



PLAN AMENDMENT REPORT

Meeting Date: December 1, 2014

Reference Name	Erwin Terrace at LaSalle Street (A1300010)		Jurisdiction	City
Applicant	Erwin Terrace Limited Partnership			
Request Change in Comprehensive Plan Designation	From:	Urban Tier		
	To:	Compact Neighborhood Tier		
Site Characteristics	Tier:	Urban		
	Present Use:	Multifamily residential, commercial, community service/hospital, and vacant		
	Present Zoning:	University College (UC) and Mixed Use with a Development Plan (MU(D))		
	Overlays:	N/A		
	Size:	19.64 acres		
Location	The north side of Erwin Road, at intersections of South LaSalle Street and Lambeth Circle			
PINs	0812-18-40-8905, 0812-19-51-6770, -4516, -0374			
Recommendations	Staff	Approval, based on the proposal being justified and meeting the four criteria for plan amendments.		
	Planning Commission	Approval, October 14, 2014, 9-1, based on the justification, the request meeting the four criteria for plan amendments, and information heard at the public hearing.		

A. Summary

The applicant, Erwin Terrace Limited Partnership, LLC, is proposing to change the Future Land Use Map and the Zoning Map to allow the property owners to increase the intensity of mixed-use development on the site, which is adjacent to a future transit corridor and near a proposed light rail station. The proposal encompasses four parcels of land totaling 19.64 acres, which are presently designated Commercial and Institutional within the Urban Tier on the Future Land Use Map and zoned University College (UC) and Mixed Use with a Development Plan (MU(D)). The applicant is proposing to maintain the existing future land use designations of Commercial and Institutional, but change the tier designation from Urban to Compact Neighborhood. The applicant is also requesting a Zoning Map Change (Z1300031) that maintains the existing MU(D) designation but creates a new development plan. The site is located within the City of Durham, thus annexation and utility extension are not under consideration.

B. Site History

The *West/Northwest Durham Plan*, adopted in 2002, designated the future land uses of the Erwin Terrace parcels as Mixed Use and Institutional. The 2005 Comprehensive Plan designated the area as Commercial and Institutional, with the understanding that mixed-use projects are allowed anywhere so long as one of the uses is consistent with the Comprehensive Plan designation. When the *Durham Comprehensive Plan* was adopted in 2005, the boundary of the Compact Neighborhood Tier was based on a planned a light rail transit station at Duke Hospital. In 2010, Triangle Transit included an additional station at the intersection of South LaSalle Street and Erwin Road, next to the proposed expansion of the Compact Neighborhood Tier.

C. Existing Site Characteristics

The site of the proposed plan amendment consists of four parcels totaling 19.64 acres along the north side of Erwin Road at the intersections of South LaSalle Street and Lambeth Circle. One parcel, located at the South LaSalle Street intersection, is currently vacant. The adjacent parcel contains Erwin Terrace, consisting of two large office buildings with parking lots at the rear. Across Lambeth Circle, another parcel contains several multifamily structures fronted by a long parking lot adjacent to the street. The site is located approximately 250 yards north of the head of Sandy Creek, a Jordan Lake tributary.

D. Applicant's Plan Amendment Justification

The applicant states that the parcels under consideration ought to be amended from their current development tier designation (Urban) to the proposed designation (Compact Neighborhood) to further *Durham Comprehensive Plan* Objective 8.1.6, Integrate Land Use and Transportation. The applicant specifically cites Policy 8.1.6.c, Mixed Use in Compact Neighborhood and Downtown Tiers: "To encourage transit services, the City and County shall encourage increased intensities in mixed use projects within the Compact Neighborhood and Downtown Tiers through the use of incentives, such as density and height bonuses, for projects that integrate uses vertically."

