



CITY OF DURHAM | DURHAM COUNTY
NORTH CAROLINA



PLAN AMENDMENT REPORT

Meeting Date: September 4, 2012

Reference Name	Alexander Park Development (A1100008)	Jurisdiction	City
Applicant	Coulter, Jewel, Thames, P.A., Dan Jewell		
Request Change in Comprehensive Plan Designation	From:	Industrial	
	To:	Low-Medium Density Residential (4-8 DU/Ac.)	
Site Characteristics	Tier:	Suburban	
	Present Use:	Vacant	
	Present Zoning:	Light Industrial (IL)	
	Overlays:	N/A	
	Size:	42.09 acres (excludes Recreation and Open Space (ROS) land)	
Location	105 Smallwood Drive, south of T.W. Alexander Drive and west of Page Road		
PIN	0758-01-27-3876		
Recommendations	Staff	Approval, based on the justification that environmental features make the proposed use more appropriate and the request meeting the four criteria for plan amendments.	
	Planning Commission	Approval, July 10, 2012, 13-0, 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 Low-Medium Density Residential (4-8 DU/Ac.) for one parcel located at 105 Smallwood Drive, south of T.W. Alexander Drive and west of Page Road. The land area to be affected is 42.09 acres in the Suburban Tier. There is an associated

Zoning Map Change request (Z1100022) for this parcel to Planned Development Residential (PDR) 6.640 DU/Acre.

The Durham County Board of Commissioners, at their August 27, 2012 meeting will hold a public hearing on a correlated plan amendment request for 10 parcels (0758-01-27-9101; 0758-01-36-5567; -6890; -9812; 0758-01-37-5818; 0758-01-46-0671; -0779; -2618; -2729; 0758-01-47-2087) that are located east of this site in Durham County jurisdiction (Attachment 1). The plan amendment is not requested in association with any proposed rezoning or development plan, but is instead intended to tie together this proposed residential designation on the Future Land Use Map with residential designations on the east side of Page Road and in the City of Raleigh.

B. Site History

The Future Land Use Map of the *Triangle Township Plan* (1993) designated the subject site as Industrial. This site has not been the subject of a previous plan amendment request; however, in the area east of the Research Triangle Park, south of US Highway 70, and north and west of the Wake County line, two Plan Amendment requests have demonstrated a trend toward converting future Industrial land to future Residential land. These and another case relevant to the area from the previous decade are summarized below (see Attachment 2):

- A05-05, Technology Park North
Northwest corner of the intersection of T.W. Alexander Drive and Page Road. Amended from Industrial to Low-Medium Density Residential by the City Council on November 7, 2005.
- A06-15, Page Road Assemblage
West of Page Road and north of Chin Page Road. Amended from Industrial to Low-Medium Density Residential by the County Board of Commissioners on February 26, 2007.
- A06-21, Page Road Suburban Transit Area
West of Page Road and north of Chin Page Road. Amended from Medium Density Residential and Commercial to Industrial, including the removal of the Suburban Transit Area designation. Approved on March 26, 2007 by the County Board of Commissioners to preserve sites for future industrial or corporate office park development.

C. Existing Site Characteristics

The site of the proposed plan amendment includes one parcel vacant of development. The site is not within a watershed protection overlay district. Tributary streams of Stirrup Iron Creek flow generally northeast to southwest through the site. The site also contains a 200 foot wide power easement, and rolling topography, with some hills greater than 15 percent slope. Although the aerial photography (see Attachment 3)

shows the site as forested, it was timbered in October 2009 with the required forestry management plan.

D. Applicant's Plan Amendment Justification

In a statement provided by the applicant, the argument in favor of Low-Medium Density Residential development is presented because the site contains, "significant environmental obstacles to industrial development." These obstacles include several streams, rolling topography, and a large power easement. Additionally, the applicant references the Durham Public Works Reference Guide for Development, which shows that current water pressure would not be great enough to meet fire flow standards for Industrial uses. The applicant identifies the nearby location of bus stops, market demand, site conditions, as well as the site's proximity to the Research Triangle Park as advantages for Low-Medium Density Residential. Please refer to Attachment 4 for the complete justification statement provided by Coulter, Jewel, Thames, PA.

Staff Response: The applicant identifies several reasons to consider amending the Future Land Use Map, the most compelling of which is that environmental conditions on the site make the proposed use (Low-Medium Density Residential) more appropriate than the existing designation (Industrial). While staff acknowledges that the design of the site, and not strictly density or use, determines the effect on environmental features, Staff concludes that the applicant's justification is valid. A further examination of the request according to the four criteria for plan amendments follows.

