



CITY OF DURHAM | DURHAM COUNTY
NORTH CAROLINA



Zoning Map Change Report

Meeting Date: May 16, 2011

Table A: Summary			
Application Summary			
Case Number	Z1100004	Jurisdiction	City
Applicant	Gemini Homes of NC Corporation	Submittal Date	February 14, 2011
Reference Name	Hill Street Residential	Site Acreage	0.625
Location	1311 – 1319 Hill Street, north of University Drive and south of West Lakewood Avenue		
PINs	0821-15-63-4884, -4881, -4788, -4784, -5605, -4669		
Request			
Proposed Zoning	Residential Urban – 5(2) (RU-5(2))	Proposal	Semi-attached residential
Site Characteristics			
Development Tier	Urban		
Land Use Designation	Commercial		
Existing Zoning	Commercial Neighborhood (CN)		
Existing Use	Single-family attached residential and vacant		
Overlays	None	Drainage Basin	Jordan Lake
River Basin	Cape Fear	Stream Basin	Third Fork Creek
Recommendations/Comments/Determination			
Staff	This request is not consistent with the <i>Comprehensive Plan</i> . Should Plan Amendment A1100004 be approved this request would be consistent with the <i>Comprehensive Plan</i> and other adopted policies and ordinances.		
Planning Commission	Approval 13 – 0 on April 12, 2011. The Planning Commission finds that the ordinance request is not consistent with the adopted <i>Comprehensive Plan</i> . However, should the plan amendment be approved, the request would be consistent with the <i>Comprehensive Plan</i> . The Commission believes the request is reasonable and in the public interest and recommends approval based on comments received at the public hearing and the information in the staff report.		
DOST	No comment		
BPAC	No comment		

A. Summary

This is a request to change the zoning designation of a 0.625 acre site, comprised of six parcels, from CN to RU-5(2). The subject property is located at 1311-1319 Hill

Street, north of University Drive and south of West Lakewood Avenue (see Attachment 1, Context Map). The site has frontage along Hill Street and University Drive. This request is not consistent with the future land use designation of the *Comprehensive Plan*. A plan amendment, Case A1100004 has been requested to change the future land use designation to Medium Density Residential (6 – 12 DU/Ac.). Staff is recommending approval of the plan amendment.

Appendix A provides supporting information.

B. Site History

There is no recent zoning map change history for this site. However, construction of two semi-attached houses (four units) were permitted under the provisions of the previous zoning ordinance. Two units at 1311 Hill Street were completed but the building permits expired for the two units at 1315 Hill Street. This zoning map change is required in order to allow completion of the partially built semi-attached houses for the two lots at 1315 Hill Street. Lots for two additional semi-attached units were platted at 1319 Hill Street but never built.

C. Review Requirements

Planning staff has performed a sufficiency review for this Zoning Map Change request (reference UDO Sec. 3.2.4, Application Requirements [general] and 3.5.5, Application Requirements [for a Zoning Map Change]). This staff report presents the staff findings per Sec. 3.5.8, Action by the Planning Director, on the request's consistency with the Unified Development Ordinance and applicable adopted plans.

This review is based primarily on compliance with any applicable laws, plans, or adopted policies of City Council. Any issues or concerns raised in this report are based on best professional planning practice unless they have a basis in adopted plans, policies, and/or laws.

D. Unified Development Ordinance (UDO) Compliance

There is no development plan associated with this request. As such, there are no voluntary limitations imposed to the requested RU-5(2) zoning district.

Appendix D provides supporting information.

Determination. This request is consistent with the requirements of the Unified Development Ordinance.

E. Adopted Plans

A zoning map change request shall be consistent with the *Comprehensive Plan*. As such, other adopted plans have been included by reference in this document. Table E, Adopted Plans, in Appendix E identifies the applicable policies of the *Comprehensive Plan* and other adopted plan included by reference.

Determination. The requested RU-5(2) zoning district is not consistent with *Future Land Use Map*, but is consistent with the other applicable polices of the *Comprehensive Plan* and other adopted policies and plans.

F. Site Conditions and Context

Site Conditions. This site is currently partially developed. There is a completed semi-attached house (two residential units) at 1311 Hill Street and a partially completed structure at 1315 Hill Street. The two lots at 1319 Hill Street are vacant and used for access to the other lots. There is 20 feet of elevation change from University Drive to Hill Street, much of this change occurring abruptly at Hill Street.

