



CITY OF DURHAM | DURHAM COUNTY  
NORTH CAROLINA



**Meeting Date:** April 4, 2016

<b>Reference Name</b>	Hope Valley Commons Business Park (A1500010)	<b>Review Jurisdiction</b>	City
<b>Applicant</b>	Horvath Associates, P.A.		
<b>Proposed Future Land Use Map Amendment</b>	From: Office (OFC) To: Commercial (COM)		
<b>Site Characteristics</b>	<b>Tier:</b>	Suburban	
	<b>Present Use:</b>	Vacant	
	<b>Size of Future Land Use Amendment:</b>	4.5 acres	
	<b>Size of Zoning Map Change:</b>	4.5 acres	
<b>Location</b>	7101 West NC 751 Highway, south of NC 54 Highway.		
<b>Overlay District(s)</b>	F/J-B		
<b>PIN(s)</b>	0718-01-18-8557; 0718-01-18-6519 (partial)		
<b>Recommendation</b>	<b>Staff</b>	Approval, based on conditions warranting an amendment to the Future Land Use Map and the proposed land use pattern meeting the four criteria for plan amendments.	
	<b>Planning Commission</b>	Approval, 11-2, February 9, 2016, based on conditions warranting an amendment to the Future Land Use Map and the proposed land use pattern meeting the four criteria for plan amendments.	

**A. Summary**

The applicant, Horvath Associates, PA, proposes a change to the Future Land Use Map from Office (OFC) to Commercial (COM). The 4.5 acre site is primarily comprised of a parcel, PIN# 0718-01-18-8557, with the addition of a 0.05 acre portion of the parcel lying to the west, PIN# 0718-01-18-6519, respectively. The site is located at 7101 W NC 751 Highway, south of NC 54 Highway, is within the Suburban Development Tier, and within the F/J-B Watershed Overlay Protection District. According to the applicant, the purpose of the amendment is to support a rezoning to allow for a mini-storage facility. The zoning map change associated with this plan amendment is case Z1500023.

## **B. Site History**

This site was rezoned to Office Institutional with a development plan (OI(D)) in 2003 with Zoning Case P03-11. The future land use designation for the site was established by adoption of the *Durham Comprehensive Plan* in 2005. That designation was previously established by the *South Durham Small Area Plan*, adopted in 1990. In 2005 a section of this property was rezoned to Commercial Center (CC(D)) with Zoning Case Z05-07.

## **C. Existing Site Characteristics**

The majority of the site is undeveloped and covered by mixed hardwood and coniferous forest. A 0.05 acre portion of the single-family residential lot to the west is included in the proposal.

## **D. 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/or 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 site is of adequate shape and size to accommodate the proposed change.

### **1. Criteria A: 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. The Plan addresses a range of topics related to land use, housing, community character, environment and conservation, transportation, and more. The following policies were determined to be relevant in evaluating the subject plan amendment:

***Policy 2.2.2e. Suburban Tier Commercial Development.*** Discourage auto-oriented commercial “strip” development and instead encourage commercial “nodes” with appropriately designed internal connections at key locations along major transportation corridors. (See Policy 4.2.3a, Commercial Development Design).

**Staff Analysis.** The site is adjacent to an existing commercial node and will have appropriate internal connections to an existing shopping center.

**Policy 2.2.2f. Suburban Tier Spacing of Commercial Nodes.** *The City-County Planning Department shall use the following standards when evaluating requests for new commercial development in the Suburban Tier:*

- i. Separate distinct nodes of commercial development by a distance of at least one-half mile, measured from the outermost edge of the node;*
- ii. Cluster commercial uses at intersections of thoroughfares; and*
- iii. Restrict new, isolated, mid-block commercial uses.*

**Staff Analysis.** The site is adjacent to an existing commercial node, at a key location along major transportation corridors.

