



CITY OF DURHAM | DURHAM COUNTY
NORTH CAROLINA



PLAN AMENDMENT REPORT

Meeting Date: June 3, 2013

Reference Name	800 West Cornwallis Road (A1300002)	Jurisdiction	City
Applicant	FZH Management, Fares Hanna		
Proposed Future Land Use Map Amendment	From: Medium Density Residential (6-12 Dwelling Units/Acre) To: Commercial		
Site Characteristics	Tier:	Urban	
	Present Use:	Vacant	
	Present Zoning:	Residential Suburban (RS-10)	
	Overlays:	N/A	
	Size:	0.174 acres	
Location	800 West Cornwallis Road: North side of Cornwallis, south of US Highway 15-501 Business, and west of Hope Valley Road		
PIN	0810-08-99-9231		
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 applicant, FZH Management, proposes to amend the Future Land Use Map for one parcel from Medium Density Residential (6-12 DU/Acre) to Commercial. The 0.174 acre parcel is located in the Urban Tier on the north side of Cornwallis Road, south of Durham-Chapel Hill Boulevard, and west of Hope Valley Road. The site is contiguous with a commercial property that has frontage onto Durham-Chapel Hill Boulevard. The zoning map change associated with this plan amendment is case Z1300003.

B. Site History

The Future Land Use Map of the *Southwest Central Durham Plan*, adopted by the City Council and Board of County Commissioners in 1985, designated the parcel as Low Density Residential.

C. Existing Site Characteristics

The site is a vacant urban lot, measuring 50 feet in width by 150 feet in length. Aerial photography from 2011 shows the site as tree-covered; however, it has since been cleared. A wooden fence, approximately 5-6 feet in height extends along the southern and eastern property lines. Please refer to Attachment 3 for aerial imagery.

D. Applicant's Plan Amendment Justification

The applicant contends the land use designation of the parcel under consideration ought to be amended from the adopted land use designation (Medium Density Residential) for a number of reasons. The applicant writes, "It is unlikely a single family home would be built at 800 West Cornwallis Road because the parcel is surrounded on three sides by other Commercial properties, including Mechanics & Farmers Bank, Rogers-Herr Middle School, and Pennies for Change Thrift Store." A commercial designation for the property, the applicant contends, "would enable better parking design and vehicle traffic flow for the customers [of Pennies for Change]." In addition, the applicant says, "the single family home located next door to 800 West Cornwallis will be appropriately buffered to minimize exposure to the rezoning." 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 consideration for changing the future land use designation; specifically that the predominant non-residential nature of the surrounding properties limits the potential of the site to develop as a residential use. A further examination of the applicant's request that this site be designated as Commercial 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. 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 1: Relevant <i>Comprehensive Plan</i> Policies
<i>Policy 2.2.3d. Urban Tier Commercial Development.</i> Discourage auto-oriented commercial “strip” development and instead encourage pedestrian-oriented “nodes” and, where appropriate, pedestrian friendly “linear” corridors of commercial development and infill. (See Policy 4.2.3a, Commercial Development Design).
<i>Policy 2.2.3e. Urban Tier Spacing of Commercial Development.</i> The City-County Planning Department shall use the following standards when evaluating requests for new commercial development in the Urban Tier: <ul style="list-style-type: none"> • Separate distinct nodes of commercial development by a distance of at least one-half (1/2) mile; • Cluster commercial uses at intersections of thoroughfares; and • Restrict new, isolated, mid-block commercial uses, unless compatible with surrounding uses.
<i>Policy 2.2.3f. Urban Tier Commercial Infill.</i> Through the Unified Development Ordinance, provide opportunities for neighborhood-scale commercial node and linear development, intended to be directly accessible from surrounding residential neighborhoods.
<i>Policy 2.3.1f. Expansion of Commercial Nodes.</i> Through the Unified Development Ordinance, and in evaluating requests for expansions to existing commercial nodes, require that the proposed development be designed to be integrated with the rest of the existing node to promote pedestrian and vehicular circulation.
<i>Policy 2.3.4c. Transitions to Nonresidential Uses.</i> Ensure the protection of established neighborhoods in areas beginning to transition to nonresidential uses by protecting their residential design and character in architectural details as well as the location of parking.

