



CITY OF DURHAM | DURHAM COUNTY
NORTH CAROLINA



PLAN AMENDMENT REPORT

Meeting Date: October 15, 2012

Reference Name	Duraleigh Investments (A1100013)	Jurisdiction	City
Applicant	Duraleigh Investments, Michael Goodfred		
Request Change in Comprehensive Plan Designation	From:	Industrial	
	To:	Medium Density Residential (6-12 DU/Ac.) Commercial	
Site Characteristics	Tier:	Suburban	
	Present Use:	Vacant, Single-family residential	
	Present Zoning:	Light Industrial (IL(D)) and Residential Urban-5 (RU-5)	
	Overlays:	N/A	
	Size:	23.72 (0.71 acres Commercial; 23.01 acres Medium Density Residential)	
Location	East side of NC Highway 55, south of Riddle Road and north of Whilden Drive		
PIN(s)	0830-03-21-8771; 0830-14-32-0780; 0830-14-22-9821		
Recommendations	Staff	Approval, based on the justification and the request meeting the four criteria for plan amendments.	
	Planning Commission	Approval, August 14, 2012, 11-0, based on information provided in the staff report, the justification, and meeting the four criteria for plan amendments.	

A. Summary

The proposed plan amendment would change the Future Land Use Map designation from Industrial to Medium Density Residential (6-12 DU/Ac.) for two parcels. Additionally, a change in the Future Land Use Map from Industrial to Commercial is requested as part of the plan amendment application though is not a part of the associated Zoning Map change request (Z1100028). The total land area to be affected by the plan amendment change is 23.72 acres, located on the eastern side of NC Highway 55 south of Riddle Road and north of Whilden Drive in the Suburban Tier.

B. Site History

The Future Land Use Map of the *South Central Durham Plan* (1995) designated the site as Industrial. In 2006, there was a proposal to change the future land use designation of this site from Industrial to Commercial (A07-01, Washington Terrace). That request was subsequently withdrawn.

C. Existing Site Characteristics

The site of the proposed plan amendment includes three parcels, two of which are vacant and one of which contains a single-family residential structure. It is not within a watershed protection overlay district. A tributary stream of Northeast Creek traverses the southern tip of the site. The site slopes generally toward the stream, with the highest elevations closest to the intersection of NC Highway 55 and Riddle Road. Slope increases quite noticeably closer to the stream as the site narrows. See Attachment 3 for aerial imagery of the site.

D. Applicant's Plan Amendment Justification

Industrial to Medium Density Residential:

- A. "By increasing residential opportunities along the NC 55-Apex Highway frontage, improved opportunities will be realized for transit ridership which will have positive impacts upon the transit system."
- B. "If approved, the change will also create a needed transition between the established large industrial use located to the southeast of the property; the Riddle Road area residents; and, the residential on the west side of NC 55-Apex Highway."
- C. "The change (in land use) will provide an opportunity to secure much needed housing opportunities within this area to meet demands from the general community and specifically help to meet the needs of N.C. Central University."
- D. "The parcel is of an appropriate size and shape to accommodate multi-family residential buildings. In fact it will likely accommodate multi-family structures with less impact than the currently approved commercial uses would cause to the property."

Industrial to Commercial:

A "Commercial" land use designation for parcel 0830-14-22-9821 would "establish a compact commercial area on the corner of Apex Highway and Riddle Road ... and allow our parcel (0830-14-32-0780) to create the transition to single family uses along Riddle."

Please refer to Attachment 4 for the complete justification statement provided by Duraleigh Investments, LLC.

Staff Response: The applicant identifies a number of conditions that could warrant amending the Future Land Use Map, including that the proposed use (Medium Density Residential) would provide a better transition between the industrial park to the south and single-family residences along Riddle Road than would the existing future land use (Industrial). Staff concludes that the applicant's justification is valid. A further examination of the request according to the four criteria for plan amendments follows.

While not explicitly stated by the applicant in the justification statement, Staff also recognizes that environmental features such as the stream and steep slopes make this site difficult to develop for an industrial use. While transportation access to NC Highway 55 is an asset for industrial development, the stream effectually severs any potential connection between this site and the established industrial center along Whilden Drive. Regarding this site as an isolated industrial use makes industrial a less desired future use.

