



CITY OF DURHAM | DURHAM COUNTY  
NORTH CAROLINA



Zoning Map Change Report

Meeting Date: June 20, 2011

Table A: Summary			
Application Summary			
Case Number	Z1100002	Jurisdiction	City
Applicant	Tim Sivers, Horvath Associates, PA	Submittal Date	January 10, 2011
Reference Name	NC 54 Medical Clinic	Site Acreage	2.69
Location	326 NC 54 Highway, west of Rollingwood Drive and east of Southpark Drive		
PINs	0718-02-77-2025		
Request			
Proposed Zoning	Office Institutional with a development plan (OI(D))	Proposal	15,500 square feet of office
Site Characteristics			
Development Tier	Suburban		
Land Use Designation	Low Density Residential (4 DU/Ac. or less)		
Existing Zoning	Residential Suburban – 20 (RS-20)		
Existing Use	Vacant		
Overlays	F/J-B, MTC (partial)	Drainage Basin	Jordan Lake
River Basin	Cape Fear	Stream Basin	Third Fork Creek
Recommendations/Comments/Determination			
Staff	Staff determines that, should the plan amendment be approved, this request is 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	See Attachment 9, Bicycle and Pedestrian Advisory Commission Memo		

A. Summary

This is a request to change the zoning designation of a 2.69-acre parcel from RS-20 to OI(D) for an office building and associated parking. The subject property is located at 326 NC Highway 54, west of Rollingwood Drive and east of Southpark

Drive (see Attachment 1, Context Map). This request is not consistent with the future land use designation of the *Comprehensive Plan* which designates this parcel as Low Density Residential (4 DU/Ac. or less). However, an application to change this designation to Office has been requested (see associated Plan Amendment case A1100002) and is being recommended by staff.

Appendix A provides supporting information.

## **B. Site History**

There has been no recent development activity associated with this site.

## **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 this 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**

This request is consistent with the requirements of the Unified Development Ordinance. The associated development plan (Attachment 4, Development Plan reduction) provides the required elements for zoning map change requests in the OI district (Sec. 3.5.6.D and Sec. 6.10. In addition, commitments in excess of UDO requirements have been made (see Appendix D for supporting information):

**Graphic Commitments.** Elements depicted on a development plan (including but not limited to labels and descriptive information) become commitments. A summary of graphic commitments (see Table D5, Summary of Development Plan) includes: two building envelopes, a parking envelope, general location of stormwater BMP, and a stream buffer.

**Text Commitments.** Text commitments have been proffered to commit to requirements in excess of ordinance standards. A summary of these commitments (see Table D5, Summary of Development Plan) includes: traffic generation limitations, transportation improvements, and a ten-foot asphalt trail along the frontage of the site.

**Design Commitments.** Non-residential structures require design commitments accompanying a zoning map change when a development plan is included. As such, design commitments are required to be made for this site. The design commitments of this development limit the structures to one-story as a transition

from the two-story structures to the west and the residential structures to the east. See Table D5, Development Plan Summary, for these commitments.

**Determination.** The requested OI zoning district and associated development plan meets or exceeds the applicable requirements of the UDO. If this zoning map change request is approved, the attached development plan (Attachment 4) shall establish the level of development allowed on the property.

## 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 plans included by reference.

**Determination.** The requested OI zoning district and associated development plan is not consistent with *Future Land Use Map*. A plan amendment, Case A1100002 has been requested for this site to change the future land use designation to Office. Should this plan amendment be approved, this zoning map change request would be consistent with the applicable policies of the *Comprehensive Plan*.

**Traffic Level of Service Maintenance.** *Comprehensive Plan* Policy 8.1.2m requires staff to determine consistency when zoning map change applications generate greater than a 3% increase in traffic volume when traffic volumes exceed 110% capacity on an adjacent roadway. Based on an analysis of initial trip generation data, the adjacent roadway (NC Highway 54) appeared to exceed this threshold. As such, the applicant provided a more detailed study (see Attachment 8, Average Daily Traffic ADT Volume Assessment) describing a likely distribution of trips. The City Transportation Department reviewed and accepted this more detailed study of traffic distribution. Text commitment #5 aids mitigation of the requirements for roadway capacity levels, and the Planning Department concurs with the Transportation Department's analysis. As such, this application is determined to be consistent with *Comprehensive Plan* Policy 8.1.2m because the proposal does not generate greater than a 3% increase in traffic volume on the adjacent roadway segment.

## F. Site Conditions and Context

**Site Conditions.** This site is vacant (see Attachment 3, Aerial Photography) and generally covered with mature pine and hardwood forest. There is a gentle slope to the east, and this site sits higher than the adjacent residential uses. This site also drains to an intermittent stream, as defined on the site survey and Durham County Soils Map, on the north of the site.

