



CITY OF DURHAM | DURHAM COUNTY  
NORTH CAROLINA



**Date:** June 2, 2014

**To:** Thomas J. Bonfield, City Manager

**Through:** Steven L. Medlin, AICP, Planning Director

**From:** Karla Rosenberg, Planner

**Subject:** Annual Evaluation and Assessment Report (EAR) of the *Durham Comprehensive Plan* (A1400002)

**Summary.** Policy 1.1.4a of the *Durham Comprehensive Plan* requires the Planning Department submit an annual Evaluation and Assessment Report (EAR) to the governing bodies. The EAR serves as an opportunity to highlight progress in implementing the Plan, to propose changes to the policies and Future Land Use Map (FLUM) of the Plan, and to present local and national land use trends and issues.

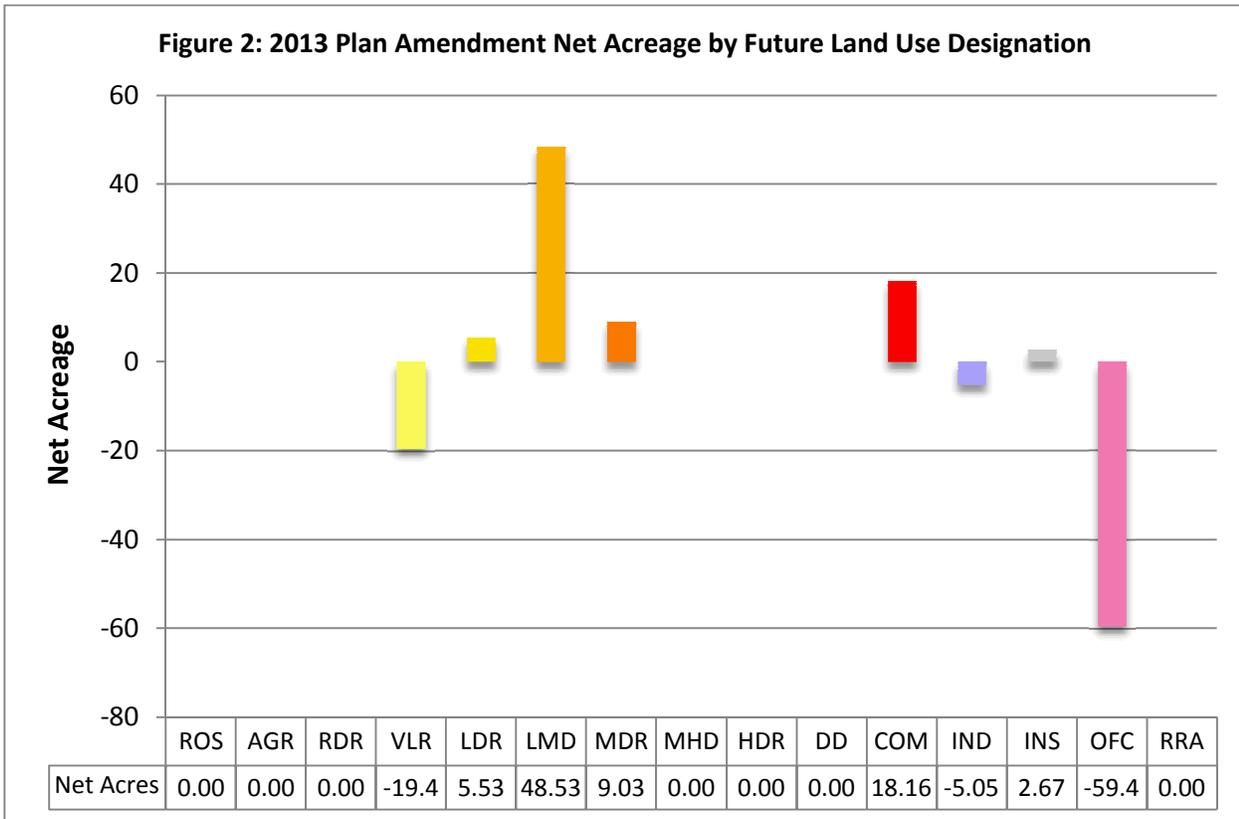
**Recommendations.** Staff recommends approval of policy text changes and of changes to the FLUM of the *Durham Comprehensive Plan* contained in the EAR. The Planning Commission recommended approval of the EAR on a 12-0 vote at its April 8, 2014 meeting.

