



CITY OF DURHAM | DURHAM COUNTY
NORTH CAROLINA



ZONING MAP CHANGE REPORT

On January 5, 2015, City Council voted to grant this application an expedited hearing per UDO 3.5.11.B.

Meeting Date: April 20, 2015

| Table A. Summary | | | |
|--|--|-----------------------|--------------------------|
| Application Summary | | | |
| Case Number | Z1400034 | Jurisdiction | City |
| Applicant | Randy Rhoads, McCormack Baron Salazar | Submittal Date | October 27, 2014 |
| Reference Name | Southside East Phase 2 & 3 | Site Acreage | 10.70 |
| Location | 2 Poinciana Drive, west side of South Roxboro Street, south of Chestnut Street and north of East Piedmont Avenue | | |
| PIN(s) | 37 properties, see Attachment 5 | | |
| Request | | | |
| Proposed Zoning | Residential Urban – Multifamily with a development plan (RU-M(D)) | Proposal | Multi-family residential |
| Site Characteristics | | | |
| Development Tier | Urban Tier | | |
| Land Use Designation | Medium-High Density Residential (8 – 20 DU/Ac.) | | |
| Existing Zoning | Planned Development Residential 5.120 (PDR 5.120) | | |
| Existing Use | Vacant, undeveloped | | |
| Overlay | N/A | Drainage Basin | Jordan Lake |
| River Basin | Cape Fear | Stream Basin | Third Fork 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 March 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 37 parcels (33 full parcels and four partial parcels) totaling 10.70 acres from PDR 5.120 to RU-M(D) for a multi-family

residential development. The site is located at 2 Poinciana Drive, west side of South Roxboro Street, south of Chestnut Street and north of East Piedmont Avenue (see Attachment 1, Context Map). This request is consistent with the future land use designation of the *Comprehensive Plan* which designates this site as Medium-High Density Residential (8 – 20 DU/Ac.).

Appendix A provides supporting information.

B. Site History

The existing zoning of PDR 5.120 on the site was established with case P93-64 on August 16, 1993. The subject site comprises 10.70 acres of the 19.32-acre PDR 5.120 zoning district. The development plan associated with P93-64 commits to total number of dwelling units (99) and number of dwelling units by housing types (37 townhouses, 31 patio homes, 31 traditional single-family houses).

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 RU-M district (Sec. 3.5.6.D, Sec. 6.4).

Pursuant to Section 3.5.6.D.10, additional approvals can be sought through the development plan process. This application includes a request for a parking reduction. Typically, a parking reduction of greater than 20 percent would require approval through the Board of Adjustment of a Minor Special Use Permit (UDO Sec. 10.3B.9). The parking study supporting this request is attached (see Attachment 8). Generally, the applicant is proposing to provide 1.2 parking spaces per unit rather than the standard requirement of two parking spaces per unit.

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 by including a concrete pad and bus shelter, and closure of street stub from Chestnut Street.

Graphic Commitments. Graphic commitments include the general location of site access points, and tree replacement area.

Design Commitments. Design Commitments are required of zoning requests that include a development plan for multifamily projects. This request includes commitments that specify the committed design elements for style, roofline, and building materials.

Determination. The requested RU-M zoning district and associated development plan meets or exceeds the applicable requirements of the UDO. Generally, the plan would permit a maximum of 150 residential units; the housing type has not been committed.

Additional Approval Requested. In lieu of a Minor Special Use Permit, the applicant is seeking approval of a parking reduction greater than 20%. A parking study provided by the applicant (see Attachment 8) demonstrates 1.2 spaces per dwelling unit is adequate to meet the needs of the proposed use. The parking study uses affordable housing apartment projects as examples and the subject request does not commit to a housing type nor affordability. The City of Durham Transportation Department has reviewed this study and finds that the applicant has provided sufficient information to indicate that their request has utilized current industry standards and parking rate methodologies.

If this zoning map change request is approved, the attached development plan (Appendix A, Attachment 4) establishes the level of development allowed on the property and would permit the parking reduction for the applicant to provide a minimum rate of 1.2 spaces per dwelling unit.

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 RU-M zoning district and associated development plan is consistent with the Future Land Use Map and other policies of the *Comprehensive Plan*.

Conditions in other adopted plans have been identified (see Appendix E, Table E):

Long Range Bicycle Plan Map 4.5. A proposed paved shoulder along South Roxboro Street is shown as a recommendation of the Long Range Bicycle Plan Map 4.5. If approved, this project is not required to construct road improvements along South Roxboro Street and therefore does not warrant improvements associated with the bicycle lane.

