

22 September, 2014

Justification Statement

for the proposed change to the **Durham Future Land Use Map** of the portion of Parcel I.D. 119495, P.I.N. 0810-08-99-9569, located at 2706 Durham-Chapel Hill Boulevard, which is currently designated as **Medium Density Residential** (6-12 DU/Acre) to the proposed designation of **Commercial**.

Description: Proposed Land Use Change

Currently, the portion of the parcel for which a change in designation of the Future Land Use Map is being requested is undeveloped. We are requesting the change in designation to allow construction of a commercial parking lot to serve the commercial businesses located on the same parcel.

Benefits to the Public: How the proposed land use change is in the public interest

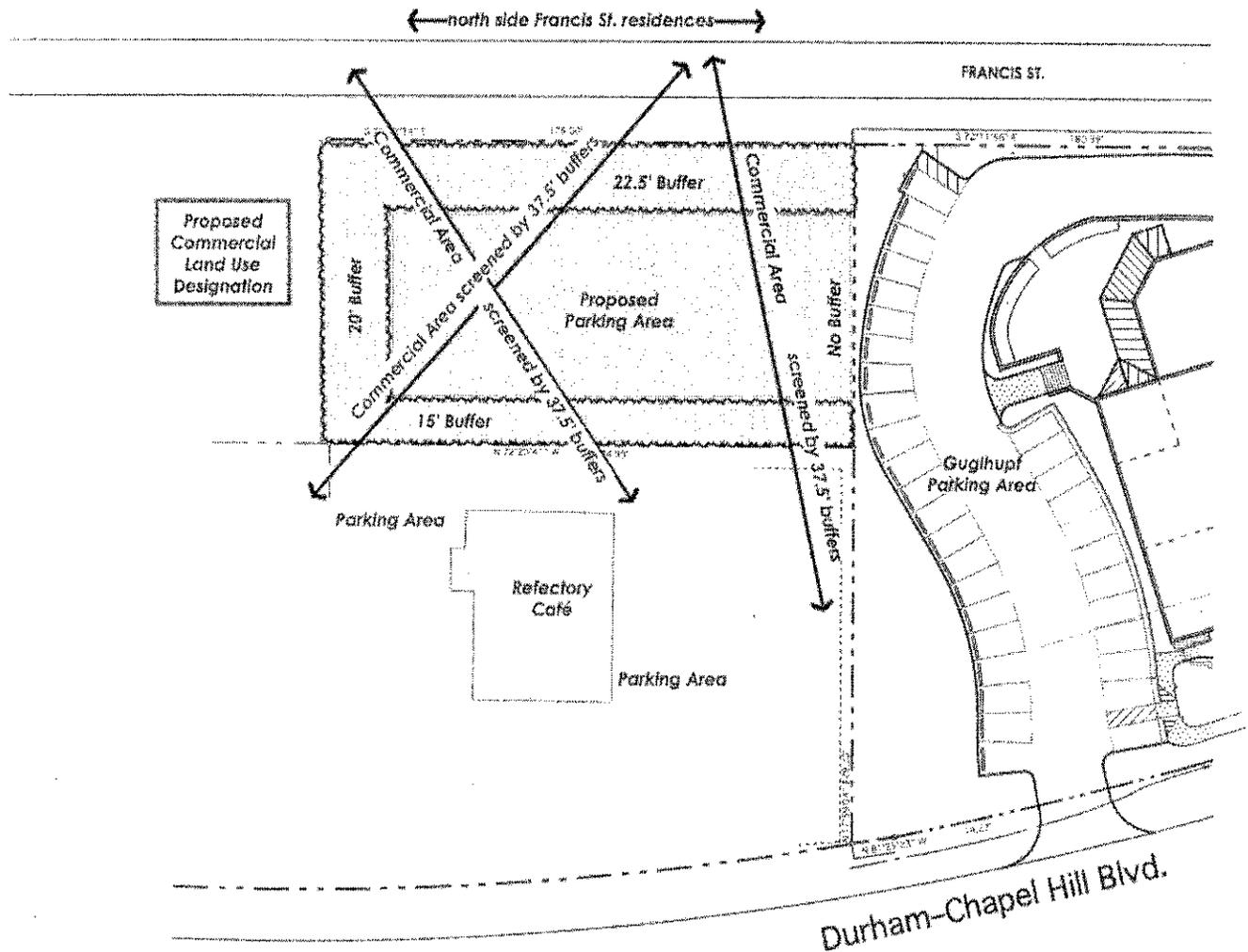
From 1998 when the Guglhupf Bakery was established at its current location and then expanded to a Bakery and Café, the business has steadily grown in its customer base. Concurrently with the growth of Guglhupf, other nearby businesses along Chapel Hill Boulevard, such as Foster's Market, the Refectory Café, Pennies for Change Boutique and Bano Italian Boutique have also grown, creating an steady flow of traffic on the Boulevard, with increasing numbers of cars entering and exiting these commercial business locations. Currently, the Guglhupf parking lot often fills to near capacity, encouraging traffic congestion in the parking lot, excess vehicle ingress and egress movements to Chapel Hill Boulevard, occasional illegal parking on Chapel Hill Boulevard, and generates commercial vehicle traffic looking for parking along the residential Francis and Lexington Streets behind Guglhupf and Foster's Market. There have also been incidents of vandalism to cars parked on Francis and Lexington Streets, and incidents of pedestrians hit by cars, and near misses, while attempting to cross Chapel Hill Boulevard. The resultant traffic congestion, as just described, presents a current threat to the health, safety and welfare of the public.

