

DURHAM



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NORTH CAROLINA



Date: February 18, 2013

To: Thomas J. Bonfield, City Manager

Through: Keith Chadwell, Deputy City Manager

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

Subject: Expedited Hearing Request for Whitted School (Zoning Case Z1200028)

Summary. The applicant for zoning map change case Z1200028 (Whitted School) 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 RU-5(2) (Residential Urban-5(2)) to PDR 20.000 (Planned Development Residential 20.000). The development plan shows the construction of 80 multifamily units on 200 East Umstead Street, south of East Umstead Street between South Roxboro Street and Sawyer Street. Although not committed, the applicant indicates that the units be targeted as affordable senior independent living.

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 December 10, 2012, 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. Should the expedited hearing be granted, the request could be scheduled for the March 12, 2013 Planning Commission meeting, subject to the case being ready for consideration, and the March 18, 2013 City Council meeting.

Recommendation. Planning staff recommends approval.

Background. Integral Development, LLC on behalf of the property owner submitted a zoning map change application and development plan for 4.062 acres of land at 200 East Umstead Street, south side of East Umstead Street at South Roxboro Street.

The request is to change the zoning designation from RU-5(2) to PDR 20.000 for 80 residential units. The requested density of 20 units per acre is consistent with the Future Land Use designation of the Comprehensive Plan, which recommends Medium-High Density for the site. A Traffic Impact Analysis was not required.

The development plan has received one round of staff review. Should the second submittal be clean of all comments, the request could be scheduled for the March 12, 2013 Planning Commission meeting. Based on normal scheduling, the request would not be scheduled for a City Council public hearing until April 1st. The Planning Commission has (by ordinance) up to three months to consider items.

On December 10, 2012, the Planning Department received a written request from the applicant Daryl Jones (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. Should the expedited hearing be granted, the request could be scheduled for the March 12, 2013 Planning Commission meeting and the April 1, 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, Resolution