



CITY OF DURHAM | DURHAM COUNTY  
NORTH CAROLINA



ZONING MAP CHANGE REPORT

Meeting Date: April 2, 2012

Table A. Summary			
<b>Application Summary</b>			
<b>Case Number</b>	Z1100020	<b>Jurisdiction</b>	City
<b>Applicant</b>	Anuj Mittal, Atlas Real Estate, LLC	<b>Submittal Date</b>	August 8, 2011
<b>Reference Name</b>	Gateway Terrace II	<b>Site Acreage</b>	6.40
<b>Location</b>	South side of Durham-Chapel Hill Boulevard (US 15-501), north of Watkins Road, west of Southwest Durham Drive		
<b>PIN(s)</b>	0800-03-21-1894, -3857, -4849, -6997, -9884		
<b>Request</b>			
<b>Proposed Zoning</b>	Commercial General with a development plan (CG(D))	<b>Proposal</b>	20,000 – 300,000 square feet of commercial uses
<b>Site Characteristics</b>			
<b>Development Tier</b>	Suburban Tier, Suburban Transit Area		
<b>Land Use Designation</b>	Commercial		
<b>Existing Zoning</b>	Commercial General with a development plan (CG(D)), Office Institution with a development plan (OI(D)) and Residential Suburban-20 (RS-20)		
<b>Existing Use</b>	Vacant		
<b>Overlay</b>	Major Transportation Corridor (MTC)	<b>Drainage Basin</b>	Jordan Lake
<b>River Basin</b>	Cape Fear	<b>Stream Basin</b>	New Hope Creek
<b>Determination/Recommendation/Comments</b>			
<b>Staff</b>	Staff determines that this request is consistent with the <i>Comprehensive Plan</i> and other adopted policies and ordinances.		
<b>Planning Commission</b>	Approval, 12 – 0 on February 14, 2012. The Planning Commission finds that the ordinance request is consistent with the adopted <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.		
<b>DOST</b>	No comments		
<b>BPAC</b>	See Attachment 7		
<b>Chapel Hill Staff</b>	See Attachment 8		

## **A. Summary**

This is a request to change the zoning designation of a 6.4 acre, five parcel site, from CG(D), OI(D) and RS-20 to CG(D) utilizing the Compact Neighborhood Tier standards for unspecified commercial development with building square footage between 20,000 square feet and 300,000 square feet. The site is located on the south side of Durham-Chapel Hill Boulevard (US 15-501), north of Watkins Road, west of Southwest Durham Drive (see Attachment 1, Context Map). This request is consistent with the future land use designation of the *Comprehensive Plan* which designates this site as Commercial.

Appendix A provides supporting information.

## **B. Site History**

City Council approved zoning map change case Z0800021 for four of the five parcels associated with the subject site on August 4, 2008. The associated development plan included 3.00 acres of OI(D) zoning and 2.67 acres of CG(D) zoning with the proposed (not committed) use of 68,000 square feet of hotel space and 7,250 square feet of retail. The RS-20-zoned parcel (PIN 0800-03-21-9884) was not part of the request.

In October 2011, timbering activity took place on the site. Clearing was the applicant's response to correct a Notice of Violation issued by the Neighborhood Improvement Services Department. Further, the applicant received direction to remove vegetation as part of a controlled burn exercise performed by the City Fire Department of former structures on the site. The Planning Department issued a Notice of Violation, ZE11-0832, on October 24, 2011 for removing vegetation in an area committed for preserved tree coverage on the existing development plan (case Z0800021). Zoning Enforcement action associated with the Notice of Violation has been stayed as long as this (Z1100020) zoning application remains valid (UDO 15.3.2.B).

## **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 CG district (Sec. 3.5.6.D, Sec. 6.10.1.D.3). In addition, commitments in excess of UDO requirements have been made (see Appendix D for supporting information):

**Text Commitments.** Text commitments have been proffered to commit to requirements in excess of ordinance standards. A summary of these commitments (see Table D5, Summary of Development Plan) include: dedication of right-of-way, transit accommodations, and enhanced landscaping.

**Graphic Commitments.** A graphic commitment has been proffered which identifies the location of a bus pull-out and concrete pad/bus shelter.

