

DURHAM



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CITY OF MEDICINE

CITY OF DURHAM | DURHAM COUNTY
NORTH CAROLINA



ZONING MAP CHANGE REPORT

Meeting Date: June 20 2016

Table A. Summary			
Application Summary			
Case Number	Z1500037	Jurisdiction	City
Applicant	Coulter Jewell Thames, PA	Submittal Date	November 9, 2015
Reference Name	Witherspoon Garrett Road	Site Acreage	4.58
Location	4800 Garrett Road, on the west side of Garrett Road, midway between US 15-501 Highway and Old Chapel Hill Road		
PIN(s)	0800-04-81-0900		
Request			
Proposed Zoning	Residential Rural with a development plan (RR(D))	Proposal	Agriculture and support uses including retail
Site Characteristics			
Development Tier	Suburban Tier		
Land Use Designation	Office, Recreation and Open Space		
Existing Zoning	Office Institutional (OI)		
Existing Use	Community service		
Overlay	N/A	Drainage Basin	Jordan Lake
River Basin	Cape Fear	Stream Basin	Third Fork Creek
Determination/Recommendation/Comments			
Staff	Staff determines that, should the plan amendment be approved, this request would be consistent with the <i>Comprehensive Plan</i> and other adopted policies and ordinances.		
Planning Commission	Approval, 11-2 on April 12, 2016. 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	See Attachment 7		
BPAC	See Attachment 8		

A. Summary

This is a request to change the zoning designation of a 4.58-acre parcels from OI to RR(D). The site is located at 4800 Garrett Road, on the west side of Garrett Road between US 15-501 Highway and Old Chapel Hill Road (see Attachment 1, Context Map).

This zoning request is not consistent with the future land use map designation of the *Comprehensive Plan* which designates the site as Office and Recreation and Open Space. A plan amendment request (case A1500023) has been requested to change the portion designated as Office (4.28 acres) to Low Density Residential (4 DU/Ac. or less). Should the plan amendment be approved, this zoning map change request would be consistent with the future land use map and *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.

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 R-R district (Sec. 3.5.6.D, Sec. 6.3.2). 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. These commitments (see Table D5, Summary of Development Plan) include: limitation of uses to agriculture with accessory retail sales, dedication of right-of-way, bus pull-out and concrete pad/shelter, and a northbound left-turn lane on Garrett Road.

Graphic Commitments. Graphic commitments include the general location of site access points and 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. The requested RR 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.

The development plan indicates a maximum impervious surface of 100% which is permissible by the UDO. However, by virtue of meeting UDO requirements such as project boundary buffers and vehicle use area landscaping 100% coverage would not be possible. Additionally, achieving maximum impervious surface of this site would require additional approvals for development in the floodway fringe. With a site area of 195,397 square feet and maximum building/structure area of 60,000 square feet, only 137,397 square feet, or roughly 2/3 of the site is available for parking and vehicular access and any outside use area that may typically be associated with an agricultural use.

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 RR zoning district commits to agricultural use with accessory retail sales. As such, is not consistent with the Office land use designation of the future land use map of the *Comprehensive Plan*. Agriculture is a permitted use in the Suburban Tier and is permitted in the RR zoning designation.

A plan amendment, case A1500023 has been submitted to request a change of most of the site from the Office (4.28 acres) designation to Low Density Residential (4 DU/Ac. or less). If the plan amendment is approved this request would be consistent with the future land use map of the *Comprehensive Plan* and application policies and plan.

Conditions in other adopted plans have been identified (see Appendix E, Table E):

Long Range Bicycle Plan Map 4.6. There is one condition shown as a recommendation of the Long Range Bicycle Plan Map 4.6. A proposed bicycle lane is shown along Garrett Road. No additional roadway improvements are required or proffered with the subject zoning request.

New Hope Corridor Open Space Master Plan/New Hope Creek Bottomland Forest Natural Area. This site is within the New Hope Creek Corridor and a portion of the site are within the mapped New Hope Creek Bottomland Forest Natural Area (see Attachment 4, Development Plan, sheet DP-1.0). The goal of the New Hope Corridor

Open Space Master Plan is to “preserve an open space corridor linking the Eno River State Park, the New Hope Creek Corps lands... for aesthetic, environmental, educational, and recreational purposes, and as a means of shaping the urban form of the area.” It is recommended that the area of floodplain be designated as open space.

