



CITY OF DURHAM | DURHAM COUNTY  
NORTH CAROLINA



ZONING MAP CHANGE REPORT

Meeting Date: March 3, 2008

<b>Reference Name</b>	Hope Valley Chapel Hill Tire (Z07-40)	<b>Jurisdiction</b>	City
<b>Request</b>	<b>Proposed Zoning</b>	Commercial Neighborhood (CN(D))	
	<b>Existing Zoning</b>	Residential Suburban-10 (RS-10), Residential Suburban-20 (RS-20)	
	<b>Proposed Use</b>	6,800 square foot car care center with 8 service bays	
	<b>Existing Use</b>	Single family residential	
<b>Site Characteristics</b>	<b>Tier</b>	Suburban	
	<b>Land Use Designation</b>	Commercial	
	<b>Overlays</b>	F/J-B	
	<b>Site Acreage</b>	1.12	
<b>Applicant</b>	Marc Pons; Pons Family, LLC	<b>Submittal Date</b>	September 20, 2007
<b>Location</b>	East side of Hope Valley Road, north of NC 54		
<b>PINs</b>	0719-01-20-4013		
<b>Recommendations/ Comments</b>	<b>Staff</b>	Approval, based on consistency with the <i>Comprehensive Plan</i> , and considering the information contained in this report.	
	<b>Planning Commission</b>	Approval 11-2 on January 8, 2008. The Planning Commission finds that the ordinance request is consistent with the adopted <i>Comprehensive Plan</i> . The Commission believes the request is reasonable and in the public interest and recommends approval based on the information in the staff report, comments received during the public hearing and additional committed elements proffered by the applicant at the meeting.	
	<b>DOST</b>	No comment	

A. Summary

This is a request to change the zoning designation of 1.12 acres at 4805 Hope Valley Road, from RS-10 and RS-20 to CN(D) to allow for a 6,800 square foot car care center with 8 service bays. The request is consistent with the future land use designation of the *Comprehensive Plan* which designates the site for Commercial.

A development plan is provided with this zoning map change request. Any significant change in the development plan will require a new zoning petition for the property. The development plan submitted with this zoning map change includes the following committed elements:

*The Committed Elements proffered at Planning Commission are shown in italics.*

<b>Development Plan Committed Elements</b>
1. Six bicycle parking spaces will be provided.
2. The project will not generate peak hour trips in excess of 149 trips.
3. Curb and gutter shall be installed on Hope Valley Road along the frontage of the site.
4. <i>Project impervious surface shall not exceed 55% of the lot area.</i>

**B. Site History**

There have been no recent zoning map change requests for the site.

**C. Area Characteristics**

The site is located on the east side of Hope Valley Road, north of NC 54, and is in the Suburban Tier. A variety of commercial uses exist in the area. Surrounding zoning districts include CN(D), CN, Commercial Center (CC), Commercial General with a development plan (CG(D)).

<b>Adjoining Uses, Zoning Districts and Overlays</b>			
	<b>Existing Uses</b>	<b>Zoning Districts</b>	<b>Overlays</b>
<b>North</b>	Commercial	CN(D)	F/J-B
<b>East</b>	Commercial	CC	F/J-B
<b>South</b>	Vacant and commercial	CC, CN, CG(D), RS-20	F/J-B
<b>West</b>	Vacant	CN(D), CN, CG(D), RS-20	F/J-B

**Staff Analysis and Conclusion.** The proposed zoning map change is compatible with uses and zoning in the surrounding area. This site is completely surrounded by other commercial uses and zoning districts.

**D. Site Characteristics**

The zoning map change site consists of a 1.12 acre parcel that is being proposed as vehicle service limited use. The site is within the Cape Fear River Basin. There is a 1,130 square foot wetland area and a non-regulated stream located on the rear of the site that is being preserved. There are no other identified environmental or physical constraints on this site.

Code Requirements				
Standard	Code Provision	Standard	Proposed	Consistent
Tree coverage	8.3.1.C.4	10%	13% (illustrative)	Yes
Impervious Surface	8.7.2B	70% 0.78 Ac	50% 0.55Ac (illustrative)	Yes
Wetlands	8.9.3.C	Less than 1 acre - no buffer required	.025 Ac	Yes

**Staff Analysis and Conclusion.** There are no identified constraints that would prevent the site from being developed in accordance with applicable ordinance standards.

