



CITY OF DURHAM | DURHAM COUNTY
NORTH CAROLINA



PLAN AMENDMENT REPORT

Meeting Date: February 3, 2014

Reference Name	Ellis Road Residential (A1300008)	Jurisdiction	City
Applicant	Teague-Hankins Development Corp.		
Request Change in Comprehensive Plan Designation	From:	Low Density Residential (4 DU/Ac. or less)	
	To:	Low-Medium Density Residential (4-8 DU/Ac.)	
Site Characteristics	Tier:	Suburban	
	Present Use:	Vacant	
	Present Zoning:	RS-20 (Residential Suburban-20)	
	Overlays:	N/A	
	Size:	15.5 acres	
Location	East side of Ellis Road, north of So Hi Drive		
PIN	0830-01-90-4111		
Recommendations	Staff	Approval, based on conditions warranting an amendment to the Future Land Use Map and the proposed land use meeting the criteria for plan amendments.	
	Planning Commission	Approval, December 10, 2013, 12-0, based on the justification, the request meeting the four criteria for plan amendments, and information heard at the public hearing.	

A. Summary

The applicant, Teague-Hankins Development Corp, proposes to amend the Future Land Use Map on the east side of Ellis Road, generally north of So Hi Drive. The proposal would change the future land use designation from Low Density Residential (4 dwelling units/acre or fewer) to Low-Medium Density Residential (4-8 dwelling units per acre) for approximately 15.5 acres. The site is located in within City limits and is not impacted by overlay zoning districts. There is an associated request to amend the zoning map (Z1300026).

B. Site History

Prior to the current *Durham Comprehensive Plan*, Durham County was divided into planning districts, each with its own small area plan. The *South Central Durham Plan*,

adopted in 1995, provided planning and policy guidance for the subject site. The Plan recommended the future land use be Medium Density Residential which, at the time, was defined as 4-8 dwelling units/acre.

The 2005 Comprehensive Plan consolidated the City's and County's many small area plans. The Plan established a less intense future land use for the site and the surrounding area, Low Density Residential (four units per acre or fewer); however, a number of nearby amendments to the Future Land Use Map have re-established the future land use pattern for higher residential densities:

- **A05-16 Ellis Road/Northeast Creek.** This was a City-initiated amendment that aligned the Future Land Use Map with a decision by the City Council to amend the Zoning Map while the Comprehensive Plan was being developed. The action approved an amendment of the Future Land Use Map from Low Density Residential to Low-Medium Density Residential.
- **A06-14 Joven Northeast Creek.** This was a County-initiated amendment that aligned the Future Land Use Map with a decision by the County Commissioners to amend the Zoning Map while the Comprehensive Plan was being developed. The action approved an amendment of the Future Land Use Map from Industrial to Low-Medium Density Residential and Commercial.

C. Existing Site Characteristics

The site of the proposed plan amendment includes one 15.5 acre parcel with an abandoned residential structure in the northwest corner. Two tributary streams of Northeast Creek cut across the site, but do not appear to connect to a farm pond located in the southwest corner. The site is split by a power line easement. With the exception of the power easement and a small frontage along Ellis Road, the site is tree-covered. The site's frontage is along Ellis Road, a two-lane minor arterial, while the rear of the site backs up to the Durham Freeway (NC Highway 147).

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 (Low Density Residential) because the prevailing adopted future land use pattern in the area allows for higher density development. The applicant states the proposed land use would act as a good transition between low density designations to the north and areas reserved for office, low-medium density residential, research and industrial designations to the south. In addition, the applicant claims it would do so in a contiguous pattern that does not put undue burdens on infrastructure and service provision. Please refer to Attachment 4 for the complete justification statement provided by the applicant.

Staff Response: Staff agrees with the applicant that the land uses in the area have changed and that consideration to amend the Future Land Use Map is warranted. As noted earlier, previous small area land use plans identified this site for residential

densities ranging between four and eight units per acre. Upon adoption of the current Comprehensive Plan, the allowed density was reduced for unrecorded reasons. City and County initiated amendments to the Future Land Use Map have set a precedent that Low-Medium Density Residential is an acceptable land use in this area. A further examination of the applicant’s request that this site be designated as Low-Medium Density Residential based on the criteria for plan amendments 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*. (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 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 parcel 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 important in determining if changing the Future Land Use Map is appropriate.

