



CITY OF DURHAM | DURHAM COUNTY
NORTH CAROLINA

CONSOLIDATION ITEM REPORT



Meeting Date: March 26, 2018

| Application Summary | | | | |
|------------------------------------|--|------------------------|--------------------|-------|
| Application Information | | | | |
| Reference Name | Long Beverage Expansion | | | |
| Case Number | A1700015, Z1700037 | Jurisdiction | County | |
| Applicant | Patrick Byker, Morningstar | Submittal Date | August 23, 2017 | |
| Location | 3723, 3805, 3809, 3815 Page Road | | | |
| Request | | | | |
| Proposal | All uses in the Industrial Light district, see Attachment 12 for a complete list of permitted uses. | | | |
| Future Land Use | Existing | Office | | |
| | Proposed | Industrial | | |
| Zoning | Existing | Residential Rural (RR) | | |
| | Proposed | Industrial Light (IL) | | |
| Site Acreage | Future Land Use | 2.187 | Zoning | 2.187 |
| Site Information | | | | |
| Development Tier | Suburban | Existing Use | Vacant | |
| Overlay Zoning District(s) | None | Drainage Basin | Lower Neuse | |
| River Basin | Neuse | Stream Basin | Stirrup Iron 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 February 13, 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 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 | See Attachment 7 | | | |
| TIA | Not required | | | |

A. Summary

Patrick Byker, Morningstar requests to change the zoning designation of four parcels located on the east side of Page Road, adjacent to the Wake County line. The subject site is presently zoned Residential Rural (RR) and the applicant requests to change this designation to Industrial Light (IL) to serve as an expansion for the Long Beverage facility located at 3719 Page Road. That property was the subject of a legacy rezoning (Case P04-60) which was approved by the Durham Board of County Commissioners on January 24,

2005. No development plan was submitted as part of this application. See attachment 12 for a complete list of IL permitted uses.

In addition to the zoning map change application, the applicant requests to change the Future Land Use Map designation from Office to Industrial (Attachment 3).

B. Site History

There is no recent development history on the subject properties.

C. Existing Site Characteristics

Site Conditions. The 2.187 acre tract is primarily vacant land with one of the parcels (3723 Page Road) containing a single family dwelling. It is located to the south and west of the existing Long Beverage Facility headquarters which has been in operation since the 1950s. The zoning of the subject site is zoned Residential Rural and the applicant request to change this designation to Industrial Light to serve as an expansion for the Long Beverage facility.

Area Characteristics. The site is located within the Suburban Tier, adjacent to the Wake County line. In addition to the Long Beverage Facility, a variety of uses are found within close proximity to the site, including residential uses to the west and vacant industrial land to the south.

D. Consistency with Adopted Plans

A zoning map change is reviewed for consistency with the Future Land Use Map and policies of the *Comprehensive Plan*, as well as other adopted plans. The proposed Industrial Light (IL) zoning district is presently not consistent with the Future Land Use Map designation of Office on the site. The applicant has submitted an application to change the Office land use designation to Industrial (case A1700015), so that the requested zoning will 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

Whether the proposed change would be consistent with the intent, goals, objectives, policies, guiding principles and programs of any adopted plans.

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. Attachment 5 contains an evaluation of the proposed change against relevant *Comprehensive Plan* policies.

Staff Conclusion: The proposed plan amendment is consistent with the adopted policies of the *Comprehensive Plan* regarding the proposed level and type of development.

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

Whether the proposed change would be compatible with the existing land use pattern and/or designated future land uses.

The site is located within the Suburban Tier. While the site is surrounded primarily by industrial uses, there is a mixture of vacant land and residential uses found in close proximity to the site, as noted in Table 1 below.

| Table 1: Area Land Uses and Designations | | | | |
|--|------------------|-----------------|--|------------|
| | Existing Uses | Future Land Use | Zoning | Overlay(s) |
| North | Light industrial | Industrial | Industrial Light (IL) | N/A |
| East | Light Industrial | City of Raleigh | Industrial Mixed Use (City of Raleigh) | N/A |
| South | Vacant | Office | Office and Institutional (OI) | N/A |
| West | Residential | Industrial | Rural Residential (RR) | N/A |

Staff Conclusion: The proposed plan amendment is compatible with the existing development in the area, particularly since it serves as an expansion to the existing Long Beverage facility which is currently designated as Industrial on the Future Land Use Map.

3. Criterion C: Substantial Adverse Impacts

Whether the proposed change would create substantial adverse impacts in the adjacent area or the City or County in general.

Staff Conclusion: No substantial adverse impacts that may be generated by the proposal have been identified. The proposed level of development is in harmony with densities permitted through the Suburban Tier.

4. Criterion D: Adequate Shape and Size

Whether the subject site is of adequate shape and size to accommodate the proposed change.

Staff Conclusion: The 2.187 acre tract, when combined with the remainder of the site, results in a 22.668 acre tract that is of adequate shape and size to accommodate development under the proposed Industrial designation.

E. Compliance with Unified Development Ordinance

The zoning map change requests have been reviewed by staff and determined to be consistent with UDO requirements. According to UDO subsection 4.1.1A, IL is an allowable

land use category within the Suburban Tier. No development plan was submitted as part of case Z1700037, so there is no method to proffer text commitments for the site.

Staff Determination. The requested Industrial Light zoning district meets the applicable requirements of the UDO. It should be noted, however, that since no development plan was submitted with the plan amendment and zoning map change requests, any permitted use within IL district would be allowed.

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 15 vehicle trips per day, increase the estimated water demand of the site by 537.26 gallons per day and decrease students generated from the proposed use by one student. The existing infrastructure has available capacity to meet these increases. See Attachment 6 for additional information.

Staff Determination. The proposed Industrial Light (IL) district is consistent with *Comprehensive Plan* policies regarding the infrastructure impacts of transportation, utilities 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 proposed industrial zoning is consistent with the goals and policies of the *Comprehensive Plan* and the Suburban Tier designation. The proposed Industrial FLUM is appropriate for the expansion of the existing Long Beverage facility. It should be noted, however, that since no development plan was submitted any permitted use within IL district would be allowed.

H. Staff Determination

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

I. Summary of February 13, 2017 Planning Commission Meeting

Future Land Use Map Amendment Request: Office to Industrial.

Staff Report: Jamie Sunyak presented case A1700015

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

Staff Report: Jamie Sunyak presented case Z1700037

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: The discussion centered on the request in favor of expanding a long term business in Durham with no negative impacts to the surrounding land uses.

MOTION: Recommend approval of case A1700015. (Miller, Hornbuckle 2nd)

ACTION: Motion carried, 13-0 (Ghosh recused).

MOTION: Recommend approval of case Z1700037. (Miller, Al-Turk 2nd)

ACTION: Motion carried, 13-0 (Ghosh recused).

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 | | |
|-----------------------------------|---------------------|--|
| Jamie Sunyak, Senior Planner | 919.560.4137 x28235 | Jamie.Sunyak@DurhamNC.gov |
| Applicant Contact | | |
| Agent: Patrick Byker, Morningstar | 919.590.0384 | pbyker@morningstarlawgroup.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)
- City of Raleigh
- Hopewell Neighborhood
- Inter-Neighborhood Council
- Keep Durham Beautiful
- Partners Against Crime – District 4
- RDU HZO Permit Area
- Town of Cary Planning Department

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. BPAC Comments and Response
8. Planning Commissioner Written Comments
9. Future Land Use Map Amendment Resolution
10. Consistency Statement
11. Zoning Ordinance
12. Permitted Use Table