



CITY OF DURHAM | DURHAM COUNTY
NORTH CAROLINA



ZONING MAP CHANGE REPORT

Meeting Date: January 17, 2011

Table A. Summary			
Application Summary			
Case Number	Z1100018	Jurisdiction	City
Applicant	Jess Brandes, CASA	Submittal Date	August 5, 2011
Reference Name	Guess Road Apartments	Site Acreage	1.3
Location	1824 Guess Road, in the northeast quadrant of the intersection of Guess Road and Sedgfield Street		
PIN(s)	0822-10-46-8973, -7874, -8718		
Request			
Proposed Zoning	Residential Urban – Multifamily with a development plan (RU-M(D))	Proposal	23 residential units
Site Characteristics			
Development Tier	Urban		
Land Use Designation	Office and Medium-High Density Residential (8-20 DU/Ac.)		
Existing Zoning	Office Institution (OI) and Residential Urban-Multifamily (RU-M)		
Existing Use	Vacant		
Overlay	None	Drainage Basin	Falls Lake
River Basin	Neuse	Stream Basin	Ellerbe Creek
Determination/Recommendation/Comments			
Staff	Staff determines that, should the plan amendment be adopted, this request would be consistent with the <i>Comprehensive Plan</i> and other adopted policies and ordinances.		
Planning Commission	Approval, 9 – 0 on November 15, 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, the information in the staff report.		
DOST	No comments		
BPAC	No comments		

A. Summary

This is a request to change the zoning designation of a 1.3 acre split-zoned, three parcel site from OI and RU-M to RU-M(D) for the development of 23 residential units. The site is located at 1824 Guess Road, in the northeast quadrant of the intersection of Guess Road and Sedgefield Street (see Attachment 1, Context Map). This request is not consistent with the future land use designation of the *Comprehensive Plan* which designates this site as Office and Medium-High Density Residential (8-20 DU/Ac.). A plan amendment, Case A1100006, has been submitted to request the Office designation be changed to Medium-High Density Residential (8-20 DU/Ac.) thus placing the entire site within the same future land use designation. The plan amendment site area differs from that of the rezoning because a portion of the site is already designated as Medium-High Density Residential (8-20 DU/Ac.) so there is no need to include that portion in the plan amendment request. If the plan amendment is approved, this zoning map change request would be consistent with the *Comprehensive Plan* and other adopted plans and ordinances.

Appendix A provides supporting information.

B. Site History

There is no record of any recent zoning activity for 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 the request's consistency with the Unified Development Ordinance and applicable adopted plans.

This review is based primarily on compliance with any applicable laws, plans, or adopted policies of the 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 RU-M district (Sec. 3.5.6.D, Sec. 6.4.1). In addition, commitments in excess of UDO requirements have been made (see Appendix D for supporting information):

Text Commitments. A text commitment has been proffered to commit to requirements in excess of ordinance standards. A summary of this commitment (see Table D5, Summary of Development Plan) includes: dedication of right-of-way along Guess Road to accommodate any future roadway improvements.

Determination. The requested RU-M(D) 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 must 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 zoning district and associated development plan is not consistent with the Future Land Use Map of the *Comprehensive Plan*. A portion of this site is designated as Office. A plan amendment (Case A1100006) to designate the entire project area as Medium-High Density Residential (8-20 DU/Ac.) has been requested and is being supported by staff.

Conditions in other adopted plans have been identified (see Appendix E, Table E):

Long Range Bicycle Plan Map 4.5. A proposed bicycle lane along Guess Road is shown as a recommendation of the Long Range Bicycle Plan Map 4.5. If approved, this project is not required to construct road improvements and therefore does not warrant improvements associated with the bicycle lane.

F. Site Conditions and Context

Site Conditions. This 1.3 acre site is comprised of three parcels with OI zoning for most of the street frontage along Guess Road and Sedgefield Street; the rear is zoned RU-M. The site is mostly cleared with a canopy mix of hard- and soft-wood trees along the boundary to the north and east. There is an existing one story house fronting along Guess Road with several specimen trees in the west side yard.

Area Characteristics. The site is located in the Urban Tier in an area most immediately surrounded by single-family houses as well as apartment buildings. The greater vicinity also includes both neighborhood and regional commercial uses and interstate access.

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

Determination. The proposed RU-M(D) district meets the ordinance and policy requirements in relation to site and context and is a reasonable request given the surrounding uses and densities. The site is subject to the infill standards (UDO Sec. 6.8, Infill Development in Residential Districts) that were created to preserve the existing character of Urban neighborhoods. The infill standards will be used to determine some aspects of building placement and form, at the time of site plan approval.

G. Infrastructure

The impact of the requested change has been evaluated to suggest its potential impact on the transportation system, water and sewer systems, and schools. In each case, the impact of the change is evaluated based upon a change from the most intense development using the existing land use and zoning to the most intense use allowed under the request.

