

DURHAM



1869

CITY OF MEDICINE

CITY OF DURHAM | DURHAM COUNTY
NORTH CAROLINA



Date: April 1, 2013

To: Thomas J. Bonfield, City Manager

Through: Keith Chadwell, Deputy City Manager

From: Steven L. Medlin, AICP, City-County Planning Director

Subject: Expedited Hearing Request for Vermilion (Zoning Case Z1300004)

Summary. The applicant for zoning map change case Z1300004 (Vermilion) has requested that an expedited hearing be granted, due to a May 17, 2013 deadline for tax credit financing that requires all zoning approvals to be in place. The applicant is requesting a change in zoning from PDR 8.000 (Planned Development Residential 8.000) to RS-M (Residential Suburban – Multifamily). There is no development plan associated with the requested zoning change of 1311 Cook Road, south of Martin Luther King, Jr. Parkway and north of Brown Street. Although not committed, the applicant indicates that the project will provide 76 affordable multifamily rental housing units.

The request for an expedited hearing meets the requirements of Section 3.5.11.B of the Unified Development Ordinance (UDO). However, the granting of an expedited hearing is solely at the discretion of the City Council. Also, the granting of an expedited hearing in no way obligates the Council to vote in favor of the zoning map change request. In a letter to the Planning Director on February 8, 2013, the applicant formally requests an expedited hearing pursuant to UDO Section 3.5.11.B.4.a.

If granted an expedited hearing, the application cannot be continued by the Planning Commission, and must be scheduled for the first available City Council meeting after the Planning Commission hearing. This application could be scheduled for the April 9, 2013 Planning Commission meeting if, after review of the application, it is found to be complete. Should the expedited hearing be granted, the request could then be scheduled for the May 6, 2013 City Council meeting.

Recommendation. Planning staff recommends approval.

Background. This is the second request for an expedited hearing from Workforce Homestead, Inc. The first expedited hearing request was for a 58-unit multifamily RS-M development on Barbee Road (Crowne Pointe, case Z1100003) was granted in April of 2011. However the case was eventually withdrawn due to neighborhood opposition.

On behalf of the property owner, Workforce Homestead, Inc. submitted a zoning map change application on February 8, 2013 for 10.371 acres of land at 1311 Cook Road, east side of Cook Road south of Marin Luther King, Jr. Parkway and north of Brown Street.

The request is to change the zoning designation from PDR 8.000 to RS-M for 76 residential units. This represents a density of 7.33 units per acre and is consistent with the Future Land Use designation of the *Comprehensive Plan*, which recommends Low-Medium Density (4 – 8 DU/Ac.) for the site. A Traffic Impact Analysis was not required.

The application has received a cursory review by staff. Should the application be deemed complete, the request could be scheduled for the April 9, 2013 Planning Commission meeting. Based on normal scheduling, the request would not be scheduled for a City Council public hearing until May 6th. The Planning Commission has (by ordinance) up to three months to consider items.

On February 8, 2013, the Planning Department received a written request from the applicant Jim Yamin (see attachment 2) requesting an expedited hearing from the City Council. The stated reason for the request is a May 17, 2013 tax credit financing application deadline of the North Carolina Housing Finance Agency (NCHFA) requiring all zoning approvals to be in place.

Section 3.5.11.B of the Unified Development Ordinance (UDO) authorizes the City Council to expedite the public hearing for zoning map change requests that meet certain criteria. One of the criteria is that a local, state, or federal application deadline for funding necessitates expedited consideration. Additionally, an expedited request shall not be granted if a Comprehensive Plan Amendment or Traffic Impact Analysis is required in association with the zoning map change application. The UDO also requires that the City Council public hearing for the zoning change be at least 30 days from the granting of the expedited hearing. If granted an expedited hearing, the Planning Commission is only given one meeting, and must be scheduled for the first available City Council meeting after the Planning Commission hearing.

Issues. Although a zoning map change request for the RS-M district without a development plan limits the maximum density of the site to 8 DU/Ac., staff has concerns that this request does not include a development plan that could provide

context-sensitive proffers in an area surrounded by single-family development. The existing development plan associated with the site (case Z06-17 for PDR 8.000) includes a number of proffers relative to the public process which would be removed if this subject request were approved. Additionally, an expedited hearing would allow limited time to address neighborhood concerns.

Should the expedited hearing be granted, the request could be scheduled for the April 9, 2013 Planning Commission meeting and the May 6, 2013 City Council meeting. This would allow the applicant to potentially receive the appropriate zoning approvals, contingent on Council action, to meet the stated NCHFA application deadline of May 17, 2013.

Fiscal Impact. None.

SDBE Impact. None.

Attachments

Attachment 1, Context Map

Attachment 2, Applicant's Expedited Hearing Request

Attachment 3, Z06-17 Commitments

Attachment 4, Resolution