



ZONING MAP CHANGE REPORT

Meeting Date: November 2, 2015

Table A. Summary			
Application Summary			
Case Number	Z1500004	Jurisdiction	City
Applicant	TROSA Commercial Inc.	Submittal Date	January 26, 2015
Reference Name	TROSA Roxboro Outdoor Display	Site Acreage	13.744
Location	3500 North Roxboro Street, at Old Oxford Road		
PIN(s)	0833-13-12-8759		
Request			
Proposed Zoning	Commercial Center with a development plan (CC(D))	Proposal	Allow for outdoor display area
Site Characteristics			
Development Tier	Suburban Tier		
Land Use Designation	Commercial		
Existing Zoning	Commercial Center with a development plan (CC(D))		
Existing Use	Shopping Center		
Overlay	F/J-B	Drainage Basin	Falls Lake
River Basin	Neuse	Stream Basin	Eno River
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 10-0, on September 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 a 13.744-acre portion of a 41.2-acre CC(D) project located at 3500 North Roxboro Street. The subject request (13.744 acres) proposes to keep the CC(D) designation but modify that portion of the original development plan to allow for

the addition of 70,850 square feet of outdoor display and storage area and keep the existing building floor area of 119,163 square feet.

The site is located at 3500 South Roxboro Street at Old Oxford Road (see Attachment 1, Context Map). This request is consistent with the future land use designation of the *Comprehensive Plan* which designates this site as Commercial.

Appendix A provides supporting information.

B. Site History

The present designation of CC(D) was approved by City Council on October 16, 1989 (case P89-37) and the site, with the exception of two outparcels, has been developed as a shopping center accordingly.

See Attachment 8, Application Addendum, Change, for the applicant's explanation of the present request.

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 CC district (Sec. 3.5.6.D, Sec. 6.11.5). 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 regarding maintaining the existing driveway stem length of 242 linear feet from North Roxboro Road and provide a minimum of 550 parking spaces which will be located outside the outdoor display area.

Graphic Commitments. Graphic commitments include the general location of site access points as, tree preservation areas, parking envelope, building footprint, pedestrian interconnectivity, and outdoor display areas.

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 for any buildings developed on the site.

Determination. The requested CC zoning district and associated development plan meets or exceeds the applicable requirements of the UDO.

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.

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 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 bicycle lane along North Roxboro Road is a recommendation of the Long Range Bicycle Plan Map 4.5. Transportation has not identified any roadway improvements required of this project. As such, the development does not warrant improvements associated with the proposed Long Range Bicycle Plan to be associated with the site.

F. Site Conditions and Context

Site Conditions. The 13.744-acre site is comprised of one parcel; presently developed as a portion of a shopping center. An intermittent stream is located along the north and eastern property boundary.

Area Characteristics. The site is in the Suburban Tier along US 501 Highway Business which is a major arterial for local and regional traffic traveling north-south through Durham County. This area is part of an extensive nonresidential node that includes Durham Regional Hospital, medical support facilities, as well as regional and neighborhood commercial uses. The area also includes a mix of residential housing types. The more-immediate surrounding zoning districts include CC(D), CG, PDR 10.000, PDR 9.800, RS-8 and RS-20.

This area is within the F/J-B Watershed Protection Overlay district which limits impervious surface allowances on proposed development.

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

Determination. The proposed CC(D) district meets the ordinance and policy requirements in relation to site and context.

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 CC 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 not changing the building floor area and is therefore not estimated to change traffic or student generation nor is it estimated to change water demand. The existing infrastructure has available capacity for these current and projected needs.

Present Transportation Infrastructure. Old Oxford Road is presently operating over capacity (at 135.338% level of service). However, no additional building floor area is being proposed with this zoning request. The trip generation rate for shopping center is based on gross floor area of the building(s). Thus, the requested change in zoning designation does not result in a change in average daily trips as the projected number of trips is the same. Therefore, this request does not violate *Comprehensive Plan* policy 8.1.2.h that would require staff to recommend denial if the site were adjacent to a road operating over capacity where the requested change resulted in exceeding the transportation level of service.

H. Staff Analysis

This request is consistent with the *Comprehensive Plan* and other policies and ordinances. If the requested CC(D) zoning designation were approved, the development plan would establish the development potential of the site and allow for the addition of 70,850 square feet of outdoor display and storage area and a maximum of 119,163 square feet of building floor area.