See Appendix G for additional information.

Determination. The proposed RU-M(D) district is consistent with *Comprehensive Plan* policies regarding infrastructure impacts.

H. Staff Analysis

This request would be consistent with the *Comprehensive Plan*, should the plan amendment be approved, and other adopted plans and polices. If approved, the development plan would allow residential development consistent with the goals and objectives of Urban Tier housing choices and efficient use of infrastructure as referenced in the *Comprehensive Plan*.

I. Contacts

Table I. Contacts		
Staff Contact		
Amy Wolff, Senior Planner	Ph: 919-560-4137, ext. 28235	Amy.Wolff@DurhamNC.gov
Applicant Contact		
Applicant: Jess Brandes, CASA	Ph: 919-754-9660	jbrandes@casanc.com

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
- Partners Against Crime – District 2
- Fayetteville Street Planning Group
- Friends of Durham
- Unity in the Community for Progress
- Ellerbee Creek Watershed Association

K. Summary of Planning Commission Meeting November 15, 2011 (Case Z1100018)

Zoning Map Change Request: RU-M, OI to RU-M(D)

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

Public Hearing: Chair Brown opened the public hearing. Two people spoke in favor and none spoke against. Chair Brown closed the public hearing.

Commission Discussion: Commission discussion centered type and number of residential units and the existing multifamily uses in the area.

Motion: Approval of the Plan Amendment. (Mr. Davis, Ms. Beechwood 2nd)

Action: Motion carried 9-0.

Motion: Approval of the Zoning Map Change. (Mr. Davis, Ms. Mitchell-Allen 2nd)

Action: Motion carried 9-0.

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, the information in the staff report.

L. Supporting Information

Table K. Supporting Information		
Applicability of Supporting Information		
Appendix A	Application	Attachments: <ol style="list-style-type: none"> 1. Context Map 2. Future Land Use Map 3. Aerial Photography 4. Development Plan Reduction 5. Application 6. Owner’s Acknowledgement 7. Submittal and Review History
Appendix B	Site History	No additional supporting information.
Appendix C	Review Requirements	No additional supporting information.
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 H	Staff Analysis	No additional supporting information.
Appendix I	Contacts	No additional supporting information.
Appendix J	Notification	No additional supporting information.
Appendix K	Summary of Planning Commission	Attachments: <ol style="list-style-type: none"> 8. Planning Commissioner’s Written Comments 9. Ordinance Form

Appendix A: Application Supporting Information

Attachments:

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

Appendix D: Unified Development Plan Supporting Information

Table D1. UDO Designation Intent	
RU-M	Residential Urban – Multi-family – the RU-M district is established to provide for orderly urban residential development and redevelopment with a minimum lot size of 3,500 square feet and a maximum of 17.5 dwelling units per acre. A variety of single- and multi-family housing types are permitted. While RU-M is a residential district, certain nonresidential uses such as day care facilities and places of worship may be sought through a special use permit or other limited provisions of the ordinance.
D	Development Plan – 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.

Table D2. District Requirements – RU-M			
	Code Provision	Required	Proposed
Maximum Residential Density (DU/Ac.)	6.4.1A	17.5	17.5

Table D3. Environmental Protection			
Resource Feature	UDO Provision	Required	Proposed
Minimum Tree Coverage (%)	8.3.1C	3 (1,714 square feet)	5 (2,858 square feet)
Maximum Impervious Surface (%)	8.7.2B	n/a (site is not within a watershed protection overlay district)	76.06 (43,491 square feet)

Table D4. Project Boundary Buffers			
Cardinal Direction	Adjacent Zone	Required Opacity	Proposed Opacity
North	RU-M	0.2/0.4	0.4 (15 feet)
East	OI	0.2/0.6	0.6 (20 feet)
	RU-5(2)	0.4/0.6	0.6 (20 feet)
South	OI	n/a (right-of-way is > 60 feet wide)	n/a
West	OI	0.2/0.6	0.6 (20 feet)

Table D5. Summary of Development Plan		
Components	Description	Development Plan Sheet
Required Information	Intensity/Density. 23 residential units	Cover, C-1.0
	Building/Parking Envelope. Appropriately identified	C-1.0
	Project Boundary Buffers. Appropriately identified.	C-1.0
	Stream Crossing. Not applicable	n/a
	Access Points. One (1) site access point has been identified.	C-1.0
	Dedications and Reservations. None proposed.	n/a
	Impervious Area. 76.06% = 0.998 acres	Cover, C-1.0
	Environmental Features. None identified	n/a
	Areas for Preservation. There were no conditions identified that require preservation.	n/a
	Tree Coverage. 5.0% = 2,858 square feet	C-1.0
Graphic Commitments	None provided	n/a
Text Commitments	1. Prior to any certificate of occupancy: dedicate additional right-of-way for the frontage of the site along Guess Road to provide a minimum of 10 feet of right-of-way as measured from the back of curb.	Cover
SIA Commitments	None provided	n/a
Design Commitments	Buildings will have pitched roofs and be entirely brick or a combination of brick, fiber cement siding, vinyl siding, wood or glass. Buildings will also have the following characteristics: 1-3 stories, first floor windows, and human-scale doorways and entryways.	Cover

