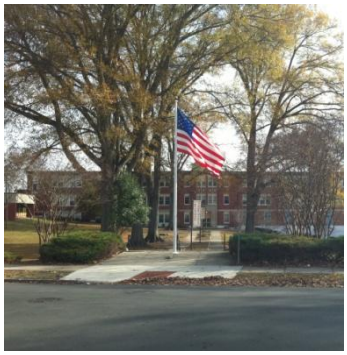

FAYETTEVILLE STREET-UNIVERSITY LAND USE UPDATE DRAFT AUGUST 2011

DURHAM CITY-COUNTY PLANNING DEPARTMENT

DRAFT AUGUST 2011

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I. INTRODUCTION

The Fayetteville Street-University Land Use Update articulates a vision for future land use policy and regulation that will guide growth in a way that is consistent with the character of the Fayetteville Street Historic District, sensitive to surrounding neighborhoods and businesses, and mindful to the need for North Carolina Central University (NCCU) to improve campus facilities.

The *Durham Comprehensive Plan*, in Policy 2.3.6c, Land Use Updates, instructs the Durham City-County Planning Department to conduct a Land Use Update for the "area around North Carolina Central University." In support of this policy, the Joint City-County Planning Committee (JCCPC) directed the Planning Department to begin work on the Fayetteville Street-University Land Use Update in 2008. This Land Use Update is a result of that process; however, it also takes into consideration numerous planning efforts undertaken by the Durham City-County Planning Department, neighborhood groups, NCCU, and Durham's Office of Economic and Workforce Development (OEWD) in recent years:

- The *Fayetteville Street Historic Preservation Plan*, adopted by the Durham City Council in December 2000;
- The Fayetteville Street Planning Group's, *Fayetteville Street Plan*, completed in 2004;
- NCCU's approved *2007 Master Plan Update;*
- Durham OEWD's *Targeted Neighborhood Commercial Areas Streetscape Project,* featuring a 2-mile stretch of Fayetteville Street. Initial designs were completed in 2009, but to date construction funding has not been allocated;
- The Stokesdale National Register Historic District, listed on the National Register of Historic Places in December 2010.

While these plans identify issues closely associated with land use, including infrastructure, urban design, historic preservation, and economic development, the focus of this Land Use Update is to encourage land use policy and zoning regulations that are compatible with the historic character of Fayetteville Street and the surrounding neighborhoods while still accommodating improvements to the NCCU campus and local business development. As staff met and worked with the public, a number of key themes emerged that inform the implementation recommendations found in this plan. These are described below.

A. FAYETTEVILLE STREET HISTORIC DISTRICT

Designated as a local historic district by the Durham City Council in 2000, the Fayetteville Street Historic District is significant to the City as an African-American residential neighborhood and a center for business, entrepreneurship, and education in the early 20th Century. To date, it is the only historically African-American locally designated historic district in Durham. Located southeast of Downtown, the district extends on either side of Fayetteville Street from Umstead Street on the north to Nelson Street on the south (see Figure 1). Today, the district is predominantly single-family residential homes in building type, and is an eclectic mix of architectural designs. Toward the northern end of the district there is a stretch of historic commercial buildings, generally one story in height. In recent decades encroachment of newer buildings, primarily used as offices, has taken place. In addition, many of the single-family homes have been converted into multi-family uses.

Figure 1: Fayetteville Street Local Historic District

The *Fayetteville Street Historic Preservation Plan*, adopted by the Durham City Council in December 2000, is the guiding policy document for preservation of the historic and visual integrity of the building stock within the Fayetteville Street Historic District. However, in many instances, current zoning districts and adopted future land use designations clash with that goal. For instance, historically protected residential properties are frequently identified on the Future Land Use Map for commercial or office uses. This conflict creates potential incentives to alter these historic buildings, contrary to the intent of the historic district. This Land Use Update identifies incongruities and proposes changes to the Future Land Use Map and zoning with respect to historic integrity.

B. FUTURE LAND USE AND ZONING

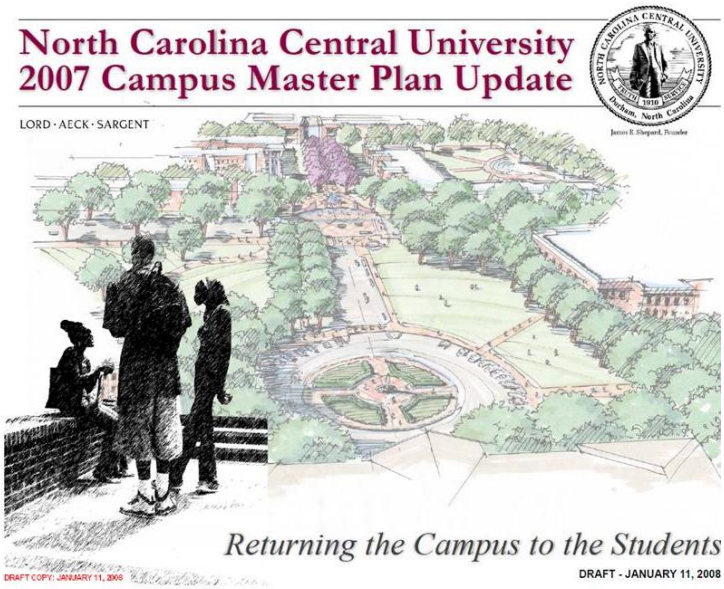
Durham's Future Land Use Map, a visual reflection of adopted City-County policies, was created in 2005 when the *Durham Comprehensive Plan* was adopted. At that time, many properties on either side of Fayetteville Street were identified as potential sites for future commercial or office development, and intensified density was envisioned for residential neighborhoods along and surrounding Fayetteville Street. Zoning designations, adopted decades before, do not necessarily reflect the Future Land Use Map, the community's vision for their neighborhood, or policies outlined in other City-adopted plans such as the *Fayetteville Street Historic Preservation Plan*. Recognizing the rift between community expectations, historic preservation goals, future land use policy, and current zoning, a policy was put into the *Durham Comprehensive Plan* (Policy 2.3.6c, Land Use Plan Updates, mentioned above) to bring these issues into alignment.

Many attendees of public meetings for this project expressed a desire for the area to remain predominantly single-family homes and to limit development intensity. This Land Use Update proposes changes to the future land use and zoning designations that are more congruent with community expectations.

C. NORTH CAROLINA CENTRAL UNIVERSITY CAMPUS

The State has mandated that NCCU increase student enrollment from approximately 8,500 to 13,500 students by 2017. In order to accommodate increased enrollment, NCCU adopted a *Campus Master Plan Update* in 2007. This Master Plan anticipates significant construction projects on the existing campus footprint, but also necessitates expanding into adjoining neighborhoods. The City of Durham does not have a legal right to regulate the purchase of land by NCCU. However, the City does have authority to regulate new structures, as well as additions and rehabilitations, through its zoning authority. This plan recommends modifications to the Unified Development Ordinance (UDO) that will help address the University's growth while still protecting the surrounding neighborhoods.

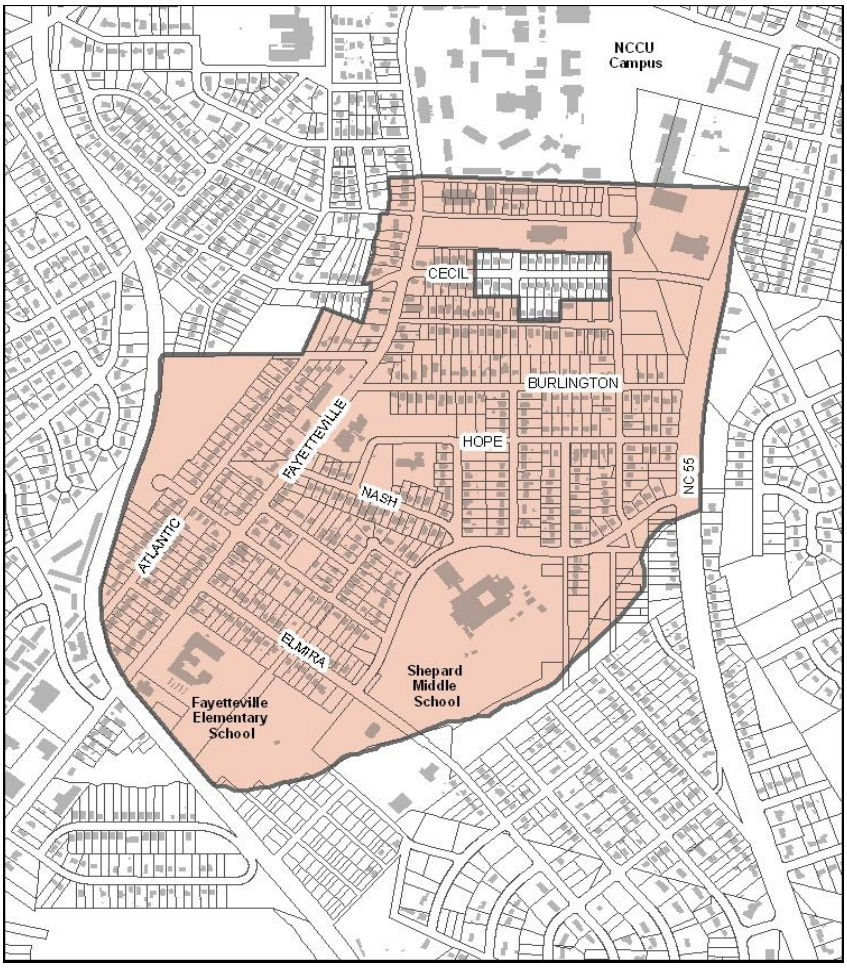
NCCU 2007 Campus Master Plan



D. NORTH CAROLINA COLLEGE REDEVELOPMENT PLAN

The North Carolina College Redevelopment Plan (NCCRP) was adopted by the Durham City Council in February 1964 and comprises the area generally south of NCCU's campus between Alston Avenue and Roxboro Street (see Figure 2). Unlike many of the Redevelopment Plans from this era, the NCCRP does not include a sunset clause which would have caused it to expire decades ago. As a result, the NCCRP is still in effect, despite the fact many of the provisions are out of date and no longer relevant. This Land Use Update examines options for terminating the NCCRP.

Figure 2: 1964 North Carolina College Redevelopment Plan Boundary



II. PLANNING PROCESS

The Fayetteville Street-University Land Use Update was placed on the Durham City-County Planning Department's work program beginning in 2007. Preliminary background work by staff began in the summer of 2007 with a physical survey of the area and initial outreach efforts to stakeholders. The first public meeting was held in February 2008 in order to introduce the planning project to the residents. This meeting coincided with public outreach for NCCU's *2007 Campus Master Plan Update*, and unfortunately, the timing of these distinct yet related efforts caused a great amount of confusion. Following the meeting, planning staff put further efforts to develop the Fayetteville Street-University Land Use Update on hold until NCCU completed its approval process for its Campus Master Plan Update.

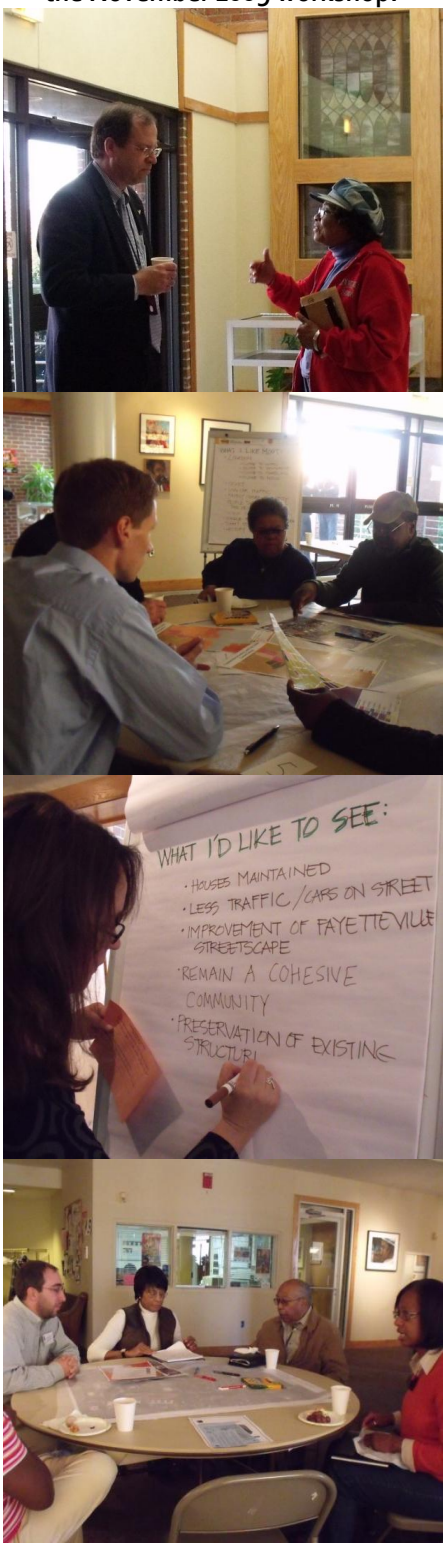
In 2009, planning staff revisited the Fayetteville Street-University Land Use Update and formed an outreach committee improve communication with community members in surrounding neighborhoods. This committee was instrumental in laying out the public involvement process, identifying issues of importance to the neighborhood, and communicating with key stakeholders in preparation for a public introductory meeting held in June 2009. A subsequent public workshop, held in November 2009, provided an opportunity for residents and stakeholders to actively participate in creating a vision of the area. Participants worked in small groups to illustrate their vision and present their findings to all who attended. The results of this workshop informed many of the recommendations found in this Land Use Update.

