



CITY OF DURHAM | DURHAM COUNTY
NORTH CAROLINA



ZONING MAP CHANGE REPORT

Meeting Date: November 2, 2015

Table A. Summary			
Application Summary			
Case Number	Z1400041	Jurisdiction	City
Applicant	Horvath Associates, P.A.	Submittal Date	December 15, 2014
Reference Name	Family Fare – Highway 55	Site Acreage	1.933
Location	4116 NC 55 Highway, at the intersection with Carpenter Fletcher Road		
PIN(s)	0738-01-18-9681 (partial)		
Request			
Proposed Zoning	Commercial General with a development plan (CG(D))	Proposal	Proposed convenience store with gas sales
Site Characteristics			
Development Tier	Suburban Tier		
Land Use Designation	Recreation and Open Space (Office)		
Existing Zoning	Office Institutional (OI)		
Existing Use	Undeveloped		
Overlay	None	Drainage Basin	Jordan Lake
River Basin	Cape Fear	Stream Basin	Northeast Creek
Determination/Recommendation/Comments			
Staff	Staff determines that this request, should the plan amendment be approved, is consistent with the <i>Comprehensive Plan</i> and applicable policies and ordinances.		
Planning Commission	Approval 7-5, on September 10, 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	See Attachment 7.		

A. Summary

This is a request to change the zoning designation of a 1.933-acre portion of one parcel of land to allow a proposed convenience store with gasoline sales on the site for a maximum of 6,000 square feet of floor area. The site is located at 4116 NC 55 Highway, at the

intersection with Carpenter Fletcher Road (see Attachment 1, Context Map). A plan amendment has been submitted for this site to change the future land use map to Commercial (case A1400012). Should the plan amendment be approved this 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 zoning map change requests 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. The associated development plan (see Appendix A, Attachment 4, Development Plan reduction) provides the required elements for zoning map change requests in the CG(D) district (Sec. 3.5.6.D, 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 are proffers that commit to requirements in excess of ordinance standards. The development plan associated with this request includes commitments to dedicate right-of-way, provide an additional four feet of asphalt for a bicycle lane, site driveway improvements, and a height limit of 35 feet for buildings and structures.

Graphic Commitments. Graphic commitments include the general location of site access points, tree coverage areas, and the building and parking envelope.

Design Commitments. Design Commitments are required of zoning requests that include a development plan for nonresidential projects. This request includes commitments that specify the committed design elements proposed for the site.

Determination. If the requested CG(D) zoning district is approved, this request would allow for a maximum of 6,000 square feet of floor area.

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 CG(D) zoning district would be consistent with the Future Land Use Map of the *Comprehensive Plan* should the associated plan amendment, case A1400012, be approved to designate this site as Commercial.

The following conditions have been identified on an adopted plan that may be associated with the subject site:

Proposed Bicycle Lane. The *Long Range Bicycle Plan, Map 4.6*, shows a proposed bicycle lane along NC 55 Highway. The applicant has committed to provide a minimum of four feet of additional asphalt for the frontage of the site along Carpenter Fletcher Road to accommodate this condition.

Proposed Trail. The *Long Range Bicycle Plan, Map 4.6* and the *Durham Trails and Greenways Master Plan, Map 4.6* both show the proposed greenway known as North Prong Creek Trail adjacent to the western portion of the site.

F. Site Conditions and Context

Site Conditions. This request includes a 1.933-acre portion of a 6.115-acre parcel at 4116 NC 55 Highway, at the intersection with Carpenter Fletcher Road. The north and western portion of the site is encumbered by floodway fringe as well as a portion of a 50-foot riparian buffer. In the early 2000s, a portion of the site was cleared and graded.

Area Characteristics. This site is located in the Suburban Tier in the northwest quadrant of NC 55 Highway and Carpenter Fletcher Road, approximately ½ mile north of Interstate – 40 (see Attachment 1). This area is a mix of office and industrial uses to the east and south heading towards Interstate – 40 and transitions to single-family residential to the north and west.

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

Determination. The proposed CG(D) district meets the ordinance requirements in relation to development on the subject site. The CG district allows a greater intensity of uses than the existing OI district.

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 CG(D) district is consistent with *Comprehensive Plan* policies regarding the infrastructure impacts of transit, utility, drainage/stormwater, schools and water supply. The proposal is estimated to impact student generation with a decrease of five students and is estimated to decrease water demand by 1,665 GPD, and increase traffic by 1,212 trips per day from the existing zoning. The existing infrastructure has available capacity to meet these projections.

Transportation System Impacts. A Traffic Impact Analysis (TIA) was required of this project and a number of mitigation measures were identified (see Attachments 8 and 9 for City Transportation’s and NCDOT’s analysis). The development plan includes these recommendations as commitments.

H. Staff Analysis

Staff determines that, should the plan amendment be approved, this request would be consistent with the *Comprehensive Plan* and applicable polices and ordinances. If the requested CG(D) zoning designation were approved a maximum of 6,000 square feet of floor area would be permitted.

