



CITY OF DURHAM | DURHAM COUNTY
NORTH CAROLINA



PLAN AMENDMENT REPORT

Meeting Date: February 4, 2013

Reference Name	Covington Hall (A1200007)	Jurisdiction	City
Applicant	The John R. McAdams Company, Bob Zumwalt		
Request Change in Comprehensive Plan Designation	Industrial to Office (5411 Page Road) Suburban Tier to Compact Neighborhood Tier (5321 Page Road)		
Site Characteristics	Tier:	Suburban (adopted), Compact Neighborhood (proposed)	
	Present Use:	4-story office building (5411 Page Road) Parking and stormwater management (5321 Page Road)	
	Present Zoning:	Industrial Park (IP)	
	Overlays:	Major Transportation Corridor (MTC) (partial)	
	Size:	14.03 acres	
Location	5411 and 5321 Page Road, at the south and east corners of Page Road and Slater Road in southeastern Durham County		
PIN	0747-04-54-4526; -64-0953		
Recommendations	Staff	Approval, based on conditions warranting an amendment to the Future Land Use Map and the proposed land use pattern meeting the four criteria for plan amendments and tier boundary modifications.	
	Planning Commission	Approval, December 11, 2012, 12-1, based on information provided in the staff report, the justification, and meeting the four criteria for plan amendments.	

A. Summary

The applicant, the John R. McAdams Company, is proposing to amend the Future Land Use Map in two ways in order to develop a mixed-use project containing a high-density multi-family community with a small commercial component. The first proposed change would amend the future land use designation of the parcel in the southern quadrant of the intersection of Slater Road and Page Road from Industrial to Office. Office is a future land use category in which the Mixed Use (MU(D)) zoning district is allowed. Mixed Use zoning is not allowed in Industrial districts. This parcel is currently located within the boundaries

of the Triangle Metro Center Compact Neighborhood Tier. The second proposed change would include the parcel on the eastern quadrant of Slater Road and Page Road into the Triangle Metro Center Compact Neighborhood Tier and would retain its adopted future land use category of Office. Portions of both of these parcels are within the Major Transportation Corridor overlay district that is associated with Interstate 40; however, are they not within a watershed protection overlay district.

B. Site History

The Future Land Use Map of the *Triangle Township Plan*, adopted by the City Council and Board of County Commissioners in 1993, designated the parcel in the eastern quadrant of the intersection at Page Road and Slater Road (5321 Page Road) as Office. The parcel in the southern quadrant of the intersection (5411 Page Road) was designated for Industrial purposes. When the 2005 *Durham Comprehensive Plan* was adopted, the future land use designations remained the same; however, a development tier boundary was introduced separating the Suburban Tier from the Compact Neighborhood Tier. The parcel in the southern quadrant was included in the Compact Neighborhood Tier, while the eastern parcel was not, despite both parcels being within ½ mile of the proposed Triangle Metro commuter rail station.

C. Existing Site Characteristics

The site in the southern quadrant of Page Road and Slater Road is a fully developed four-story office building positioned at the corner of the lot with an associated surface parking lot to the side and rear of the building. The site across Slater Road acts as overflow surface parking for the office building. The parking lot is shielded from view by a vegetated area along the frontage of Page Road. Vegetation extends to the rear of the site (easternmost area). There is a stormwater management feature on site; however, there are no other known surface water features. It is within walking distance of a number of transit opportunities including Triangle Transit Route 805 traveling to Chapel Hill/Woodcroft; Route 311 traveling to Apex; Route 800 traveling to Southpoint Mall and Chapel Hill; and Route 47, a shuttle loop thru the Research Triangle Park. Less than a mile away is the Regional Transit Center where additional bus routes are available. The site is also in proximity to the proposed Triangle Metro Center station of the Durham-Wake Commuter Rail transit line. Walking distance to the proposed station is less than ½ mile and is estimated to take 12 minutes. Sidewalks and other pedestrian features, such as crosswalks, exist along the walking route. Please refer to Attachment 3 for aerial imagery.

D. Applicant's Plan Amendment Justification

The applicant contends that this project, made possible by amending the Future Land Use designation and including the site into the boundaries of the Compact Neighborhood Tier, will be beneficial to the community in a number of ways.