The results of the November 2009 workshop were presented to the public at an open house in March 2010, where further feedback was obtained from attendees regarding details for the proposed land use pattern for the area. At the same time, there was opportunity to comment on the potential creation a new zoning district for the NCCU campus and the possibility of terminating the 1964 North Carolina College Redevelopment Plan. A follow-up public open house was held in May 2010 to seek additional community input and to further refine land use and zoning recommendations.

A preliminary draft of this plan was released for public review and input in early February 2011. To ensure that the public had adequate opportunity to review the plan, the following steps were taken:

- Copies were distributed to the Main and Stanford L Warren library branches, as well as the Student Union of North Carolina Central University;
- An electronic copy was available on the Durham City-County Planning Department's web site, with an option to provide input via email; and
- An open house was held on February 24, 2011, at the Hayti Heritage Center so that citizens could provide input on the draft plan with staff.

Members of the community work toward a vision for future land uses at the November 2009 workshop.



Information about the draft plan was disseminated via email, through the networks of the Outreach Committee members, a press release through the City of Durham public affairs office, as well as notification on DTV8. Subsequent to the public input in the spring of 2011, Planning Department staff completed a second draft and presented it to the Durham City-County Planning Commission. The Planning Commission recommended approval on a unanimous 12-0 vote at its June 14, 2011 meeting.

III. EXISTING CONDITIONS

A. BACKGROUND

During the late 19th and early 20th centuries, many African-Americans moved to Durham to work in the tobacco and related industries. African-American entrepreneurs purchased land in the vicinity of Fayetteville, Umstead, and Pettigrew Streets, establishing a lively business center. John Merrick, Dr. Aaron M. Moore, Charles C. Spaulding, Dr. Stanford L. Warren, Dr. James E. Shepard and other community leaders established the North Carolina Mutual Insurance Company, the Mechanics and Farmers Bank, and other businesses and financial institutions that provided investment capital for African-Americans. Prior to 1950, more than 100 businesses and over 600 homes could be found in close proximity to the intersection of Fayetteville and Pettigrew Streets. This area, which became known as Hayti, served as the de facto central business district for the community.

Major institutions, such as Lincoln Hospital, Stanford L. Warren Library, North Carolina Central University and large churches, such as White Rock, St. Joseph and Mt. Zion, were all established along Fayetteville Street in the late 19th and early 20th centuries. Fayetteville Street had become the main street of the Hayti Community. Around the hospital and college developed some of South Central Durham's more upscale neighborhoods, with fine residences for the growing middle and upper-middle economic class. Many of the homes had the latest architectural features of the time, similar to those in other Durham neighborhoods. Growth continued to move south along Fayetteville Street during the early 20th century. New subdivisions such as Emorywood Estates and areas around the former Southern High School were developed.

Older development in Hayti and adjacent neighborhoods began to physically deteriorate rapidly by 1950. Much of the housing became over-crowded and was considered substandard. Streets became congested and obsolete for handling increased traffic as more families were able to afford automobiles. Existing lots were not capable of supporting new development, so little in-fill development occurred. This pattern of decline led to government attempts to revitalize the area.

The North Carolina General Assembly enacted legislation pertaining to urban renewal in the 1950s, and in 1957 the City of Durham Planning Department commissioned a plan by graduate students at the University of North Carolina to redevelop a 200-acre area that included Hayti.

In 1958, the Durham Redevelopment Commission was established to oversee redevelopment efforts.

The City began redevelopment activities in the area around Fayetteville Street in 1959. These activities, costing tens of millions of dollars of public investment, had an even larger impact on the people and physical character of the area. Funds were spent for the complete demolition of neighborhoods and business areas, the relocation of hundreds of households, the construction of new public infrastructure and housing, and the financing of new commercial development. Five major redevelopment projects were undertaken over a period of thirty years, three of which were part of the Hayti-Elizabeth Street General Renewal Area, a vast area on the eastern and southern fringes of Downtown targeted for complete renewal. These projects included NCR-17, NCR-54 and NCR-88 (see Figure 3), NCR-41 and the St. Theresa Redevelopment Plan of 1981.

Figure 3: Durham Central Area Urban Renewal Projects, 1978

Project 2: N.C. R-17; Project 3: N.C. R-54; Project 4: N.C. R-88
Courtesy of the Durham County Library's North Carolina Collection

NCR-17, adopted in 1962, razed several blocks of housing and businesses between Old Fayetteville Street and Grant Street, leaving only the St. Joseph AME Church. The Fayetteville Street Public Housing Community was built in the demolished area. The western commercial portion of the project was later added to NCR-54 for completion.

NCR-41, or the North Carolina College Project, was adopted by City Council in 1964. Blighted portions of the neighborhood south of the college were removed and a new layout for the land, infrastructure, and sites for Shepard Middle School and the expansion of NCCU were provided.

Improvements to major thoroughfares, like NC-55 and Fayetteville Street, were also made. NCR-41 had no sunset provision and is therefore considered an active redevelopment plan.

The largest of the three urban renewal projects, NCR-54 was adopted in 1969. The Plan included land bounded by Pettigrew Street, Old Fayetteville Street, Umstead Street, and Roxboro Street. Of all the urban renewal projects in the City, NCR-54 had the most debilitating physical impact on Durham's African-American community, completely demolishing the Hayti Business District and approximately 600 homes. Twenty years passed devoid of redevelopment in the area, greatly upsetting those who had been displaced, as well as the African-American community as a whole. This reaction led to a new effort to complete the area's redevelopment with greater community involvement and active community participation in development activities.

Much of the old Hayti Community was razed to make way for the Durham Freeway (NC Highway 147) during the late 1960s and 1970s. According to Jean Bradley Anderson in her book *Durham County, A History of Durham County, North Carolina*, 4,057 households and 502 businesses were displaced by condemnation of properties and construction of the freeway. Neighborhood cohesion was not reestablished and many of the businesses were unable to re-open in other locations.

NCR-88 began in 1973. The project was an urban renewal total clearance project and the land lay vacant for many years. In 1980, the Durham Housing Authority built Forest Hills Heights, a 55-unit elderly housing development, on the area's largest parcel. The redevelopment plan was amended in 1984 to promote better use of the remaining vacant land. All of the land has been sold and developed with office and commercial uses.

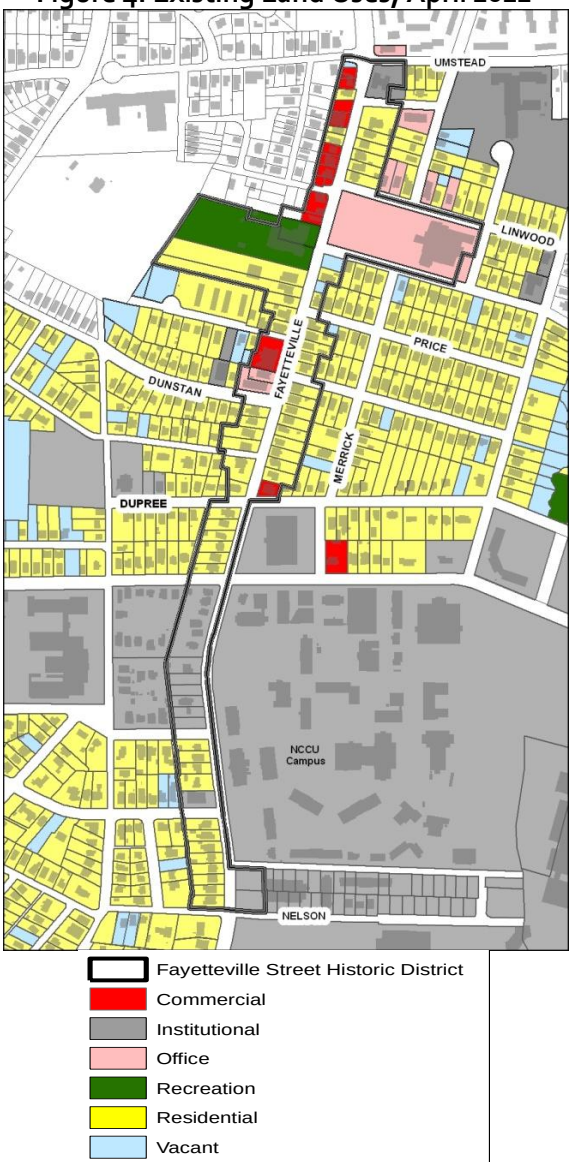
The Hayti Development Corporation (HDC), a community-based development organization, was formed in 1981 with the express purpose of promoting redevelopment in the NCR-54 area. The redevelopment plan was amended and several studies were made by consultants to help determine the nature of new residential and commercial redevelopment. HDC won a contract with the City to be the principal agent for marketing the area's vacant land. The efforts of HDC and the City resulted in the development of two new shopping centers and 170 planned and built housing units. These projects involved $6 million of public funds and $5 million of private investment. The developments generated from these efforts include Heritage Square Shopping Center, Phoenix Square Shopping Center, the Foxgate housing development and the Rolling Hills residential community.

The St. Theresa Redevelopment Plan was prepared in 1981 and carried out under the Community Development Block Grant program (CBDG). It was also a mixed-clearance and neighborhood revitalization program that involved $4 million of public funds for redevelopment actions, street and sidewalk improvements, housing rehabilitation, and $4 million in private investment. All of the land that was bought and cleared was re-sold and redeveloped. A total of 180 housing units were rehabilitated and 120 new units were built.

B. EXISTING LAND USE PATTERN

The Fayetteville Street Historic District and the neighborhoods to the north and west of NCCU are predominately small-lot single family residential neighborhoods developed along a traditional street grid pattern. Institutional uses are also present, and are not limited to the NCCU campus. Other institutional uses throughout the study area include the historic Stanford L. Warren Library which anchors the historic district on the northern end, the Lincoln Community Health Center, and the W. D. Hill Community Center. Other important institutional uses are just outside the historic district, in particular the C.C. Spaulding Elementary School located to the west, and the W. G. Pearson Middle School to the north. A number of commercial establishments are scattered throughout the district as well, primarily with frontage along Fayetteville Street close to the northern border of the historic district. Figure 4 represents existing land uses within the area as of January 2011. This Land Use Update attempts to carefully integrate a mix of uses into the district, while still respecting the historic fabric of the historic district and surrounding neighborhoods.

Figure 4: Existing Land Uses, April 2011



C. FUTURE LAND USE AND ZONING PATTERNS

The currently adopted Future Land Use Map depicts a pattern for land uses different from the existing and historic land use pattern. This pattern may not be appropriate for a local historic district, and what the community has identified through the planning process as their desired land use pattern. Figures 5 and 6 show the currently adopted future land use and zoning designations for this area, respectively. According to the adopted Future Land Use Map, commercial uses would become much more prevalent in the northern portion of the historic district and office uses would act as a transition between the commercial area and Medium

Density Residential (6-12 dwelling units/acre) neighborhoods. Recent examination of the area shows these designations to be problematic in light of the many single-family residential homes protected for their cultural and historical significance. A transition to the types of uses called for in the current Future Land Use map could be significantly harmful to the historic integrity of the Fayetteville Street Historic District, and counterproductive to the goals of the *Fayetteville Street Historic Preservation Plan*. Furthermore, single-family residential uses are prohibited in the Office and Institutional (OI) zoning district, and the minimum lot size in the OI district is 20,000 square feet, rendering the existing single-family residences along Fayetteville Street within the OI district non-conforming and unable to be redeveloped as office uses.

