



CITY OF DURHAM | DURHAM COUNTY  
NORTH CAROLINA



ZONING MAP CHANGE REPORT

Meeting Date: April 1, 2013

Table A. Summary			
<b>Application Summary</b>			
<b>Case Number</b>	Z1200027	<b>Jurisdiction</b>	City
<b>Applicant</b>	Triangle Curling Club, David Hamilton	<b>Submittal Date</b>	December 10, 2012
<b>Reference Name</b>	Triangle Curling Club	<b>Site Acreage</b>	7.201
<b>Location</b>	2310 So Hi Drive, on the south side of So Hi Drive opposite Ed Cook Road		
<b>PIN(s)</b>	0739-02-77-3978		
<b>Request</b>			
<b>Proposed Zoning</b>	Industrial Light (IL)	<b>Proposal</b>	Indoor recreation facility
<b>Site Characteristics</b>			
<b>Development Tier</b>	Suburban Tier		
<b>Land Use Designation</b>	Office		
<b>Existing Zoning</b>	Residential Rural (RR)		
<b>Existing Use</b>	Vacant		
<b>Overlay</b>	N/A	<b>Drainage Basin</b>	Jordan Lake
<b>River Basin</b>	Cape Fear	<b>Stream Basin</b>	Northeast Creek
<b>Determination/Recommendation/Comments</b>			
<b>Staff</b>	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.		
<b>Planning Commission</b>	Approval, 11 – 0 on February 12, 2013. 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.		
<b>DOST</b>	No comments		
<b>BPAC</b>	No comments		

**A. Summary**

This is a request to change the zoning designation of a 7.201-acre site for a proposed indoor recreation facility (not committed). The site is located at 2310 So Hi Drive, on the

south side of So Hi Drive opposite Ed Cook Road (see Attachment 1, Context Map). This zoning request is not consistent with the future land use map designation of the *Comprehensive Plan* which designates the site as Office. A plan amendment, case A1200016, has been requested to change the office designation to Industrial and is being supported by staff. Should the plan amendment be approved this case would be consistent with the *Comprehensive Plan* and other adopted policies and ordinances.

Appendix A provides supporting information.

## B. Site History

There have been no recent zoning map change requests for this site.

## 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. 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. There is no development plan associated with this request. As such, there are no voluntary limitations imposed to the requested IL zoning district.

Appendix D provides supporting information.

**Determination.** If the requested IL zoning district is approved, this request would allow for a range of uses that includes forestry, education and medical facilities, places of worship, utilities, indoor and outdoor recreation, overnight accommodations, commercial, self-storage, vehicle sales and services, office, as well as light industrial uses.

## 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 IL zoning district is not consistent with Future Land Use Map of the *Comprehensive Plan* which designates this site as Office. A plan amendment

(Case A1100016) to designate the site as Office has been requested and is being supported by staff.

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

**Long Range Bicycle Plan Map 4.6.** A proposed bicycle lane along So Hi Drive is shown as recommendation of the Long Range Bicycle Plan Map 4.6. There is no development plan associated with this request. Therefore, no commitments can be made regarding these related policies.

## F. Site Conditions and Context

**Site Conditions.** This 7.201-acre site is located at 2310 So Hi Drive, on the south side of So Hi Drive opposite Ed Cook Road. The site is mostly forested and vacant; however, the northwest portion of the site has single-family structure and cleared yard (see Attachment 3, Aerial Photograph). A stream segment (approximately 200 feet) associated with Northeast Creek crosses the northeastern corner of the site. No other environmental features have been identified on this site.

**Area Characteristics.** The site is in the Suburban Tier and adjacent to Research Triangle Park (RTP) which hosts a range of office, warehousing, and industrial facilities in a campus-like setting. The area north of the site is primarily single-family residential; including recently built (and pending) residential subdivisions.

The site is within one mile from NC 147 Highway which is a regional link between Interstate 85 and Interstate 40.

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

**Determination.** The proposed IL district meets the ordinance and policy requirements in relation to development on the subject site. The site is surrounded on three sides by RTP. The uses permitted within the IL district are similar to those already permitted in the area.

## 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 IL district and associated development plan is consistent with *Comprehensive Plan* policies regarding the infrastructure impacts of road, transit, utility, drainage/stormwater, schools and water supply. The proposal is estimated to increase traffic generation by 7,489 vehicles per day, decrease student generation by

three students, and increase water demand by 877 gallons per day. The existing infrastructure has available capacity to meet these needs.

