



CITY OF DURHAM | DURHAM COUNTY
NORTH CAROLINA



PLAN AMENDMENT REPORT

Meeting Date: April 6, 2015

Reference Name	Highway 54 Residential (A1400005)	Jurisdiction	County
Applicant	Hopper Communities (J. Bart Hopper, President)		
Request Change in Comprehensive Plan Designation	From:	Office	
	To:	Medium-High Density Residential (8–20 DU/Ac.)	
Site Characteristics	Tier:	Suburban	
	Present Use:	Vacant, Residential (one single-family home at edge of site)	
	Present Zoning:	Residential Suburban - 20 (RS-20), Office and Institutional with a development plan (OI(D)), and Office and Institutional (OI)	
	Overlays:	Falls of the Neuse/Jordan Lake (F/J-B) and Major Transportation Corridor I-40 (MTC)	
	Size:	21.72 acres	
Location	1413, 1429, 1431, and 1501 East NC Highway 54, along the north side of NC Highway 54 at intersection with Revere Road		
PINs	0728-04-54-7507, -9591, -64-2401, -6426		
Recommendations	Staff	Approval, based on the proposal being justified and meeting the four criteria for plan amendments.	
	Planning Commission	Approval, 12-0, February 10, 2015, based on based on the justification, the request’s meeting the four criteria for plan amendments, and information heard at the public hearing.	

A. Summary

The applicant, Hopper Communities, is proposing changes to the Future Land Use Map (FLUM) and the Zoning Map that would allow the owners to construct a residential development containing approximately 300 apartment units. The parcels are presently composed of land designated as Office on the FLUM and are currently zoned Residential Suburban – 20 (RS-20), Office and Institutional (OI), and Office and Institutional with a development plan (OI(D)). The applicant is proposing to amend the FLUM for the entire site from Office to Medium-High Density Residential (8–20 DU/Ac.). The applicant is also requesting a Zoning Map Change (Z1400018) from RS-20, OI, and OI(D) to Residential Suburban-Multifamily with a development plan (RS-M(D)), limiting construction to 320

units. The site is located within Durham County; therefore, annexation and utility extension are under consideration.

B. Site History

The site has historically consisted of rural residential land (containing one rural residence). Nearby sites to the east and north have developed as high-density multifamily residential. Prior to the current *Durham Comprehensive Plan*, Durham County was divided into planning districts, each with its own small area plan. The *Triangle Township Plan*, adopted in 1993, recommended that the future land use be designated as Office.

C. Existing Site Characteristics

The site of the proposed plan amendment consists of four parcels totaling 21.72 acres. It fronts NC Highway 54 to the immediate south and is located 0.13 miles south of Interstate 40 and 0.8 miles west of NC Highway 55. The site falls within the Interstate 40 Major Transportation Corridor (MTC) Overlay District. A stream bisects the property from west to east, connecting to the Northeast Creek and eventually to Jordan Lake. The parcels are mostly forested and vacant, with the exception of one structure resembling a single-family home at the southeast corner of the site. The site, 0.25 miles across at its widest point, provides 500 feet of frontage along NC Highway 54.

D. Applicant's Plan Amendment Justification

The applicant states that the parcels under consideration ought to be amended from their adopted land use designation (Office) because the proposed designation of Medium-High Density Residential would serve as an appropriate transition between Low Density Residential (4 DU/Ac. or Less), Low-Medium Density Residential (4-8 DU/Ac.), and Medium Density Residential (6-12 DU/Ac.) uses to the south and east, and Office uses to the west. The applicant further states that such a designation will support future efforts to extend mass transit along the corridor. The applicant notes that recent development patterns, including existing and planned medium- to high-density residential development around the site, promote the proposed amendment and contribute water and sewer capacity to support the new development, with no additional impact or infrastructure costs to the City. The applicant states that the amendment request is supported by several policies outlined in the *Durham Comprehensive Plan*, including one to maintain contiguous development patterns. The applicant assures that the intended residential use will not adversely affect the surrounding environment. Finally, according to the applicant, the site is of adequate shape and size to accommodate uses allowed under the proposed Low Density Residential designation.

Staff Response: Staff supports the applicant's statement that the proposed designation of Medium-High Density Residential acts as an appropriate transition between lower- and higher-intensity uses (Residential and Office). Waterford Village, a multifamily residential development constructed in 1995, abuts the property to the east, heading a row of several other recent apartment complexes. A stream bisecting the property laterally is a

tributary to Jordan Lake one half mile away and may pose an environmental concern for more intense types of development; a lower intensity of use is therefore justified.

A further examination of the applicant's request that this site be designated as Medium-High Density Residential based on the criteria for plan amendments follows.

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 FLUM is appropriate. The following policies were deemed relevant to the current plan amendment request.

Table 1: Policies in Support of Medium-High Density Residential Use

Policy 2.2.2h. Suburban Tier Density Evaluation. Evaluate allowed Suburban Tier residential densities (see Table 2-1, Summary of Residential Density Categories) in consideration of policies to encourage higher-density development in the Downtown and Compact Neighborhood Tiers and Suburban Transit Support Areas.

