



CITY OF DURHAM | DURHAM COUNTY
NORTH CAROLINA

CONSOLIDATED ITEM REPORT



Meeting Date: February 26, 2018

Application Summary				
Application Information				
Reference Name	Red Mill Quick Stop			
Case Number	A1700009, Z1700020	Jurisdiction	County	
Applicant	Dan Jewell	Submittal Date	May 8, 2017	
Location	3422 Red Mill Road			
Request				
Proposal	Increase gas station fueling positions (Maximum of 12)			
Future Land Use	Existing	Commercial, Very Low Density Residential (2 du/ac or less)		
	Proposed	Commercial		
Zoning	Existing	Commercial Neighborhood (CN)		
	Proposed	Commercial General with a Development Plan (CG(D))		
TIA	Not Required	Legacy Cases	None	
Site Acreage	Future Land Use	1.28	Zoning	2.67
Site Information				
Development Tier	Suburban, Rural		Existing Use	Commercial
Overlay Zoning District(s)	MTC, F/J-B, F/J-A		Drainage Basin	N/A
River Basin	Neuse		Stream Basin	Panther Creek
Recommendations and Determinations				
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 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.			
BPAC	None			

A. Summary

Dan Jewell proposed to change the Future Land Use Map (FLUM) and zoning map designations for one parcel located at 3422 Red Mill Road. The site is presently designated as Commercial and Very Low Density Residential (VLDR) on the Future Land Use Map. Mr. Jewell proposes to apply the Commercial designation to the entire property (Attachment 3).

The subject site is currently zoned Commercial Neighborhood (CN) and Mr. Jewell proposes to change this designation to Commercial General with a Development Plan (CG(D)). The site presently contains a convenience store with fueling positions. The intent of this request is to increase the number of permissible fueling positions on-site. The CN district limits the maximum number of fueling positions to eight. The CG district allows up to 12 fueling positions.

B. Site History

The existing convenience store has received approvals for minor additions and additional fueling stations within the last five years (cases D1200087, D1500277). A watershed determination request was reviewed and approved in 2016 (INT1500003), the result of which placed a majority of the site in the F/J-B watershed overlay district.

C. Existing Site Characteristics

Site Conditions. The subject site is located at the intersection of Red Mill Road at Interstate-85 (I-85). A convenience store with fueling stations and associated parking areas are currently found at the site.

Area Characteristics. The site is divided by a Tier Boundary line – the southern portion of the site lies in the Suburban Tier; the northern portion is in the Rural Tier. I-85 is found directly adjacent to the site, along its northern and western borders.

A place of worship and single family residence are found south of the subject site. A rail line is found just to the east of the site. In general, the broader context area includes a mix of single family residences and open spaces. A limited number of non-residential uses are found along I-85.

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 proposed CG(D) zoning district is not consistent with the Future Land Use Map designation of Very Low Density Residential (2 du/ac or less) for a portion of the site. The applicant has submitted an application to change the land use designation to Commercial, so as to conform to the Future Land Use Map. The UDO, in subsection 3.4.7, contains criteria to use when considering these proposals. Staff has evaluated this request against these criteria as follows:

1. Criterion A: Consistency with Adopted Plans and Policies

The *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.

Staff Conclusion: The proposed plan amendment is consistent with the adopted policies of the Comprehensive Plan regarding the proposed level and type of development. Attachment 6 contains an evaluation of relevant policies.

2. Criterion B: Compatibility with Existing Development and Future Land Use Patterns

The following table provides information on surrounding development:

Table 1: Area Land Uses and Designations				
	Existing Uses	Future Land Use	Zoning	Overlay(s)
North	Residential	Rural Density Residential	RR	MTC, F/J-A
East	Residential	Rural Density Residential, Very Low Density Residential	RR, RS-10	F/J-A
South	Civic, Residential	Industrial, Very Low Density Residential	RR	MTC, F/J-B
West	Vacant	Very Low Density Residential	RR	F/J-A

Staff Conclusion: No commercial uses are adjacent to the site, though a civic use is found south of the subject site. Generally speaking, the Commercial designation is not typically seen as a compatible district to residential. However, a portion of the property is currently designated for Commercial use, and the site's primary use is commercial. The proposed expansion is in the Suburban Tier, which staff finds to be more appropriate than a commercial expansion into the Rural Tier.

3. Criterion C: Substantial Adverse Impacts

When evaluating plan amendment proposals through Criterion C, staff assesses potential impacts to the adjacent area and City and County in general.

Staff Conclusion: No substantial adverse impacts from the proposal have been identified.

4. Criterion D: Adequate Shape and Size

When evaluating plan amendment proposals, staff must assess whether the subject site is of adequate shape and size to accommodate the proposed change.

Staff Conclusion: The 2.67 acre site is of adequate shape and size to accommodate the proposed Commercial designation on the Future Land Use Map.

E. Compliance with Unified Development Ordinance

The zoning map change request has been reviewed by staff and determined to be consistent with UDO requirements. The proposed commitments associated with the development plan as part of case Z1700020 are noted in Attachment 7. Key proffered commitments include:

Text Commitments. Text commitments include consolidating access points and a maximum of twelve fueling positions.

Graphic Commitments. Graphic commitments include the general location of site access points, building and parking envelope, and project boundary buffers

Design Commitments. Design commitments include contemporary styling, flat or pitched roofs, and a variety of building material choices.

Staff Conclusion. The requested CG(D) zoning district and associated development plan meet the minimum requirements of the UDO. If the zoning map change request is approved, the attached development plan establishes the level of development allowed on the property.

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.

Staff Conclusion. The proposed CG(D) district and associated development plan is consistent with *Comprehensive Plan* policies regarding the infrastructure impacts of road, transit, drainage/stormwater, and schools. The proposal is estimated to increase the traffic generation of the subject site by 675 daily trips, have no impact on the school system, and have no impact on the public water/waste water system. The existing infrastructure has available capacity to meet these increases. See Attachment 8 for additional information.

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. The applicant proposes to change the Future Land Use Map (FLUM) and zoning designations at this site to continue an existing commercial use at the site, albeit with additional fueling positions. Given that this request would bring the FLUM and zoning map into harmony, staff finds the request to be reasonable and in the public interest.

H. Staff Determination

Staff determines that these requests are consistent with the Comprehensive Plan and other adopted ordinances and policies.

I. Summary of December 12, 2017 Planning Commission Meeting

Future Land Use Map Amendment Request: Commercial, Very Low Density Residential (2 du/ac or less) to Commercial.

Zoning Map Change Request: Commercial Neighborhood (CN) to Commercial General with a Development Plan (CG(D)).

Staff Report: Jacob Wiggins presented cases A1700009 and Z1700020.

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 centered on traffic and project boundary buffers.

Motion: Recommend approval of Case A1700009. (Hornbuckle, Brine 2nd)

Action: Motion carried, 13-0

Motion: Recommend approval of case Z1700020. (Hornbuckle, Brine 2nd)

Action: Motion carried, 13-0

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.

J. Staff Contacts

Staff Contact		
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Applicant Contact		
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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:

- Northeast Neighborhood Associate (NENA)
- Keep Durham Beautiful
- Inter-Neighborhood Council

L. Attachments

1. Context Map
2. Aerial Map
3. Future Land Use Map
4. Applications
5. Development Plan Reduction
6. Comprehensive Plan Consistency Analysis

7. Summary of Development Plan
8. Summary of Development Impacts
9. Planning Commissioner Written Comments
10. Future Land Use Map Amendment Resolution
11. Consistency Statement
12. Zoning Ordinance