



**CITY OF DURHAM | DURHAM COUNTY
NORTH CAROLINA**

**ATTACHMENT 9:
PLANNING COMMISSIONER'S WRITTEN COMMENTS
DECEMBER 12, 2017**



Case A1700009 (Red Mill Quick Stop)

AL-TURK – I voted for approval.

BRINE – I voted to recommend approval of both the plan amendment request and the rezoning request. The proposed changes make a non-conforming use conform to the FLUM and the zoning. The commercial use has been present some 60 years and, according to comments at the public hearing, serves a valuable purpose. The requested zoning will allow the addition of two more fueling stations. In addition, the applicant has committed to consolidating the two entrances into one. I note that this commercial use is not contiguous to any other commercial uses. However, it is located just off of I-85.

The buffer on the east and south sides of the use do not meet the standards of the proposed zoning. The applicant has agreed to put a note on the development plan to explain the reasons for this.

BUZBY – This is a small, reasonable request. I vote to approve.

GIBBS – Voted for amendment.

HARRIS – Voted yes for motion to approve.

HORNBUCKLE – Vote to support same. Not public opposition.

HYMAN – Voted yes.

MILLER – The Board of County Commissioners should approve this Comprehensive Plan change and its attendant rezoning.

The property in question is a 2.7 acre tract located in the northeast intersection of I-85 and Red Mill Road near the Gorman community. The property has long been occupied by a convenience store and a gas station. The business serves highway travelers and the rural community that surrounds it. The land is currently designated a combination of commercial and residential On the Future Land Use Map of the Comprehensive Plan. It is zoned CN, or commercial neighborhood. Complicating the case is the fact that the current use of the property involves a number of non-conformities including intrusions into the buffers against the neighboring residentially zoned land which would normally be required.

The landowner wants to add pumps to the service station component of his business. To do this he must ask for a rezoning to CG(D), general commercial, because of the limits placed on gas pumps in the CN zone. To change the zoning, it is also necessary for him to obtain a change of the FLUM for the

Attachment 9
Planning Commissioner's Written Comments
A1700009, Z1700020 Red Mill Quick Stop

approximately on-half of the property that is currently designated residential. If approved, the FLUM and the zoning will better match the land use that has prevailed on the property for more than 40 years. There will still be nonconformities relating to buffers, however. The staff has determined that the requested changes to the FLUM and zoning and the installation of the extra gas pumps will not trigger the requirement to bring the business's buffers up to code standards. The landowner has agreed to add an appropriate explanatory note to the development plan that the nonconforming buffers there are pre-existing nonconformities only. The development plan limits the number of pumps on the site and consolidates the two side-by-side access points into one large entrance. The site where the business is located – next to a major interstate highway - is appropriate for a business of this sort. A small commercial node at this intersection is appropriate under policy 2.2.2e of the Comprehensive Plan.

Because the site is small and because the requested changes tend to sort out at least some of the use vs. planning inconsistencies that prevail today, the BOCC should approve this request. It would be better if the entire site were brought up to code, but I did not feel that the request should be stopped for this reason.

VANN – I voted yes. Passed 13-0.

Case Z1700020 (Red Mill Quick Stop)

AL-TURK – I voted for approval.

BRINE – I voted to recommend approval of both the plan amendment request and the rezoning request. The proposed changes make a non-conforming use conform to the FLUM and the zoning. The commercial use has been present some 60 years and, according to comments at the public hearing, serves a valuable purpose. The requested zoning will allow the addition of two more fueling stations. In addition, the applicant has committed to consolidating the two entrances into one. I note that this commercial use is not contiguous to any other commercial uses. However, it is located just off of I-85.

The buffer on the east and south sides of the use do not meet the standards of the proposed zoning. The applicant has agreed to put a note on the development plan to explain the reasons for this.

GIBBS – Has served growing community and I-85 traffic customers for decades. Important community resource.

HORNBUCKLE – Vote to support same.

KENCHEN – I vote to approve.

MILLER – The Board of County Commissioners should approve this Comprehensive Plan change and its attendant rezoning.

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The landowner wants to add pumps to the service station component of his business. To do this he must ask for a rezoning to CG(D), general commercial, because of the limits placed on gas pumps in the CN zone. To change the zoning, it is also necessary for him to obtain a change of the FLUM for the approximately on-half of the property that is currently designated residential. If approved, the FLUM and the zoning will better match the land use that has prevailed on the property for more than 40 years. There will still be nonconformities relating to buffers, however. The staff has determined that the requested changes to the FLUM and zoning and the installation of the extra gas pumps will not trigger the requirement to bring the business's buffers up to code standards. The landowner has agreed to add an appropriate explanatory note to the development plan that the nonconforming buffers there are pre-existing nonconformities only. The development plan limits the number of pumps on the site and consolidates the two side-by-side access points into one large entrance. The site where the business is located – next to a major interstate highway - is appropriate for a business of this sort. A small commercial node at this intersection is appropriate under policy 2.2.2e of the Comprehensive Plan.

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