Area Characteristics. This site is in the Urban Tier between Morehead Hills Historic District and the commercial node anchored by Forrest Hills Plaza. Within this two-block area there is a mixture of single- and multi-family residential, office and commercial uses.

Appendix F provides a summary of the uses and zoning in the more immediate vicinity of the subject site.

Determination. The proposed RU-5(2) district meets the ordinance and policy requirements in relation to site and context and is a reasonable request given the surrounding uses.

G. Infrastructure

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. See Appendix G for additional information.

Determination. The proposed RU-5(2) district meets the ordinance requirements and adopted plans and policies in relation to infrastructure impacts.

H. Staff Analysis

Staff has determined that this request is consistent with ordinance requirements, however is not consistent with the *Comprehensive Plan*. A plan amendment is being sought to change the future land use map for this site to Medium Density Residential (6 – 12 Du/Ac.). Should this plan amendment be approved, this zoning request would be consistent with all applicable policies and adopted plans.

Approval of this request would allow for the completion of a semi-attached house and remove a nonconforming use.

I. Contacts

Table I: Contacts		
Staff Contact		
Amy Wolff, Planner	Ph: 919-560-4137, ext: 28235	Email: Amy.Wolff@durhamnc.gov
Applicant Contact		
Larry Williams, Gemini Homes of NC Corporation	Ph: 919-271-2641	Email: geminihomes@bellsouth.net

J. 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:

- Inter-Neighborhood Council
- Friends of Durham
- Fayetteville Street Planning Group
- Unity in the Community for Progress
- Morehead Hill Neighborhood Association

K. Summary of Planning Commission Meeting April 12, 2011 (Case Z1100004)

Zoning Map Change Request: CN to RU-5(2)

Staff Report: Ms. Berg and Ms. Wolff presented the staff report.

Public Hearing: Chair Brown opened the public hearing. One person spoke in favor and no one spoke in opposition. Chair Brown closed the Public Hearing.

Commission Discussion: Commission discussion centered around fencing and affordability.

Motion: Recommend Approval of the plan amendment (Mr. Brine, Ms. Mitchell-Allen 2nd).

Action: Motion carried, 13-0.

Motion: Recommend Approval of the zoning map change (Mr. Brine, Ms. Mitchell-Allen 2nd).

Action: Motion carried, 13-0.

Findings: The Planning Commission finds that the ordinance request is not consistent with the adopted *Comprehensive Plan*. However, should the plan amendment be approved, the request would be consistent with the *Comprehensive Plan*. The Commission believes the request is reasonable and in the public interest and recommends approval based on comments received at the public hearing and the information in the staff report.

L. Supporting Information

Table L: Supporting Information		
Applicability of Supporting Information		
Appendix A	Application	Attachments: 1. Context Map 2. Future Land Use Map 3. Aerial Photography 4. 2009 Aerial Photo 5. Application 6. Owner's Acknowledgement 7. Submittal and Review History
Appendix B	Site History	n/a
Appendix C	Review Requirements	n/a
Appendix D	Unified Development Ordinance	Table D1: Designation Intent Table D2: District Requirements
Appendix E	Adopted Plans	Table E: Adopted Plans
Appendix F	Site Conditions and Context	Table F: Site Context
Appendix G	Infrastructure	Table G1: Road Impacts Table G2: Transit Impacts Table G3: Utility Impacts Table G4: Drainage/Stormwater Impacts Table G5: School Impacts Table G6: Water Impacts
Appendix H	Staff Analysis	n/a
Appendix I	Contacts	n/a
Appendix J	Notification	n/a
Appendix K	Summary of Planning Commission Meeting	Attachments: 8. Planning Commissioner's Written Comments 9. Ordinance Form

Appendix A: Application Supporting Information

Attachments

1. Context Map
2. Future Land Use Map
3. Aerial Photograph
4. 2009 Aerial Photo
5. Application
6. Owner's Acknowledgement
7. Submittal and Review History

Appendix D: Unified Development Ordinance Supporting Information

Table D1. UDO Designation Intent	
RU-5(2)	The Residential Urban-5(2) is established to provide for orderly urban residential development and redevelopment with a minimum lot size of 5,000 square feet. A variety of single-family housing types, duplexes, and townhouses are permitted. While RU-5(2) is a residential district, certain nonresidential uses such as day care facilities and places of worship may be sought through a special use permit or other limited provisions of the ordinance.

