



CITY OF DURHAM | DURHAM COUNTY
NORTH CAROLINA



PLAN AMENDMENT REPORT

Meeting Date: August 19, 2013

Reference Name	Kent Corner (A1200017)	Review Jurisdiction	City
Applicant	Chapel Hill Street Development, LLC		
Proposed Future Land Use Map Amendment	From: Medium Density Residential (6-12 DU/Ac) To: Commercial		
Proposed Zoning Map Change	From: Residential Urban – 5 (2) (RU-5(2)) and Commercial Infill (CI) To: Commercial General (CG(D))		
Site Characteristics	Tier:	Urban	
	Present Use:	Vacant, retail, and daycare facility	
	Overlays:	n/a	
	Size of Future Land Use Amendment:	1.3 acres	
	Size of Zoning Change:	2.27 acres	
Location	North of Jackson Street, South of West Chapel Hill Street, East of Kent Street, West of Carroll Street		
PINs	0821-10-47-2480; 0821-10-47-3406; 0821-06-47-5556		
Application Date	December 7, 2012		
Recommendation	Staff	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.	
	Planning Commission	Approval, July 9, 2013, 12-0, based on information provided in the staff report, the justification, information heard at the public hearing, and meeting the criteria for plan amendments.	

A. Summary

The applicant, Chapel Hill Street Development LLC, is proposing changes to the Future Land Use Map and the Zoning Map that would allow the construction of a mix of office and retail uses. The site, consisting of three parcels for the Plan Amendment and nine parcels for the zoning map change, is located in the Urban Tier, north of Jackson Street, south of West Chapel Hill Street, east of Kent Street, and west of Carroll Street. The Future Land Use Map designates two of the parcels and a portion of a third parcel Medium-

Density Residential (6-12 DU/Ac), while the remainder of the parcels are designated Commercial. The applicant has requested a Plan Amendment to change three of the parcels to Commercial and a zoning map change for all parcels to Commercial General with a Development Plan (CG(D)). The associated zoning map change case is Z1300007. Attachment 1 shows the existing and proposed future land uses. A broader perspective is shown in Attachment 2. Attachment 3 is an aerial photo of the area.

B. Site History

The site is part of the West End neighborhood and has been part of the City of Durham since the early 20th century. Prior to 1999, single-family dwellings were located on the two parcels adjacent to Kent Street. The Southwest Central Durham Plan, adopted in the 1980s, designated the future land use for the site "High-Density Residential." The Durham Comprehensive Plan, adopted in 2005, designated the future land use for the site Medium-Density Residential (6-12 DU/Acre).

C. Existing Site Characteristics

A community garden is present on the two parcels adjacent to Kent Street. The remainder of the site for the Plan Amendment is vacant.

D. Applicant's Plan Amendment Justification

This Plan Amendment application was submitted by Chapel Hill Street Development, LLC (CHSD). The associated application for a zoning map change (Z1300007) consists of nine lots located at the southeast corner of the intersections of West Chapel Hill, Kent and Gattis Streets. Three of the lots are included in this proposed Plan Amendment. The applicant requests to amend the Future Land Use Plan for the three parcels in question from Medium Density Residential to Commercial. According to the applicant's justification, the applicant wishes to redevelop the site to allow a mix of office and retail uses.

The proposed Plan Amendment would shift the existing boundary between commercial and residential areas. The applicant asserts that this shift of boundaries is necessary to allow revitalization of this area, chiefly the West Chapel Hill Street business district. Although staff does not concur that revision of the future land use designations of these parcels from medium density residential to commercial is "necessary to allow revitalization," staff recognizes that additional commercial land would allow for more design flexibility and possibilities for creative integration of the commercial area with the adjacent neighborhood. Therefore, the plan amendment warrants further consideration and review based on the four criteria for plan amendments.

See Attachment 4 for the applicant's full justification statement.

E. Criteria for Plan Amendments

The Unified Development Ordinance (UDO) contains criteria for the City Council to use in considering proposals to amend the *Durham Comprehensive Plan*. 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 1: Relevant <i>Comprehensive Plan</i> Policies
<p>Commercial</p> <p><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.</p> <p><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. (See Policy 4.2.3a, Commercial Development Design).</p>

The proposed Plan Amendment provides enhanced opportunities for creation of a neighborhood-scale commercial node by providing more space for a creative mix of uses, shared parking, and pedestrian accessibility to the West Chapel Hill Street commercial corridor from surrounding residential neighborhoods. The proposed amendment also encourages revitalization of the West Chapel Hill Street commercial corridor by allowing for a greater range of uses in the area.

