



CITY OF DURHAM | DURHAM COUNTY
NORTH CAROLINA



ZONING MAP CHANGE REPORT

Meeting Date: March 3, 2014

Table A. Summary			
Application Summary			
Case Number	Z1300021	Jurisdiction	City (pending annexation)
Applicant Initiation	Durham Imperial Investors, LLC	Submittal Date	July 30, 2013
Reference Name	Fifty-Four Plaza	Site Acreage	5.436
Location	5082 & 5904 South Miami Boulevard, west side of South Miami Boulevard between Emperor Boulevard and Surles Court.		
PIN(s)	0747-03-32-8264, -9022		
Request			
Proposed Zoning	Commercial General with a development plan (CG(D))	Proposal	Nonresidential development: 4,000 SF restaurant, 20,000 SF retail, 9,000 SF office (not committed)
Site Characteristics			
Development Tier	Suburban Tier		
Land Use Designation	Commercial		
Existing Zoning	Commercial Neighborhood (CN)		
Existing Use	Vacant		
Overlay	None	Drainage Basin	Lower Neuse
River Basin	Neuse	Stream Basin	Stirrup Iron Creek
Determination/Recommendation/Comments			
Staff	Staff determines that this request is consistent with the <i>Comprehensive Plan</i> and applicable policies and ordinances.		
Planning Commission	Approval 11 – 0 on January 14, 2014. The Planning Commission finds that the ordinance request is consistent with the adopted <i>Comprehensive Plan</i> . The Commission believes the request is reasonable and in the public interest and recommends approval based on comments received at the public hearing and the information in the staff report.		
DOST	No comments		
BPAC	No comments		

A. Summary

This is a request to change the zoning designation of a 5.436-acre site for a proposed maximum development of 33,000 square feet of non-residential uses. The site is located

at 5082 and 5904 South Miami Boulevard, on the west side of South Miami Boulevard between Emperor Boulevard and Surles Court (see Attachment 1, Context Map). This request is consistent with the *Comprehensive Plan* and applicable policies and ordinances.

This project is currently in the County’s jurisdiction but is associated with an annexation request. Council will consider this zoning map change as part of a consolidated land use item which will include decisions on Annexation, Utility Extension Agreement, and this zoning map change request as an “initial” zoning of newly annexed land where the City is the applicant.

Appendix A provides supporting information.

B. Site History

There are no recent zoning map change requests associated with the subject site.

C. Review Requirements

Planning staff has performed a sufficiency review for this Zoning Map Change request (reference UDO Sec. 3.2.4, Application Requirements [general] and 3.5.5, Application Requirements [for a Zoning Map Change]). This staff report presents the staff findings per Sec. 3.5.8, Action by the Planning Director, on the request’s consistency with the Unified Development Ordinance and applicable adopted plans.

This review is based primarily on compliance with any applicable laws, plans, or adopted policies of the City Council. Any issues or concerns raised in this report are based on best professional planning practice unless they have a basis in adopted plans, policies, and/or laws.

D. Unified Development Ordinance (UDO) Compliance

This request is consistent with the requirements of the Unified Development Ordinance. The associated development plan (Attachment 8, Development Plan reduction) provides the required elements for zoning map change requests in the CG(D) district (Sec. 3.5.6.D, Sec. 6.10.1.B). In addition, commitments in excess of UDO requirements have been made (see Appendix D for supporting information):

Text Commitments. Text commitments have been proffered to commit to requirements in excess of ordinance standards regarding dedication of right-of-way, roadway improvements, and cross-access easements to/from adjacent property.

Graphic Commitments. Graphic commitments include the general location of site access points, location of the tree preservation and replacement areas, and roadway improvements.

Design Commitments. Design Commitments are required of zoning requests that include a development plan for nonresidential projects and addresses architectural style, roofline, roof and wall materials, distinctive features, and transitions to context. See Appendix D, Table D.5 for a summary of these commitments.

Determination. If the requested CG(D) zoning district is approved, this request would allow for a maximum of 33,000 square feet of non-residential uses.