**Area Characteristics.** Located in the Suburban Tier along NC Highway 54, which is a heavily traveled route. There are varied uses along this portion of the highway including commercial, multi- and single-family residential. Transportation impacts and the current road capacity (see Appendix G, Table G2, Road Impacts) has

limited potential development on the site. The zoning districts in the area include RS-20, OI, and OI(D) and are within the F/J-B Watershed Protection Overlay and the Major Transportation Corridor Overlay (-MTC).

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

**Determination.** The proposed OI(D) district meets the ordinance and policy requirements in relation to site and context and is a reasonable request given the location and surrounding uses. The request is reasonable given the surrounding uses and addresses traffic concerns through commitments on the development plan including limiting trip generation on the site to less than 150 peak hour trips and to construct a westbound right-turn lane into the site.

## 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 OI district and associated development plan is consistent with *Comprehensive Plan* policies regarding infrastructure impacts.

**Traffic.** NC Highway 54 is currently operating over capacity (see Section E, Adopted Plans, of this report). If approved, this project would construct a full movement intersection and provide a westbound right-turn lane into the site.

## H. Staff Analysis

This request is not consistent with the *Comprehensive Plan*. The accompanying plan amendment (Case A1100002) is being recommended for approval for Office. If this plan amendment were approved this request would be consistent with the *Comprehensive Plan* and other adopted policies and ordinances.

Given the size of this parcel, its location along NC Highway 54, and the variety of uses in the area it is unlikely that this property would be developed as single family residential, the maximum use allowable under the present zoning district. The proposed OI district and associated development plan would allow nonresidential office development and some residential housing types (other than single-family). Through the Design Commitments the proposal ensures compatibility with the surrounding uses by only allowing one-story buildings to transition between the two story offices to the west and the single-family homes on the east.

## I. Contacts

Table I: Contacts		
<b>Staff Contact</b>		
Amy Wolff, Planner	Ph: 919-560-4137, ext: 28235	Email: <a href="mailto:Amy.Wolff@durhamnc.gov">Amy.Wolff@durhamnc.gov</a>
<b>Applicant Contact</b>		
Tim Sivers, Horvath Associates, PA	Ph: 919-490-4990	Email: <a href="mailto:Tim.Sivers@horvathassociates.com">Tim.Sivers@horvathassociates.com</a>

## 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

## K. Summary of Planning Commission Meeting April 12, 2011 (Case Z1100002)

**Zoning Map Change Request:** RS-20 to OI(D)

**Staff Report:** 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 traffic and transit accommodations.

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

**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

<b>Table K: Supporting Information</b>		
<b>Applicability of Supporting Information</b>		
Appendix A	Application	Attachments: 1. Context Map 2. Future Land Use Map 3. Aerial Photography 4. Development Plan 5. Application 6. Owner’s Acknowledgement 7. Submittal and Review History 8. Average Daily Traffic (ADT) Volume Assessment 9. Bicycle and Pedestrian Advisory Commission Memo
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 Table D3: Environmental Protection Table D4: Project Boundary Buffers Table D5: Summary of Development Plan
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 K	Summary of Planning Commission Meeting	Attachments: 10. Planning Commissioner’s Written Comments 11. Ordinance Form

### Appendix A: Application Supporting Information

#### Attachments

1. Context Map
2. Future Land Use Map
3. Aerial Photograph
4. Development Plan
5. Application
6. Owner’s Acknowledgement
7. Submittal and Review History

8. Average Daily Traffic (ADT) Volume Assessment
9. Bicycle and Pedestrian Advisory Commission Memo

## Appendix D: Unified Development Ordinance Supporting Information

Table D1. UDO Designation Intent	
<b>OI</b>	<b>Office and Institutional:</b> the OI district is established for employment and community service activities of moderate to high intensity. While OI is an office district, other uses such as residential and limited commercial, veterinary clinic, studio or gallery, or hotels may also be allowed.
<b>D</b>	<b>Development Plan:</b> the letter “D” following a zoning district indicates that a development plan has been included with a zoning map change request. This designation may be added to any zoning map change request to signify that a conceptual representation of the proposed site has been submitted that indicates how the proposed development could meet ordinance standards. Any significant change to the development plan would require a new zoning petition.
<b>-F/J-B</b>	<b>Falls/Jordan District B Watershed Protection Overlay.</b> This overlay district is established to preserve the quality of the region's drinking water supplies through application of the development standards intended to protect the environment. In general, water supply protection will be accomplished by establishing and maintaining low intensity land use and development on land near the region's water supply rivers and reservoirs. Where high density development is desired, water supply protection will be accomplished through the use of engineered stormwater controls. The overall objective is to: <ul style="list-style-type: none"> <li>• Reduce the risk of pollution from stormwater running off of paved and other impervious surfaces; and</li> <li>• Reduce the risk of discharges of hazardous and toxic materials into the natural drainage system tributary to drinking water supplies.</li> </ul>
<b>-MTC</b>	<b>Major Transportation Corridor Overlay.</b> This overlay is established to enhance the economic and aesthetic appeal and orderly development of properties adjacent to major transportation corridors. The MTC district requires buffers next to major transportation corridors and limits the height of signs.