E. Criteria for Plan Amendments

The Unified Development Ordinance (UDO) contains criteria for the Planning Commission to use in considering proposals to amend the *Durham Comprehensive Plan*. (See Section 3.4.7, Criteria for Planning Commission Recommendations). The proposed plan amendment has been evaluated against these criteria.

- A. Whether the proposed change would be consistent with the intent, goals, objectives, policies, guiding principles and program of any adopted plans;
- B. Whether the proposed change would be compatible with the existing land use pattern and designated future land uses;
- C. Whether the proposed change would create substantial adverse impact in the adjacent area or in the City or County in general; and
- D. Whether the subject parcel is of adequate shape and size to accommodate the proposed change.

1. Plan Consistency

The *Durham Comprehensive Plan* is a policy document intended to guide growth and development in an organized and efficient manner. The Plan addresses a range of topics related to land use, housing, community character, environment and conservation, transportation, and more. Evaluating the proposed plan amendment for consistency with these relevant policies is crucial in determining if changing the Future Land Use Map is appropriate.

Land Use Change 1: Industrial to Medium-Density Residential

Durham Comprehensive Plan Policy 2.5.2e., Demand for Land Uses, states that in evaluating Plan Amendments, the Governing Boards and the City-County Planning Department shall consider the projected need for the requested land use in the future.

Analysis: The intent of this policy is to ensure that sufficient land is available to accommodate population growth and the demand for land uses such as commercial, office, and industrial in the future. Approval of the proposed plan amendment will remove 23.72 acres of industrial land from the Future Land Use Map. The Planning Department estimates that by 2035 there will be demand for 10,500 acres of industrial land county-wide. On the Future Land Use Map enough land is already designated to accommodate 16,200 acres, suggesting there is a surplus of land designated for industrial uses. Despite the numerical surplus, there is concern that much of the land currently designated for industrial development is either constrained environmentally or is occupied by non-industrial uses, leaving a limited number of sites suitable for industrial development.

Policy 2.5.3a., Industrial Land Study, of the Durham Comprehensive Plan directs the Planning Department to work with the City's Office of Economic and Workforce Development and the Greater Durham Chamber of Commerce to conduct a county-wide study of Industrial Land. That study is currently underway, and its completion will provide the Planning Department a better understanding of available and suitable industrial land to guide these types of policy decisions. An inventory conducted by the Greater Durham Chamber of Commerce in 2006 identified several parcels between South Alston Avenue and NC Highway 55, including the subject site, as possible industrial opportunities; however, the inventory noted that there are, "limited opportunities for economic development," and that the sites are, "Not sufficient for a major corporate client."

Conversely, approval of the proposed plan amendment will add 23.01 acres of residential land to the Future Land Use Map. The Planning Department estimates that by 2035 there will be demand for 189,000 dwelling units county-wide. On the Future Land Use Map, enough land is already designated to accommodate 225,000 dwelling units, meaning there is a surplus of land designated for residential uses. While there is more than enough land reserved on the future land use map to accommodate population through 2035, the applicant contends that a Medium Density Residential land use designation would help to meet the needs and demands for housing that exist in this particular area, specifically for North Carolina Central University students.

Durham Comprehensive Plan Policy 2.4.2c., Location of Industrial Uses, states that new industrial uses ought to have direct access to Major Thoroughfares, Minor Thoroughfares, or Collector Streets.

Analysis: The intent of this policy is to ensure that industrial uses have good access to transportation networks, and to prevent industrial uses from encroaching into residential neighborhoods. The subject site is near the intersection of NC Highway 55 and Riddle Road, both of which are classified as major thoroughfares. As stated previously, access to NC Highway 55 (and Interstate 40 to the south) is an asset for industrial development. However, there are other factors, including steep slopes that limit its suitability as a prime industrial site.

Durham Comprehensive Plan Policy 2.1.3d., Residential Defined, states that residential development in the Suburban Tier should achieve a range of densities defined in Table 2-1 of the *Durham Comprehensive Plan*.

Analysis: The proposed Medium Density Residential land use, defined as 6-12 Dwelling Units/Acre, fits within the parameters of this policy.

Land Use Change 2: Industrial to Commercial

Durham Comprehensive Plan Policy 2.2.2e. Suburban Tier Commercial Development, discourages auto-oriented “strip” development and instead encourages commercial “nodes” with appropriately designed internal connections at key locations along major transportation corridors.

