



CITY OF DURHAM | DURHAM COUNTY
NORTH CAROLINA



PLAN AMENDMENT REPORT

Meeting Date: April 9, 2013

Reference Name	Eno Economic Development District (A1200012)	Review Jurisdiction	City
Applicant	City of Durham		
Request Changes in Comprehensive Plan Designation	1) Industrial to Commercial 2) Very Low Density Residential (2 DU/Ac. or Less) to Industrial 3) Very Low Density Residential to Low Density Residential (4 DU/Ac. or Less) 4) Industrial to Low Density Residential 5) Low Density Residential to Office 6) Industrial to Office 7) Low Density Residential to Industrial		
Site Characteristics	Tier:	Suburban	
	Present Use:	Single-family residential, commercial, industrial, vacant	
	Orange County Zoning:	Eno Economic Development District-1; Eno Economic Development District-2; Rural Residential; Planned Development High Residential	
	Overlays:	Lower Eno Protected Watershed (Orange County)	
	Size:	60.87 acres (Industrial to Commercial) 100.81 acres (Very Low Density Residential to Industrial) 71.66 acres (Very Low Density to Low Density Residential) 2.17 acres (Industrial to Low Density Residential) 78.92 (Low Density Residential to Office) 0.92 acres (Industrial to Office) 24.19 (Low Density Residential to Industrial) 339.53 acres (total)	
Location	South of US Highway 70, north of NC Highway 10 and railroad, west of the Durham City Limits		
PIN(s)	See Attachment 1		
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.	
	Planning Commission	Approval, April 9, 2013, 13-0, based on the justification, the request meeting the four criteria for plan amendments, and information heard at the public hearing.	

A. Summary

The Orange County Board of County Commissioners adopted the Eno Economic Development District Small Area Plan on June 24, 2008. This plan endorsed the establishment of an

interlocal agreement between Orange County (adopted September 20, 2011) and the City of Durham (adopted November 21, 2011) that creates a framework for the extension of City of Durham water and sewer services into the Eno Economic Development District (Eno EDD) area of Orange County. Approximately 900 acres in size, the Eno EDD is near the intersection of I-85 and US Highway 70 (Attachment 2, Context Map). According to City of Durham policy, extending water and sewer utilities to individual properties is contingent on a request for voluntary annexation.

The area encompassing the Eno EDD has been a part of Durham’s Suburban Tier since the *Durham Comprehensive Plan* was adopted in 2005. At the time, Future Land Use designations assigned to it were reflective of existing conditions, not necessarily of a planned vision. In September 2012, the Orange County Board of Commissioners implemented future land use and zoning changes reflecting the vision of the Eno Economic Development District Small Area Plan: areas for economic development activity consisting of light industrial, distribution, office, service/retail uses, flex space, governmental uses and multi-family residential. In order to be compatible with the vision of that Plan, the City of Durham is proposing amendments to the Future Land Use Map:

Table 1: Proposed Future Land Use Changes		# of Parcels	Acreage
1.	Industrial to Commercial	18	60.87
2.	Very Low Density Residential to Industrial	4	100.81
3.	Very Low Density Residential to Low Density Residential	14	71.66
4.	Industrial to Low Density Residential	1	2.17
5.	Low Density Residential to Office	23	78.92
6.	Industrial to Office	1	0.92
7.	Low Density Residential to Industrial	5	24.19
Total:		66	339.54
<i>See Attachment 3 for a map of proposed future land use changes</i>			

B. Project Background

Orange County planning staff began work on the Eno Economic Development District Small Area Plan in early 2006 by convening a task force, which included a representative from the Durham City-County planning staff, to study and develop recommendations for the area. The small area plan was adopted by the Orange County Board of Commissioners in June 2008.

In the fall of 2011 the Durham City Council and the Orange County Board of Commissioners entered into an interlocal agreement laying the framework for extending City of Durham water and sewer services into the Eno EDD. On January 22, 2013, the City Council authorized the City Manager to execute a contract with the engineering firm CDM Smith Inc. to complete a master utilities plan for the Eno EDD. That work is now underway.

Following the adoption of the interlocal agreement in 2011, planning staffs from Durham and Orange County convened to discuss how future land use patterns for the area should be modified to be compatible with the adopted small area plan and with the planned increases of infrastructure capacity. In February 2012, the planning staffs held a joint public meeting in which 57 residents and property owners attended. At that meeting the public was encouraged

to weigh in on a proposed future land use pattern. Attachment 4 includes notes from the neighborhood meeting.

In September 2012, the Orange County Board of Commissioners voted to approve changes to their future land use and zoning maps. While Durham and Orange use different terminology to describe future land use, the adopted future land use pattern in Orange County has been determined to be consistent with the proposals contained in this report.

During the intervening months, the concept of a regional commuter rail station in the vicinity of the Eno EDD emerged, though has not been identified in an adopted long range transportation plan. Funding for such an extension of the commuter rail line has been identified in neither Orange County nor Durham County Transit Plans and the project's trajectory likely goes beyond the lifespan of Durham's current *Comprehensive Plan*. At this time it is recommended that plan amendments consistent with Orange County's future land use vision proceed, with the recognition that if a commuter rail station at this location is prioritized and funded additional planning should occur at that time.