I. Contacts

Table I. Contacts		
Staff Contact		
Amy Wolff, Senior Planner	Ph: 919-560-4137, ext. 28235	Amy.Wolff@DurhamNC.gov
Applicant Contact		
Agent: Wendi Ramsden, Coulter Jewell Thames, PA	Ph: 919-682-0368	wramsden@cjtpa.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
- Partners Against Crime – District 2

K. Summary of Planning Commission Meeting September 10, 2015 (Case Z1500004)

Staff Report: Amy Wolff presented the staff report.

Request: Commercial Center with a development plan (CC(D)) to Commercial Center with a development plan (CC(D)) PIN: 0833-13-12-8759

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

Commission Discussion: No discussion.

MOTION: Recommend approval of Z1500004. (Buzby, Miller 2nd)

ACTION: Carried, 10-0.

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: <ol style="list-style-type: none"> 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	Attachments: <ol style="list-style-type: none"> 8. Application Addendum, Change
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
Appendix H	Staff Analysis	N/A
Appendix I	Contacts	N/A
Appendix J	Notification	N/A
Appendix K	Summary of Planning Commission Meeting	Attachments: <ol style="list-style-type: none"> 9. Planning Commissioner's Written 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 B: Site History

Attachments:

8. Application Addendum, Change

Appendix D: Unified Development Plan Supporting Information

Table D1. UDO Designation Intent	
CC	Commercial Center (CC) – the CC district is established to provide for orderly development of commercial services such as retail stores (of any size), hotels, and car washes. These services are to be developed in a unified setting on large parcels of land and should provide a wide range of retail and service activities that serve many neighborhoods. While CC is a commercial district, other uses such as residential and office may be allowed under 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 D1. UDO Designation Intent	
-F/J-B	<p>Falls/Jordan District B (F/J-B) Watershed Protection Overlay –district is established to preserve the quality of the region's drinking water supplies through application of the development standards intended to protect the environment. In general, water supply protection will be accomplished by establishing and maintaining low intensity land use and development on land near the region's water supply rivers and reservoirs. Where high density development is desired, water supply protection will be accomplished through the use of engineered stormwater controls. The overall objective is to:</p> <ul style="list-style-type: none"> • Reduce the risk of pollution from stormwater running off of paved and other impervious surfaces; and • Reduce the risk of discharges of hazardous and toxic materials into the natural drainage system tributary to drinking water supplies.

Table D2. District Requirements – CC			
	Code Provision	Required	Committed
Minimum Site Area (acres)	6.11.5.B.1	4	13.744
Maximum Height (feet)	6.11.5.E.1	50	50
Minimum Street Yard (feet)	6.11.5.G.1	25	25
Minimum Side Yard (feet)	6.11.5.G.1	25	25
Minimum Rear Yard (feet)	6.11.5.G.1	25	25

Table D3. Environmental Protection			
Tree Coverage	8.3.1C	10% (1.37 acres)	10% (1.37 acres)

Table D4. Project Boundary Buffers			
Cardinal Direction	Adjacent Zone	Required Opacity	Proposed Opacity
North	PDR 10.00	0.6/0.8	0.8 (37.5 feet, width if reduced)
East	RS-8	0.6/0.8	0.8 (50 feet)
	CC(D)	N/A portion of same project	N/A
South	CG	N/A (right-of-way greater than 60 feet)	N/A
West	CC(D)	N/A portion of same project	N/A

Table D5. Summary of Development Plan		
Components	Description	Development Plan Sheet
Required Information	Intensity/Density. 119,163 square feet maximum floor area and 70,850 square feet of Outdoor Display Area.	DP-2
	Building Footprint/Parking Envelope is identified.	DP-2
	Project Boundary Buffers are appropriately depicted.	DP-2
	Stream Crossing. None.	N/A
	Access Points. Fifteen (15) access points have been identified.	DP-2
	Dedications and Reservations. None.	N/A
	Impervious Area. 70% = 9.62 acres.	DP-2
	Environmental Features. Intermittent stream.	DP-1, DP-2
	Areas for Preservation. See tree coverage below.	N/A
	Tree Coverage. 10% = 1.37 acres.	DP-2

