



CITY OF DURHAM | DURHAM COUNTY
NORTH CAROLINA



Meeting Date: February 15, 2016

Reference Name	5515 and 5517 NC 55 Hwy (A1500011)		Review Jurisdiction	City
Applicant	Horvath Associates, P.A.			
Proposed Future Land Use Map Amendment	From: Commercial (COM) To: Industrial (IND)			
Site Characteristics	Tier:	Suburban		
	Present Use:	Vacant		
	Size of Future Land Use Amendment:	3.5 acres		
	Size of Zoning Map Change:	3.5 acres		
Location	5515 & 5517 NC 55 Highway, south of Sedwick Road			
Overlay District(s)	F/J-B			
PIN(s)	0737-01-18-2310; 0737-01-18-3143			
Recommendation	Staff	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.		
	Planning Commission	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, Horvath Associates, P.A., proposes a change to the Future Land Use Map from Commercial (COM) to Industrial (IND). The 3.5 acre site is comprised of two parcels, PIN# 0737-01-18-2310 and PIN# 0737-01-18-3143, respectively. The site is located at 5515 and 5517 NC 55 Hwy, south of Sedwick Road and is within the Suburban Development Tier. The site lies within the F/J-B Watershed Overlay District. According to the applicant, the purpose of the amendment is to allow for a pest control operation. The zoning map change associated with this plan amendment is case Z1500024.

B. Site History

The single-family home currently located on the site was built in 1954.

C. Existing Site Characteristics

The site is comprised of two parcels of roughly equal size, totaling approximately 3.5 acres. The southern parcel is currently vacant and the northern parcel is occupied by a single-family residence. Mixed hardwood forest covers the unoccupied southern parcel.

D. Applicant's Plan Amendment Justification

The applicant states that the proposed change to Industrial (IND) will allow for a pest control operation on the site, whereas the current commercial designation does not, and that existing buildings on the site can be used to house the operation. The applicant further states that the proposal is compatible with industrial uses in proximity to the site.

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.

Table 1: Relevant <i>Comprehensive Plan</i> Objectives and Policies
<p>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.</p>
<p>Policy 2.3.2a. Infrastructure Capacity. 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>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)</p>
<p>Policy 2.4.2c. Location of Industrial Uses. 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>Policy 2.5.3e. 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.</p>
<p>Policy 2.5.3a, Study of Industrial Land. 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>Policy 6.1.5c, Land Use Location and Availability. 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 proposal encourages and promotes compatible nonresidential infill on vacant property within a developed portion of the community, consistent with Policy 2.3.4a. The proposal is also consistent with Policy 2.3.1a, which supports “orderly development patterns” and discourages “patterns of leapfrog, noncontiguous, scattered, scattered development.”

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 at 5515 and 5517 NC Highway 55, just south of the intersection of NC Highway 55 and Sedwick Road. A Durham County wastewater facility is located approximately 1/3 mile to the south.

Existing Uses: The site of the proposed plan amendment is bordered on the north by a commercial use, to the west by commercial and office uses, to the east by vacant land and to the south by office and multi-family residential.

Future Land Use Designations: Land to the north and west of the proposed plan amendment is designated Commercial and land south of the site is designated Commercial and Office. Land to the east is designated Industrial.

Table 2: Area Land Uses and Designations		
	Existing Uses	Future Land Use Designations
North	Commercial (Pharmacy)	Commercial
East	Vacant	Industrial
South	Office; Multi-Family Residential	Commercial and Office
West	Commercial; Office	Commercial

Analysis: This portion of the NC Highway 55 corridor is primarily a mixture of commercial, office, industrial and vacant land uses. The proposal is compatible with the pattern of land uses on the area. In addition, the applicant seeks to utilize an existing, vacant structure. Thus, the proposal is consistent with Policy 2.3.4a, Infill Development Standards, which supports adaptive reuse of existing buildings.

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 add 3.5 acres of industrial land and would negligibly affect the supply of marketable industrial land and the supply of land designated for commercial uses. Regarding projected demand for commercial and industrial land, the proposal meets criterion 3.4.7C.

4. Adequate Shape and Size

The area requested for amendment is approximately 3.5 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.

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:

- Center for the Region Enterprise
- Fairfield Community Awareness Committee
- Fayetteville Street Planning Group
- Hopewell Neighborhood
- Keep Durham Beautiful
- Peoples Alliance
- Partners Against Crime – District 4
- Durham Justice and Fairness Inter-Neighborhood Association
- Friends of Durham
- Inter-Neighborhood Council
- Northeast Durham Creek Streamwatch
- Unity in the Community for Progress

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