Figure 5: Future Land Use Map

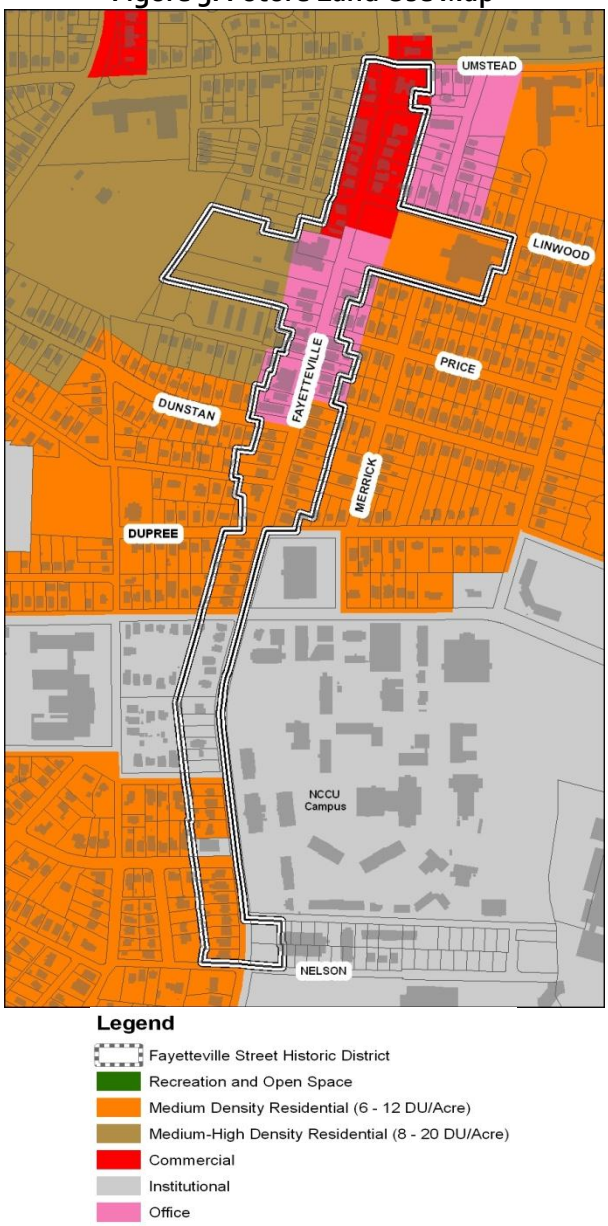
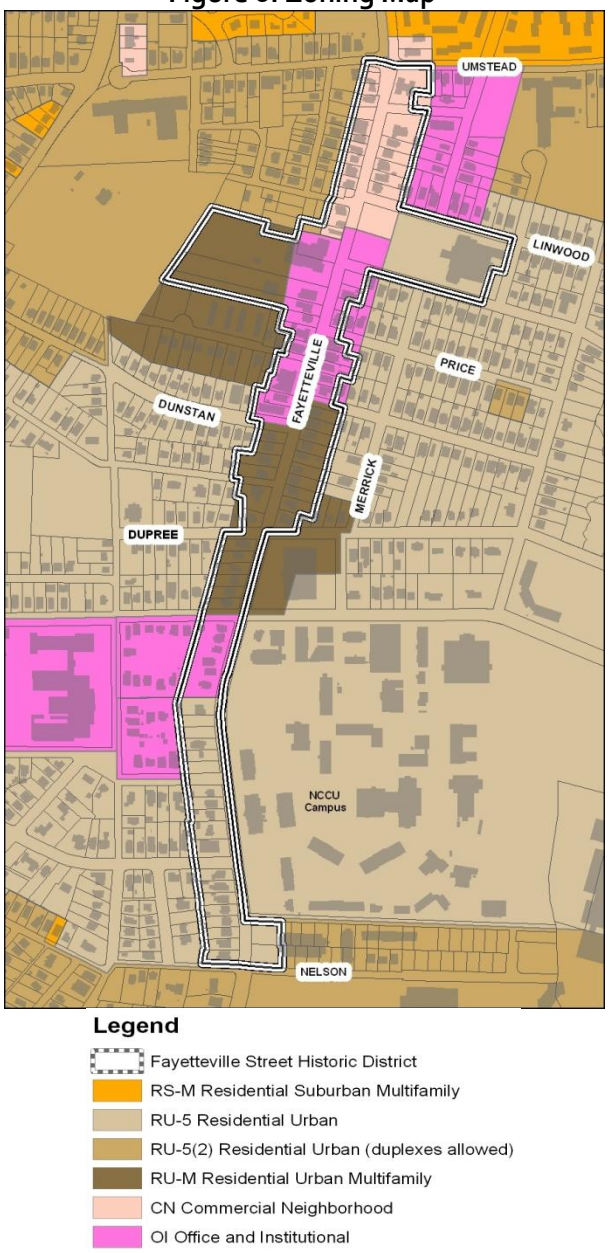


Figure 6: Zoning Map



D. NCCU'S 2007 CAMPUS MASTER PLAN AND ZONING MAP CHANGES

Due to its strength as a nationally respected and historically African-American institution of higher learning, NCCU is growing to record highs in enrollment. In response, the University adopted an *Updated Campus Master Plan* in 2007. This plan calls for the University to increase its development footprint on the existing campus and to expand into several city blocks north and south of the existing campus (Figure 7).

While the entire NCCU campus is designated as Institutional on the Future Land Use Map, most of the campus is zoned RU-5 (Residential Urban, 5,000 square foot lot minimum), which requires a Major Special Use Permit for any new institutional/educational uses. These permits can be costly and time intensive for both NCCU and planning staff without the benefit of creating a campus fabric that is desirable for both NCCU and the surrounding community.

Durham's Unified Development Ordinance (UDO) includes a zoning district entitled University-College (UC). The UC district is intended to have limited regulations within an "internal campus," while stricter building form and use regulations are enforced on the edges of campus, an area called the "transitional use area" (TUA). The TUA is the area of campus most residents of the surrounding neighborhoods will interact with, and is therefore the area of prime importance for regulation. However, current standards of the UC district are most appropriate for a campus in a more suburban setting and with greater land area in which to grow. For institutions such as NCCU, where available land is scarce and where activities on the edge of campus directly impact residential neighbors, the current UC district regulations do not offer appropriate solutions.

E. FAYETTEVILLE STREET COMMERCIAL AREA STREETSCAPE PROJECT

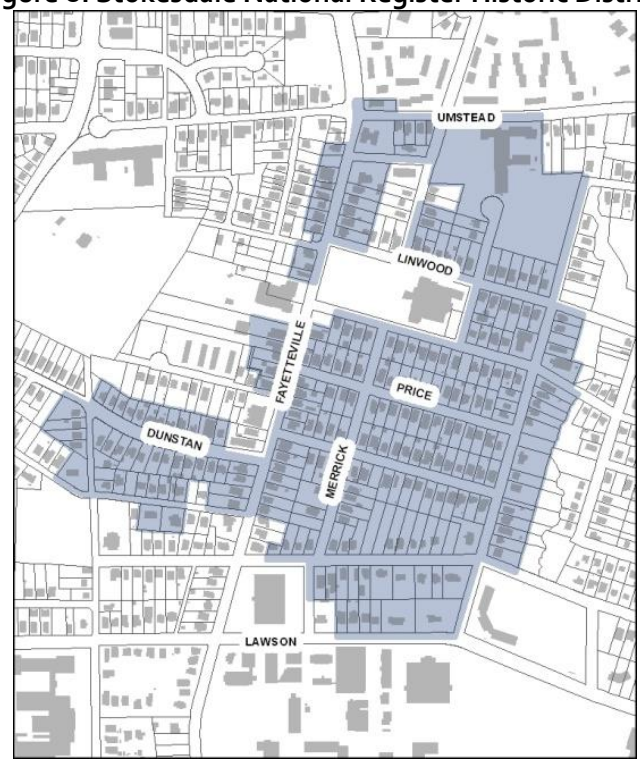
In 2006, the Durham Office of Economic and Workforce Development (OEWD) selected a 2-mile stretch of Fayetteville Street from Highway 147 to East Cornwallis Road to be the focus of a streetscape design project. The intention of the Streetscape Project is to induce economic revitalization and improved quality of life for residents and visitors by including pedestrian amenities such as benches, lighting, and trees into the design of the street. In 2009, concept drawings (see Figure 8) for each corridor and capital cost estimates were generated after a series of three neighborhood meetings and coordination with the Planning Department regarding issues of land use. To date, funding has not been allocated for these streetscape improvements along Fayetteville Street.

Figure 7: Example Concept Development, Fayetteville Street looking south from Simmons St.

F. STOKESDALE NATIONAL REGISTER HISTORIC DISTRICT

The Stokesdale National Register Historic District (see Figure 8) was listed on the National Register of Historic Places by the United States Department of the Interior in December 2010. The primary benefits of a National Register Historic District are that tax credits can be earned for property owners that make substantial repairs to structures within the district that keep with the historic nature of the structure. A portion of the Stokesdale National Register Historic District overlaps with the Fayetteville Street Historic District, providing further evidence of the importance of preserving the historic integrity of structures within this corridor.

Figure 8: Stokesdale National Register Historic District



IV. IMPLEMENTATION STRATEGIES

A. FUTURE LAND USE MAP AMENDMENTS

AMEND THE FUTURE LAND USE MAP OF THE DURHAM COMPREHENSIVE PLAN AS SHOWN IN APPENDIX C.

The currently adopted Future Land Use Map does not reflect the desired policy outcomes of the Fayetteville Street Historic District and the Fayetteville Street Historic Preservation Plan, nor does it acknowledge the existing urban fabric of the area and the community's desired land use pattern. Therefore, the following adjustments to the Future Land Use Map are recommended:

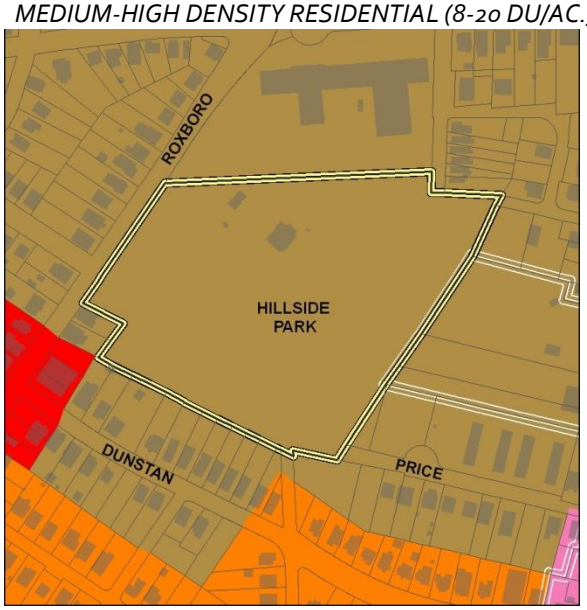
FUTURE LAND USE CHANGE #1

Change the Future Land Use designation (see Figure 9) for Hillside Park from Medium-High Density Residential (MHD) to Recreation/Open Space (ROS).

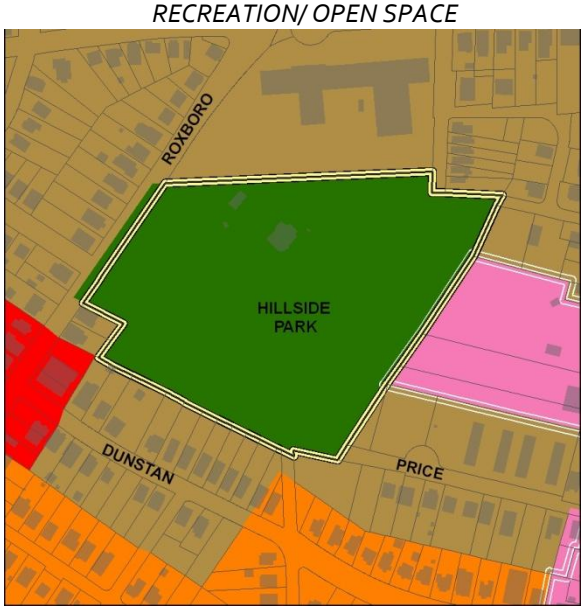
Though the City has no plans to alter the status of Hillside Park, residents are concerned that additional development in the area could prompt the City to consider selling Hillside Park for private development, and that a Medium-High Density Residential (MHD) designation encourages such action. Therefore, changing the Future Land Use designation for the park to Recreation/Open Space (ROS) will establish certainty regarding the City's intent for Hillside Park to remain a park.

Figure 9: Future Land Use Change #1

FUTURE LAND USE:
MEDIUM-HIGH DENSITY RESIDENTIAL (8-20 DU/AC.)



PROPOSED FUTURE LAND USE:
RECRECATION/ OPEN SPACE



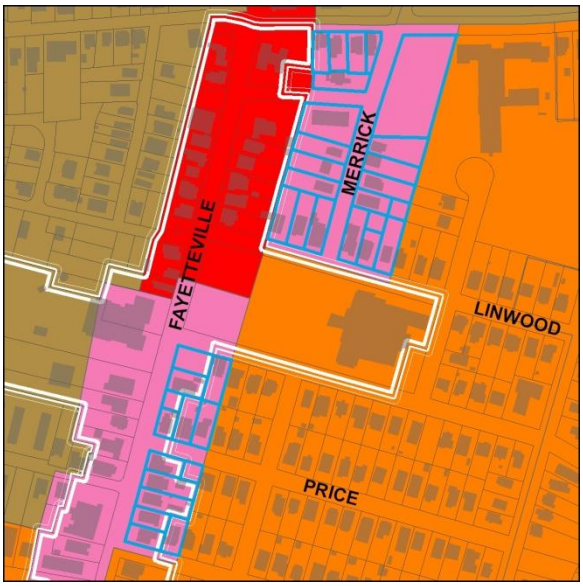
FUTURE LAND USE CHANGE #2

Change the Future Land Use designation (see Figure 10) for the east side of the 1400 and 1500 blocks of Fayetteville Street, the south side of the 500 block of Umstead Street, a portion of the 600 block of Umstead Street, the 500 block of Simmons Street, the 1200 block of Merrick Street, the north side of the 500 block of Linwood Street, and a portion of the north side of the 600 block of Linwood Street from Office to Medium Density Residential (6-12 DU/Ac.).

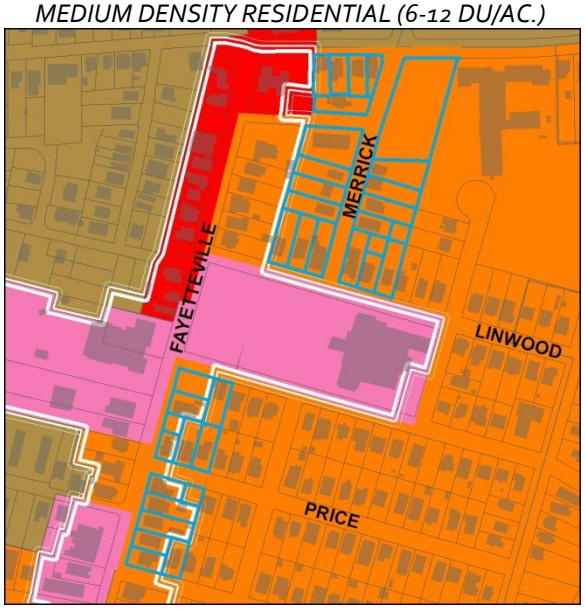
Single-family residential uses are established in these portions of the neighborhood and there is a clear desire by citizens involved in the planning process to keep this area consistent with historical urban patterns. In addition, this change places the entirety of W. G. Pearson Middle School in one Future Land Use designation, rather than its current situation being split between two. The Medium Density Residential (6-12 DU/Ac.) designation is consistent with the residential pattern east of Fayetteville Street.

