



**CITY OF DURHAM | DURHAM COUNTY
NORTH CAROLINA**



PLAN AMENDMENT REPORT

Meeting Date: August 15, 2011

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| Reference Name | Ample Storage Center (A1000009) | Jurisdiction | City |
| Applicant | Jeff Roach, Peak Engineering & Design, PLLC | | |
| Request Change in Comprehensive Plan Designation | From: | Medium Density Residential (6-12 DU/Ac.) | |
| | To: | Industrial | |
| Site Characteristics | Tier: | Urban | |
| | Present Use: | Vacant | |
| | Present Zoning: | RU-5 | |
| | Overlays: | F/J-B Falls Lake Protected Area | |
| | Size: | 0.919 acres | |
| Location | 708 East Club Boulevard, south side of East Club Boulevard between Ambridge Street and Dominion Street | | |
| PIN(s) | 0832-11-56-1645 (partial) | | |
| Recommendations | Staff | Denial, based on the request not meeting the four criteria for plan amendments. | |
| | Planning Commission | Approval, June 14, 2011, 8-4, based on information provided in the staff report, the justification, and meeting the four criteria for plan amendments. | |

A. Summary

The proposed plan amendment would change the Future Land Use Map designation from Medium Density Residential (6-12 DU/Ac.) to Industrial for a 0.919 acre portion of a parcel totaling 2.919 acres. The property is currently split between two future land use designations. The southern two acres of the parcel, formerly the Time Warner Cable payment center, are designated Industrial in the Future Land Use Map, while the northern 0.919 acre portion of the site is designated Medium Density Residential (6-12 DU/Ac.). The property is within the Urban Tier and is located at 708 East Club Boulevard, on the south side of East

Club Blvd, between Ambridge Street and Dominion Street. There is an associated request to change the zoning map (Z1000012) for this site.

B. Site History

In 1987, the parcel immediately to the west of the subject site was dedicated as open space (zoned R-6) as a committed element of an approved development plan for mini-warehouses on Ambridge Street (Case P87-3). In 1994, an area encompassing this site was designated Commercial on the Future Land Use Map of the *North Durham Plan*. In 2005, the former Planning Director issued an interpretation of the 1987 development plan, and confirmed the lot adjacent to the west of the subject site as committed open space in a residential zoning district. The Future Land Use Map, created in association with the 2005 Comprehensive Plan, reflects the Planning Director's interpretation and establishes the rear property lines along the south side of East Club Boulevard as the boundary between Residential and Industrial uses.

C. Applicant's Plan Amendment Justification

The applicant states its intent to amend the Future Land Use Map for the northern portion of the site to create a uniform Industrial designation for the entire 2.919 acre parcel. In its justification statement, the applicant indicates the site will be used as a "low-volume storage facility," and cites *Comprehensive Plan* land use policy 2.2.6a, Demand for Industrial Land, saying "the proposed amendment would add approximately 1.00 acre to the Industrial Future Land Use Map designation," and according to "the City's own reports, 9,600 acres of Industrial land will be needed in Durham by 2035." The applicant says that "down-zonings" have made the ability to add Industrial properties to the Future Land Use Map difficult. The applicant defends its proposal, saying there would be a "limited number of trips to and from the project and [it] will not add any undue burden on East Club Boulevard or the surrounding infrastructure." The applicant also addresses the compatibility of the proposed land use with the surrounding area stating, "The site is located near an area in transition, separate and distinct from the existing residential neighborhood to the north and east," and that, "... the low intensity nature of the use ... is an excellent method of assuring that no additional industrial, office, retail or other non-residential uses continue to creep into the existing residential area." Furthermore, the applicant states the intent to "protect the established neighborhood to the north and east by way of the site design and use of appropriate building materials." The applicant acknowledges a slight downhill slope from north to south, but asserts there will be "minimal off-site disturbance." The property, the applicant states, is large enough to meet UDO requirements for Industrial property zoned IL (Light Industrial).

See Attachment 3 for full justification statement provided by Peak Engineering.

Staff Analysis: The applicant has committed to a “low-volume storage facility” for this site as the only permitted use on the development plan submitted with the zoning map change request (Z1000012). It is important to note, however, that approving this Future Land Use Plan change indicates that Durham is comfortable with industrial uses on the site, regardless of the proposed assurances provided by the zoning and development plan commitments.

The applicant makes the argument in the justification statement that the area surrounding the subject parcel was mischaracterized in the Future Land Use Map as residential. The applicant contends the area is predominantly industrial. The applicant asserts that East Club Boulevard and Dominion Street are “easily recognizable man made boundaries that clearly and unambiguously delineate the residential uses to the north and east from the industrial uses to the south and west of these roadways.” Because the applicant believes the adopted land use designation mischaracterizes the surrounding area, a more detailed analysis is justified.