## H. Staff Analysis

This request, should the plan amendment be approved, is consistent with the *Comprehensive Plan* and other polices and ordinances. If the requested IL zoning designation were approved, a range of uses would be permissible. The applicant is proposing an indoor recreation facility; however, without a development plan there is no mechanism to enforce this assertion. Regardless of the lack of committed uses, the range of uses permitted in the district is consistent with the range of uses allowed in IL already present in the area.

## I. Contacts

Table I. Contacts		
<b>Staff Contact</b>		
Amy Wolff, Senior Planner	Ph: 919-560-4137, ext. 28235	Amy.Wolff@DurhamNC.gov
<b>Applicant Contact</b>		
Agent: Dan Jewell, Coulter Jewell Thames, PA	Ph: 919-682-0368	djewell@cjtpa.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
- Fayetteville Street Planning Group
- Friends of Durham
- Unity in the Community for Progress
- Northeast Creek StreamWatch
- Research Triangle Park
- Partners Against Crime – District 4
- Center of the Region Enterprise – City of Raleigh
- Center of the Region Enterprise – Town of Morrisville
- Center of the Region Enterprise – Town of Cary
- Center of the Region Enterprise – Wake County

**K. Summary of Planning Commission Meeting February 12, 2013 (Case Z1200027)**

**Zoning Map Change Request:** From Residential Rural (RR) to Industrial Light (IL).

**Staff Report:** Ms. Wolff presented the staff report.

**Public Hearing:** Vice Chair Jones opened the public hearing. One person spoke in favor and none against. Vice Chair Jones closed the public hearing.

**Commission Discussion:** Discussion centered on permitted uses in the IL District.

**MOTION:** Approval of the Zoning Map Change Case Z1200027. (Mr.Harris, Ms. Board 2<sup>nd</sup> )

**ACTION:** Motion carried, 11-0.

**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. Application 5. Owner's Acknowledgement 6. 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

Table K. Supporting Information		
Appendix H	Staff Analysis	N/A
Appendix I	Contacts	N/A
Appendix J	Notification	N/A
Appendix K	Summary of Planning Commission Meeting	Attachments: 7. Planning Commissioner’s Written Comments 8. Ordinance Form

### Appendix A: Application Supporting Information

Attachments:

1. Context Map
2. Future Land Use Map
3. Aerial Photography
4. Application
5. Owner’s Acknowledgement
6. Submittal and Review History

### Appendix D: Unified Development Plan Supporting Information

Table D1. UDO Designation Intent	
<b>IL</b>	<p><b>Industrial Light</b> – the IL district is established to provide for a wide range of light manufacturing, warehousing, and wholesaling activities as well as offices and some support services. Design standards of this district are intended to ensure such development is compatible with high visibility areas and to minimize impacts on the environment. While IL is an industrial district, other uses such as office and commercial may also be allowed. In addition to general light industrial uses, specific industrial uses allowed include junk yards, warehouses, and recycling centers.</p>

<b>Table D2. District Requirements – IL</b>			
	<b>Code Provision</b>	<b>Required</b>	<b>Committed</b>
<b>Minimum Site Area (square feet)</b>	6.10.1.B	25,000	313,675
<b>Minimum Lot Width (feet)</b>	6.10.1.B	100	n/a
<b>Minimum Street Yard (feet)</b>	6.10.1..B	40	n/a
<b>Minimum Side Yard (feet)</b>	6.10.1.B	30	n/a
<b>Minimum Rear Yard (feet)</b>	6.10.1.B	25	n/a
<b>Maximum Height (feet)</b>	6.10.1.B	50	50

## Appendix E: Adopted Plans Supporting Information

<b>Table E. Adopted Plans</b>	
<i>Comprehensive Plan</i>	
<b>Policy</b>	<b>Requirement</b>
<b>Future Land Use Map</b>	<b>Office:</b> Land used primarily for office uses. <b>Suburban Tier:</b> Land uses that shall be allowed include Recreation and Open Space, Agricultural, Residential, Institutional, Commercial, Office, Research/Research Application, and Industrial.
<b>2.2.2b</b>	<b>Suburban Tier Land Uses:</b> Land uses that shall be allowed include Recreation and Open Space, Agricultural, Residential, Institutional, Commercial, Office, Research/Research Application, and Industrial.
<b>2.3.1b</b>	<b>Contiguous Development:</b> 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.
<b>2.4.2c</b>	<b>Location of Industrial Uses.</b> Ensure that new industrial uses have direct access to major Thoroughfares, Minor Thoroughfares, of Collector Streets.
<b>8.1.2j</b>	<b>Transportation Level of Service Maintenance:</b> 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.
<b>8.1.4c and d</b>	<b>Development Review and the Adopted Bicycle Plans:</b> 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.
<b>11.1.1a</b>	<b>School Level of Service Standard:</b> 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.
<b>11.1.1b</b>	<b>Adequate Schools Facilities:</b> 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.