Appendix E: Adopted Plans Supporting Information

Table E. Adopted Plans	
<i>Comprehensive Plan</i>	
Policy	Requirement
Future Land Use Map	Office, Medium-High Density Residential (8-20 DU/Ac.)
2.2.2b	Demand for Residential Land
2.3.3d	Urban Tier Housing Types
8.1.2m	Transportation Level of Service
8.1.4d	Development Review and the Adopted Bicycle Plans
9.4.1a, b	Water Quantity and Quality Level of Service
11.1.1a	School Level of Service
<i>Long Range Bicycle Plan</i>	
Map 4-5 shows a proposed bicycle lane along Guess Road.	

Appendix F: Site Conditions and Context Supporting Information

Table F. Site Context			
	Existing Uses	Zoning Districts	Overlays
North	Multi-family residential	RU-M	None
East	Single-family residential	RU-5(2)	None
South	Single-family residential	OI	None
West	Single-family residential	OI, RU-M	None

Appendix G: Infrastructure Supporting Information

Table G1. Road Impacts		
Guess Road and Broad Street are the major roads impacted by the proposed zoning change. There are no scheduled City of Durham or NCDOT roadway improvement projects in the area.		
Affected Segments	Broad Street	Guess Road
Current Roadway Capacity (LOS D) (ADT)	21,600	24,900
Latest Traffic Volume (AADT)	11,000	10,000
Traffic Generated by Present Designation (average 24 hour)*	175	
Traffic Generated by Proposed Designation (average 24 hour)**	263	
Impact of Proposed Designation	+88	

Source of LOS Capacity: FDOT Generalized Level of Service Volume Table 4-1 (2009)

Guess Road: 4-lane undivided Class II Arterial without left-turn lanes

Broad Street: 4-lane undivided City/County Signalized Roadway

Source of Latest Traffic Volume: 2009 NCDOT Traffic Count Map

*Assumption- (Max Use of Existing Zoning) – RU-M: 10 apartments, OI: 3,000 square-foot medical/dental office

** Assumption- (Max Use of Proposed Zoning) – RU-M(D): 23 apartments

Table G2. Transit Impacts
Transit service is currently provided within one-quarter mile of the site along Broad Street and Guess Road (west of Broad Street) via DATA Route #1.

Table G3. Utility Impacts
This site will be 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 review.

Table G5. School Impacts			
The proposed zoning is estimated to generate five students. This represents an increase of one student over the maximum potential (if developed with the current zone) projected for the proposed development. Durham Public Schools serving the site are E.K. Powe Elementary School, Brogden Middle School, and Riverside High School.			
Students	Elementary School	Middle School	High School
Current Building Capacity	15,864	8,647	9,916
Maximum Building Capacity (110% of Building Capacity)	17,450	9,512	10,908
20th Day Attendance (2011-12 School Year)	15,827	7,008	9,686
Committed to Date (October 2008–September 2011)	433	141	91
Available Capacity	1,190	2,363	1,131
Potential Students Generated – Current Zoning*	2	1	1
Potential Students Generated – Proposed Zoning**	3	1	1
Impact of Proposed Zoning	+1	0	0

*Assumption- (Max Use of Existing Zoning) – RU-M: 10 apartments, OI: 4 apartments

** Assumption- (Max Use of Proposed Zoning) – RU-M(D): 23 apartments

Table G6. Water Supply Impacts	
This site is estimated to generate a total of 2,645 GPD if developed to its maximum potential with the proposed zoning district. This represents an increase of 1,035 GPD over the existing zoning district.	
Current Water Supply Capacity	37.00 MGD
Present Usage	30.73 MGD
Approved Zoning Map Changes (October 2008 –September 2011)	0.77 MGD
Available Capacity	5.5 MGD
Estimated Water Demand Under Present Zoning*	1,610 GPD
Potential Water Demand Under Proposed Zoning**	2,645 GPD
Potential Impact of Zoning Map Change	+1,035

Notes: MGD = Million gallons per day

*Assumption- (Max Use of Existing Zoning) – RU-M: 10 apartments, OI: 4 apartments

** Assumption- (Max Use of Proposed Zoning) – RU-M(D): 23 apartments

Appendix K: Summary of Planning Commission

Attachments:

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