Our proposal to designate the undeveloped portion of the subject land parcel as Commercial would allow construction of an additional parking lot to hold about 30 cars. Expanding the available parking for the commercial businesses on this parcel, including the Guglhupf Bakery and Café, would alleviate these problems, reducing traffic congestion and excess vehicle traffic movements to provide a safer driving experience for all travelers on Chapel Hill Boulevard, enhanced convenience for customers of the other businesses along the Boulevard, and a reduction of traffic through the residential areas behind the property.

Benefits for the future uses of land in Durham:

1. The proposed use is more compatible with surrounding uses and/or designated future land use patterns.

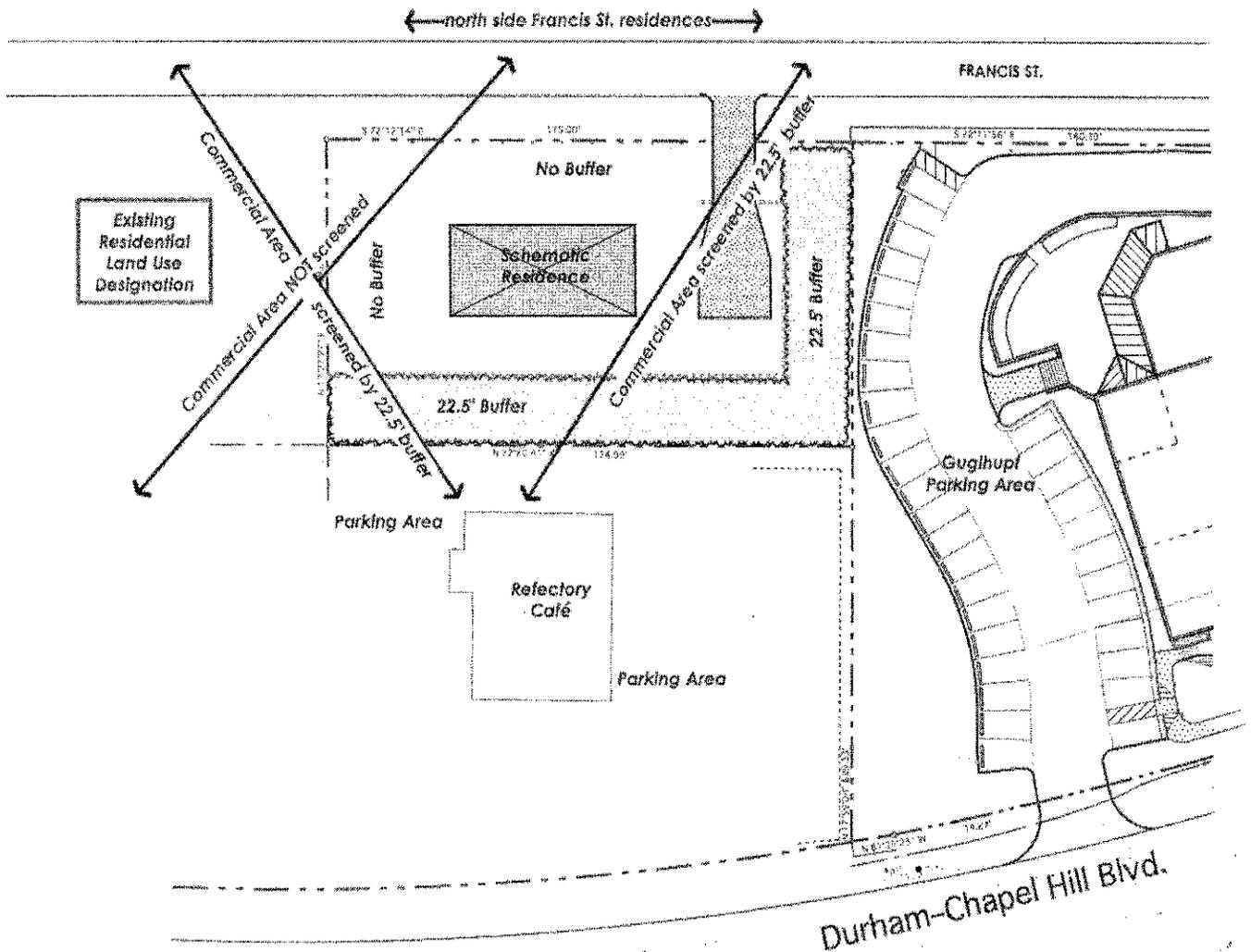
There are currently commercial uses directly adjacent on two sides of the subject property: the parking lots for Guglhupf to the east, and for the Refectory Cafe to the south. The land adjacent to the west is undeveloped, and Francis Street is to the north. The proposed use, limited to parking only, maintains the existing natural buffers along Francis Street to the north and to the undeveloped property to the west. A new 15 ft. width vegetated buffer would be added along the edge of the existing Refectory Cafe parking lot. As a result the nearby residential properties on the north side of Francis Street would benefit from a total of 37.5 ft. width of vegetated buffers between Francis Street and the traffic and commercial activity of Durham-Chapel Hill Boulevard. Additionally, a vegetated buffer with existing mature trees would be established on the west side of the subject property.



