



CITY OF DURHAM | DURHAM COUNTY  
NORTH CAROLINA



ZONING MAP CHANGE REPORT

Meeting Date: August 20, 2012

Table A. Summary			
<b>Application Summary</b>			
<b>Case Number</b>	Z1200003	<b>Jurisdiction</b>	City
<b>Applicant</b>	Durham City-County Planning Department	<b>Submittal Date</b>	March 12, 2012
<b>Reference Name</b>	NCCU UC-2	<b>Site Acreage</b>	107.569
<b>Location</b>	Generally between Fayetteville Street and NC 55 Highway from Dupree Street to Burlington Avenue.		
<b>PIN(s)</b>	0820-08-89-9811, -98-3554, -4533, -4809, -4898, -4909, -4998, -5858, -5938, 5988, -6808, 6858, -6948, -6997, -7807, -7857, -7958, -8807, -8857, -8907, -8957, -9807, -9857, -9937, -99-0318, -0358, -1365, -1628, -1718, -1723, -1813, -1817, -1904, 0821-08-80-3053, -90-2318, -5531, 0830-05-07-6803, -6873, -7833, -7883, -8873, -08-0816, -0866, -0915, -0985, -1816, -1876, -1955, -2826, -2887, -2904, -2954, -3211, -3606, -3836, -3895, -3904, -3954, -4211, -4275, -4904, -5858, -5956, -6060, -6153, -7199, -9212, -9829, -09-5723, -7321, -19-1247, 0831-17-00-1414, -2494, -2539, -7319		
<b>Request</b>			
<b>Proposed Zoning</b>	University College - 2 (UC -2)	<b>Proposal</b>	College or university
<b>Site Characteristics</b>			
<b>Development Tier</b>	Urban		
<b>Land Use Designation</b>	Institutional, Medium Density Residential (6-12 DU/Ac.)		
<b>Existing Zoning</b>	Residential Urban – 5 (RU-5), Residential Urban – 5(2), (RU-5(2)), Residential Urban – Multifamily (RU-M), Office Institutional with a development plan (OI(D))		
<b>Existing Use</b>	University		
<b>Overlays</b>	None	<b>Drainage Basin</b>	Jordan Lake
<b>River Basin</b>	Cape Fear	<b>Stream Basin</b>	Third Fork Creek
<b>Determination/Recommendation/Comments</b>			
<b>Staff</b>	Staff determines that, should the plan amendment be approved, this request would be consistent with the <i>Comprehensive Plan</i> and other adopted policies and ordinance.		

<b>Table A. Summary</b>	
<b>Planning Commission</b>	Approval 12-0, on May 15, 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 and the information in the staff report.
<b>DOST</b>	None provided
<b>BPAC</b>	None provided

## A. Summary

This is a request to change the zoning designation of 77 parcels totaling 107.569 acres from RU-5, RU-5(2), RU-M and OI(D) to UC- 2 to accommodate the university and related uses. The subject property is located generally between Fayetteville Street and NC 55 Highway from Dupree Street on the north and Burlington Avenue on the south (see Appendix A, Attachment 1, Context Map). A portion of this request, 9.28 acres, is not consistent with the future land use designation of the *Comprehensive Plan* which designates a portion of this site as Medium Density Residential (6-12 DU/Ac.). However, a plan amendment request (Case A1200003) to designate these twenty parcels as Institutional, the same as the remainder of the site, 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

This zoning map change request, along with the text amendment (TC1100015) and plan amendment (Case A1200003) is one of the implementation items from the Fayetteville Street-University Land Use Update, which was adopted by the Durham City Council on September 19, 2011. The Fayetteville Street-University Land Use Update was the culmination of over three years of work bringing together the City, residents and property owners, and North Carolina Central University (NCCU). One of the four implementation items called for by the Fayetteville Street-University Land Use Update is to change the zoning on the NCCU campus to a new zoning district, University-College - 2 (UC - 2), modeled on the existing University-College (UC) zoning district, but adapted to better fit the more urban fabric and design of the NCCU campus.

The basic framework of the UC – 2 zoning district was described in the Fayetteville Street-University Land Use Update. In February and April of 2012 the draft text amendment (Case TC1100015) creating the new district, as well as the location of the proposed district, was brought to the public and the University for review and comment.

### 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 on the requested UC – 2 zoning district.

Appendix D provides supporting information.

**Determination.** This 107.569 acre site was under the control of NCCU prior to January 1, 2010 thus satisfying the initial zoning criteria of the district.

