



CITY OF DURHAM | DURHAM COUNTY
NORTH CAROLINA



PLAN AMENDMENT REPORT

Meeting Date: March 19, 2012

Reference Name	Fayetteville Street Plan Amendments (A1100009)	Jurisdiction	City
Applicant	City of Durham		
Request Change in Comprehensive Plan Designation	From:	Office Medium Density Residential (6-12 DU/Ac.) Commercial Medium-High Density Residential (8-20 DU/Ac.)	
	To:	Recreation and Open Space Medium Density Residential (6-12 DU/Ac.) Commercial	
Site Characteristics	Tier:	Urban	
	Present Uses:	Recreation, single-family and multi-family residential, office, commercial	
	Present Zoning:	Office and Institutional (OI) Residential Urban Multifamily (RU-M) Commercial Neighborhood (CN) Residential Urban (RU-5(2))	
	Overlays:	Fayetteville Street Local Historic District	
	Size:	24.51 acres, 47 full parcels and 5 partial parcels	
Location	Fayetteville Street between Lawson Street and Umstead Street		
PIN(s)	See Attachment 1		
Recommendations	Staff	Approval, based on the justification and the request meeting the four criteria for plan amendments.	
	Planning Commission	Approval, January 10, 2012, 10-2, based on information provided in the staff report, the justification, and meeting the four criteria for plan amendments.	

A. Summary

The *Fayetteville Street-University Land Use Update* was adopted by the Durham City Council by a unanimous vote on September 19, 2011. The seven proposed Plan Amendments would implement the future land use policy recommendations contained in the *Land Use Update* and summarized in Table 1 (also see Attachment 1 for more details). The total of 24.51 acres is comprised of 52 total parcels; 47 full and 5 partial parcels. The proposed Plan Amendment changes would occur generally on the either side of Fayetteville Street, between Lawson Street to the south and Umstead Street to the north (see Attachments 2 and 3).

Table 1: Proposed Future Land Use Changes	# of Parcels	Acreage
1. From: Medium-High Density Residential (8-20 DU/Ac.) To: Recreation and Open Space	1 full	10.23
2. From: Office To: Medium Density Residential (6-12 DU/Ac.)	35 full 1 partial	5.68
3. From: Medium Density Residential (6-12 DU/Ac.) To: Recreation and Open Space	6 full	1.32
4. From: Commercial/Medium Density Residential (6-12 DU/Ac.) To: Office	1 full 1 partial	3.25
5. From: Medium-High Density Residential (8-20 DU/Ac.) To: Office	3 partial	3.35
6. From: Office To: Medium-High Density Residential (6-12 DU/Ac.)	3 full	0.53
7. From: Medium Density Residential (6-12 DU/Ac.) To: Commercial	1 full	0.15
Total:	47 full 5 partial (52 total)	24.51

B. Project Background

The amendments to the Future Land Use Map and the associated zoning changes are recommended as part of the *Fayetteville Street-University Land Use Update* (the Plan) and are the result of several years of research and public outreach, beginning in 2007. A complete description of the planning and community outreach processes is outlined in the *Fayetteville Street-University Land Use Update*, located online at <http://durhamnc.gov/ich/cb/ccpd/Pages/FSt-U-LandUseUpdate.aspx>. The Plan was unanimously adopted by the City Council on September 19, 2011.

C. Applicant's Plan Amendment Justification

The adopted *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 and expand campus facilities.

Implementation of this Plan begins with making the amendments to the Future Land Use Map summarized below. In performing an analysis of the land use patterns in this area, staff recognized conflicting policy direction and goals in adopted plans for the area. For instance, within the Fayetteville Street Historic District, current designations on the Future Land Use Map encourage uses that are incompatible with the goals of the *Fayetteville Street Historic Preservation Plan* (2000). Retaining the current land use designations could encourage demolition and potentially jeopardize important historical resources for the community. Engagement with citizens in the area revealed a desire to retain the primarily single-family residential character of the neighborhood, in contrast to adopted designations in the Future Land Use Map. Below is a description of each proposed Plan Amendment:

1. Amend one parcel (Hillside Park) of the Future Land Use Map from Medium-High Density Residential (8-20 DU/Ac.) to Recreation and Open Space.

Though the City has every intention of preserving Hillside Park as a public park, residents expressed concern that additional development in the area could prompt the City to consider selling it 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. See Attachment 4.

2. Amend 36 parcels (35 full, 1 partial) of the Future Land Use Map from Office to Medium Density Residential.

Single-family residential uses are established in these portions of the neighborhood and there is a 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 of being split between two designations. The Medium Density Residential (6-12 DU/Ac.) designation is consistent with residential patterns east of Fayetteville Street. See Attachment 5.