Table E. Adopted Plans
<b>Long Range Bicycle Plan</b>
Map 4-6 shows a proposed bicycle lane along So Hi Drive.

## Appendix F: Site Conditions and Context Supporting Information

Table F. Site Context			
	Existing Uses	Zoning Districts	Overlays
<b>North</b>	Vacant	RR	N/A
<b>East</b>	Day Care Facility	RR, SRP	N/A
<b>South</b>	Vacant	SRP	N/A
<b>West</b>	Vacant	RR, IL(D)	N/A

## Appendix G: Infrastructure Supporting Information

Table G1. Road Impacts	
So Hi Drive is the major road impacted by the proposed development. There are no scheduled NCDOT roadway improvement projects in the area.	
Affected Segments	So Hi Drive
<b>Current Roadway Capacity (LOS D) (AADT)</b>	11,900
<b>Latest Traffic Volume (AADT)</b>	4,200
<b>Traffic Generated by Present Designation (average 24 hour)*</b>	76
<b>Traffic Generated by Proposed Designation (average 24 hour)**</b>	7,565
<b>Impact of Proposed Designation</b>	7,489

Source of LOS Capacity: FDOT Generalized Level of Service Volume Table 4-1 (2010)

So Hi Drive: 2-lane major city/county roadway without left-turn lanes

Source of Latest Traffic Volume: 2011 NCDOT Traffic Count Map

\***Assumption (Max Use of Existing Zone)**- RR: 8 single-family lots

\*\* **Assumption (Max Use of Proposed Zoning)**- IL: 2 fast-food restaurants with drive-up windows (5,000 SF each) and a 16 fueling position service station with convenience store

Table G2. Transit Impacts
Transit service is not currently provided within one-quarter mile of this site.

<b>Table G3. Utility Impacts</b>
This site will be served by City water and sewer.

<b>Table G4. Drainage/Stormwater Impacts</b>
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.

<b>Table G5. School Impacts</b>			
The proposed zoning is not estimated to generate any students. This represents a decrease of three students under the existing zoning. Durham Public Schools serving the site are Bethesda Elementary School, Lowes Grove Middle School, and Hillside High School.			
Students	Elementary School	Middle School	High School
<b>Current Building Capacity</b>	16,832	7,717	9,980
<b>Maximum Building Capacity (110% of Building Capacity)</b>	18,515	8,489	10,978
<b>20<sup>th</sup> Day Attendance (2012-13 School Year)</b>	16,150	7,212	9,476
<b>Committed to Date (January 2010 – December 2012)</b>	321	105	37
<b>Available Capacity</b>	2,044	1,172	1,465
<b>Potential Students Generated – Current Zoning*</b>	1	1	1
<b>Potential Students Generated – Proposed Zoning**</b>	0	0	0
<b>Impact of Proposed Zoning</b>	-1	-1	-1

\*Assumption (Max Use of Existing Zone)- RR: 8 single-family lots

\*\* Assumption (Max Use of Proposed Zoning)- IL: residential not permitted

<b>Table G6. Water Supply Impacts</b>	
This site is estimated to generate a total of 2,117 GPD if developed to its maximum potential with the proposed zoning district. This represents an increase of 877 GPD over the existing zoning district.	
<b>Current Water Supply Capacity</b>	37.00 MGD
<b>Present Usage</b>	26.96 MGD
<b>Approved Zoning Map Changes (January 2010 – December 2012)</b>	0.69 MGD
<b>Available Capacity</b>	9.35 MGD
<b>Estimated Water Demand Under Present Zoning*</b>	1,240 GPD
<b>Potential Water Demand Under Proposed Zoning**</b>	2,117 GPD
<b>Potential Impact of Zoning Map Change</b>	+877

*Notes: MGD = Million gallons per day*

**\*Assumption (Max Use of Existing Zone)-** RR: 8 single-family lots

**\*\* Assumption (Max Use of Proposed Zoning)-** IL: 15,683 square feet of industrial uses

## **Appendix K: Summary of Planning Commission Meeting**

Attachments:

7. Planning Commissioner's Written Comments
8. Ordinance Form