**Background.** This is the second annual EAR of the *Durham Comprehensive Plan* since that document was updated in the spring of 2012. Section 3.4.10 of the Unified Development Ordinance (UDO) directs the EAR to include the following components:

1. A rectification of any differences between the adopted FLUM of the City and County as well as a summary of all zoning cases approved in the past year (2013);
2. A report on the progress of implementing policies within the *Durham Comprehensive Plan*;
3. Proposed changes to the policies of the *Durham Comprehensive Plan*, which are primarily technical in nature, if any;
4. Technical updates to the FLUM; and
5. A summary report of planning trends and issues that may affect land use policy in the future.

**1a. Rectification.** The EAR serves as an opportunity to rectify differences between the adopted plans of the City and County. When plan amendments are adopted by either the Board of County Commissioners or the City Council, the FLUM becomes inconsistent. The Durham County Board of Commissioners did not approve any plan amendments in 2013. Therefore, there are no cases to be rectified by the City Council.

**1b. Plan Amendments in 2013.** Fourteen plan amendments were approved by City Council in 2013<sup>1</sup>. These plan amendments resulted in a minor net impact in overall acreage per land use allotted on the FLUM. Figure 2 displays the net gain or loss in each of the land use categories from the plan amendments approved in 2013<sup>2</sup>. The largest gain in acreage was for land newly designated as Low-Medium Density Residential (4–8 DU/Ac.), while Office lost the most acreage. This swing represented only a minor shift in usage, however; the largest net change in acreage was only 59 acres in 2013 as compared to 211 in 2012. The primary sources of this land designation change were the Southpoint Meadows and Meadows at Southpoint II cases.



Despite the relatively high number of Plan Amendments approved in 2013, adequate acreage remains allotted on the FLUM to accommodate the projected demand for a variety of land uses through the year 2035 (Figure 3). Although some use categories, such as Office and Institutional, appear to near capacity by 2040, additional capacity for those uses is accommodated within the Design Districts. The Design District land use category, currently in

<sup>1</sup> Staff has included case A1300007, Meadows at Southpoint II, adopted on January 21, 2014 by City Council, within the analysis because that case essentially modified a previous case, A1200002, Southpoint Meadows, which was adopted by City Council on March 4, 2013.

<sup>2</sup> Does not include the technical changes to Recreation and Open Space (ROS) and Agricultural (AGR) layers in last year’s EAR (A1300001).

place Downtown and in the Ninth Street Compact Neighborhood, totals over 900 acres and will likely absorb high-intensity, non-residential development.

<b>Figure 3: Land Use Demand and the Future Land Use Map (FLUM)</b>		
<b>Sector</b>	<b>Projected Demand, 2040</b>	<b>Accommodated by the FLUM</b>
<b>Residential</b>	195,000 units	240,000 units
<b>Institutional/Government</b>	3,600 acres	3,500 acres
<b>Office</b>	2,800 acres	2,800 acres
<b>Commercial</b>	5,800 acres	6,100 acres
<b>Industrial</b>	8,700 acres	16,100 acres
<i>Source: Durham City-County Planning Department, April 2014</i>		

Plan amendments approved in 2013 were primarily located in the southern half of the County following a trend in recent years of increased requested changes in southeastern Durham (Attachment 1).

**1c. Zoning Map Changes in 2013.** The City Council approved 29 changes to the Zoning Map in 2013, and the Board of County Commissioners approved one zoning map change. These approved changes are listed in Figure 4. Attachment 2 consists of a map showing the geographic location and distribution of approved changes.

