



CITY OF DURHAM | DURHAM COUNTY
NORTH CAROLINA



ZONING MAP CHANGE REPORT

Meeting Date: April 4, 2016

Table A. Summary			
Application Summary			
Case Number	Z1500027	Jurisdiction	City
Applicant	Westpoint at 751 LLC	Submittal Date	August 24, 2015
Reference Name	Westpoint at 751 Revisions III	Site Acreage	17.36
Location	Southwest quadrant of the intersection of NC 751 Highway and Interstate – 40 opposite Renaissance Parkway		
PIN(s)	0718-03-12-5633, -6935, -7637, -4870, -13-5216, -7233, -7070		
Request			
Proposed Zoning	Commercial Center with a development plan (CC(D))	Proposal	Amend existing development plan to allow for office and restaurant uses on PIN 0718-03-13-5216 (Building Envelope B)
Site Characteristics			
Development Tier	Suburban		
Land Use Designation	Commercial		
Existing Zoning	Commercial Center with a development plan (CC(D))		
Existing Use	Commercial		
Overlay	F/J-B, MTC	Drainage Basin	Jordan Lake
River Basin	Cape Fear	Stream Basin	New Hope Creek
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	Approved 13-0 on February 9, 2016. 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	No Comments.		

A. Summary

This is a request to amend the approved development plan of the CC(D) zoning designation of this site to allow for Office and Restaurant uses on PIN 0718-03-13-5216 (building envelope B). This site is 17.36 acres located at the southwest quadrant of the intersection of NC 751 Highway and Interstate – 40 opposite Renaissance Parkway.

Appendix A provides supporting information.

B. Site History

The present CC(D) designation of the site was approved by City Council on March 1, 2010 with case Z0800031. This development plan proposed 153,900- 231,000 square feet of development for office, retail, restaurant, and hotel uses and further encumbered by commitments (text, graphic, and design).

In 2012, Council approved a request to amend the design commitments associated with the development plan of the CC(D) zoning designation of the site to allow for asphalt shingles as a permitted roofing material.

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 practices, 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. Previous text commitment # 6 has been reworded to only identify the building graphic in building envelope A and a new commitment has been added to address the building graphic in building envelope B.

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. None of these commitments have changed from the previously approved development plans.

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. The Design Commitments are to remain the same as previously approved in cases Z0800031 & Z1200011.

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

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 of the *Comprehensive Plan* which designates the site as Commercial.

F. Site Conditions and Context

Site Conditions. The 17.36 acre site is comprised of seven parcels; however, the only changes proposed apply to the area designated as building Envelope B on the development plan. The site is developed as a commercial center with an assortment of uses such as hotel, retail, and restaurants.

Area Characteristics. This site is located in the Suburban Tier at the intersection of I-40 and NC 751 Highway at the termination of Renaissance Parkway. This intersection is the western termination of a 2-mile regional commercial corridor that is bounded by US Army Corps of Engineers land on the west and Southwest Creek on the east. Uses in the area include commercial and residential.

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

Determination. The proposed CC(D) district meets the ordinance and policy requirements in relation to site conditions 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 estimated to increase the traffic generation of the subject site by 4,054 daily trips, will not affect students generated from the proposed use, and decrease the estimated water demand of the site by 36,715 gallons per day. The existing infrastructure has available capacity to meet these increases.

H. Staff Analysis

This request is consistent with the *Comprehensive Plan* and other policies and ordinances. If the requested CC(D) zoning designation is approved, the development plan would allow for office and restaurant uses in building envelope B.

I. Contacts

Table I. Contacts		
Staff Contact		
Kyle Taylor, Planner	Ph: 919-560-4137, ext. 28250	Kyle.Taylor@DurhamNC.gov
Applicant Contact		
Robert Shunk, Steward	Ph: 919-866-4792	rshunk@stewartinc.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 have been carried out in accordance with Section 3.2.5 of the UDO. In addition, the following neighborhood organizations were mailed notices:

- Jordan Lake Resource Management
- Inter-Neighborhood Council
- Fayetteville Street Planning Group
- Friends of Durham
- Unity in the community for Progress
- Downing Creek

K. Summary of Planning Commission Meeting February 9, 2016 (Case Z1500027)

Zoning Map Change Request: Commercial Center with a development plan (CC(D)) to Commercial Center with a development plan (CC(D)). PIN(s): 0718-03-12-5633, -6935, -7637, -4870, -13-5216, -7233, -7070

Staff Report: Mr. Taylor presented Z1500027.

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

Commission Discussion: No concerns were raised.

MOTION: Recommend approval of Z1500027 (Brine, Miller 2nd).

ACTION: Motion carried 13-0.

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: 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 K. Supporting Information		
		Attachments: 7. DDOT TIA Memorandum 8. NCDOT TIA Memorandum 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: 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

Appendix D: Unified Development Plan Supporting Information

Table D1. UDO Designation Intent	
CC	<p>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.</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 (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.
-MTC	<p>Major Transportation Corridor Overlay (MTC) is established to enhance the economic and aesthetic appeal and orderly development of properties adjacent to major transportation corridors. The MTC district requires buffers next to major transportation corridors and limits the height of signs.</p>

Table D2. District Requirements – CC			
	Code Provision	Required	Committed
Minimum Site Area (acres)	6.11.5.B.1	4	17.36
Maximum Height (feet)	6.11.5.E.1	90	89
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			
Resource Feature	UDO Provision	Required	Committed
Tree Coverage	8.3.1.C.4.B	3% (7,311 square feet)	3% (7,311 square feet)