Analysis: The southeastern quadrant of the intersection at NC Highway 55 and Riddle Road is envisioned to be commercial node. Currently, several non-residential uses are at the corner including a gas station, an office building, a warehouse, and a fire station. Should the plan amendment for parcels 0830-03-21-8771 and 0830-14-32-0780 be approved, inclusion of parcel 0830-14-22-9821 into the commercial node is appropriate according the intent of this policy.

Transportation

Durham Comprehensive Plan Policy 8.1.2a., Transportation Level of Service Standards (LOS), states that the LOS for roads within the Suburban Tier shall achieve a minimum of LOS D.

Analysis: The major roads impacted by the proposed change in future land use are Riddle Road to the north and NC Highway 55 to the west. Riddle Road is currently a two lane roadway designed to accommodate 11,900 average daily trips (ADT), and according to the most recent traffic volume count (2009) there were 7,800 annual average daily trips (AADT) (66% of capacity). NC Highway 55 is designed to

accommodate 34,900 ADT, and the most recent traffic volume counts (2009) reported 16,000 AADT (46% of capacity). A detailed assessment of traffic impacts and commitments is included in the zoning map change staff report and demonstrates that a Medium Density Residential use at this site would not cause the Level of Service on any of these roadways to fall below Level of Service Standards indicated by this policy.

Conservation and Environment

Durham Comprehensive Plan Policy 7.1.7a., Water Demand Generation Rates, states the City-County Planning Department shall consider the impact of proposed zoning and plan amendment changes on water demand.

Analysis: Development allowed under the proposed plan amendment change is estimated to generate a maximum demand for water of 32,358 gallons per day (GPD). This represents an increase of water demanded by approximately 25,384 GPD from what development with the adopted Industrial land use designation would allow. Despite the increase, there is sufficient capacity in water supply to accommodate the change of designation.

Water Supply Impacts	
Current Water Supply Capacity	37.00 MGD
Present Usage	28.06 MGD
Committed to Date (July 2009-June 2012)	0.70 MGD
Available Capacity	8.24 MGD
Maximum Water Demand Under Adopted Industrial Use ¹	6,974 gallons/day
Maximum Water Demand Under Proposed Medium Density Residential and Commercial Use ²	32,358 gallons/day
Impact of Proposed Plan Amendment	+25,384 gallons/day
Notes: MGD = Million gallons per day	
¹ Maximum water demand of the adopted Future Land Use (IND: 51,552 SF)	
² Maximum water demand of the proposed Future Land Use (MDR:276 Apartments, COM: 4,948 SF)	

Staff Conclusion: The first component of the request – changing the Future Land Use Map from Industrial to Medium Density Residential is consistent with the intent of the goals, objectives, and policies of the *Durham Comprehensive Plan*. While the proposed use causes increased impact on infrastructure, there is adequate capacity to serve the site as Medium-Density Residential. Though there is some concern over the conversion of Industrial land to other uses, this site is restricted as a prime industrial property.

The second component of the request – changing the Future Land Use Map from Industrial to Commercial is also consistent with the intent of the goals, objectives, and policies of the *Durham Comprehensive Plan*. Inclusion of that parcel as part of the commercial node at the corner of Riddle Road and NC Highway 55 is consistent with policies for commercial development in the Suburban Tier. The request, therefore, meets criterion 3.4.7.A.

2. Compatibility

The site is located in south central Durham near the intersection of NC Highway 55 and Riddle Road in the Suburban Tier. Land uses along the NC Highway 55 corridor vary from single- and multi-family residential to warehouses and cemeteries; however, significant stretches remain undeveloped.

Area Land Uses and Designations		
	Existing Uses	Future Land Use Designations
North	Commercial, Cemetery, Industrial Single-family residential, Office	Commercial, Industrial, Medium Density Residential
East	Industrial, Church, Vacant	Industrial
South	Industrial	Office, Low Density Residential, Medium Density Residential
West	Church, Vacant	Commercial, Office

Existing Uses: The site of the proposed plan amendment is bordered to the north by an office building, gas station, fire station, and warehouse. Across Riddle Road to the north is a cell phone tower, cemetery, and salvage yard. East of the site along Riddle Road is a stretch of single-family homes mixed with religious and civic uses. Directly east of the site across the stream is a religious use and multiple light industrial uses, including warehousing and landscaping businesses. Across NC Highway 55 to the west are a funeral home, church, and vacant land. South of the site on either side of NC Highway 55, there are industrial and residential uses (single-family and multi-family).