The applicant asserts that a higher density mix of uses, "should contribute to vitality and success of the Triangle Metro Center [Compact Neighborhood]," because as the applicant explains, "a large amount of the area is vacated on a daily and weekend basis ... An

increase in the number of dwelling units in the area is expected to translate into an increase in hours of use for [existing] retail and support services, expanding the benefit of the proposed development beyond its confines.” In other words, the addition of a residential population into this area will mean that businesses could be able to employ people who live nearby and could have a more consistent customer base, with the potential effect of reducing automobile usage.

The applicant also believes that this project will result in an outcome consistent with goals outlined in the *Durham Comprehensive Plan* for the Compact Neighborhood Tier. Support for this proposed amendment, the applicant writes, will support transit (the proposed commuter rail station is within ½ mile), will improve walkability and connectivity, and will add more “24/7” vibrancy to the area. The current Industrial designation, the applicant contends, “runs counter to the intent of Objective 2.2.4, Compact Neighborhood Tier Development,” because mixed use zoning is not permitted in that future land use category. Please refer to Attachment 4 for the complete justification statement provided by the applicant.

Staff Response: Staff agrees with the applicant that certain circumstances unique to this site warrant a change in Future Land Use policy. Those circumstances include:

- An Industrial Future Land Use designation is contrary to the goals of the Compact Neighborhood Tier, which emphasizes a mixed use neighborhood character; and
- The site is within a ½ mile walking distance from the proposed Triangle Metro rail station.

A further examination of the applicant’s request that this site be included in the Compact Neighborhood Tier and be designated as Office follows.

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*. The proposal to change the Future Land Use designation has been evaluated using criteria found in UDO Section 3.4.7:

- 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/or 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 site is of adequate shape and size to accommodate the proposed change.

1. Consistency with Adopted Plans and Policies

The *Durham Comprehensive Plan* is a policy document intended to guide growth and development in an organized and efficient manner. A theme found throughout the Plan is support for compact development near proposed regional rail transit stations. Goals, objectives, and policy statements in support of this overall theme are listed in Table 1 below. In general, supporting compact development in connection with transit can be beneficial in a number of ways. It can:

- Relieve traffic congestion;
- Improve public health by increasing opportunities to walk;
- Reduce household transportation expenses;
- Connect people who do not have access to cars with jobs;
- Create “complete” neighborhoods for people to live, work, play, which attracts talent and spurs economic growth and entrepreneurship; and
- Create a fiscally responsible pattern of growth because it is less consumptive of land and resources.

Table 1: Goals, Objectives, Policies in support of Compact Development near Regional Transit Stations
<i>Goal 2.4, Align Land Use and Transportation.</i> Promote the integration of land use, transportation and infrastructure planning to efficiently conserve resources and support economic growth.
<i>Objective 2.4.1. Transit Oriented Development.</i> Create land use policies that encourage development that is compatible with transit, pedestrian, and bicycle transportation, and decreases dependence on automobiles. Promote and support future transit opportunities.
<i>Objective 2.2.4. Compact Neighborhood Tier.</i> Provide sufficient land in the Compact Neighborhood Tier appropriately zoned for mixed use, transit-oriented development. The Compact Neighborhood Tier shall include land surrounding the designated regional transit stations.
<i>Policy 2.1.2e. Compact Neighborhood Tier Defined.</i> The Compact Neighborhood Tier consists of areas surrounding the proposed fixed guideway transit stations. These are areas identified for higher density and intensity infill, redevelopment, and new development that integrate a mix of uses through an urban fabric that includes enhanced bicycle and pedestrian facilities. The Compact Neighborhood Tier is expected to have an improved street level experience and discourage auto-oriented and low intensity land uses.
<i>Policy 2.2.4a. Compact Neighborhood Development Focus.</i> Ensure that the Station Area Plans enhance the street level experience and provide a mixture of goods and services near transit stations by requiring that development within the Compact Neighborhood Tier be transit-, bicycle-, and pedestrian-oriented. Auto-oriented and low intensity uses shall be discouraged.
<i>Policy 2.4.1a. Downtown and Compact Neighborhood Tiers for Transit Support.</i> 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.

As many of the goal, objective and policy statements listed in Table 1 indicate, Durham's strategy for achieving these goals is to provide opportunities for higher density development in the Compact Neighborhood Tier. The proposal to include this site into the Compact Neighborhood Tier is consistent with these policies because:

- The site is within a ½ mile from the proposed rail station (Objective 2.2.4.);
- Increased density allowed on the site will support multi-modal transit ridership and can reduce dependence on automobiles (Objective 2.4.1, Policy 2.4.1a.). Mixed Use projects within the Compact Neighborhood Tier can build up to 52.5 dwelling units per acre, in contrast to the maximum of 20 dwelling units per acre in the Suburban Tier; and
- Development intensity and form standards (setbacks, height, and street yards) in the Compact Neighborhood Tier place an emphasis on the street-level experience and create a more pedestrian friendly environment (Policy 2.1.2e., Policy 2.2.4a.).

