



CITY OF DURHAM | DURHAM COUNTY  
NORTH CAROLINA

PLAN AMENDMENT REPORT



**Meeting Date: November 18, 2013**

<b>Reference Name</b>	Hope Crossing II (A1300004)		<b>Review Jurisdiction</b>	City
<b>Applicant</b>	Stewart Engineering			
<b>Request Changes in Comprehensive Plan Designation</b>	From: Industrial and Low Density Residential (4 DU/Ac. or less) To: Low-Medium Density Residential (4-8 DU/Ac.)			
<b>Site Characteristics</b>	<b>Tier:</b>	Suburban		
	<b>Present Use:</b>	Vacant		
	<b>Overlays:</b>	F/J-B		
	<b>Size of Future Land Use Amendment:</b>	29.91		
	<b>Size of Zoning Change:</b>	29.91		
<b>Location</b>	East of Junction Road, north of Independence Avenue, west of Twin Lakes Park			
<b>PIN(s)</b>	0841-07-57-5841, -58-8318, -59-5174, and -69-0008			
<b>Recommendation</b>	<b>Staff</b>	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.		
	<b>Planning Commission</b>	Approval, September 10, 2013, 11-0, 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, Stewart Engineering, is proposing changes to the Future Land Use Map and the Zoning Map that would allow construction of a residential project with a density of 4.75 dwelling units per acre. The site comprises four parcels located east of Junction Road, near the intersection of Junction and Chorley Roads, and north of Independence Avenue. A small portion of the site is within the County and therefore annexation and utility extension are under consideration. The applicant requests an amendment to the Future Land Use Map (FLUM) from Industrial and Low Density Residential (4 DU/Ac. or less) to Low-Medium Density Residential (4-8 DU/Ac.).

The zoning map change associated with this Plan Amendment is case Z1300011.

## **B. Site History**

The majority of this site is a portion of a development plan, P04-22, approved by the Board of County Commissioners on August 23, 2004. That development plan included a proposal for a mixture of single- and multi-family development bisected by the proposed Midland Terrace Extension collector street. The property to the east of that street is now owned by the City and managed by the Parks and Recreation Department as part of Twin Lakes Park.

## **C. Existing Site Characteristics**

This approximately 29.9 acre site is comprised of four parcels, generally between Junction Road and Independence Avenue. The site is entirely forested with a mix of hard- and soft-wood trees. A stream and associated wetlands are located in the central portion of the site. An existing sanitary sewer easement follows this stream.

The site is in the Suburban Tier. The surrounding area is mostly developed as single-family subdivisions. The Twin Lakes Park outdoor recreation facility is adjacent to the east. There is Industrial-zoned property mostly to the north of Junction Road (just north of this site) and a parallel railroad. Many of those industrial tracts are vacant. This area is within the F/J-B Watershed Protection Overlay district which limits impervious surface allowances on proposed development.

## **D. Applicant's Plan Amendment Justification**

The applicant describes the proposed community of Hope Crossing II as comprised of four vacant tracts of land, totaling approximately 30 acres, generally located in eastern Durham at the intersection of Junction and Chorley Roads. According to the applicant, the proposed community is:

1. Consistent with the intent, goals, objectives, policies, and guiding principles of the Comprehensive Land use Plan (UDO 3.4.7A);
2. Compatible with existing land use patterns and designated future land uses (UDO 3.4.7B);
3. Will not create substantial adverse impacts in the adjacent area (UDO 3.4.7C); and
4. The subject site is of adequate shape and size to support the project (UDO 3.4.7D).

The applicant further asserts that Hope Crossing II will provide a better opportunity to serve future residential demand in eastern Durham than the current FLUM designation. The applicant states that Hope Crossing II would also aid in transitioning the adjacent industrial land to the other adjacent parcels that have densities ranging from 1-4 DU/ac to 6-12 DU/ac.

The applicant states that removal of industrial designation from a portion of the site will not negatively affect the demand for industrial land as the small portion of land included in the Amendment is adjacent to residential uses and is not along the primary Junction

Road industrial corridor. According to the applicant, the request will complement the diversity of Durham by mixing compatible densities and providing additional opportunities for potential residents to utilize the adjacent industrial and recreation uses.