D. Criteria for Plan Amendments

The Unified Development Ordinance (UDO) contains criteria for the Planning Commission to use in considering proposals to amend the *Durham Comprehensive Plan*. (See Section 3.4.7, Criteria for Planning Commission Recommendations).

- A. Whether the proposed change would be consistent with the intent, goals, objectives, policies, guiding principles and program of any adopted plans;
- B. Whether the proposed change would be compatible with the existing land use pattern and designated future land uses;
- C. Whether the proposed change would create substantial adverse impact in the adjacent area or in the City or County in general; and
- D. Whether the subject parcel is of adequate shape and size to accommodate the proposed change.

The proposed plan amendment has been evaluated against these criteria.

1. Plan Consistency

Durham Comprehensive Plan Land Use Policy 2.2.6a., Demand for Industrial Space, indicates that in designating land for industrial uses and evaluating Plan Amendments, the Governing Boards and City-County Planning Department shall consider the demand for industrial land and the capacity of the

transportation, water, and sewer systems, and other public facilities and services.

Analysis completed by Planning staff shows that by 2035 there will be demand for 9,600 acres of industrial land county-wide. The Future Land Use Map accommodates 16,300 acres, meaning there is a potential surplus of 6,700 acres of land designated for Industrial uses. However, as the applicant notes, there is a shortage of sites capable of supporting large-scale industrial and corporate economic development projects. The proposed plan amendment would add an additional 0.919 acres to the Industrial designation in the Future Land Use Map, which does not represent a substantial addition, nor does it help to meet the unmet demand for large industrial sites. Conversely, the proposed plan amendment would not represent a considerable reduction in the amount of land allocated for Medium Density Residential uses (*Durham Comprehensive Plan* Land Use Policy 2.2.2b., Demand for Residential Land).

East Club Boulevard is the only major road affected by the proposed plan amendment. East Club Boulevard has a capacity of 11,700 average annual daily trips (AADT). The latest traffic estimates from 2009 reveal 7,300 existing annual average daily trips (AADT) on East Club Boulevard. Development under the proposed Industrial designation could result in increased trips, possibly up to 1,600 more per day, than the number of trips generated by a development consistent with a Medium Density Residential (6-12 DU/Ac.) designation. Despite the potential increase in the number of trips generated by an Industrial designation, East Club Boulevard does have sufficient capacity to accommodate the proposed change. Traffic generation and road capacity are analyzed in greater detail in the zoning map change staff report.

Build out under the proposed land use designation is estimated to generate a demand for water of 1,620 gallons per day (GD). This represents an increase of 135 GD over the maximum development scenario under current land use designations. There is sufficient capacity to accommodate the proposed change.

| Water Supply Impacts | |
|---|---------------------------------|
| Current Water Supply Capacity | 37.00 MGD |
| Present Usage | 20.19 MGD |
| Approved Zoning Map Changes (April 2008 through March 2011) | 1.45 MGD |
| Available Capacity | 15.36MGD |
| Estimated Water Demand Under Adopted Land Use* | 1,485 GD |
| Potential Water Demand Under Proposed Land Use** | 1,620 GD |
| Impact of Zoning Map Change | 135 GD increase in water demand |
| Notes: MGD = Million gallons per day Assumptions: *(Max Use of adopted designation) - 11 attached dwellings **(Max Use of proposed designation) – 12,000 square foot shopping center | |

Durham Comprehensive Plan Land Use Policy 2.2.6b., Location of Industrial Uses, indicates that the Future Land Use Map should ensure that new industrial uses have direct access to Major Thoroughfares, Minor Thoroughfares, or Collector Streets to protect the character of neighborhoods. The proposed industrial land use would have access to East Club Boulevard, which is classified as a Major Thoroughfare.

Durham Comprehensive Plan Land Use Policy 2.2.8c., Transitions to Nonresidential Uses, indicates that the maintenance of established neighborhoods should be ensured in areas beginning to transition to nonresidential uses by protecting their residential design and character in architectural details as well as the location of parking. East Club Boulevard was developed for residential purposes and has, for the most part, retained its residential character. Encroachment of other uses, particularly light industrial uses, has taken place over time. The rear property line of residences along the south side of East Club Boulevard is the historic and policy-supported boundary between the neighborhoods to the north and the industrially developed and environmentally sensitive land to the south. The applicant contends there are clearly defined, man-made boundaries – East Club Boulevard to the north and Dominion Street to the east – which will contain industrial uses from further encroaching into residential neighborhoods. However, approval of this plan amendment would represent encroachment of industrial land with frontage onto East Club Boulevard, an undesirable precedent for the neighborhood.

Durham Comprehensive Plan Land Use Policy 2.3.3.a. Urban Tier Development Focus, indicates that new development should enhance the street level experience by requiring that development within the Urban Tier have an urban form with small lot sizes and proximity of uses. Residential parcels on the north side of East Club Boulevard and on blocks to the east and west of the site have an average street frontage of 50 feet. This site has street frontage of 260 feet.