As many of the policy statements listed in Table 1 indicate, the preferred pattern of commercial development in the Urban Tier is either:

- 1) Nodes located at major intersections, which are characterized by integrated design to promote vehicular and pedestrian access between individual uses, or
- 2) Linear commercial development, where buildings are oriented toward the street and the pedestrian realm is enhanced (Ninth Street, for example).

The historical development pattern along the Durham-Chapel Hill Boulevard does not necessarily meet either of those descriptions. Instead, it is a major thoroughfare lacking pedestrian facilities with buildings often setback far from the road. Each site typically has its own parking lot found toward the front or the side of the building. Large scale roadway redesign and redevelopment would need to take place for

Durham-Chapel Hill Boulevard to meet the intent of these policies. The proposed plan amendment, affecting 0.174 acres, is a minor expansion of an existing development pattern and does not violate these policies.

Policy 2.3.4c., Transitions to Nonresidential Uses, seeks to protect the character of neighborhoods from the encroachment of non-residential uses. There are four remaining single-family homes located to the east of the site. The Unified Development Ordinance will require a vegetated buffer between the proposed commercial property and the single-family residence to the east.

Staff Conclusion: The proposal to designate this site as Commercial 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 800 West Cornwallis Road, the site is in the Urban Tier and does not fall within a protected watershed overlay district.

Table 2: Area Land Uses and Designations		
	Existing Uses	Future Land Use Designations
North	Commercial	Commercial
East	Single-family residential	Medium Density Residential
South	School	Low Density Residential
West	Commercial	Commercial

Existing Uses: The site of the proposed plan amendment is bordered to the north and west by commercial uses including the Pennies for Change thrift store and the Mechanics & Farmers Bank. Rogers-Herr Middle School is to the south, across Cornwallis Road and four single-family houses occupy areas to the east.

Future Land Use Designations: Properties north and west of the site are designated for Commercial, while east and south are indicated as Residential on the Future Land Use Map (school properties are typically designated Residential when under 20 acres).

Analysis: The site is surrounded on three sides by non-residential uses and is not out of character with existing or future land use patterns.

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 3.4.7B.

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 LOS for roads in the Urban Tier shall achieve a minimum of LOS D.

Analysis: The major road impacted by the proposed change in future land use is West Cornwallis Road, a 2-lane arterial with left-turn lanes. The impacted segment is designed to accommodate 13,300 average daily trips (ADT), and according to the most recent traffic volume count (2011) there were 8,100 annual average daily trips (AADT) (61% of capacity.) Development under the proposed Commercial designation would likely result in more traffic than the existing Residential designation, but projected traffic levels are not anticipated to exceed roadway capacity. Specific impacts are assessed in the zoning map change staff report.

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. By 2035, Planning staff estimates there will be demand for approximately 189,000 dwelling units county-wide. The Comprehensive Plan accommodates enough land for 225,000 dwelling units, well over the amount that will be needed. Therefore, amending the Future Land Use Map to remove 0.174 acres of residential land is negligible.

Environment

The site is outside of a watershed protection overlay district and 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

While the required project boundary buffer between a commercial use and the adjacent residential use will consume a significant proportion of the lot area, the area requested for amendment is approximately 0.174 acres and, when considered as part of a larger commercial node, is of sufficient shape and size for commercial development consistent with standards in the Urban 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. 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
- Tuscaloosa-Lakewood Neighborhood Association
- Durham Justice and Fairness Inter-Neighborhood Association
- Partners Against Crime – District 3

G. Recommendations

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

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

H. Staff Contact

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I. Attachments

- Attachment 1, Map of Proposed Change
- Attachment 2, Area Context
- Attachment 3, Aerial Image
- Attachment 4, Applicant's Justification Statement
- Attachment 5, Planning Commission Written Comments
- Attachment 6, Comprehensive Plan Amendment Resolution