



CITY OF DURHAM | DURHAM COUNTY
NORTH CAROLINA



ZONING MAP CHANGE REPORT

Meeting Date: November 19, 2012

Summary			
Application Summary			
Case Number	Z1200018	Jurisdiction	City
Applicant	Madison Washburn Court LLC	Submittal Date	August 13, 2012
Reference Name	Swift Avenue Apartment Homes 2	Site Acreage	3.39
Location	300 Swift Avenue, south of NC 147 Highway and north of Hull Avenue.		
PIN(s)	0821-06-39-0901		
Request			
Proposed Zoning	Compact Design – Core with a development plan (CD-C(D)) and Compact Neighborhood Tier	Proposal	202 residential units
Site Characteristics			
Development Tier	Urban		
Land Use Designation	Institutional		
Existing Zoning	Residential Urban – Multifamily (RU-M)		
Existing Use	Multi-family residential		
Overlay	N/A	Drainage Basin	Jordan Lake
River Basin	Cape Fear	Stream Basin	Sandy Creek
Determination/Recommendation/Comments			
Staff	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 ordinances.		
Planning Commission	Approval 10 – 1, on September 11, 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.		
DOST	No comments		
BPAC	No comments		

A. Summary

This is a request to change the zoning designation of a 3.39-acre parcel from RU-M to CD-C(D) and place in the Compact Neighborhood Tier for a development of 202 residential units. The site is located at 300 Swift Avenue, south of NC 147 Highway and north of Hull Avenue (see Attachment 1, Context Map). This request is not consistent with the future land use designation of the *Comprehensive Plan* which designates this site as Institutional/Urban Tier. A plan amendment, case A1200006, has been requested to change the designation of this site to Design District/Compact Neighborhood Tier. Staff is recommending approval of this plan amendment. On September 11, 2012, Planning Commission recommended approval, 12 – 1.

Appendix A provides supporting information.

B. Site History

Another zoning map change application, case Z1200015, for this site was submitted earlier this year and subsequently withdrawn. The difference between the request of Z1200015 and the subject case (Z1200018) is that the subject case includes a development plan that commits to limitations of the permitted uses of the CD-C district and provides specificity regarding access and associated transportation elements.

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 and in consideration of the companion plan amendment request, case A1200006. 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 (see Appendix A, Attachment 4, Development Plan reduction) provides the required elements for zoning map change requests in the CD-C district (Sec. 3.5.6.D, Sec. 6.12.4). 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. These commitments include four commitments that restrict the permissible uses of the district (see Table D3, Summary

of Development Plan); generally, committing that the subject property be limited to residential uses.

Graphic Commitments. Graphic commitments include the general location of site access points and right-of-way dedication along Hull Avenue.

Determination. The requested CD-C zoning district and associated development plan meets or exceeds the applicable requirements of the UDO. If this zoning map change request is approved, the attached development plan (Appendix A, 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 CD-C district/ Compact Neighborhood Tier and associated development plan is not consistent with the Future Land Use Map of the *Comprehensive Plan* which designates the site as Institutional/Urban Tier. A plan amendment (Case A1200006) to designate the site as Design District/Compact Neighborhood Tier has been requested and is being supported by staff and by Planning Commission who voted to recommend approval, 12 – 1 on September 11, 2012.

The requested CD-C district/Compact Neighborhood Tier and associated development plan are consistent with the applicable policies of the *Comprehensive Plan* aimed at providing transit supportive development near the proposed transit station.

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

Long Range Bicycle Plan Map 4.5. A proposed bicycle lane along Swift Avenue is shown as a recommendation of the Long Range Bicycle Plan Map 4.5. Roadway improvements along Swift Avenue are not required of this project. Therefore the requirement to develop the bicycle lanes is also not required.

Central Durham Gateway Plan. The site is adjacent to NC 147 Highway and provides an opportunity for redevelopment to provide an attractive view from the highway and Swift Avenue. The Design District, of which CD-C is, accomplishes the goal of this plan.

F. Site Conditions and Context

Site Conditions. The 3.39-acre site is located at 300 Swift Avenue, south of NC 147 Highway and north of Hull Avenue and presently consists of occupied apartment buildings.

Area Characteristics. The site is presently in the Urban Tier, directly adjacent to the Compact Neighborhood Tier which is entirely to the north. The Compact Neighborhood Tier is an area near planned transit stations and requires that development be transit and

pedestrian oriented; discouraging auto-oriented and low intensity uses. The Urban Tier aims to foster maintenance of the urban form with small lot sizes and differing uses in proximity to one another.