The applicant provides a Biologic Opinion (see Attachment 9) describing that the “developer has chosen to locate the proposed development limits outside of the inventory area boundary.” The development plan reflects that buildings and parking areas will not include the area presently designated as Natural Inventory. However, the development plan also includes the option to reduce the width of the required project boundary buffers within the Inventory area which can only be accomplished through the provision of a wall or berm; thus potentially removing the ability for wildlife to pass to upstream locations along the floodway fringe in a flooding event. Further, the applicant has chosen to permit building and parking areas within the floodway fringe, pending the appropriate approvals for development in these areas by showing the building and parking envelopes to across the floodway fringe area.

F. Site Conditions and Context

Site Conditions. The 4.58-acres site is located at 4800 Garrett Road and is developed as community service facility housed in a two story brick building of 5,905 square feet and associated parking. The rear portion of the site is undisturbed and includes a mapped special flood area which has recently expanded with preliminary data provided by the 2/21/2014 revisions accepted by FEMA. A 0.21-acre portion of the site, in the southwest corner, is located within the New Hope Creek Bottomland Forest according to the New Hope Corridor Open Space Master Plan (see also Section E, Adopted Plans).

Area Characteristics. This site is in the Suburban Tier adjacent to a floodplain associated with the New Hope Creek Corridor (see Section E for additional details). Uses in the area consist of single- and multi-family residential, offices, a place of worship and undeveloped land; zoning is RS-20, RS-M, RS-M(D), and OI(D).

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

Determination. The proposed RR district meets the ordinance requirements in relation to development on the subject site. If approved, the development plan would permit agricultural and accessory uses and allow expansion of buildings, structures, and parking areas into a mapped flood area if additional approvals are obtained in accordance with floodplain regulations.

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 RR district is consistent with *Comprehensive Plan* policies regarding the infrastructure impacts of traffic, transit, utility, drainage/stormwater, schools and water supply. The proposal is estimated to increase traffic by 409 vehicles per day, decrease water demand by 1,747 gallons per day, and decrease students by ten. The existing infrastructure has available capacity to meet these needs.

H. Staff Analysis

This request, should the plan amendment be approved, would be consistent with the *Comprehensive Plan* and other applicable polices and ordinances. If the requested RR zoning designation were approved, the development plan would limit future development of the site to agriculture and accessory and allow expansion into an environmentally sensitive area.

I. Contacts

Table I. Contacts		
Staff Contact		
Grace Smith, Planning Supervisor	Ph: 919-560-4137, ext. 28215	Grace.Smith@DurhamNC.gov
Applicant Contact		
Agent: Andrew Porter Coulter, Jewell, Thames, PA	Ph: 919-682-0368	andrew.porter@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:

- Trenton Homeowners Association
- Jordan Lake Resource Management
- Inter-Neighborhood Council
- Fayetteville Street Planning Group
- Friends of Durham
- Unity in the Community for Progress

K. Summary of Planning Commission Meeting April 12, 2016, (Case Z1500037)

Zoning Map Change Request: Office Institutional (OI) to Residential Rural with a development plan (RR(D)); PIN: 0800-04-81-0900.

Staff Reports: Ms. Wolff presented cases A1500023 and Z1500037.

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 recreation open space and flood areas.

MOTION: Recommend approval of A1500023. (Gibbs, Brine 2nd)

ACTION: Motion carried, 11-2 with Brine and Buzby voting no.

MOTION: Recommend approval of Z1500037. (Miller, Whitley 2nd)

ACTION: Motion carried, 11-2 with Brine, Buzby voting no.

Consistency Statement: 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 5. Application 6. Submittal and Review History 7. DOST Comments 8. BPAC Comments
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
Appendix E	Adopted Plans	Table E: Adopted Plans Attachments: 9. Applicant's Biologic Opinion

Table K. Supporting Information		
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: 10. Planning Commissioner's Written Comments 11. Ordinance Form 12. Consistency Statement

Appendix A: Application Supporting Information

Attachments:

1. Context Map
2. Future Land Use Map
3. Aerial Photography
4. Development Plan
5. Application
6. Submittal and Review History
7. DOST Comments
8. BPAC Comments

