



CITY OF DURHAM | DURHAM COUNTY
NORTH CAROLINA



ZONING CHANGE REPORT

Meeting Date: April 6, 2015

| Table A. Summary | | | |
|--|---|-----------------------|------------------------------------|
| Application Summary | | | |
| Case Number | Z1400025 | Jurisdiction | City |
| Applicant | Sutton Station, LLC, and Horvath Associates, P.A. | Submittal Date | September 8, 2014 |
| Reference Name | Sutton Station | Site Acreage | 15.94 |
| Location | 5800 Fayetteville Road, west side of Fayetteville Road south of Woodcroft Parkway | | |
| PIN(s) | 0729-03-00-7100 | | |
| Request | | | |
| Proposed Zoning | Mixed Use with a development plan (MU(D)) | Proposal | increase permitted commercial uses |
| Site Characteristics | | | |
| Development Tier | Suburban | | |
| Land Use Designation | Office | | |
| Existing Zoning | Office Institutional (OI) | | |
| Existing Use | Commercial, Office, Residential | | |
| Overlay | F/J-B | Drainage Basin | Jordan Lake |
| River Basin | Cape Fear | Stream Basin | Crooked Creek |
| Determination/Recommendation/Comments | | | |
| Staff | Staff determines that this request is consistent with the <i>Comprehensive Plan</i> and other adopted policies and ordinances. | | |
| Planning Commission | Approval, 12 – 0 on February 10, 2015. 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 | See Attachment 7 | | |

A. Summary

This is a request to change the zoning designation of one 15.94-acre parcel from OI to MU(D) to allow additional commercial uses within the project. The site is located at 5800

Fayetteville Road, west side of Fayetteville Road south of Woodcroft Parkway (see Attachment 1, Context Map). This request is consistent with the *Comprehensive Plan* and applicable policies and ordinances.

The existing building area on the site is 257,654 square feet which includes 57 residential units and 147,614 square feet of nonresidential uses. The request proposes the same total building area and same maximum number of residential units; the difference being the permissible mix of uses. The existing development has 113,404 square feet of office uses and the proposal identifies a maximum of 80,227 square feet of office uses. Thus, creating a use nonconformity until such time that 33,177 square feet of use is transitioned to commercial.

Appendix A provides supporting information.

B. Site History

This site was part of a larger zoning map change request with case P85-105 and approved for the O-I district in 1986; then translated to the O&I-2 district with the merged Zoning Ordinance in 1994. The O&I-2 district translated to the OI district in 2006 with the adoption of the Unified Development Ordinance (UDO).

The site was primarily developed as O&I-2 under the standards of the (old) Zoning Ordinance which allowed buildings that contained at least 51% office uses (measured by gross floor area) to contain commercial uses. Under the current UDO only limited sub-categories of commercial uses are permitted in the OI district, such as overnight accommodations, veterinary clinics, and art, music, or dance studios.

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 MU district (Sec. 3.5.6.D and 6.11.7). 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. A summary of these commitments includes provision of a bus stop or shelter, landscape design guidelines, limitation of additional vehicle trips, committed uses, and pedestrian connection improvements.

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

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. The requested MU(D) zoning district and associated development plan meets or exceeds the applicable requirements of the UDO. The existing development on the site includes a mix of uses. If this zoning map change request is approved, the attached development plan (Appendix A, Attachment 4) establishes the level of development permitted on the property. This includes a maximum of 57 residential units and maximum of 67,387 square feet of commercial uses, and 80,227 square feet of office uses. This represents the same number of existing residential units and the same total development of nonresidential uses; and creating a nonconformity until a transition of 33,177 square feet from office uses occurs.

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 MU(D) zoning district is consistent with the Future Land Use Map of the *Comprehensive Plan* which designates this site as Office.

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 Fayetteville Road and a proposed greenway to the south of the site. An existing greenway (the American Tobacco Trail) exists along the site's western boundary. No additional improvements are required or proffered with the subject zoning request in regards to this plan.

Durham Trails and Greenways Master Plan, Map 8. The *Durham Trails and Greenways Master Plan, Map 8*, shows an existing rail trail (the American Tobacco Trail) to the west of the site and a planned greenway trail to the south of the site.

No additional improvements are required or proffered with the subject zoning request in regards to these plans.