With few exceptions, this area south of NC 147 Highway is part of the Duke University UC(D) District and/or under Duke University ownership and a mix of institutional uses, single- and multifamily housing. The area north of the site (and north of NC 147 Highway) is part of the Ninth Street Compact Neighborhood Tier which is mostly nonresidential uses. The present zoning designation of the area was the result of a five-year process with significant stakeholder input to make place-specific regulations geared towards encouraging and accommodating the proposed transit station identified on the Triangle Transit Authority Regional Transit Plan at Erwin Road and West Pettigrew Street.

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

Determination. The proposed CD-C district/Compact Neighborhood Tier and associated development plan meets the ordinance and policy requirements in relation to development on the subject site. The area is well-connected to the Compact Neighborhood Tier to the north and it is less than ¼ mile walking or driving distance to the planned station. While policy guidance identifies this area as Institutional on the Future Land Use Map, likely becoming part of Duke University's UC(D) district, this crossroads of the Duke University UC(D) district and Ninth Street/Duke Hospital Compact Neighborhood Tier is reasonable considering the standards of each district strive to achieve compact, pedestrian-oriented development supporting a transit station.

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 CD-C district and Compact Neighborhood Tier and associated development plan is consistent with *Comprehensive Plan* policies regarding infrastructure impacts.

H. Staff Analysis

Staff determines that, should the plan amendment be approved, this request would be consistent with the *Comprehensive Plan* and other adopted policies and ordinances. Staff is recommending approval of the plan amendment (Case A1200006).

I. Contacts

Table I. Contacts		
Staff Contact		
Amy Wolff, Senior Planner	Ph: 919-560-4137, ext. 28235	Amy.Wolff@DurhamNC.gov
Applicant Contact		
Agent: Robert Shunk, HadenStanziale	Ph: 919-286-7440	rshunk@hadenstanziale.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
- TTA Station Sites
- Fayetteville Street Planning Group
- Friends of Durham
- Unity in the Community for Progress

K. Summary of Planning Commission Meeting September 11, 2012 (Case Z1200015)

Zoning Map Change Request: From Residential Urban –Multifamily (RU-M) and Urban Tier to Compact Design- Core (CD-C(D)) and Compact Neighborhood Tier.

Staff Report: Ms. Wolff presented the staff report.

Public Hearing: Chair Monds opened the public hearing. Two citizens spoke in support and one spoke in opposition. Vice Chair Monds closed the public hearing.

Commission Discussion: Discussion centered on notification procedures in the Compact Tier.

Motion: Approval of Z1200018 (Ms. Beechwood, Ms. Mitchell-Allen 2nd).

Action: Motion carried, 10-1 (Ms. Winders voting no).

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. Development Plan 5. Application 6. Owner’s Acknowledgement 7. 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 Table D2: District Requirements
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 A: Application Supporting Information

Attachments:

1. Context Map
2. Future Land Use Map
3. Aerial Photography
4. Development Plan
5. Application
6. Owner’s Acknowledgement

7. Submittal and Review History
8. Planning Commission Written Comments
9. Ordinance Form

Appendix D: Unified Development Plan Supporting Information

Table D1. UDO Designation Intent	
CD	Compact Design – the CD District is intended to encourage development of appropriate urban intensity and pedestrian activity by focusing on the form of development and how it shapes the streetscape. The CD District includes the dense core surrounding the future transit station area as well as adjacent areas that provide a transition from the dense core to less intense, surrounding areas.
- C	Core – the “-C” designation of a Design District is the portion of the Design District where the highest, densest urban development, with a mix of vertically integrated uses, is expected and encouraged.
D	Development Plan – 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.
Compact Neighborhood Tier	The Compact Neighborhood Tier is that area near planned transit stations, within which development is intended to be transit-, bicycle-, and pedestrian-oriented to enhance the street level experience and provide a mixture of goods and services. Auto-oriented and low intensity uses shall be discouraged.

Table D2. District Requirements – CD-C				
	Code Provision	Standard		Commitment
Permitted Frontage Types*	6.12.2.D	Storefront, Arcade, Courtyard, Forecourt, Parking Structure		N/A
Streetscape Standards*	6.12.2.G	Seating	One linear foot per 15 linear feet of street frontage	N/A
		Solid Waste Receptacles	One per 150 linear feet of street frontage	N/A
		Decorative Street Lights	New or replaced lighting shall meet the standards of the Durham Design Manual	N/A

Table D2. District Requirements – CD-C				
Building Placement (feet)	6.12.4.A.1a	Build-to Line	12	12
		Side Yard Setback (maximum)	25 feet total, 20 feet on one side	Shown at property line. Side and rear yards will be applied dependent on the orientation of the building.
		Rear Yard Setback (minimum)	10	
Maximum Building Height*	6.12.4.A.2a	90 feet, 110 feet with mSUP		90
Residential Density (DU/Ac.)	6.12.4.A.3a	22 – 60		60

*This information is provided for references purposes only and is not minimum commitments required of a development plan for the requested district.