**Policy 2.3.1a. Contiguous Development.** *Support orderly development patterns that take advantage of existing urban services, and avoid, insofar as possible, patterns of leapfrog, noncontiguous, scattered development.*

**Staff Analysis.** The site is adjacent to an existing commercial node.

**Policy 2.3.4a. Infill Development Standards.** *Through the Unified Development Ordinance, encourage and promote compatible residential and nonresidential infill on vacant or under-utilized property within developed portions of the community to reinforce the existing character. Include provisions for contextual design of both residential and nonresidential infill projects in the Urban and Compact Neighborhood Tiers. Encourage adaptive reuse of existing buildings in these tiers as well. (See Policy 4.3.2a., Infill Development Standards.*

**Staff Analysis.** The site provides infill development in an existing commercial area.

**Policy 2.5.2e. Demand for Land Uses.** *In evaluating changes to the Future Land Use Map, the Governing Boards, the City-County Planning Commission, and the City-County Planning Department shall consider the projected need for the requested land use in the future, in accordance with Table 2-4, as may be updated from time to time.*

**Staff Analysis.** Planning staff's most recent projections indicate that demand for commercial land will be approximately 5,832 acres in 2040. Currently, the *FLUM* designates 6,097 acres for commercial uses.

**Staff Conclusion.** The proposed plan amendment is consistent with adopted plans and policies. Therefore, the proposal meets criterion 3.4.7A.

## **2. Criteria B: Compatibility with Existing Development and Future Land Use Patterns**

The site is within the Suburban Tier, and is located adjacent to an existing shopping center and established commercial node. The proposal is compatible with *Future Land Use Map (FLUM)* designations in the surrounding area.

*Existing Uses:* The site of the proposed plan amendment is bordered on the north and east by a shopping center, on the west by commercial uses and two single-family residences, and on the south by a medium-density residential apartment complex.

*Future Land Use Designations:* Land to the north and east of the proposed plan amendment is designated commercial. Land to the west is designated commercial and office. Land to the south of the site is designated medium-density residential.

<b>Table 1: Area Land Uses and Designations</b>		
	<b>Existing Uses</b>	<b>Future Land Use Designations</b>
<b>North</b>	Commercial	Commercial
<b>East</b>	Commercial and vacant	Commercial
<b>South</b>	Multi-Family Residential	Medium-Density Residential
<b>West</b>	Commercial; Office; Single-Family Residential	Commercial and Office

**Staff Analysis.** The proposal is compatible with the pattern of land uses on the area.

**Staff Conclusion.** The proposed plan amendment is compatible with the existing land use pattern and designated future land uses in the area and, therefore, meets criterion 3.4.7B.

### 3. **Criteria C: Substantial Adverse Impacts**

When evaluating plan amendment proposals, through Criteria A (consideration of adopted policies) and Criteria B (consideration of compatibility) staff assesses potential impacts to the adjacent area and City and County in general.

**Staff Conclusion.** Existing infrastructure is sufficient to accommodate potential impacts. The proposed amendment is not projected to have any substantial adverse impacts in the adjacent area or the City or County in general. The proposed land use is consistent with adjacent and nearby commercial uses and is located within an existing commercial node.

### 4. **Criteria D: Adequate Shape and Size**

The area requested for amendment is approximately 4.5 acres in total, and is of sufficient shape and size for the proposed use 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 3.4.7D.

### E. **Applicant’s Plan Amendment Justification**

According to the applicant, the requested commercial land use would allow a proposed self-storage use whereas the existing Office land use classification would not. The applicant further states that a commercial land use is compatible with land uses in the surrounding area. Additionally, the applicant states that changing the use from office to commercial would contribute to the intent, goals, objectives, policies, guiding principles

and programs of adopted plans. The applicant points out that adopted land use policies strive for commercial use to be limited to major intersections. Adjacent properties to the north and east are identified as commercial and are developed as a shopping center. Adjacent parcels to the west are currently single-family residential and are designated as office on the *Future Land Use Map*. Land to the south of the site includes a medium-density residential apartment complex.

#### **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 community organizations were also notified:

- Downing Creek Community Association
- Fairfield Community Awareness Committee
- Inter-Neighborhood Council
- Jordan Lake Resource Management
- New Hope Advisory Committee
- Partners Against Crime – District 3
- Trenton Road Homeowners Association
- Durham Justice and Fairness Inter-Neighborhood Association
- Hopewell Neighborhood
- Keep Durham Beautiful
- North Garrett Road Committee
- Peoples Alliance

#### **G. Staff Contacts**

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#### **H. Attachments**

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