



CITY OF DURHAM | DURHAM COUNTY  
NORTH CAROLINA



**Meeting Date:** February 15, 2015

<b>Reference Name</b>	1650 T.W. Alexander Drive (A1500009)	<b>Review Jurisdiction</b>	City
<b>Applicant</b>	Capital Civil Engineering		
<b>Proposed Future Land Use Map Amendment</b>	From: Commercial, Office (COM, OFC) To: Industrial (IND)		
<b>Site Characteristics</b>	<b>Tier:</b>	Suburban	
	<b>Present Use:</b>	Vacant	
	<b>Size of Future Land Use Amendment:</b>	13.25 acres	
	<b>Size of Associated Zoning Map Change:</b>	13.25 acres	
<b>Location</b>	1650 T.W. Alexander Drive		
<b>Overlay District(s)</b>	None		
<b>PIN(s)</b>	0749-04-50-9695		
<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, 10-0, December 8, 2015, based on information provided in the staff report, the justification, information heard at the public hearing, and meeting the criteria for plan amendments.	

**A. Summary**

The applicant, Capital Civil Engineering, proposes a change to the Future Land Use Map from Commercial and Office to Industrial. This site lies directly to the west of 4062 Stirrup Creek Drive, the subject property of cases A1500008 and Z1500021. The zoning map change associated with this plan amendment is case Z1500022. Adopted future land use designations to the north include Commercial and Industrial, while land to the west is Commercial and Industrial, land to the east is designated Office, and land to the south is designated Industrial.

## **B. Site History**

Commercial and office land use designations for the site were established by adoption of the *Comprehensive Plan* in 2005, consistent with the FLUM designations established by the *Triangle Township Plan* of 1993. These land use designations were based on the zoning for the portion of the site covered by this request, Commercial Center (CC(D)), Office and Institutional (OI), established by zoning case P89-19.

## **C. Existing Site Characteristics**

The site is currently vacant and heavily forested. The site encompasses a small, private family cemetery that is not included in the request.

## **D. Applicant's Plan Amendment Justification**

The applicant states that the proposed industrial use is more compatible with surrounding uses and/or designated future land use patterns than the current commercial (COM) and office (OFC) designations. The property is located in the Triangle Business Center, which consists of properties located between South Miami Boulevard, T.W. Alexander Drive and Stirrup Creek Drive, and also properties on Twin Creeks Drive. Other than one other parcel, all other properties within the Triangle Business Center have a land use designation of industrial. The applicant also points out that the proposed change would create a unified future land use designation for the entire property.

## **E. 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. 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. Evaluating the proposed Plan Amendment for

consistency with these relevant policies is crucial in determining if changing the Future Land Use Map is appropriate.

<p><b>Policy 2.3.1a. Contiguous Development.</b> Support orderly development patterns that take advantage of existing urban services, and avoid, insofar as possible, patterns of leapfrog, noncontiguous, scattered development.</p>
<p><b>Policy 2.3.2a. Infrastructure Capacity.</b> In evaluating changes to the Future Land Use Map and Zoning Atlas, the City-County Planning Department shall consider impacts to the existing capacities of the transportation, water, and sewer systems, and other public facilities and services. In order to assess the impact on infrastructure and services of changes to the Future Land Use and Zoning Maps, the City-County Planning Department shall 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>
<p><b>Policy 2.4.2c. Location of Industrial Uses.</b> Through the Future Land Use Map, ensure that new industrial uses have direct access to Major Thoroughfares, Minor Thoroughfares, or Collector Streets to protect the character of neighborhoods.</p>
<p><b>Policy 2.5.3e. Demand for Land Uses.</b> 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.</p>
<p><b>Policy 2.5.3a, Study of Industrial Land.</b> The City-County Planning Department, in conjunction with the City of Durham Office of Economic and Workforce Development and the Durham Chamber of Commerce, shall conduct a study to determine the appropriate location, size, and qualities of industrial land in Durham. (See Policy 6.1.5c, Land Use Location and Availability).</p>
<p><b>Policy 6.1.5c, Land Use Location and Availability.</b> The City-County Planning Department, in conjunction with the City Office of Economic and Workforce Development and the Chamber of Commerce, shall regularly evaluate the demand for land designated for economic activity, and the availability and location of land suited for economic development activities, and opportunities for revitalization and reuse. (See Policy 2.5.3a, Study of Industrial Land).</p>

The Planning Department completed an evaluation of Durham’s industrial land in 2013, in fulfillment of Policy 2.5.3a. The study concluded that: (1) Durham would be approaching its capacity for accommodation of industrial development by 2040, based on the amount of marketable industrial land available; and (2) a dearth of large (100 acres or larger), marketable parcels designated as “Industrial” on the *Future Land Use Map* may limit Durham’s opportunities for attracting some major, employment-generating industries. This proposal would significantly increase Durham’s supply of marketable industrial land. The proposal also meets most criteria for “prime industrial land,” as defined by the *Industrial Land Study*.