### E. Requested Zoning District Characteristics

**Commercial Neighborhood (CN)** – the CN district is established to provide for modest-scale commercial centers in close proximity to residential areas that offer limited commercial uses to satisfy the needs of the surrounding neighborhood; each lot is limited to 20,000 square feet of project floor area. While CN is a commercial district, other uses such as residential and office may be allowed under limited provisions of the ordinance.

Zoning District Requirements – CN				
	Code Provision	Required	Proposed	Consistent
Minimum Site Area (square feet)	6.10.1.B	5,000	48,796 (1.12 acres)	Yes
Building Height Maximum (feet)	6.10.1.B	35	35	Yes
Street Yards (feet)	6.10.1.B	25	25	Yes

**F/J-B Overlay.** The purpose of the Falls/Jordan-B Watershed Protection Overlay (F/J-B) is to preserve the quality of the region's drinking water supplies through application of the development standards in Article 8, Environmental Protection. In general, water supply protection will be accomplished by establishing and maintaining low intensity land use and development on land near the region's water supply rivers and reservoirs. Where high density development is desired, water supply protection will be accomplished through the use of engineered stormwater controls. The overall objective is to:

- Reduce the risk of pollution from stormwater running off of paved and other impervious surfaces; and
- Reduce the risk of discharges of hazardous and toxic materials into the natural drainage system tributary to drinking water supplies.

**Staff Analysis and Conclusion.** The plan as submitted conceptually meets the minimum Ordinance standards for a zoning map change request. Final approval of the stormwater impact analysis will occur at the time of site plan approval.

## F. Infrastructure Impacts

The impact of the requested change has been evaluated to suggest its potential impact on the transportation system, water and sewer systems, and schools. In each case, the impact of the change is evaluated based upon a change from the most intense development using the existing land use and zoning to the most intense use allowed under the request.

### 1. Road Impacts

Hope Valley Road and Garrett Road are the major roads impacted by the proposed zoning change. There is a City of Durham CIP project to construct the Garrett Road Extension between NC 54 and Hope Valley Road. This project is currently under construction and is expected to be complete in the summer of 2008. While Hope Valley Road is not at capacity, Garrett Road is over capacity, but it is not adjacent to this project.

Road Impacts		
Affected Segments	Hope Valley Road	Garrett Road
Roadway Capacity (LOS D) (AADT)	31,100	14,600
Latest Traffic Volume (AADT)	21,000	17,000
Traffic Generated by Present Designation (average 24 hour)	29*	
Traffic Generated by Proposed Designation (average 24 hour)	169**	
Impact of Proposed Designation	An increase of 140 daily trips	

Source of LOS Capacity: FDOT Generalized Level of Service Volume Table 4-1 (2002)

Hope Valley Road: 4-lane Major City/County with left-turn lanes

Garrett Road: 2-lane Major City/County roadway with left-turn lanes

Source of Latest Traffic Volume: 2005 NCDOT Traffic Count Map

\*Assumption- (Max Use of Existing Zoning) – RS-10: 2 single family lots, RS-20: 1 single family lot

\*\* Assumption- (Max Use of Proposed Zoning) – CN(D): 6,800 SF Tire Store

### 2. Transit Impacts

Transit service is currently provided within one-quarter mile of the site along Hope Valley Road via DATA Route #10.

### 3. Utility Impacts

This site will be served by public water which is located along Hope Valley Road and public sewer which is located at the rear of the site.

### 4. Drainage/Stormwater Impacts

The plan as submitted conceptually meets the minimum ordinance standards for a zoning map change. Final approval of the stormwater impact analysis will occur at the time of site plan approval.

## 5. School Impacts

The proposed request is estimated to generate 1 additional student. The schools that would potentially serve this site are Southwest Elementary School, Githens Middle School, and Hillside High School.

<b>School Impacts – System Totals</b>			
	<b>Elementary School</b>	<b>Middle School</b>	<b>High School</b>
<b>Current Building Capacity</b>	15,039	7,400	9,970
<b>Maximum Building Capacity (120% of Building Capacity)</b>	18,047	8,880	11,748
<b>20<sup>th</sup> Day Attendance (2007-08 School Year)</b>	16,060	6,648	10,040
<b>Committed to Date (October 2004 –September 2007)</b>	250	127	(31)
<b>Available Capacity</b>	1,737	2,105	1,739
<b>Potential Students Generated – Current Zoning*</b>	0	0	0
<b>Potential Students Generated – Proposed Zoning**</b>	+1	0	0
<b>Impact of Proposed Zoning</b>	+1	0	0

\*Assumption (maximum residential use of existing zoning) = RS-10: 2 single family lots, RS-20: 1 single family lot

