



CITY OF DURHAM | DURHAM COUNTY
NORTH CAROLINA



Zoning Map Change Report

Meeting Date: March 3, 2008

Reference Name	Erwin Road Mixed Use (Z07-38)	Jurisdiction	City
Request	Proposed Zoning	Mixed Use with a development plan (MU(D))	
	Existing Zoning	Commercial Neighborhood (CN)	
	Proposed Use	Vertically integrated residential and commercial	
	Existing Use	Restaurants and multifamily residential	
Existing Site Characteristics	Tier	Compact Neighborhood	
	Land Use Designation	Commercial	
	Overlays	None	
	Site Acreage	3.97	
Applicant	The Crosland Group, Inc.	Submittal Date	August 20, 2007
Location	2530 Erwin Road and 610 Douglas Street		
PINs	0812-19-62-5270, -7378, -15-62-7641		
Recommendations/Comments	Staff	Approval, based on consistency with the <i>Comprehensive Plan</i> and considering the information contained in this report.	
	Planning Commission	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.	
	DOST	Approval, with conditions (Attachment 5)	

A. Summary

This is a request to change the zoning designation of 3.97 acres at 2530 Erwin Road and 610 Douglas Street from CN to MU(D) and add them to the existing MU(D) district for the Hock Plaza project. The proposed addition would increase the district area from 3.91 acres to a total of 7.88 acres. The maximum floor area of

the project would increase from 398,630 square feet to 772,630 square feet. There will be no changes to the existing Hock Plaza project.

This proposal involves the addition of a residential component to the mixed use project, vertically integrated with commercial in a single 4-8 story building to a maximum height of 100 feet. The proposed building would have frontage on Erwin Road, Douglas Street and Downing Street. Vehicle access would be from Douglas Street and Downing Street and a useable open space area would be located on Erwin Road to accommodate pedestrians. Another useable open space area would be located in the interior of the building for residents. Parking would be provided in a deck integrated with the building and a surface lot located to the rear of the property. The project is committed to a maximum of 370 residential units at a density of 47.1 DU/AC. The site is within a Compact Neighborhood tier and the proposed zoning is consistent with the *Comprehensive Plan* which designates the site as commercial.

A development plan is required with this request. This indicates that the general physical layout of the property shown on the development plan is committed as part of the adopted zoning change. Any significant change in the plan will require a new zoning petition for the property. The development plan submitted with this request includes the following committed elements:

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

Development Plan Committed Elements	
1)	The maximum number of units shall not exceed 370.
2)	Building height shall not exceed 100 feet.
3)	Dedicate 10 foot of additional right-of-way for the frontage of the site along Erwin Road for the US 15-501 Fixed Guideway (Phase II).
4)	Construct a three-lane curb and gutter section on Downing Street from Erwin Road to northern site driveway for Lakeview Park.
5)	Construct bus shelters along Erwin Road and/or Douglas Street at the existing transit stops adjacent to this site as determined by City Transportation and DATA at the time of site plan submittal.
6)	<i>Subject to approval by the City of Durham Transportation and Public Works Departments, the applicant shall provide up to four additional speed humps prior to the issuance of the 150th certificate of occupancy. The speed humps shall be located on Douglas Street and on Shirley Street. The exact location of the speed humps will be coordinated with Durham Transportation.</i>
7)	<i>Subject to acquisition of easements and construction permits, the applicant shall provide a pedestrian connection from Douglas Street to Crest Street Park prior to the issuance of the 150th certificate of occupancy. This connection will be provided as follows:</i> <ul style="list-style-type: none"> • <i>Installation of a 5 foot wide asphalt trail located across PIN 0812-16-73-6161 from the existing metro-sport property to Reid Street.</i> • <i>Installation of a new 5 foot wide concrete sidewalk on the north side of Reid Street. Sidewalk will be located within the existing right-of-way of Reid Street and will continue to the intersection with Shirley Street.</i> • <i>Installation of a 6 foot wide asphalt path connecting the existing sidewalk on Shirley Street at the intersection with Fulton Street to the existing asphalt path in Crest Street Park that terminates behind home plate of the ball field.</i>
8)	<i>To mitigate the school impacts of this development, the applicant shall make a donation of ten thousand dollars (\$10,000.00) to the Durham Public Schools prior to the approval of the site plan.</i>
9)	<i>The applicant agrees to install low-flow shower heads (maximum of 3 gallons/minute) and low flow toilets (maximum of 1.6 gallons/flush) that meet all North Carolina State Building Code requirements in all dwelling units within the development.</i>

B. Site History

No recent zoning map change request has been made for this property. The MU(D) district, P02-14, was established in May 2002 and an addition to the district, P03-24, was approved in June 2004.