Appendix D: Unified Development Plan Supporting Information

Table D1. UDO Designation Intent	
RR	Residential Rural (RR) (Suburban Tier) – district is established to provide for agricultural activities and residential development on lots of one acre or greater and in conservation subdivisions. Commercial and industrial development is generally prohibited. While RR is a residential district, certain nonresidential uses such as day care facilities, places of worship, and outdoor recreation may be sought through a special use permit or other 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 D2. District Requirements – RR			
	Code Provision	Required	Proposed
Maximum Density (DU/Ac.)	6.2.1.A.1	1.4	N/A
Minimum Lot Area (square feet)	6.2.1.A.1	30,000	199,504
Minimum Site Width (feet)	6.2.1.A.1	100	400
Minimum Side Yard (feet)	6.2.1.A.1	Each side = 12 Both sides = 30	Each side = 12 Both sides = 30
Minimum Rear Yard (feet)	6.2.1.A.1	25	25
Maximum Height (feet)	6.2.1.A.1	35	35
Minimum Setback for Farm Buildings (feet)	6.2.1.C.1	50	50

Table D3. Environmental Protection			
Resource Feature	UDO Provision	Required	Committed
Tree Coverage	8.3.1.B.2	None	None

Table D4. Project Boundary Buffers			
Cardinal Direction	Adjacent Zone	Required Opacity	Proposed Opacity
North	OI(D)	0.2/0.6	0.6 (30 feet)
East	OI	n/a (right-of-way greater than 60 feet)	n/a
	RS-M		
South	RS-M(D)	0.4/0.6	0.4 (20 feet*)
West	RS-20	0.4/0.6	0.4 (20 feet*)

*Width may be reduced by UDO 9.4.3.B.3, 9.4.5.F, or 9.4.8 at the time of site plan)

Table D5. Summary of Development Plan		
Components	Description	Plan Sheet
Required Information	Intensity/Density. Maximum building floor area = 28,800 SF Maximum area for cold frames/hoop houses = 31,200 SF	DP-2.0
	Building/Parking Envelope has been appropriately identified.	DP-2.0
	Project Boundary Buffers have been shown.	DP-2.0
	Stream Crossing. No streams on site.	N/A
	Access Points. Two (2) access points have been identified.	DP-2.0
	Dedications and Reservations. See text commitments.	Cover
	Impervious Area. 100% (4.49 acres)	DP-2.0
	Environmental Features. Floodway fringe, and Natural Inventory.	DP-1.0, 2.0
	Areas for Preservation. None shown.	N/A
	Tree Coverage. None required, none shown.	N/A
Graphic Commitments	<ol style="list-style-type: none"> Location of two access points Building and parking envelopes 	DP-2.0
Text Commitments	<ol style="list-style-type: none"> Proposed use will be agriculture with accessory retail sales as allowed by the UDO. <u>Prior to the Issuance of a Certificate of Occupancy</u> <ol style="list-style-type: none"> Construct a northbound left-turn lane with adequate storage and appropriate tapers on Garrett Road at the proposed site access. 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 concrete pad/bus shelter to GoDurham/GoTriangle specifications along the west side of Garrett Road adjacent to the site. <u>Prior to the Issuance of a Building Permit</u> <ol style="list-style-type: none"> Dedicate additional right-of-way for the frontage of the site along Garrett Road as illustrated on sheet DP-2.0. A copy of the recorded plat must be submitted with the first building permit application. 	Cover
SIA	None Provided	N/A

Table D5. Summary of Development Plan		
Commitments		
Design Commitments (summary)	<p><u>Architectural Style</u>: buildings will not be a specific style.</p> <p><u>Rooflines</u>: either pitched roof or flat roof or a combination.</p> <p><u>Building Materials</u>: each building must include two of the following: masonry, brick, real or synthetic stone, metal, wood, stucco, artificial stucco, and/or cementitious siding.</p> <p><u>Architectural Features</u>: no distinctive styling.</p> <p><u>Context</u>: new buildings will be of similar scale and massing and shall complement the suburban character of the neighboring properties.</p>	Cover

Appendix E: Adopted Plans Supporting Information

Table E. Adopted Plans	
<i>Comprehensive Plan</i>	
Policy	Requirement
Future Land Use Map	<p>Office: Land used primarily for office uses.</p> <p>Recreation and Open Space: Identify and protect identified areas. [Note: the property within this request has not been specifically identified].</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>
2.1.3b	Recreation and Open Space Defined . Durham shall identify and protect Recreation and Open Space areas, including but not limited to: i: special flood hazard areas, as defined by the Federal Emergency management Agency.
2.2.2a	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.
2.2.2b	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.
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.
7.1.6a and b	Development Review and the Natural Heritage Inventory . Review development proposals in relation to the Natural Heritage Inventory to preserve these sites and encourage new developments to avoid the site by using infill development, planned developments, cluster developments, conservation-by-design subdivisions, and other means.

