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**JOHN GODDIN**  
104 GARDEN STREET  
CHAPEL HILL, NC 27517

May 9, 2005

Planning Board  
Town of Chapel Hill

Re: Performance Auto Mall Special Use Permit

To Whom It May Concern:

I live at 104 Garden St., two blocks from Performance Auto Mall on the other side of Old Durham Road. As a resident of the neighborhood that will be most impacted by the proposed expansion of the Performance dealership I would like to express my concerns and comments regarding the proposal.

1. Conversion of lot 7.27A.C.9 currently zoned Neighborhood Commercial into a parking lot . This property is separated from the main Performance campus by a busy state road with no crosswalks or appropriate crossing points. It has long been zoned Neighborhood Commercial by the town. NC zoning is "...intended for the development of low-intensity commercial and service centers that are accessible by pedestrians from the surrounding neighborhoods, serve the daily convenience and personal service needs of the surrounding neighborhoods, and are of such a nature as to minimize conflicts with surrounding residential uses." Parking is allowed only as an accessory use in NC zoning, defined as "A use on the same lot or in the same structure with, and of a nature and extent customarily incidental and subordinate to, the principal use of the lot or structure." This proposal involves converting this property into solely a satellite parking lot for the main Performance campus, which does not reflect the intent of the underlying zoning or the Comprehensive Plan. I object to this proposal on the following grounds:
  - a. It removes this piece of property from being used to support a neighborhood commercial business
  - b. There are a large number of residents who live within walking distance of this property in the Cooper Square Condominiums, University Heights neighborhood, Legion Road townhomes, Colony Lake neighborhood and others. These neighborhoods are all located on the same side of Old Durham Road as the property, unlike Performance, which is located across Old Durham Road.
  - c. Pedestrian crossing of Old Durham Road is dangerous for all involved.

- d. Paving of this parking lot will increase already existing drainage problems in the area.
- e. The need for this parking can be mitigated by Performance encouraging alternative methods of transportation to work by employees.
- f. This proposal seeks to nearly double the amount of parking for this business, from 130 spaces to 250 spaces. These spaces are not needed for additional employees and customers, but primarily as display space for product to be sold (cars).
- g. As proposed, this lot will have its entrance and exit on Cooper St., significantly increasing traffic in my neighborhood, which is not designed to handle it.
- h. Performance previously received approval for and constructed a similar parking lot at the corner of Old Durham Road and Cooper St. This involved widening of the pavement in front of the lot for a bicycle lane. Performance then adopted this stretch of pavement as an unloading zone for car carriers, allowing and assisting car carriers to park and unload vehicles there. This created an extremely dangerous situation, as the car carriers make it impossible for someone attempting to access Old Durham Road from Cooper St. to see oncoming traffic. I have narrowly avoided accidents numerous times due to this. Performance held a neighborhood meeting in 2003 when they first came forth with this proposal. A number of neighbors expressed concern over this situation at that time. Performance's response at that time was that it was a town problem, not theirs, and that they had no control over the action of these delivery drivers (hard for me to believe, especially since Performance employees assisted in the offloading and moving of these vehicles onto their property). They did promise to take immediate steps to work with the town on a resolution of the matter. They took no action for three weeks after this, and only became involved after I contacted the town to ask what steps could be taken. The problem is less severe now, due to Kumar Neppali working with DOT to have a No Parking sign erected. I fear a similar abuse and lack of concern for the general public welfare would occur with this new lot. If this lot is approved, the town should rethink its requirement for adding additional pavement in front of it, or work with DOT to clearly make this a right hand turn lane and prohibit parking. This stretch of road is becoming like Weaver Dairy, with wide spots and narrow spots, and no clear indications of traffic patterns.
- i. Performance utilized the property in question illegally for years, gravelling over the backyard and storing vehicles on the property without any permits or approvals. They accessed the backyard by taking out a section of fencing from their existing parking lot. This would seem to violate the Special Use Permit for that lot, which states "That the parking lot shall only be used as an employee parking lot. Any use of the parking lot other than employee parking shall be prohibited, including but not limited to the following uses: sale or storage of new cars, used cars, rental cars, body

shop cars, or any repair or sales activity." They also utilized the handicapped access to the parking lot as an extra parking space until reminded that doing so probably left them out of compliance with ADA and could subject them to lawsuits.

## 2. Transportation issues

- a. The transportation study done in connection with this proposal is flawed in several ways. It does not take into account the number of trips that this business generates from test drives of new and used vehicles being considered for purchase, and test drives done by mechanics before and after repairing vehicles. This number may exceed the traffic generated by employees and customers coming to and leaving the property, and would have a substantial impact on the surrounding road system.
- b. The study also does not examine the impact on surrounding neighborhood streets from the traffic generated by this business. The intersection of 15-501, Old Durham Road and Scarlet Drive is horribly designed and extremely confusing. Most people who are aware of alternatives to using it do so. Unfortunately that puts them on streets in my neighborhood (University Heights). This neighborhood consists of narrow residential streets with no sidewalks and lots of children and pedestrians. Legion Road extension is the only through street in the neighborhood, and it has a three way stop at one end, and a four way stop at the other end. At least 50% of the vehicles at these two intersection run the stop signs, often speeding up as they approach them to beat the few cars that do actually stop. The intersection of Legion Road and Scarlet Drive is particularly dangerous and is heavily used by pedestrians. The impact of this proposal on these roads should be adequately evaluated and mitigated. This is in my mind very important because it is likely to be an accident between a vehicle and a pedestrian, rather than a little bit longer wait at a traffic signal that is the result of the additional traffic load.
- c. The rear entrance and exit to Performance are currently marked entrance only and exit only, but both receive two way traffic constantly during the day. My guess is that as much or more traffic passes through these access points as come in the front access points along the service road. The access points along Old Durham Road need to be better controlled. Traffic utilizing these access points dumps into my neighborhood due to the terrible intersection at 15-501, further emphasizing the need to analyze the impact of traffic on these roads as well as 15-501.

## 3. Environmental issues

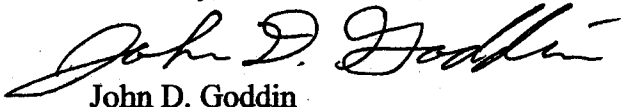
- a. Drainage in this area is a problem. Adequate measures need to be required and enforced to make sure this proposal does not increase the problem.
- b. This proposal involves the demolition of facilities that have been used for the repair of automobiles for decades. As such it seems highly likely that there will be some type of contamination due to this activity. The town

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needs to ensure that there is proper monitoring and enforcement of environmental rules at the job site, that any contamination is cleaned up thoroughly and that any new facilities are built so as to minimize the possibility of environmental harm in the future.

Thank you for your consideration of these points.

Sincerely,

A handwritten signature in cursive script that reads "John D. Goddin". The signature is written in black ink and is positioned above the printed name.

John D. Goddin