Table D2. District Requirements - OI			
	Code Provision	Required	Proposed
Minimum Site Area (square feet)	6.10.1B	20,000	116,963
Minimum Lot Width (feet)	6.10.1B	60	153
Minimum Street Yard (feet)	6.10.1B	25	90
Minimum Side Yard (feet)	6.10.1B	20	30
Minimum Rear Yard (feet)	6.10.1B	25	~244 as shown

<b>Table D3. Environmental Protection</b>			
<b>Resource Feature</b>	<b>UDO Provision</b>	<b>Required</b>	<b>Proposed</b>
<b>Tree Coverage</b>	8.3.1.C	10% (0.27 acres)	10% (0.27 acres)
<b>Impervious Surface</b>	8.7	70% (1.88 acres)	50% (1.34 acres)
<b>Stream Buffer (feet)</b>	8.5.4	100 (high density option)	100

<b>Table D4. Project Boundary Buffers</b>			
<b>Cardinal Direction</b>	<b>Adjacent Zone</b>	<b>Required Opacity</b>	<b>Proposed Opacity</b>
<b>North</b>	RS-20	0.4/0.6	Satisfied by 100-foot stream buffer
<b>East</b>	RS-20	0.4/0.6	0.6 (30 feet)
<b>South</b>	OI	n/a (right-of-way greater than 60 feet)	n/a
<b>West</b>	OI(D)	0/0	0/0

<b>Table D5. Summary of Development Plan</b>		
<b>Components</b>	<b>Description</b>	<b>Development Plan Sheet</b>
<b>Required Information</b>	<b>Intensity/Density.</b> 15,500 square feet of building area	D100
	<b>Building /Parking Envelope.</b> There are two building envelopes and one parking envelope shown.	D100
	<b>Project Boundary Buffers</b> have been shown appropriately.	D100
	<b>Stream Crossing.</b> No stream crossing identified on this site.	D100
	<b>Access Points.</b> One access point onto NC Highway 54 has been provided.	D100
	<b>Dedications and Reservations.</b> 25 feet of right-of-way along NC Highway 54 will be dedicated.	D100
	<b>Impervious Area.</b> Proposed impervious surface for the site is 50% (1.34 acres)	D100
	<b>Environmental Features.</b> An intermittent stream runs through the northern portion of the site. A 100-foot stream buffer has been provided.	D100
	<b>Areas for preservation.</b> There were no conditions identified that require preservation.	n/a
	<b>Tree preservation.</b> Tree save area has been shown within the stream buffer.	D100
<b>Graphic Commitments</b>	<b>Stormwater BMP</b> will be provided between the building and parking envelopes and the stream buffer.	D100

	<b>Site Access.</b> A full-movement intersection will be provided with NCDOT approvals.	D100
<b>Text Commitments</b>	<ol style="list-style-type: none"> <li>1. Twenty five (25) feet of right-of-way will be dedicated to the public along the entire frontage of the subject property on NC 54 prior to the first certificate of occupancy.</li> <li>2. In place of the standard concrete sidewalk, if approved by the Public Works Director, or designee, and NCDOT, a ten (10) foot asphalt trail will be provided along the frontage of the site per the Durham Long Range Bicycle Plan Map 4.6</li> <li>3. The proposed uses will cumulatively generate less than 150 peak-hour trips as determined by the ITE Trip Generation Manual.</li> <li>4. Prior to the issuance of any certificate of occupancy, construct a westbound right-turn lane with adequate storage and appropriate tapers on NC 54 at the proposed site access.</li> <li>5. The proposed uses will have a cumulative maximum trip generation of 820 trips as determined by the ITE Trip Generation Manual.</li> </ol>	D00
<b>SIA Commitments</b>	Stormwater commitments have not been proffered as a result of the SIA checklist.	n/a
<b>TIA Commitments</b>	A Traffic Impact Analysis was not required for this project. Trips are limited to fewer than 150 peak hour trips.	n/a
<b>Design Commitments (summary)</b>	<p><b>Architecture Style.</b> The architectural design of this development will be of a contemporary nature.</p> <p><b>Roofline</b> will be sloped (gables, hipped, etc.). When the building façade faces a public street and its roofline is visible from that street, the building façade roofline will vary in height and/or shape to avoid continuous horizontal rooflines.</p> <p><b>Building Materials.</b> Primary building materials can be a choice or combination of brick, block, stone, EIFS, vinyl, and fiber cement board with visible trim and accents.</p> <p><b>Distinctive Architectural Features.</b> Any distinctive architectural feature will match the contemporary nature of the architecture and emphasize the architectural compatibility of the proposed development.</p> <p><b>Context.</b> This will be a one-story office complex and transition from the two-story office complex to the west and the</p>	D00

	residential homes on the east. Will maintain a one-story building height.	
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## Appendix E: Adopted Plans Supporting Information