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 3.4.7A.

2. Compatibility with Existing Development and Future Land Use Patterns

The site is on the southern boundary of the Commercial Infill (CI) District that lies along West Chapel Hill Street. As such, amending the site from Medium-Density Residential (6-12 DU/Ac.) to Commercial would represent an expansion of commercial uses beyond the CI District.

Table 2: Area Land Uses and Designations		
	Existing Uses	Future Land Use Designations
North	Commercial (Daycare Facility) and Institutional (Place of Worship and Community Center)	Commercial
East	Residential Single-Family	Medium Density Residential
South	Residential Single-Family	Medium Density Residential
West	Institutional (Place of Worship)	Medium Density Residential

Existing Uses: A commercial use and two institutional uses lie to the north of the site; single-family residential lies to the east and south of the site; a place of worship lies west of the site, across Kent Street.

Future Land Use Designations: Properties to the north of the site are designated Commercial. Properties to the east, south, and west of the site are designated Medium-Density Residential (6-12 DU/Ac.).

Analysis: Expansion of the infill commercial area that lies along West Chapel Hill Street supports an orderly development pattern and could serve as an effective transition area to the existing residential neighborhood lying to the south and east of the site if commercial uses on the site were designed to promote access from the neighborhood and pedestrian circulation.

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.

Durham Comprehensive Plan Policy 8.1.2a, Traffic Level of Service (LOS) Standards, states that the LOS for roads in the Urban Tier shall achieve a minimum of LOS D.

Analysis: West Chapel Hill Street is the major road impacted by the proposed development. There are no scheduled NCDOT roadway improvement projects in the area. The impacted segment is designed to accommodate 14,600 average daily trips (ADT), and according to the most recent traffic volume count there were 12,000 average daily trips (AADT) (82% of capacity). Transit service is currently provided adjacent to the site along West Chapel Hill Street via DATA Route #6. A detailed assessment of traffic impacts and commitments is included 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.

By 2035 there will be demand for 167,000 dwelling units county-wide. On the Future Land Use Map, enough land is designated to accommodate 225,000 dwelling units, meaning there is a surplus of land already designated for residential uses. Therefore, the loss of 1.3 acres of residential land does not diminish Durham's ability to provide adequate housing in the future. Planning staff projects that by 2035 approximately 4,400 acres will be needed to accommodate commercial land demand. The adopted Future Land Use Map designates approximately 7,000 acres for commercial purposes. The proposed Future Land Use Map change is negligible in the provision of sufficient commercial land.

Analysis: The site is adjacent to a Commercial Infill (CI) district that lies along West Chapel Hill Street to the north, and adjacent to a residential neighborhood to the east, west, south of that is designated Medium Density Residential on the Future Land Use Map. The site therefore represents a small expansion of a commercial designation along Chapel Hill Street. Staff feels that the expansion could serve as transition area between commercial uses along West Chapel Hill Street to the residential uses to the south and east of the site. Staff also feels that the proposal could serve to enhance commercial marketability of the West Chapel Hill Street commercial corridor, thereby supporting revitalization of the area.

Staff Conclusion: The proposed Plan Amendment is unlikely to create adverse impacts in the adjacent area or in the City or County in general and, therefore, meets criterion 3.4.7C.

4. Adequate Shape and Size

The area requested for amendment is approximately 1.3 acres for commercial development.

Staff Conclusion: The site is of adequate shape and size to accommodate the use pursuant to the proposed change and, therefore, meets criterion 3.4.7D.

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:

- Burch Avenue
- Friends of Durham
- Inter-Neighborhood Council
- Triangle Transit
- West End
- Ellerbee Creek Watershed Association
- Fayetteville Street Planning Group
- Morehead Hills Neighborhood Association
- Unity in the Community for Progress

G. Recommendation

Staff recommends approval based on an adequate justification for the Plan Amendment and meeting the four criteria for plan amendments.

Planning Commission recommended approval, based on information provided in the staff report, the justification, information heard at the public hearing, and meeting the criteria for plan amendments, 12-0, on July 9, 2013.

H. Staff Contact

Laura D. Woods, Senior Planner, 560-4137 x28248, laura.woods@durhamnc.gov

I. Attachments

Attachment 1, Proposed Change
Attachment 2, Area Context
Attachment 3, Aerial Image
Attachment 4, Applicant's Justification Statement
Attachment 5, Planning Commission Comments
Attachment 6, Resolution