Figure 10: Future Land Use Change #2

FUTURE LAND USE: OFFICE



PROPOSED FUTURE LAND USE: MEDIUM DENSITY RESIDENTIAL (6-12 DU/AC.)



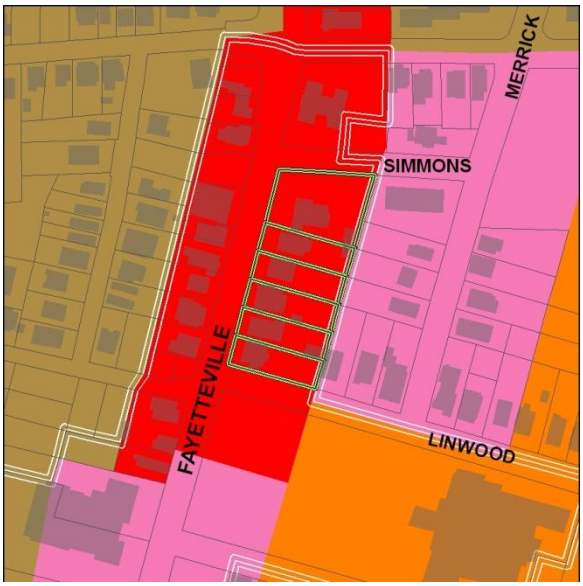
FUTURE LAND USE CHANGE #3

Change the Future Land Use designation (see Figure 11) for the east side of the 1200 block of Fayetteville Street from Commercial to Medium Density Residential (6-12 DU/Ac.).

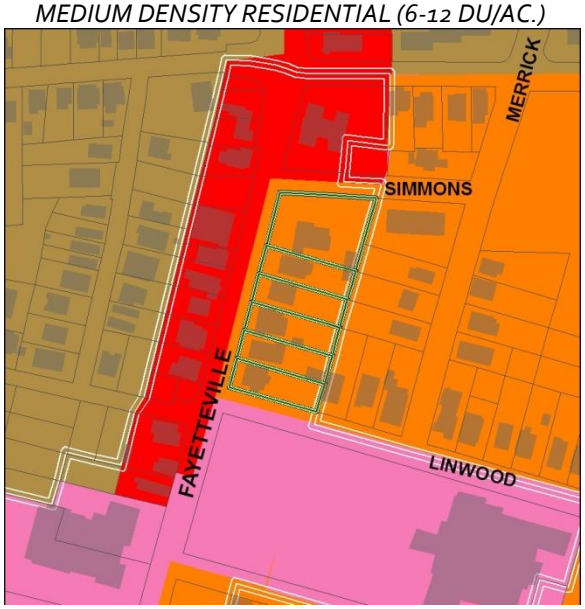
This block of residential structures in the Fayetteville Street Historic District is currently designated Commercial on the Future Land Use Map. Such a designation could encourage alteration or demolition of these historic structures for commercial development. Therefore, in order to help preserve the integrity of the Fayetteville Street Historic District, amending the Future Land Use designation is warranted. The Medium Density Residential (6-12 DU/Ac.) designation is consistent with the existing residential pattern on the east side of Fayetteville Street.

Figure 11: Future Land Use Change #3

FUTURE LAND USE: COMMERCIAL



PROPOSED FUTURE LAND USE: MEDIUM DENSITY RESIDENTIAL (6-12 DU/AC.)



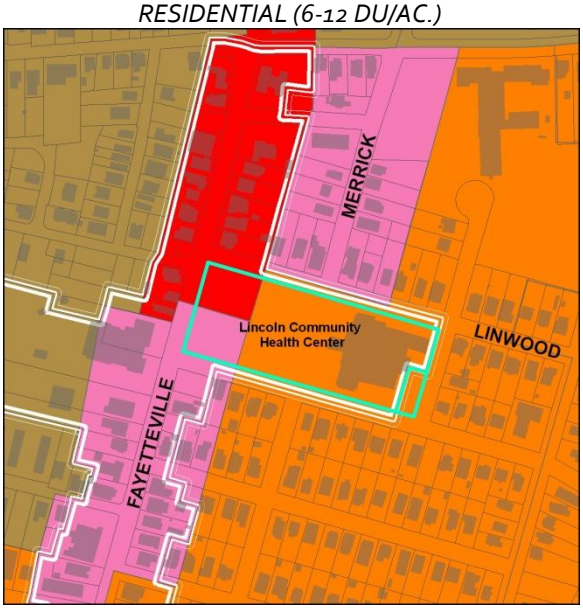
FUTURE LAND USE CHANGE #4

Change the Future Land Use designation (see Figure 12) for Lincoln Community Health Center from Commercial and Medium Density Residential (6-12 DU/Ac.) to Office.

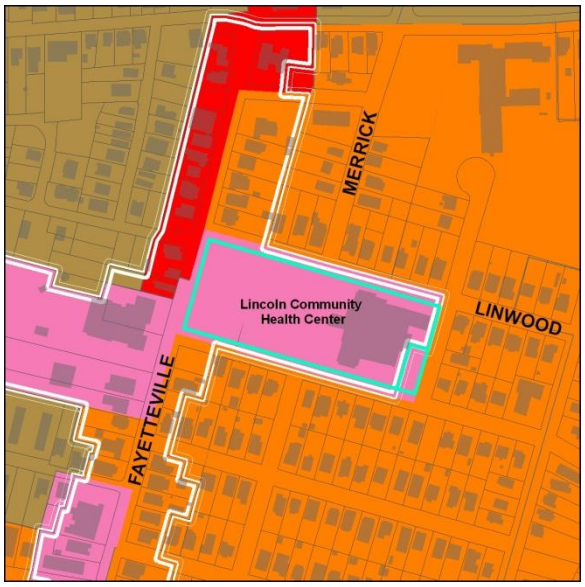
There are currently three separate designations for portions of the parcel on which Lincoln Community Health Center sits: Commercial, Office, and Medium Density Residential (6-12 DU/Ac.). In order to facilitate future operations at Lincoln Community Health Center the entirety of the parcel should be designated Office.

Figure 12: Future Land Use Change #4

FUTURE LAND USE: COMMERCIAL, OFFICE, & MEDIUM DENSITY RESIDENTIAL (6-12 DU/AC.)



PROPOSED FUTURE LAND USE: OFFICE



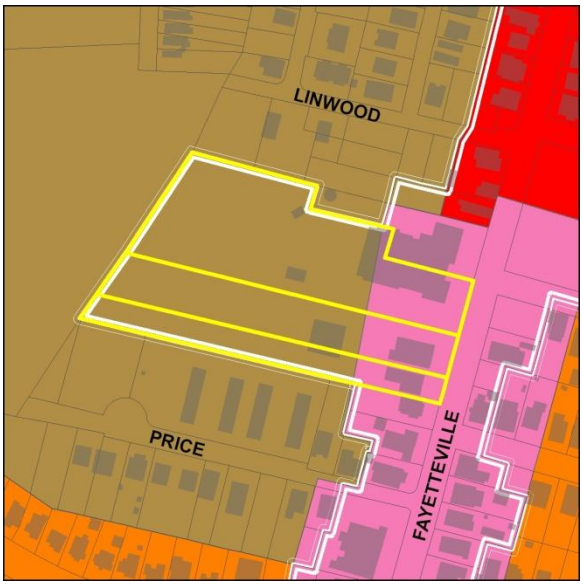
FUTURE LAND USE CHANGE #5

Change the Future Land Use designation (see Figure 13) for a portion of the west side of the 1300 and 1400 blocks of Fayetteville Street from Medium-High Density Residential (8-20 DU/Ac.) to Office.

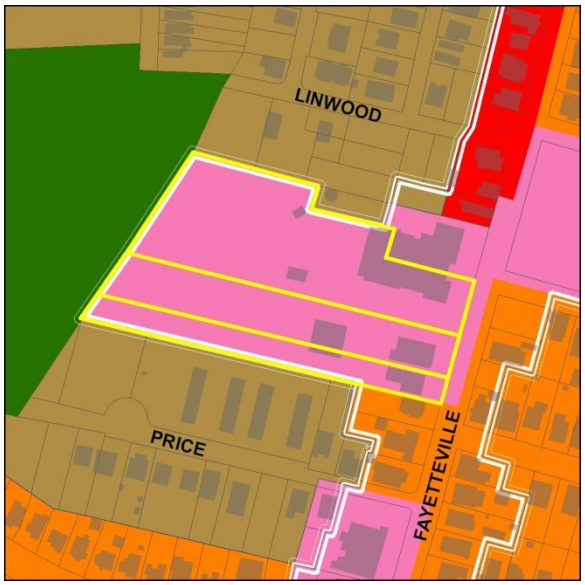
On the west side of Fayetteville Street, just north of Price Street, a set of parcels are currently under two separate Future Land Use designations: Medium-High Density Residential (8-20 DU/Ac.) and Office. The structures that are currently on these parcels include the W.D. Hill Recreation Center and two structures that are single-family residential in nature (though currently vacant). The parcels are of sufficient size that they can be utilized for office uses. However, the current split designation of these parcels inhibits their practical use for either residential or office activities. Placing these parcels under one designation eases the utilization of these parcels for productive use, and therefore provides an incentive to continue to maintain these properties. In addition, the Office designation is a transition from the commercial uses to the north and the residential uses to the south, in furtherance of Durham Comprehensive Plan Policy 2.2.4b, Office Uses as Transition. Allowing these structures to be utilized for office uses, rather than residential, was the preference stated at the public open houses in the spring of 2010.

Figure 13: Future Land Use Change #5

FUTURE LAND USE:
OFFICE & MEDIUM HIGH DENSITY RESIDENTIAL



PROPOSED FUTURE LAND USE:
OFFICE



FUTURE LAND USE CHANGE #6

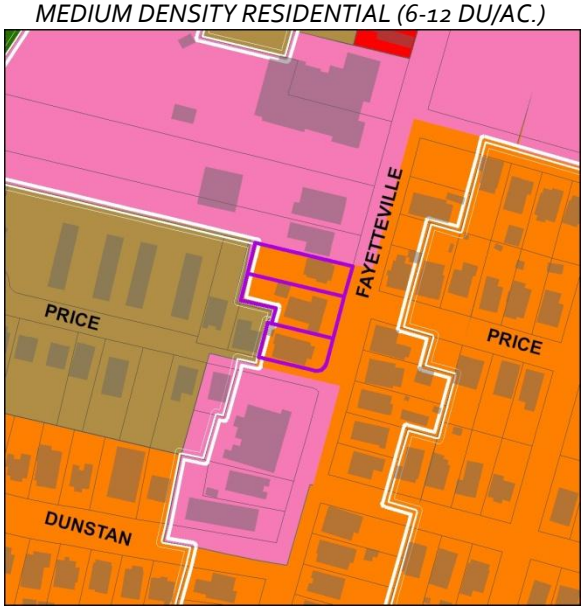
6. Change the Future Land Use designation (see Figure 14) for a portion of the west side of the 1400 and 1500 blocks of Fayetteville Street from Office to Medium Density Residential (6-12 DU/Ac.).

These parcels are currently residential in nature, and this change would support the policies of the Fayetteville Street Historic Preservation Plan by removing an incentive to remove or alter these historic structures in order to change uses. In addition, single-family residential uses are not allowed in the Office and Institutional (OI) zoning district, creating a non-conformity, and a change to a residential zoning district requires a Future Land Use designation change to residential. Medium Density Residential (6-12 DU/Ac.) designation is consistent with the existing surrounding land use pattern and lot sizes for these parcels.

Figure 14: Future Land Use Change #6

FUTURE LAND USE: OFFICE

PROPOSED FUTURE LAND USE: MEDIUM DENSITY RESIDENTIAL (6-12 DU/AC.)



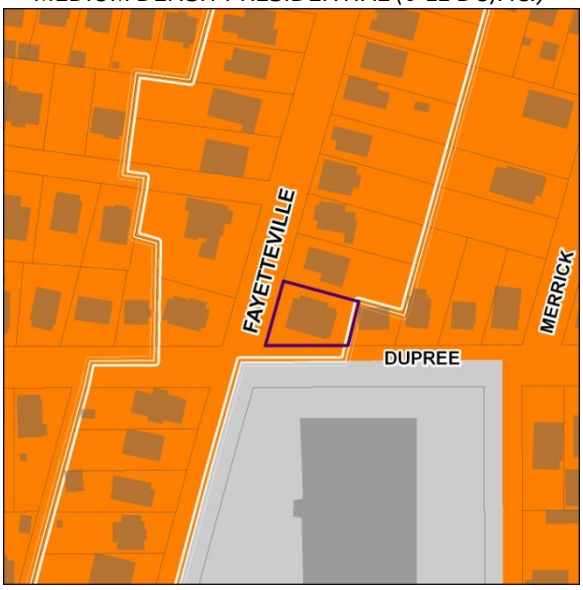
FUTURE LAND USE CHANGE #7

Change the Future Land Use designation (see Figure 15) for a parcel at the northeast corner of Fayetteville and Dupree streets from Medium Density Residential (6-12 DU/Ac.) to Commercial.