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

## 2. Compatibility with Existing Development and Future Land Use Patterns

The site is within the Suburban Tier, and is located within an area predominantly designated Industrial on the Future Land Use Map.

*Existing Uses:* The site of the proposed plan amendment is bordered on the north by a shopping center and industrial uses. Land to the west of the site is vacant, land south consists of industrial uses, and land to east is vacant.

*Future Land Use Designations:* Land to the north is designated Commercial and Industrial. Land to east is designated Office and Industrial, to the west Commercial and Industrial, and to the south Industrial.

	Existing Uses	Future Land Use Designations
<b>North</b>	Commercial, Industrial	Industrial and Commercial
<b>East</b>	Vacant	Office and Industrial
<b>South</b>	Industrial	Industrial
<b>West</b>	Vacant	Industrial and Commercial

**Analysis:** Amending the future land use designation of the site, from Commercial and Office to Industrial, would be consistent with designated future land uses to the west, north, and south of the site. The applicant, Capital Civil Engineering, has also applied for a change to the FLUM designation for the property to the immediate east of the site, requesting a change from Office to Industrial (Case A1500008).

**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. Adverse Impacts

*Infrastructure:* A theme found throughout the *Durham Comprehensive Plan* is ensuring that the pace of urbanized growth does not exceed the ability to provide essential services (*Objective 2.3.2, Infrastructure Capacity*). Toward that end, *Policy 2.3.2a., Infrastructure Capacity*, directs the City-County Planning Department to consider impacts to the capacity of existing infrastructure when evaluating changes to the Future Land Use Map and Zoning Atlas.

**Analysis:** The site could accommodate the proposed use. Existing infrastructure, such as road, water, and sewer capacity, is sufficient to accommodate potential impacts. Further detail is provided in the zoning map change report.

*Future Demand for Land Uses:* *Durham Comprehensive Plan Policy 2.5.3e., Demand for Land Uses*, states that in evaluating Plan Amendments, the Governing Boards and the City-County Planning Department shall consider the projected need for the requested land use in the future. *Policy 6.1.5c, Land Use Location and Availability*, calls for the Planning Department, the City Office of Economic and Workforce Development, in cooperation with the Chamber of Commerce, to regularly evaluate the demand for land designated for economic activity, as well as the availability and location of land

suited for economic development activities, and opportunities for revitalization and reuse.

**Analysis:** Currently, Durham County has 17,200 acres of land designated for industrial use. Approximately 5,300 acres are presently utilized for industrial purposes. The *Industrial Land Analysis*, prepared by staff in 2013, concluded that much of the land that is currently vacant but designated for industrial use may not be marketable for industrial uses. The report projected a need for an additional 1,400 acres for industrial uses by 2035 and that no more than 1,600 acres of vacant industrial land was likely to be marketable for industrial uses.

**Staff Conclusion.** The proposed amendment would significantly increase Durham’s supply of marketable industrial land while not significantly diminishing Durham’s ability to accommodate new Office uses. Office uses can be accommodated by three FLUM designations, Office, Commercial and Institutional, and the acreage designated for those uses is cumulatively adequate to meet projected future demand. Therefore, the proposal meets criterion 3.4.7C.

#### 4. Adequate Shape and Size

**Analysis:** The area requested for amendment is approximately 13.25 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.

#### 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:

- Fayetteville Street Planning Group
- Inter-Neighborhood Council
- Unity in the Community for Progress
- Friends of Durham
- Partners Against Crime – District 4

#### G. Staff Contacts

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#### H. Attachments

Attachment A, Proposed Change  
Attachment B, Area Context Map  
Attachment C, Aerial Map  
Attachment D, Applicant’s Justification Statement  
Attachment E, Planning Commission Comments  
Attachment F, Resolution