



CITY OF DURHAM | DURHAM COUNTY
NORTH CAROLINA



ZONING MAP CHANGE REPORT

Meeting Date: February 15, 2016

Table A. Summary			
Application Summary			
Case Number	Z1500021	Jurisdiction	City
Applicant	Michael McQuillen, Capital Civil	Submittal Date	June 22, 2015
Reference Name	4062 Stirrup Creek Drive	Site Acreage	22.15
Location	4062 Stirrup Creek Drive, southeast quadrant of Stirrup Creek Drive and TW Alexander Drive		
PIN(s)	0748-02-79-3803		
Request			
Proposed Zoning	Industrial Light with a development plan (IL(D))	Proposal	No specific use proposed
Site Characteristics			
Development Tier	Suburban Tier		
Land Use Designation	Office, Industrial, and Recreation and Open Space		
Existing Zoning	Office Institutional (OI), Industrial Park (IP)		
Existing Use	Undeveloped		
Overlay	None	Drainage Basin	Falls Lake
River Basin	Neuse	Stream Basin	Stirrup Iron 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	See Attachment 7.		

A. Summary

This is a request to change the zoning designation of a 22.15-acre parcel of land to allow for unspecified development of industrial-permitted uses of a maximum floor area of

350,000 square feet. The site is located at 4062 Stirrup Creek Drive, southeast quadrant of Stirrup Creek Drive and TW Alexander Drive (see Attachment 1, Context Map). A plan amendment has been submitted for this site to change the Office future land use designation of this site to Industrial (case A1500008). 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

The present designation of this 22.15-acres site of OI and IP was established with case P89-19, which also included a total of 67.7 acres as part of the Triangle Business Center. The development plan associated with this site shows the OI portion being proposed for office uses and the IP portion is identified as being developed for prime industrial.

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 limitation of uses, roadway improvements, additional asphalt for a bicycle lane, and transit related improvements.

Graphic Commitments. Graphic commitments include the general location of site access points, tree coverage areas, and the building and parking envelope (outside the floodway fringe).

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 350,000 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 A1500008, 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 4.8*, shows a proposed bicycle lane along TW Alexander Drive. The applicant has committed to provide a minimum of four feet of additional asphalt for the frontage of the site along TW Alexander Drive to accommodate this bicycle lane.

F. Site Conditions and Context

Site Conditions. This site is a 22.15-acre parcel located at 4062 Stirrup Creek Drive, with frontage on Stirrup Creek Drive to the west and TW Alexander Drive to the north. The majority of the site is forested with a mix of hard- and soft-wood trees with the exception of a landscape, maintenance, and utility easement at the intersection of TW Alexander Drive and Stirrup Creek Drive which is developed for entry signage to Triangle Business Center. A 25-foot sanitary sewer easement bisects the site east-west. The site is also constrained by a floodway and floodway fringe along the eastern boundary.

Area Characteristics. This site is located in the Suburban Tier in the southeast quadrant of TW Alexander Drive and Stirrup Creek Parkway and within the Neuse River Basin. This site is part of a project to develop as Triangle Business Center (per P89-19 plan) located between Research Triangle Park and Technology Park North. The area is generally developed as office or industrial space with some retail support uses. NC 147 Highway is approximately one mile to the west, which provides ready access to areas north and south.

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. The existing IP district is intended for a planned campus of industrial development and the existing OI district allows for office uses. The proposed IL district would allow similar uses that are already established in the area.

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 would not impact student generation (no residential identified for existing nor proposed district) and is estimated to increase water demand by 38,878 gallons per day, and increase traffic by 2,413 trips per day from the existing zoning. The existing infrastructure has available capacity to meet these projections.

Transportation System Impacts. A Traffic Impact Analysis (TIA) was required of this project, and a number of mitigation measures were identified (see Attachments 8 and 9 for City Transportation’s and NCDOT’s analysis). The development plan includes these recommendations as commitments.

H. Staff Analysis

Staff determines that, should the plan amendment be approved, this request would be consistent with the *Comprehensive Plan* and applicable polices and ordinances. If the requested IL(D) zoning designation were approved a maximum of 350,000 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: Michael McQuillen, Capital Civil Engineering	Ph: 919-249-8587	mmcquillen@capitalcivil.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
- Center of the Regions Enterprise (CORE)

K. Summary of Planning Commission Meeting December 8, 2015 (Case Z1500021)

Zoning Map Change Request: Commercial and Office to Industrial; PINs: 0749-04-50-9695.

Staff Reports: Ms. Wolff presented Z1500021.