Table E: Adopted Plans	
<i>Comprehensive Plan</i>	
Policy	Requirement
Future Land Use Map	Low Density Residential (4 DU/Ac or less)
2.2.4a	Demand for Office Land
8.1.2m	Transportation Level of Service
9.4.1a, c	Water Quantity and Quality Level of Service
11.1.1a	School Level of Service

## Appendix F: Site Conditions and Context Supporting Information

Table F. Site Context			
	Existing Uses	Zoning Districts	Overlays
North	Single-family residential, vacant	RS-20	F/J-B
East	Single-family residential	RS-20	F/J-B, MTC (partial)
South	Office	OI	F/J-B, MTC
West	Office	OI(D)	F/J-B

## Appendix G: Infrastructure Supporting Information

Table G1. Road Impacts	
NC Highway 54 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	NC Highway 54
Current Roadway Capacity (LOS D) (AADT)	16,400
Latest Traffic Volume (AADT)	18,000
Traffic Generated by Present Designation (average 24 hour)	48*
Traffic Generated by Proposed Designation (average 24 hour)	856** (149 peak hour trips)
Impact of Proposed Designation	+808

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

NC 54: 2-lane undivided Class I Arterial roadway with left-turn lanes

Source of Latest Traffic Volume: 2009 NCDOT Traffic Count Map

\*Assumption- (Max Use of Existing Zoning) –RS-20: 5 single-family units

\*\* Assumption- (Max Use of Proposed Zoning) – OI (D): 5,780 SF bank with a drive-thru window

**Table G2. Transit Impacts**

Transit service is currently provided within ¼ mile of the site along NC Highway 54 (east of Highgate Drive) via DATA Route 7.

**Table G3. Utility Impacts**

The site is served by City water and sewer.

**Table G4. Drainage/Stormwater Impacts**

The impacts of any change will be assessed at the time of site plan submittal.

**Table G5. School Impacts**

The proposed zoning is estimated to generate a total of five students. This represents an increase of two students over the existing zoning district. Durham Public Schools serving the site are Southwest Elementary, Githens Middle School, and Hillside High School.

<b>Students</b>	<b>Elementary School</b>	<b>Middle School</b>	<b>High School</b>
<b>Current Building Capacity</b>	15,972	8,523	9,971
<b>Maximum Building Capacity (110% of Building Capacity)</b>	17,569	9,375	10,968
<b>20<sup>th</sup> Day Attendance (2010-11 School Year)</b>	16,027	6,723	9,639
<b>Committed to Date (April 2008 – March 2011)</b>	409	133	85
<b>Available Capacity</b>	1,022	2,656	1,222
<b>Potential Students Generated – Current Zoning*</b>	1	0	1
<b>Potential Students Generated – Proposed Zoning**</b>	3	1	1
<b>Impact of Proposed Zoning</b>	2	1	0

\*Assumption- (Max Use of Existing Zoning) –RS-20: 5 single-family units

\*\* Assumption- (Max Use of Proposed Zoning) – OI (D): 28 apartments

<b>Table G6. Water Supply Impacts</b>	
If redevelopment to maximum intensity the water supply impact is estimated to generate a demand for water of 3,220 gallons per day (GPD). This represents an increase of 2,445 GPD in water usage over the existing estimated water usage of the site.	
<b>Current Water Supply Capacity</b>	37.00 MGD
<b>Present Usage</b>	20.19 MGD
<b>Approved Zoning Map Changes (January 2008 –December 2010)</b>	1.45 MGD
<b>Available Capacity</b>	15.36 MGD
<b>Estimated Water Demand Under Present Zoning*</b>	775 GPD
<b>Potential Water Demand Under Proposed Zoning**</b>	3,220 GPD
<b>Potential Impact of Zoning Map Change</b>	+2,445 GPD
Notes: MGD = Million gallons per day	

\*Assumption- (Max Use of Existing Zoning) –RS-20: 5 single-family units

\*\* Assumption- (Max Use of Proposed Zoning) – OI (D): 28 apartments

## **Appendix K: Summary of Planning Commission Meeting Supporting Information**

### **Attachments**

10. Planning Commissioner’s Written Comments
11. Ordinance Form