Policy 2.3.1a. Contiguous Development. Support orderly development patterns that take advantage of existing urban services, and avoid, insofar as possible, patterns of leapfrog, noncontiguous, scattered development.

Amending the FLUM to Medium-High Density Residential (8–20 DU/Ac.) is consistent with the abovementioned policy statements. The Plan seeks to promote higher-density development in transit-supported areas, and this proposed amendment

increases residential density while maximizing the use of transit services along the NC Highway 54 corridor. The Plan also seeks to support orderly development patterns, and this proposed amendment maintains a contiguous residential use pattern that makes use of existing urban services.

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

This site is located along NC Highway 54, 0.13 miles south of Interstate 40, 0.3 miles west of NC Highway 55, and 2 miles west of NC Highway 147. Because of its location along the rapidly developing Interstate 40 corridor, development pressures in the area are strong. Much of the land around the corridor is designated Low and Low-Medium Density Residential.

Table 2: Area Land Uses and Designations		
	Existing Uses	Future Land Use Designations
North	Multifamily residential, horticulture, undeveloped	Office, Medium Density Residential
East	Multifamily residential	Medium Density Residential
South	Single-family residential	Low Density Residential, Low-Medium Density Residential, Office
West	Civic, Commercial, Undeveloped	Office

Existing Uses: The site of the proposed plan amendment is bordered to the immediate north and east by multifamily residential development, to the south by single-family residences, and to the west by a daycare center and exercise facility.

Future Land Use Designations: Land to the north and east of the site is primarily designated Medium Density Residential (6–12 DU/Ac.). Land to the south is designated, Office, Low Density Residential (4 DU/Ac. or Less), and Low-Medium Density Residential (4–8 DU/Ac.). The area to the west is designated Office.

Analysis: The location of the parcels at the nexus of several major highways, including Interstate 40, makes the area convenient for commuters to multiple parts of the Triangle. The site is located along Interstate 40, which provides for heavier intensities of development to maximize the use of regional bus transit. This promotes compatible land usage and future development patterns.

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 FLUM and Zoning Atlas.

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

Analysis: A Traffic Impact Analysis (TIA) was required as part of the zoning map change. NC Highway 54 and Barbee Road are the major roads affected by the proposed development. North Carolina Department of Transportation TIP Project U-5324 will expand NC Highway 54, from Interstate 40 to NC Highway 55, into a multilane divided facility, with bicycle, pedestrian, and transit amenities. This project is currently unfunded through 2018. The impacted segments were designed to accommodate 10,700 (Barbee Road) and 17,700 (NC Highway 54) annual average daily traffic (AADT). According to the most recent traffic volume count there were 6,200 and 17,000 AADT, respectively. Development under the proposed Medium-High Density Residential designation would likely result in slightly less traffic than the existing Office designation (-287 AADT), according to the TIA report. Transit services are provided adjacent to the site, along NC Highway 54, with the closest bus stop east of the site at Waterford Valley Drive.

A detailed assessment of traffic 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. The Planning Department estimates that, by 2035, there will be demand for 189,000 dwelling units county-wide. On the FLUM, enough land is designated to accommodate 225,000 dwelling units, meaning there is a surplus of land already designated for residential uses.

Another matter to consider, however, is the loss of land designated for office uses. The proposed FLUM amendment would convert approximately 22 acres from Office to Medium-High Density Residential (8-20 DU/Ac.). The 2013 Evaluation and Assessment Report of the Durham Comprehensive Plan (2013 EAR, case A1400002) reported that the amount of Office land available to meet the

projected demand in 2040 is approximately equal to the amount of Office land currently available on the FLUM. While these 22 acres may not be significant for the County as a whole, staff and policy makers should be aware of the potential need for additional office land in the future.

Environment: The site is located in a watershed protection overlay (F/J-B), but is not considered a Significant Natural Heritage Area. As an environmentally protected area, the site is subject to additional environmental regulations within the Unified Development Ordinance (UDO). There are no site constraints that would not allow it to 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 21.72 acres in total, and is of sufficient shape and size for medium- to high-density residential development in the Suburban 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. 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
- Northeast Creek Streamwatch
- People's Alliance
- Keep Durham Beautiful
- Parkwood Association, Inc.
- Durham Justice and Fairness Inter-Neighborhood Association
- Partners Against Crime – District 4
- Community Awareness Committee
- Mayday Association

G. Recommendations

Staff recommends approval, based on the proposal being justified and meeting the four criteria for plan amendments. Planning Commission recommended approval, 12-0, at its February 10, 2015 meeting, based on the justification, the request's meeting the four criteria for plan amendments, and information heard at the public hearing.

H. Staff Contact

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I. Attachments

Attachment 1, Proposed Change Map

Attachment 2, Area Context Map

Attachment 3, Aerial Image

Attachment 4, Applicant's Justification Statement

Attachment 5, Planning Commission Written Comments

Attachment 6, Resolution