



ZONING CHANGE REPORT

Meeting Date: June 1, 2015

Table A. Summary			
Application Summary			
Case Number	Z1400032	Jurisdiction	City
Applicant	Summit Design & Engineering	Submittal Date	October 27, 2014
Reference Name	108 Celeste Parking Lot	Site Acreage	0.46
Location	108 Celeste Circle, east side of Celeste Circle and north of NC 54 Highway		
PIN(s)	0708-01-36-8616		
Request			
Proposed Zoning	Office Institutional with a development plan (OI (D))	Proposal	Parking lot
Site Characteristics			
Development Tier	Suburban Tier		
Land Use Designation	Commercial, Suburban Transit Area		
Existing Zoning	Residential Suburban-20 (RS-20)		
Existing Use	Single-family residential		
Overlay	F/J-B; MTC	Drainage Basin	Jordan Lake
River Basin	Cape Fear	Stream Basin	Little 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 9-2, on April 14, 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		
Town of Chapel Hill	See Attachment 8		

A. Summary

This is a request to change the zoning designation of one parcel of land totaling 0.46 acres from RS-20 to OI(D) for a committed parking area. The site is located at 108 Celeste Circle,

north of its eastern terminus at NC 54 Highway and generally located in the northwest quadrant of the Interstate 40 and West NC 54 Highway intersection. This request is 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. On April 28, 2015, the Board of Adjustment voted to approve (5-2) a riparian buffer intrusion via a variance requested by Summit Design & Engineering (case B1500007) (see also Section D, Determination).

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 OI district (Sec. 3.5.6.D, and 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 have been proffered to commit to requirements in excess of ordinance standards. The applicant has committed to develop as a commercial parking lot, five foot right-of-way dedication, offsite sidewalk connection, and stormwater mitigation.

Graphic Commitments. Graphic commitments include the general location of the site access point, location of tree preservation area, and parking envelope.

Design Commitments. Design Commitments are required of zoning requests. However, this project commits to a commercial parking lot and that no buildings are permitted on site. Therefore, there will be no buildings in which to application of design commitments.

Phasing Plan. Phasing plans are required for project located in a Suburban Transit Area. The phasing plan for this project identifies that the project will be developed in one phase.

Determination. The requested OI zoning district and associated development plan meets or exceeds the applicable requirements of the UDO. If this zoning map change request is approved, the attached development plan establishes the level of development allowed on the property.

Riparian buffer impact. A riparian buffer for an offsite stream impacts this site. The terminus for the offsite stream is located on the opposite side of Celeste Circle than the subject property. However, the required buffer extends into the site. The applicant has indicated that a stream buffer variance will be pursued in order to achieve a larger parking envelope. Approval of this variance was granted by the Board of Adjustment on April 28, 2015 by a vote of 5-2.

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 OI zoning district and associated development plan is consistent with the adopted plans and polices related to this site.

Concurrent Planning Processes. There are two concurrent planning processes that are underway that may impact the future development potential of this site. First, is a privately initiated plan amendment, case A1400009, to implement a Compact Neighborhood Tier to allow for the utilization of Design Districts. The subject site is not included in this plan amendment request but if approved, could influence land use decisions in the area. Secondly, staff is in process of studying the vicinity of the proposed transit stations, including Leigh Village which is within ½ mile of the subject site, identified on the planned Durham-Orange Light Rail corridor to recommend boundaries that would create a Compact Neighborhood Tier for these areas. Staff is in the beginning stages of this review and has not yet made any recommendations. Along with stakeholder input, staff is utilizing the following review criteria:

Suburban Transit Area. The site is within the Leigh Village Suburban Transit Area, so designated in 2005 with the adoption of the *Comprehensive Plan* when the plan recognized the location of the Leigh Village Station.

Proposed Transportation Infrastructure. The Metropolitan Transportation Plan designates the proposed future light rail alignments and regional collector streets. Each of these features are in the vicinity of the subject site.

Southwest Durham-Southeast Chapel Hill Collector Street Plan. The Southwest Durham-Southeast Chapel Hill Collector Street Plan shows a collector street along the frontage of this site.

NC 54/I-40 Corridor Study. In 2011, the NC 54 Highway and Interstate-40 corridor was studied by the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization along with input from a broad group of study partners including The City of Durham and Durham County. A result of the study included generalized land use recommendations that were intended to influence Durham's land use policies, but not supersede it. The land use concept for the Leigh Village Station shows the highest density mixed-use areas within ¼ mile of the proposed station with development intensity scaled down in a concentric ring pattern. For areas on the fringe of the station area, where the subject site is located, the study calls for single-family residential.

F. Site Conditions and Context

Site Conditions. The 0.46-acre site is comprised of one residential lot developed as a single-family house and an accessory shed. The side and rear boundaries of the property are comprised of soft-and hard-wood trees.