Future Land Use Designations: According to the adopted Future Land Use Map, areas north of the site are designated for Commercial, Industrial, and Medium Density Residential (6-12 DU/Ac.). Parcels to the northeast and east are expected to develop as Industrial. While there is an existing light-industrial complex, assembling property along Riddle Road for industrial purposes seems unlikely in the near future. Land to the south is designated for Office, Low Density Residential (4 or Less DU/Ac.) and Medium Density Residential (6-12 DU/Ac.). Townhomes have recently been built in the area designated for Office. These units set a

precedent for higher density residential uses along NC Highway 55. Parcels across NC Highway 55 are designated as Commercial; however, that designation is a remnant of a larger development plan from 1985 that was never built.

Staff Analysis: This area possesses characteristics that are compatible with both industrial and residential development. Adjacent land uses are so varied that either Industrial or Medium Density Residential would be appropriate. As mentioned before, the highway and interstate access is a benefit for Industrial development. However, this site is also on an existing bus route that would connect residents to North Carolina Central University and Durham Technical Community College. The Riddle Road Spur Trail connects to the nearby American Tobacco Trail and also offers opportunities for non-vehicular travel from this location.

Staff Conclusion: The proposed plan amendment is compatible with existing uses and the adopted future land uses of the area and, therefore, meets criterion 3.4.7.B.

3. Adverse Impacts

The site is not within a watershed protection overlay district. A tributary stream of Northeast Creek flows through the southern tip of the site and disconnects it from industrial uses to the east and south. The site slopes generally downward toward the stream, with the highest elevations closest to the intersection of NC Highway 55 and Riddle Road. Slope increases quite noticeably closer to the stream as the site narrows. While environmental features on site could pose some difficulty to developing the site with a large industrial footprint, Environmental Protection standards under Article 8 of the Unified Development Ordinance (UDO) are applied consistently across different land uses. There is nothing on site that would preclude it from developing according to standards found in the Unified Development Ordinance for either Industrial development or Medium Density Residential Development.

Staff Conclusion: The proposed plan amendment would not create substantial adverse impact in the adjacent area or in the City or County in general and, therefore, meets criterion 3.4.7.C.

4. Adequate Shape and Size

The proposed area for residential development is 23.01 acres and is of sufficient shape and size for residential development in the Suburban Tier.

Should that request be approved, a single parcel (0830-14-22-9821) would remain designated for Industrial development in the future. Though the parcel is large enough (0.71 acres) to accommodate a light industrial use in the Suburban Tier, it

would be isolated from other Industrial uses. A commercial designation would be more appropriate and would be of adequate shape and size to accommodate that use.

Staff Conclusion: The site is of adequate shape and size to accommodate the use pursuant to the proposed change and, therefore, meets criterion 3.4.7.D.

F. Notification

Staff certifies that notification, including newspaper advertisements and letters to property owners within 1,000 feet of the site, has been carried out in accordance with Section 3.2.5 of the UDO. The following neighborhood organizations were mailed notices:

- Partners Against Crime - District 4
- Northeast Creek StreamWatch
- Friends of Durham
- Inter-Neighborhood Council
- Unity in the Community for Progress
- Fayetteville Street Planning Group

G. Recommendations

Staff finds the requested future land use, Medium Density Residential, to be appropriate based on the justification that environmental features on-site make an Industrial use unsuitable, and that the requested land use meets the four criteria for plan amendments. Therefore, staff recommends approval.

Planning Commission recommended approval at its August 14, 2012 meeting, 11-0, based on information provided in the staff report, the applicant's justification, and meeting the four criteria for plan amendments.

H. Staff Contact

Hannah Jacobson, Planner, 560-4137 x28247, hannah.jacobson@durhamnc.gov

I. Attachments

Attachment 1, Proposed Change
Attachment 2, Area Context
Attachment 3, Aerial Image
Attachment 4, Applicant's Justification
Attachment 5, Planning Commission Written Comments
Attachment 6, Resolution