Staff concurs that the proposed use would support an orderly fashion of development and would not create a pattern of scattered development, which exists with the current designation. Staff also agrees that the proposed use represents a better transition between industrial land and low-density residential land than the current designation. Staff also concludes that the removal of the industrial land use designation on a portion of the site will not diminish Durham's supply of marketable industrial land. According to the 2013 Industrial Land Study, produced by the Durham City-County Planning Department, the property in question does not meet the criteria defined in the report for industrial marketability.

**Staff Conclusion:** The proposed plan amendment has been sufficiently justified by the applicant.

#### **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*. (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.

<b>Table 1: Relevant Comprehensive Plan Objectives and Policies</b>
<p><b>Objective 2.2.2 Suburban Tier Development</b>  <i>Provide sufficient land in the Suburban Tier appropriately zoned for residential, commercial, institutional, office, research/research applications, and industrial purposes. The Suburban Tier shall include all land within the Urban Growth Area that is not included in the Urban, Compact Neighborhood or Downtown Tiers.</i></p>
<p><b>Policy 2.3.1b. Contiguous Development.</b> <i>Support orderly development patterns that take advantage of existing urban services, and avoid, insofar as possible, patterns of leapfrog, noncontiguous, scattered development within the Urban Growth Area.</i></p>

The site is adjacent to existing low density residential land uses to the west and south, and land designated on the Future Land Use Map (FLUM) as Industrial and Medium Density Residential to the north and east. The proposed future land use for the site, Low-Medium Density Residential (4-8 DU/Ac.), is a reasonable transition between industrial and medium density residential uses to the north and east of the site and low density residential uses to the west and south. Therefore, the proposal promotes an orderly development pattern. The site is mostly within the existing Durham City limits and supports contiguous development patterns in the area.

**Staff Conclusion:** The proposed plan amendment is consistent with adopted plans and policies, thus meeting criterion 3.4.7A.

**2. Compatibility with Existing Development and Future Land Use Patterns**

This site is in eastern Durham County, within the Suburban Tier, east of Junction Road, north of Independence Avenue, and west of Twin Lakes Park.

<b>Table 2: Area Land Uses and Designations</b>		
	<b>Existing Uses</b>	<b>Future Land Use Designations</b>
<b>North</b>	Single-family residential and vacant	Industrial
<b>East</b>	Vacant and recreation/open space	Medium-Density Residential (6-12 DU/Ac.) and Recreation/Open Space
<b>South</b>	Single-family residential	Low-Density Residential (4DU/Ac. or less)
<b>West</b>	Single-family residential	Low-Density Residential (4 DU/Ac. or less) and Industrial

*Existing Uses:* The site of the proposed plan amendment is bordered to the north by single-family residential and vacant land, to the west by single-family residential and

vacant land, to the south by single-family residential, and to the east by a public park and vacant land.

*Future Land Use Designations:* Land to the north of the proposed plan amendment is designated Industrial. Land to the west is designated Industrial and Low Density Residential. Land to the south is designated Low Density Residential. Land to the east is designated Recreation and Open Space and Medium Density Residential.

Analysis: The proposed designation of Low-Medium Density Residential is compatible with existing land uses and designated future land uses, serving as a reasonable transition between industrial and higher density residential to the north and east and lower density residential to the south.

**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.

Analysis: The proposed land use designation would increase traffic generation by 326 trips per day, increase student generation by 13 students, and increase water demand by 5,265 gallons per day. The existing infrastructure has available capacity to meet these needs. Further analysis is provided in the zoning map change 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.

Currently, there are approximately 125,000 housing units in Durham County. The Durham City-County Planning Department projects that, by 2040, Durham will need an additional 57,000 housing units to meet projected residential demand.

The proposed amendment would change the future land use of approximately seven acres from Industrial to Low-Medium Density Residential. The Durham City-County Planning Department recently completed a study of marketability of industrial land. The study determined that parcels of less than 25 acres in size were generally not

marketable for most industrial uses. Therefore, amending the future land use designation to Low-Medium Density Residential would address residential land use demand but would not negatively impact demand for industrial land.

**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 29.9 acres in total, and is of sufficient shape and size for residential development in the Suburban Tier.

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

#### **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:

- Ellerbee Creek Watershed Assoc.
- Friends of Durham
- Partners Against Crime – District 1
- Fayetteville Street Planning Group
- Inter-Neighborhood Council
- Unity in the Community for Progress

#### **G. Recommendation**

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 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, 11-0, on September 10, 2013.

#### **H. Staff Contacts**

Laura D. Woods, Senior Planner, 919-560-4137 ext. 28248, [Laura.Woods@durhamnc.gov](mailto: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