

## **Comprehensive Plan Amendment “Statement of Justification”**

The property, located at 708 E. Club Boulevard, is 2.919 acres which fronts on E. Club Boulevard with access to Dominion Street. The property is current split zoning and split Comprehensive Plan designation. The southern portion of the property – 2.0 acres is the location of the previously occupied Time Warner Cable Customer Payment Center. This 2.0 acre portion of the property is zoned IL, shown as Industrial on the current Comprehensive Land Use Plan and is ready for a new tenant or redevelopment of the property.

The northern 0.919 acres of the property is a vacant field. This portion of the site is zoned RU-5 and is designated Residential in the current Comprehensive Land Use Plan (see attached). The northern portion of the property is the subject of this Land Use Plan Amendment and Rezoning Case. The property, upon approval of the Comprehensive Plan Amendment and the Zoning case, would be subdivided per the City of Durham’s ordinance requirement to keep zoning boundaries along property lines and avoid future imaginary lines.

As for the property, this parcel is wedged between three office/industrial uses, including a property to the west and two properties to the south along Dominion Street. Since the original development of the Time Warner Building, the building has been occupied and has been a successful office complex in this area – serving the community. The front portion of this property will do the same upon completion.

With this, there are four areas in justifying the Comprehensive Plan Amendment. We looked at these sections and addresses questions or concerns within each:

### **I. PLAN CONSISTENCY (3.4.7.A)**

Comprehensive Plan section 2.2.6a, Demand for Industrial Land, indicates that in evaluating plan amendments, the Governing Boards and the City-County Planning Department shall consider the demand for industrial land and the capacity of transportation, water, sewer and other public facilities and services. The proposed amendment would add approx. 1.00 acre of land to the Industrial Future Land Use Map designation. With the City’s own reports, 9,600 acres of Industrial land will be need in Durham by 2035. Durham currently has this acreage but with the standard “down-zonings” that have been so common, the ability to add Industrial properties to the Land Use Plan is something that is a benefit for the community.

The proposed user for this site is a low-volume storage facility and with all access being from Dominion Street, the limited number of trips to and from the project will not add any undue burden on E. Club Boulevard or the surrounding infrastructure. The clientele of the storage facility is typically local residents, business owners or community services (including police, fire and emergency responders) who store gear at these facilities.

It is our experience that the demand on the City services – water and sewer – would be reduced from the current land use designation – RU-5. Nor does this site require additional educational facilities, parks, playgrounds, roadway improvements or medical services from the community.

## II. COMPATIBILITY (3.4.7.B)

The proposed site is bordered to the south by the Time Warner Office Building (currently zoned IL); to the west by an existing office building used by Elite First Aid, Inc (split zoning IL and RU-5); to the north across E. Club Boulevard by single family residential property (RU-5 – some of which are condemned or vacant homes); and to the east by single family residential property (zoned RU-5) and vacant land (zoned IL). This area has a wide range of properties including office buildings, a landscape contractor’s yard, single family homes and a towing service – each in varying degrees of upkeep.

The proposed plan amendment looks to combine the land use into a compact area where Industrial property currently exists and is being utilized. The hours for the proposed use will be in keeping with the surrounding residential developments as this is not a 7-day, 24-hour operation. The storage facility will complete development in the area, will increase security in the area and will be a facility that will be aesthetically pleasing and well maintained.

## III. ADVERSE IMPACTS (3.4.7.C)

The property is current vacant and has a slight downhill slope from front to back. No environmental features are located on the property and minimal off-site disturbance will be needed to develop the property.

## IV. ADEQUATE SHAPE AND SIZE (3.4.7.D)

The property that is up for review – 0.919 acres – is large enough to accommodate the proposed storage building that is proposed. The parcel also meets the UDO requirements for Industrial property and the proposed IL zoning standards.

**Comprehensive Plan Amendment Supplement**  
**February 15, 2011**

The Applicant submits this additional information (the “Supplement”) to the Durham City-County Planning Department in order to revise and extend its original comments for the Ample Storage (the “Applicant”) Comprehensive Plan (the “Comp Plan”) Petition. In addition, the Applicant proffers by way of a committed element to the Rezoning application that the site will be used for a self-storage facility, which is the primary business of Ample Storage, the Applicant. Furthermore, the Applicant has reviewed the staff suggested Comp Plan policies and offers the following additional comments.