C. Area Characteristics

The subject property is located within one of the most intensely developed areas of the City, which has a large concentration of employment and multifamily housing, and other mixed use projects under development. The Duke University Medical Center and the Veteran’s Administration Medical Center dominate the area. These developments include several multi-story buildings and multi-level parking structures, supported by institutional, office, hotels and retail uses that generate substantial vehicular and pedestrian movement along Erwin Road.

The surrounding zoning districts include MU(D), CN, Commercial General (CG), Residential Urban-Multifamily (RU-M), Residential Urban-5 (RU-5(2)), and University College (UC).

Adjoining Uses, Zoning Districts and Overlays			
	Existing Uses	Zoning Districts	Overlay
North	Multifamily, single-family	CN, RU-M, RU-5(2)	None
East	Mixed use, indoor recreation	MU(D), CG, CN	None
South	Duke University	UC	None
West	Mixed use, multifamily	MU(D), RU-M	None

Staff Analysis and Conclusion. The zoning change request and proposed development are compatible with existing commercial and mixed uses to the east and west and residential zoning and uses to the north and west of the site.

D. Site Characteristics

The site is comprised of commercial buildings, apartments and a vacant lot. A stream flows along the northern property line; much of which has been piped. A stream buffer is required on the un-piped portion of the stream.

Code Requirements				
Resource Feature	Code Provision	Required	Proposed	Consistent
Stream Buffers (feet)	8.5.4	50	50	Yes

Staff Analysis and Conclusion. There are no environmental or physical constraints that would prevent redevelopment of this site.

E. Requested Zoning District Characteristics

The **Mixed Use District (MU)** is established to provide innovative opportunities for an integration of diverse but compatible uses into a single development that is unified by distinguishable design features. In addition to a mixture of compatible uses, development in this district shall provide amenities, walkways and open space to increase pedestrian activity, decrease reliance on individual vehicles, foster transit usage, enhance the attractiveness of Durham City and County, improve the overall quality of life, and provide for the welfare of citizens.

Zoning District Requirements - MU				
	Code Provision	Required	Proposed	Consistent
Uses	6.11.7.A	Residential <i>and</i> at least one of the following: public and civic, commercial, or office.	Residential and commercial (committed)	Yes
Minimum Site Area (acres)	6.11.7.B.1a	Additions in increments of any size.	3.97 acres	Yes
Use Area	6.11.7.B.2	No single use to occupy more than 60% of floor area	Office: 28.93% Industrial (Existing): 11.45% Commercial: 4.42% Residential: 49.44%	Yes
Transitional Use Area (TUA)	6.11.7.C	Use and building scale to match adjacent property and no more than a one story (15 foot) height differential	Use and building scale to match adjacent property and no more than a one story (15 foot) height differential	Yes
Residential Density*	6.11.7.D	52.5 DU/Ac (413 units)	47.1DU/Ac (370 units)	Yes
Nonresidential Intensity	6.11.7.E	Minimum floor area = 30% of parcel	Minimum floor area = 30% of parcel	Yes
Maximum Height (feet)	6.11.7.F	145 feet if shown	100 feet (committed)	Yes
Street Yards (feet)	6.11.G.3	A minimum of 60% of any structure more than 15 feet	Erwin Rd: 60% Downing St: 71% Douglas St: 100%	Yes
Open Space	6.11.7.H	2% of 7.88 Ac = .16 Ac	3.4% of 7.88 Ac = .27 Ac	Yes
Useable Open Space	7.2	33% of required open space (0.16 acres) = 0.05 acres	33% of required open space (0.16 acres) = 0.05 acres	Yes
Bus Shelter	6.11.7.N.1	Required	Provided	Yes

*Maximum residential based on meeting the requirements of Section 6.5.3.A, Maximum Residential Density, for Residential Compact (RC) Development Intensity.

