



CITY OF DURHAM | DURHAM COUNTY
NORTH CAROLINA



PLAN AMENDMENT REPORT

Meeting Date: November 2, 2015

Reference Name	Family Fare (A1400012)		Jurisdiction	City
Applicant	Richard Veno, Horvath Associates, PA			
Request Change in Comprehensive Plan Designation	From:	Recreation and Open Space		
	To:	Commercial		
Site Characteristics	Tier:	Suburban		
	Present Use:	Undeveloped		
	Present Zoning:	Residential Suburban - 20 (RS-20) and Office		
	Overlays:	N/A		
	Size:	1.34 acres		
Location	4116 NC 55 Highway, in the northwest quadrant of the intersection with Carpenter Fletcher Road			
PINs	0738-01-18-9681 (partial)			
Recommendations	Staff	Approval, based on the proposal being justified and meeting the four criteria for plan amendments.		
	Planning Commission	Approval, 9-3, September 10, 2015, based on the justification, the request's meeting the four criteria for plan amendments, and information heard at the public hearing.		

A. Summary

The applicant, Horvath Associates, P.A., is proposing changes to the Future Land Use Map (FLUM) and the Zoning Map to allow for the development of a portion of the site. The applicant proposes to amend the FLUM designation for a 1.34-acre portion of a parcel totaling 6.115 acres from Recreation/Open Space to Commercial. The applicant also requests a Zoning Map Change for a portion of this parcel from Office Institutional (OI) to Commercial General with a development plan (CG(D)).

B. Site History

Prior to the current *Durham Comprehensive Plan*, Durham was divided into planning districts, each with its own small area plan. The *South Durham Plan*, adopted in 1986, recommended that the future land use of this parcel be designated as Recreation and Open Space and Office.

C. Existing Site Characteristics

The site of the proposed plan amendment consists of a 1.34-acre portion of an approximately 6-acre parcel located one half-mile north of Interstate 40. The site, which is currently vacant, has frontage along NC Highway 55. It is relatively flat and borders the Northeast Creek, which flows southward along the western edge of the parcel. This portion of the parcel is not considered to be part of a floodway.

D. Applicant's Plan Amendment Justification

The applicant states that the parcels under consideration ought to be amended from their adopted land use designation (Recreation and Open Space) to Commercial to complement existing commercial development to the southeast along the NC Highway 55 corridor. The applicant states that the subject area of the parcel is not located in a floodway fringe and thus development should not be restricted by existing environmental conditions. The applicant further states that the proposal supports the *Durham Comprehensive Plan's* policy of promoting a transition between land designated as Office and Low Density Residential by preserving the Recreation/Open Space designation on the remainder of the parcel, outside of the subject area.

Staff Response: Staff agrees with the applicant that the proposed plan amendment meets the goal of the *Durham Comprehensive Plan* of concentrating commercial nodes at major intersections. The parcel is located diagonally across from an existing commercial node at the intersection of NC Highway 55 and Carpenter Fletcher Road. Staff further confirms that the subject area is not located within a flood way or fringe area, such that environmental conditions should not impede development.

A further examination of the applicant's request that this site be designated as Commercial based on the criteria for plan amendments follows.

E. Criteria for Plan Amendments

The Unified Development Ordinance (UDO) contains criteria for the Planning Commission to use in considering proposals to amend the *Durham Comprehensive Plan*. (See Section 3.4.7, Criteria for Planning Commission Recommendations). The proposed plan amendment has been evaluated against these criteria.

- A. Whether the proposed change would be consistent with the intent, goals, objectives, policies, guiding principles and program of any adopted plans;
- B. Whether the proposed change would be compatible with the existing land use pattern and designated future land uses;
- C. Whether the proposed change would create substantial adverse impact in the adjacent area or in the City or County in general; and

- D. Whether the subject parcel is of adequate shape and size to accommodate the proposed change.

1. Consistency with Adopted Plans and Policies

The *Durham Comprehensive Plan* is a policy document intended to guide growth and development in an organized and efficient manner. Evaluating the proposed plan amendment for consistency with relevant policies is crucial to determining whether changes to the Future Land Use Map are appropriate. The following policies were deemed relevant to the current plan amendment request.

Table 1: Policies Relevant to Proposed Change
<i>Policy 2.3.1a. Contiguous Development.</i> Support orderly development patterns that take advantage of existing urban services, and avoid, insofar as possible, patterns of leapfrog, noncontiguous, scattered development.
<i>Policy 2.3.1e. Expansion of Commercial Nodes.</i> Through the Unified Development Ordinance, and in evaluating requests for expansions to existing commercial nodes, require that the proposed development be designed to be integrated with the rest of the existing node to promote pedestrian and vehicular circulation. (See Policy 4.2.3a, Commercial Development Design).
<i>Policy 2.1.2e. Suburban Tier Defined.</i> The Suburban Tier is established to provide land for low to medium density residential development, employment centers, and commercial and industrial activity. Land located in the Suburban Tier is expected to accommodate a large proportion of Durham’s growth through greenfield development, infill, and redevelopment. The Suburban Tier is expected to develop at traditional suburban densities and patterns.

Amending the Future Land Use Map to Commercial is consistent with the abovementioned policy statements. The Plan seeks to avoid scattered patterns of development that would contribute to suburban sprawl. The current Recreation and Open Space designation creates vacancy at a location considered prime for commercial development. The proposal enlarges an existing Commercial node along a major traffic corridor, at an intersection, integrating the parcel into surrounding Commercial uses. Finally, the site is located within the Suburban Tier, where an increasing intensity of uses such as Commercial creates the expectation for greenfield and infill development.