F. Site Conditions and Context

Site Conditions. This 15.94-acre site is located at 5800 Fayetteville Road. The site was previously developed and has ten buildings developed, collectively known as Sutton Station, with a mix of uses that includes office (100,230 square feet), commercial (34,210 square feet), bank (13,174 square feet), and residential (57 units, or 3.68 DU/Ac.).

Area Characteristics. This site is in the Suburban Tier on the west side of Fayetteville Road just south of Woodcroft Parkway. This segment of Fayetteville Road is a four-lane thoroughfare with a landscaped median and is the entryway that transitions from the residential uses north to the regional commercial node to the south known as Southpoint. The site is adjacent to commercial development to the north but is surrounded on three sides by single- and multi-family development; rights-of-way separate this site from the residential development to the east and west.

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 MU(D) and associated development plan meets the ordinance and policy 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 MU(D) district and associated development plan is consistent with *Comprehensive Plan* policies regarding the infrastructure impacts of road, transit, utility, drainage/stormwater, schools and water supply. The proposal is estimated to increase the traffic generation of the subject site by 1,710 daily trips and increase the estimated water demand of the site by 1,658 gallons per day. There is no change in the projected student generation of the site. The existing infrastructure has available capacity to meet these increases.

H. Staff Analysis

This request is consistent with the *Comprehensive Plan* and other policies and ordinances. If the requested MU(D) zoning designation were approved, the development plan would

further establish the development potential of the site considering the text and graphic commitments proffered.

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
- Fayetteville Street Planning Group
- Friends of Durham
- Unity in the Community for Progress

K. Summary of Planning Commission Meeting February 10, 2015 (Case Z1400025)

Zoning Map Change Request: 15.94 acres located at 5800 Fayetteville Road, west side of Fayetteville Road south of Woodcroft Parkway. Request: Office Institutional (OI) to Mixed Use with a development plan (MU(D)) PIN 0729-03-00-7100

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

Commission Discussion: Discussion centered on the proffered bike improvements.

Motion: To approve. (Mr. Buzby, Ms. Huff 2nd)

Action: Motion carried, 12-0.

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: <ol style="list-style-type: none"> 1. Context Map 2. Future Land Use Map 3. Aerial Photography 4. Development Plan Reduction 5. Application 6. Submittal and Review History 7. BPAC Comments |
| 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: Project Boundary Buffers Table D4: 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 |
| Appendix H | Staff Analysis | N/A |
| Appendix I | Contacts | N/A |
| Appendix J | Notification | N/A |
| Appendix K | Summary of Planning Commission Meeting | Attachments: <ol style="list-style-type: none"> 8. Planning Commissioner's Written Comments 9. Ordinance Form 10. 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
7. BPAC Comments

Appendix D: Unified Development Plan Supporting Information

| Table D1. UDO Designation Intent | |
|----------------------------------|---|
| MU | Mixed Use: the MU district is established to provide innovative opportunities for an integration of diverse but compatible uses into a single development that is unified by design features. A development plan is required with a request for this district; which shows a conceptual representation of the proposed site that indicates how the ordinance standards could be met. Any significant change to the development plan would require a new zoning petition. |
| 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 – MU | | | |
|---|----------------|--|--|
| | Code Provision | Required | Committed |
| Uses | 6.11.7.A | Residential and at least one of the following: public and civic, commercial, or office | Residential: 57 units Office: 80,227 square feet Commercial: 110,040 square feet |
| Minimum Site Area (acres) | 6.11.7.B.1 | 4 | 15.94 |
| Use Area | 6.11.7.B.2 | No single use to occupy more than 60% of gross acreage | No single use to occupy more than 60% of gross acreage |
| Transitional Use Area (TUA) | 6.11.7.C | Use and building scale to match adjacent property and no more than one story (15 foot) height differential within the 50-foot buffer | Use and building scale to match adjacent property and no more than a one story (15 foot) height differential within 50-foot buffer |
| Maximum Residential Density (DU/Ac.) | 6.11.7.D | No minimum requirement for vertically-integrated projects | 3.68 (57 units) |