C. Applicant's Plan Amendment Justification

The extension of water and sewer services from the City of Durham into the Eno Economic Development district increases the capacity of the area for development. Re-evaluating the Future Land Use Map designations to be compatible with adopted plans in Orange County makes sense at this time. Proposed changes are detailed below:

1. *Industrial to Commercial (18 parcels, 60.87 acres)*
Land located at the interchange of two major transportation corridors – Interstate 85 and US Highway 70 - provides opportunity for Commercial development and fulfills *Durham Comprehensive Plan* policies regarding location of Commercial nodes.
2. *Very Low Density Residential to Industrial (4 parcels, 100.81 acres)*
This area is north of the railroad tracks, west of Mount Hermon Church Road, and south of US Highway 70. Should public water and sewer services be extended, land at this location could be put to a more intense use to match the already existing industrial uses across Mount Hermon Church Road.
3. *Very Low Density Residential to Low Density Residential (14 parcels, 71.66 acres)*
Separated from the Industrial development to the north by railroad tracks, this area on the north side of Old NC Highway 10 is expected to remain residential. An increased density to 4 units per acre is recommended.
4. *Industrial to Low Density Residential (1 parcel, 2.17 acres)*
An existing cemetery is currently indicated to be developed as Industrial in the future, which is not likely to occur. To be consistent with other small acreage cemeteries, it should be designated as Low Density Residential.

5. *Low Density Residential to Office (23 parcels, 78.92 acres)*
The area south of Old NC Highway 10 and north of the Railroad tracks is proposed to be Office in the future.
6. *Industrial to Office (1 parcel, 0.92 acres)*
A small parcel on the south side of Old NC Highway 10 is currently designated as Industrial because of the existing land use. In the future, this parcel should be incorporated as part of a larger, integrated office district.
7. *Low Density Residential to Industrial (5 parcels, 24.19 acres)*
Land immediately east of the Whispering Pines subdivision and north of Old NC Highway 10 is proposed to change from Low Density Residential to Industrial. Heavier industrial uses will most likely be limited due to small parcels; however, light industrial uses may be appropriate.

D. 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*. (See Section 3.4.7, Criteria for Planning Commission Recommendations). The proposed plan amendment has been evaluated against these criteria.

- 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. The Plan addresses a range of topics related to land use, housing, community character, environment and conservation, transportation, and more. Evaluating the proposed plan amendment for consistency with these relevant policies is crucial in determining if changing the Future Land Use Map is appropriate.

Table 2: Relevant Comprehensive Plan Policies
<p>Industrial <i>Policy 2.4.2c. Location of Industrial Uses.</i> Through the Future Land Use Map, ensure that new industrial uses have direct access to Major Thoroughfares, Minor Thoroughfares, or Collector Streets to protect the character of neighborhoods.</p>
<p>Office <i>Policy 2.3.1e. Office Uses as Transition.</i> Through the Future Land Use Map, utilize office space as a complement to commercial space, providing a transition between commercial and residential areas in the Urban and Suburban Tiers.</p>
<p>Commercial <i>Policy 2.2.2e. Suburban Tier Commercial Development.</i> Discourage auto-oriented commercial “strip” development and instead encourage commercial “nodes” with appropriately designed internal connections at key locations along major transportation corridors. (See Policy 4.2.3a, Commercial Development Design).</p> <p><i>Policy 2.2.2f. Suburban Tier Spacing of Commercial Nodes.</i> The City-County Planning Department shall use the following standards when evaluating requests for new commercial development in the Suburban Tier:</p> <ol style="list-style-type: none"> i. Separate distinct nodes of commercial development by a distance of at least one-half mile, measured from the outermost edge of the node; ii. Cluster commercial uses at intersections of thoroughfares; and iii. Restrict new, isolated, mid-block commercial uses.
<p>Low Density Residential <i>Policy 2.2.2h. Suburban Tier Density Evaluation.</i> Evaluate allowed Suburban Tier residential densities (see Table 2-1, Summary of Residential Density Categories) in consideration of policies to encourage higher density development in the Downtown and Compact Neighborhood Tiers and Suburban Transit Support Areas.</p>

The proposed future land use pattern is consistent with these policy statements:

- Industrial designations are located on large parcels that have access to transportation infrastructure and where many industrial uses already occur;
- Office designations occur on the south side of Old NC Highway 10 to offer a logical transition to residential areas to the south of the railroad tracks;
- Commercial designations occur at the intersection of two major highways to take advantage of visibility and access; and
- Residential designations, at a density of 4 units per acre or less, are consistent with suburban densities where water and sewer service is accessible.

Staff Conclusion: This proposed plan amendment is consistent with adopted plans and policies, and therefore, meets criterion 3.4.7A.