If developed under its current residential designation as a single housing unit, a buffer would not be required along the Francis Street right-of-way, as both sides of Francis are zoned RS-8. Therefore, buffers would only be required along the back yard of the property, and on the east side, next to Guglhupf. The yard space would be screened in on only two sides. It is likely that the natural existing vegetation on the unbuffered west side and along the Francis Street right-of-way would be thinned or cleared to provide open views and open yard space. Additionally, vegetation clearing along Francis St. would be required for a driveway and a driveway culvert.

The south property line of the site directly abuts the north edge of the parking lot of the Refectory Café, and is within 127 to 150 ft. of the Durham-Chapel Hill Boulevard right-of-way. This residence would be quite close to the noise and lights of the adjacent parking lot and the continual heavy traffic of the Boulevard.

As a result, existing residences on the north side of Frances Street would receive more exposure to the lights and traffic of Chapel Hill Boulevard than under either the current undeveloped conditions, or the proposed parking addition.



Benefits for the future uses of land in Durham:

2. The site is not of sufficient size or shape for development under the current future land use designation.

Not applicable.

Benefits for the future uses of land in Durham:

3. The proposed change in future land use will contribute to the implementation of 19 individual adopted goals, objectives or policies.

In the following paragraphs, we list the specific Goals and Policies of the adopted Durham Comprehensive Plan with which the proposed change is consistent, and a brief explanation of why it is consistent. The described Goals and Policies derive from three major elements of the Comprehensive Plan: the **2. Land Use Element**, the **4. Community Character and Design Element**, and the **6. Economic Development Element**.

Land Use Element; Goal 2.2 Accommodate Growth

Policy 2.2.3f. Urban Tier Commercial Infill Through the Unified Development Ordinance, provide opportunities for neighborhood- scale commercial node and linear development, intended to be directly accessible from surrounding residential neighborhoods.