3. Amend 6 parcels of the Future Land Use Map from Commercial to Medium Density Residential (6-12 DU/Ac.).

The 1200 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. See Attachment 6.

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

There are currently three separate designations assigned to the Lincoln Community Health Center: 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. See Attachment 7.

5. Amend the Future Land Use designation for three partial parcels 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. See Attachment 8.

6. Change the Future Land Use designation for three parcels 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. See Attachment 9.

7. Amend the Future Land Use designation for one 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. See Attachment 10.

D. 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 *Fayetteville Street-University Land Use Update*, adopted by the City Council in 2011, 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 and expand campus facilities. Each of the proposed amendments to the Future Land Use Map is consistent with recommendations adopted in the Land Use Update.

The *Fayetteville Street Historic District 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. The recommended Plan Amendments reflect support for the preservation of the neighborhood's historic character, in particular, many of the remaining single-family residential structures.

The *Durham Comprehensive Plan (2006)* 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.

The recommended Plan Amendments advance the goals and policies presented in the Comprehensive Plan, specifically:

- *Policy 2.2.2b., Demand for Residential Land;*
- *Policy 2.2.4a., Demand for Office Land;*
- *Policy 2.3.3c., Urban Tier Residential Density;*
- *Policy 2.2.5a., Demand for Commercial Land; and*
- *Policy 5.1.2a., Existing Historic Districts.*

Staff Conclusion: The request is consistent with the intent of the goals, objectives, policies, guiding principles and programs of adopted plans and, therefore, meets criterion 3.4.7.A.

2. Compatibility

The recommended Plan Amendments would occur on the either side of Fayetteville Street, between Umstead Street to the north and Lawson Street to the south. The area is within the Urban Tier and located southeast of

Downtown Durham, south of NC Hwy. 147; and north of the North Carolina Central University campus.

Area Land Uses and Designations		
	Existing Uses	Future Land Use Designations
North	Commercial Institutional (library and heritage center) Vacant	Medium High Density Residential Commercial Design District
East	Single and Multi-family residential Institutional (school)	Medium Density Residential
South	Single and Multi-family residential Institutional (NC Central University)	Medium Density Residential Institutional
West	Single and Multi-Family Residential Commercial	Medium-High Density Residential Commercial

Existing Uses: The areas surrounding the recommended plan amendments are largely single and multi-family dwellings, with a number of commercial developments and institutional uses, including the Stanford L Warren Library, the Hayti Heritage Center, the W. G. Pearson Middle School, and North Carolina Central University.

Future Land Use Designations: According to the adopted Future Land Use Map, parcels north and west of the plan area are expected to develop at densities compatible with Medium-High Density Residential (8-20 DU/Ac.), interspersed with commercial nodes at prominent intersections. East of the plan area, existing development patterns reflecting Medium Density Residential (6-12 DU/Ac.) are expected to remain in the future. South of the plan area is NC Central University (Institutional) and Medium Density Residential neighborhoods.

Staff Conclusion: The recommended Plan Amendments are compatible with the existing land use pattern and designated future land uses in the area and, therefore, meet criterion 3.4.7.B.

3. Adverse Impacts

The proposed Plan Amendments have been recommended to alleviate potential adverse impacts to the integrity of the Fayetteville Street Historic District. In large part, the proposed Future Land Use designations preserve

existing use patterns and would, therefore, not create additional demands on public infrastructure, services, or the environment.

Staff Conclusion: The proposed Plan Amendments 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

Table 1 provides the acreage for each of the seven proposed amendments. The size and shape of each is appropriate to support development consistent with ordinance requirements.

Staff Conclusion: The sites are of adequate shape and size to accommodate the uses pursuant to the proposed change and, therefore, meet criterion 3.4.7.D.

E. 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:

- Southside Neighborhood Association of Durham, Inc.
- Inter-Neighborhood Council
- TTA Station Sites
- Partners Against Crime - District 4
- Fayetteville Street Planning Group
- C.C. Spaulding Neighborhood Watch Association
- Friends of Durham
- Unity in the Community for Progress

F. Recommendation

Staff recommends approval, based on the justification and the request meeting the four criteria for plan amendments.

Planning Commission recommended approval at its January 10, 2012 meeting, 10-2, based on information provided in the staff report, the applicant's justification, and meeting the four criteria for plan amendments.

G. Staff Contacts

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H. Attachments

Attachment 1, Plan Amendment and Rezoning Property Information
Attachment 2, Aerial Photograph
Attachments 3-10, Context Maps
Attachment 11, Planning Commission Commissioner Comments from the January
10, 2012 Meeting
Attachment 12, City Council Resolution