



CITY OF DURHAM | DURHAM COUNTY
NORTH CAROLINA



ZONING MAP CHANGE REPORT

Meeting Date: April 6, 2015

Table A. Summary			
Application Summary			
Case Number	Z1400021	Jurisdiction	City
Applicant	Horvath Associates, P.A.	Submittal Date	September 4, 2014
Reference Name	Hamilton Center II	Site Acreage	5.02
Location	7010 NC 751 Highway, in the southwest corner of the NC 751 Highway and NC 54 Highway intersection		
PIN(s)	0718-01-18-1780		
Request			
Proposed Zoning	Commercial General with a development plan (CG(D))	Proposal	Allow retail and restaurant uses
Site Characteristics			
Development Tier	Suburban Tier		
Land Use Designation	Commercial		
Existing Zoning	Office Institutional (OI)		
Existing Use	Vacant office buildings		
Overlay	F/J-B	Drainage Basin	Jordan Lake
River Basin	Cape Fear	Stream Basin	Third Fork Creek
Determination/Recommendation/Comments			
Staff	Staff determines that, should the plan amendment be approved, this request would be consistent with the <i>Comprehensive Plan</i> and applicable policies and ordinances.		
Planning Commission	Approval, 12-0 on February 10, 2015. The Planning Commission finds that the ordinance request is not consistent with the adopted <i>Comprehensive Plan</i> . However, should the plan amendment be approved, the request would be consistent with the <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 one parcel of land totaling 5.02 acres to allow retail and restaurant uses on the site for a maximum of 40,000 square feet of

floor area. The site is located at 7010 NC 751 Highway, in the southwest corner of the NC 751 Highway and NC 54 Highway intersection (see Attachment 1, Context Map). A plan amendment has been submitted for this site to change the future land use map to Commercial (case A1400008). Should the plan amendment be approved this request would be consistent with the *Comprehensive Plan* and applicable policies and ordinances.

Appendix A provides supporting information.

B. Site History

There have been no recent zoning map change requests on this site. The existing zoning of OI does not have an associated development plan.

Several site plans depicting office buildings were approved over the last decade (cases D0600351, D1200063, and D1400054) for a total of 34,866 SF of floor area. The site appears to be fully developed and in accordance with the OI zoning district.

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 (see Appendix A, Attachment 4, 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 are proffers that commit to requirements in excess of ordinance standards. The development plan associated with this request includes commitments to construct a concrete pad/bus shelter if required by DATA or TTA at the time of site plan.

Graphic Commitments. Graphic commitments include the general location of the site access point, tree coverage areas, and the building and parking envelope.

Design Commitments. Design Commitments are required of zoning requests that include a development plan for nonresidential projects. This request includes commitments that specify the committed design elements proposed for the site.

Determination. If the requested CG(D) zoning district is approved, this request would allow for a maximum of 40,000 square feet of floor area. The existing buildings were built in conformance of the existing OI district but the site does not meet the minimum requirements for project boundary buffers for the requested CG(D) district. Compliance will be required at the time of site plan.

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 would be consistent with the Future Land Use Map of the *Comprehensive Plan* should the associated plan amendment, case A1400008, be approved to designate 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 4.6. The *Long Range Bicycle Plan, Map 4.6*, shows a proposed bicycle lane along NC 751 Highway. No additional improvements are required or proffered with the subject zoning request.

F. Site Conditions and Context

Site Conditions. This request includes one 5.02-acre parcel and is developed with four buildings totaling 34,866 square feet and a storm water control feature.

Area Characteristics. This site is located in the Suburban Tier on the west side of NC 751 Highway just south of the intersection of NC 751 Highway and NC 54 Highway (see Attachment 1). This area is the southern terminus of a nonresidential node that has expanded in the last decade with the most recent addition of Hope Valley Commons.

This site is encumbered by the F/J-B Watershed Protection Overlay district which limits impervious surface allowances on proposed development.

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. The CG district allows a greater intensity of uses than the existing OI district.

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 impact student generation with a decrease of twelve students and is estimated to decrease water demand by 1,325 GPD, and increase traffic by 1,750 trips per day from the existing zoning. The existing infrastructure has available capacity to meet the water increase projection.

H. Staff Analysis

Staff determines that, should the plan amendment be approved, this request would be consistent with the *Comprehensive Plan* and applicable polices and ordinances. If the requested CG(D) zoning designation were approved a maximum of 40,000 square feet of 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		
Applicant: Ron Horvath, Horvath Associates, P.A.	Ph: 919-490-4990	ron.horvath@horvathassociates.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
- Friends of Durham
- Unity in the Community for Progress
- Fayetteville Street Planning Group
- Downing Creek

K. Summary of Planning Commission Meeting February 10, 2015 (Case Z1400021)

Zoning Map Change Request: 5.02 acres located at 7010 NC 751 Highway, in the southwest corner of the NC 751 Highway and NC 54 Highway intersection Request: Office Institutional (OI) to Commercial General with a development plan (CG(D)) PIN: 0718-01-18-1780

Staff Report: Ms. Rosenberg and Ms. Wolff presented the staff report.

