

Council Members and Members of the Board of County Commissioners:

This email is intended to provide the Durham City-County Planning Department's (the Department) position on the recent activities pertaining to park-and-ride spaces at The Streets of Southpoint ("the Mall") and related matters.

On January 19, 1999, the Durham City Council approved zoning case P98-39 approving the development of the Mall (see Attachment A or "Zoning Approval"). Part of this Zoning Approval was a proffered commitment for a reserved park-and-ride-lot and a Durham Area Transit Authority (DATA) and Triangle Transit Authority (TTA, now Go Triangle or GT) bus stop with shelter.

The City and the Mall entered into an agreement on June 22, 2008 in which the parties agreed to the relocation of the bus stop and park-and-ride spaces. As part of this agreement, the Mall sought a site plan modification (see Attachments B and C) that changed the bus stop location, and the reserved park-and-ride location and identified 147 park and ride spaces. The revised site plan was approved ("2008 Site Plan").

In addition to the Zoning Approval and the 2008 Site Plan, the Mall is subject to the provisions of Section 10.2.2.B of the Durham Unified Development Ordinance (UDO), which pertain to required parking facilities at large commercial developments such as the Mall. These provisions are excerpted here (*in italics*):

*10.2.2.B Required Park and Ride Parking Spaces*

*Commercial and [office developments](#) which provide 400 or more [parking spaces](#) shall designate at least 5% of the required spaces as "[Park and Ride](#)" spaces. The following shall also apply.*

- 1. No more than 100 spaces shall be required.*
- 2. A [sign](#) or signs shall be used to designate that the spaces are [reserved](#) for [park and ride](#) use during non-holiday weekdays between 6 a.m and 6 p.m.*
- 3. Bus shelters shall be required if the transit stop is within ¼-mile of the [Park and Ride](#) area unless the applicable public transit provider indicates in writing to the Planning Director that a shelter is not required.*

Based on a field investigation by Planning staff this morning (Thursday, June 8, 2017), Planning staff became aware of the fact that the signage provided by the Mall (see Attachment D) does not identify any time limitations on the identified park-and-ride spaces. As such, any attempt to enforce time limitations on these spaces will be a violation of Section 10.2.2.B.2 of the UDO, which will be enforced by the Planning Department. The Mall is permitted to install revised signage with time limitations permitted by Section 10.2.2.B.2 of the UDO and enforce such limitations after such signage is installed.

Representatives of the Mall have expressed an interest to Planning staff (verbally, at a meeting earlier this week) in reducing the number of park-and-ride spaces to 100 spaces. This is permissible under the UDO, but would be considered a significant deviation from the Zoning Approval, necessitating a new site plan and return of the reserved park-and-ride lot and bus stop with shelter to the original location identified on the Zoning Approval. Unless and until this occurs, the 2008 Site Plan and UDO Section 10.2.2.B provisions remain in full effect. This action (ie: reduction of the number of park-and-ride spaces from 147 to 100) would also appear to negate part of the aforementioned 2008 agreement between the City and the Mall.

I hope this information is helpful. Please advise with any questions, comments or concerns. Please note that I will be away from the office on a family vacation from Friday, June 9<sup>th</sup> to Friday, June 16<sup>th</sup>. During this period, please contact Assistant Planning Director Sara Young at 919.560.4137 x28256 or via email at [Sara.Young@DurhamNC.gov](mailto:Sara.Young@DurhamNC.gov) with any questions, comments or concerns regarding this matter. Thanks and regards, Pat

**Patrick O. Young, AICP**

***Director***

***Durham City-County Planning Department***

**101 City Hall Plaza**

**Durham, North Carolina 27701**

**[Patrick.Young@DurhamNC.gov](mailto:Patrick.Young@DurhamNC.gov)**

**919.560.4137 x28273**



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