

DURHAM



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CITY OF MEDICINE

CITY OF DURHAM | DURHAM COUNTY
NORTH CAROLINA



ZONING MAP CHANGE REPORT

Meeting Date: August 4, 2014

Table A. Summary			
Application Summary			
Case Number	Z1400003	Jurisdiction	City
Applicant	AMAC Properties LLC	Submittal Date	February 20, 2014
Reference Name	2919 Fayetteville	Site Acreage	1.409
Location	2919 Fayetteville Street, between Fayetteville Street Elementary School and the American Tobacco Trail		
PIN(s)	0820-12-75-7724, -7680		
Request			
Proposed Zoning	Commercial Neighborhood (CN)	Proposal	Allow a range of commercial and retail uses including laundromat
Site Characteristics			
Development Tier	Urban Tier		
Land Use Designation	Commercial		
Existing Zoning	Office Institutional (OI)		
Existing Use	Childcare facility and offices		
Overlay	None	Drainage Basin	Jordan Lake
River Basin	Cape Fear	Stream Basin	Third Fork 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 10-0 on June 10, 2014. The Planning Commission finds that the ordinance request is consistent with the adopted Comprehensive Plan. 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 two parcels totaling 1.409 acres to allow for commercial and retail uses. Although not committed, the applicant proposes to add a Laundromat as a use in the existing structure. If an expansion of the existing structure is sought, a minor special use permit will be required. The site is located at 2919 Fayetteville Street between Fayetteville Street Elementary School and the American Tobacco Trail, south of Elmira Street and north of East Pilot Street (see Attachment 1, Context Map). This request is consistent with the *Comprehensive Plan* and applicable policies and ordinances.

Appendix A provides supporting information.

B. Site History

This site has two minor special use permits associated with it. Case B84-17 was approved by the Board of Adjustment on June 12, 1984, thus permitting a childcare facility up to 65 children. The Board also approved case B89-23 on April 25, 1989 to allow a 3,795-foot building (71 additional children) expansion; however, has expired since a building permit or Certificate of Compliance was not obtained within six-months.

Should this zoning request be approved the childcare facility may continue under the existing use permit. However, should any changes be made to the childcare facility requiring a new site plan, the childcare facility would be subject to the rules and regulations of the CN district.

In addition to the childcare facility use the building is also developed with office tenants.

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. There is no development plan associated with this request. As such, there are no voluntary limitations imposed to the requested CN zoning district.

Appendix D provides supporting information.

Determination. If the requested CN zoning district is approved a range of uses would be permitted ranging from residential to commercial and retail.

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 CN zoning district is consistent with the Future Land Use Map of the *Comprehensive Plan* which designates this site as Commercial.

The following conditions have been identified on an adopted plan that may be associated with the subject site:

Long Range Bicycle Plan, Map 4.5. The *Long Range Bicycle Plan, Map 4.5*, shows an existing greenway adjacent to the site (the American Tobacco Trail) and a proposed bicycle lane along Fayetteville Street. These segments have been identified as such for their “ability to provide connectivity, serve underserved areas, improve safety in areas of concern, and address public input” (Durham Comprehensive Bicycle Transportation Plan, Executive Summary).

North Carolina College Redevelopment Plan (NCCRP). Adopted in February of 1964, the NCCRP sets forth criteria for redevelopment of areas south of the North Carolina Central University Campus, terminating at the railroad now known as the American Tobacco Trail. The subject property of this request is on the NCCRP’s southern boundary. Although the NCCRP sets forth criteria to develop the subject site as residential many provisions of the plan are out of date and are no longer relevant to current conditions. The subject site has been nonresidential for over 20 years. The implications of the NCCRP were brought to light with the adoption of the Fayetteville Street-University Land Use Update, adopted September 19, 2011, where the Planning Department recommended that a process be pursued to bring to the City Council a proposal to completely or substantially terminate the NCCRP.

F. Site Conditions and Context

Site Conditions. This request includes two parcels totaling 1.409 acres at 2919 Fayetteville Street with frontage along Fayetteville Street and the American Tobacco Trail. The larger parcel (1 acre) is developed as a childcare facility with other office tenants. The smaller parcel (0.4 acres parcels) does not have road frontage and is vacant. Both parcels are under the same ownership.

Area Characteristics. This site is located in the Urban Tier on the east side of Fayetteville Street south of NC Central University’s campus and adjacent to the American Tobacco Trail. Fayetteville Street is a main arterial road between downtown Durham (and NC 147

Highway) and southern Durham’s Southpoint area and experiences traffic congestion related to NC Central University. In the more immediate vicinity of the site is an elementary school to the north and a commercial node to the south that serves the Hillside Heights, Homeland Heights, and Stewart Heights neighborhoods as well as the neighborhoods surrounding NC Central University. Zoning districts include Commercial Neighborhood (CN), Office Institutional (OI), and Residential Urban – 5 (RU-5).