<b>Figure 4, Summary of 2013 Approved Zoning Map Changes</b>		
<b>Case</b>	<b>Request</b>	<b>Date Approved</b>
Z1100017, Southpoint Trails	RR to PDR 6.060	2/18/13
Z1200009, Brier Creek Townes	RR, R-4 to PDR 8.000	2/18/13
Z1200013, Montclair	RR to PDR 2.520	2/18/13
Z1200014, Victorious Praise Fellowship Church	PDR 4.470 to RS-8	2/18/13
Z1200016, Covington Hall Mixed Use	IP to MU(D)	2/18/13
Z1200017, The Forest at Duke	PDR 8.7, PDR 0.0 to PDR 8.7	4/1/13
Z1200028, The J.A. Whitted School	RU-5(2) to PDR 20.0	4/1/13
Z1200027, Triangle Curling Club	RR to IL	4/15/13
Z1300003, 800 West Cornwallis Road	RS-10 to CG	6/7/13
Z1300006, Rustica Oaks Subdivision	RR to RS-8	8/5/13
Z1200020, Del Webb Entry Signage	PDR 3.7 to OI(D)	8/5/13
Z1300007, Kent Corner 2	CI, RU-5(2) to CG(D), CI(D)	9/3/13
Z1300015A, 2207 Page Road Water Tower Initial	RR to RR	9/3/13
Z1200004, Carolina Crossing II	RS-20 to OI(D)	9/3/13
Z1200021A, Del Webb III Initial	RR to RR	9/3/13
Z1200022, Del Webb Carolina Arbors	RR, PDR 3.7 to PDR 3.7	9/3/13
Z1200025, Hendrick Southpoint	RR to CG(D)	9/16/13
Z1300005, Green Edge Self Storage	RS-20 to CG(D)	10/14/13
Z1300001, Mineral Springs Road Residential	RR, RS-20, PDR 4.0 to PDR 4.07	11/18/13
Z1300016A, 2800 Independence Drive Initial	RS-20 to RS-20	11/18/13
Z1300011, Hope Crossing II	RS-20, RS-10, RS-8, RS-M(D) to PDR 4.75	11/18/13
Z1300010, Hutson Property	RS-20 to OI(D)	12/16/13
Z1200026, Muirfield Commercial	CN(D) to CN(D)	12/16/13
Z1300012, Hope Valley Farms Pod BB Revisions	CG(D) to CG(D)	12/16/13
Z1300017, Page Park Townhomes	RS-M(D), OI(D) to RS-M(D)	12/16/13
Z1300022A, Richmond Park Initial	RS-10(D) to RS-10(D)	12/16/13
Z1300023A, The Oaks at Lyons Farm Initial	RR to RR	12/16/13
Z1300025A, Grover Yancey Annexation Initial	RS-20 to RS-20	12/16/13
Z1300028A, Changing Hearts for Changing Lives Initial	RR to RR	12/16/13
Z1300029A, RTP Global Mission Church Initial	IL to IL	12/16/13

**2. Policy Status Update.** The *Durham Comprehensive Plan* is a policy document intended to guide growth and development in an organized, efficient, and sustainable manner. Multiple City and County departments, outside agencies, and advisory boards have a role in implementing the Plan. As part of the EAR, parties responsible for implementation are given an opportunity to describe actions and accomplishments related to specific policies (see Attachment 3). While Attachment 3 does not represent a comprehensive list, it does highlight many of the ways in which individual departments have worked toward achieving the goals, objectives, and policies of the *Durham Comprehensive Plan*.

**3. Proposed Changes in Policy Language.** A number of departments requested changes to policy language to better reflect their current priorities. Most proposed changes are minor or technical in nature. Proposed changes regarded as substantive are described below in Figure 5. A complete list of changes can be found in Attachment 4, Proposed Policy Text Changes.