Table 1: Relevant <i>Comprehensive Plan</i> Objectives and Policies
Objective 2.2.2 Suburban Tier Development. Provide sufficient land in the Suburban Tier appropriately zoned for residential, commercial, institutional, office, research/research applications, and industrial purposes.
Policy 2.3.1b. Contiguous Development. Support orderly development patterns that take advantage of existing urban services, and avoid, insofar as possible, patterns of leapfrog, noncontiguous, scattered development within the Suburban Tier.
Policy 2.2.2h. Suburban Tier Density Evaluation. Evaluate allowed Suburban Tier residential densities in consideration of policies to encourage higher density development in the Downtown, Compact, and Suburban Transit Support Areas.

The proposed future land use, Low-Medium Density Residential (4-8 DU/Ac.), is a reasonable transition between areas to the south which include the Research Triangle Park, an apartment complex and land that is designated for Low-Medium Density development, and areas to the north which include existing low density residential neighborhoods. Therefore, the proposal promotes an orderly development pattern in the Suburban Tier and satisfies objectives and policies of the *Comprehensive Plan*.

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 Future Land Use Patterns

This site is in south central Durham County, within the Suburban Tier, west of the Durham Freeway and north of So Hi Drive.

Table 2: Area Land Uses and Designations		
	Existing Uses	Future Land Use Designations
North	Vacant, Single-Family Residential	Low Density Residential
East	Durham Freeway Right-Of-Way, Vacant	Low-Medium Density Residential, Industrial
South	Apartments, Research Triangle Park	Office, Medium Density Residential, Research and Research Applications
West	Vacant, Northeast Creek	Low Density Residential, Recreation and Open Space, Low-Medium Density Residential

Existing Uses: Land immediately north of the subject site is vacant. Further north is a small single-family subdivision. The headwaters of Northeast Creek are to the west on land that is currently vacant. To the east of the site is the Durham Freeway. On the opposite side of the freeway are industrial properties mixed with large tracts of vacant land. Immediately south of the site is a new apartment complex, completed within the last year (not shown in aerial images).

Future Land Use Designations: More intense land uses are designated to the south (Office, Medium Density Residential, Research and Research Applications) and east (Industrial and Low-Medium Density Residential), while less intense land uses are located to the north and west (Low Density Residential).

Analysis: A designation of Low-Medium Density Residential would not be out of character with the established land use pattern or with development trends. There has been a movement toward densities that could provide for a range of housing types (single-family, townhouse, apartment) in the vicinity of the Research Triangle Park, providing housing near a major employment center. The proposal creates a logical transition from more intense land uses to the south with lower intensity land uses to the north.

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

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.

According to analyses in the zoning map change staff report, the proposed land use designation would enable development that increases traffic generation by 330 trips per day, increases student generation by one student, and increases water demand by 5,715 gallons per day. The existing infrastructure has available capacity to meet these needs.

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 housing. 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. There is sufficient land designated on the Future Land Use Map to accommodate the projected demand for housing. Increasing the allowable density on this site does not substantially advance or diminish the ability to accommodate future growth.

Environment: Though the site is located outside of a protected watershed overlay, there are a number of streams, stream buffers and steep slopes on site. The streams are tributaries to Northeast Creek, which is on the State's list of impaired water bodies (303(d) list). The City of Durham is taking steps to mitigate poor water quality with a Watershed Improvement Plan. Increased stormwater runoff of sediments and nutrients can result from land use conversion; however, there is no reason to believe the site could not be developed in accordance with the standards found in the UDO that require the amount and velocity of stormwater to be managed on-site.

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

The area requested for amendment is approximately 15.5 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 3.4.7.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
- Peoples Alliance
- Center of the Region Enterprise (C.O.R.E.)
- Northeast Creek Streamwatch
- Durham Justice and Fairness Inter-Neighborhood Association
- Partners Against Crime
- Keep Durham Beautiful
- Town of Cary Planning

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, 12-0, on December 10, 2013.

H. Staff Contact

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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, Comprehensive Plan Amendment Resolution