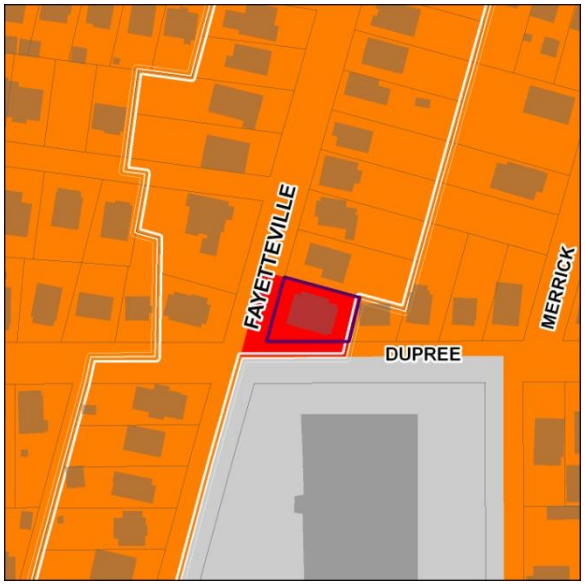
This change would apply to one parcel at the northeast corner of Fayetteville and Dupree streets adjacent to the NCCU campus. There is a need for commercial activities around the University to serve students and nearby residents. This change would bring current uses into conformity that support the campus and surrounding neighborhood, and is consistent with the Fayetteville Street Historic Preservation Plan.

Figure 15: Future Land Use Change #7

FUTURE LAND USE:
MEDIUM DENSITY RESIDENTIAL (6-12 DU/AC.)



PROPOSED FUTURE LAND USE:
COMMERCIAL



B. ZONING MAP CHANGES

AMEND THE ZONING MAP AS SHOWN IN APPENDIX D.

In many cases, current zoning designations do not reflect the historic nature of the area, particularly the Fayetteville Street Historic District, nor does the existing zoning acknowledge much of the urban fabric of the area. Therefore, the following zoning map changes are recommended:

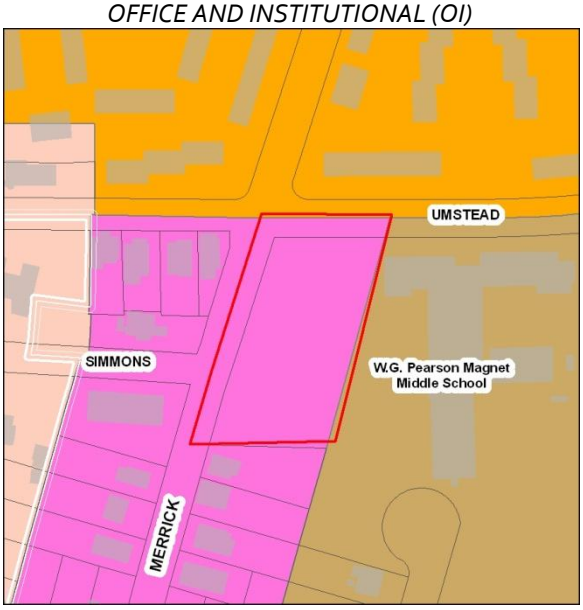
ZONING CHANGE #1

Change the zoning designation (see Figure 16) a portion of the south side of the 600 block of Umstead Street from Office and Institutional (OI) designation to Residential Urban (RU-5(2)).

The south side of the 600 block of Umstead Street, the site of W. G. Pearson Magnet Middle School, is currently split between two zoning designations: Office and Institutional (OI) and Residential Urban (RU-5(2)). The current split designation of these parcels inhibits their practical use for either residential or office activities. The RU-5(2) zoning district is more consistent with the surrounding neighborhood. Middle Schools are allowed in the RU-5(2) district with a minor special use permit.

Figure 16: Zoning Change #1

CURRENT ZONING:
OFFICE AND INSTITUTIONAL (OI)



PROPOSED ZONING:
RESIDENTAL URBAN (RU-5(2))

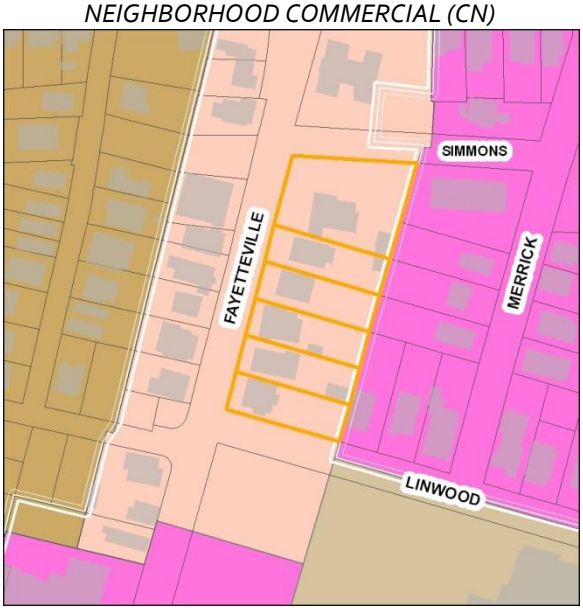
ZONING CHANGE #2

Change the zoning designation (see Figure 17) for a portion of the east side of the 1200 block of Fayetteville Street from Neighborhood Commercial (CN) to Residential Urban (RU-5).

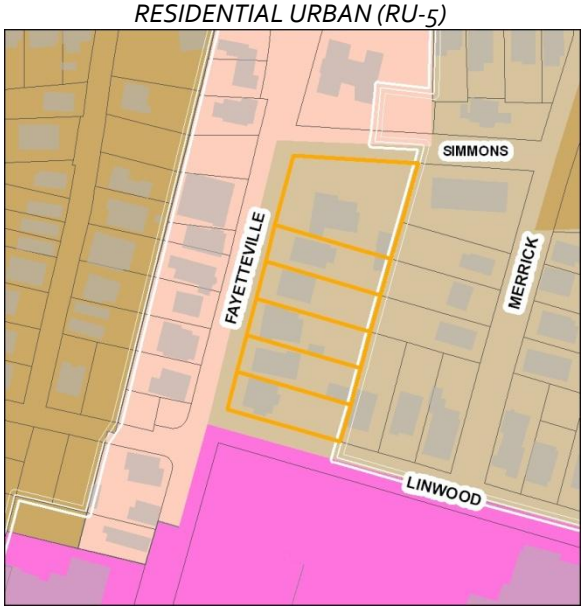
Though single-family residential uses are permitted in the CN district, this zoning designation could be an incentive to remove historic residential structures to make the properties more appropriate for commercial development, in contradiction to the Fayetteville Street Historic Preservation Plan. Therefore, changing the zoning for these parcels from Neighborhood Commercial (CN) to Residential Urban (RU-5) will help to protect these historic structures.

Figure 17: Zoning Change #2

CURRENT ZONING: NEIGHBORHOOD COMMERCIAL (CN)



PROPOSED ZONING: RESIDENTIAL URBAN (RU-5)



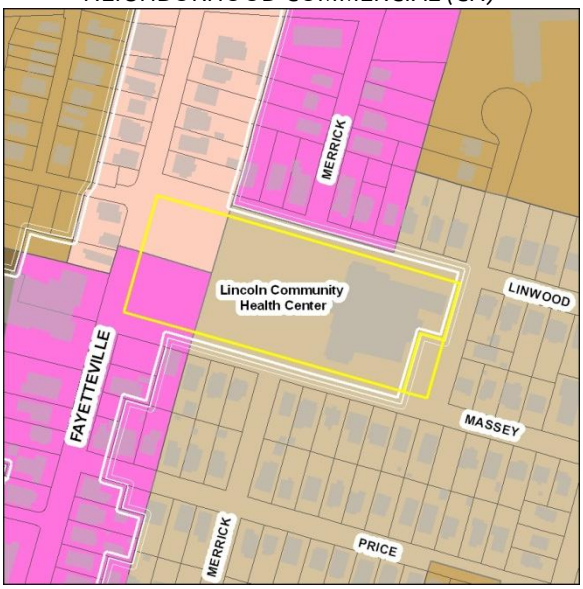
ZONING CHANGE #3

Change the zoning designation (see Figure 18) for Lincoln Community Health Center from Residential and Commercial to Office.

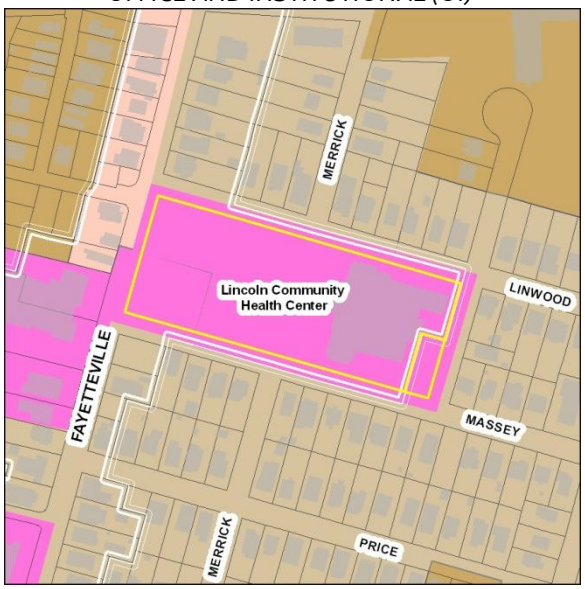
An Office and Institutional (OI) designation for Lincoln Community Health Center, a landmark institution in the Fayetteville Street community, is most appropriate and makes the medical center a conforming use. Currently, most of the property on which Lincoln Community Health Center sits is zoned Residential Urban (RU-5), where medical facilities are not allowed. Changing the zoning designation to OI will make Lincoln Community Health Center a conforming use.

Figure 18: Zoning Change #3

CURRENT ZONING:
RESIDENTIAL URBAN (RU-5),
OFFICE AND INSTITUTIONAL (OI), &
NEIGHBORHOOD COMMERCIAL (CN)



PROPOSED ZONING:
OFFICE AND INSTITUTIONAL (OI)



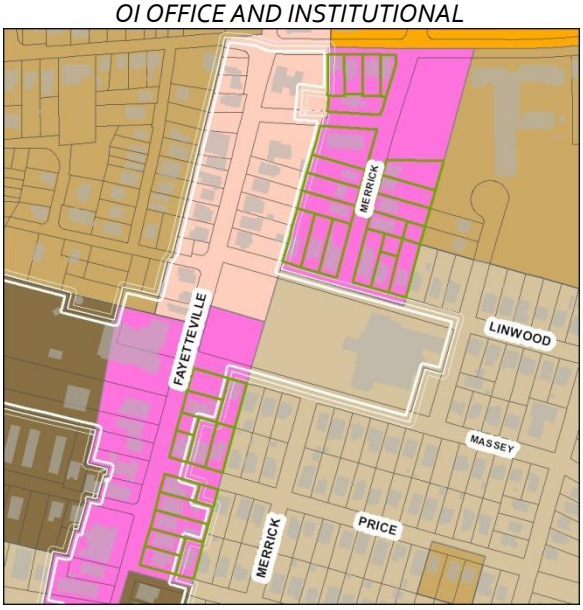
ZONING CHANGE #4

Change the zoning designation (see Figure 19) for the south side of the 500 block of Umstead Street, the 500 block of Simmons Street, the 1200 block of Merrick Street, the north side of the 500 block of Linwood Street, a portion of the north side of the 600 block of Linwood Street, the east side of the 1400 and 1500 blocks of Fayetteville Street, a portion of the 500 block of Price Street, and a potion of the north side of the 500 block of Dunbar Street from Office and Institutional (OI) to Residential Urban (RU-5).

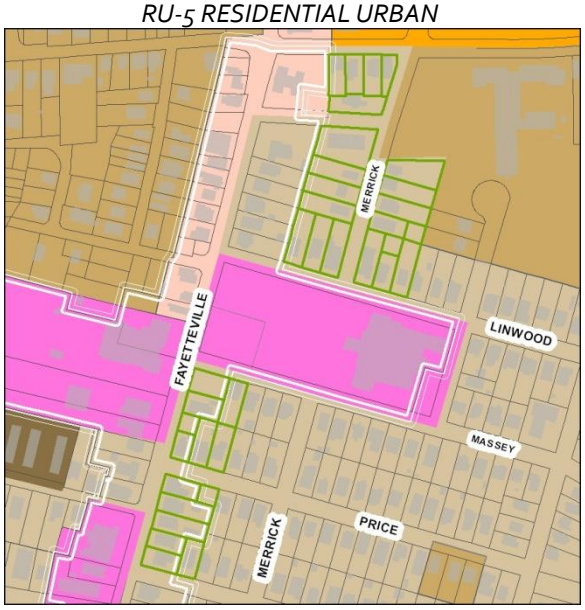
When the Unified Development Ordinance was adopted in 2006, all single-family residential uses in the OI zone became non-conforming. This zoning designation in areas that are currently established as single-family residential could create a disincentive to maintain these existing structures. Therefore, changing the zoning for these parcels from OI to Residential Urban (RU-5) will make the existing residential uses conforming and protect the present residential character of the area.

Figure 19: Zoning Change #4

CURRENT ZONING:
OI OFFICE AND INSTITUTIONAL



PROPOSED ZONING CHANGE:
RU-5 RESIDENTIAL URBAN



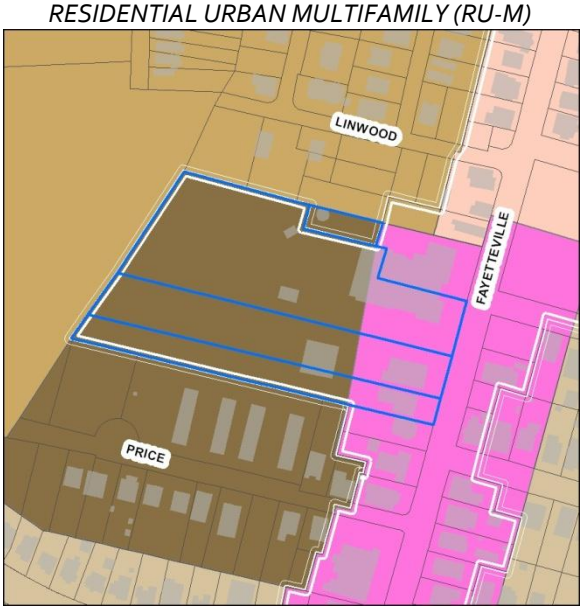
ZONING CHANGE #5

Change the zoning designation (see Figure 20) for a portion of the west side of the 1300 and 1400 blocks of Fayetteville Street from Office and Institutional (OI) and Residential Urban Multifamily (RU-M) to Office and Institutional (OI).