This lot size does not fit with the established urban form of the neighborhood; however, issues related to design that could enhance the pedestrian experience can be addressed through site design.

Durham Comprehensive Plan Community Character and Design Policy 4.3.2a., Infill, indicates compatible infill housing on vacant or underutilized property within residentially developed portions of the community should reinforce the existing residential character. This policy emphasizes the desire to develop compatible infill housing in residentially developed portions of the community. An Industrial use at this site would eliminate a viable residential infill site in the Urban Tier.

Staff Conclusion: The request is not consistent with the intent of the goals, objectives, policies, guiding principles and programs of adopted plans and, therefore, does not meet criterion 3.4.7.A.

2. Compatibility

The site for the proposed plan amendment is located at 708 East Club Boulevard within the Urban Tier. It is currently vacant and is designated as Medium Density Residential (6-12 DU/Ac.) in the Future Land Use Map.

| Area Land Uses and Designations | | |
|---------------------------------|------------------------------|---|
| | Existing Uses | Future Land Use Designations |
| North | Single-Family Residential | Medium Density Residential |
| East | Single-Family Residential | Medium Density Residential |
| South | Vacant Office, Ellerbe Creek | Industrial, Recreation/Open Space |
| West | Warehouse, Vacant | Industrial, Medium Density Residential, Recreation/Open Space |

Existing Uses: The site of the proposed plan amendment is bordered to the south by the former Time Warner Cable payment center; to the west by an existing warehouse building and vacant land; to the north across East Club Boulevard by small lot single-family residential property developed in a traditional neighborhood grid; and to the east by single-family residential property and vacant land that has a proposed site plan for a sixteen building storage facility. Ellerbe Creek is located further south of the site.

Future Land Use Designations: According to the adopted Future Land Use Map, parcels lining both sides of East Club Boulevard and the area to the north are

intended to remain residential, developed at a density between 6 and 12 DU/Ac.

Immediately to the south and to the west of the site is land designated as Industrial. There are larger swaths of industrially designated property found to the southeast along Interstate 85 and US Hwy 70, and to the east at the intersection of East Club Boulevard and Midland Terrace.

Land adjacent to Ellerbe Creek to the south of the site is designated as Recreation and Open Space.

Staff Conclusion: This is a transitional area where, on the north side of East Club Boulevard it is residential, and set back on the south side it is industrial. However, the proposed plan amendment would allow for industrial uses to encroach into an established residential area. The proposed plan amendment is not compatible with the existing land use pattern and designated future land uses in the area and, therefore, does not meet criterion 3.4.7.B.

3. Adverse Impacts

The site is not located in the floodplain; the vacant site is located north of Ellerbe Creek and lies within the Falls Lake Protected Area Watershed Overlay (F/J-B). Currently, the site is cleared and planted as grass turf with trees along the perimeter. Any development or addition of impervious surface would increase stormwater runoff, unless engineered stormwater controls are also incorporated into the site. However, there is no reason to believe the site could not be built in accordance with UDO standards to mitigate these impacts.

Changing the future land use designation for this parcel and allowing Industrial development to have frontage onto East Club Boulevard has potential adverse impacts on residential neighbors to the north. Though the applicant states its intention to build a low-volume storage facility, amending the Future Land Use Map would not exclude other industrial uses from operating at this location in the future, if allowed by the zoning.

Staff Conclusion: The proposed plan amendment would create substantial adverse impact in the adjacent area or in the City or County in general and, therefore, does not meet criterion 3.4.7.C.

4. Adequate Shape and Size

The area requested for amendment is approximately 0.919 acres and meets the size and shape requirements for Light Industrial development in the Urban

Tier. Conversely, the site is also of adequate shape and size for residential development found in the RU-5 zoning district.

Staff Conclusion: The site is of adequate shape and size to accommodate the use pursuant to the proposed change and, therefore, meets criterion 3.4.7.D.

E. Notification

Staff certifies that notification, including newspaper advertisements and letters to property owners within 1,000 feet of the site, has been carried out in accordance with Section 3.2.5 of the UDO. The following neighborhood organizations were mailed notices:

- Inter-Neighborhood Council
- Partners Against Crime - District 1
- Partners Against Crime - District 2
- Colonial Village Neighborhood Association
- Ellerbe Creek Watershed Association
- Friends of Durham
- Unity in the Community for Progress

F. Recommendations

Staff recommends denial, based on the request not meeting the four criteria for plan amendments.

Planning Commission recommended approval at its June 14, 2011 meeting, 8-4, based on information provided in the staff report, the justification, and meeting the four criteria for plan amendments.

G. Staff Contact

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H. Attachments

Attachment 1, Context Map
Attachment 2, Aerial Photograph
Attachment 3, Applicant's Plan Amendment Justification
Attachment 4, Site Photos
Attachment 5, Planning Commission Written Comments
Attachment 6, Resolution