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Date: August 15, 2011

To: Thomas J. Bonfield, City Manager
Through: Steven L. Medlin, AICP, Planning Director
From: Aaron Cain, AICP, Planning Supervisor
Hannah Berg, Planner
Subject: Fayetteville Street-University Land Use Update

Executive Summary. Policy 2.3.6., Land Use Plan Updates, of the *Durham Comprehensive Plan* directs the Durham City-County Planning Department to conduct "detailed land use plan updates" for specified areas of the City and County. Paragraph vi. of this policy states that a Land Use Update of the "area around North Carolina Central University" shall be prepared. In pursuit of this policy, staff has drafted the Fayetteville Street-University Land Use Update, with recommendations on land use policy for this area.

Recommendations. Staff recommends approval of the Fayetteville Street-University Land Use Update. The Durham City-County Planning Commission recommended approval of on a unanimous 12-0 vote, with one change, at its June 14, 2011 meeting. The Planning Commission's recommended change has been incorporated into the current draft.

Background. Staff began work on the Fayetteville Street-University Land Use Update in the winter of 2008. An initial public meeting was held in February of that year to educate citizens about the scope of the project. Subsequent to that public meeting, an outreach committee of residents and stakeholders was formed. This committee met in 2008 and 2009 to help refine the planning process and identify the community concerns and issues. A second public meeting was held in June 2009, followed by a workshop in November 2009. Staff analysis and input from the public meetings and workshop identified four issues to be addressed in the Land Use Update:

- **Future Land Use Map Amendments.** In performing an analysis of the land use patterns in this area, staff recognized conflicting policy direction and goals in adopted plans for the area. For instance, within the Fayetteville Street Historic District, the current designations on the Future Land Use Map of the *Durham Comprehensive Plan* encourage changes from existing uses that are incompatible with the goals of the *Fayetteville Street Historic Preservation Plan* (2000). These

policies could encourage demolition and potentially jeopardize important historical resources for the community. Furthermore, engagement with citizens in the area revealed a desire to retain the primarily single-family residential character of the neighborhood, in contrast to adopted designations in the Future Land Use Map.

- **Zoning Map Changes.** Current zoning designations allow office, commercial, and multi-family residential uses along Fayetteville Street. These designations may represent an incentive for demolition of historic structures within and near the historic district, and discourage continued use as single-family residential, contrary to the wishes of the community.

- **University-College Zoning for North Carolina Central University.** North Carolina Central University (NCCU) has expressed interest in addressing the challenge posed by its current zoning designation, RU-5. The existing residential zoning for the campus requires a Major Special Use Permit for all new development. NCCU has expressed interest in University-College (UC) designation; however, the present UC standards do not address critical NCCU issues. Planning Department staff and NCCU representatives have worked together to address the issues that NCCU has with the current requirements of the UC district to ensure that development patterns will be compatible with the surrounding neighborhoods. In the Fayetteville Street-University Land Use Update, staff is recommending the creation of a new zoning district, UC2, that would allow NCCU to operate with more flexibility within its internal campus, yet more strictly regulate the areas on the edge of campus in proximity to the surrounding neighborhoods.

- **North Carolina College Redevelopment Plan.** The North Carolina College Redevelopment Plan was adopted by the Durham City Council in 1964. Due to the lack of an effective sunset clause, it remains in effect. This Redevelopment Plan may hinder efforts to modernize land use patterns south of the NCCU campus. Planning Department staff, in conjunction with the City Attorney's office, has presented options for the termination of the North Carolina College Redevelopment Plan through the Fayetteville Street-University Land Use Update. Staff recommends that the City Council direct the City Administration to begin procedures to terminate this Redevelopment Plan.

Following the November 2009 workshop, Planning Department staff held two public open houses, in March and May 2010, to receive input on the recommendations in the Land Use Update. Once that input was received, staff created the initial draft of the Land Use Update and presented it to the public in February 2011 at which there were nearly 100 attendees.

In order to conduct further public outreach, Planning Department staff presented information about the Land Use Update in spring 2011 to various stakeholder groups prior to the Durham City-County Planning Commission public hearing in June 2011.

Issue. Many area residents and property owners have had difficulty distinguishing between the Fayetteville Street-University Land Use Update and NCCU's Campus Master Plan. Despite our best efforts to educate citizens, a substantial number of inquiries have been made as to when the City will purchase property in the area for NCCU. Staff has been working to engage as many people as possible and inform them that the Fayetteville Street-University Land Use Update has no provisions to acquire property.

Alternatives. The City Council may choose not to adopt the Fayetteville Street-University Land Use Update, or direct the Planning Department to alter the Land Use Update as it sees fit.

Financial Impact. The Planning Department will absorb the costs for the Future Land Use Map amendments and the Zoning Map Changes as directed by the Fayetteville Street-University Land Use Update. The Planning Department will also absorb the costs for the zoning map change for North Carolina Central University to UC2, and any necessary Future Land Use Map amendments, as directed by paragraph 6.11.4B.1 of the *Unified Development Ordinance*.

Notification. Though not required by the Unified Development Ordinance, all property owners within 1,000 feet of a proposed Future Land Use Map change and within 600 feet of a proposed zoning map change were notified of this public hearing. This same procedure was utilized for the February 2011 public open house for presentation of the initial draft of the Land Use Update.

Staff Contacts.

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Attachments

Attachment 1, Fayetteville Street-University Land Use Update, August 2011 Draft
Attachment 2, Durham Planning Commission Comments

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