| Table D2. District Requirements – MU | | | |
|---|------------|---|--|
| Nonresidential Intensity | 6.11.7.E | Minimum floor area = 30% of parcel | Existing = 37.11% of parcel Maximum proposed = 37.11% of parcel |
| Maximum Height (feet) | 6.11.7.F | 50 | 50 |
| Minimum Street Yard (feet) | 6.11.7.G.3 | 25 | 25 |
| Bus Shelter | 6.11.7.N.1 | Construct bus shelter if adjacent to transit line | Construction a bus shelter per text commitment #1 |

| Table D3. Project Boundary Buffers | | | |
|---|----------------------|---------------------------------------|-------------------------|
| Cardinal Direction | Adjacent Zone | Required Opacity | Proposed Opacity |
| North | OI | 0/0 | N/A |
| East | PDR 12.000 | N/A right-of-way greater than 60 feet | N/A |
| South | OI | 0/0 | N/A |
| West | PDR 3.650 | N/A right-of-way greater than 60 feet | N/A |

| Table D4. Summary of Development Plan | | |
|---------------------------------------|---|------------------------|
| Components | Description | Development Plan Sheet |
| Required Information | Intensity/Density. Residential: 57 units (3.68 DU/Ac.) Office: 80,227 square feet Commercial: 67,387 square feet | D100 |
| | Building/Parking Envelope has been appropriately identified. | D100 |
| | Project Boundary Buffers. No project boundary buffers that apply to this site (see Table D3, Project Boundary Buffers). | N/A |
| | Stream Crossing. No streams on site. | N/A |
| | Access Points. Three vehicular site access points and two pedestrian connects have been identified. | D100 |
| | Dedications and Reservations. None. | N/A |
| | Impervious Area. 70% = 11.16 acres | D100 |
| | Environmental Features. None. | N/A |
| | Areas for Preservation. None. | N/A |
| | Tree Coverage. 10% (1.59 ac.) | D100 |
| Graphic Commitments | Location of access points. Building and Parking envelope. Location of tree preservation areas. | 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 Fayetteville Road adjacent to the site. 2. Per the ITE Trip Generation Manual, 9th Edition, the existing site generates 288 AM peak hour trips and 625 PM peak hour trips. Per UDO Section 3.5.12.A.12, a rezoning and traffic impact analysis will be required for any development which generates 438 or more AM peak hour trips or 775 or more PM peak hour trips. 3. Committed uses are residential, office, and commercial. 4. A minimum of four additional bike racks will be added prior to the first certificate of occupancy after development plan approval. 5. Two directional signs identifying the American Tobacco Trail connection shall be added. One sign to be located at each connection. Signs will be added prior to the first certificate of occupancy after development plan approval. 6. The existing southernmost trail connection from the | Cover |

| Table D4. Summary of Development Plan | | |
|--|--|-------|
| | <p>site to the American Tobacco Trail shall be improved to a six foot wide paved surface subject to approval from the North Carolina Department of Transportation Rail Division and City of Durham Parks and Recreation Department prior to the first certificate of occupancy after development plan approval.</p> <p>7. Two pedestrian connections shall be made from the existing sidewalk along Fayetteville Street to the site. One connection shall be made on the east side of the main drive and the second on the west side of the main drive. Connections shall be made prior to the first certificate of occupancy after development plan approval.</p> <p><u>Landscape Design Commitments:</u></p> <p>8. The project landscape architect will ensure a common theme of using plant types throughout the development that will include but be limited to, species defined by the Unified Development Ordinance and the Landscape Manual for Durham, NC. The project will use plant materials specifically suited to site-specific factors such as soils, solar exposure, root area, micro-climate, moisture availability, form and color. The use of invasive plant species will be prohibited.</p> | |
| SIA Commitments | None provided | N/A |
| Design Commitments (summary) | <p>Architecture style: to match existing style.</p> <p>Rooflines: hipped, mansard and/or shed roofs, singly or in combination as applicable.</p> <p>Building Materials: a combination of two or more of the following: synthetic stucco, wood, brick, stone, split faced block, fiber cement board and/or vinyl siding.</p> <p>Architectural features: one or more of the following: transom windows, false balconies, columns, dormers cupolas, and metal rail accents.</p> <p>Transition to Context: provide retail, office and residential that supports neighboring apartment complexes, senior living, and the American Tobacco Trail.</p> | 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. |
| 2.2.2b | 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 within the Urban Growth Area. |
| 2.3.1g | Mixed Use Project Location. Direct and support the use of zoning tools that encourage mixed use in locations that avoid environmentally sensitive or hazardous environments, are well-connected by multiple modes of transportation, and are efficiently served by community infrastructure and services. |
| 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. |
| 8.1.4a and b | Durham Review and the Adopted Trails and Greenways Plan. Review development proposals in relation to the Durham Trails and Greenways master Plan and seek dedication or reservation of right-of-way or easements and construction of facilities in conformance with that Plan. |
| 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. |