Area Characteristics. The site is in the Suburban Tier, Suburban Transit Area in close proximity to the NC 54/I-40 interchange, which has been included in the NC 54/I-40 Corridor Study. Traveling west on NC 54 Highway is a major route of access to Chapel Hill; traveling east provides immediate access to Interstate 40. This site borders a nonresidential node that includes office and retail uses. It is observed that the area frequently experiences a shortage of parking where cars are often parked in undesignated places along the sides of the northern terminus of the NC 54 Highway service road. The site is surrounded by the RS-20, OI(D), and CN(D) zoning districts.

This area is within two zoning overlay districts. The F/J-B Watershed Protection Overlay district limits impervious surface allowances on proposed development. The Major Transportation Corridor (MTC) I-40 Overlay was established to enhance the economic and aesthetic appeal of properties adjacent to major transportation corridors and to improve traffic efficiency and safety by reducing visual clutter.

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

Determination. The proposed OI district and associated development plan meets policy and ordinance requirements in relation to development on the subject site. Although the site may be impacted by the future alignment of a collector street, the development plan commits to commercial parking which would mitigate the existing parking shortage in the area.

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 OI district and associated development plan is consistent with *Comprehensive Plan* policies regarding the infrastructure impacts of road, transit, drainage/stormwater, and schools. The proposal is estimated to decrease the traffic generation of the subject site by 10 daily trips, decrease the estimated water demand by 155 gallons per day, and there is no estimated change in students generated from the proposed use. The existing infrastructure has available capacity to meet these increases.

Present Transportation Infrastructure. This request does not violate *Comprehensive Plan* policy 8.1.2.j that would require staff to recommend denial if the site were adjacent to a road operating overcapacity because it is not adjacent to NC 54 Highway. However, it is noted that NC 54 Highway is presently operating over capacity (at 107.66% level of service). The daily trips generated by the proposed use is estimated to be reduced 10 trips which would result in a level of service of 107.63%.

H. Staff Analysis

Staff determines that this request is consistent with the *Comprehensive Plan* and applicable policies and ordinances.

If the requested OI zoning designation were approved, the development plan would further establish the development potential of the site considering the text and graphic commitments proffered. The proposal would allow for a parking lot.

I. Contacts

Table I. Contacts		
Staff Contact		
Amy Wolff, Senior Planner	Ph: 919-560-4137, ext. 28235	Amy.Wolff@DurhamNC.gov
Applicant Contact		
Chad Abbott, Summit Design & Engineering	Ph: 919-732-3883	chad.abbott@summetde.net

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

- Downing Creek
- Town of Chapel Hill
- Cross-County Communities Association
- Eastwood Park Neighborhood Association
- Farrington Homeowners Allied for Residential Preservation

K. Summary of Planning Commission Meeting April 14, 2015 (Case Z1400032)

Staff Report: Ms. Wolff presented the staff report.

Zoning Map Change Request: RS-20 to OI(D)

Public Hearing: Chair Harris opened the public hearing. Two people spoke in support and one person spoke in opposition. Chair Harris closed the public hearing.

Commission Discussion: Commission discussion centered on committed element for storm water management.

Motion: To approve Z1400032 with additional commitment regarding storm water treatment (Padgett, Freeman 2nd)

Action: Motion carried, 9-2 (Huff and Miller voting no)

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. Development Plan Reduction 5. Application 6. Submittal and Review History 7. BPAC Comments 8. Chapel Hill Staff 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: Environmental Protection Table D4: Project Boundary Buffers

Table K. Supporting Information		
		Table D5: 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: 9. Planning Commissioner's Written Comments 10. Ordinance Form 11. 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
8. Chapel Hill Staff Comments

Appendix D: Unified Development Plan Supporting Information

Table D1. UDO Designation Intent	
OI	Office and Institutional (OI) – the OI district is established for employment and community service activities of moderate to high intensity. While OI is an office district, other uses such as residential and limited commercial, veterinary clinic, studio or gallery, or hotels may also be allowed.
F/J-B	<p>Falls/Jordan District B – the purpose of the F/J-B Watershed Protection Overlay district is 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.
MTC	Major Transportation Corridor Overlay – the MTC Overlay district is established to enhance the economic and aesthetic appeal and orderly development of properties adjacent to major transportation corridors. The MTC district requires buffers next to major transportation corridors and limits the height of signs.

Table D2. District Requirements – OI			
	Code Provision	Required	Committed
Minimum Site Area (square feet)	6.10.1.B.1	20,000	20,038
Minimum Lot Width (feet)	6.10.1.B.1	60	100

Table D3. Environmental Protection			
Resource Feature	UDO Provision	Required	Committed
Tree Coverage	8.3.1C	10% (0.4 acres)	19% (0.8 acres)
Stream Protection (buffer in feet)	8.5.4.B	100	100

Table D4. Project Boundary Buffers			
Cardinal Direction	Adjacent Zone	Required Opacity	Proposed Opacity
North	RS-20	0.4/0.6	0.6 (30 feet)
East	CN	0/0	N/A
South	OI(D)	0/0	N/A
West	RS-20	N/A (right-of-way greater than 60 feet)	N/A