Table D3. Summary of Development Plan		
Components	Description	Development Plan Sheet
Required Information	Intensity/Density. 202 residential units = 60 DU/Ac.	DP-2.0
	Building/Parking Envelope has been appropriately identified.	DP-2.0
	Project Boundary Buffers are not required of this project.	N/A
	Stream Crossing. There are no streams that impact this site.	N/A
	Access Points. Two (2) access points have been identified.	DP-2.0
	Dedications and Reservations. Dedicate 2 feet of right-of-way along Hull Avenue frontage.	DP-2.0
	Impervious Area. 98% = 3.30 acres	DP-2.0
	Environmental Features. None identified.	N/A
	Areas for Preservation. None identified.	N/A
	Tree Coverage. None required.	N/A
Graphic Commitments	Location of access points.	DP-2.0
Text Commitments	<ol style="list-style-type: none"> 1. Except as noted below, use of the property shall be exclusively residential dwelling units. 2. Offices that are attendant to and necessary for the operation of the residential uses permitted on the property shall be allowed, but in no case shall such offices exceed 5% of the total heated floor area of buildings developed on the property. 3. Retail sales and service uses, including restaurants, that are accessory to the residential uses permitted on the 	Cover

Table D3. Summary of Development Plan		
	<p>property and intended to serve the residents of those uses shall be allowed, but in no case shall such uses exceed 5% of the total heated floor area of the buildings developed on the property, retail sales and service facilities on the property shall not have signage or entrances directed toward or facing Swift Avenue or Hull Street, however, such uses may have signage and entrances located within courtyard areas regardless of facing.</p> <p>4. Family care facilities, commercial dormitories, congregate living facilities, group homes, and overnight accommodations shall not be allowed.</p>	
SIA Commitments	None provided	N/A
Design Commitments	Design commitments beyond the ordinance requirements of the Compact Design District are not proposed with this application.	Cover

Appendix E: Adopted Plans Supporting Information

Table E. Adopted Plans	
<i>Comprehensive Plan</i>	
Policy	Requirement
Future Land Use Map	<p>Institutional: Land used primarily for institutional uses, including but not limited to educational facilities government facilities, and civic uses.</p> <p>Urban Tier: established to describe land primarily developed prior to the 1960s with small lot sized in traditional grid patterns and differing uses in proximity to one another, with access to urban services and provides opportunities for infill and redevelopment.</p>
2.1.3j	Design District Defined: intended to encourage intense development and transit at pedestrian oriented activity.
2.2.4b	Compact Neighborhood Tier Land Uses: Utilize a Design District for all Compact Neighborhoods through the Compact Neighborhood Plan process in order to make use of form-based code principles, to create alternatives to automobile use, and create more “24-hour” places. Land uses allowed for Compact Neighborhoods for which plan has not been implemented: Recreation and Open Space, Residential, Institutional, Commercial, Office, and Industrial (limited to Light Industrial uses).
2.3.1b	Contiguous Development: Support orderly development patterns that take advantage of the existing urban services, and avoid, insofar as possible, patterns of leapfrog, noncontiguous, scattered development within the Urban Growth Area.
2.4.1a	Downtown and Compact Neighborhood Tier for Transit Support: Plan for and reinforce the Downtown and Compact Neighborhood Tiers as supportive of multi-modal transportation through increased density, reduced parking requirements, high quality pedestrian and bicycle facilities, and supportive infrastructure and design requirements.