\*\*Assumption (maximum residential use of proposed zoning) = 11 multi-family units

**Staff Analysis and Conclusion.** Infrastructure for transit, utilities, drainage/stormwater, and schools is available to accommodate development pursuant to the rezoning. Infrastructure for roads lacks capacity to meet the demands of the proposed development. The project will create additional traffic on Garrett Road. There is a City of Durham CIP project to construct the Garrett Road Extension between NC 54 and Hope Valley Road. This project is currently under construction and is expected to be complete in the summer of 2008. While Hope Valley Road is adjacent to this project, it is not at capacity, Garrett Road is over capacity. It should be noted that this request is consistent with Policy 8.1.2m, Transportation Level of Service Maintenance of the *Durham Comprehensive Plan*, because this policy is only applicable to adjacent roads and Garrett Road is not adjacent to this project.

**G. Plan Consistency**

Plan Requirements			
Plan	Policy	Requirement(s)	Consistent
<i>Comprehensive Plan</i>	Future Land Use Map	Commercial	Yes
	2.2.5a	Infrastructure Capacity	Yes
	2.2.5b	Spacing of Commercial Development	Yes
	2.2.5c	Strip Commercial Development	Yes
	8.1.2m	Transportation LOS	Yes
	9.4.1a	Water Quantity LOS	Yes
	11.1.1a	School LOS	Yes

**Staff Analysis and Conclusion.** The proposed zoning map change request is consistent with the future land use designation of the Comprehensive Plan which designates the site as Commercial. While Garrett Road is currently operating at 116.4% of its capacity; it should be noted that this request is consistent with Policy 8.1.2m, Transportation Level of Service Maintenance, because this policy is only applicable to adjacent roads and Garrett Road is not adjacent to this project.

**H. Notification**

Staff certifies that newspaper advertisements, letters to property owners within 600 feet of the site and the posting of a zoning sign on the property has been carried out in accordance with Section 3.2.5 of the UDO. In addition, the following neighborhood organizations were mailed notices:

- Durham Justice & Fairness Inter-Neighborhood Association
- Inter-Neighborhood Council
- Durham People’s Alliance
- New Hope Advisory Committee
- Creekside PTA
- Alliance of South Durham Residents
- Woodcroft Community Association
- Jordan Lake Resource Management
- Fairfield Community Awareness Community

**I. Recommendations**

Staff recommends approval, based on consistency with the *Comprehensive Plan* and considering the information provided in this report.

Planning Commission recommends approval. The Planning Commission finds that the ordinance request is consistent with the adopted *Comprehensive Plan*. The Commission believes the request is reasonable and in the public interest and recommends approval based on the information in the staff report, comments received during the public hearing and additional committed elements proffered by the applicant at the meeting.

**J. Summary of the Durham Planning Commission Minutes of January 8, 2008 (Case Z07-40)**

**Request:** RS-10, RS-20 to CN(D)

**Location:** East side of Hope Valley Road, north of NC 54

**Staff Recommendation:** Approval. Ms. Sherron presented the staff report.

**Public Hearing:** Chair Brine opened the public hearing. The applicant spoke in support and no one spoke in opposition. Chair Brine closed the public hearing.

**Commission Discussion:** The Commission discussion centered around problems of traffic congestion and the owner not being willing to make the area accessible (steps) for customers to shop at the adjacent shopping center.

**Findings:** The Planning Commission finds that the ordinance request is consistent with the adopted *Comprehensive Plan*. The Commission believes the request is reasonable and in the public interest and recommends approval based on the information in the staff report, comments received during the public hearing and additional committed elements proffered by the applicant at the meeting.

**Motion:** Motion for approval, (Ms. Brown, Mr. Moffitt 2<sup>nd</sup>)

**Action:** Motion carried, 11-2. (with Ms. Giles and Ms. Smith, voting no)

**J. Staff Contact**

Gail Sherron, Senior Planner, 560-4137 ext. 230 or [gail.sherron@durhamnc.gov](mailto:gail.sherron@durhamnc.gov)

**K. Applicant Contact**

Michael Fiocco, Civil Consultants, Inc. 490-1645, or [michael.fiocco@civil-consultants.com](mailto:michael.fiocco@civil-consultants.com)

**L. Attachments**

1. Context Map
2. Future Land Use Map
3. Aerial Photograph
4. Development Plan
5. Planning Commissioners Written Comments
6. Application
7. Owner's Acknowledgement form
8. Ordinance