Table D5. Summary of Development Plan		
Components	Description	Development Plan Sheet
Required Information	Intensity/Density. 0 square feet floor area.	C-3
	Building/Parking Envelope. No building proposed. Parking envelope is shown.	C-3
	Project Boundary Buffers. Appropriately identified.	C-3
	Stream Crossing. None.	N/A
	Access Points. One access point has been identified.	C-3
	Dedications and Reservations. See text commitments below.	Cover, C-3
	Impervious Area. 65% = 0.29 acres	C-3
	Environmental Features. Streams (offsite).	C-1, C-2
	Areas for Preservation. None	C-3
	Tree Coverage. 19% (0.8 acres) as shown.	C-3
Graphic Commitments	Location of access point. Location of tree preservation areas. Location of parking envelope.	C-3
Text Commitments	<ol style="list-style-type: none"> 1. This property is to be limited to commercial parking lot. 2. The developer will construct (or provide payment in lieu for) a five foot wide sidewalk to connect to the existing sidewalk just south of subject property on east side of Celeste. 3. This plan includes a five foot right-of-way dedication (to be dedicated before site plan approval) for sidewalk construction. 4. No building shall be constructed on the site. 5. The developer commits to installing stormwater controls to manage the stormwater associated with the 100 year storm per the City of Durham Stormwater Services Division of the Public Works Department. 	Cover
SIA Commitments	None provided	N/A
Design Commitments (summary)	<ol style="list-style-type: none"> 1. No building is proposed. 	Cover

Appendix E: Adopted Plans Supporting Information

Table E. Adopted Plans	
<i>Comprehensive Plan</i>	
Policy	Requirement
Future Land Use Map	<p>Office: Land used primarily for office uses.</p> <p>Suburban Tier: Land uses that shall be allowed include Recreation and Open Space, Agricultural, Residential, Institutional, Commercial, Office, Research/Research Application, and Industrial.</p> <p>Suburban Transit Area. Encourage development supportive of transit.</p>
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.
8.1.2g	Transportation Plan Implementation. Require new development provide facilities in conformance with collector street plans.
8.1.2j	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.
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.

Appendix F: Site Conditions and Context Supporting Information

Table F. Site Context			
	Existing Uses	Zoning Districts	Overlays
North	Single-family residential, place of worship	RS-20, OI(D)	F/J-B; MTC
East	Industrial, office	CN(D), CN	F/J-B; MTC
South	Commercial	OI(D)	F/J-B; MTC
West	Single-family residential	RS-20	F/J-B; MTC

Appendix G: Infrastructure Supporting Information

Table G1. Road Impacts		
<p>NC 54 is the major road impacted by the proposed zoning change. NCDOT TIP Project U-5324A will provide improvements to NC 54 from Barbee Chapel Road to I-40. The proposed development is impacted by the following adopted plans:</p> <ul style="list-style-type: none"> The Southwest Durham-Southeast Chapel Hill Collector Street Plan proposes a north-south collector street along Celeste Circle adjacent to the proposed development plan. The NC 54-I40 Corridor Study proposes multiple roadway, transit, pedestrian, and bicycle related improvements in this area, including a proposed interchange at NC 54 and Celeste Circle. 		
Affected Segments		NC 54 Highway
Current Roadway Capacity (LOS D) (AADT)		41,800
Latest Traffic Volume (AADT)		45,000
Traffic Generated by Present Designation (average 24 hour)*		10
Traffic Generated by Proposed Designation (average 24 hour)**		0
Impact of Proposed Designation		-10

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

NC 54: 4-lane divided class I arterial with left and right-turn lanes

Source of Latest Traffic Volume: 2013 NCDOT Traffic Count Map

*Assumption- (Max Use of Existing Zoning) – RS-20: one single-family lot

**Assumption- (Max Use of Existing Zoning) – OI (D): parking lot

Table G2. Transit Impacts
Transit service is currently provided within one-quarter mile of the site along NC 54 via Triangle Transit Routes 800, 805, and CRX.

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. This represents no change in student generation from the existing zoning. 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*	0	0	0
Potential Students Generated – Proposed Zoning**	0	0	0
Impact of Proposed Zoning	0	0	0

*Assumption- (Max Use of Existing Zoning) – RS-20: one single-family lot

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

Table G6. Water Supply Impacts	
This site is not estimated to generate any water demand if developed to its maximum potential with the proposed zoning district. This represents a decrease of 155 GPD over the existing zoning district.	
Current Water Supply Capacity	37.00 MGD
Present Usage	27.17MGD
Approved Zoning Map Changes (October 2011 – September 2014)	0.13 MGD
Available Capacity	9.70 MGD
Estimated Water Demand Under Present Zoning*	155 GPD
Potential Water Demand Under Proposed Zoning**	0 GPD
Potential Impact of Zoning Map Change	-155

Notes: MGD = Million gallons per day

*Assumption- (Max Use of Existing Zoning) – RS-20: one single-family lot

**Assumption- (Max Use of Existing Zoning) – no residential or buildings permitted

Appendix K: Summary of Planning Commission Meeting

Attachments:

9. Planning Commissioner's Written Comments
10. Ordinance Form
11. Consistency Statement