



ZONING MAP CHANGE REPORT

ROUGEMONT COMMERCIAL Z1800037

Meeting Date: May 28, 2019

| Application Summary | | | |
|------------------------------------|--|---|--------------------------|
| Application Information | | | |
| Reference Name | Rougemont Commercial | | |
| Case Number | Z1800037 | Jurisdiction | County |
| Applicant | George Venters | Submittal Date | December 13, 2018 |
| Location | 12907 and 12807 North Roxboro Road and 123 Bill Poole Road | | |
| Request | | | |
| Proposal | Commercial Retail, text only development plan | | |
| Future Land Use | Commercial, Rural Village | | |
| Zoning | Existing | Commercial Neighborhood (CN) and Residential Suburban-10 (RS-10) | |
| | Proposed | Commercial Neighborhood with a text-only development plan (CN(D)) | |
| Site Information | | | |
| Site Acreage | 2.37 | | |
| Development Tier | Rural | Existing Use | Vacant |
| Overlay Zoning District(s) | M/LR-B | Drainage Basin | Falls Lake Basin |
| River Basin | Neuse River | Stream Basin | Flat River; Little River |
| Recommendations and Determinations | | | |
| Staff | Staff determines that this request is consistent with the Comprehensive Plan and other adopted ordinances and policies. | | |
| Planning Commission | Approval 8-3, on April 9, 2019. 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. | | |
| BPAC | See Attachment 9 | | |
| TIA | N/A | | |

A. Summary

George Venters, of Glandon Forest Equity, LLC, proposes to change the zoning designation of three parcels of land located at the southwest corner of Bill Poole Road and Highway 501. The site is presently zoned Commercial Neighborhood (CN) and Residential Suburban-10 (RS-10). Mr. Venters proposes to change this designation to Commercial Neighborhood with a text-only development plan (CN(D)).

On January 14, 2019 the Durham County Board of Commissioners approved changes to the Unified Development Ordinance (UDO) to allow text-only development plans. Text-only development plans are a type of development plan that allows proffered commitments that specify, limit, and/or prohibit uses within the zoning district requested pursuant to UDO section 5.1, Use Table. More information on text-only development plans can be found in UDO Section 3.5.6.H. This zoning request proposes Commercial Neighborhood with the following text commitment, "The following CN uses shall be prohibited: drive-

through facilities; dry-cleaning; payday lenders or check cashing services; psychic or medium; taxi dispatch center; animal kennel; and restaurants with drive-through facilities.”

B. Site History

There have been no recent development approvals for this site.

C. Existing Site Characteristics

Site Conditions. The site comprises three parcels totaling 2.37 acres. The site contains both open field and wooded areas with hardwood and pine vegetation. The following photos provide a visual context of the site. Their locations have been identified on the Aerial Map (Attachment 2).



Photo 1



Photo 2



Photo 3



Photo 4



Photo 5

Area Characteristics. The site is located in the Rural Development Tier, the Rural Village, and in the Falls Lake Basin. This site is located in the Lake Michie/Little River District B (M/LR-B) watershed protection overlay district. The site is surrounded by a mix of uses including commercial, industrial, residential, and a place of worship. The following photos provide a visual context of the area. Their locations have been identified on the Aerial Map (Attachment 2).



Photo 6



Photo 7



Photo 8



Photo 9



Photo 10

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. Attachment 6 provides the associated *Comprehensive Plan* policies which are applicable to the proposal.

Staff Analysis. The requested CN(D) zoning meets the policy requirements in relation to the *Comprehensive Plan* and other adopted plans and policies.

E. Compliance with the Unified Development Ordinance

The zoning map change request has been reviewed by staff and determined to be consistent with UDO requirements. This request, as part of a text-only development plan, includes text commitments that specify, limit, and/or prohibit uses within the CN zoning district requested pursuant to UDO section 5.1, Use Table. Summaries of the commitments in excess of UDO requirements are below.

Text Commitments. Proffered commitments include that the following CN uses shall be prohibited: drive-through facilities; dry-cleaning; payday lenders or check cashing services; psychic or medium; taxi dispatch center; animal kennel; and restaurants with drive-through facilities.

Staff Analysis. The requested zoning district and associated text-only development plan meets the applicable requirements of the UDO. Development of the parcels will be subject to UDO requirements.

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 site by 307 vehicle trips per day and decrease student generation numbers by two. This site will not be served by City water or sewer. The site proposes to be served by a septic system and County water. At this time, a commercial connection to the County water system cannot be guaranteed, as the County's State permit limits the amount of commercial development allowable to be connected to the system. This issue will need to be resolved prior to site plan approval through modification to the County's State permit for the water system. If the aforementioned permit cannot be modified, proposed commercial development will not be allowed to be permitted on this site. Additional details are available in Attachment 8.

Staff Analysis. The proposed Commercial Neighborhood with a development plan (CN(D)) 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 the intent behind the regulations contained in the ordinance. These requests have been evaluated based upon the ordinance's purpose and intent and the policies of the *Durham Comprehensive Plan*.

Staff Analysis. The applicant proposes to change the zoning designation to Commercial Neighborhood with a text-only development plan (CN(D)) to limit permissible uses. Staff finds this zoning request designation reasonable as it coincides with the present future land use map and restricts uses in order to ensure compatibility with the existing context area. The proposed CN(D) zoning is consistent with the goals and policies of the *Comprehensive Plan* and Rural Tier designation. If the request for CN(D) zoning designation were approved, all uses permitted within the CN zoning, with the exception of those specified in the text commitment, would be permitted. Refer to Attachment 5 for a list of permitted uses.

H. Staff Recommendation and Determination

Staff determines that this request is consistent with the *Comprehensive Plan*, including the Future Land Use Map, and other adopted ordinances and plans.

I. Summary of April 9, 2019 Planning Commission Meeting

Zoning Map Change Request: Change the zoning designation from Commercial Neighborhood (CN) and Residential Suburban-10 (RS-10) to Commercial Neighborhood with a text-only development plan (CN(D)).

Staff Report: Emily Struthers presented case Z1800037.

Public Hearing: Chair Buzby opened the public hearing. The applicant spoke in support. One person spoke in opposition. Chair Buzby closed the public hearing.

Commission Discussion: The discussion centered on traffic, sidewalks within the Rural tier, the limits of text-only development plans with regard to proffers, and the importance of development serving the population.

MOTION: Recommend approval of case Z1800037 (Al-Turk, Brine 2nd)

ACTION: Motion carried, 8-3 (Al-Turk, Baker, Gibbs voting no)

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. Contacts

| Staff Contact | | |
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| Emily Struthers, Senior Planner | 919.560.4137 ext. 28263 | Emily.Struthers@durhamnc.gov |
| Applicant Contact | | |
| George Venters; Glandon Forest Equity, LLC | 919-459-2602 | gventers@vanguardpg.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, email notice was provided per the Durham Planning Public Notification Service.

L. Attachments

1. Context Map
2. Aerial Map
3. Future Land Use Map
4. Applications
5. List of Permitted Uses
6. Comprehensive Plan Consistency Analysis
7. Dimensional Standards
8. Summary of Development Impacts
9. BPAC Comments
10. Planning Commission Written Comments
11. Consistency Statement
12. Zoning Ordinance