F. Site Conditions and Context

Site Conditions. The 10.70-acre site is comprised of 37 parcels; 33 full parcels and four partial parcels. The site was recently graded and overseeded for soil stabilization.

Area Characteristics. This site is in the Urban Tier; established to ensure that new development enhances the street level experience and promote the urban form with small lot sizes and proximity of uses. This area offers a mix of uses including residential, commercial, and several places of worship and is less than ½ mile from the downtown area where many employment and retail opportunities and government services are located. The transportation infrastructure, including public transportation, provides ready access to downtown and other support services.

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

Determination. The proposed RU-M(D) district meets the ordinance and policy requirements in relation to site and context and is a reasonable request given the surrounding recently approved development projects that include a mix of residential housing types.

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 RU-M 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 increase the traffic generation of the subject site by 552 daily trips, increase the students generated from the proposed use by 19 students, and increase the estimated water demand of the site by 10,465 gallons per day. The existing infrastructure has available capacity to meet these increases.

H. Staff Analysis

This request is consistent with the *Comprehensive Plan* and other applicable polices and ordinances. If the requested RU-M(D) zoning designation were approved, a maximum of 150 residential units would be permitted. Additionally, approval of a parking rate reduction from two spaces per dwelling unit to 1.2 spaces per dwelling unit would be granted.

The associated 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 | | |
| Agent: Joseph Hackett, LaQuatra Bonci Associates | Ph: 412-488-8822 | hackett@laquatrabonci.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
- Partners Against Crime – District 4
- Fayetteville Street Planning Group
- Friends of Durham
- Unity in the Community for Progress

K. Summary of Planning Commission Meeting March 10, 2015 (Case Z1400034)

Zoning Map Change Request: PDR 5.120 to RU-M(D)

Staff Report: Ms. Wolff presented the staff report.

Public Hearing: Chair Harris opened the public hearing. No one spoke. Chair Harris closed the public hearing.

Commission Discussion: Commission discussion centered around housing affordability and the requested parking reduction.

Motion: To approve. (Padgett, Davis 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: 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: Environmental Protection Table D4: Project Boundary Buffers 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 Attachments: 8. Parking Study |
| 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 |

| Table K. Supporting Information | | |
|---------------------------------|--|---------------------------|
| | | 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

Appendix D: Unified Development Plan Supporting Information

| Table D1. UDO Designation Intent | |
|----------------------------------|---|
| RU-M | Residential Urban – Multi-family – the RU-M district is established to provide for orderly urban residential development and redevelopment with a minimum lot size of 3,500 square feet and a maximum of 17.5 dwelling units per acre. A variety of single- and multi-family housing types are permitted. While RU-M is a residential district, certain nonresidential uses such as day care facilities and places of worship may be sought through a special use permit or other limited provisions of the ordinance. |
| 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 – RU-M | | | |
|--|----------------|----------|----------------|
| | Code Provision | Required | Committed |
| Residential Density (maximum) | 6.4.1.A | 20.0 | 16.05 (DU/Ac.) |

| Table D3. Environmental Protection | | | |
|---|----------------------|-----------------|------------------|
| Resource Feature | UDO Provision | Required | Committed |
| Tree Coverage | 8.3.1C | 3% (0.28 acres) | 3% (0.28 acres) |

| Table D4. Project Boundary Buffers | | | |
|---|----------------------|--|-------------------------|
| Cardinal Direction | Adjacent Zone | Required Opacity | Proposed Opacity |
| North | DD-S2 | N/A: residential use adjacent to a Design district | N/A |
| East | DD-S2 | N/A: residential use adjacent to a Design district | N/A |
| South | RU-5(2) | 0.4/0.6 | 0.6 (20 feet) |
| West | RU-5(2) | 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. 150 residential units = 16.05 DU/Ac | D-3.0 |
| | Building/Parking Envelope has been appropriately identified | D-3.0 |
| | Project Boundary Buffers are appropriately shown | D-3.0 |
| | Stream Crossing. None. | N/A |
| | Access Points. Four (4) access points have been identified. | D-3.0 |
| | Dedications and Reservations. None | N/A |
| | Impervious Area. 70% = 6.53 acres | D-3.0 |
| | Environmental Features. None identified. | N/A |
| | Areas for Preservation. None. | N/A |
| | Tree Coverage. 3% (0.28 acres) as shown. | D-3.0 |
| Graphic Commitments | Location of access points. Location of tree replacement areas. | D-3.0 |
| 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 east side of Roxboro Street adjacent to the site. 2. Prior to site plan approval, a right-of-way closure request will be submitted to eliminate the stub from Chestnut Street to the site as shown on sheet D-3.0. | Cover |
| SIA Commitments | None provided | N/A |
| Design Commitments (summary) | <u>Architectural Style:</u> none chosen. Gables, dormers, front porches and a mixture of building types will be used. <u>Rooflines:</u> sloped. <u>Building Materials:</u> two or more of the following: brick, masonry block, wood, cementitious siding, vinyl siding, synthetic stucco or metal. <u>Distinctive Architectural Features:</u> none. | Cover |