Table D5. Summary of Development Plan		
Graphic Commitments	Location of 15 access points. Location of tree preservation areas. Location of parking envelope. Building footprint. Location of pedestrian access (interconnectivity). Location of four distinct outdoor display areas.	DP-2
Text Commitments	<ol style="list-style-type: none"> 1. 1. The development will maintain the existing driveway stem length on the access from North Roxboro Road. The existing length is 242 linear feet. 2. There will be a minimum of 550 parking spaces provided on site. All of these spaces will be located outside of the outdoor display area. 	Cover
SIA Commitments	None provided	N/A

Table D5. Summary of Development Plan		
<p>Design Commitments (summary)</p>	<p>Architectural Style. Various styles to complement the existing structures on the property.</p> <p>Rooflines. Either pitched or flat roofs or a combination.</p> <p>Building Materials. A minimum of two of the following: masonry, brick, real or synthetic stone, metal, wood, stucco, artificial stucco, and/or cementitious siding and will coordinate with existing buildings on site.</p> <p>Distinctive Features. No distinctive features.</p> <p>Context. Continue the retail context along the North Roxboro corridor.</p>	<p>Cover</p>

Appendix E: Adopted Plans Supporting Information

Table E. Adopted Plans	
<i>Comprehensive Plan</i>	
Policy	Requirement
Future Land Use Map	<p>Commercial: Land used primarily for retail, entertainment, office, and services.</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>
2.3.1a	<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>
8.1.2h	<p>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.</p>
8.1.4c and d	<p>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.</p>
11.1.1a	<p>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.</p>

Table E. Adopted Plans	
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 4-5 shows a proposed bicycle lane along Roxboro Road.	

Appendix F: Site Conditions and Context Supporting Information

Table F. Site Context			
	Existing Uses	Zoning Districts	Overlays
North	Multi-family	PDR 10.000	F/J-B
East	Retail, single-family residential, undeveloped	CC(D), RS-20, RS-8	F/J-B
South	Retail, single-family, multi-family	CG, RS-8, PDR 9.800	F/J-B
West	Retail, single-family residential, undeveloped	CC(D), CG, RS-20	F/J-B

Appendix G: Infrastructure Supporting Information

Table G1. Road Impacts		
North Roxboro Road and Old Oxford Road are the major roads impacted by the proposed zoning change. There are no scheduled NCDOT roadway improvement projects in the area. Carver Street Extension is a proposed City of Durham Capital Improvement Project to construct a two-lane divided roadway with bicycle lanes and sidewalks between Old Oxford Road and Danube Lane. Construction is expected to start in fall 2015.		
Affected Segments	Old Oxford Road	North Roxboro Road
Current Roadway Capacity (LOS D) (AADT)	13,300	30,800
Latest Traffic Volume (AADT)	18,000	25,000
Traffic Generated by Present Designation (average 24 hour)*	7,611	
Traffic Generated by Proposed Designation (average 24 hour)**	7,611	
Impact of Proposed Designation	0	

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

N. Roxboro Road: 4-lane undivided class II arterial roadway with left-turn lanes

Old Oxford Road: 2-lane undivided class II arterial roadway with left-turn lanes

Source of Latest Traffic Volume: 2013 NCDOT Traffic Count Map

*Assumption (existing zoning) – 119,163 sf retail (shopping center)

**Assumption (proposed zoning) – 119,163 sf retail (shopping center)

Table G2. Transit Impacts
Transit service is currently provided adjacent to the site along North Roxboro Road via DATA Route #4.

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; residential would not be permitted if this request is approved nor is residential currently permitted. Thus this site has no student generation impact. Durham Public Schools serving the site are Holt Elementary School, Carrington Middle School, and Riverside 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	11,258
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 *	0	0	0
Potential Students Generated – Proposed Zoning **	0	0	0
Impact of Proposed Zoning	0	0	0

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

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

Table G6. Water Supply Impacts	
This site is estimated to generate a total of 14,895 GPD if developed to its maximum potential with the proposed zoning district. This represents no change in 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*	14,895 GPD
Potential Water Demand Under Proposed Zoning**	14,895 GPD
Potential Impact of Zoning Map Change	0

Notes: MGD = Million gallons per day

*Assumption (existing zoning) – 119,163 sf retail (shopping center)

**Assumption (proposed zoning) – 119,163 sf retail (shopping center)

Appendix K: Summary of Planning Commission Meeting

Attachments:

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