The applicant states that the designation of Compact Neighborhood Tier is more appropriate for the site because it supports a higher intensity of development, which is compatible with the projected light rail transit plan that places a stop immediately adjacent to the development. The applicant says of the site: "Erwin Terrace is already a mixed-use, vertically integrated development, and with the adopted station location now in place, there is a basis to allow even greater development intensity." Changing the development tier designation from Urban to Compact Neighborhood would, according to the applicant, make better use of the site by allowing greater development intensity as stated in the above-referenced policy, thus meeting policy and compatibility requirements for a future land use map change. The applicant further states that the proposed plan amendment creates no substantial adverse impact on the adjacent area. The existing bus transit corridor and future road improvements, including a light rail line, will mitigate

traffic impacts, according to the applicant, and the future development of the site will support the growing use of public transit. Finally, the applicant states that the size and shape of the site appears adequate to accommodate the proposed change, as evidenced by the existing mixed use project on the site.

Staff Response: Staff agrees with the applicant that because of surrounding development patterns, particularly the site's inclusion along a future major transit corridor, the site's incorporation into the Compact Neighborhood Tier is justified. While the current Urban Tier designation allows for differing uses in proximity to each other, the designation lacks promise for the density and transit-friendly design that would best suit a transit corridor. The high-density, mixed-use characteristics of the Compact Neighborhood Tier are therefore more appropriate for this location.

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. Evaluating the proposed plan amendment for consistency with relevant policies is crucial in determining if changing the Future Land Use Map is appropriate. The following policies were deemed relevant to the current plan amendment request.

Table 1: Policies in support of High-Density Mixed Use near Transit Stations
<i>Policy 2.1.2e. Compact Neighborhood Tier Defined.</i> The Compact Neighborhood Tier consists of areas surrounding proposed fixed guideway transit stations. These are areas identified for high density and intensity infill, redevelopment, and new development that integrate a mix of uses through an urban fabric that includes enhanced bicycle and pedestrian facilities. The Compact Neighborhood Tier is expected to have an improved street level experience and discourage auto-oriented and low intensity uses.
<i>Policy 2.3.1a. Contiguous Development.</i> Support orderly development patterns that take advantage of existing urban services, and avoid, insofar as possible, patterns of leapfrog, noncontiguous, scattered development.
<i>Policy 8.1.3a. Promoting Transit.</i> Durham shall promote and support public transportation options to increase mobility of residents, employees, and visitors.
<i>Policy 8.1.6a. Transit Supportive Downtown and Compact Neighborhood Tiers.</i> Plan for and reinforce the Downtown and Compact Neighborhood Tiers as supportive of multi-modal transportation through increased density, reduced parking requirements, high quality pedestrian and bicycle facilities, and supportive infrastructure and design requirements. (See Policy 2.4.1a.)

Amending the Future Land Use Map to include these parcels within the Compact Neighborhood Tier is consistent with the abovementioned policy statements. The Plan seeks to promote higher-density development in areas identified as having fixed guideway transit stations, and this site is located beside a future light rail stop. The Plan seeks to avoid leapfrogging patterns of development that would contribute to suburban sprawl, and the proposed amendment also supports this policy by proposing more intense development in populated areas. Finally, the Plan seeks to promote use of mass transit and multimodal transportation, which this amendment supports by adopting a designation that enables the site to be built with increased density and a transit-oriented design.

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

The site is located near the convergence of an interstate and several highways, including Interstate 85, US Highway 15-501, US Highway 70, NC Highway 147, and NC Highway 751. In addition, the site is located approximately 2.5 miles northwest of Durham city center and one mile west of Erwin Square Shopping Center, along an arc that represents a potential future corridor for light rail and transit-oriented development. Because of its proximity to existing intensely developed areas, the proposal to augment density at the site is compatible with surrounding high-density and transit-oriented development patterns.

Table 2: Area Land Uses and Designations		
	Existing Land Use Descriptions	Tier and Future Land Use Designations
North	Multi-family Residential	Urban Tier Medium-High Density Residential
West	Multi-family Residential	Urban Tier Medium-High Density Residential
South	Institutional/University and Vacant	Urban Tier Institutional
East	Mixed Use (Commercial and Multi-Family Residential) and Institutional/University	Compact Neighborhood Tier Commercial and Institutional

Existing Uses: Traditional garden apartments are adjacent to the site to the north and west. South and east of the site, across Erwin Road, is land owned by Duke University, much of which is currently vacant. East of the site, on the same side of Erwin Road, are mixed use developments, primarily of residential and commercial uses.