### 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.** A portion of this request this requested UC(2) zoning district is consistent with Future Land Use Map of the *Comprehensive Plan* which designates this site as Institutional (98.289 acres). However, a 9.28-acre portion of the site is designated as Medium Density Residential (6-12 DU/Ac). A plan amendment (Case A1200003) to designate this 9.28-acre portion of the site as Institutional (to match the remainder of the site) has been requested and is being supported by staff.

Conditions in other adopted plans have been identified (see Appendix E, Table E). A portion of this site is within the Fayetteville Street Local Historic District and another portion of this site is within the North Carolina Central University National Historic District. Consideration for each of these historic districts was a contributing factor of the Fayetteville Street – University Land Use Update.

## F. Site Conditions and Context

**Site Conditions.** This 107.569 acre site is composed of 77 parcels owned by North Carolina Central University as of January 1, 2010, and mostly developed with institutionally-focused uses in an urban setting (see Attachment 2, Aerial Map). There are a few undeveloped parcels included with this request.

**Area Characteristics.** This site is in the City limits and in the Urban Tier. A variety of land uses exist in the area, however the predominant uses are older neighborhoods and the University which have historically coexisted.

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

**Determination.** The proposed UC – 2 district meets the ordinance and policy requirements in relation to site and context and is a reasonable request given the surrounding uses and zoning. Implementation of the UC – 2 district is a recommendation of the Fayetteville-Street Land Use Update where the plan outlined strategies for growth represented by a majority consensus of stakeholders.

## 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 UC – 2 district is consistent with *Comprehensive Plan* policies regarding infrastructure impacts.

Staff acknowledges that the proposed traffic generation (Section F.1, Road Impacts) for this site is based on a suburban model and likely exaggerates the assumptions of an urban community. It is anticipated that the likely traffic impacts of this UC – 2 site will be significantly less than the projected numbers provided as the standards of UC – 2-developed, integrated university setting will facilitate a pedestrian- and transit-oriented development. The division of the projected additional 456 vehicle trips onto the two roadways identified does not trigger Comprehensive Plan policy 8.1.2m, Transportation Level of Service Maintenance, because the additional trips fall within the capacity thresholds established by this policy. A Transportation Impact Analysis (TIA) is not required, at this time, for this site because the request does not include a development plan.

## H. Staff Analysis

This request would be consistent with the *Comprehensive Plan* should the plan amendment be approved. The accompanying plan amendment (Case A1200003) is being recommended for approval to change the Medium Density Residential (6 – 12 DU/Ac.) designation to Institutional. If this plan amendment is approved this request would be consistent with the *Comprehensive Plan* and other adopted policies and ordinances.

Existing development on this site is an internally focused university campus. Staff is supportive of the requested zoning district change to UC – 2 as the requirements of this district, see companion text amendment, Case TC1100015, were created specifically for this campus and how it relates to the adjacent areas.

## 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>		
Steven L. Medlin, AICP, Planning Director	Ph: 919-560-4137 ext. 28223	Steve.Medlin@DurhamNC.gov

## 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
- Partners Against Crime – District 4

## K. Summary of Planning Commission Meeting May 15, 2012 (Case Z1200003)

**Zoning Map Change Request:** RU-5, RU-5(2), RU-M, OI(D) to UC-2

**Staff Report:** Mr. Cain presented the staff report.

**Public Hearing:** Chair Brown opened the public hearing. Two people spoke in favor and three spoke against. Chair Brown closed the public hearing.

**Commission Discussion:** Commission discussion centered on parking.

**Motion:** Approval of the zoning map change (Mr. Davis, Ms. Mitchell-Allen 2<sup>nd</sup>)

**Action:** Motion carried 12-0 (Martin recused)

**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 and 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 4. Application 5. Submittal and Review History
Appendix B	Site History	n/a
Appendix C	Review Requirements	n/a
Appendix D	Unified Development Ordinance	Table D1: Designation Intent
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: 6. Planning Commissioner's Written Comments 7. Ordinance Form

## Appendix A: Application Supporting Information

Attachments:

1. Context Map
2. Future Land Use Map
3. Aerial Photography
4. Application
5. Submittal and Review History

## Appendix D: Unified Development Plan Supporting Information

<b>Table D1. UDO Designation Intent</b>	
<b>UC – 2</b>	<b>University and College – 2</b> – the UC – 2 district is established to allow for growth and development of colleges and universities, while protecting the larger community, nearby neighborhoods, and the environment from impacts accompanying major new development. Development in the UC – 2 district shall be designed for a mix of integrated university-related uses, linked by pedestrian ways, bikeways, and other transportation systems. Development in these districts shall also encourage reduced auto use, mitigate environmental impacts, conserve energy resources and achieve visual continuity in the siting and scale of buildings.