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

Determination. The proposed CN 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 CN 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 generate the same number of students and decrease water demand by 460 gallons per day. Traffic is estimated to increase traffic by 2,348 trips per day from the existing zoning. The existing infrastructure has available capacity to meet these needs.

NCDOT Roadway Project. At present this segment of Fayetteville Street is four lanes resulting in a current level of service capacity of 73.06%; 83.78% with the additional projected trips if this site were developed to its most intense use under CN. By 2015, NCDOT is anticipated to resurface this segment of Fayetteville Street to three lanes which would result in the proposed level of service (assuming the existing zoning) of 120.30% and 137.95% if this site were developed to its most intense use under CN.

Fayetteville Street Roadway Impacts			
	Existing Capacity	Volume	Level of Service
Roadway Capacity w/ 4 lanes	21,900	16,000	73.06%
With CN		18,348	83.78%
Change		+2,348	+10.72%
Roadway Capacity w/ 3 lanes	13,300	16,000	120.30%
With CN		18,348	137.95%
Change		+2,348	+17.65%

Comprehensive Plan policy 8.1.2i, Transportation Level of Service Maintenance, precludes Planning’s recommendation of approval for zoning map change requests resulting in the average daily trips exceeding 110% of the adopted level of service standard for adjacent roads. However, this policy does not apply to this application because the proposal would not meet this threshold under the existing roadway conditions.

H. Staff Analysis

Staff determines that this request is consistent with the *Comprehensive Plan* and applicable polices and ordinances. If the requested CN zoning designation were approved commercial uses, in accordance with UDO Article 5 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: Maricoma Steele, AMAC Properties LLC	Ph: 919-491-4766	msteelie25@gmail.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
- Partner’s Against Crime – District 4
- Friends of Durham
- Unity in the Community for Progress
- Fayetteville Street Planning Group

K. Summary of Planning Commission Meeting June 10, 2014 (Case Z1400003)

Zoning Map Change Request from OI to CN.

Staff Report: Ms. Wolff presented the staff report.

Public Hearing: Chair Jones opened the public hearing. One person signed up to speak, one person spoke in support. No one spoke in opposition. Chair Jones closed the public hearing.

Commission Discussion: The commissioners commended the applicant for making the necessary changes. It was stated the traffic would increase by 2481 trips per day. It was also stated no other permits were necessary at this time. If an additional permit was needed, the case would need to be referred to the Board of Adjustment.

Motion: Approval of the 2919 Fayetteville Z1400003. (Smudski, Miller 2nd)

Action: Motion carried, 10-0

Findings: The Planning Commission finds that the ordinance request is consistent with the adopted Comprehensive Plan. 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.

L. Supporting Information

Table K. Supporting Information		
Applicability of Supporting Information		
Appendix A	Application	Attachments: 1. Context Map 2. Future Land Use Map 3. Aerial Photography 4. Application 5. Submittal and Review History
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
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
Appendix H	Staff Analysis	N/A
Appendix I	Contacts	N/A
Appendix J	Notification	N/A
Appendix K	Summary of Planning	Attachments:

Table K. Supporting Information		
	Commission Meeting	6. Planning Commissioner’s Written Comments 7. Ordinance Form

Appendix A: Application Supporting Information

Attachments:

1. Context Map
2. Future Land Use Map
3. Aerial Photography
4. Application
5. Submittal and Review History

Appendix D: Unified Development Plan Supporting Information

Table D1. UDO Designation Intent	
CN	Commercial Neighborhood – the CN district is established to provide for modest-scale commercial centers in close proximity to residential areas that offer limited commercial uses to satisfy the needs of the surrounding neighborhood; each lot is limited to 20,000 square feet of project floor area. While CN is a commercial district, other uses such as residential and office may also be allowed.

Table D2. District Requirements – CN			
	Code Provision	Required	Development
Minimum Site Area (square feet)	6.10.1.C	5,000	61,376
Minimum Lot Width (feet)	6.10.1.C	50	109
Maximum Street Yard (feet)	6.10.1.C	15	50*
Minimum Side Yard (feet)	6.10.1.C	10	20
Minimum Rear Yard (feet)	6.10.1.C	25	235

*The structure is an existing nonconforming structure under the existing OI district which also has a maximum street yard of 15 feet, thus if CN district were approved the extent of the nonconformity would not be increased.