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: The discussion centered on landscape and the voluntary restriction of the use.

MOTION: Move Z1500021 forward to City Council with a favorable recommendation. (Miller, Whitley 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 7. 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 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 Attachments: 8. COD DOT TIA Memo 9. NCDOT TIA Memo
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

Table K. Supporting Information		
		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 Reduction
5. Application
6. Submittal and Review History
7. BPAC Comments

Appendix D: Unified Development Ordinance Supporting Information

Table D1. UDO Designation Intent	
IL	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.
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 – IL			
	Code Provision	Required	Development
Minimum Site Area (square feet)	6.10.1.B	25,000	964,854
Minimum Lot Width (feet)	6.10.1.B	100	500
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% (2.215 acres)	10% (2.22 acres)
Stream Protection* (buffer in feet)	8.5.4.B	50	50

*Stream located off site

Table D4. Project Boundary Buffers			
Cardinal Direction	Adjacent Zone	Required Opacity	Proposed Opacity
North	IP	N/A right-of-way greater than 60 feet	N/A
East	IL	0.2/0.4	0.4 (20 feet)
South	IL	0.2/0.4	0.4 (20 feet)
West	IP, OI*	N/A right-of-way greater than 60 feet	N/A

*Site zoned OI has an associated pending zoning map change request to change to IL(D), case Z1500022

Table D5. Summary of Development Plan		
Components	Description	Plan Sheet
Required Information	Intensity/Density. 350,000 square feet of floor area	C3
	Building/Parking Envelope has been appropriately identified.	C3
	Project Boundary Buffers have been shown.	C3
	Stream Crossing. None shown	N/A
	Access Points. Five (5) site access points have been identified.	C3
	Dedications and Reservations. None.	N/A

Table D5. Summary of Development Plan		
	Impervious Area. 65% (14.40 acres)	C3
	Environmental Features. Floodway fringe, riparian buffer.	C2, C3
	Areas for Preservation. See tree coverage below.	N/A
	Tree Coverage. 10% (2.22 acres)	C3
Graphic Commitments	<ol style="list-style-type: none"> 1. Location of five site access points 2. Location of tree preservation areas 3. Building and parking envelopes (outside of floodway fringe) 	C3
Text Commitments	<ol style="list-style-type: none"> 1. The property shall be used only for: assembly; fabrication; light manufacturing; office; warehousing; wholesale; distribution; laboratories; research and development activities; daycare facilities, retail sales, public restaurants, and public recreation facilities. The following uses shall not be permitted: <ol style="list-style-type: none"> a) Agriculture or related use b) Processing or slaughter of livestock, swine, poultry or other animals c) Leather goods manufacture, tanning or curing d) Chemical manufacture, processing or refining, to include production of plastics, resins or rubber e) Storage, distribution or sale of explosives or flammable materials as a principal use f) Manufacture of alcoholic beverages g) Storage or processing of fuels as a principal use h) Metal product manufacture involving foundry, blast furnace or drop forge i) Outdoor storage, fabrication or handling of machinery, parts, material, supplies or products j) Freight terminals or truck terminals k) The manufacture, sale rental, repair or storage of heavy equipment, buses, trucks, trailers, automobiles and trailer homes l) Manufacture of paper m) Factories n) Cemeteries (other than previously existing) 2. Roadway Improvements <p><u>TW ALEXANDER DRIVE AND STIRRUP CREEK DRIVE/PRESIDENTIAL DRIVE (UNSIGNALIZED)</u></p> <p>Prior to the issuance of a certificate of occupancy, install a traffic signal with steel poles and mast arms (subject to MUTCD) warrants and approval by NCDOT).</p> <p><u>STIRRUP CREEK DRIVE AND SITE ACCESS #1 – ROUGHLY 400-FEET SOUTH OF TW ALEXANDER DRIVE (UNSIGNALIZED)</u></p> <p>Construct the westbound approach to provide for one ingress lane and two egress lanes – a shared right/thru lane and an exclusive left-</p> 	Cover