<b>Figure 5: Proposed Substantive Policy Amendments</b>	
<b>Policy</b>	<b>Justification for Change</b>
<del><b>Policy 2.2.4c. Core Area.</b> The Core Area, the land immediately surrounding the transit station, may extend approximately one quarter mile from the station as indicated on the Future Land Use Map, unless otherwise indicated on an adopted Compact Neighborhood or Station Area plan.</del>	The policy will be removed because it is now defined and described in Unified Development Ordinance (UDO) section 6.11.
<del><b>Policy 2.2.4d. Support Area.</b> The Support Area shall be the land in the Compact Neighborhood Tier outside of the Core Area, as indicated on the Future Land Use Map, unless otherwise indicated on an adopted Compact Neighborhood or Station Area plan.</del>	The policy will be removed because it is now defined and described in UDO section 6.11.
<b>Policy 2.2.4e. Compact Neighborhood Plans</b> <u>Zoning.</u> <del>The City-County Planning Department, in conjunction with Triangle Transit and other interested parties, shall develop or participate in the development of Compact Neighborhood Plans, which shall apply the Compact Design zoning and District zoning, and its sub-districts, shall be applied to all Compact Neighborhoods.</del>	The policy will be changed as defined and described in UDO section 6.11.
<b>Policy 2.5.3c. Rural Village Plans.</b> The City-County Planning Department shall develop land use plans and design guidelines to promote the continued and sustainable economic viability, as well as protect the character of the rural villages of Bahama and Rougemont (see Policies 2.2.1e, Rural Villages, and 4.3.1a, Rural Village Design Guidelines, and 5.1.2d, Historic Rural Villages).	The policy will be changed because of the completion of the Village of Rougemont Plan.
<del><b>Policy 3.6.3a. Code Enforcement Abatement Team (CENAT).</b> The City Department of Neighborhood Improvement Services shall coordinate the joint CENAT to identify violations of City and County ordinances in neighborhoods and enforce those ordinances to eliminate blight and deterioration.</del>	This policy will be replaced by the Beautification and Safety Assessment policy at the request of City Neighborhood Improvement Services because the Department is realigning its staff resources to optimize efficiency and productivity.

<p><b>Policy 3.6.3a. Beautification and Safety Assessments.</b> The City Department of Neighborhood Improvement Services shall coordinate a joint effort to identify and remediate violations of City ordinances in neighborhoods and to develop plans at the neighborhood level to enhance aesthetics and address community needs.</p>	<p>Replacing former Policy 3.6.3a.</p>
<p><del><b>Policy 3.6.3b. Neighborhood Environmental Tracking.</b> The City Department of Neighborhood Improvement Services shall engage citizens in the identification and prioritization of street level concerns in citizens' neighborhoods.</del></p>	<p>This policy will be replaced by the Beautification and Safety Assessment policy at the request of City Neighborhood Improvement Services because the Department is realigning its staff resources to optimize efficiency and productivity.</p>
<p><b>Policy 3.6.3b. Mayor's Poverty Reduction Initiative.</b> The City Department of Neighborhood Improvement Services shall coordinate efforts with Solid Waste, Public Works, Community Development, and other City and County departments for the cleanup of materials and conditions having a detrimental impact on the City's built environment, focusing in areas identified through the Mayor's Poverty Reduction Initiative.</p>	<p>New policy.</p>
<p><del><b>Policy 3.7.1b. Housing Discrimination Testing.</b> The City Department of Neighborhood Improvement Services shall administer periodic testing of rental, home sales and lending markets to determine if discrimination is occurring.</del></p>	<p>This policy will be removed per the direction of the Neighborhood Improvement Services director. The Human Relations division no longer has grant funds for this testing. This testing is now conducted by a state wide organization, the NC Fair Housing Project, and referrals are made to the Human Relations division of Neighborhood Improvement Services on a case by case basis if discrimination is suspected.</p>
<p><b>Policy 4.2.3b. Nonresidential Building Types.</b> <u>Through the Unified Development Ordinance, develop architectural standards for nonresidential building types outside of Design Districts.</u></p>	<p>The policy will be added to build upon and create formal, objective standards for architectural reviews that aim to bring visual interest to nonresidential properties throughout the county.</p>
<p><del><b>Policy 4.2.3d. City and County Government Facility Standards.</b> Require all City, County, and Durham Public Schools government facilities to meet the design standards set for private development.</del></p>	<p>The policy will be removed because it is already legally required and thus redundant.</p>