This site is located near an area in transition, separate and distinct from the existing residential neighborhood to the north and east. The transition conditions were created long before the Applicant became interested in the Site and surrounding properties. However, this Comp Plan Petition and rezoning request will allow clear lines of delineation to come to the area. Due to the low intensity nature of the use (in spite of its zoning designation - industrial) as a self storage site with on premise office, 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. If the Plan amendment is approved and the rezoning is approved, there will be no additional undeveloped non-residential lots abutting the site. Finally, 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.

- I. **Comp Plan Land Use Policy 2.2.8c., Transitions to Nonresidential Uses:** The Applicant will protect the established neighborhood to the north and east (across East Club) by way of the site design and use of appropriate building materials. The Applicant will proffer committed elements in the rezoning application in order to assure that the site design and construction are in basic harmony with the existing neighborhood. Further, the Applicant plans to update the existing property to insure that the approximately one-acre site affected by the Comp Plan change and rezoning in areas help to transition the site from its current vacant use. Finally the Applicant will be sensitive to the minor site parking demands. This will be reflected in the formal site plan submittals in the future.
  
- II. **Community Character and Design Policy 4.3.2a., Infill:** It is important to note that the Site is not *within* the existing residential area, rather, the Site is *adjacent* to the existing residential area. East Club Boulevard separated the Site from the residential areas to the north. Dominion Street separates the Site from the residential areas to the east. As stated earlier, these two roadways are excellent lines of delineation between the residential neighborhood and the proposed self-storage use. In fact, some of the area adjacent to the residential neighborhood is already in use as non-residential, e.g. the Time Warner parcel. Approval of the Plan Amendment Petition and rezoning will allow the City of Durham to

“tidy” up the appearance and use of the Site and surrounding parcels, clearly define the limits of residential and non-residential uses within the area while taking a (non to) low performing parcel of land and converting it to a productive contributor to the Durham tax base.

- III. **Demand for Industrial Land, Policy 2.2.6a:** Time Warner recently vacated the existing office building on the southern portion of the property which is south and west of the existing residential neighborhood. The Time Warner parcel is zoned IL and the current Comp Plan shows the property as Medium Density Residential (6-12 Du per acre). The applicant plans to use the Site as industrial, which is reflected in the rezoning application. Adding additional industrial land to the Durham industrial zoning Inventory is an appropriate use at this location.
- IV. **Urban Tier Development Focus, Land Use Policy 2.3.3.a.:** Durham via the Planning Department is undergoing a transition to more formed based zoning. The Applicant plans to design the site so that the site plan will provide integration of neighborhood features and appropriate design features to blend with the nearby residential neighborhood.
- V. **Non-Residential Signage, Policy 4.2.3b:** The Applicant plans to use an appropriate and attractive nonresidential sign at the entrance to the property.
- VI. **Crime Prevention Through Environmental Design (CPTED), Policy 4.1.1d:** The residential neighbors as well as the existing industrial neighbors discussed crime prevention as a concern at the Public meeting the Applicant held. Therefore, the Applicant plans to use CPTED principals in its design of the site. The surrounding neighborhood associations are in support of the proposed rezoning and Comp Plan Amendment and will be in attendance to voice such support through the process.

For the above stated reasons, the Applicant states that the Comp Plan Petition, if granted, will be compatible with the present zoning and conforming uses of nearby property and to the character of the larger neighborhood area. The Site is suitable for uses permitted by the proposed district. The applicant owns approximately 23 acres adjacent to the approximate one-acre site identified in the Rezoning and Comp Plan documentation. The proposed change would be consistent with the intent, goals, objectives, policies, guiding principles and programs of the adopted Comprehensive Plan. The proposed change would be compatible with the existing land use pattern and designated future land uses, as described above. The proposed change would not create substantial adverse impacts in the adjacent area or the City or County in general. In fact, the proposed change will settle the current transitional aspect of the Site and surrounding area. Finally, the subject parcel is of adequate shape and size to accommodate the proposed change.