Table D5. Summary of Development Plan		
	<p>turn lane.</p> <p><u>STIRRUP CREEK DRIVE AND SITE ACCESS #2 – FOUGHLY 725-FEET SOUTH OF TW ALECANDER DRIVE (UNSIGNALIZED)</u></p> <p>Construct the westbound approach to provide for one ingress lane and two egress lanes – an exclusive right-turn lane and an exclusive left-turn lane.</p> <p><u>STIRRUP CREEK DRIVE AND SITE ACCESS #3 – ROUGHLY 1,125 FEET SOUTH OF TW ALECANDER DRIVE (UNSIGNALIZED)</u></p> <p>Construct the westbound approach to provide for one ingress lane and two egress lanes – a shared right/thru lane and an exclusive left-turn lane.</p> <p>3. Prior to the issuance of a Certificate of Occupancy:</p> <p>A) 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 south side of TW Alexander Drive adjacent to the site.</p> <p>B) A minimum of four feet of additional asphalt (in addition to the proposed roadway improvements) will be provided for the full frontage of the site along the south side of TW Alexander Drive. The additional asphalt widening will be provided to allow for a future bicycle lane.</p>	
SIA Commitments	None Provided	N/A
Design Commitments (Summary)	<p><u>Architectural Style:</u> there is no proposed style.</p> <p><u>Rooflines:</u> flat except to provide stormwater run-off controls.</p> <p><u>Building Materials:</u> predominant materials on front exterior facades shall be concrete, brick, glass, metal, masonry, or EIFS.</p> <p><u>Architectural Features:</u> limited to those which complement the building style.</p> <p><u>Context Area:</u> similar to the existing buildings on the adjacent properties.</p>	Cover

Appendix E: Adopted Plans Supporting Information

Table E. Adopted Plans	
Comprehensive Plan	
Policy	Requirement
Future Land Use Map	<p>Recreation and Open Space: Identify and protect identified areas. [Note: the property within this request has not been specifically identified].</p> <p>Office: Land used primarily for office uses.</p> <p>Industrial: Land uses include, but are not limited to, manufacturing, processing, warehousing and distribution, resource extraction, research and development, flex space and service uses.</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 4-8 shows proposed bicycle lane along TW Alexander Drive.	

Appendix F: Site Conditions and Context Supporting Information

Table F. Site Context			
	Existing Uses	Zoning Districts	Overlays
North	Office building	IP	N/A
East	Manufacturing	IL	N/A
South	Office, manufacturing	IL	N/A
West	Warehouse, undeveloped	IP, OI	N/A

Appendix G: Infrastructure Supporting Information

Table G1. Road Impacts		
TW Alexander Drive and South Miami Boulevard are the major roads impacted by the proposed zoning change. There are no scheduled NCDOT roadway improvement projects in the area.		
Affected Segments	South Miami Boulevard	TW Alexander Drive
Current Roadway Capacity(LOS D) (AADT)	34,000	37,600
Latest Traffic Volume (AADT)	21,000	22,000
Traffic Generated by Present Designation (average 24 hour)*	4,167	
Traffic Generated by Proposed Designation (average 24 hour)**	1,754	
Impact of Proposed Designation	-2,413	

Source of LOS Capacity: FDOT Generalized Level of Service Volume Table 4-1 (2012)
 TW Alexander Drive: 4-lane divided City/County Class I arterial with exclusive left and right-turn lanes
 South Miami Boulevard: 4-lane undivided City/County Class I arterial with exclusive left-turn lanes
 Source of Latest Traffic Volume: 2013 NCDOT Traffic Count Map
***Assumption- (Max Use of Existing Zoning)** – OI: 46,500 sf medical-dental office; IP: 5,000 sf fast-food restaurant with drive-thru
****Assumption- (Max Use of Proposed Zoning)** – Per TIA: 150,000 sf warehousing and 75,000 sf office

Attachments:

- 8. COD DOT TIA Memo
- 9. NCDOT TIA Memo

Table G2. Transit Impacts
Transit service is currently provided adjacent to the site along TW Alexander Drive via GoDurham Route 15.

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. The existing zoning is not estimated to generate any students because no residential is permitted. Durham Public Schools serving the site are Bethesda 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*	0	0	0
Potential Students Generated – Proposed Zoning**	0	0	0
Impact of Proposed Zoning	0	0	0

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

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

Table G6. Water Supply Impacts	
This site is estimated to generate a total of 47,250 GPD if developed to its maximum potential with the proposed zoning district. This represents an increase of 38,878 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*	8,372 GPD
Potential Water Demand Under Proposed Zoning**	47,250 GPD
Potential Impact of Zoning Map Change	+38,878 GPD

Notes: MGD = Million gallons per day
 *Assumption- (Max Use of Existing Zoning) – OI: 47,092 square feet office; IP: 35,850 square feet
 **Assumption- (Max Use of Existing Zoning) – 350,000 square feet

Appendix K: Summary of Planning Commission Meeting

- Attachments:
- 10. Planning Commissioner’s Written Comments
 - 11. Ordinance Form
 - 12. Consistency Statement