

DURHAM



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CITY OF MEDICINE

CITY OF DURHAM | DURHAM COUNTY
NORTH CAROLINA



ZONING MAP CHANGE REPORT

Meeting Date: February 15, 2016

Table A. Summary			
Application Summary			
Case Number	Z1500024	Jurisdiction	City
Applicant	Tim Sivers, Horvath Associates, PA	Submittal Date	July 13, 2015
Reference Name	5515 & 5517 NC 55 Highway	Site Acreage	3.46
Location	5515 & 5517 NC 55 Highway, south of Sedwick Road and north of TW Alexander Drive		
PIN(s)	0737-01-18-2310, -3143		
Request			
Proposed Zoning	Industrial Light with a development plan (IL(D))	Proposal	Pest control operation and office (not committed)
Site Characteristics			
Development Tier	Suburban Tier		
Land Use Designation	Commercial		
Existing Zoning	Commercial Neighborhood (CN)		
Existing Use	Residential and undeveloped		
Overlay	F/J-B	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, 10-0 on December 8, 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 two parcels of land totaling 3.46-acres from Commercial Neighborhood (CN) to Industrial Light with a development plan (IL(D)) to allow for a pest control operation and office (not committed) with a maximum floor area of 50,000 square feet. The site is located at 5515 & 5517 NC 55 Highway, south of Sedwick Road and north of TW Alexander Drive (see Attachment 1, Context Map). A plan amendment has been submitted for this site to change the Commercial future land use designation of this site to Industrial (case A1500011). 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 development applications on this site. The single-family home currently located on the site was built in 1954.

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 IL(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 for transit accommodations and for limitation of uses.

Graphic Commitments. Graphic commitments include the general location of the site access point, tree preservation area, 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 IL(D) zoning district is approved, this request would allow for a maximum of 50,000 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 IL(D) zoning district would be consistent with the Future Land Use Map of the *Comprehensive Plan* should the associated plan amendment, case A1500011, be approved to designate this site as Industrial.

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. If approved, this project is not required to construct road improvements along NC 55 Highway and therefore does not warrant improvements associated with the bicycle lane.

F. Site Conditions and Context

Site Conditions. This site is comprised of two parcels of land totaling 3.46 acres at 5515 and 5517 NC 55 Highway. 5515 NC 55 Highway is developed as a single-family residential house with accessory buildings. 5517 NC 55 Highway is undeveloped and forested. Both parcels front on NC 55 Highway; a 100-foot railroad right-of-way is adjacent to the rear property line of this site.

Area Characteristics. The site is located in the Suburban Tier, less than 1/2 mile south of the Suburban Transit Area that includes the intersection of East NC 54 Highway and NC 55 Highway. There is a commercial node at the intersection of these highways and is bordered by floodplain associated with Northeast Creek on the west and the 100-foot railroad right-of-way to the east. These features provide clear boundaries for commercial development on either side of the node. Strip commercial development extends south from the NC 54/NC 55 intersection along NC 55 Highway. The Future Land Use Map of the *Comprehensive Plan* extends this commercial node south of Sedwick Road until Burdens Creek (see Attachment 2, Future Land Use Map).

At present, the industrial development pattern is limited to the area east of the site between the railroad right-of-way and South Alston Avenue and extending further west into Research Triangle Park, and north of Burdens Creek.

The site and surrounding area is within the F/J-B Watershed Protection Overlay.

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

Determination. The proposed IL(D) district meets the ordinance requirements in relation to development on the subject site. However, intrusion of industrial uses into the southern segment of this commercial strip may fragment the commercial corridor character north of Burden's Creek.

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 IL(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 decrease student generation by nine students (no residential permitted in the proposed district) and is estimated to increase water demand by 2,565 gallons per day, and decrease traffic by 163 trips per day from the existing zoning. The existing infrastructure has available capacity to meet these projections.

H. Staff Analysis

Staff determines that, should the plan amendment be approved, this request would be consistent with the *Comprehensive Plan* and applicable policies and ordinances. If the requested IL(D) zoning designation were approved a maximum of 50,000 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: Tim Sivers, Horvath Associates, PA	Ph: 919-490-4990	Tim.sivers@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
- Partners Against Crime – District 4
- Northeast Creek StreamWatch

K. Summary of Planning Commission Meeting December 8, 2015 (Case Z1500024)

Zoning Map Change Request: Commercial Neighborhood (CN) to Industrial Light with a development plan (IL(D)); PINs: 0737-01-18-2310, -3143.

Staff Reports: Ms. Woods presented case A1500011 and Ms. Wolff presented Z1500024.

Public Hearing: Chair Harris opened the public hearing. One citizen spoke in support. No one spoke in opposition. Chair Harris closed the public hearing.

Commission Discussion: The discussion centered on performance of landscaping.

MOTION: Move forward Z1500024 to City Council with a favorable recommendation. (Miller, Hyman 2nd)

ACTION: Carried, 10-0.