I. Contacts

Table I. Contacts		
Staff Contact		
Amy Wolff, Senior Planner	Ph: 919-560-4137, ext. 28235	Amy.Wolff@DurhamNC.gov
Applicant Contact		
Applicant: Richard Veno, Horvath Associates, P.A.	Ph: 919-490-4990	Richard.veno@horvathassociates.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
- Friends of Durham
- Unity in the Community for Progress
- Fayetteville Street Planning Group

- Northeast Creek Streamwatch
- Partners Against Crime – District 4

K. Summary of Planning Commission Meeting September 10, 2015 (Case Z1400041)

Zoning Map Change Request: From Office Institutional (OI) to Commercial General with a development plan (CG(D)) PIN: 0738-01-18-9681 (partial)

Staff Reports: Ms. Wolff presented case Z1400041.

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

Commission Discussion: The discussion centered on stormwater drainage and flooding.

MOTION: Recommend approval of Z1400041 with two conditions 1) 35 foot maximum height, and 2) Expand the development plane to include entire site. (Miller, Freeman 2nd)

ACTION: Failed 5-7. (Buzby, Freeman, Ghosh, Kenchen, Whitley, Vann, Hollingsworth voting no).

MOTION: To amend the Motion by deleting the conditions. (Whitley, Winders 2nd)

ACTION: Failed, 5-7. (Gibbs, Buzby, Freeman, Ghosh, Whitley, Vann, Hollingsworth voting no)

MOTION: To reconsider and approve Z140041. (Miller, Ghosh 2nd)

ACTION: Carried, 7-5. (Buzby, Freeman, Gibbs, Hollingsworth, Vann voting no.)

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. Development Plan Reduction 5. Application 6. Submittal and Review History 7. BPAC Comments
Appendix B	Site History	N/A

Table K. Supporting Information		
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. COD DOT TIA Memo 9. NCDOT TIA Memo
Appendix H	Staff Analysis	N/A
Appendix I	Contacts	N/A
Appendix J	Notification	N/A
Appendix K	Summary of Planning Commission Meeting	Attachments: 10. Planning Commissioner’s Written Comments 11. Ordinance Form 12. 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	
CG	Commercial General - the CG district is established to provide for a wide variety of commercial activities of varying scales that are designed to be served by major thoroughfares. It is the intent of this district to provide sufficient size and depth of property to meet business needs, yet maintain safe traffic flows. Businesses in this district should be sited convenient to automotive traffic. Development in the CG District should provide safe pedestrian access to adjacent residential areas.
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 – CG			
	Code Provision	Required	Development
Minimum Site Area (square feet)	6.10.1.B	20,000	84,200
Minimum Lot Width (feet)	6.10.1.B	100	135
Minimum Street Yard (feet)	6.10.1.B	25	25
Minimum Side Yard (feet)	6.10.1.B	25	25
Minimum Rear Yard (feet)	6.10.1.B	25	25
Maximum Height (feet)	6.10.1.B	50	50

Table D3. Environmental Protection			
Resource Feature	UDO Provision	Required	Committed
Tree Coverage	8.3.C4	10% (0.188 acres)	10% (0.188 acres)
Stream Protection (buffer in feet)	8.5.4.B	50	50

Table D4. Project Boundary Buffers			
Cardinal Direction	Adjacent Zone	Required Opacity	Proposed Opacity
North	OI	0.4/0.6	0.4 (15 feet, width if reduced)
	RS-20	0.6/0.8	0.6 (22.5 feet, width if reduced)
East	OI	N/A right-of-way greater than 60 feet	N/A
	IL		
South	CN	N/A right-of-way greater than 60 feet	N/A
West	OI	0.4/0.6	0.6 (22.5 feet, width if reduced)

Table D5. Summary of Development Plan		
Components	Description	Plan Sheet
Required Information	Intensity/Density. 6,000 square feet of floor area	D100
	Building/Parking Envelope has been appropriately identified.	D100
	Project Boundary Buffers have been shown.	D100
	Stream Crossing. None shown	N/A
	Access Points. Three (3) site access points have been identified.	D100
	Dedications and Reservations. See text commitments below.	N/A
	Impervious Area. 90% (1.69 acres)	D100
	Environmental Features. Floodway fringe, riparian buffer.	D001, D100
	Areas for Preservation. See tree coverage below.	N/A
	Tree Coverage. 10% (0.188 acres)	D100
Graphic Commitments	<ol style="list-style-type: none"> 1. Location of three site access points 2. Location of tree preservation areas 3. Building and parking envelopes 	D100
Text Commitments	<ol style="list-style-type: none"> 1. Prior to the issuance of a building permit: dedicate right-of-way for the frontage of the site along NC 55 and Carpenter Fletcher Road to provide a minimum of 10 feet of right-of-way as measured from the back of the existing and proposed curb. Prior to the issuance of a Certificate of Occupancy: <ol style="list-style-type: none"> 2. A minimum of four feet of additional asphalt (in addition to the road improvements) shall be provided for the full frontage of the site along the north side of Carpenter Fletcher Road. The additional Asphalt will be provided to allow for a bicycle lane. NC 55 and Site Driveway #1 (right-in/right-out) 3. Extend the existing southbound right-turn lane on NC 55 at Carpenter Fletcher Road to provide a southbound right-turn lane with adequate storage and appropriate tapers at site 	Cover