Public Hearing: Chair Harris opened the public hearing. Chair Harris closed the public hearing.

Commission Discussion: Discussion centered on buffering.

Motion: Approve Z1400021. (Mr. Buzby, Mr. Miller 2nd) **Action:** Motion carried, 12-0.

Findings: The Planning Commission finds that the ordinance request is not consistent with the adopted *Comprehensive Plan*. However, should the plan amendment be approved, the request would be consistent with the *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. Development Plan Reduction 5. Application 6. 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 Table D5: Summary of Development Plan
Appendix E	Adopted Plans	Table E: Adopted Plans

Table K. Supporting Information		
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 Commission Meeting	Attachments: 7. Planning Commissioner’s Written Comments 8. Ordinance Form 9. Consistency Statement

Appendix A: Application Supporting Information

Attachments:

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

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.
-F/J-B	<p>Falls/Jordan District B (F/J-B) Watershed Protection Overlay –district is established to preserve the quality of the region's drinking water supplies through application of the development standards intended to protect the environment. In general, water supply protection will be accomplished by establishing and maintaining low intensity land use and development on land near the region's water supply rivers and reservoirs. Where high density development is desired, water supply protection will be accomplished through the use of engineered stormwater controls. The overall objective is to:</p> <ul style="list-style-type: none"> • Reduce the risk of pollution from stormwater running off of paved and other impervious surfaces; and • Reduce the risk of discharges of hazardous and toxic materials into the natural drainage system tributary to drinking water supplies.

Table D2. District Requirements – CG			
	Code Provision	Required	Development
Minimum Site Area (square feet)	6.10.1.B	20,000	218,671
Minimum Lot Width (feet)	6.10.1.B	100	384
Minimum Street Yard (feet)	6.10.1.B	25	25
Minimum Side Yard (feet)	6.10.1.B	25	25
Minimum Rear Yard (feet)	6.10.1.B	25	25
Maximum Height (feet)	6.10.1.B	50	50

Table D3. Environmental Protection			
Resource Feature	UDO Provision	Required	Committed
Tree Coverage	8.3.C4	14% (0.70 acres)	14% (0.70 acres)

Table D4. Project Boundary Buffers			
Cardinal Direction	Adjacent Zone	Required Opacity	Proposed Opacity
North	OI	0.4/0.6	0.6 (22.5 feet, width if reduced)*
	CN(D)	0.4/0.6	0.6 (22.5 feet, width if reduced)*
East	CC(D)	N/A right-of-way greater than 60 feet	N/A
	OI(D)		
South	RS-20	0.6/0.8	0.8(37.5 feet, width if reduced)*
West	OI	0.4/0.6	0.6 (22.5 feet, width if reduced)*

*Portions of the project boundary buffer to be provided off-site subject to agreement by the subject property owner.

Table D5. Summary of Development Plan		
Components	Description	Plan Sheet
Required Information	Intensity/Density. 40,000 square feet of floor area	D100
	Building/Parking Envelope has been appropriately identified.	D100
	Project Boundary Buffers have been shown.	D100
	Stream Crossing. None shown	N/A
	Access Points. Four (4) site access points have been identified.	D100
	Dedications and Reservations. None.	N/A
	Impervious Area. 70% (3.52 acres)	D100
	Environmental Features. None.	N/A
	Areas for Preservation. None	N/A
	Tree Coverage. 14% (0.70 acres)	D100
Graphic Commitments	<ol style="list-style-type: none"> 1. Location of one site access points 2. Location of tree preservation areas 3. Building and parking envelopes 	D100
Text Commitments	<ol style="list-style-type: none"> 1. Prior to the issuance of a certificate of occupancy: subject to a determination by DATA and TTA on the need for transit related improvements at the time of site plan submittal, construct a concrete pad/bus shelter to DATA/TTA specifications along the west side of NC 751 adjacent to the site. 2. Per the ITE Trip General Manual 9th Edition, the existing site generates 82 AM peak hour trips and 117 PM peak hour 	Cover