Table D3. Environmental Protection		
Resource Feature	UDO Provision	Required
Tree Coverage	8.3.B4	N/A for nonresidential development in Urban Tier

Table D4. Project Boundary Buffers		
Cardinal Direction	Adjacent Zone	Required Opacity
North	RU-5	0.4/0.6
East	OI	0/0
South	CN	0/0
West	RU-5	N/A right-of-way greater than 60 feet

Appendix E: Adopted Plans Supporting Information

Table E. Adopted Plans	
<i>Comprehensive Plan</i>	
Policy	Requirement
Future Land Use Map	Commercial: Land used primarily for retail, entertainment, office, and services. Urban Tier: Generally, land developed with small lot sizes in traditional grid patterns and differing uses in proximity to one another with access to urban services and provides opportunities for infill and redevelopment.
2.2.3a	Urban Tier Development Focus. Ensure that new development enhances the street level experience by requiring that development within the Urban Tier have an urban form with small lot sized and proximity of uses.
2.2.3b	Urban Tier Land Uses: Land uses that shall be allowed include Recreation and Open Space, Residential, Institutional, Commercial, Office, and Industrial.
2.2.3d	Urban Tier Commercial Development: discourage auto-oriented commercial “strip” development and instead encourage pedestrian-oriented “nodes” and, pedestrian friendly “linear” corridors of commercial development and infill.
2.2.3e	Urban Tier Spacing of Commercial Nodes: Use the following standards when evaluation requests for new commercial development: <ul style="list-style-type: none"> i. Separate distinct nodes of commercial development by a distance of at least one-half mile; ii. Cluster commercial uses at intersections of thoroughfares; and iii. Restrict new, isolated, mid-block commercial uses, unless compatible with surrounding uses.
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.
8.1.2i	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.

Table E. Adopted Plans	
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.
Long Range Bicycle Plan	
Map 4-5 shows an existing greenway (the American Tobacco Trail) adjacent to the site and a proposed bicycle lane along Fayetteville Street.	
North Carolina College Redevelopment Plan of 1964	
This site is designated as R-6, or residential equivalent to the current RU-5 zoning designation.	

Appendix F: Site Conditions and Context Supporting Information

Table F. Site Context			
	Existing Uses	Zoning Districts	Overlays
North	Elementary School	RU-5	N/A
East	Elementary School, City Park	RU-5, OI	N/A
South	Retail	CN	N/A
West	Retail, Multi- and Single-family residential	CN, RU-5	N/A

Appendix G: Infrastructure Supporting Information

Table G1. Road Impacts	
Fayetteville Street is the major road impacted by the proposed zoning change. This section of Fayetteville Street will be revised from 4-lane roadway to a 3-lane roadway with bicycle lanes with NCDOT's resurfacing of this roadway in 2015.	
Affected Segments	Fayetteville Street
Current Roadway Capacity(LOS D) (AADT)	21,900
Proposed Roadway Capacity (LOS D) (AADT)	13,300
Latest Traffic Volume (AADT)	16,000
Traffic Generated by Present Designation (average 24 hour)*	133
Traffic Generated by Proposed Designation (average 24 hour)**	2,481
Impact of Proposed Designation	+2,348

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

Fayetteville Street (existing): 4-lane undivided class II arterial roadway without left-turn lanes

Fayetteville Street (proposed): 2-lane undivided class II arterial with left-turn lanes

Source of Latest Traffic Volume: 2011 NCDOT Traffic Count Map

*Assumption- (Max Use of Existing Zoning) – OI: 12,100 SF general office (0.19 FAR)

**Assumption- (Max Use of Existing Zoning) – CN: 5,000 SF fast-food restaurant with drive-thru

Table G2. Transit Impacts
Transit service is provided adjacent to this site along Fayetteville Street via DATA route #5.

Table G3. Utility Impacts
This site is 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 estimated to generate four students if developed to its maximum residential potential. This represents the same number of students generated from the existing zoning. Durham Public Schools serving the site are Fayetteville Street Elementary School, Githens Middle School, and Hillside High School.			
Students	Elementary School	Middle School	High School
Current Building Capacity	16,695	7,824	10,080
Maximum Building Capacity (110% of Building Capacity)	18,365	8,606	11,088
20th Day Attendance (2013-14 School Year)	16,579	7,465	9,737
Committed to Date (January 2011 – December 2013)	97	27	-32
Available Capacity	1,689	1,114	1,383
Potential Students Generated – Current Zoning*	2	1	1
Potential Students Generated – Proposed Zoning**	2	1	1
Impact of Proposed Zoning	0	0	0

*Assumption- (Max Use of Existing Zoning) – OI: 19 apartments

**Assumption- (Max Use of Existing Zoning) – CN: 15 apartments

Table G6. Water Supply Impacts	
This site is estimated to generate a total of 1,725 GPD if developed to its maximum potential with the proposed zoning district. This is the same amount as the existing zoning district.	
Current Water Supply Capacity	37.00 MGD
Present Usage	25.83 MGD
Approved Zoning Map Changes (April 2011 – March 2014)	0.17 MGD
Available Capacity	11.00 MGD
Estimated Water Demand Under Present Zoning*	2,185 GPD
Potential Water Demand Under Proposed Zoning**	1,725 GPD
Potential Impact of Zoning Map Change	-460

Notes: MGD = Million gallons per day

*Assumption- (Max Use of Existing Zoning) – OI: 19 apartments

**Assumption- (Max Use of Existing Zoning) – CN: 15 apartments

Appendix K: Summary of Planning Commission Meeting

- Attachments:
- 6. Planning Commissioner’s Written Comments
 - 7. Ordinance Form