Table E. Adopted Plans	
8.1.2j	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.
8.1.4c and d	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.
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.
<i>Long Range Bicycle Plan</i>	
Map 4-6 shows a proposed bicycle lane along Garrett Road as recommended condition.	
<i>New Hope Corridor Open Space Master Plan</i>	
The goal of the New Hope Corridor Open Space Master Plan is to “preserve an open space corridor linking the Eno River State Park, the New Hope Creek Corps lands... for aesthetic, environmental, educational, and recreational purposes, and as a means of shaping the urban form of the area.”	
<i>Durham County Inventory of Important Natural Areas, Plants, and Wildlife</i>	
This site is within the New Hope Creek Corridor and portions of the site are within the mapped New Hope Creek Bottomland Forest Natural Area.	

Attachments:

9. Applicant’s Biologic Opinion

Appendix F: Site Conditions and Context Supporting Information

Table F. Site Context			
	Existing Uses	Zoning Districts	Overlays
North	Commercial, office, undeveloped	OI(D), RS-20(D), RR(D), CG(D)	N/A
East	Multi-family residential, undeveloped	OI(D), RS-M	N/A
South	Multi-family residential	RS-M(D)	N/A
West	Vacant, open space	RS-20	N/A

Appendix G: Infrastructure Supporting Information

Table G1. Road Impacts	
Garrett Road is the major road impacted by the proposed zoning change. There are no scheduled NCDOT roadway improvement projects in the area. Additionally, the Locally Preferred Alternative for the Durham-Orange Light Rail Corridor proposes an alignment along Garrett Road to the north of this site.	
Affected Segments	Garrett Road
Current Roadway Capacity (LOS D) (AADT)	12,700
Latest Traffic Volume (AADT)	11,000
Traffic Generated by Present Designation (average 24 hour)*	452
Traffic Generated by Proposed Designation (average 24 hour)**	861
Impact of Proposed Designation	+409

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

Garrett Road: 2-lane undivided class I arterial without left-turn lanes

Source of Latest Traffic Volume: 2013 NCDOT Traffic Count Map

*Assumption- (Max Use of Existing Zoning) – OI: 38,800 sf office (0.19 FAR)

**Assumption- (Max Use of Existing Zoning) – RR (D): 28,800 sf wholesale nursery

Table G2. Transit Impacts
Transit service is provided adjacent to the site along Garrett Road via GoDurham Route 10A.

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; no residential would be permitted. This represents a decrease of ten 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 (2015-16 School Year)	15,939	7,046	10,375
Committed to Date (January 2013 – December 2015)	423	169	168
Available Capacity	1,621	1,354	823
Potential Students Generated – Current Zoning*	6	2	2
Potential Students Generated – Proposed Zoning**	0	0	0
Impact of Proposed Zoning	-6	-2	-2

*Assumption- (Max Use of Existing Zoning) – OI: 49 apartments

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

Table G6. Water Supply Impacts	
This site is estimated to generate a total of 3,888 GPD if developed to its maximum potential with the proposed zoning district. This represents a decrease of 1,747 GPD over the existing zoning district.	
Current Water Supply Capacity	37.00 MGD
Present Usage	23.03 MGD
Approved Zoning Map Changes (January 2013 – December 2015)	0.83 MGD
Available Capacity	13.14 MGD
Estimated Water Demand Under Present Zoning*	5,635 GPD
Potential Water Demand Under Proposed Zoning**	3,888 GPD
Potential Impact of Zoning Map Change	-1,747

Notes: MGD = Million gallons per day

*Assumption- (Max Use of Existing Zoning) – OI: 49 apartments

**Assumption- (Max Use of Existing Zoning) – RR (D): 28,800 sf wholesale nursery

Appendix K: Summary of Planning Commission Meeting

Attachments:

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