E. Adopted Plans

A zoning map change request must be consistent with the *Comprehensive Plan*. As such, other adopted plans have been included by reference in this document. Table E, Adopted Plans, in Appendix E identifies the applicable policies of the *Comprehensive Plan* and other adopted plans included by reference.

Determination. The requested CG(D) zoning district is consistent with the Future Land Use Map of the *Comprehensive Plan* which designates this site as Commercial.

There are conditions shown on adopted plans that impact the proposal:

Long Range Bicycle Plan, Map 4.8. The *Long Range Bicycle Plan, Map 4.8*, shows a proposed bicycle lane along South Miami Boulevard. Through text commitment #2, the applicant has proffered to construct an additional four feet of asphalt to accommodate the bicycle lane along South Miami Boulevard for the full frontage of the site.

F. Site Conditions and Context

Site Conditions. This request is for a 5.436-acre site comprised of two parcels located at 5082 & 5904 South Miami Boulevard, on the west side of South Miami Boulevard between Emperor Boulevard and Surles Court. This site is undeveloped, tree covered, and impacted by floodway fringe associated with Stirrup Iron Creek. There are no other identified environmental or physical constraints on this site.

Area Characteristics. This site is located in the Suburban Tier on the west side of South Miami Boulevard and adjacent to railroad right-of-way on the rear property line (see Attachment 1) and within one mile from Interstate – 40 which provides ready access to the Triangle region. The area includes a range of uses, most of which are nonresidential employment centers in the southeast corner of Durham County, east of Research Triangle Park. An isolated townhouse community (Keystone Park) is directly west of this site across the railroad tracks.

Area zoning districts include Residential Suburban – 20 (RS-20), CN, Industrial Park (IP), and Planned Development Residential 8.000 (PDR 8.000).

Although the site is currently located within Durham County jurisdiction, the applicant is seeking annexation into the City of Durham.

Appendix F provides a summary of the uses and zoning in the more immediate vicinity of the subject site.

Determination. The proposed CG(D) district meets the ordinance requirements in relation to development on the subject site.

G. Infrastructure

The impact of the requested change has been evaluated to suggest its potential impact on the transportation system, water and sewer systems, and schools. In each case, the impact of the change is evaluated based upon a change from the most intense development using the existing land use and zoning to the most intense use allowed under the request.

See Appendix G for additional information.

Determination. The proposed CG(D) district is consistent with *Comprehensive Plan* policies regarding the infrastructure impacts of transit, utility, drainage/stormwater, schools and water supply. The proposal is estimated to decrease student generation by nine students and increase water demand by 2,875 gallons per day from the existing zoning. The existing infrastructure has available capacity to meet these needs.

Transportation System Impacts. A Traffic Impact Analysis (TIA) was required of this project and mitigation measures were identified (see Attachments 9 and 10 for City Transportation’s and NCDOT’s analysis). The development plan includes these recommendations as commitments.

H. Staff Analysis

Staff determines that this request is consistent with the *Comprehensive Plan* and applicable polices and ordinances. If the requested CG(D) zoning designation were approved a maximum of 33,000 square feet of building floor area would be permitted.

I. Contacts

Table I. Contacts		
Staff Contact		
Amy Wolff, Senior Planner	Ph: 919-560-4137, ext. 28235	Amy.Wolff@DurhamNC.gov
Applicant Contact		
Agent: Vanessa Jenkins, Durham Imperial Investors, LLC	Ph: 919-481-3000	vanessa@prestondev.com

J. Notification

Staff certifies that newspaper advertisements, letters to property owners within 600 feet of the site and the posting of a zoning sign on the property has been carried out in accordance with Section 3.2.5 of the UDO. In addition, the following neighborhood organizations were mailed notices:

- Inter-Neighborhood Council

- Fayetteville Street Planning Group
- Friends of Durham
- Unity in the Community for Progress
- Center of the Region Enterprise (CORE) – City of Raleigh
- Center of the Region Enterprise (CORE) – Wake County
- Center of the Region Enterprise (CORE) – Town of Morrisville
- Center of the Region Enterprise (CORE) – Town of Cary
- Northeast Creek StreamWatch