Table D2. District Requirements – RU-5(2)			
	Code Provision	Required	Proposed
Maximum Residential Density (DU/Ac.)	6.4.1	7.4	n/a

Appendix E: Adopted Plans Supporting Information

Table E: Adopted Plans	
<i>Comprehensive Plan</i>	
Policy	Requirement
Future Land Use Map	Commercial
2.2.2b	Demand for Residential Land
2.3.3b	Urban Tier Land Uses
8.1.2m	Transportation Level of Service
9.4.1a	Water Quantity Level of Service
11.1.1a	School Level of Service

Appendix F: Site Conditions and Context

Table F. Site Context			
	Existing Uses	Zoning Districts	Overlays
North	Single-family residential, vacant	RS-8	n/a
East	Commercial, vacant	CN	n/a
South	Commercial, single-family residential	CN, OI, RS-10	n/a
West	Single- and multi-family residential, office, vacant	RS-M, RU-5(2), RS-8, CN	n/a

Appendix G: Infrastructure Supporting Information

Table G1. Road Impacts	
University Drive is the major road impacted by the proposed zoning change. There are no scheduled City of Durham or NCDOT roadway improvement projects in the area.	
Affected Segments	University Drive
Current Roadway Capacity (LOS D) (ADT)	14,600
Latest Traffic Volume (AADT)	12,000
Traffic Generated by Present Designation (average 24 hour)	2,481*
Traffic Generated by Proposed Designation (average 24 hour)	57**
Impact of Proposed Designation	-2,424

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

University Drive: 2-lane undivided major city/county roadway with left-turn lanes

Source of Latest Traffic Volume: 2009 NCDOT Traffic Count Map

*Assumption- (Max Use of Existing Zoning) –CN: 5,000 sq.ft. fast-food restaurant with a drive-thru.

** Assumption- (Max Use of Proposed Zoning) – RU-5(2): Six single-family homes

Table G2. Transit Impacts
Transit service is currently provided adjacent to the site along University Drive via DATA Routes #7 and #10.

Table G3. Utility Impacts
The site is served by City water and sewer.

Table G4. Drainage/Stormwater Impacts
The impacts of any change were considered when the lots were platted in 2007.

Table G5. School Impacts			
The existing zoning is estimated to generate two students if developed to its greatest student-generating potential. This does not represent an increase over the existing allowable residential development on the site. Durham Public Schools serving the site are CC Spaulding Elementary School, Githens Middle School, and Jordan High School.			
Students	Elementary School	Middle School	High School
Current Building Capacity	15,972	8,523	9,971
Maximum Building Capacity (110% of Building Capacity)	17,569	9,375	10,968
20th Day Attendance (2010-11 School Year)	16,027	6,723	9,639
Committed to Date (April 2008 – March 2011)	409	133	85
Available Capacity	1,022	2,656	1,222
Potential Students Generated – Current Zoning*	1	0	1
Potential Students Generated – Proposed Zoning**	1	0	1
Impact of Proposed Zoning	0	0	0

*Assumption- (Existing Zoning)–CN: six single-family homes

**Assumption- (Proposed Zoning) –RU-5(2): Six single-family homes

Table G6. Water Supply Impacts	
This site is estimated to generate 625 gallons per day (GPD). This represents an increase of 305 GPD more than the existing zoning designation would allow if developed to the greatest estimated water usage potential.	
Current Water Supply Capacity	37.00 MGD
Present Usage	20.19 MGD
Approved Zoning Map Changes (April 2008-March 2011)	1.45 MGD
Available Capacity	15.36 MGD
Estimated Water Demand Under Present Zoning*	930 GPD
Potential Water Demand Under Proposed Zoning**	625 GPD
Potential Impact of Zoning Map Change	-305 GPD
Notes: MGD = Million gallons per day	

*Assumption- (Existing Zoning)–CN: 5,000 sq.ft. fast-food restaurant with a drive-thru.

**Assumption- (Proposed Zoning) –RU-5(2): Six single-family homes

Appendix K: Summary of Planning Commission Meeting Supporting Information

Attachments

8. Planning Commissioner’s Written Comments
9. Ordinance Form