## 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>	Institutional, Medium Density Residential (6-12 DU/Ac)
<b>8.1.2m</b>	Transportation Level of Service Maintenance
<b>9.4.1a</b>	Water Quantity and Quality Level of Service
<b>11.1.1a</b>	School Level of Service
<b><i>Historic Plans</i></b>	
Fayetteville Street Local Historic District (partial)	
North Carolina Central University National Historic District (partial)	

## Appendix F: Site Conditions and Context Supporting Information

Table F. Site Context			
	Existing Uses	Zoning Districts	Overlays
North	Residential	RU-5	None
East	Residential, commercial	RU-5(2), RS-M, CN(D)	None
South	Residential	RU-5(2), RS-M	None
West	Residential, commercial	RU-5	None

## Appendix G: Infrastructure Supporting Information

Table G1. Road Impacts		
Fayetteville Road and South Alston Avenue (NC 55 Highway) are the major roads impacted by the proposed zoning change. NCDOT project W-5110 will construct northbound and southbound left-turn lanes on South Alston Avenue at East Lawson Street. This project is scheduled for completion in August 2012.		
Affected Segments	Fayetteville Road	South Alston Avenue
Current Roadway Capacity (LOS D) (AADT)	13,700	24,900
Latest Traffic Volume (AADT)	14,000	24,000
Traffic Generated by Present Designation (average 24 hour)*	8,180	
Traffic Generated by Proposed Designation (average 24 hour)**	8,636	
Impact of Proposed Designation	+456	

Source of LOS Capacity: FDOT Generalized Level of Service Volume Table 4-1 (2002)

Fayetteville Road: 2-lane major City/County roadway with left-turn lanes

S. Alston Avenue (NC 55): 4-lane undivided Class II arterial without left-turn lanes

Source of Latest Traffic Volume: 2009 NCDOT Traffic Count Map

\*Assumption (Max Use of Existing Zoning) – OI: 119,263 sf office, RU-5: 571 single-family units, RU-5(2): 213 townhouses, RU-M: 20 apartments.

\*\*Assumption (Max Use of Proposed Zoning) – 890,292 sf college/university (per City of Durham Major University Rate)

Table G2. Transit Impacts
Transit service is currently provided within one-quarter mile of the site via DATA Routes 5, 7, 8, 12, and 13.

<b>Table G3. Utility Impacts</b>
This site is 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.

<b>Table G5. School Impacts</b>			
This proposal is not estimated to generate any students. The proposed UC zone does not permit residential uses per Sec. 5.1.2 Use Table. This represents a decrease of 224 students considering the maximum residential development of the existing zoning designations. Durham Public Schools serving the site are Fayetteville Street Elementary School, Githens Middle School, and Hillside 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 (April 2009 – March 2012)</b>	387	126	87
<b>Available Capacity</b>	1,236	2,378	1,135
<b>Potential Students Generated – Current Zoning*</b>	99	52	73
<b>Potential Students Generated – Proposed Zoning**</b>	0	0	0
<b>Impact of Proposed Zoning</b>	-99	-52	-73

\*Assumption (Max Use of Existing Zoning) – Ol: 119,263 sf office, RU-5: 571 single-family units, RU-5(2): 213 townhouses, RU-M: 20 apartments.

\*\*Assumption (Max Use of Proposed Zoning) – 890,292 sf college/university

<b>Table G6. Water Supply Impacts</b>	
This site is estimated to generate a demand for 66,772 GPD if developed to its maximum potential with the proposed zoning district. This represents a decrease of 56,407 GPD over the existing zoning district.	
<b>Current Water Supply Capacity</b>	37.00 MGD
<b>Present Usage</b>	27.69 MGD
<b>Approved Zoning Map Changes (April 2009 – March 2012)</b>	0.69 MGD
<b>Available Capacity</b>	8.62 MGD
<b>Estimated Water Demand Under Present Zoning*</b>	123,179 GPD
<b>Potential Water Demand Under Proposed Zoning**</b>	66,772 GPD
<b>Potential Impact of Zoning Map Change</b>	-56,407 GPD

*Notes: MGD = Million gallons per day*  
**\*Assumption (Max Use of Existing Zoning)** – Ol: 119,263 sf office, RU-5: 571 single-family units, RU-5(2): 213 townhouses, RU-M: 20 apartments.  
**\*\*Assumption (Max Use of Proposed Zoning)** – 890,292 sf college/university

## Appendix K: Summary of Planning Commission

Attachments:

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