The proposed additional parking will be accessible from surrounding neighborhoods, while discouraging customer parking within the surrounding neighborhoods. Neighborhood pedestrian access will be maintained.

Land Use Element; Goal 2. 3, Promote Sustainable Use of Land and Resources

Policy 2.3.4a. Infill Development Standards. Through the Unified Development Ordinance, encourage and promote compatible residential and nonresidential infill on vacant or under utilized property within developed portions of the community to reinforce the existing character. Include provisions for contextual design of both residential and nonresidential infill projects in the Urban and Compact Neighborhood Tiers.

The proposed change enables Infill Development on an under-utilized property, and includes enhanced buffers as contextual design elements to reinforce the existing character of the adjacent residential properties.

Policy 2.3.4b. Neighborhood Protection Overlay. Through the Unified Development Ordinance, maintain a Neighborhood Protection Overlay to limit the flexibility of underlying zoning within existing established neighborhoods to more effectively match the design, density, intensity, and/or established character of these developed areas.

The proposed change honors the Tuscaloosa-Lakewood Neighborhood Overlay requirement that buffers be maintained at full width, and also honors the requirements of Section 4.6.5 C.1 Landscaping, for existing trees.

Policy 2.3.4c. Transitions to Nonresidential Uses. Ensure the protection of established neighborhoods in areas beginning to transition to nonresidential uses by protecting their residential design and character in architectural details as well as the location of parking.

The location of proposed parking enables full width buffers between the parking area and adjacent residential areas, as protective transitional elements.

Land Use Element; Goal 2. 5, Comprehensive Plan Relevancy

Policy 2.5.2f. Neighborhood Involvement. Through the Unified Development Ordinance, maintain procedures to ensure that neighborhoods and community groups are advised of and provided opportunities to be involved in development decisions at the earliest stages of planning and throughout the approval process.

The Plan Amendment and Rezoning process insures that the neighbors and neighborhood association are advised of and involved in development design decisions. There also have been prior conversations with the Tuscaloosa-Lakewood Neighborhood Association about the need for additional parking, starting in 2012.

Community Character and Design Element; Goal 4.1, Community Design Guidance

Policy 4.1.1g. Project Boundary Buffer Requirements. In the Urban Tier, focus on issues, such as opacity rather than physical separation of uses, respecting the urban form in these areas.

The proposed buffers will insure adequate opacity to meet or exceed the U.D.O. standards.

Policy 4.1.1i. Parking Standards. In the Urban Tier, allow alternate parking standards and direct new surface lots to the side and rear of buildings rather than to street yards to avoid creating expanses of surface parking and encourage more walkable communities.

The proposed parking is to the side and rear of the buildings.

Community Character and Design Element; Goal 4.2, Design Quality

Objective 4.2.3. Attractive Nonresidential Development Incorporate attractive nonresidential development into the existing community character, ensuring that it is made an integral and appealing part of the built environment.

The 2002 Guglhupf Café addition and the entire existing development on the subject property features attractive architecture and landscaping that enhances both the Durham-Chapel Hill Boulevard commercial area and the adjacent Tuscaloosa-Lakewood residential neighborhood. The addition won a Durham Appearance Commission Golden Leaf Award in 2004 for architectural excellence.

Policy 4.2.4a. Parking Design Standards. Encourage the provision of well designed, efficient, and attractive parking facilities in connection with new development projects. Explore limiting street frontages, increasing landscaping, requiring pedestrian walkways throughout parking areas, and encouraging that large lots be designed as a series of smaller lots.

The proposed development provides a separate smaller lot with increased landscaping in accordance with the Parking Design Standards policy.

Community Character and Design Element; Goal 4.3, Contextual Design

Policy 4.3.2a. Infill Development Standards. Through the Unified Development Ordinance, encourage and promote compatible residential and non-residential infill on vacant or under-utilized property within developed portions of the community to reinforce the existing character. Include provisions for contextual design of both residential and nonresidential infill projects in the Urban and Compact Neighborhood Tiers.

The proposed development is an infill project, located on vacant and under-utilized land and designed to be compatible with adjacent commercial and residential properties.

Objective 4.3.3. Appropriate Design Ensure that the design of development is appropriate and compatible with its surroundings, acting as a visual and functional asset to nearby residential areas, and reinforcing the existing community character.