K. Supporting Information

Table K. Supporting Information		
Applicability of Supporting Information		
Appendix A	Application	N/A
Appendix B	Site History	N/A
Appendix C	Review Requirements	N/A
Appendix D	Unified Development Ordinance	Table D1: Designation Intent Table D2: District Requirements Table D3: Environmental Protection Table D4: Project Boundary Buffers Table D5: Summary of Development Plan
Appendix E	Adopted Plans	Table E: Adopted Plans
Appendix F	Site Conditions and Context	Table F: Site Context
Appendix G	Infrastructure	Table G1: Road Impacts Table G2: Transit Impacts Table G3: Utility Impacts Table G4: Drainage/Stormwater Impacts Table G5: School Impacts Table G6: Water Impacts Attachments: 9. CDOT TIA Memorandum 10. NCDOT TIA Memorandum
Appendix H	Staff Analysis	N/A
Appendix I	Contacts	N/A
Appendix J	Notification	N/A

Appendix D: Unified Development Plan Supporting Information

Table D1. UDO Designation Intent	
CG	Commercial General - the CG district is established to provide for a wide variety of commercial activities of varying scales that are designed to be served by major thoroughfares. It is the intent of this district to provide sufficient size and depth of property to meet business needs, yet maintain safe traffic flows. Businesses in this district should be sited convenient to automotive traffic. Development in the CG District should provide safe pedestrian access to adjacent residential areas.
D	Development Plan – the letter “D” following a zoning district indicates that a development plan has been included with a zoning map change request. This designation may be added to any zoning map change request to signify that a conceptual representation of the proposed site has been submitted that indicates how the proposed development could meet ordinance standards. Any significant change to the development plan would require a new zoning petition.

Table D2. District Requirements – CG			
	Code Provision	Required	Development
Minimum Site Area (square feet)	6.10.1.B	20,000	200,855*
Minimum Lot Width (feet)	6.10.1.B	100	100
Minimum Street Yard (feet)	6.10.1.B	25	25
Minimum Side Yard (feet)	6.10.1.B	25	12.5*
Minimum Rear Yard (feet)	6.10.1.B	25	25
Maximum Height (feet)	6.10.1.B	50	50

*when adjacent to nonresidential district a reduction of 50% is permitted

Table D3. Environmental Protection			
Resource Feature	UDO Provision	Required	Committed
Tree Coverage	8.3.1C	14% (0.64 acres)	14% (0.64 acres)

Table D4. Project Boundary Buffers			
Cardinal Direction	Adjacent Zone	Required Opacity	Proposed Opacity
North	RS-20	0.6/0.8	0.6 (30 feet)
East	IP	N/A (right-of-way greater than 60 feet)	N/A
South	CN	0.4/0.6	0.6 (22.5 feet)* and 0.6 (30 feet)
West	PDR 8.000	N/A (right-of-way greater than 60 feet)	N/A

*width if reduced

Table D5. Summary of Development Plan		
Components	Description	Plan Sheet
Required Information	Intensity/Density. 33,000 square feet of building	EX-2
	Building/Parking Envelope has been appropriately identified.	EX-2
	Project Boundary Buffers are appropriately shown.	EX-2
	Stream Crossing. No streams identified on site.	N/A
	Access Points. Two (2) external site access points and two (2) cross access points have been identified.	EX-2
	Dedications and Reservations. See text commitments below.	Cover, EX-2
	Impervious Area. 88% (4.00 acres)	EX-2
	Environmental Features. Floodway fringe has been identified.	EX-1, EX-2
	Areas for Preservation. See Tree Coverage (below).	EX-2
	Tree Coverage. 0.64 acres (14%) of tree preservation area as shown. To include 0.34 (7.3%) acres tree preservation and 0.3 (6.7%) acres of tree replacement.	EX-2
Graphic Commitments	<ol style="list-style-type: none"> 1. Location of access points. 2. Location of tree preservation and replacement areas as shown. 3. Location of buffer reduction (if reduced) along southern boundary. 4. Roadway improvements. 	EX-2
Text Commitments	<p><u>Prior to the issuance of certificate of occupancy:</u></p> <ol style="list-style-type: none"> 1. Construct a southbound right-turn lane with adequate storage and appropriate tapers on South Miami Boulevard at the northern entrance. 2. In addition to the proposed roadway improvements, the developer will widen the full western frontage of Miami Boulevard to provide a 4-foot paved shoulder from the existing travelway. The additional asphalt widening will be provided to allow for a future bicycle lane. 	Cover