Table E. Adopted Plans	
2.4.1b	Regional Transit Plan: Support planning for and protection of the transit corridors identified in the most recently adopted version of the Regional Transit Plan.
2.4.1c	Development Review and Regional Rail: Review development proposals in relation to the adopted Regional Transit Plan, and shall seek dedication or reservation of right-of-way along designated transit corridors in conformance with that Plan.
4.4.1i	Central Durham Gateway Plan: Implement the adopted Central Durham Gateway Plan.
8.1.2j	Transportation Level of Service Maintenance: Not recommend approval for any zoning map change which would result in the average daily trips exceeding 110% of the adopted level of service standards for any adjacent road, unless the impact on the adjacent roads is mitigated.
8.1.4d	Development Review and the Adopted Bicycle Plans: Review development proposals in relation to the 2006 Comprehensive Durham Bicycle Transportation Plan and the Bicycle Component of the most recent adopted Long Range Transportation Plan, and seek dedication or reservation of right-of-way or easements and construction of facilities in conformance with that Plan and Complete Street design standards.
11.1.1a	School Level of Service Standard: The level of service for public school facilities shall be established as a maximum enrollment of 110 percent of the system's maximum permanent building capacity, measured on a system-wide basis for each type of facility.
11.1.1b	Adequate Schools Facilities: Recommend denial of all Zoning Map amendments that proposed to allow an increase in projected student generation over that of the existing zoning that would cause schools of any type to exceed the level of service.
Long Range Bicycle Plan	
Map 4-5 shows a proposed bicycle lane along Swift Avenue.	
Central Durham Gateway Plan	
<ul style="list-style-type: none"> • Encourage adjacent development to beautify the property and address the view from the road (p 32). • Add sidewalks where none currently exist and use contrasting banding along existing concrete sidewalks (p 33). • The Plan also calls for an overlay district (p 75) to regulate the design of private development adjacent to the corridor. Note: such a district has not been created to date. The design districts adjacent to the corridor accomplish what the overlay was intended to do. 	

Appendix F: Site Conditions and Context Supporting Information

Table F. Site Context			
	Existing Uses	Zoning Districts	Overlays
North	Freeway right-of-way (~540 feet)	CD-C, CD-S1	None
East	Multi-family residential	UC(D), RU-M	None
South	Vacant, single-family residential, community service	UC(D)	None
West	Vacant residential, University	UC(D), RU-M	None

Appendix G: Infrastructure Supporting Information

Table G1. Road Impacts		
Swift Avenue (City street) and NC 147 Highway (State street) are the major roads impacted by the proposed zoning change. There are no scheduled City of Durham or NCDOT roadway improvement projects in the area.		
Affected Segments	NC 147 Highway	Swift Avenue
Current Roadway Capacity (LOS D) (AADT)	79,400	30,000
Latest Traffic Volume (AADT)	59,000	17,000
Traffic Generated by Present Designation (average 24 hour)*	366	
Traffic Generated by Proposed Designation (average 24 hour)**	1,348	
Impact of Proposed Designation	+982	

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

Swift Avenue: 5-lane major city/county roadway with left-turn lanes

NC 147: 4-lane freeway

Source of Latest Traffic Volume: 2011 NCDOT Traffic Count Map

*Assumption- (Max Use of Existing Zoning) – RU-M: 40 apartment units

** Assumption- (Max Use of Proposed Zoning) – CD-C: 202 apartments

Table G2. Transit Impacts
Transit service is currently provided within one-quarter mile of this site along West Main Street near Swift Avenue via the DATA’s Bull City Connector.

Table G3. Utility Impacts
This site is served by City water and sewer.

Table G4. Drainage/Stormwater Impacts
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.

Table G5. School Impacts			
The proposed zoning is estimated to generate 43 students. This represents an increase of 34 students from the existing zoning. Durham Public Schools serving the site are E.K. Powe Elementary School, Githens Middle School, and Riverside High School.			
Students	Elementary School	Middle School	High School
Current Building Capacity	15,864	8,647	9,916
Maximum Building Capacity (110% of Building Capacity)	17,450	9,512	10,908
20th Day Attendance (2011-12 School Year)	15,827	7,008	9,686
Committed to Date (July 2009 – June 2012)	384	124	81
Available Capacity	1,239	2,380	1,141
Potential Students Generated – Current Zoning*	5	2	2
Potential Students Generated – Proposed Zoning**	25	9	9
Impact of Proposed Zoning	+12	+5	+4

*Assumption- (Max Use of Existing Zoning) – RU-M: 40 apartments

** Assumption- (Max Use of Proposed Zoning) – CD-C: 202 apartments

Table G6. Water Supply Impacts	
This site is estimated to generate a total of 23,230 GPD if developed to its maximum potential with the proposed zoning district. This represents an increase of 18,630 GPD over the existing zoning district.	
Current Water Supply Capacity	37.00 MGD
Present Usage	28.06 MGD
Approved Zoning Map Changes (July 2009 – June 2012)	0.70 MGD
Available Capacity	8.24 MGD
Estimated Water Demand Under Present Zoning*	4,600 GPD
Potential Water Demand Under Proposed Zoning**	23,230 GPD
Potential Impact of Zoning Map Change	+25,983

Notes: MGD = Million gallons per day

*Assumption- (Max Use of Existing Zoning) – RU-M: 40 apartments

** Assumption- (Max Use of Proposed Zoning) – CD-C: 202 apartments