



CITY OF DURHAM | DURHAM COUNTY  
NORTH CAROLINA



Zoning Map Change Report

Meeting Date: June 20, 2011

Table A: Summary			
Application Summary			
Case Number	Z1000011	Jurisdiction	City
Applicant	City-County Planning Department	Submittal Date	November 1, 2010
Reference Name	West Chapel Hill Street Commercial Infill District	Site Acreage	6.3
Location	North and south of West Chapel Hill Street, west of South Buchanan Boulevard		
PINs	0821-06-47-1622, -1681, -2719, -3524, -3680, -3840, -4640, -4691, -4972 (partial), -5556, -5709, -5952 (partial), -6611, -6662, -6865, -7622, -7888, -8624, -8667, -8687, -8855, -9607, -9687, -9827, -9887, -07-57-0627, -0647, -0667, -0698, -0861, -0989		
Request			
Proposed Zoning	Commercial Infill (CI)	Proposal	None specified
Site Characteristics			
Development Tier	Urban		
Land Use Designation	Commercial		
Existing Zoning	Commercial General (CG), Commercial Neighborhood (CN)		
Existing Use	Commercial, residential, vacant		
Overlays	none	Drainage Basin	Jordan Lake
River Basin	Cape Fear	Stream Basin	Sandy Creek
Recommendations/Comments/Determination			
Staff	Should Text Change (TC1000006) be approved, staff determines that this request would be consistent with the <i>Comprehensive Plan</i> and other adopted policies and ordinances.		
Planning Commission	Approval, 11 - 0 on February 8, 2011. 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 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 (or portion of) 31 parcels (listed above), totaling 6.3 acres, to Commercial Infill (CI). 29 of these parcels are

presently zoned Commercial General (CG) and two are zoned Commercial Neighborhood (CN); all generally located along West Chapel Hill Street and west of South Buchanan Boulevard (see Attachment 1). This request is to be considered in conjunction with the companion text amendment Case #TC1000006. If this zoning request were approved, it would implement a new zoning designation, CI, and establish the level of development permissible within the subject parcels if the associated text amendment Case #TC1000006 is approved. Staff is recommending approval of Case #TC1000006. This request is consistent with the Commercial future land use designation of the *Comprehensive Plan* for this site.

## **B. Site History**

Representatives of the West Chapel Hill Street commercial area and surrounding neighborhood brought the challenges of redevelopment of this corridor to the attention of Planning Department staff in late 2009. Of particular concern were barriers in the Unified Development Ordinance (UDO) such as suburban standards for parking, buffering, lot size, and setbacks, which make it difficult to utilize the existing structures and parcels.

Staff evaluated the area and examined several strategies that would facilitate new business and/or buildings, but would preserve the mercantile look and feel of the area. In May 2010 the staff presented the residents and interested citizens with a general proposal to address the identified concerns. The response was supportive, and since that time staff has been working on a draft text amendment. In October and November 2010 staff presented the residents and interested citizens with a summary of the proposed text changes and gathered input regarding boundaries for the new district.

The issues identified by the area stakeholders and staff include 1) flexible parking requirements, 2) compact plantings in buffer and landscape requirements, and 3) site and building placement requirements ought to reflect the existing landscape. These are addressed through the companion text amendment (Case # TC1000006).

## **C. Unified Development Ordinance (UDO) Compliance**

The **Commercial Infill** district is established to provide for small commercial and mixed use nodes within the Compact Neighborhood and Urban Tiers. These nodes are intended to provide for pedestrian-oriented development that supports the surrounding residential neighborhoods, and have limited vehicular accommodation. The CI District is only appropriate in locations that have direct access to residential neighborhoods. Businesses within the District should be sited to maximize visibility, convenience, and accessibility for pedestrians.

**Determination.** Should the text amendment associated with this request be approved, this request is consistent with the requirements of the Unified Development Ordinance.

The requested CI zoning district addresses the concerns expressed by the area stakeholders who were engaged in the process (see Sec. B, History, above) and will implement the level of development permissible for the subject parcels.

#### D. Site Conditions and Context

This site is in the Urban Tier and encompasses a small commercial node that is comprised of a variety of businesses ranging from non-profits to vehicle repair as well as standalone parking and vacant properties. Many of the buildings are nonconforming, or would be nonconforming if redeveloped utilizing the existing standards. See Attachment 3, Aerial Photography.

The following table provides a summary of the uses and zoning in the more immediate vicinity of the subject site:

Site Context			
	Existing Uses	Zoning Districts	Overlays
<b>North</b>	Single- and multi-family residential	RU-5(2), RS-M	n/a
<b>East</b>	Office, place of worship	CG, CN	n/a
<b>South</b>	Single-family residential, vacant	RU-5(2)	n/a
<b>West</b>	Single- and multi-family residential	RU-5(2), RU-M	n/a

**Determination.** The proposed CI district would meet the ordinance requirements, should the text change be approved, and adopted plans and policies for respecting adjacent properties and is appropriate within the context of which this site is located.

#### E. Staff Analysis

Should the text amendment be approved, staff has determined that this request is consistent with the *Comprehensive Plan* and other adopted policies and ordinances.

Stakeholders have been involved with this zoning update process from the beginning and were engaged in an open dialogue throughout the process to ensure any changes would provide the framework for desired improvements in the area.

#### F. Contacts

Contacts		
<b>Staff Contact</b>		
Amy Wolff, Senior Planner	Ph: 919-560-4137, ext: 28235	Email: <a href="mailto:Amy.Wolff@DurhamNC.gov">Amy.Wolff@DurhamNC.gov</a>
<b>Applicant Contact</b>		
Anne Kramer, Planner	Ph: 919-560-4137, ext: 28271	Email: <a href="mailto:Anne.Kramer@DurhamNC.gov">Anne.Kramer@DurhamNC.gov</a>

## G. 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
- West End
- Fayetteville Street Planning Group
- Unity in the Community for Progress

## H. Summary of Planning Commission Meeting February 8, 2011 (Case (Z1000011))

**Zoning Map Change Request:** CN, CG to CI

**Staff Report:** Ms. Kramer and Ms. Wolff presented the staff report.

**Public Hearing:** Chair Brown opened the public hearing. Seven people spoke in favor and three spoke against. Chair Brown closed the Public Hearing.

**Commission Discussion:** Commission discussion centered around buffers, fence and wall heights, and the support from the community.

**Motion:** Recommend Approval of the zoning map change (Mr. Whitley, Mr. Monds 2<sup>nd</sup>)

**Action:** Motion carried, 11-0

**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 comments received at the public hearing and the information in the staff report.

## I. Supporting Information

1. Attachment 1 - Context Map
2. Attachment 2 - Future Land Use Map
3. Attachment 3 - Aerial Photograph
4. Attachment 4 - Application
5. Attachment 5 – Planning Commissioner’s Written Comments
6. Attachment 6 – Ordinance Form