Table D5. Summary of Development Plan		
	<p><u>Prior to the issuance of a building permit:</u></p> <ol style="list-style-type: none"> 3. Dedicate additional right-of-way for the frontage of the site along South Miami Boulevard as illustrated on sheet EX-2. 4. Dedicate cross-access easements for vehicular access to/from the adjacent parcels to the south (PIN 0747-03-41-0716) and north (PIN 0747-03-32-7576) as illustrated on sheet EX-2. A copy of the recorded plat must be submitted with the first building permit application. 	
SIA Commitments	None Provided.	N/A
Design Commitments (summary)	<p><u>Architecture:</u> Flat roofs will be used. Some sloped roof features will be used. Multiple storefront designs will be provided.</p> <p><u>Roofline(s):</u> A variety of parapet heights, second floor roof lines will vary less in height.</p> <p><u>Roof materials:</u> single ply membrane, shingles, standing seam metal, or artificial slate.</p> <p><u>Distinctive Features:</u> will include windows, awnings, trellises, canopies, cornices, roofs, or light fixtures.</p> <p><u>Wall materials:</u> masonry, EIFS, stucco, wood or cementitious siding and trim, aluminum storefront and glass, metal panels or trim, fabric, metal frames, concrete, metal screens or louvers, and metal or PVC shutters.</p> <p>Buildings will face the street.</p>	Cover

Appendix E: Adopted Plans Supporting Information

Table E. Adopted Plans	
<i>Comprehensive Plan</i>	
Policy	Requirement
Future Land Use Map	<p>Commercial: Land used primarily for retail, entertainment, office, and services.</p> <p>Suburban Tier: Land uses that shall be allowed include Recreation and Open Space, Agricultural, Residential, Institutional, Commercial, Office, Research/Research Application, and Industrial.</p>
2.2.2b	Suburban Tier Land Uses. Land uses that shall be allowed include Recreation and Open Space, Agricultural, Residential, Institutional, Commercial, Office, Research/Research Application, and Industrial.
2.3.1a	Contiguous Development: Support orderly development patterns that take advantage of the existing urban services, and avoid, insofar as possible, patterns of leapfrog, noncontiguous, scattered development.
2.3.2a	Infrastructure Capacity. Consider the impacts to the existing capacities of the transportation, water, and sewer systems, and other public facilities and services. Measure from the potential maximum impact of current policy or regulation to the potential maximum impact of the proposed change in policy or regulation.

Table E. Adopted Plans	
8.1.2j	Transportation Level of Service Maintenance: Not recommend approval for any zoning map change which would result in the average daily trips exceeding 110% of the adopted level of service standards for any adjacent road, unless the impact on the adjacent roads is mitigated.
8.1.4c and d	Development Review and the Adopted Bicycle Plans: Review development proposals in relation to the 2006 Comprehensive Durham Bicycle Transportation Plan and the Bicycle Component of the most recent adopted Long Range Transportation Plan, and seek dedication or reservation of right-of-way or easements and construction of facilities in conformance with that Plan and Complete Street design standards.
8.1.4p	New Bicycle Routes: Wherever possible, incorporate recommended bike lanes or wide shoulders during street resurfacing or reconstruction and convert railroad corridors to bikeways.
11.1.1a	School Level of Service Standard: The level of service for public school facilities shall be established as a maximum enrollment of 110 percent of the system’s maximum permanent building capacity, measured on a system-wide basis for each type of facility.
11.1.1b	Adequate Schools Facilities: Recommend denial of all Zoning Map amendments that proposed to allow an increase in projected student generation over that of the existing zoning that would cause schools of any type to exceed the level of service.