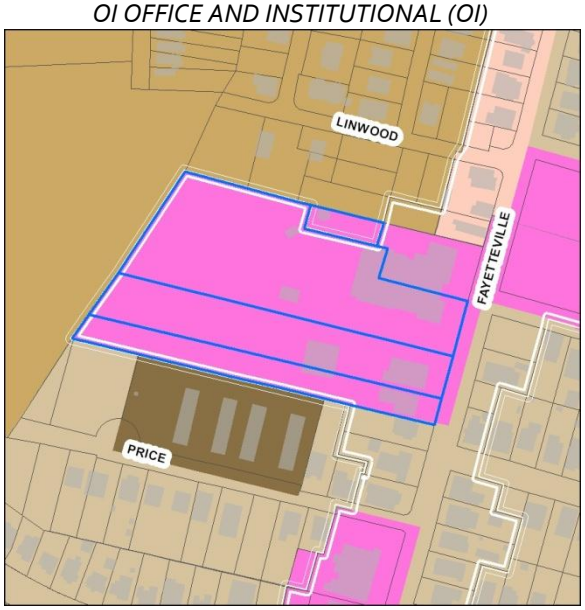
On the west side of Fayetteville Street, north of Price Street, a set of parcels are currently under two separate zoning designations: Office and Institutional (OI) and Residential Urban Multifamily (RU-M). The structures that are currently on these parcels include the W.D. Hill Recreation Center and two structures that are single-family residential in nature (though currently vacant). The parcels are of sufficient size that they can be utilized for office uses as a transition between the commercial uses to the north and the residential uses to the south, in furtherance of Durham Comprehensive Plan policy 2.2.4b, Office Uses as Transition. However, the current split designation of these parcels inhibits their practical use for either residential or office activities. Placing these parcels under the OI designation eases the utilization of these parcels for productive use, and therefore provides an incentive to continue to maintain these properties. Allowing these structures to be utilized for office uses, rather than multi-family residential, was the preference stated at the public open houses in the spring of 2010.

Figure 20: Zoning Change #5

CURRENT ZONING:
OFFICE AND INSTITUTIONAL (OI) &
RESIDENTIAL URBAN MULTIFAMILY (RU-M)



PROPOSED ZONING:
OI OFFICE AND INSTITUTIONAL (OI)



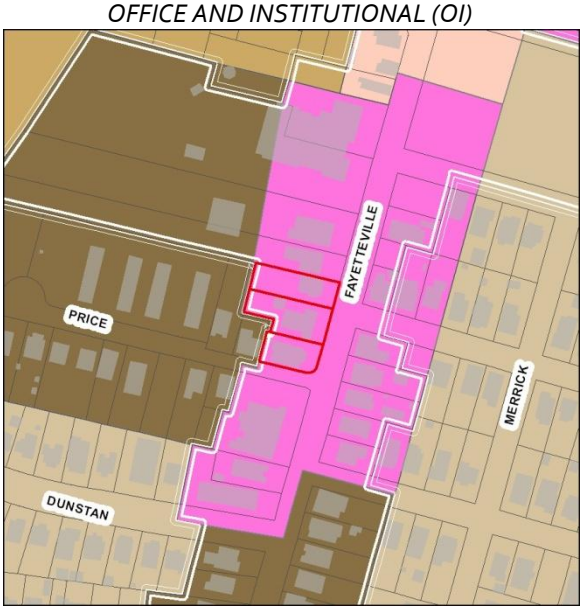
ZONING CHANGE #6

Change the zoning designation (see Figure 21) for a portion of the 1400 and 1500 blocks of Fayetteville Street from Office and Institutional (OI) to Residential Urban (RU-5).

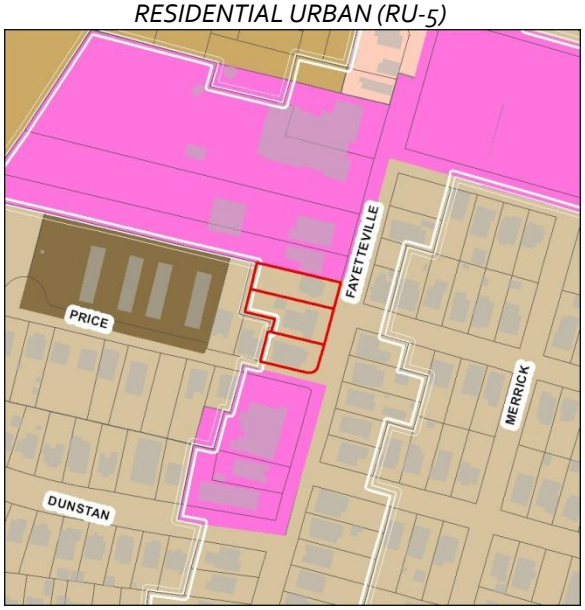
When the Unified Development Ordinance was adopted in 2006, all single-family residential uses in the OI zone became non-conforming. Within the Fayetteville Street Historic District, City policy is that residential structures should remain residential. Therefore, changing the zoning for these parcels from OI to Residential Urban (RU-5) will make the existing residential uses conforming and diminish the incentive to tear down these historic structures.

Figure 21: Zoning Change #6

CURRENT ZONING:
OFFICE AND INSTITUTIONAL (OI)



PROPOSED ZONING CHANGE:
RESIDENTIAL URBAN (RU-5)



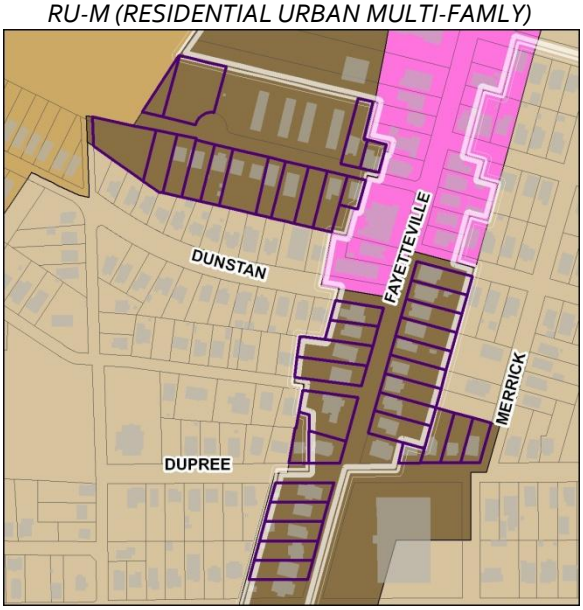
ZONING CHANGE #7

Change the zoning designation (see Figure 22) for the 300 block of Price Avenue, the south side and a portion of the north side of the 400 block of Price Avenue, a majority of the 1600 block of Fayetteville Street, a portion of the west side of the 1700 block of Fayetteville Street, and a portion of the north side of the 500 block of Dupree Street from Residential Urban Multi-Family (RU-M) Residential Urban (RU-5).

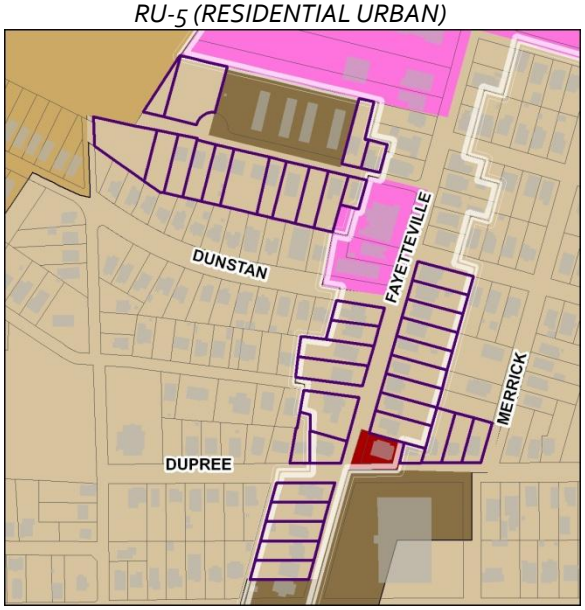
The existing Residential Urban Multi-Family (RU-M) zoning designation in the Fayetteville Street Historic District is an incentive to tear down existing single-family structures that City Council policy, through the *Fayetteville Street Historic Preservation Plan*, dictates should be preserved. Changing the zoning on these parcels to Residential Urban (RU-5) will diminish that incentive. In addition, it is recommended that other existing single-family uses nearby that are currently zoned RU-M be re-designated to RU-5.

Figure 22: Zoning Change #7

CURRENT ZONING:
RU-M (RESIDENTIAL URBAN MULTI-FAMLY)



PROPOSED ZONING CHANGE:
RU-5 (RESIDENTIAL URBAN)



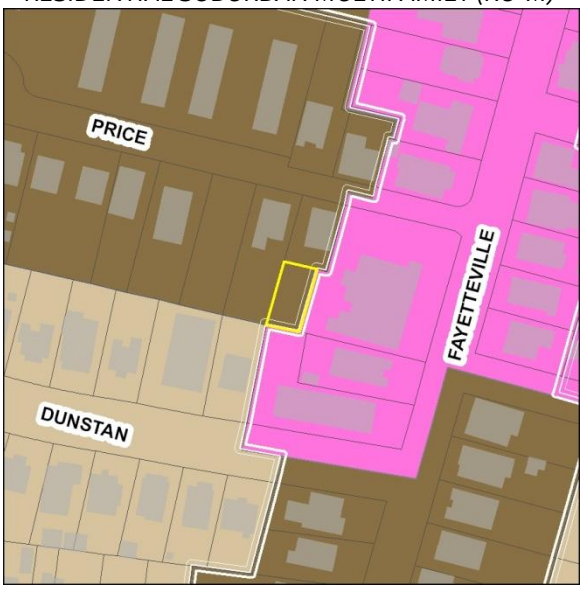
ZONING CHANGE #8

Change the zoning designation (see Figure 23) for 424 Price Avenue from Residential Urban Multifamily (RU-M) to Office and Institutional (OI).

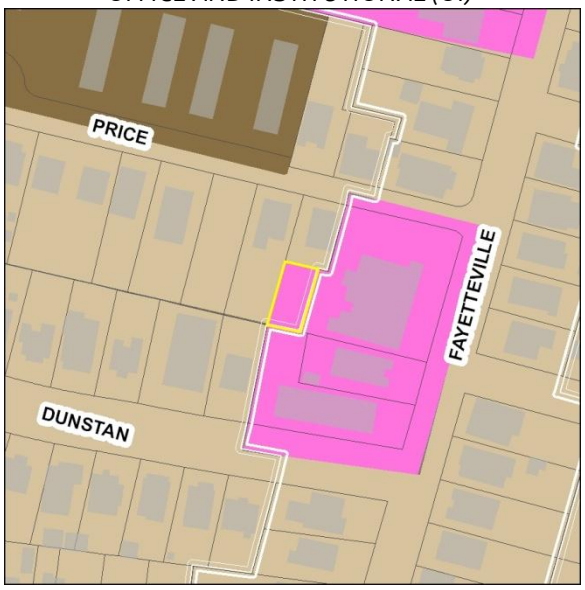
This property is currently being used in conjunction with an adjacent office building that has frontage onto Fayetteville Street. Given its mid-block location, it is very unlikely that the property could be developed for multi-family residential purposes. Changing the zoning for this lot eliminates a current non-conforming use and creates consistency between the zoning map and the adopted Future Land Use Map.

Figure 23: Zoning Change #8

CURRENT ZONING:
RESIDENTIAL SUBURBAN MULTIFAMILY (RU-M)



PROPOSED ZONING:
OFFICE AND INSTITUTIONAL (OI)



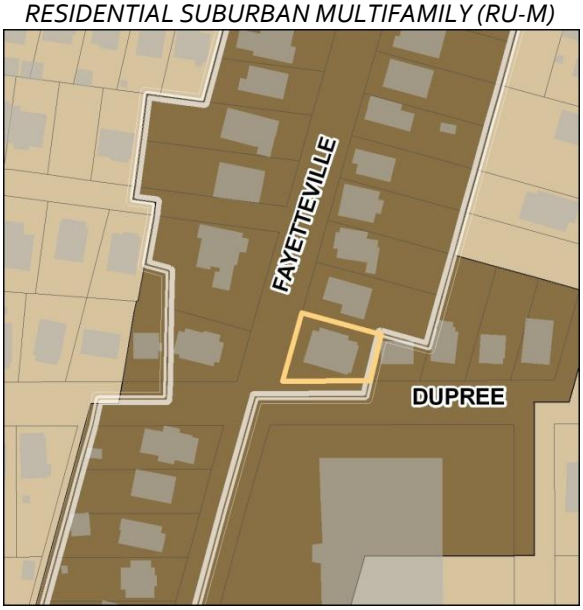
ZONING CHANGE #9

Change the zoning designation (see Figure 24) for the northeast corner of Fayetteville and Dupree streets from Residential Urban Multifamily (RU-M) to Commercial Infill (CI).