In response to the applicant's reference of fire flow standards found in the *Durham Public Works Reference Guide for Development*, although water pressure is not currently available to meet the standards for an Industrial facility, on-site or off-site improvements would be required prior to obtaining a Certificate of Occupancy. Inadequate fire flow is not an uncommon condition prior to site development and, in itself, not a justification for amending the Future Land Use Map.

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

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 meet the demand for industrial space and housing in the future. Approval of the proposed plan amendment will remove 42.09 acres of land designated as Industrial 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 apparent surplus, concern over the suitability of some land currently designated for industrial development, as well as the trend of converting Industrial land to other uses, has prompted the addition of Policy 2.5.3a. to the *Durham Comprehensive Plan* directing 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. Initial analysis shows that if the 2005-2012 rate of conversion for land designated for Industrial uses continues through 2035, there will still be a surplus of 2,614 acres of land designated for future industrial development. At the completion of the Industrial Land Study a better understanding of available and suitable industrial land will help to guide policy decisions. While that study will not be completed prior to a decision regarding this plan amendment case, the Chamber of Commerce has concluded in an early evaluation of the site that it, "possesses certain physical features and is subject to certain regulatory restraints which significantly limit the site's suitability and capability for industrial development" (Attachment 5).

Approval of the proposed plan amendment will add 42.09 acres of land designated as Residential 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. However, the increasing number of Plan Amendment and Zoning Map Change requests for residential development in the vicinity of the Research Triangle Park in recent years could indicate a shift in market demand in favor of residential developments that can take advantage of shorter commute trips to RTP and to other locations in the region. This issue will be explored more thoroughly when the Planning Department prepares a broader land use update for the area bounded by the Wake County line, S Miami Boulevard, T.W. Alexander Parkway, and I-40, as directed by *Durham Comprehensive Plan Policy 2.5.2b., Land Use Updates*. However, this land use update is not yet a scheduled item on the Planning Department work program.

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 T.W. Alexander Drive and Page Road, both of which are classified as minor thoroughfares. Direct access to the site is provided by Smallwood Drive and Roche Drive, both of which are indicated as new collector streets in the *Durham/Wake Comprehensive Street System Plan (2000)*. If development of any kind was to occur on the site, improvements to these roadways would be required. Therefore, according to this policy, the location is appropriate for industrial development in the future.

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 Low-Medium Density Residential land use, defined as 4-8 Dwelling Units/Acre, fits within the parameters 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 T.W. Alexander Drive to the north and Page Road to the east. T.W. Alexander Drive is currently a four lane divided arterial designed to accommodate 42,200 average daily trips (ADT), and according to the most recent traffic volume count (2009) there were 24,000 annual average daily trips (AADT) (57% of capacity). Page Road is designed to accommodate 11,900 ADT, and the most recent traffic volume counts (2009) reported 12,000 AADT (101% of capacity). Traffic estimates on Page Road (which includes approved, but not yet built development plans), exceed LOS D, and therefore do not meet the parameters of this policy. However, this is not a condition caused by this proposed development. In fact, a development built at Low-Medium Density would typically generate fewer trips than what could be built in an Industrial land use category. A detailed assessment of traffic impacts and commitments is included in the zoning map change staff report.

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 37,070 gallons per day (GPD). This represents an increase of water demanded by approximately 24,694 GPD from what development with the adopted Industrial land use designation would allow. Durham has 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	12,375 gallons/day
Maximum Water Demand Under Proposed Low-Medium Density Residential Use ²	37,070 gallons/day
Impact of Proposed Plan Amendment	+24,694 gallons/day
Notes: MGD = Million gallons per day ¹ Maximum water demand of the adopted Future Land Use (IND: 91,672 SF) ² Maximum water demand of the proposed Future Land Use (LMD: 337 Townhouse Units)	

Staff Conclusion: The Chamber of Commerce’s evaluation of the site detailed in a letter dated March 26, 2012 (Attachment 5) provides adequate evidence that the site is not suitable for industrial development. Furthermore, the request for Low-Medium Density Residential designation 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. More extensive studies of industrial land and the general land use patterns in this area are recommended, however, they will not be complete prior to a decision regarding this plan amendment case.

2. Compatibility

The site is located in southeastern Durham County near the intersection of T.W. Alexander Drive and Page Road in the Suburban Tier. The area has developed into a mix of industrial uses auxiliary to the Research Triangle Park, vacant land, rural residential and multi-family developments that are suburban in character.