Table D4. Project Boundary Buffers			
Cardinal Direction	Adjacent Zone	Required Opacity	Proposed Opacity
North	CC(D)	N/A portion of same project	N/A
East	CC(D)	N/A portion of same project	N/A
South	CC(D)	N/A portion of same project	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. Access is provided from the surrounding portion of this project.	DP-2
	Dedications and Reservations. None.	N/A
	Impervious Area. 70%	DP-2
	Environmental Features. N/A requirement is met by unchanged portion of project.	DP-1, DP-2
	Areas for Preservation. N/A requirement is met by unchanged portion of project.	N/A
	Tree Coverage. N/A requirement is met by unchanged portion of project.	DP-2

Table D5. Summary of Development Plan		
Graphic Commitments	Location of Building envelope. Uses associated with building envelope B. General location of a building over 50 feet.	DP-2
Text Commitments	All text commitments from zoning cases Z0800031 and Z1200011 will remain in effect with the exception that text commitment # 6 has been updated and a new text commitment # 7 has been added. 6. The committed use for the proposed building graphically shown in building envelope A on DP 2.0 shall be a hotel use. 7. The committed use for the proposed building graphically shown in building envelope B on DP 2.0 shall be a hotel use, office use, or office/restaurant use.	Cover
SIA Commitments	None provided	N/A
Table D5. Summary of Development Plan		
Design Commitments (summary)	Design Commitments are not changed with this application; for design commitments refer to Z0800031 and Z1200011.	Cover

Appendix E: Adopted Plans Supporting Information

Table E. Adopted Plans	
<i>Comprehensive Plan</i>	
Policy	Requirement
Future Land Use Map	Commercial: Land used primarily for retail, entertainment, office, and services. Suburban Tier: 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 within the Urban Growth Area.
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.
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.

Appendix F: Site Conditions and Context Supporting Information

Table F. Site Context			
	Existing Uses	Zoning Districts	Overlays
North	Right-of-way	CC(D)	F/J-B, MTC
East	Hotel, restaurant, Residential Single Family	MU(D), CN(D), RS-M(D), PDR 5.270	F/J-B, MTC
South	Single family residential, Vacant	RS-10, RR	F/J-B, MTC
West	Vacant	RR, RS-20	F/J-B, MTC

Appendix G: Infrastructure Supporting Information

Table G1. Road Impacts		
NC 751 and I-40 are the major roads impacted by the proposed zoning change. There are no scheduled NCDOT roadway improvement projects in the area.		
Affected Segments	NC 751	I-40
Current Roadway Capacity (LOS D) (AADT)	14,200	111,800
Latest Traffic Volume (AADT)	13,000	114,000
Traffic Generated by Present Designation (average 24 hour)*	*7,110 (103% of TIA Estimate)	
Traffic Generated by Proposed Designation (average 24 hour)**	**11,164 (103% of TIA Estimate)	
Impact of Proposed Designation	+4054	

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

NC 751: 2-lane undivided Class I arterial without left-turn lanes

I-40: 6-lane freeway

Source of Latest Traffic Volume: 2013 NCDOT Traffic Count Map

*Assumption- (Max Use of Existing Zoning) – Per TIA for Z0800031: 12,000 sf general office, 10,000 sf retail, 16,000 sf supermarket, 10,000 sf high turnover (sit-down) restaurant, and two hotels with 271 total rooms.

**Assumption- (Max Use of Proposed Zoning) – Per TIA for Z1500027: 12,000 sf general office, 10,000 sf retail, 16,000 sf supermarket, 16,000 sf high turnover (sit-down) restaurant, 100,000 sf medical-dental office, and a hotel with 151 rooms.

Table G2. Transit Impacts
Transit service is provided adjacent to the site along NC 751 via DATA Route 5, DATA Route 14, and Triangle Transit Route 800.

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 estimated to generate 21 students. This represents an increase of 5 students from the existing zoning. Durham Public Schools serving the site are Creekside Elementary School, Githens Middle School, and Jordan High School.			
Students	Elementary School	Middle School	High School
Current Building Capacity	16,348	7,790	10,333
Maximum Building Capacity (110% of Building Capacity)	17,983	8,569	11,366
20th Day Attendance (2014-15 School Year)	15,939	7,046	10,375
Committed to Date (July 2012 – June 2015)	498	203	205
Available Capacity	1546	1320	786
Potential Students Generated – Current Zoning Durham County*	0	0	0
Potential Students Generated – Proposed Zoning Durham County**	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 14,725 GPD if developed to its maximum potential with the proposed zoning district. This represents an increase of 8,215 GPD over the existing zoning district.	
Current Water Supply Capacity	37.00 MGD
Present Usage	21.27 MGD
Approved Zoning Map Changes (October 2012 – September 2015)	0.88 MGD
Available Capacity	14.85 MGD
Estimated Water Demand Under Present Zoning*	67730 GPD

Potential Water Demand Under Proposed Zoning**	31015 GPD
Potential Impact of Zoning Map Change	-36715

Notes: MGD = Million gallons per day

***Assumption (Max Use of Existing Zone)** – Per TIA for Z0800031: 12,000 sf general office, 10,000 sf retail, 16,000 sf supermarket, 10,000 sf high turnover (sit-down) restaurant, and two hotels with 271 total rooms.

****Assumption (Max Use of Proposed Zoning)** – Per TIA for Z1500027: 12,000 sf general office, 10,000 sf retail, 16,000 sf supermarket, 16,000 sf high turnover (sit-down) restaurant, 100,000 sf medical-dental office, and a hotel with 151 rooms.

Appendix K: Summary of Planning Commission Meeting

Attachments:

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