settlement Agreement, they are also removing one large commercial building from the site (approx. 57,000 sq. ft of commercial space, thus the promised 80,000 sq. ft. represents a total gain of approximately 23,000 sq. ft. of *additional* space. Not much. Weigh this very small gain of commercial space against the addition of 3 large buildings, each with 3-4 floors of residential space designed for students equaling approximately 174,000 sq. ft. The ratio of additional commercial space to benefit our community is pathetically small compared to the amount of student housing the developer will benefit from. The ratio of commercial to residential is off the charts in terms of what our ZO requires (approximately 1:7.5 rather than 1:2 or 1:1).
- Please consider that this particular parcel is the only site in which the CBD directly abuts a residential zone. North of the CB, you have the PO District. East of the CB, you have Church Hill. West of CB, you have campus. South (and southeast) of the CBD and The Plaza, you have the RA District. There is no transitional district. Thus honoring the Conditional Use Criteria is particularly important because this intensive CB District redevelopment abuts places where families live. In fact, Chesley Drive and Faculty Road fall within our definition of neighborhood (being within 1,000 feet of the proposed development parcel). Add to this the fact that this intensive redevelopment is going to house students in a very small, dense area and you have got a major problem—as testified by many, many neighbors who experience negative impacts of students regularly even without adding 330 students to the Plaza parking lot. The CU Criteria must be taken seriously.
- Due to the intensity of the CBD redevelopment and its position next to RA, the buffers are going to be particularly important. The Settlement requires an increased buffer along the Brook. To my knowledge, we have not seen any significant increase.
- Likewise, the green buffer strip (grass and the only mature trees on the site) along Mill Road serves as a critical visual buffer between the very dense CBD streetscape along Main Street and the residential neighborhood streetscape along Mill Road. While The Plaza has had an abysmal record maintaining healthy trees on site, along Mill Road is the one place where we do have mature trees. This vegetation serves to soften the transition from RA to CB. Please do not take this away by placing a small building at the entrance of The Plaza. This building greatly reduces sight lines to the trees and the park as you approach The Plaza from the south and diminishes the green transition between our downtown and the residential zone. In return, it offers us very little commercial space in return. I believe it is a huge mistake to situate that small building at the entrance of The Plaza, especially because, if this project does get built, Durham residents are going to feel overwhelmed and intruded upon by the massive out of scale buildings cropping up out of a parking lot. Our sense of breadth (i.e. air space and sky) is going to be greatly diminished. To buffer the Mill Road viewscape from the sea of parking, I recommend a thick 5-foot evergreen hedge along that green strip. If it were positioned next to the sidewalk, it would also serve to create more of a park feel along

the enhanced buffer strip rather than creating the look and feel of a wider grass buffer sandwiched between the road and the parking lot.

- Finally, our Architectural Regulations L(6) Variations in Height state that in order to create a harmonious look and feel of new development, adjacent buildings should vary no greater than 1-1.5 stories. Even with the false floor built on top of the Hannaford building, it looks like the current design goes from a two-story building to an adjacent 4.5-story building, once again indicating that the scale of this project is greater than what the site can hold. *The desired 330 beds simply do not fit with the constraints of our Zoning.*
- I understand that this Plan will likely end up at the ZBA, however I urge members of the Planning Board to perform their due diligence in insuring that the project is approved *only if it meets all of the Conditional Use Criteria and Durham Zoning Regulations.*

Sincerely,

Beth Olshansky