**Determination.** The requested CG(D) zoning district and associated development plan meets or exceeds the applicable requirements of the UDO. The development plan commits to the Compact Neighborhood Tier development standards which require reduced yards as well as requiring 60% of the primary street frontage to be occupied by building which, by design, enhances the pedestrian experience.

If this zoning map change request is approved, the attached development plan (Attachment 4) establishes 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 consistent with the Future Land Use Map of the *Comprehensive Plan*.

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

**Long Range Bicycle Plan Map 4.6 and Durham Trails and Greenways Master Plan.** A proposed side path is identified along the site frontage on US 15-501 as well as a bicycle lane along Southwest Durham Drive. Southwest Drive is already improved with a 14-foot wide outside lane to accommodate the bicycle lane.

This project, if approved, is not required to construct road improvements along US 15-501 and therefore does not warrant improvements associated with the side path identified in the adopted plan. Additionally, NCDOT does not typically permit these types of facilities within the right-of-way of limited access highways.

**New Hope Corridor Open Space Master Plan.** The site is within the *New Hope Corridor Open Space Master Plan* area; however, no specific recommendations have been made for this site.

## F. Site Conditions and Context

**Site Conditions.** The 6.4-acre site is located at 3209, 3215, 3219, and 3305 Watkins Road, and 3310 Southwest Durham Drive, and completely surrounded by road frontage on Watkins Road, US 15-501, and Southwest Durham Drive. Some of the parcels were formerly used as single-family residential properties, but the homes were recently removed. Recent timbering activity occurred leaving some specimen trees (see Section B, Site History above). The site slopes approximately 30 feet with the lowest portion at the intersection of Durham-Chapel Hill Boulevard and Southwest Durham Drive. There are no identified environmental or physical constraints on this site.

**Area Characteristics.** The site is within the Cape Fear River Basin and located on the south side of Durham-Chapel Hill Boulevard, north of Watkins Road, west of Southwest Durham Drive and in the Suburban Tier, Suburban Transit Area. Durham-Chapel Hill Boulevard is a major transportation route for travelers from the southwest in Chapel Hill as well as travelers exiting north from Interstate – 40, located just 1/3 mile south of the subject site. The proposed project is also within a one half mile radius of the proposed Patterson Place light rail transit station, identified in the Triangle Transit Regional Rail Local Preferred Alternative (LPA). Commercial is the predominant use in the area but some parcels are vacant/undeveloped commercial or residential properties. The surrounding zoning districts include Residential Rural (RR), Residential Suburban (RS-20), OI, CG(D), and Mixed Use with a development plan (MU(D)); and all within the Major Transportation Corridor (MTC) Overlay created to preserve the viewscape from the interstate.

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

**Determination.** The proposed CG(D) district meets the ordinance and policy requirements in relation to site and context and is a reasonable request given the surrounding uses. This site is located in an existing commercial node and highly visible due to both road frontage and topography. Commercial uses are compatible with the existing commercial development in the area. Through the development plan, the applicant commits to Compact Tier standards which were created to encourage transit-, bicycle-, and pedestrian-oriented design (see Section D above) and is more compatible with the future transit stop than the current suburban zoning.

## 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 CG(D) district is consistent with *Comprehensive Plan* policies regarding infrastructure impacts.

## H. Staff Analysis

This request is consistent with the *Comprehensive Plan* and other adopted plans and policies. If approved, the development plan would allow commercial uses developed utilizing Compact Neighborhood Tier standards which are consistent with the goals and objectives of Transit Oriented Development.

## I. Contacts

Table I. Contacts		
<b>Staff Contact</b>		
Amy Wolff, Senior Planner	Ph: 919-560-4137, ext. 28235	Amy.Wolff@DurhamNC.gov
<b>Applicant Contact</b>		
Agent: Bob Zumwalt, The John R. McAdams Company, Inc.	Ph: 919-361-5000	zumwalt@johnrmcadams.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
- Fayetteville Street Planning Group
- Friends of Durham
- Unity in the Community for Progress
- Trenton Homeowner’s Association
- Town of Chapel Hill

## K. Summary of Planning Commission Meeting February 14, 2012 (Case Z1100020)

**Zoning Map Change Request:** OI(D), CG(D) to CG(D)

**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 signage, the proposed bus shelter, grading, and the removal of trees from the site.