<p><b>Policy 4.2.3a. Nonresidential Design Standards.</b>                  Through the Unified Development Ordinance, establish design standards for new nonresidential development in the Suburban Tier.</p>	<p>This policy will be replaced by proposed 4.2.3b, Nonresidential Building Types.</p>
<p><b>Policy 8.1.2c. US 15-501 Major Investment Study.</b>                  The City and County hereby adopt and include by reference in the Durham Comprehensive Plan the <u>“US 15-501 Major Investment Study, Phase II Report”</u> <u>“Durham County Bus and Rail Investment Plan”</u> (as may be amended from time to time) and other companion corridor studies.</p>	<p>This policy will be amended to reference a more current document.</p>
<p><b>Policy 11.1.1a. School Level of Service Standard.</b>                  The level of service for public school facilities shall be established as a maximum enrollment of <del>140</del> <u>105</u> percent of the system’s maximum permanent building capacity, measured on a system-wide basis for each type of facility. Currently, the rate of growth in DPS student population is averaging an annual increase of 1.5 percent to 2 percent, but is projected by DPS to be in the 1 percent to 1.5 percent range within five years.</p>	<p>This policy will be adjusted to provide a more reasonable target for performance assessed on a system-wide basis.</p>

- 4. Technical Updates to the Future Land Use Map.** Comprehensive Plan policies 2.5.2c, Recreation and Open Space Updates, and 2.5.2d, Agricultural District Updates, direct technical updates to the FLUM for the Recreation and Open Space and Agriculture layers through the EAR. UDO Section 3.4.10 explains that technical updates may be performed through the EAR without following the standard procedures for public notification. These include:
- i. Amendments to the Recreation and Open Space layer, as needed, to conform to the most recent Special Flood Hazard Area designation by the Federal Emergency Management Agency (FEMA);
  - ii. Amendments to the Recreation and Open Space layer, to include those properties for which a conservation easement has been recorded with the Register of Deeds; and
  - iii. Amendments to the Agricultural layer, to include those properties for which an agricultural easement has been recorded with the Register of Deeds.

Planning Staff communicated with representatives of the Triangle Land Conservancy, the Eno River Association, the Ellerbe Creek Watershed Association, the County Department of Engineering, and others to update known lands held in permanent conservation either through an easement or ownership. These technical changes will add approximately 139 acres of Agricultural land and 260 acres of Recreation and Open Space land to the FLUM. Attachment 5 details the proposed changes.

- 5. Forecasting Land Use Issues and Trends.** Comprehensive plans are intended to guide growth and development in an organized, efficient, and sustainable manner. To do so, they look to the future to anticipate trends and issues that could impact how growth and development occur. While many core goals in a comprehensive plan remain unchanged over time—livable neighborhoods, access to jobs, clean and healthy environments—the context changes. Despite adopting the *Durham Comprehensive Plan* less than a decade ago, many aspects of life have changed in the intervening years: the Great Recession had an enormous impact on homeownership and the ability of businesses to obtain loans, and only recently have these areas begun to recover; smartphones and other technologies are proliferating as new uses are discovered; and the Millennial Generation, the largest yet, is entering and altering the marketplace.

It will be the role of elected officials and the Durham community as a whole, with support from the Planning Department, to decide how to plan for, and respond to, many of the challenges associated with changing populations, infrastructure deficits, and new innovations. This report brings forth issues for discussion about how Durham will not merely manage, but benefit from, these future trends.

#### ***Demographic Trends and Predictions***

1. *Seniors are the fastest growing segment of the population.* The growing population of retirees will have less interest or means to live in traditional retirement communities. Providing services to elderly who prefer to stay in their homes or to incentivize development of senior housing in urban areas in walkable distances to services will become important.
2. *No clear racial or ethnic majority.* While the City of Durham already has no racial or ethnic majority, this may be true for the country as a whole within a generation. Minority populations tend to live in multigenerational housing and use public transit at a higher rate than non-Hispanic White populations. Preserving a wide range of housing options (sizes, types, price points) that are connected to jobs via public transit will become an even higher priority.
3. *Millennials, 16–33 year olds, represent the largest segment of the population.* This generation will want to live and work in areas with lots of urban action and amenities. Incentivizing mixed use, urbanized neighborhoods with parks, restaurants, nightlife, and common areas and a mix of rental and for-sale housing will be important to attract and retain young people.