Attachments:
8. Parking Study

Appendix E: Adopted Plans Supporting Information

| Table E. Adopted Plans | |
|----------------------------|--|
| <i>Comprehensive Plan</i> | |
| Policy | Requirement |
| Future Land Use Map | Medium-High Density Residential (8-20 DU/Ac.): Land used primarily for residential uses. Urban Tier: land primarily developed prior to the 1960s with small lot sizes in traditional grid patterns and differing uses in proximity to one another. Land located in the Urban Tier has access to urban services and provides opportunities for infill and redevelopment. |
| 2.2.3a | Urban Tier Development Focus. Ensure that new development enhances the street level experience by requiring that development within the Urban Tier have an urban form with small lot sized and proximity of uses. |
| 2.2.3b | Urban Tier Land Uses: Land uses that shall be allowed include Recreation and Open Space, Residential, Institutional, Commercial, Office, 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. |
| 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. |

| Table E. Adopted Plans |
|---|
| Long Range Bicycle Plan |
| Map 4-5 shows a proposed bicycle land along South Roxboro Street. |

Appendix F: Site Conditions and Context Supporting Information

| Table F. Site Context | | | |
|------------------------------|--|-------------------------|-----------------|
| | Existing Uses | Zoning Districts | Overlays |
| North | Commercial, multifamily residential (under development) | DD-S2 | N/A |
| East | Commercial | DD-S2 | N/A |
| South | Multi- and single-family residential, place of worship, vacant | RU-5(2), RS-M | N/A |
| West | Multi- and single-family residential, place of worship, vacant | RU-5(2), RS-M | N/A |

Appendix G: Infrastructure Supporting Information

| Table G1. Road Impacts | |
|---|-----------------------------|
| South Roxboro Street is the major road impacted by the proposed zoning change. There are no scheduled NCDOT roadway improvement projects in the area. | |
| Affected Segments | South Roxboro Street |
| Current Roadway Capacity (LOS D) (AADT) | 13,300 |
| Latest Traffic Volume (AADT) | 6,100 |
| Traffic Generated by Present Designation (average 24 hour)* | 481 |
| Traffic Generated by Proposed Designation (average 24 hour)** | 1,033 |
| Impact of Proposed Designation | +552 |

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

South Roxboro Street: 2-lane undivided city/county class II arterial roadway with left-turn lanes

Source of Latest Traffic Volume: 2013 NCDOT Traffic Count Map

*Assumption- (Max Use of Existing Zoning) – 59 apartments

**Assumption- (Max Use of Proposed Zoning) – 150 apartments

| Table G2. Transit Impacts |
|--|
| Transit service is provided adjacent to the site along S. Roxboro Street via DATA Route 8. |

| 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 32 students if developed at the maximum residential capacity. This represents an increase of 19 students over the existing zoning. Durham Public Schools serving the site are C.C. Spaulding 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 | 3 |
| Potential Students Generated – Proposed Zoning ** | 18 | 7 | 7 |
| Impact of Proposed Zoning | +11 | +4 | +3 |

*Assumption- (Max Use of Existing Zoning) – 59 apartments

**Assumption- (Max Use of Proposed Zoning) – 150 apartments

| Table G6. Water Supply Impacts | |
|--|------------|
| This site is estimated to generate a total of 17,250 GPD if developed to its maximum potential with the proposed zoning district. This represents an increase of 10,465 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 | 9.705 MGD |
| Estimated Water Demand Under Present Zoning* | 6,785 GPD |
| Potential Water Demand Under Proposed Zoning** | 17,250 GPD |
| Potential Impact of Zoning Map Change | +10,465 |

Notes: MGD = Million gallons per day

***Assumption- (Max Use of Existing Zoning)** – 59 apartments

****Assumption- (Max Use of Proposed Zoning)** – 150 apartments

Appendix K: Summary of Planning Commission Meeting

Attachments:

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