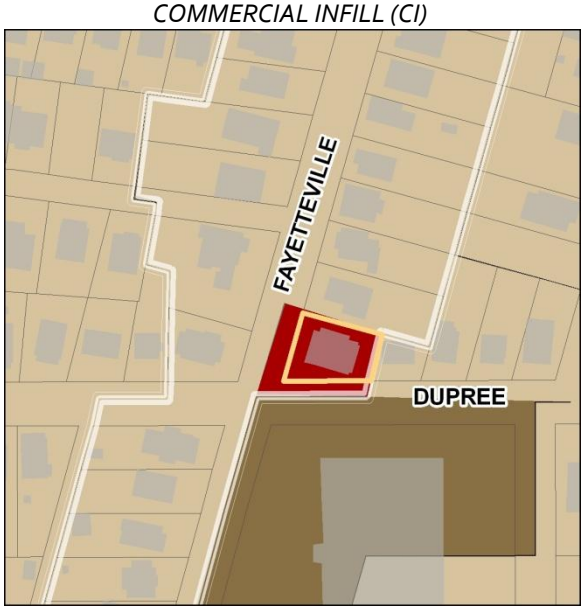
This change would apply to one parcel at the northeast corner of Fayetteville and Dupree streets, adjacent to the NCCU campus. This change would bring current commercial uses into conformity that support the campus and surrounding neighborhood. The preferred zoning designation for this parcel is the Commercial Infill (CI) designation because of its more flexible standards for off-street parking and buffering.

Figure 24: Zoning Change #9

CURRENT ZONING:
RESIDENTIAL SUBURBAN MULTIFAMILY (RU-M)



PROPOSED ZONING:
COMMERCIAL INFILL (CI)

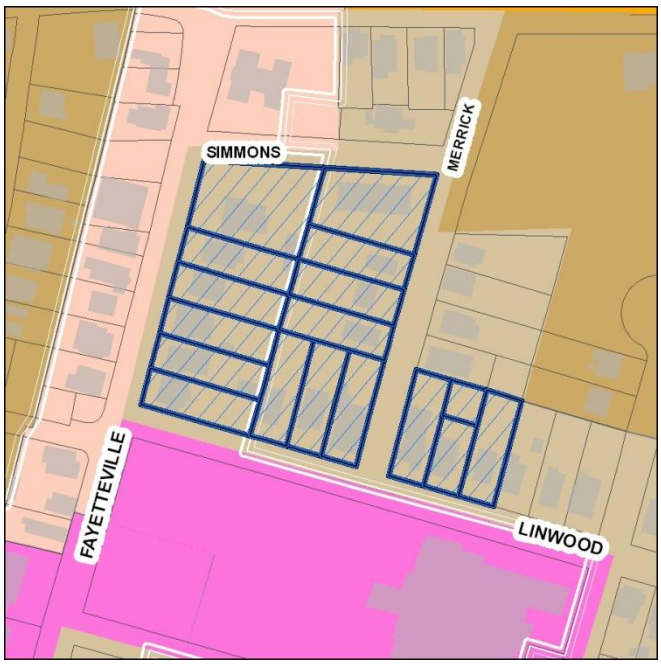


TRANSITIONAL OFFICE OVERLAY DISTRICT

Initiate a Transitional Office Overlay (TO Overlay) zoning district (see Figure 25) for a portion of the east side of the 1200 block of Fayetteville Street, the west side of the 1200 block of Merrick Street, the north side of the 500 block of Linwood Street, and a portion of the north side of the 600 block of Linwood Street.

The Transitional Office Overlay (TO Overlay) district is intended to allow office uses within residential districts. This overlay district permits a wider variety of uses in transitional areas while maintaining the appearance and building scale of a residential area. A TO Overlay in this area would be appropriate for three reasons. First, there are existing commercial and office uses in the Fayetteville Street corridor, and allowing office uses to remain if they occupy residential scale and style buildings will permit ancillary and supporting businesses while keeping the residential character. Second, allowing office uses within existing building stock in the Fayetteville Street Historic District will protect the character of the district while providing an outlet for new businesses to develop on a heavily traveled corridor near the existing commercial portion of the district and the Lincoln Community Health Center. Third, outside of the Fayetteville Street Historic District, conversion of the building stock to structures that are more suited to office use has already taken place, particularly on Merrick and Linwood streets. Though the purpose statement for the TO Overlay district (UDO paragraph 4.7.1) states that the uses should "front major roadways", the inclusion of parcels fronting Simmons, Merrick, and Linwood streets is justified in this case because the utilization of a TO Overlay will better facilitate the utilization of these existing office structures for their intended use.

Figure 25: Transitional Office Overlay District



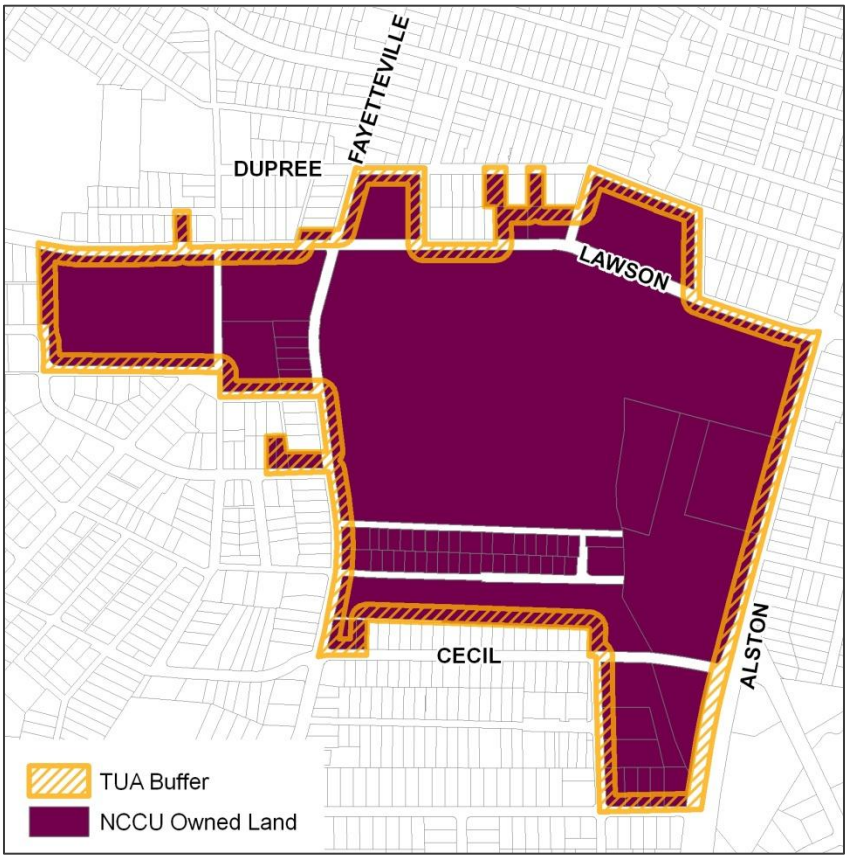
C. UNIFIED DEVELOPMENT ORDINANCE TEXT AMENDMENT

ENACT A TEXT AMENDMENT TO THE *UNIFIED DEVELOPMENT ORDINANCE* TO CREATE A UNIVERSITY-COLLEGE 2 (UC2) ZONING DISTRICT. APPLY THE UC2 DISTRICT ZONING TO THE EXISTING NORTH CAROLINA CENTRAL UNIVERSITY CAMPUS.

The University-College (UC) zoning district is intended to be less restrictive on an institution's internal campus while stricter regulations are enforced on the edges of campus, an area called the "transitional use area" (TUA). The UC district is in place for the Duke University campus; however, some of its regulations are not compatible with the urban campus setting of North Carolina Central University (NCCU). Planning staff recommends that a new zoning district, University College 2 (UC2), be created. This new district would be very similar to the existing UC district, but would differ in the following ways:

- The TUA of the proposed UC2 District will measure 75 feet from the center of the right-of-way rather than the 150 feet in the current UC district (see Figure 26). This will reflect NCCU's urban campus nature;

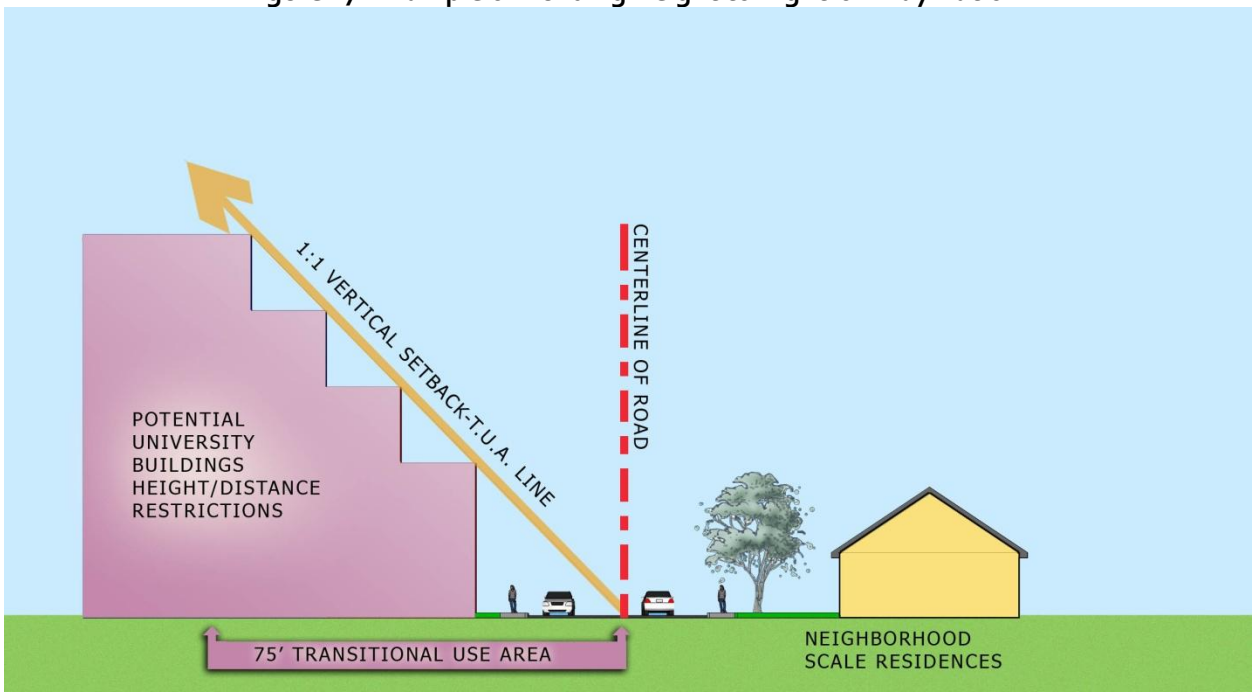
Figure 26: NCCU Owned Land with Illustrative TUA Buffer



- Restrict the initial zoning to the proposed UC2 district to land that was acquired by NCCU by January 1, 2010 and is contiguous or directly across a public right-of-way from the existing campus (see Figure 26). All land that does not meet these requirements would have to be zoned to UC2 at the University's request and expense;

- To ease the transition between campus buildings and the nearby neighborhood and to increase the flow of light and air at the street level, initial height limits of campus buildings within the TUA will be calculated based on the distance from the center line of the adjacent right-of-way. In this scenario, as displayed in Figure 27, the maximum height of the building podium is the distance from the front of the building to the midpoint of the right-of-way. A building that is built adjacent to the property line could only have a maximum height of 30 feet (the distance from the building to the midpoint of the right-of-way), but a building constructed 30 feet back from the right-of-way could have an initial height of 60 feet. A stepback approach will then be used to gradually reach a maximum height [1];

Figure 27: Example of Building Height to Right-of-Way Ratio



- For properties that fall within the TUA, but do not occur along a right-of-way, the maximum height of the building podium will be equal to the distance from the adjacent

[1] Current maximum height in the TUA of the UC district is 150% of the average height of buildings on adjacent properties, including those directly across a public right-of-way.

property line. In this example, a building setback 30 feet from the rear property line could have building podium 30 feet high. A step back approach similar to that described above will also apply; and

- Eliminate the requirement stating the Durham City-County Appearance Commission will review projects in the Internal Campus of a UC or proposed UC2 district. The requirement for the Appearance Commission to review projects in the TUA of a UC district was removed in 2008. Require all projects within the TUA of a UC or proposed UC2 district to be reviewed by the Design District Review Team.

These changes have been reviewed by officials at North Carolina Central University, as well as at several public events for review by community members. Reception to the new district and the proposed changes has been positive by the majority of those in attendance.

Upon completion of a UDO text amendment and creation of a UC2 district, the City will initiate zoning map changes and any necessary Future Land Use Map amendments to the UC2 district based on the stipulations above.

D. NORTH CAROLINA COLLEGE REDEVELOPMENT PLAN

TERMINATE THE 1964 NORTH CAROLINA COLLEGE REDEVELOPMENT PLAN (NCR-41).

The North Carolina College Redevelopment Plan (NCCRP), NCR-41, was adopted by the Durham City Council in February of 1964 and encompasses areas to the south of the North Carolina Central University (NCCU) campus between Roxboro Street and Alston Avenue (see Figure 2). The NCCRP sets forth criteria for redevelopment of this area, primarily for residential purposes, though there are areas designated for commercial activities. In addition, the NCCRP states that institutional uses (i.e., for colleges and universities) are permissible anywhere in the residentially designated areas of the Plan. Though most redevelopment plans in later years were written with a sunset clause terminating the plan at a specified future date, the NCCRP lacks such an operable sunset clause, and is therefore still in effect.

Many provisions in the NCCRP are out of date and no longer relevant to current conditions. State building codes and Durham's Unified Development Ordinance have replaced many of the provisions found in the NCCRP. The presence and continued authorization of the NCCRP could give members of the community the impression that the City still intends to acquire property for redevelopment in this area, which is no longer the case. Terminating the NCCRP would clarify that the City has no intention to acquire property in the area for redevelopment.