Future Land Use Designations: Land surrounding the site to the north and west is designated Medium-High Density Residential (8-20 DU/Ac.). Land across Erwin Road to the south is designated Institutional. Three of the parcels form part of a small Commercial node that extends to the east of the site. A development tier boundary drawn at South LaSalle Street separates the site (designated Urban Tier) from adjacent parcels in the Compact Neighborhood Tier.

Analysis: Given its close proximity to freeways and major highways and to Duke University campus and hospital, the area has been developing rapidly. The present development tier boundary between the Urban and Compact Neighborhood Tiers was drawn at South LaSalle Street to satisfy an earlier transit plan that envisioned transit-oriented development around the area of the hospital but did not yet establish a future Durham–Chapel Hill rail transit station location. This proposal supports City and County policies promoting compatible land usage and future development patterns, including transit-oriented design.

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.

Durham Comprehensive Plan Policy 8.1.2a, Traffic Level of Service (LOS) Standards, states that the LOS for roads in the Compact Neighborhood Tier shall achieve a minimum of LOS E.

Analysis: A Traffic Impact Analysis was required as a part of the zoning map change process because the proposed project generated the minimum number of trips to require the analysis. Erwin Road is the major road impacted by the proposed development. The proposal is estimated to increase the traffic generation of the subject site by 6,418 daily trips. The existing infrastructure has available capacity to handle these increases. The projected uses for the project are expected to generate 46 students, and increase the estimated water demand of the site by 52,880 gallons per day.

A detailed assessment of traffic and other impacts and commitments is included in the zoning map change staff 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.

Analysis: The intent of this policy is to ensure that sufficient land is available to meet the future demand for housing and other land uses. Since the proposed amendment is not a change of land use designations but rather a conversion of this site to the Compact Neighborhood Tier, there is no loss of land area for any particular land use. Conversely, the proposed Compact Neighborhood Tier promotes more intense development and can accommodate a greater amount of development within the same land area.

Environment: The site is not located in a watershed protection overlay and has no Significant Natural Heritage Area. While a stream and floodplain does exist on the site, there is no reason this parcel could not be developed consistent with UDO standards.

Staff Conclusion: The proposed plan amendment does not create any 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 19.64 acres in total, and is of sufficient shape and size for high-density mixed-use development in the Compact Neighborhood 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. Criteria for Modifications of Tier Boundaries

Additional considerations for the proposal to modify the Development Tier boundary are found in UDO Section 3.4.8. The proposal to modify the tier boundary and change the development tier designation of this site from Suburban to Compact Neighborhood is consistent with each of the following:

1. The site is contiguous to the proposed Tier.
2. The site is not in the drainage basin for Lake Michie or Little River or in the one-mile critical area around Jordan or Falls Reservoirs;
3. The extension does not violate any agreements with neighboring jurisdictions; and
4. The proposal does not involve an extension of the Suburban Tier and is already provided with City services; therefore, consultation with the Public Works Director is not necessary.

Staff determines that the proposed modification of the Development Tier Boundary from Urban to Compact Neighborhood is consistent with the criteria of UDO paragraph 3.4.8, Modification of Tier Boundary.

G. 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
- People's Alliance
- Triangle Transit Authority
- Durham Justice and Fairness Inter-Neighborhood Association
- Partners Against Crime – District 3
- Keep Durham Beautiful

H. Staff Recommendation

Approval, based on the proposal being justified, meeting the four criteria for plan amendments, and meeting the four criteria for modification of a tier boundary.

The Planning Commission recommended approval, 9-1, at its October 14, 2014 meeting based on the justification, the request meeting the four criteria for plan amendments, and information heard at the public hearing.

I. Staff Contact

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J. 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