| Table E. Adopted Plans |
|--|
| <i>Long Range Bicycle Plan</i> |
| Map 4-6 shows a proposed bicycle lane along Fayetteville Road and a proposed greenway to the south of the site. An existing greenway (American Tobacco Trail) has been developed along the western boundary of the site. |
| <i>Durham Trails and Greenways Master Plan</i> |
| Map 8 shows an existing rail trail along the western boundary of the site and a proposed greenway trail to the south of the site. |

Appendix F: Site Conditions and Context Supporting Information

| Table F. Site Context | | | |
|------------------------------|--|-------------------------|-----------------|
| | Existing Uses | Zoning Districts | Overlays |
| North | Office, commercial | OI, CN | F/J-B |
| East | Multifamily residential | PDR 12.000 | F/J-B |
| South | Multifamily residential | OI | F/J-B |
| West | Single-family and multi-family residential | PDR 3.650 | F/J-B |

Appendix G: Infrastructure Supporting Information

| Table G1. Road Impacts | | |
|--|--------------------------|--------------------------|
| Fayetteville Road and Woodcroft Parkway are the major roads impacted by the proposed zoning change. There are no scheduled NCDOT roadway improvement projects in the area. | | |
| Affected Segments | Woodcroft Parkway | Fayetteville Road |
| Current Roadway Capacity (LOS D) (AADT) | 10,700 | 29,100 |
| Latest Traffic Volume (AADT) | 8,600 | 26,000 |
| Traffic Generated by Present Designation (average 24 hour)* | 5,381 | |
| Traffic Generated by Proposed Designation (average 24 hour)** | 7,091 | |
| Impact of Proposed Designation | +1,710 | |

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

Fayetteville Road: 4-lane divided city/county class II arterial with left-turn lanes

Woodcroft Parkway: 2-lane undivided city/county class II arterial without left-turn lanes

Source of Latest Traffic Volume: 2013 NCDOT Traffic Count Map

***Assumption (existing zoning)** – 68,630 sf office, 34,219 sf retail, bank with four drive-up lanes, and 57 apartment units

****Assumption (proposed zoning)** – 30,130 sf office, 72,710 sf retail, bank with four drive-up lanes, and 57 apartment units

| Table G2. Transit Impacts |
|---|
| Transit service is provided adjacent to the site along Fayetteville Road via DATA Route 5, DATA Route 14, and Triangle Transit Route 805. There are two bus stops along the frontage of the site on the west side of Fayetteville Road. |

| 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 12 students. This does not represent a change from the existing zoning. Durham Public Schools serving the site are Southwest Elementary School, Githens Middle School, and Hillside 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** | 7 | 3 | 2 |
| Impact of Proposed Zoning | 0 | 0 | 0 |

*Assumption- (Max Use of Existing Zoning) – 57 apartments

**Assumption- (Max Use of Existing Zoning) – 57 apartments

| Table G6. Water Supply Impacts | |
|---|------------|
| This site is estimated to generate a total of 20,955 GPD if developed to its maximum potential with the proposed zoning district. This represents an increase of 1,658 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 | 9.70 MGD |
| Estimated Water Demand Under Present Zoning* | 19,337 GPD |
| Potential Water Demand Under Proposed Zoning** | 20,995 GPD |
| Potential Impact of Zoning Map Change | +1,658 |

Notes: MGD = Million gallons per day

*Assumption- (Max Use of Existing Zoning) –34,214 sf commercial, 113,404 sf office, 57 apartments

**Assumption- (Max Use of Existing Zoning) –67,387 sf retail, 80,227 sf office, 57 apartments

Appendix K: Summary of Planning Commission Meeting

Attachments:

8. Planning Commissioner’s Written Comments
9. Ordinance Form
10. Consistency Statement