



CITY OF DURHAM | DURHAM COUNTY
NORTH CAROLINA



ZONING MAP CHANGE REPORT

Meeting Date: March 5, 2012

Table A. Summary			
Application Summary			
Case Number	Z1100024	Jurisdiction	City
Applicant	Diamond Touch Construction	Submittal Date	October 10, 2011
Reference Name	Diamond Touch Construction	Site Acreage	2.505
Location	4104, 4108, and 4110 South Alston Avenue, south of South Tricenter Boulevard and north of Isenhour Street.		
PIN(s)	0738-01-29-7122, -7139, -7025		
Request			
Proposed Zoning	Industrial Light (IL)	Proposal	Office, storage warehouse space, vehicle storage (not committed)
Site Characteristics			
Development Tier	Suburban		
Land Use Designation	Office		
Existing Zoning	Office Institutional (OI)		
Existing Use	Single-family residential		
Overlay	None	Drainage Basin	Jordan Lake
River Basin	Cape Fear	Stream Basin	Northeast Creek
Determination/Recommendation/Comments			
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 ordinance.		
Planning Commission	Approval, 11-1 on January 10, 2012. 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	None provided		
BPAC	None provided		

A. Summary

This is a request to change the zoning designation of three parcels totaling 2.505 acres from OI to IL for office, storage warehouse space, and vehicle storage. The subject property is located at 4104, 4108, and 4110 South Alston Avenue, south of South Tricenter Boulevard and north of Isenhour Street (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 Office. However, a plan amendment request (Case A1100010) to designate these three parcels as Industrial has been requested. Should the plan amendment be approved this zoning map change request would be consistent with the Comprehensive Plan and applicable ordinances and policies.

Appendix A provides supporting information.

B. Site History

There have been no recent development requests 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 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. There is no development plan associated with this request. As such, there are no voluntary limitations imposed to the requested IL zoning district.

Appendix D provides supporting information.

Determination. This 2.505 acre site exceeds the minimum site area requirement for IL which is .574 acres (25,000 square feet). However, individually two of the lots do not meet the required lot width of 100 feet for the IL district; measuring 50 feet and 75 feet for 4108 and 4110 South Alston Avenue respectively.

Prior to any development approvals, the applicant will be required to recombine the property to meet minimum dimensional standards as well as meet the minimum site area

requirement for the IL district of the UDO (See Appendix, Table D2, District Requirements - IL).

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 IL zoning district is not consistent with Future Land Use Map of the *Comprehensive Plan* which designates this site as Office. A plan amendment (Case A1100010) to designate the site, as well as additional area, as Office 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 4.6. A proposed bicycle lane along South Alston Avenue and a proposed greenway along the rail corridor to the west are shown as recommendations of the Long Range Bicycle Plan Map 4.6. There is no development plan associated with this request. Therefore, no commitments can be made regarding these related policies.

F. Site Conditions and Context

Site Conditions. This 2.505 site is composed of three parcels, each developed with a single-family structure facing South Alston Avenue (see Attachment 2, Aerial Map). There is a gentle slope to the west, dropping 20 feet in approximately 485 feet with cleared areas and a mix of hard and softwood trees mostly to the rear (west) and south of the site. The northern parcel has several accessory structures and associated impervious surface to accommodate vehicle circulation than is typically reflective of a single-family use as indicated in the tax records.

Area Characteristics. This site is in the City limits and in the Suburban Tier. This section of South Alston Avenue has a number of industrial uses, ranging from wholesale meat distribution to an 18-acre vehicle salvage yard. The remnant residential properties range from modest craftsman style homes to larger estates still active in farming and selling goods from on-premise roadside stands.

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

Determination. The proposed IL district meets the ordinance and policy requirements in relation to site and context and is a reasonable request given the surrounding uses and zoning. The site is proximate to other industrial uses which, despite remnant residential, define the predominant character of the area.

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 IL district is consistent with *Comprehensive Plan* policies regarding infrastructure impacts.

H. Staff Analysis

This request is not consistent with the Comprehensive Plan. The accompanying plan amendment (Case A1100010) is being recommended for approval to change the Office designation to Industrial. If this plan amendment is approved this request would be consistent with the *Comprehensive Plan* and other adopted policies and ordinances.

The area surrounding this request is a mixture of industrial uses with few single family residential uses remaining. There are a number of mismatched FLUM designations, zoning, and existing uses. The four remaining single family properties to the south, zoned OI, are not owner occupied and are non-conforming uses. Located less than a mile from Interstate-40 and sited among other industrial uses makes this site attractive for small-scale industrial development.

I. Contacts

Table I. Contacts		
Staff Contact		
Amy Wolff, Senior Planner	Ph: 919-560-4137, ext. 28235	Amy.Wolff@DurhamNC.gov
Applicant Contact		
Agent: Aly Abualieen, A & A of NC, INC. dba: Diamond Touch Construction	Ph: 919-806-1414	aly@diamondtouch.net

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
- Unity in the Community for Progress
- Fayetteville Street Planning Group
- Northeast Creek Streamwatch
- Partners Against Crime – District 4
- Center of the Region Enterprise (CORE) – Town of Morrisville
- Center of the Region Enterprise (CORE) – City of Raleigh
- Center of the Region Enterprise (CORE) – Wake County
- Center of the Region Enterprise (CORE) – Town of Cary

K. Summary of Planning Commission Meeting January 10, 2012 (Case Z1100022)

Zoning Map Change Request: OI to IL

Staff Report: 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 on the use proposed by the applicant and the range of potential uses that could be developed within the IL district and associated land development standards. Concern was expressed by many members regarding the lack of a development plan.