Provisions within the NCCRP for its termination are tedious and time consuming. There are potentially two methods for its termination:

1) Present a petition signed by "a majority of the then owners of record" (see p. 52) to the City Council concurring with termination. At last count there were 423 lots of record within the NCRP area. This method could require over 200 signatures on such a petition. Once a petition is properly signed, the City Council would decide whether or not to terminate.
2) A petition to modify the Plan to allow for its expiration is "consented to by the redevelopers of such real property or their successors in interest" (p. 157). This procedure speaks of "modification" rather than "termination", so the modification would be written to allow the NCCRP to expire. The number of signatures required is likely fewer with this method than with that described above, but is still likely to be substantially high. Under this method, once the required consent is obtained, the following procedure would then be followed:
    - The City Council will hold a public hearing regarding the proposed modification; and
    - The City Council will submit the proposed modification to the Durham City-County Planning Commission for review, which has 45 days from the initial public hearing to render a recommendation; and
    - The City Council, acting as the Redevelopment Commission, holds a second public hearing and approves the proposed modification.

Therefore, the Planning Department recommends that a process be pursued to bring to the City Council a proposal to completely or substantially terminate the North Carolina College Redevelopment Plan.

V. CONCLUSION

The Durham City-County Planning Department will take steps toward enacting the land use vision presented in this Plan upon its adoption by the City Council. Identifying how existing policies, regulations, and historic preservation goals contradict each other has been only the first step. Aligning the Future Land Use Map and Zoning Map with the historic nature of the area and with community expectations will, in the short term, eliminate a pathway for undesirable development. In the long term, these policy changes will be the foundation to creating a vibrant corridor with a sensitive mix of homes, businesses, and community institutions.

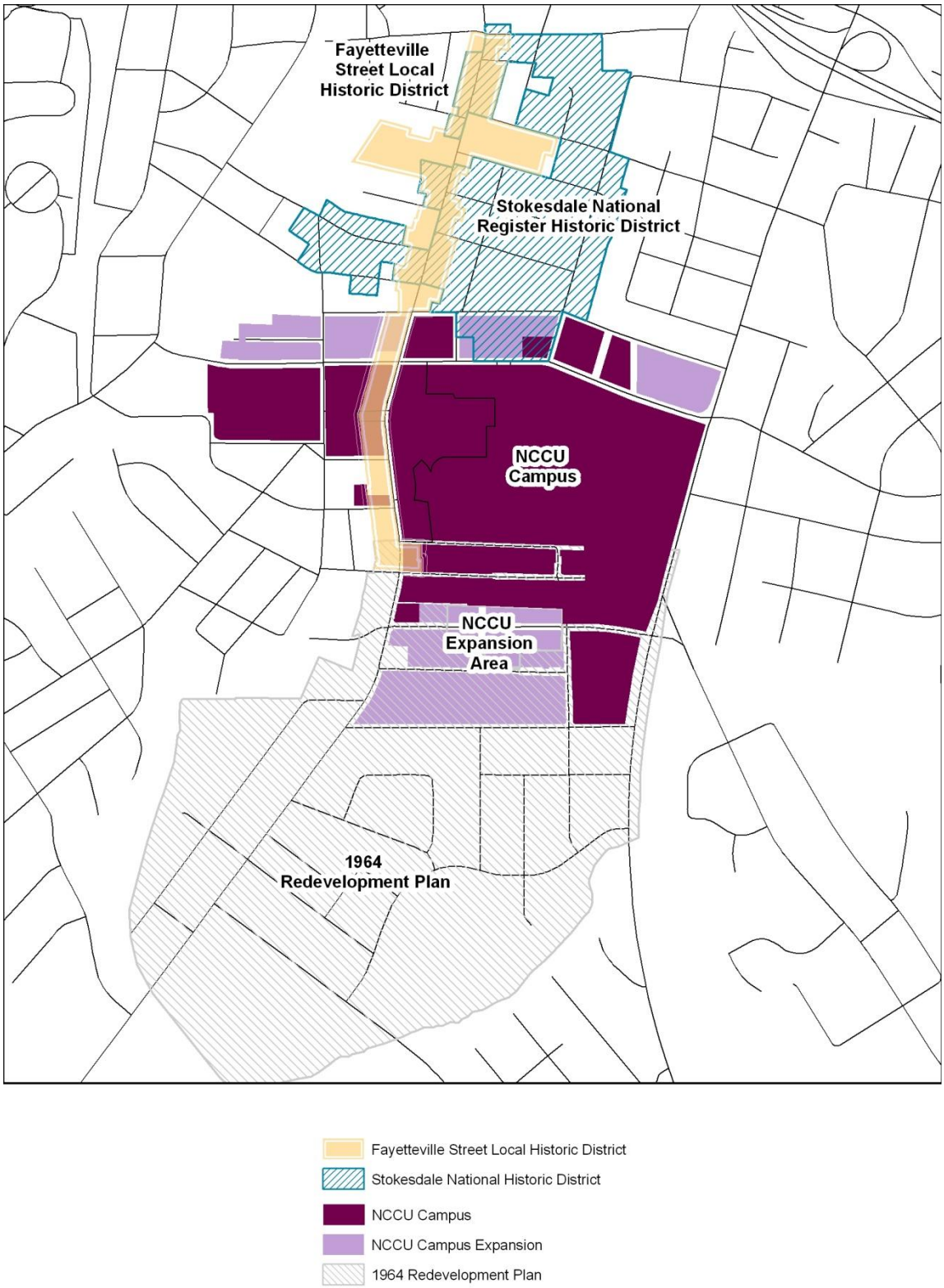
VI. APPENDICES

Appendix A: Summary of Planning Study Boundaries

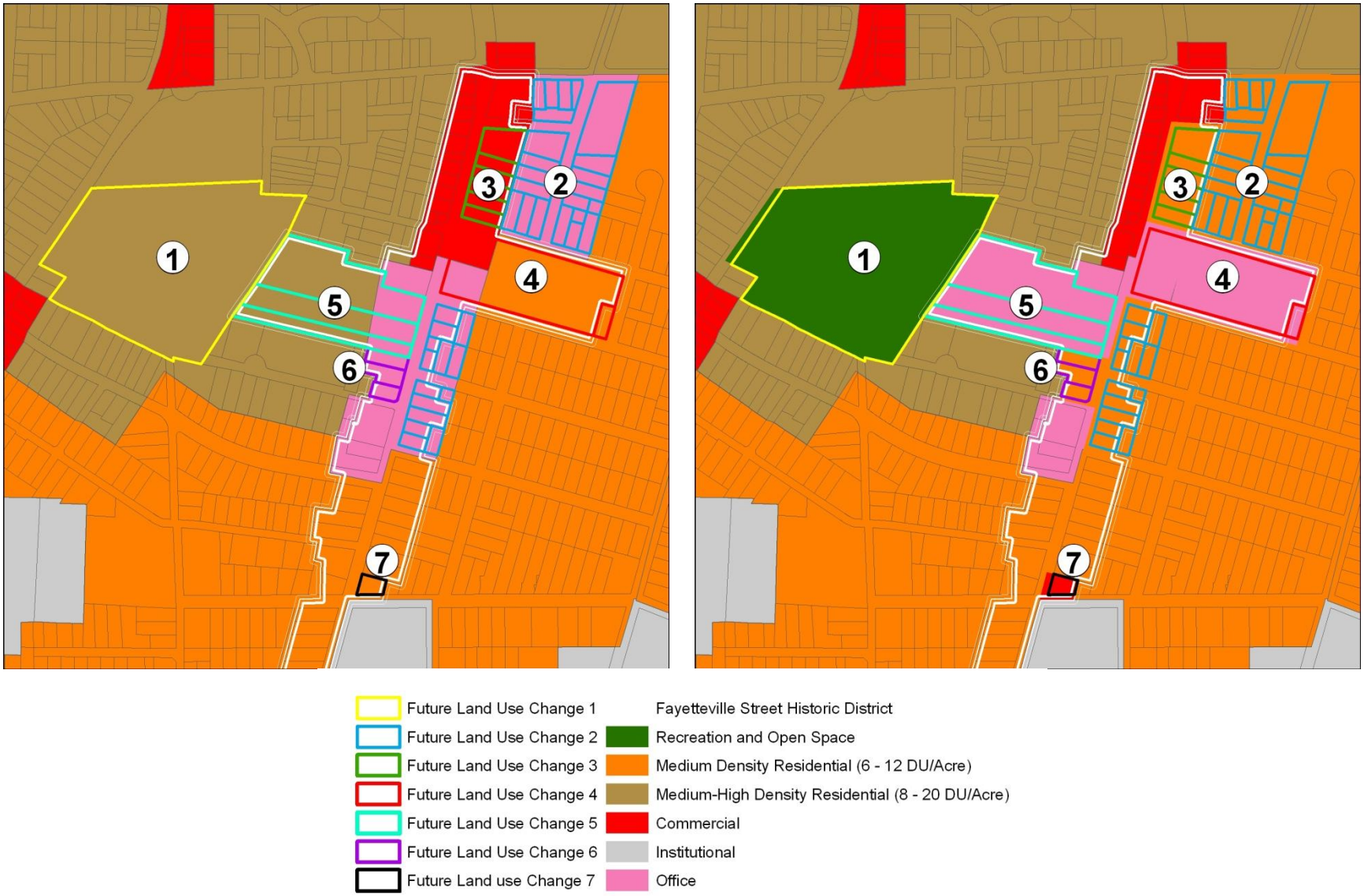
Appendix B: Proposed Changes to the Future Land Use Map

Appendix C: Proposed Changes to the Zoning Map

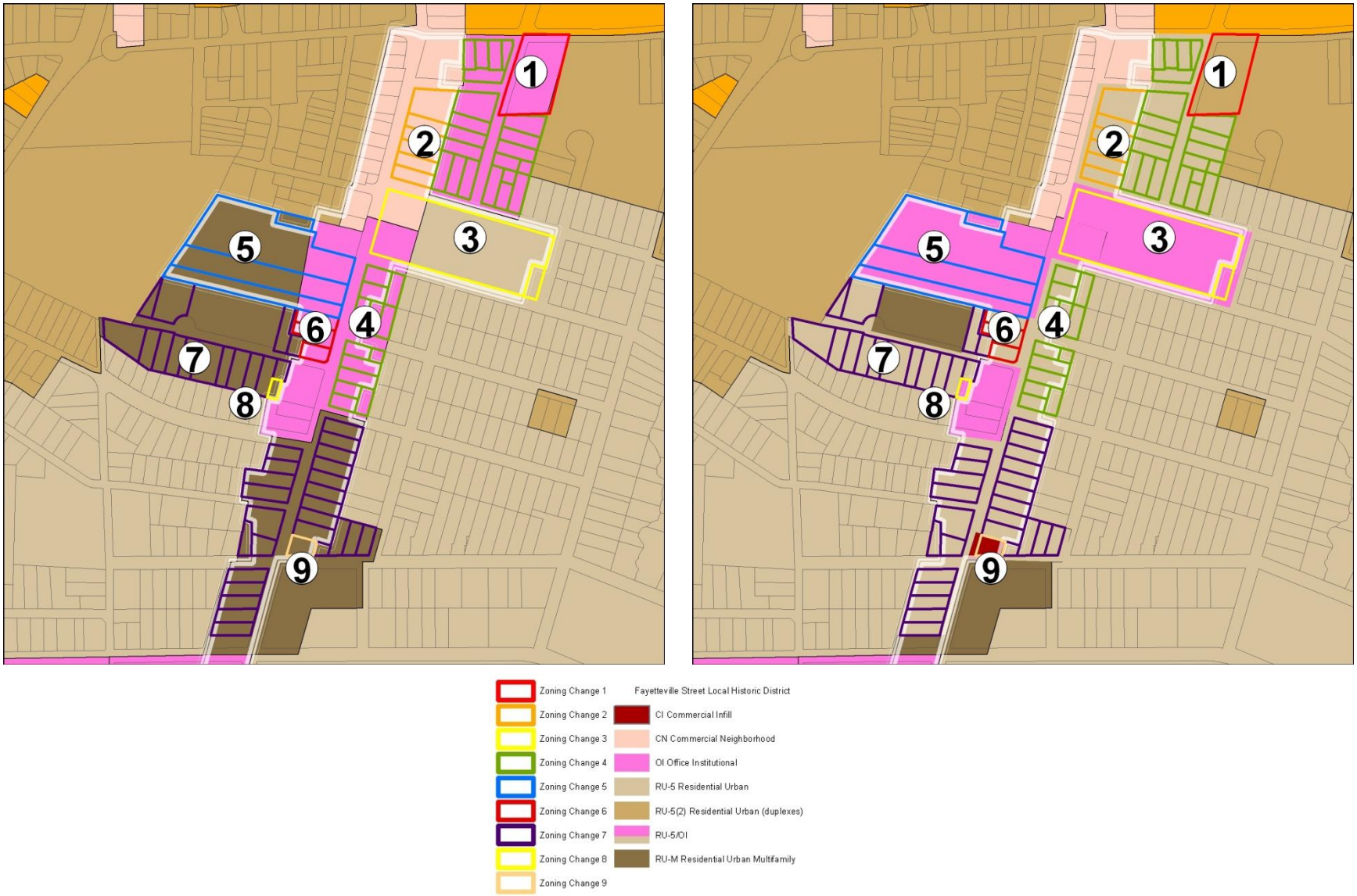
APPENDIX A: SUMMARY OF PLANNING STUDY BOUNDARIES



APPENDIX B: PROPOSED CHANGES TO THE FUTURE LAND USE MAP



APPENDIX C: PROPOSED CHANGES TO THE ZONING MAP



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