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. Development Plan Reduction 5. Application 6. 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 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: 7. Planning Commissioner's Written Comments 8. Ordinance Form 9. 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

Appendix D: Unified Development Plan Supporting Information

Table D1. UDO Designation Intent	
IL	<p>Industrial Light (IL) – the IL district is established to provide for a wide range of light manufacturing, warehousing, and wholesaling activities as well as offices and some support services. Design standards of this district are intended to ensure such development is compatible with high visibility areas and to minimize impacts on the environment. While IL is an industrial district, other uses such as office and commercial may also be allowed. In addition to general light industrial uses, specific industrial uses allowed include junk yards, warehouses, and recycling centers.</p>
D	<p>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.</p>
F/J-B	<p>Falls/Jordan District B Watershed Protection Overlay: The purpose this overlay district is 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 – IL			
	Code Provision	Required	Development
Minimum Site Area (square feet)	6.10.1.B	20,000	150,915
Minimum Lot Width (feet)	6.10.1.B	100	100
Minimum Street Yard (feet)	6.10.1.B	40	40
Minimum Side Yard (feet)	6.10.1.B	30	30
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% (0.35 acres)	10% (0.35 acres)

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

Table D5. Summary of Development Plan		
Components	Description	Plan Sheet
Required Information	Intensity/Density. 50,000 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. One (1) external site access point has been identified.	D100
	Dedications and Reservations. See text commitments below.	N/A
	Impervious Area. 70% (2.43 acres)	D100
	Environmental Features. None.	D001, D100
	Areas for Preservation. See tree coverage below.	N/A

Table D5. Summary of Development Plan		
	Tree Coverage. 10% (0.35 acres)	D100
Graphic Commitments	<ol style="list-style-type: none"> 1. Location of access point 2. Location of tree preservation area 3. Building and parking envelopes 	D100
Text Commitments	<ol style="list-style-type: none"> 1. Prior to the issuance of a certificate of occupancy: subject to a determination by GoDurham and GoTriangle on the need for transit related improvements at the time of site plan submittal, construct a bus pull-out and a concrete pad/bus shelter to GoDurham/GoTriangle specifications along the east side of NC 55 adjacent to the site. 2. The following use categories will not be permitted as identified by UDO Section 5.1.2 and 5.2.7A: passenger terminals, adult establishment, electronic gaming operations, firing range – indoor, nightclub/bar, drive-in theatre, paintball, stadium/arena, commercial parking, manufactured home sales, wrecking/junk/salvage yard, warehouse and freight movement, and waste related services. 	Cover
SIA Commitments	None Provided	N/A
Design Commitments (Summary)	<p><u>Architectural Style:</u> new building construction as described below.</p> <p><u>Rooflines:</u> flat and sloped roofs singly or in combination.</p> <p><u>Building Materials:</u> primary materials shall be a choice or any combination of metal, stucco, brick, block, stone, EIFS, vinyl, and fiber cement board with visible trim and accents.</p> <p><u>Architectural Features:</u> on frontage facades, one distinctive feature from a choice or any combination of store front window(s), corner tower element(s), and parapet wall(s).</p> <p><u>Context Area:</u> existing residential structures may remain and be converted to non-residential structures without incorporation of the above guidelines. New building construction will provide similar commercial use and architectural appearance to adjacent parcels.</p>	Cover

Appendix E: Adopted Plans Supporting Information

Table E. Adopted Plans	
Comprehensive Plan	
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>
2.2.2a	<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.</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>
11.1.1b	<p>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.</p>
Long Range Bicycle Plan	
Map 4-6 shows proposed bicycle lane along NC 55 Highway.	

Appendix F: Site Conditions and Context Supporting Information

Table F. Site Context			
	Existing Uses	Zoning Districts	Overlays
North	Retail	CN	F/J-B
East	Forestry	IL	F/J-B
South	Apartments, offices, retail	CN, OI	F/J-B
West	Offices	CN	F/J-B

Appendix G: Infrastructure Supporting Information

Table G1. Road Impacts		
NC 55 Highway and Sedwick Road are the major roads impacted by the proposed zoning change. There are no scheduled NCDOT roadway improvement projects in the area.		
Affected Segments	NC 55 Highway	Sedwick Road
Current Roadway Capacity(LOS D) (AADT)	37,800	10,700
Latest Traffic Volume (AADT)	19,000	6,800
Traffic Generated by Present Designation (average 24 hour)*	1,302	
Traffic Generated by Proposed Designation (average 24 hour)**	1,139	
Impact of Proposed Designation	-163	

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

NC 55: 4-lane undivided Class I arterial with left-turn lanes

Sedwick Road: 2-lane city/county Class II arterial roadway without left-turn lanes

Source of Latest Traffic Volume: 2013 NCDOT Traffic Count Map

***Assumption- (Max Use of Existing Zoning)** – CN: 8 fueling position gasoline/service station with convenience market

****Assumption- (Max Use of Existing Zoning)** – IL (D): 7 fueling position gasoline/service station with convenience market (maximum of 149 peak-hour trips)

Table G2. Transit Impacts
Transit service is provided adjacent to the site along NC 55 via GoDurham Route 12, and GoDurham Route 14.

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. This represents a decrease of nine students over the existing zoning. 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 (July 2012 – June 2015)	185	83	59
Available Capacity	1,743	988	1,152
Potential Students Generated – Current Zoning*	4	2	3
Potential Students Generated – Proposed Zoning**	0	0	0
Impact of Proposed Zoning	-4	-2	-3

*Assumption- (Max Use of Existing Zoning) – 27 single-family lots

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

Table G6. Water Supply Impacts	
This site is estimated to generate a total of 6,750 GPD if developed to its maximum potential with the proposed zoning district. This represents an increase of 2,565 GPD over the existing zoning district.	
Current Water Supply Capacity	37.00 MGD
Present Usage	30.85 MGD
Approved Zoning Map Changes (July 2012 – June 2015)	0.47 MGD
Available Capacity	5.68 MGD
Estimated Water Demand Under Present Zoning*	4,185 GPD
Potential Water Demand Under Proposed Zoning**	6,750 GPD
Potential Impact of Zoning Map Change	+2,565

Notes: MGD = Million gallons per day

***Assumption- (Max Use of Existing Zoning)** – 27 single-family lots

****Assumption- (Max Use of Existing Zoning)** – 50,000 square feet industrial

Appendix K: Summary of Planning Commission Meeting

Attachments:

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