The proposed development meets the design objectives of the Appropriate Design Objective.

Policy 4.4.1b. Sidewalk Requirements. Through the Unified Development Ordinance, maintain tier specific sidewalk requirements.

The proposed development enables the extension of the Francis Street south right-of-way sidewalk, in accordance with the Sidewalk Requirements Policy.

Economic Development Element; Goal 6.1, Economic Development

Objective 6.1.1 Balanced Economic Growth Encourage new business location and existing business expansion that are compatible with Durham's land use plans and policies.

Policy 6.1.1a. Business Development and Retention ...actively develop and retain businesses for various areas of Durham consistent with land use and transportation plans and infrastructure availability.

Policy 6.1.1b. Neighborhood and Environmental Impact In evaluating economic development proposals, the City and County shall consider the impacts on neighborhoods and environmental protection as well as job and tax base growth.

Policy 6.1.1c. Economic Base Growth ...concentrate business development efforts on industries that enhance the existing economy and provide diversity to that economic base.

Policy 6.1.1d. Visitor-Related Economic Development ... expand convention and tourism activities.

The proposed development enables economic growth of the businesses at the subject property that will use the additional parking, in accordance with Economic Development Policies 6.1.1a through 6.1.1d. The proposed development will enable further growth, enhancing the existing economy, while minimizing impacts on the surrounding neighborhood. As an example, Guglhupf started with fewer than a dozen workers, and now employs 81 workers. With favorable notice in the New York Times and regional publications, Guglhupf has become a destination for visitors to Durham.

Economic Development Objective 6.1.2. Support Minority and Women-Owned Business Enterprises.

The largest business on the subject property, Guglhupf Bakery, Café and Restaurant is a woman-owned business enterprise. Ms. Claudia Cooper is the founder and owner.

Policy 6.1.5c. Land Use Location and Availability. The City- County Planning Department, in conjunction with the City Office of Economic and Workforce Development and the Chamber of Commerce, shall regularly evaluate the demand for land designated for economic activity, and the availability and location of land suited for economic development activities, and opportunities for revitalization and reuse.

The process of evaluating the suitability of the proposed development for the proposed change to the **Durham Future Land Use Map** is consistent with the policy to evaluate the demand for land for economic activity.

Benefits for the future uses of land in Durham:

4. Environmental conditions make the proposed use more appropriate.

Not applicable. There are no specific environmental conditions, such as streams, steep slopes, or poor soils, on this site.

Benefits for the future uses of land in Durham:

5. The proposed use would act as a good transition between less compatible uses.

As described in Item #1 above, the proposed use will provide additional vegetated buffers, establishing a transition area between the commercial activities of Durham-Chapel Hill Boulevard and the residences along Francis Street, to the west of and north of the subject property. A structure of any kind, whether residential or commercial, would entail greater exposure to the nearby commercial activities than the proposed fully buffered parking area.

Benefits for the future uses of land in Durham:

6. Recent development patterns preclude the area from developing as designated on the adopted Future Land Use Map.

The site technically could be developed as a single family residence, according to the adopted Future Land Use Map. However, doing so would create a situation that is less compatible with surrounding uses and land use patterns than the proposed use. The explanation for the incompatibility of the current Future Land Use Map designation is explained in Item #1 above, of Benefits of Future Land Uses in Durham.

U.D.O. Section 3.4.7 Criteria for Future Land Use Map Change Recommendations

In summary, the justifications for the proposed change in the future uses of land, described above, meet the criteria outlined in Section 3.4.7 of the Unified Development Ordinance.

- A. As detailed in Item #3 above, the proposed change is consistent with 19 separate goals, objectives, and policies of the currently adopted Durham Comprehensive Plan.
- B. As detailed in Item #1 above, the proposed change is compatible with the existing land use pattern and with designated future land uses.
- C. In consideration of the proposed changes consistency with the Durham Comprehensive Plan, its compatibility with existing and future land use patterns, the lack of limiting environmental conditions, and because of the positive impact to the general health, safety and welfare of the public, we can find no adverse impacts due to the proposed change.
- D. Finally, the subject site is adequate in size, shape, slope, and lack of limiting environmental conditions to accommodate the proposed change.