



CITY OF DURHAM | DURHAM COUNTY  
NORTH CAROLINA



ZONING MAP CHANGE REPORT

Meeting Date: February 26, 2018

Application Summary			
<b>Application Information</b>			
Reference Name	251 Smallwood Drive		
Case Number	Z1700033	Jurisdiction	County
Applicant	Teresa Phillips	Submittal Date	August 4, 2017
Location	251 Smallwood Drive		
<b>Request</b>			
Proposal	Industrial-Light use		
Future Land Use	Existing	Industrial	
	Proposed	No change	
Zoning	Existing	Office and Institutional (OI)	
	Proposed	Industrial-Light (IL)	
Site Acreage	Zoning	18.3 total; 11.4 proposed for rezoning	
<b>Site Information</b>			
Development Tier	Suburban	Existing Use	Vacant
Overlay Zoning District(s)	N/A	Drainage Basin	County
River Basin	Neuse	Stream Basin	Stirrup Iron Creek
<b>Recommendations and Determinations</b>			
Staff	Staff determines that this request is consistent with the <i>Comprehensive Plan</i> and other adopted ordinances and policies.		
Planning Commission	Approval, 13-0, on December 12, 2017. 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.		
BPAC	None		

**A. Summary**

Teresa Phillips proposes to rezone an 11.4 acre portion of property located at 251 Smallwood Drive. The subject site is current split zoned – Office and Institutional (OI) and Industrial-Light (IL). Ms. Phillips is requesting to rezone the OI piece to IL, which would result in the property, in its entirety, being designated as IL. No development plan was submitted as part of this request.

**B. Site History**

There has been no recent development at the subject site.

### C. Existing Site Characteristics

**Site Conditions.** The property is vacant and contains mixed hardwood forest trees and open spaces.

**Area Characteristics.** The site is located within the Suburban Tier. Residential developments, north of the site, are currently under development. A place of worship is located to the northeast of the site. The broader context area contains a mix of residential unit styles, office uses, and light industrial sites. The site is in close proximity to Page Road and US-70.

### D. Consistency with Adopted Plans

A zoning map change request is reviewed for consistency with the Future Land Use Map and policies of the Comprehensive Plan, as well as other adopted plans. The *Comprehensive Plan* provides the intent and guidance for the Industrial land use designation. Attachment 5 provides the associated Comprehensive Plan policies which are applicable to the proposal.

Table 1, below, indicates additional adopted plans for which this request was reviewed against for consistency:

Table 1: Consistency with Other Adopted Plans	
Adopted Plan	Consistency Analysis
Durham Comprehensive Bicycle Transportation Plan	Consistent

**Staff Conclusion.** The requested IL zoning district meets the policy requirements in relation to the *Comprehensive Plan* and other adopted plans and policies.

### E. Compliance with Unified Development Ordinance

The zoning map change request has been reviewed by staff and determined to be consistent with UDO requirements. According to UDO subsection 4.1.1A, IL is appropriate in the Suburban Tier. No development plan was submitted as part of case Z1700033, so there is no method to proffer text commitments for the site.

**Staff Conclusion.** The requested IL zoning district meets the applicable requirements of the UDO.

### F. Development Impact Assessment

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.

The proposal is estimated to decrease the traffic generation of the subject site by 927 vehicle trips per day, decrease the estimated water demand of the site by 2,508 gallons per day and have no impact on student generation. Additional details are available in Attachment 6.

**Staff Conclusion.** The proposed IL district is consistent with *Comprehensive Plan* policies regarding the infrastructure impacts of transportation, utilities and schools.

The area requested for rezoning is completely surrounded IL-zoning. The entire site borders residential zoning to the north, across Smallwood Drive. Staff believes the width of the street and the required project boundary buffers should mitigate any negative impacts associated with the development of this site.

### **G. Reasonable and in the Public Interest**

UDO subsection 1.2.1 states that the purpose of the ordinance is to ‘promote the health, safety and general welfare of the residents of Durham City and County’ and subsection 1.2.2 provides criteria in support of this purpose. These requests have been evaluated based upon these criteria.

**Staff Conclusion.** This proposal involves a property which is split zoned between the IL and OI designations. The Future Land Use Map designates the subject site for Industrial use. Rezoning the property to a single zoning district – the site is currently split zoned - would provide clear development regulations and would align the zoning map and Future Land Use Map. Therefore, staff concludes the request is reasonable and in the public interest.

### **H. Staff Recommendation and Determination**

Staff determines that this request is consistent with the Comprehensive Plan and other adopted ordinances and policies.

### **I. Summary of Planning Commission Meeting on December 12, 2017**

**Zoning Map Change Request:** Office and Institutional (OI) to Industrial-Light (IL)

**Staff Report:** Jacob Wiggins presented case Z1700033.

**Public Hearing:** Chair Buzby opened the public hearing. The applicant spoke in support. No one spoke in opposition. Chair Buzby closed the public hearing.

**Commission Discussion:** Discussion was centered on the property owner’s plans for the site.

**MOTION:** Recommend approval of case Z1700033. (Miller, Al-Turk 2<sup>nd</sup>)

**ACTION:** Motion carried, 13-0

**Consistency Statement:** 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.

#### J. Staff Contacts

Staff Contact		
Jacob Wiggins, Senior Planner	919.560.4137 x28257	<a href="mailto:Jacob.Wiggins@DurhamNC.gov">Jacob.Wiggins@DurhamNC.gov</a>
Applicant Contact		
Teresa Phillips	919.616.4890	<a href="mailto:tephill2005@yahoo.com">tephill2005@yahoo.com</a>

#### K. Notification

Staff certifies that newspaper advertisements, letters to property owners, 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:

- Center of the Region Enterprise (C.O.R.E.)
- Partners Against Crime District 4
- RDU HZO Permit Area
- City of Raleigh
- Town of Cary Planning
- Hopewell Neighborhood
- Inter-Neighborhood Council
- Keep Durham Beautiful

#### L. Attachments

1. Context Map
2. Aerial Map
3. Future Land Use Map
4. Application
5. Comprehensive Plan Consistency Analysis
6. Summary of Development Impacts
7. Planning Commissioner Written Comments
8. Consistency Statement
9. Zoning Ordinance