



CITY OF DURHAM | DURHAM COUNTY
NORTH CAROLINA



ZONING MAP CHANGE REPORT

Meeting Date: August 3, 2015

Table A. Summary			
Application Summary			
Case Number	Z1500012	Jurisdiction	City
Applicant	Jonathan Dayan, Dayanos 2510-12 Vesson Av, LLC	Submittal Date	March 9, 2015
Project Name	2512 Vesson Avenue	Site Acreage	0.294
Location	2512 Vesson Avenue, west of Anderson Street		
PIN(s)	0811-16-92-3780		
Request			
Proposed Zoning	Residential Urban – 5(2) (RU-5(2))	Proposal	duplex
Site Characteristics			
Development Tier	Suburban Tier		
Land Use Designation	Low-Medium Density Residential (4-8 DU/Ac.)		
Existing Zoning	Residential Suburban – 10 (RS-10)		
Existing Use	Two duplexes		
Overlay	None	Drainage Basin	Jordan Lake
River Basin	Cape Fear	Stream Basin	Sandy Creek
Determination/Recommendation/Comments			
Staff	Staff determines that, should the plan amendment be approved, this request would be consistent with the <i>Comprehensive Plan</i> and other adopted policies and ordinances.		
Planning Commission	Recommend approval, 11 – 0 on May 12, 2015. The Planning Commission finds that the ordinance request is not consistent with the adopted <i>Comprehensive Plan</i> . However, should the plan amendment be approved, the request would be consistent with the <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	No comments		

A. Summary

This is a request to change the zoning designation of a 0.294-acre parcel from RS-10 to RU-5(2) for a proposed duplex which is the maximum use permitted under the request. The site is located at 2512 Vesson Avenue between Lakewood Elementary School and

Anderson Street (see Attachment 1, Context Map). This zoning request is not consistent with the future land use map of the *Comprehensive Plan* which designates the site as Suburban Tier and Low-Medium Density Residential (4-8 DU/Ac.). A Plan Amendment, case A1500005, requests to change the future land use designation to Urban Tier and Medium Density Residential (6-12 DU/Ac.). Staff is supporting this plan amendment request. Should the plan amendment be approved, this zoning map change request would be consistent with the *Comprehensive Plan* and applicable policies and ordinances.

Appendix A provides supporting information.

B. Site History

There have been no recent development applications on this site.

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. There is no development plan associated with this request. As such, there are no voluntary limitations imposed to the requested RU-5(2) zoning district.

Appendix D provides supporting information.

Determination. If the requested RU-5(2) zoning district is approved, this request would allow for a range of uses that includes single-family residential, townhouses, duplexes, as well as other uses that require additional approvals with a minor special use permit such as day care home and place of worship. The intensity of the development would be determined by the site's constraints and meeting all ordinance standards.

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-5(2) zoning district is not consistent with Future Land Use Map of the *Comprehensive Plan*. However, Plan Amendment case A1500005 proposes to change the existing Suburban Tier/Low-Medium Density Residential (4-8 DU/Ac.) land use designation to Urban Tier/Medium Density Residential (6-12 DU/Ac. or less); staff is supporting the request. If approved, the requested RU-5(2) zoning designation would be consistent with the *Comprehensive Plan*.

F. Site Conditions and Context

Site Conditions. This 0.294-acre site was developed as two duplexes (four total residential units) which would not be permitted if developed under the existing RS-10 zoning district.

Area Characteristics. The site is in the Suburban Tier adjacent to Lakewood Elementary School. In addition to the school, uses in the area include single- and multi-family residential development and vacant properties.

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

Determination. The proposed RU-5(2) district meets the ordinance and policy requirements in relation to development on the subject site. The uses permitted in the RU-5(2) district (see Section D of this report) do not appear to compromise the existing character of 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 RU-5(2) district is consistent with *Comprehensive Plan* policies regarding the infrastructure impacts of traffic, transit, utility, drainage/stormwater, schools and water supply. The proposal is estimated to decrease traffic by 12 vehicles per day, decrease students generated by one, and decrease water demand by 270 gallons per day. The existing infrastructure has available capacity to meet these needs.

H. Staff Analysis

This request, should the plan amendment be approved, would be consistent with the *Comprehensive Plan* and other polices and ordinances. If the requested RU-5(2) zoning designation were approved, a range of housing uses would be permitted. The applicant has indicated the intent to develop the site as a duplex.

I. Contacts

Table I. Contacts		
Staff Contact		
Amy Wolff, Senior Planner	Ph: 919-560-4137, ext. 28235	Amy.Wolff@DurhamNC.gov
Applicant Contact		
Jonathan Dayan	Ph: 919-597-0482	jonathan.dayan@outlook.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 May 12, 2015 (Case Z1500012)

Zoning Map Change Request: Residential Suburban – 10 (RS-10) to Residential Urban-5(2)(RU-5(2))

Staff Report: Ms. Wolff presented the staff report.