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

Action: Motion carried 12-0.

Motion: Approval of the Zoning Map Change. (Mr. Davis, Mr. Smudski 2nd)

Action: Motion carried 11-1 (Winders opposed).

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: 1. Context Map 2. Future Land Use Map 3. Aerial Photography

Table K. Supporting Information		
		<ul style="list-style-type: none"> 4. Application 5. Owner’s Acknowledgement 6. Submittal and Review History 7. Planning Commissioner’s Written Comments 8. Ordinance Form
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
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	n/a
Appendix I	Contacts	n/a
Appendix J	Notification	n/a
Appendix K	Summary of Planning Commission Meeting	Attachments <ul style="list-style-type: none"> 7. Planning Commissioner’s Written Comments 8. Ordinance Form

Appendix A: Application Supporting Information

Attachments:

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

Appendix D: Unified Development Plan Supporting Information

Table D1. UDO Designation Intent	
IL	Industrial Light – the IL district is established to provide for a wide range of light manufacturing, warehousing, and wholesaling activities as well as offices and some support services. Design standards of this district are intended to ensure such development is compatible with high visibility areas and to minimize impacts on the environment. While IL is an industrial district, other uses such as office and commercial may also be allowed. In addition to general light industrial uses, specific industrial uses allowed include junk yards, warehouses, and recycling centers.

Table D2. District Requirements – IL			
	Code Provision	Required	Proposed
Minimum Site Area (square feet)	6.10.1.B	25,000	n/a
Minimum Lot Width (feet)	6.10.1.B	100	n/a
Minimum Street Yard Setback (feet)	6.10.1.B	40	n/a
Minimum Side Yard Setback (feet)	6.10.1.B	30	n/a
Minimum Rear Yard Setback (feet)	6.10.1.B	25	n/a
Maximum Height (feet)	6.10.1.B	50	n/a

Appendix E: Adopted Plans Supporting Information

Table E. Adopted Plans	
Comprehensive Plan	
Policy	Requirement
Future Land Use Map	Office
2.2.6a	Demand for Industrial Space
2.2.6b	Location of Industrial Uses
8.1.2m	Transportation Level of Service Maintenance
9.4.1a	Water Quantity and Quality Level of Service
11.1.1a	School Level of Service
Long Range Bicycle Plan	
Map 4.6 shows a proposed paved shoulder along South Alston Avenue and a proposed greenway trail along the adjacent rail corridor to the west.	

Appendix F: Site Conditions and Context Supporting Information

Table F. Site Context			
	Existing Uses	Zoning Districts	Overlays
North	Industrial	IL(D)	None
East	Residential	OI	None
South	Residential, vacant	OI	None
West	Vacant commercial	RS-20, CN	None

Appendix G: Infrastructure Supporting Information

Table G1. Road Impacts	
South Alston Avenue 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	South Alston Avenue
Current Roadway Capacity (LOS D) (AADT)	11,900
Latest Traffic Volume (AADT)	6,900
Traffic Generated by Present Designation (average 24 hour)*	889
Traffic Generated by Proposed Designation (average 24 hour)**	2,481
Impact of Proposed Designation	+1,592

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

S. Alston Avenue: 2-lane City/County Roadway without left-turn lanes

Source of Latest Traffic Volume: 2009 NCDOT Traffic Count Map

*Assumption- (Max Use of Existing Zoning) – OI: 6,000 sf bank with drive-up windows

** Assumption- (Max Use of Proposed Zoning) – IL: 5,000 sf fast-food restaurant with drive-up window.

Table G2. Transit Impacts
Transit service is not currently provided within ¼ mile of this site.

Table G3. Utility Impacts
This site will be served by public 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			
This proposal is not estimated to generate any students. The proposed IL zone does not permit residential development. This represents a decrease of five students considering the maximum residential development of the existing OI zoning designation. Durham Public Schools serving the site are Bethesda Elementary School, Lowes Grove Middle School, and Hillside 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*	3	1	1
Potential Students Generated – Proposed Zoning**	0	0	0
Impact of Proposed Zoning	-3	-1	-1

*Assumption- (Max Use of Existing Zoning) – OI: 26 apartments

** Assumption- (Max Use of Proposed Zoning) – IL: residential uses not permitted

Table G6. Water Supply Impacts	
This site is estimated to generate a demand for 735 GPD if developed to its maximum potential with the proposed zoning district. This represents a decrease of 816 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*	1,551 GPD
Potential Water Demand Under Proposed Zoning**	735 GPD
Potential Impact of Zoning Map Change	-816 GPD

Notes: MGD = Million gallons per day
**Assumption- (Max Use of Existing Zoning) – Ol: 20,691 square feet of office*
*** Assumption- (Max Use of Proposed Zoning) – IL: 5,445 square feet of commercial*

Appendix K: Summary of Planning Commission Meeting

Attachments

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