**Motion:** Approval (Ms. Beechwood, Mr. Davis 2<sup>nd</sup>)

**Action:** Motion carried 12-0

**Findings:** The Planning Commission finds that the ordinance request is consistent with the adopted *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"> <li>1. Context Map</li> <li>2. Future Land Use Map</li> <li>3. Aerial Photography</li> <li>4. Development Plan Reduction</li> <li>5. Application</li> <li>6. Owner’s Acknowledgement</li> <li>7. BPAC Memorandum</li> <li>8. Chapel Hill Staff Comments</li> <li>9. Submittal and Review History</li> </ol>
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 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 Attachments: <ol style="list-style-type: none"> <li>10. DDOT TIA Memorandum</li> <li>11. NCDOT TIA Memorandum</li> </ol> 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: 12. Planning Commissioner’s Written Comments 13. Ordinance Form
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## 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. BPAC Memorandum
8. Chapel Hill Staff Comments
9. Submittal and Review History

## Appendix D: Unified Development Plan Supporting Information

Table D1. UDO Designation Intent	
CG	<p><b>Commercial General</b> – the CG district is established to provide for a wide variety of commercial activities of varying scales that are designed to be served by major thoroughfares; therefore, should be convenient to automotive traffic and maintain safe traffic flows. While CG is a commercial district, other uses such as residential and office may also be allowed. Some of the uses allowed in this district include hotels, self-service storage, car washes, and vehicle sales.</p>
D	<p><b>Development Plan</b> – 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.</p>
MTC	<p><b>Major Transportation Corridor Overlay</b> – the MTC Overlay district is established to enhance the economic and aesthetic appeal and orderly development of properties adjacent to major transportation corridors. The MTC district requires buffers next to major transportation corridors and limits the height of signs.</p>

<b>Table D2. District Requirements – CG</b>			
	<b>Code Provision</b>	<b>Required</b>	<b>Proposed</b>
<b>Minimum Lot Width (feet)</b>	6.10.1.D.3	50	None specified
<b>Street Yard (feet)</b>	6.10.1.D.3	15	15
<b>Side Yard (feet)</b>	6.10.1.D.3	10	10
<b>Rear Yard (feet)</b>	6.10.1.D.3	15	15

<b>Table D3. Environmental Protection</b>			
<b>Resource Feature</b>	<b>UDO Provision</b>	<b>Required</b>	<b>Proposed</b>
<b>Minimum Tree Coverage (%)</b>	8.3.1	n/a (this is being developed under the Compact Tier Standards of which Tree Coverage does not apply)	n/a
<b>Maximum Impervious Surface (%)</b>	8.7.2B	n/a (site is not within a watershed protection overlay district)	85

<b>Table D4. Project Boundary Buffers</b>
This project has committed to Compact Neighborhood Tier Standards and is adjacent to property with the ability to develop under the same standards. As such, project boundary buffers are not required of this project (reference UDO Sec. 9.4.1.B).

<b>Table D5. Summary of Development Plan</b>		
<b>Components</b>	<b>Description</b>	<b>Development Plan Sheet</b>
<b>Required Information</b>	<b>Intensity/Density.</b> 20,000 – 300,000 square feet floor area	DV-1
	<b>Building/Parking Envelope</b> is appropriately identified	DV-1
	<b>Project Boundary Buffers.</b> Not applicable to Compact Neighborhood Tier	n/a
	<b>Stream Crossing.</b> Not applicable	n/a
	<b>Access Points.</b> Three (3) private vehicular access points have been identified.	DV-1
	<b>Dedications and Reservations.</b> 25 feet of right-of-way along US 15-501 frontage.	Cover, DV-1
	<b>Impervious Area.</b> 85% = 5.4 acres	Cover, C-1.0

