



CITY OF DURHAM | DURHAM COUNTY
NORTH CAROLINA



CONSOLIDATED ITEM REPORT

Meeting Date: February 26, 2018

Application Summary			
Application Information			
Reference Name	Lumley Road Industrial		
Case Number	A1700017, Z1700042	Jurisdiction	County
Applicant	Kim Griffin, Jr.	Submittal Date	May 8, 2017
Location	5513 and 5605 Lumley Road		
Request			
Proposal	Light industrial Use(s)		
Future Land Use	Existing	Office	
	Proposed	Industrial	
Zoning	Existing	Residential Rural (RR)	
	Proposed	Industrial-Light (IL)	
Site Acreage	FLUM/ZMC	6.3 acres	
Site Information			
Development Tier	Suburban	Existing Use	Vacant
Overlay Zoning District(s)	N/A	Drainage Basin	County
River Basin	Neuse	Stream Basin	Brier 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	Recommended denial, 7-6, on December 12, 2018. 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 not reasonable and not in the public interest and recommends denial based on comments received at the public hearing and the information in the staff report.		
BPAC	None		

A. Summary

Kim Griffin, Jr. proposes to change the Future Land Use Map and zoning map designations for two properties located at 5513 and 5605 Lumley Road. The subject site is currently designated as Office on the Future Land Use Map and zoned Residential Rural (RR). Mr. Griffin proposes to change the Land Use designation to Industrial and the zoning to Industrial-Light (IL). No development plan was submitted as part of the rezoning petition.

B. Site History

There has been no recent development at the subject site.

C. Existing Site Characteristics

Site Conditions. The property contains mixed hardwood forest trees, and a single family residential structure.

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.

The proposed IL zoning designation does not comply with the present Office designation on the Future Land Use Map. To remedy this, the applicant proposes to change the Office designation to Industrial. Staff has evaluated this request against four key criteria, as seen below. Attachment 5 provides the associated Comprehensive Plan policies which are applicable to the proposal.

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 5 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: Adjacent Land Uses and Designations				
	Existing Uses	Future Land Use	Zoning	Overlay(s)
North	Vacant	Office	Residential Rural	N/A
East	Vacant	Office	Residential Rural	N/A
South	Residential	Medium Density Residential	Residential Suburban-Multifamily with a Development Plan	N/A
West	Residential	Office	Residential Rural	N/A

The site is located within the Suburban Tier. Residential, office, and light industrial are the predominant uses in the vicinity.

Staff Conclusion: The proposed Industrial category is not contiguous to an Industrial designation. Industrially designated property is located approximately 200 feet west of the site, at the intersection of Lumley at Page Road.

The surrounding area is a mix of Industrial, Office, and Residential designations. Residential development comprises the majority of new development in the area.

In general terms, the *Comprehensive Plan* establishes a hierarchy in regards to compatible uses. Industrial is not typically considered compatible with residentially designated areas. However, the Unified Development Ordinance includes standards for setbacks and project boundary buffers intended to mitigate possible negative impacts between these different land uses.

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: The proposal would permit Industrial uses adjacent to areas designated for residential use, though divided by a public right-of-way (Lumley Road). Development trends in the area indicate that market forces are driving new residential development and these demands may result in residential development for the large parcel found to the north and east of this site (Attachment 2).

Given that there is no development plan associated with this request, staff must review the request in light of all potential uses and impacts. If the surrounding area were to continue trending towards residential development, it's possible that higher intensity industrial uses could negatively impact surrounding properties.

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 site is of adequate shape and size to accommodate the proposed Industrial 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. According to UDO subsection 4.1.1A, IL is appropriate in the Suburban Tier. No development plan was submitted as part of case Z1700042, 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 increase the traffic generation of the subject site by 1,946 vehicle trips per day and reduce student generation numbers by three. The site is located in the county's jurisdiction and no annexation petition has been submitted. Therefore, the request has not been evaluated for its impact on the public water/wastewater system as the City does not permit new connections without a voluntary annexation petition. 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 and schools.

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 permit industrial uses. Staff finds that the request to have a matching zoning district and future land use map designation reasonable, given that the present designations are not necessarily compatible. However, the site is not directly adjacent to another Industrial designation – on either the FLUM or zoning map.

As the site is in Durham County, the property will have to be developed with a private well and septic system, unless the applicant petitions for voluntary annexation at a later date.

Given the scale of development and residential properties in close proximity to the site, it's possible that negative effects could be felt depending upon how the site is ultimately developed.

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 December 12, 2017 Planning Commission Meeting

Future Land Use Map Amendment Request: Office to Industrial.

Zoning Map Change Request: Residential Rural (RR) to Industrial-Light (IL).

Staff Report: Jacob Wiggins presented cases A1700017 and Z1700042.

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 around whether the proposed use was appropriate for the area and whether or not the site constituted non-contiguous development.

Motion: Recommend approval of Case A1700017. (Hornbuckle, Brine 2nd)

Action: Motion fails, 6-7 (Al-Turk, Ghosh, Brine, Kenchen, Hornbuckle, and Vann voting yes)

Motion: Recommend approval of case Z1700042. (Brine, Hornbuckle 2nd)

Action: Motion fails, 6-7 (Al-Turk, Ghosh, Brine, Kenchen, Hornbuckle, and Vann voting yes)

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 not reasonable and not in the public interest and recommends denial 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	Jacob.Wiggins@DurhamNC.gov
Applicant Contact		
Kim Griffin, Jr.	919.383.2595	kim@griffin-realtors.com

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. Applications
5. Comprehensive Plan Consistency Analysis
6. Summary of Development Impacts
7. Planning Commissioner Written Comments
8. Plan Amendment Resolution
9. Consistency Statement
10. Zoning Ordinance