#### ***Transportation Trends and Predictions***

1. *The use of single-occupancy vehicles will continue to be the dominant form of transportation.* Existing land use patterns will limit the overall efficiency and viability for many people to commute by walking, biking or using transit. Investments in smart street technology could reduce congestion and improve roadway conditions.
2. *Various transportation alternatives, such as public transit and cycling, will gain market share due to changes in land use patterns and personal preferences.* Focused development and redevelopment along transit corridors and in Compact Neighborhood Tiers will induce more transit ridership, especially if the Light Rail and Commuter Rail systems are funded and built.

3. *New technologies could change travel habits.* If electric cars and self-driving cars become more prevalent they could have an important impact on land use. By reducing congestion, emissions and eliminating the manual effort of driving, traveling further distances might be considered less onerous.

#### **Energy Trends and Predictions**

1. *Durham's growing population combined with a national trend toward increasing electricity use will necessitate increased electricity-generating capacity.* This increased demand could be partially met through the promotion of renewable energy technologies, as well as increased energy conservation due to green building and retrofitting.
2. *Renewable energies will continue to gain market share as they become more cost-competitive due to economies of scale and cost-cutting innovations.* The prices of wind and solar energy technology have fallen dramatically in the last decade, and they are expected to be nearly cost-competitive with fossil fuels in the near to mid-term. Permitting and regulations may need to be reworked to deal with increased public demand.
3. *Green building and energy retrofits should help to lessen per capita demand for energy in the future.* Many companies are realizing the financial and health benefits of green building and are choosing to build based on those considerations. However, as previously mentioned there are still many policies that government can pursue to further encourage green building.

#### **Communication Technology Trends and Predictions**

1. *The proliferation of quality telecommunication equipment will enable growth of at-home workers.* This will result in decreased congestion during peak commuting hours and decreased need for office space.
2. *The increase of internet-enabled devices will result in a rapid increase in population data and increased mechanization of tasks.* This increase in data could enable more efficient and informed decision-making provided the data is used intelligently. Increased data-gathering could be harnessed with information technology advances to make a smarter city.
3. *Increased smart phone usage could be a draw for downtown tourism.* Smart phone apps enable information relay that couldn't be easily relayed to tourists otherwise. This could enable Durham and other cities to draw in more tourists, and thus greater revenue.
4. *Online retail will continue to grow, taking market share from some (but not all) brick-and-mortar retailers.* Some industries such as publishing and electronics will be particularly hard hit and will most likely transfer operations online. In terms of general trends, retailers will likely cut back on building costs by demanding less total retail space, especially in out-of-the-way fringe areas.

#### **Real Estate Trends and Predictions**

1. *A surge in single-person households will increase the housing demand for small homes on small lots.* This preference reverses the longstanding trend of larger home and lot sizes found in most suburban development.

2. *Demand for multifamily housing is expected to continue to increase.* The demand for urban living as observed over the past five years should continue and gain an increasing share of new housing. In fact, land use projections have shown that Durham may not be able to meet demand for multifamily housing by 2040 unless accommodations are made through land use policy and zoning changes.
3. *Over the past five years, rents have risen, even as the number of renters in need of moderately priced housing has increased.* Extremely low-income renters face an ever decreasing supply of affordable housing. As demand for multifamily housing increases, particularly around future rail transit stations, issues regarding housing affordability will need to be addressed.
4. *New debates have launched on the subject of whether post-WWII phases of architectural history are worthy of preserving.* A broadened perspective on historic resources will bring increased opportunities for action in the field of historic preservation.

#### **Staff Contact**

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#### **Attachments**

Attachment 1, Map of Adopted Plan Amendments 2005–2013

Attachment 2, Approved Zoning Map Changes 2013

Attachment 3, 2013 Comprehensive Plan Implementation Highlights

Attachment 4, Proposed Policy Text Changes

Attachment 5, Map of Proposed Technical Updates to the Future Land Use Map, 2013

Attachment 6, Planning Commission Written Comments

Attachment 7, Resolution

Attachment 8, Slides for Work Session Presentation for May 22, 2014