<b>Table D5. Summary of Development Plan</b>		
	<b>Environmental Features.</b> None identified	n/a
	<b>Areas for Preservation.</b> There were no conditions identified that require preservation.	n/a
	<b>Tree Coverage.</b> Not applicable to Compact Neighborhood Tier	n/a
<b>Graphic Commitments</b>	Location of a bus pull-out and concrete pad/bus shelter.	DV-1
<b>Text Commitments</b>	<ol style="list-style-type: none"> <li>1. The maximum impervious surface area shall not exceed 85%.</li> <li>2. 25 feet of additional right-of-way to be dedicated along US 15-501 prior to the issuance of a building permit.</li> <li>3. Prior to the issuance of a certificate of occupancy: curb and gutter both sides of Watkins Road to City of Durham Standards for the frontage of the site.</li> <li>4. Prior to the issuance of a certificate of occupancy: subject to a determination by DATA and TTA on the need for transit related improvements at the time of site plan submittal, construct a bus pull-out and a concrete pad/bus shelter to DATA/TTA specifications along the west side of Southwest Durham Drive and adjacent to the site. The final location of the pull-out and pad/shelter will be determined by DATA/TTA during the construction drawing review process.</li> <li>5. All street trees required along the US 15-501 frontage shall be installed at a minimum size of 4-inch caliper.</li> <li>6. All street trees required along the Southwest Durham Drive and Watkins Road frontages shall be installed at a minimum size of 3 ½-inch caliper.</li> <li>7. All required parking lot canopy trees will be installed at a minimum size of 3 ½-inch caliper.</li> <li>8. Prior to the first certificate of occupancy, the developer shall provide additional understory trees along the US 15-501 frontage. The number of additional trees shall be equal to the number of required street trees and shall be a minimum of 50% evergreen. These additional understory trees may be spaced along the frontage so as to enhance the viewscape.</li> <li>9. Prior to the first certificate of occupancy in the adjacent phase of development, the developer shall provide the following additional landscape to be planted within 15 feet of the US 15-501 frontage: <ul style="list-style-type: none"> <li>• Upright evergreen shrubs, at a minimum installation height of 18-inches, to include a minimum of three species, planted 36 inches on center to form a continuous hedge that covers 80% of the site frontage.</li> <li>• The continuous hedge shall be capable of reaching four</li> </ul> </li> </ol>	Cover

<b>Table D5. Summary of Development Plan</b>		
	feet in height after five years, and shall be maintained at a minimum height of four feet.	
<b>SIA Commitments</b>	None provided	n/a
<b>Design Commitments</b>	Buildings will have a contemporary architectural expression and have either flat or pitched rooflines and include commercial structure surface materials. Store front window systems will be incorporated in a portion of the ground floor. The buildings will use a majority of materials, colors, and proportions that are similar to and compatible with the retail and hotel structures in Patterson Place Phase 2.	Cover

## Appendix E: Adopted Plans Supporting Information

<b>Table E. Adopted Plans</b>	
<b><i>Comprehensive Plan</i></b>	
<b>Policy</b>	<b>Requirement</b>
<b>Future Land Use Map</b>	Commercial
<b>2.2.5a</b>	Demand for Commercial Land
<b>2.3.2f</b>	Suburban Transit Areas
<b>8.1.2m</b>	Transportation Level of Service
<b>8.1.4d</b>	Development Review and the Adopted Bicycle Plans
<b>9.4.1a</b>	Water Quantity Level of Service
<b>11.1.1a</b>	School Level of Service
<b><i>Long Range Bicycle Plan</i></b>	
Map 4-6 shows a proposed sidepath along US 15-501 and a bike lane along Southwest Durham Drive.	
<b><i>Durham Trails and Greenways Master Plan</i></b>	
Durham Trails and Greenways Master Plan shows a trail running through the site.	
<b><i>New Hope Corridor Open Space Master Plan</i></b>	
This site is in the vicinity of the New Hope Corridor Open Space Master Plan; however, no specific recommendations pertain to this site.	