2. Compatibility with Existing Development and/or Future Land Use Patterns

This site is in eastern Orange County near the interchange of Interstate 85 and US Highway 70, north of Old NC Highway 10 and the North Carolina Railroad tracks. All proposed changes are located within Durham’s Suburban Tier.

Table 2: Area Land Uses and Designations		
	Existing Uses	Future Land Use Designations
North	Interstate 85, Eno River State Park	Resource Protection Area (Orange)
East	Low density residential, Commercial, Duke Forest	Low Density Residential (Durham) Commercial (Durham) Recreation and Open Space (Durham)
South	Rural density residential, Institutional Duke Forest	Resource Protection Area (Orange) Rural Residential (Orange)
West	Rural density residential, Vacant	Resource Protection Area (Orange) Rural Residential (Orange)

Existing Uses: Interstate 85 forms the northern boundary of the Eno Economic Development District. Further to the north is Eno River State Park. East of the district is the City of Durham, where there is a mixture of low density neighborhoods, commercial/industrial businesses along US Highway 70 and land owned by Duke University used for forestry. South of Old NC Highway 10 and the rail road tracks is predominantly rural residential land, with a number of institutional uses such as the former Murphey School and Mt. Herman Baptist Church, as well as Duke Forest land. Rural residential and undeveloped properties occupy land west of the district.

Future Land Use Designations: Areas to the north, south, and west of the Eno EDD are located within Orange County planning jurisdiction and are identified as Rural Residential and Resource Protection Areas. Areas east are located in Durham and are designated for Low Density Residential, Recreation and Open Space, and Commercial.

Analysis: The Eno EDD is envisioned to be a contained area of higher intensity development. Areas in Orange County surrounding the district are either protected open spaces or are planned to remain at rural densities. Topographical constraints limit the cost-effectiveness of extending the water and sewer network any further into these rural areas. While there may be additional development at suburban intensities within the Eno EDD, surrounding areas without access to water and sewer will most likely remain rural.

The Eno EDD is at the crossroads of a number of major transportation facilities, including Interstate 85, US Highway 70, and the North Carolina Railroad, locations where more intense development is expected to occur. In addition to the extension of

water and sewer capacity into the district, a number of long range transportation improvement projects could make the area appropriate for more intense land uses:

- The North Carolina Department of Transportation (NC DOT) has long range plans to redesign the interchange between Interstate 85 and US Highway 70;
- The North Carolina Railroad's (NCR) Long Range Capital Plan identifies a corridor beginning east of Old NC Highway 10 stretching until approximately University Station Road to be double tracked to increase freight capacities. This is an unfunded project; and
- The Orange County Bus and Rail Investment Plan identifies a cross-county express bus service from Mebane to Durham, beginning as early as January 2014, with the potential of a park and ride facility near NC Highway 751.

Staff Conclusion: The proposed plan amendment is compatible with the existing land use pattern and designated future land uses in the area and, therefore, meets criterion 3.4.7.B.

3. Adverse Impacts

Environment:

Important natural resources including the Eno River State Park, Stoney Creek, and the Duke Forest are in the vicinity of the Eno EDD. Extending public sewer to areas that have poor soil percolation will reduce the potential for septic systems to create nutrient runoff that could impair water quality and the natural environment. As property owners hook on to City of Durham public utilities, and are annexed into the City of Durham per current policy, they will become subject to all regulations found in Durham's Unified Development Ordinance including those for environmental and watershed protection.

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 land uses. As a result of the proposed plan amendments, there would be a net gain of Commercial (60.87 acres), Industrial (61.04 acres) and Office (79.84 acres) acreage, while there would be a net loss of acreage on the Future Land Use Map of Very Low Density Residential (-172.47 acres) and Low Density Residential (-29.28 acres). The Planning Department projects that these changes will not substantially influence the City's and County's ability to supply adequate residential land for expected population growth.

Staff Conclusion: The proposed plan amendment would not create adverse impacts beyond that already allowed by the adopted Future Land Use Map 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

Table 1 provides the acreages for each of the seven proposed amendments. The size and shape of each is appropriate to support development consistent with ordinance requirements.

Staff Conclusion: The sites are of adequate shape and size to accommodate the uses pursuant to the proposed change and, therefore, meets criterion 3.4.7.D.

E. 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:

- Inter-Neighborhood Council
- People's Alliance
- Orange County Courtesy Review Area
- Durham Justice and Fairness Inter-Neighborhood Association
- Partners Against Crime – District 2
- Partners Against Crime- District 3

F. Recommendations

Staff recommends 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.

The Planning Commission recommended approval, 13-0, on April 9, 2013, based on the justification, the request meeting the four criteria for plan amendments and information heard at the public hearing.

G. Staff Contact

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H. Attachments

- Attachment 1, List of Proposed Future Land Use Amendments by Parcel Identification Number (PIN)
- Attachment 2, Area Context
- Attachment 3, Map of Proposed Amendments
- Attachment 4, Notes from Neighborhood Meeting
- Attachment 5, Planning Commission Written Comments
- Attachment 6, Comprehensive Plan Amendment Resolution