Area Land Uses and Designations		
	Existing Uses	Future Land Use Designations
North	Industrial/Multi-family Residential	Industrial; Low-Medium Density Residential
East	Vacant/Religious/Industrial/Single and Multi-family Residential	Industrial; Medium Density Residential
South	Industrial	Industrial
West	Industrial/Vacant	Industrial

Existing Uses: The site of the proposed plan amendment is bordered to the north by property developed and zoned for light industrial uses; to the south by underdeveloped industrial land; to the east by rural residential houses and church owned property; and to the west by industrial property. Across Page Road, there are two new residential developments—an apartment complex in the City of Durham and a single-family housing subdivision in the City of Raleigh (aerial photography provided in Attachment 3 does not reflect these new developments).

Future Land Use Designations: According to the adopted Future Land Use Map, areas east of the site are designated in Durham for Medium Density Residential (6-12 DU/Ac.) and in Raleigh as Low Density Residential (defined as 1-6 DU/Ac.), as well as Office/Research & Development. Parcels north, west and immediately south of the site are expected to develop as Industrial. Further south is the location of an approved development known as BethPage. The County Board of Commissioners approved a plan amendment from Industrial to Low-Medium Density Residential in 2007 (Plan Amendment case A06-15, Page Road

Assemblage). Between the subject site and the BethPage development is land that had originally been designated as a Suburban Transit Area with a mix of higher intensity residential and commercial uses. However, that land has since been identified by the Chamber of Commerce and the County Board of Commissioners as land suitable for future Industrial uses in the future (A06-21, Page Road Suburban Transit Area).

Staff Analysis: While there appears to be an increasing demand for housing in Southeastern Durham in the vicinity of the Research Triangle Park, the adopted Future Land Use Map indicates this area should remain industrial in nature. Recently approved plan amendments (referenced above) provide mixed policy direction about the future of this area as predominantly residential or predominantly industrial. Planning Staff has concerns that the continued conversion of land designated as Industrial could contribute to the erosion of Industrial viability in the surrounding area, specifically the land immediately south of the site. However, there is a growing desire for residential opportunities in proximity to RTP area jobs that was perhaps not present when the Future Land Use Map was adopted. Three planning projects proposed in the *Durham Comprehensive Plan* could clarify policy direction for this area in the future:

- (1) A study of Industrial Land, as directed by Durham Comprehensive Plan Policy 2.5.3a., Study of Industrial Land, will examine more closely land suitable for industrial development;
- (2) A small area land use update for the area bounded by the Wake County line, South Miami Boulevard, T.W. Alexander Parkway, and I-40, as directed by Durham Comprehensive Plan Policy 2.5.2b., Land Use Updates, will offer policy recommendations about the mix and location of future land uses in this area; and
- (3) A Compact Neighborhood Plan (Policy 2.2.4e., Compact Neighborhood Plans) for the area around the proposed RTP North commuter rail station will study how development can be accommodated around transit stations to create compact, mixed use neighborhoods and developments.

None of the above projects are scheduled to be complete prior to when a decision on this case will be necessary.

Staff Conclusion: The proposed plan amendment is compatible with the existing land use trends; however, it is incompatible with designated Industrial future land uses in the area. Staff's concern is that the introduction of more residential land could diminish the viability of future industrial development; however, prior plan amendment cases in the area establish a policy precedent for more residential growth. The proposed plan amendment is compatible with the adopted future land uses of the area and meets criterion 3.4.7.B.

3. Adverse Impacts

The site is not within a watershed protection overlay district. Tributary streams of Stirrup Iron Creek flow generally northeast to southwest through the site. The site also contains a 200 ft. wide power easement, and rolling topography, with some hills greater than 15% slope. The applicant contends Low-Medium Density Residential would be better able to take advantage of many of the natural features without creating adverse impacts that may be associated with industrial development. 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.

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 area requested for amendment is approximately 43.44 acres and is of sufficient shape and size for Residential development in the Suburban Tier.

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:

- Center of the Region Enterprise (CORE)
- City of Raleigh
- Fayetteville Street Planning Group
- Friends of Durham
- Inter-Neighborhood Council
- Partners Against Crime –District 4
- Unity in the Community for Progress
- RDU HZO Permit Area

G. Recommendations

The requested future land use, Low-Medium Density Residential, is found 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 July 10, 2012 meeting, 13-0, based on information provided in the staff report, the applicant's justification, and meeting the four criteria for plan amendments. See Attachment 6 for further details.

H. Staff Contact

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I. Attachments

Attachment 1, Proposed Change

Attachment 2, Context Map

Attachment 3, Aerial Photograph

Attachment 4, Applicant's Plan Amendment Justification

Attachment 5, Letter from the Greater Durham Chamber of Commerce, Chamber position on Comprehensive Plan Amendment A011-00008, dated March 26, 2012

Attachment 6, Planning Commission Written Comments

Attachment 7, Resolution