## Appendix F: Site Conditions and Context Supporting Information

Table F. Site Context			
	Existing Uses	Zoning Districts	Overlays
North	Commercial	CG(D), OI	MTC
East	Vacant	RS-20	MTC
South	Commercial	RR, MU(D)	MTC
West	Commercial	MU(D), CG(D), CN(D)	MTC

## Appendix G: Infrastructure Supporting Information

Table G1. Road Impacts		
US 15-501 and Southwest Durham Drive are the major roads impacted by the proposed zoning change. Southwest Durham Drive is proposed to be extended to the northwest to align with Mt. Moriah Road with the construction of an interchange at the intersection of Southwest Durham Drive and US 15-501. This project is currently unfunded.		
Affected Segments	Southwest Durham Drive	US 15-501
Current Roadway Capacity (LOS D) (ADT)	14,900	55,300
Latest Traffic Volume (AADT)	3,300	44,000
Traffic Generated by Present Designation (average 24 hour)*	1,459	
Traffic Generated by Proposed Designation (average 24 hour)**	8,199	
Impact of Proposed Designation	+6,740	

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

US 15-501 (with U-4012): 6-lane divided Class I Arterial with left-turn lanes.

SW Durham Drive: 2-lane major city/county roadway with left-turn lanes.

Source of Latest Traffic Volume: 2009 NCDOT Traffic Count Map.

**\*Assumption (Max Use of Existing Zone)** – RS-20: 1 single-family lot, OI (D): 45,000 square feet office, CG (D): 7,500 square feet high turn-over sit down restaurant

**\*\*Assumption (Max Use of Proposed Zoning)** –CG(D): 36,000 square feet shopping center and 9,000 square feet fast-food with drive-up windows.

Attachments:

10. DDOT TIA Memorandum
11. NCDOT TIA Memorandum

<b>Table G2. Transit Impacts</b>
Transit service is currently provided adjacent to the site along Southwest Durham Drive and Witherspoon Boulevard via DATA Route 10.

<b>Table G3. Utility Impacts</b>
This site will be served by City water and sewer.

<b>Table G4. Drainage/Stormwater Impacts</b>
The impacts of any change will be assessed at the time of site plan review. The subject site is of sufficient size and shape to accommodate appropriate stormwater facilities that may be required at this time.

<b>Table G5. School Impacts</b>			
The proposed zoning is estimated to generate 24 students. This represents an increase of 11 students over the maximum potential (if developed with the current zone) projected for the proposed development. Durham Public Schools serving the site are Creekside Elementary School, Githens Middle School, and Jordan High School.			
Students	Elementary School	Middle School	High School
<b>Current Building Capacity</b>	15,864	8,647	9,916
<b>Maximum Building Capacity (110% of Building Capacity)</b>	17,450	9,512	10,908
<b>20<sup>th</sup> Day Attendance (2011-12 School Year)</b>	15,827	7,008	9,686
<b>Committed to Date (January 2009 – December 2011)</b>	402	132	92
<b>Available Capacity</b>	1,221	2,372	1,130
<b>Potential Students Generated – Current Zoning*</b>	7	3	3
<b>Potential Students Generated – Proposed Zoning**</b>	14	5	5
<b>Impact of Proposed Zoning</b>	+7	+2	+2

\*Assumption (Max Use of Existing Zone) – RS-20: 1 single-family lot, OI (D): 31 apartments, CG (D): 28 apartments

\*\*Assumption (Max Use of Proposed Zoning) – CG(D): 112 apartments

<b>Table G6. Water Supply Impacts</b>	
This site is estimated to generate a total of 12,880 GPD if developed to its maximum potential with the proposed zoning district. This represents an increase of 5,980 GPD over the existing zoning district.	
<b>Current Water Supply Capacity</b>	37.00 MGD
<b>Present Usage</b>	27.54 MGD
<b>Approved Zoning Map Changes (January 2009 – December 2011)</b>	0.72 MGD
<b>Available Capacity</b>	8.74 MGD
<b>Estimated Water Demand Under Present Zoning*</b>	6,940 GPD
<b>Potential Water Demand Under Proposed Zoning**</b>	12,880 GPD
<b>Potential Impact of Zoning Map Change</b>	+5,940

Notes: MGD = Million gallons per day

\*Assumption (Max Use of Existing Zone) – RS-20: 1 single-family lot, OI (D): 31 apartments, CG (D): 28 apartments

\*\*Assumption (Max Use of Proposed Zoning) – CG(D): 112 apartments

## Appendix K: Summary of Planning Commission

Attachments:

12. Planning Commissioner’s Written Comments
13. Ordinance Form