Public Hearing: Chair Harris opened the public hearing. One person spoke in support and no one spoke in opposition. Chair Harris closed the public hearing.

Commission Discussion: Discussion centered on surrounding types of residential uses in the area.

MOTION: Approve Z1500012. (Mr. Miller, Mr. Buzby 2nd)

ACTION: Approved, 11-0.

FINDINGS: The Planning Commission finds that the ordinance request is not consistent with the adopted *Comprehensive Plan*. However, should the plan amendment be approved, the request would be consistent with the *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. Application 5. Submittal and Review History
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
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: 6. Planning Commissioner's Written Comments 7. Ordinance Form 8. Consistency Statement

Appendix A: Application Supporting Information

Attachments:

1. Context Map
2. Future Land Use Map
3. Aerial Photography
4. Application
5. Submittal and Review History

Appendix D: Unified Development Plan Supporting Information

Table D1. UDO Designation Intent	
RU-5(2)	<p>Residential Urban - 5(2): the RU-5(2) district is established to provide for orderly urban residential development and redevelopment with a minimum lot size of 5,000 square feet. A variety of single-family housing types, duplexes, and townhouses are permitted. While RU-5(2) 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.</p>

Table D2. District Requirements – RU-5(2)		
	Code Provision	Required
Maximum Density (DU/Ac.)	6.3.1.A	8.0
Maximum Height (feet)	6.3.1.A	35

Appendix E: Adopted Plans Supporting Information

Table E. Adopted Plans	
<i>Comprehensive Plan</i>	
Policy	Requirement
Future Land Use Map	<p>Low-Medium Density Residential (4-8 DU/Ac.): Land primarily used for a range of residential uses between six and twelve dwelling units per acre.</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>
2.2.2a	<p>Suburban Tier Development Focus: Ensure that the Suburban Tier has sufficient land to accommodate anticipated population growth and its attendant demands for housing, employment, and goods and services, including opportunities for affordable housing and recreation.</p>
2.2.2b	<p>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.</p>
2.3.1a	<p>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.</p>
2.3.2a	<p>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.</p>

Table E. Adopted 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	Elementary school, vacant	RS-10, RS-M(D)	None
East	Single- and multi-family residential	RS-10, RU-M	None
South	Single-family residential	RU-5, RU-5(2)	None
West	Elementary School	RS-10	None

Appendix G: Infrastructure Supporting Information

Table G1. Road Impacts	
Chapel Hill Road is the major road impacted by the proposed zoning change. There are no scheduled NCDOT roadway improvement projects in the area.	
Affected Segments	Chapel Hill Road
Current Roadway Capacity (LOS D) (AADT)	10,700
Latest Traffic Volume (AADT)	7,000
Traffic Generated by Present Designation (average 24 hour)*	24
Traffic Generated by Proposed Designation (average 24 hour)**	12
Impact of Proposed Designation	-12

Source of LOS Capacity: FDOT Generalized Level of Service Volume Table 4-1 (2011)

Chapel Hill Road: 2-lane city/county class II arterial without left-turn lanes

Source of Latest Traffic Volume: 2013 NCDOT Traffic Count Map

*Assumption (existing zoning) – two duplexes (four units)

**Assumption (proposed zoning) – RU-5(2): two unit townhouse

Table G2. Transit Impacts
Transit service is currently provided along Chapel Hill Street via DATA Routes 10, 10A, and 10B.

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 if developed at the maximum residential capacity. This represents a decrease of one students from the existing use. Durham Public Schools serving the site are Lakewood 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 (April 2012 – March 2015)	123	51	13
Available Capacity	1,805	1,020	1,198
Potential Students Generated – Current Zoning*	1	0	0
Potential Students Generated – Proposed Zoning**	0	0	0
Impact of Proposed Zoning	-1	0	0

*Assumption- (Max Use of Existing Zoning) – two duplexes (four units)

**Assumption- (Max Use of Existing Zoning) – one duplex (two units)

Table G6. Water Supply Impacts	
This site is estimated to generate a total of 270 GPD if developed to its maximum potential with the proposed zoning district. This represents a decrease of 270 GPD from the existing zoning district.	
Current Water Supply Capacity	37.00 MGD
Present Usage	21.52 MGD
Approved Zoning Map Changes (April 2012 – March 2015)	0.31 MGD
Available Capacity	15.17 MGD
Estimated Water Demand Under Present Zoning*	540 GPD
Potential Water Demand Under Proposed Zoning**	270 GPD
Potential Impact of Zoning Map Change	-270

Notes: MGD = Million gallons per day

***Assumption- (Max Use of Existing Zoning)** – two duplexes

****Assumption- (Max Use of Existing Zoning)** – one duplex

Appendix K: Summary of Planning Commission Meeting

Attachments:

6. Planning Commissioner’s Written Comments
7. Ordinance Form
8. Consistency Statement