The Future Land Use Map does not include a designation for "Mixed Use". Instead, the Mixed Use zoning district is allowed to be applied in most future land use categories, including Residential, Commercial, Office, Institutional, and Research Applications. Mixed Use zoning, however, is not permitted in Industrial future land use categories. The applicant is, therefore, requesting the Future Land Use Map be amended to Office. As per *Policy 2.3.1h., Mixed Use Project Location*, other factors such as infrastructure availability and accessibility to multiple modes of transportation influence whether or not a location is appropriate for Mixed Use development. This site is well connected to multiple modes of transportation, does not impact environmentally sensitive or hazardous areas, and is served by city infrastructure.

Staff Conclusion: The proposal to include this site as part of the Triangle Metro Compact Neighborhood Tier and designate it as Office on the Future Land Use Map is consistent with goals, objectives, and policies of the *Durham Comprehensive Plan*. Therefore, the request meets criterion 3.4.7.A.

2. Compatibility with Existing Development and Future Land Use Patterns

Located at 5411 and 5321 Page Road, the site is located at the intersection of Page Road and Slater Road. As previously mentioned, it is within ½ mile radius from the proposed Triangle Metro Center rail station. In the past, development in this area has been largely suburban commercial (example: Creekstone Crossings shopping center), suburban office (example: Keystone Technology Park), or hotels. A new multifamily residential development is currently under construction near Page Road and Miami Boulevard. A number of vacant properties still exist in the vicinity of the subject site.

Table 2: Area Land Uses and Designations		
	Existing Uses	Future Land Use Designations
North	Commercial, Office	Industrial, Office
East	Commercial, Office	Industrial, Office, Commercial
South	Office	Industrial
West	Commercial, Vacant	Industrial

Existing Uses: Areas to the north of the site are currently developed as hotels, a bank, and office buildings. East of the site is a day care center and office buildings associated with Imperial Center Business Park. A vacant tract is south of the site, along with additional office buildings that are a part of Imperial Center. West of the site is Imperial Point, a commercial/office development and several acres of vacant land, part of which is currently under development into a restaurant.

Future Land Use Designations: According to the adopted Future Land Use Map, areas around the site are designated as Industrial, with some Office and Commercial designations located to the east.

Analysis: Land surrounding the subject site is largely zoned Industrial Park (IP). This is a planned zoning district that is intended to provide opportunities for a range of light industrial, manufacturing, research activities, and support commercial uses in a unified campus setting. So while a large proportion of the land surrounding the site is designated as Industrial, many of the impacts typically associated with Industrial development are limited by restrictions of the existing IP district. A mixed use project that incorporates residential and commercial activities is compatible with the existing area. Moreover, staff agrees with the applicant that allowing a mixture of uses to develop in this location is beneficial to the future policy vision for the Compact Neighborhood Tier, which is to allow higher density and intensity infill around regional transit stations.

Staff Conclusion: The proposal to include this site as part of the Triangle Metro Compact Neighborhood and designate it as Office on the Future Land Use Map is compatible with existing land uses and future land use designations in the area and, therefore, meets criterion 3.4.7.B.

3. Adverse Impacts

Infrastructure

A theme found throughout the *Durham Comprehensive Plan* is ensuring that the pace of urbanized growth does not exceed the ability to provide essential services (Objective 2.3.2, Infrastructure Capacity). Toward that end, *Policy 2.3.2a., Infrastructure Capacity*, directs the City-County Planning Department to consider impacts to the capacity of existing infrastructure when evaluating changes to the Future Land Use Map and Zoning Atlas. More detailed information follows; however,

it is important to note that the impacts are measured based on the maximum potential impact, and not specifically what is proposed to be built.

Durham Comprehensive Plan Policy 8.1.2a., Transportation Level of Service Standards (LOS), states that the LOS for roads in the Suburban Tier shall achieve a minimum of LOS D and roads in the Compact Neighborhood Tier shall achieve a minimum of LOS E.