Staff Analysis and Conclusion. The site meets the dimensional requirements of the UDO and, as proposed, meets the intensity requirements for residential and nonresidential uses

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

Erwin Road is the major road impacted by the proposed zoning change. There are no proposed roadway improvements scheduled for this area.

Road Impacts	
Affected Segments	Erwin Road
Roadway Capacity (LOS E) (AADT)	31,300
Latest Traffic Volume (AADT)	21,000
Traffic Generated by Present Designation (average 24 hour)*	1,086*
Traffic Generated by Proposed Designation (average 24 hour)**	2,883**
Impact of Proposed Designation	An increase of 1,797 daily trips

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

Erwin Road: 4-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) – CN- 2,100 SF high turnover sit down restaurant, 720 SF high turnover sit down restaurant, and 96 apartments

** Assumption- (Max Use of Proposed Zoning) – MU(D)- 370 apartments and a 4,000 SF high turnover sit down restaurant

2. Transit Impacts

Transit service is currently provided along Erwin Road adjacent to the site via DATA Routes #6 and #11, and along Douglas Street adjacent to the site via DATA Route #6. The site is also located adjacent to the proposed US 15-501 Fixed Guideway (TTA Phase II) Corridor.

3. Utility Impacts

The site is served by public water and sewer.

4. Drainage/Stormwater Impacts

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.

5. School Impacts

The proposed project could generate an estimate of 78 students, or 55 additional students than the existing zoning. Durham Public Schools serving the site are E.K. Powe Elementary, Githens Middle School and Riverside High School.

School Impacts-System Totals			
	Elementary School	Middle School	High School
Current Building Capacity	15,039	7,400	9,970
Maximum Building Capacity (120% of Building Capacity)	18,047	8,880	11,748
20th Day Attendance (2007-08 School Year)	16,060	6,648	10,040
Committed to Date (October 2004 – September 2007)	250	127	(31)
Available Capacity	1,737	2,105	1,739
Potential Students Generated – Current Zoning*	7	8	8
Potential Students Generated – Proposed Zoning**	45	17	16
Impact of Proposed Zoning	+38	+9	+8

*Assumption- (Max Use of Existing Zoning) – 55 multifamily units

** Assumption- (Max Use of Proposed Zoning) – 370 multifamily units

Staff Analysis and Conclusion. Infrastructure is available to serve development pursuant to the zoning map change request.

G. Plan Consistency

Plan Requirements			
	Policy	Requirement(s) (LOS = Level of Service)	Consistent
Comprehensive Plan	Future Land Use Map	Commercial	Yes
	2.3.4.a	Compact Neighborhood Development Focus	Yes
	2.3.4b	Compact Neighborhood Tier Land Uses	Yes
	2.3.4e	Compact Neighborhood Tier Mixed Use	Yes
	8.1.2m	Transportation LOS	Yes
	9.4.1a and c	Water Quantity and Quality LOS	Yes
	11.1.1a	School LOS	Yes

Staff Analysis and Conclusion. The proposed zoning map change request is consistent with the *Comprehensive Plan*.

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
- TTA Station Sites

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 Z07-38)

Request: CN to MU(D)

Location: 2530 Erwin Road and 610 Douglas Street

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

Public Hearing: Chair Brine opened the public hearing. A representative for the applicant and four others spoke in support and one spoke in opposition. Chair Brine closed the public hearing.

Commission Discussion: The commission discussion centered around the water shortage issue, the four proffered committed elements by the owner, and traffic in the area.

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: Approval with additional committed elements. (Mr. Kuczynski Ms. Mitchell-Allen 2nd)

Action: Motion carried, 11-2, (with Ms. Brown, Mr. Parrish voting no.)

K. Staff Contact

Gail Sherron, Senior Planner, 560-4137 ext. 230 or gail.sherron@durhamnc.gov

L. Applicant Contact

Mary Beerman, The John R. McAdams Company, Inc., 919-361-5000 or beerman@johnrmcadams.com

M. Attachments

1. Context Map
2. Future Land Use Map
3. Aerial Photograph
4. Development Plan Reduction
5. DOST Memo
6. Planning Commissioners Written Comments
7. Application
8. Owners Acknowledgement Forms
9. Ordinance