Staff Conclusion: This proposed plan amendment is consistent with adopted plans and policies and therefore meets criterion 3.4.7A.

2. Compatibility with Existing Development and Future Land Use Patterns

The subject site is situated in southern Durham at the intersection of two major roads, approximately one-half mile north of Interstate 40. Immediately adjacent are Recreation/Open Space, Office, and Commercial designations.

Table 2: Area Land Uses and Designations		
	Existing Uses	Future Land Use Designations
North	Undeveloped	Recreation and Open Space
East	Commercial, industrial	Office, Commercial
South	Office, retail services	Commercial, Recreation and Open Space
West	Office, undeveloped, single-family residential	Recreation/Open Space, Office, Low Density Residential

Existing Uses: The site of the proposed plan amendment is bordered to the north by undeveloped land; to the west by some undeveloped land, a physician’s office, and single-family residential; to the east by a self-storage center, and other commercial and light industrial; and to the south by an automobile service shop.

Future Land Use Designations: Land to the immediate north is designated as Recreation and Open Space; to the west as Recreation and Open Space, Office, and Low Density Residential; to the south as Recreation and Open Space, and Commercial; and to the east as Office and Commercial.

Analysis: The subject site is located at the intersection of two major thoroughfares, with close proximity to Interstate 40. It abuts an established commercial node to the immediate southeast, across an intersection. The site is also located along the Northeast Creek, which flows into Jordan Lake one mile to the south; however, the subject portion of the parcel is not located within a floodplain or critical watershed area. In 1999, site plan D96-356 was approved, permitting grading and fill work on a portion of the site located outside of the 50-foot stream buffer. The grading and fill work resulted in the elevation of this portion of the site and led to its ultimately being located outside of the regulated floodway and floodplain fringe. The area in question is nevertheless designated as 1% future conditions (the regulatory elevation [plus two feet] that the City/County uses to enforce elevation or flood protection on new or substantially improved structures). The proposal therefore supports City and County policies that promote compatible land usage and future development patterns.

Staff Conclusion: The proposed plan amendment is consistent with designated future land uses in the area and therefore meets criterion 3.4.7.B.

3. Adverse Impacts

Infrastructure: A theme found throughout the *Durham Comprehensive Plan* is ensuring that the pace of urbanized growth does not exceed the ability to provide essential services (*Objective 2.3.2, Infrastructure Capacity*). Toward that end, *Policy 2.3.2a., Infrastructure Capacity*, directs the City-County Planning Department to

consider impacts to the capacity of existing infrastructure when evaluating changes to the Future Land Use Map and Zoning Atlas.

Durham Comprehensive Plan Policy 8.1.2a, Traffic Level of Service (LOS) Standards, states that the LOS for roads in the Suburban Tier shall achieve a minimum of LOS D.

Analysis: NC Highway 55 and Carpenter Fletcher Roads are the major roads affected by the proposed amendment. The City of Durham has proposed to install bicycle lanes and sidewalks along Carpenter Fletcher Road, adjacent to the site, a project that is currently in design.

Future Demand for Land Uses: *Durham Comprehensive Plan Policy 2.5.2e., Demand for Land Uses*, states that in evaluating Plan Amendments, the Governing Boards and the City-County Planning Department shall consider the projected need for the requested land use in the future.

Analysis: The proposed FLUM amendment would convert approximately 1.34 acres from Recreation/Open Space to Commercial. The 2013 Evaluation and Assessment Report of the Durham Comprehensive Plan (2013 EAR, case A1400002) reported that the amount of Commercial land available to meet projected demand in 2040 (5,800 acres) is slightly higher than the amount of Commercial land currently available on the FLUM (6,100). The proposed addition of 1.34 acres to the amount of Commercial land available for development is negligible.

Environment: The site is not located in a watershed protection overlay and does not contain any significantly sensitive environmental lands. There is no reason to believe that the site could not be developed within UDO standards. Any development that takes place adjacent floodplain sites will be subject to Environmental Protection standards outlined in Article 8 of the UDO. These standards are designed to minimize the impact of development by controlling the location, intensity, pattern, and design of new development.

Staff Conclusion: The proposed plan amendment does not create any substantial adverse impact in the adjacent area or in the City or County in general and, therefore, meets criterion 3.4.7.C.

4. Adequate Shape and Size

The area specified for the requested amendment totals approximately 1.34 acres, and is of sufficient shape and size for Commercial development in the Suburban Tier.

Staff Conclusion: The site is of adequate shape and size to accommodate the use pursuant to the proposed change and, therefore, meets criterion 3.4.7.D.

F. Notification

Staff certifies that notification, including newspaper advertisements and letters to property owners within 1,000 feet of the site, has been carried out in accordance with Section 3.2.5 of the UDO. The following neighborhood organizations were mailed notices:

- Inter-Neighborhood Council
- People's Alliance
- Center of the Region Enterprise (CORE)
- Northeast Creek Streamwatch
- Durham Justice and Fairness Inter-Neighborhood Association
- Partners Against Crime – District 4
- Keep Durham Beautiful
- Town of Cary Planning
- Hopewell Neighborhood

G. Staff Recommendation

Approval, based on the proposal being justified and meeting the four criteria for plan amendments. Planning Commission recommended approval, 9–3, at its September 10, 2015 meeting, based on the justification, the request's meeting the four criteria for plan amendments, and information heard at the public hearing.

H. Staff Contact

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I. Attachments

- Attachment 1, Proposed Change Map
- Attachment 2, Area Context Map
- Attachment 3, Aerial Map
- Attachment 4, Applicant's Justification Statement
- Attachment 5, Planning Commission Written Comments
- Attachment 6, Resolution