Analysis: The major roads impacted by the proposed change in future land use are Interstate 40 and NC Highway 54. Interstate 40 is currently an 8-lane freeway. The impacted segment is designed to accommodate 166,000 average daily trips (ADT), and according to the most recent traffic volume count (2009) there were 174,000 annual average daily trips (AADT) (105% of capacity). NC Highway 54 is a 4-lane arterial designed to accommodate 33,300 average daily trips, and according to the most recent traffic volume counts there were 21,000 annual average daily trips (63% of capacity). Development under the proposed Office designation would likely result in more traffic than the existing Industrial designation. Traffic estimates on Interstate 40 exceed LOS D, and therefore do not meet the specific parameters of this policy. However, this is not a condition caused by this proposed development. In reviewing the traffic impact analysis the North Carolina Department of Transportation did not request additional improvements to mitigate traffic congestion on Interstate 40. A detailed assessment of traffic impacts and commitments is included in the zoning map change staff report; however, what is not taken into account is the likelihood that many trips could be made by walking, biking, or using transit.

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 8,678 gallons per day (GPD). This represents an increase of water demanded by approximately 1,947 GPD from what development with the adopted designations could allow. While development under the proposed land use is likely to generate more demand for water, there is sufficient capacity in water supply to accommodate the proposed designation.

Table 3: Water Supply Impacts	
Current Water Supply Capacity	37.00 MGD
Present Usage	28.06 MGD
Committed to Date (July 2009 through June 2012)	0.70 MGD
Available Capacity	8.24 MGD
Maximum Water Demand Under Adopted Office and Industrial Uses ¹	6,737 gallons/day
Maximum Water Demand Under Proposed Office Use ²	8,678 gallons/day
Impact of Proposed Plan Amendment	1,947 gallons/day
Notes: MGD = Million gallons per day	
¹ Maximum water demand of the adopted Future Land Use (OFC: 66,534 SF, IND: 12,939 SF)	
² Maximum water demand of the proposed Future Land Use (OFC: 115,704 SF)	

Future Demand for Land Uses

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 future demand for a variety of uses. Approval of this plan amendment would remove 5.94 acres from the Industrial future land use designation. Currently, approximately 16,200 acres are designated on the Future Land Use Map as Industrial. By 2035, the Planning Department estimates there will be demand for 10,500 acres for these land uses, indicating there is a surplus of land designated on the Future Land Use Map for Industrial uses. The impact of the proposed plan amendment on the availability of Industrial land is negligible, particularly since the site is currently developed as office.

Environment

The site is outside of a watershed protection overlay district and, aside from a stormwater management feature, there are no known surface water features or steep slopes; therefore, nothing on the site would preclude it from developing according to standards for environmental protection 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 14.03 acres and is of sufficient shape and size for development consistent with standards in the Compact Neighborhood 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. Criteria for Modifications of Tier Boundaries

Additional considerations for the proposal to modify the Development Tier boundary are found in UDO paragraph 3.4.8. The proposal to modify the tier boundary and change the Development Tier designation of this site from Suburban to Compact Neighborhood is consistent with each of the following:

1. The site is contiguous to the proposed Tier.
2. The site is not in the drainage basin for Lake Michie or Little River or in the one-mile critical area around Jordan or Falls Reservoirs;
3. The extension does not violate any agreements with neighboring jurisdictions; and
4. The proposal does not involve an extension of the Suburban Tier and is already provided with City services; therefore, consultation with the Public Works Director is not necessary.

Staff determines that the proposed modification of the Development Tier boundary from Suburban to Compact Neighborhood is consistent with the criteria of UDO paragraph 3.4.8, Modification of Tier Boundary.

G. 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)
- Northeast Creek StormWatch
- Partners Against Crime - District 4
- Friends of Durham
- Inter-Neighborhood Council
- RDU HZO Permit Area
- TTA Station Sites
- Unity in the Community for Progress
- Fayetteville Street Planning Group

H. Recommendations

Staff finds there are circumstances to warrant amending the Future Land Use Map, and that the request meets criteria for plan amendments and modifications of development tier boundaries, and therefore recommends approval of the request.

Planning Commission recommended approval on December 11, 2012 by a vote of 12-1 based on information provided in the staff report, the justification, and meeting the four criteria for plan amendments.

I. Staff Contact

Hannah Jacobson, Planner, 919-560-4137 x28247, hannah.jacobson@durhamnc.gov

J. Attachments

Attachment 1, Proposed Change

Attachment 2, Area Context

Attachment 3, Aerial Image

Attachment 4, Applicant's Justification

Attachment 5, Planning Commissioner Comments from the December 11, 2012 Meeting

Attachment 6, Resolution