Table D5. Summary of Development Plan		
	driveway #1. 4. Construct site driveway #1 with on ingress lane and one egress lane. Carpenter Fletcher Road and Site Driveway #2 (full-access) 5. Extend the existing eastbound left-turn lane on Carpenter Fletcher Road at NC 55 to provide an eastbound left-turn lane with adequate storage and appropriate tapers at site driveway #2. 6. Construct a westbound right-turn lane with adequate storage and appropriate taper on Carpenter Fletcher Road at site driveway #2. 7. Construct site driveway #2 with one ingress lane and two egress lanes. 8. All buildings and structures shall have a height limit of 35 feet.	
SIA Commitments	None Provided	N/A
Design Commitments (Summary)	1. Architectural Style: no particular style but use traditional residential materials such as masonry (rick, cultured stone and/or natural stone), metal siding and/or vinyl siding/accents. 2. Rooflines: flat roof. 3. Building Materials: choice or any combination of: masonry (brick, cultured stone and/or natural stone), stucco banding, pre-finished corrugated metal siding, smooth faced metal siding and a stone vertical feature. 4. Architectural Features: choice or any combination of a pre-finished, solid color metal siding that extends to a diagonal roof edge, a vertical masonry (brick, cultured stone and/or natural stone) feature, and parapet wall(s). 5. Context Area: locate commercial uses at intersections, using the stream buffer to conceal and transition the proposed commercial from the adjacent residential uses.	Cover

Appendix E: Adopted Plans Supporting Information

Table E. Adopted Plans	
Comprehensive Plan	
Policy	Requirement
Future Land Use Map	<p>Recreation and Open Space: Identify and protect identified areas. [Note: the property within this request has not been specifically identified].</p> <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>
2.2.2a	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.
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.
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.
8.1.2h	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.
Long Range Bicycle Plan	
Map 4-6 shows proposed bicycle lane along NC 55 Highway.	
Durham Trails and Greenways Master Plan	
Map 4.6 shows the future North Prong Creek Trail along the western portion of the subject property.	

Appendix F: Site Conditions and Context Supporting Information

Table F. Site Context			
	Existing Uses	Zoning Districts	Overlays
North	Undeveloped	OI, RS-20, CN	N/A
East	Commercial, industrial	OI, IL	N/A
South	Office, retail services	CN, OI	N/A
West	Office, undeveloped, single-family residential	OI(D), RS-10	N/A

Appendix G: Infrastructure Supporting Information

Table G1. Road Impacts		
NC 55 and Carpenter Fletcher Road are the major roads impacted by the proposed zoning change. The City of Durham has a proposed bicycle/pedestrian project to install bicycle lanes and sidewalks along Carpenter Fletcher Road adjacent to the site. This project is currently under design.		
Affected Segments	Carpenter Fletcher	NC 55 highway
Current Roadway Capacity(LOS D) (AADT)	10,700	39,800
Latest Traffic Volume (AADT)	5,200	25,000
Traffic Generated by Present Designation (average 24 hour)*		741
Traffic Generated by Proposed Designation (average 24 hour)**		1,953
Impact of Proposed Designation		+1,212

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

NC 55: 4-lane divided class I arterial with left-turn lanes

Carpenter Fletcher 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)** –OI: 5,000 SF bank with drive-thru

****Assumption (proposed zoning)** – CG: convenience store with 12 fueling positions

Attachments:

8. COD DOT TIA Memo
9. NCDOT TIA Memo

Table G2. Transit Impacts
Transit service is currently provided along NC 55 via DATA Route 12.

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; the plan commits to nonresidential uses. The existing zoning is estimated to generate five students if developed to its maximum permissible residential use. The proposal would decrease the projected students generated by five students. Durham Public Schools serving the site are Parkwood Elementary School, Lowes Grove Middle School, and Hillside 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*	3	1	1
Potential Students Generated – Proposed Zoning**	0	0	0
Impact of Proposed Zoning	-3	-1	-1

*Assumption (existing zoning) – OI: 21 apartments

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

Table G6. Water Supply Impacts	
This site is estimated to generate a total of 750 GPD if developed to its maximum potential with the proposed zoning district. This represents a decrease of 1,665 GPD over 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*	2,415 GPD
Potential Water Demand Under Proposed Zoning**	750 GPD
Potential Impact of Zoning Map Change	-1,665

Notes: MGD = Million gallons per day

*Assumption (existing zoning) – Ol: 21 apartments

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

Appendix K: Summary of Planning Commission Meeting

Attachments:

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