Appendix F: Site Conditions and Context Supporting Information

Table F. Site Context			
	Existing Uses	Zoning Districts	Overlays
North	Vacant, public utility	RS-20, CN	N/A
East	Industrial	IP	N/A
South	Office	CN	N/A
West	Multi-family residential	PDR 8.000	N/A

Appendix G: Infrastructure Supporting Information

Table G1. Road Impacts		
South Miami Boulevard (NC 54 Highway) and Church Street are the major roads impacted by the proposed zoning change. NCDOT project (U-4716) will close the existing Church Street railroad crossing and construct a grade separation of the crossing on Hopson Road. The project is currently under construction and is expected to be complete in late 2015.		
Affected Segments	Church Street	South Miami Boulevard (NC 54 Highway)
Current Roadway Capacity(LOS D) (AADT)	10,700	37,800
Latest Traffic Volume (AADT)	5,800	20,000
Traffic Generated by Present Designation (average 24 hour)*	4,962	
Traffic Generated by Proposed Designation (average 24 hour)**	3,466	
Impact of Proposed Designation	-1,496	

Source of LOS Capacity: FDOT Generalized Level of Service Volume Table 4-1 (2012)

NC 54: 5-lane undivided Class I arterial with left-turn lanes

Church Street: 2-lane City/County Class II arterial without left-turn lanes

Source of Latest Traffic Volume: 2011 NCDOT Traffic Count Map

*Assumption- (Max Use of Existing Zoning) – CN: Two fast-food restaurants with drive-up windows (each 5,000 square-feet).

** Assumption- (Max Use of Proposed Zoning) – Per TIA: 25,000 square-foot shopping center and a 4,000 square-foot high-turnover sit-down restaurant.

Table G2. Transit Impacts
Transit service is not provided within one-quarter mile of the site.

Table G3. Utility Impacts
This site will be served by City water and sewer.

Table G4. Drainage/Stormwater Impacts
The impacts of any change will be assessed at the time of site plan review. The subject site is of sufficient size and shape to accommodate appropriate stormwater facilities that may be required at this time.

Table G5. School Impacts			
The proposed zoning is not estimated to generate any students; the plan commits to nonresidential uses. This does represents a decrease of nine students from the existing zoning. Durham Public Schools serving the site are Bethesda Elementary School, Lowes Grove Middle School, and Hillside High School.			
Students	Elementary School	Middle School	High School
Current Building Capacity	16,832	7,717	9,980
Maximum Building Capacity (110% of Building Capacity)	18,515	8,489	10,978
20th Day Attendance (2012-13 School Year)	16,150	7,212	9,476
Committed to Date (April 2010 – March 2013)	432	151	88
Available Capacity	1,933	1,126	1,414
Potential Students Generated – Current Zoning*	5	2	2
Potential Students Generated – Proposed Zoning**	0	0	0
Impact of Proposed Zoning	-5	-2	-2

*Assumption- (Max Use of Existing Zoning) – 39 apartments

** Assumption- (Max Use of Proposed Zoning) – no residential identified on proposed plan

Table G6. Water Supply Impacts	
This site is estimated to generate a total of 4,125 GPD if developed to its maximum potential with the proposed zoning district. This does represents an increase of 2,875 from the existing zoning district.	
Current Water Supply Capacity	37.00 MGD
Present Usage	23.33 MGD
Approved Zoning Map Changes (April 2010 – March 2013)	0.70 MGD
Available Capacity	12.97 MGD
Estimated Water Demand Under Present Zoning*	1,250 GPD
Potential Water Demand Under Proposed Zoning**	4,125 GPD
Potential Impact of Zoning Map Change	+2,875

Notes: MGD = Million gallons per day

*Assumption- (Max Use of Existing Zoning) – 10,000 square feet of commercial use

** Assumption- (Max Use of Proposed Zoning) – 33,000 square feet of commercial use

Attachments:

9. CDOT TIA Memorandum
10. NCDOT TIA Memorandum