Table D5. Summary of Development Plan		
	trips. Per UDO section 3.5.12.A.12, a rezoning and traffic impact analysis will be required for any development which generates 232 or more am peak our trips or 267 or more pm peak hour trips.	
SIA Commitments	None Provided	N/A
Design Commitments (Summary)	<ol style="list-style-type: none"> 1. Architectural Style: traditional architectural elements as indicated below. 2. Rooflines: mansard, hipped, gabled, and/or shed roofs, singly or in combination. 3. Building Materials: combination of two or more of the following: synthetic stucco, wood, brick, stone, split faced block, metal, precast concrete, fiber cement board and/or vinyl siding. 4. Architectural Features: one of more of the following: varied roofline elevations, parapet detailing, precast concrete accents, metal roofing, and/or mansard style roofing. 5. Context Area: it will be a nice transition to the south property with is soft earth tone brick buildings and heavily planted buffers. 	Cover

Appendix E: Adopted Plans Supporting Information

Table E. Adopted Plans	
<i>Comprehensive Plan</i>	
Policy	Requirement
Future Land Use Map	Office: Land used primarily for office uses. Suburban Tier: Land uses that shall be allowed include Recreation and Open Space, Agricultural, Residential, Institutional, Commercial, Office, Research/Research Application, and Industrial.
2.2.2a	Suburban Tier Development Focus: Ensure that the Suburban Tier has sufficient land to accommodate anticipated population growth and its attendant demands for housing, employment, and goods and services, including opportunities for affordable housing and recreation.
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	
8.1.2i	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.
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.
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 4-6 shows proposed bicycle lanes along NC 751 Highway.	

Appendix F: Site Conditions and Context Supporting Information

Table F. Site Context			
	Existing Uses	Zoning Districts	Overlays
North	Offices, retail	OI, CN(D)	F/J-B
East	Commercial, vacant	CC(D), OI(D)	F/J-B
South	Single-family residential	RS-20	F/J-B
West	Offices	OI	F/J-B

Appendix G: Infrastructure Supporting Information

Table G1. Road Impacts		
NC 751 and NC 54 are the major roads impacted by the proposed zoning change. There are no scheduled NCDOT roadway improvement projects in the area.		
Affected Segments	NC 54 Highway	NC 751 Highway
Current Roadway Capacity(LOS D) (AADT)	18,600	17,700
Latest Traffic Volume (AADT)	18,000	15,000
Traffic Generated by Present Designation (average 24 hour)*	590	
Traffic Generated by Proposed Designation (average 24 hour)**	2,340	
Impact of Proposed Designation	+1,750	

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

NC 751: 2-lane undivided Class I arterial with left-turn lanes

NC 54: 2-lane undivided Class I arterial with left and right-turn lanes

Source of Latest Traffic Volume: 2013 NCDOT Traffic Count Map

*Assumption (existing zoning) – 34,826 sf office

**Assumption (proposed zoning) – 14,600 sf retail and 20,226 sf office

Table G2. Transit Impacts
Transit service is provided adjacent to the site along NC 751 via DATA Routes 5 and 14 with bus stops located along the site frontage and directly opposite the site along NC 751 Highway.

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 not estimated to generate any students; the plan commits to nonresidential uses. The existing zoning is estimated to generate 12 students if developed to its maximum permissible residential use. This represents a decrease of 12 students from the proposed student generation for the site. Durham Public Schools serving the site are Creekside Elementary School, Githens Middle School, and Jordan High School.			
Students	Elementary School	Middle School	High School
Current Building Capacity	16,794	7,760	10,259
Maximum Building Capacity (110% of Building Capacity)	18,473	8,536	11,285
20th Day Attendance (2014-15 School Year)	16,545	7,465	10,074
Committed to Date (October 2011 – September 2014)	68	19	-35
Available Capacity	1,860	1,052	1,246
Potential Students Generated – Current Zoning*	7	3	2
Potential Students Generated – Proposed Zoning**	0	0	0
Impact of Proposed Zoning	-7	-3	-2

*Assumption- (Max Use of Existing Zoning) – OI: 55 apartments

**Assumption- (Max Use of Existing Zoning) – CG(D): no residential permitted

Table G6. Water Supply Impacts	
This site is estimated to generate a total of 5,000 GPD if developed to its maximum potential with the proposed zoning district. This represents a decrease of 1,325 GPD over the existing zoning district.	
Current Water Supply Capacity	37.00 MGD
Present Usage	27.17 MGD
Approved Zoning Map Changes (October 2011 – September 2014)	0.13 MGD
Available Capacity	9.70MGD
Estimated Water Demand Under Present Zoning*	6,325 GPD
Potential Water Demand Under Proposed Zoning**	5,000 GPD
Potential Impact of Zoning Map Change	-1,325

Notes: MGD = Million gallons per day

*Assumption- (Max Use of Existing Zoning) – OI: 55 apartments

**Assumption- (Max Use of Existing Zoning) – CG(D): 40,000 square feet

Appendix K: Summary of Planning Commission Meeting

Attachments:

7. Planning Commissioner's Written Comments
8. Ordinance Form
9. Consistency Statement