

Patterson Place Compact Neighborhood Zoning Implementation

Introduction

This report is intended to accompany the zoning implementation project for the Patterson Place Compact Neighborhood Tier as a companion report to the 2016 Patterson Place Compact Neighborhood Report. The report will detail the variety of issues and additional coordination efforts necessary to realize the vision for intense mixed-use development and transit- and pedestrian-oriented activity in this area.

Existing Context

Situated at the intersection of Interstate 40 and US Highway 15-501, the area around the proposed Patterson Place station has developed over the last 20 years as an auto-oriented commercial district, zoned primarily commercial, mixed use, and medium density residential. The Patterson Place Shopping Center forms the nucleus around a proposed transit station, and while current tenants are big-box retailers, the streets and infrastructure were developed to transition over time into a transit-oriented development. The area is currently served by both high-capacity regional roadways and high frequency local and regional bus transit service. More traditional shopping centers, such as New Hope Commons, and highway-oriented businesses line the north side of Durham-Chapel Hill Boulevard (US Highway 15-501). Apartment complexes and vacant or underdeveloped land surround the shopping nodes to the east and south before transitioning to single family neighborhoods and the New Hope Creek Bottomlands. A map and description of recent development can be found in Figure 1.

Vision for Future Development

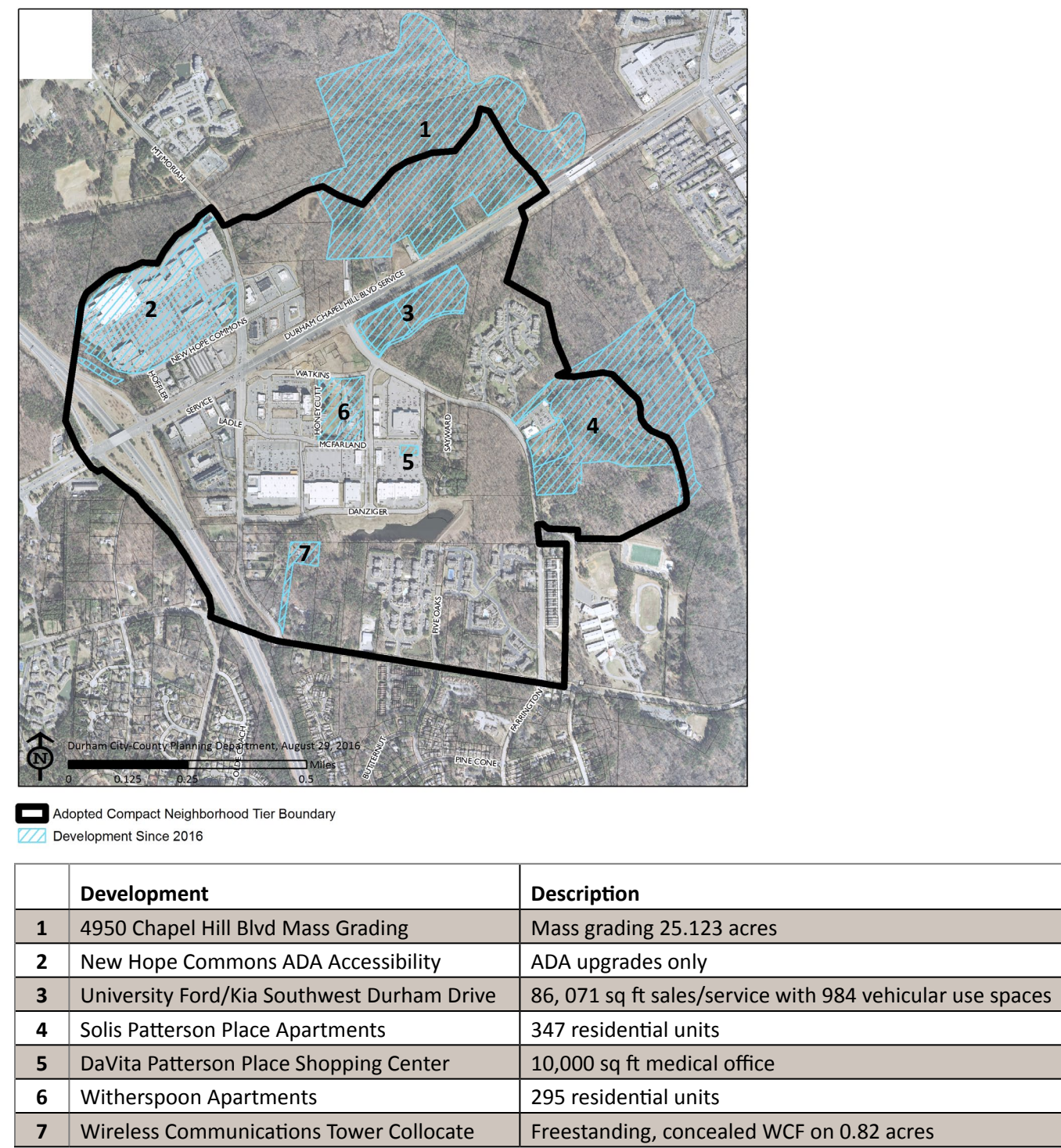
In 2016 the Future Land Use Map designation for the Patterson Place Compact Neighborhood Tier was changed to “design.” This indicates the future vision for this area to be developed under Durham’s design district zoning. This form-based zoning framework focuses on regulating the relationship of buildings to the public space along the street and the form of buildings, rather than the separation of specific uses. The implementation of design district regulations is intended to transition this Compact Neighborhood from the existing auto-oriented development pattern into one that is more dense and intense, walkable and bikeable, with greater connectivity and desirability for multi-modal movement, both through and to the district.

Staff is recommending the adoption of three components for the zoning implementation: a text amendment creating a new type of design district regulations, a zoning map change to apply these new regulations to the Compact Neighborhood, and a future street network to ensure the necessary connectivity for multi-modal access. The following pages include highlights from the proposal and discussion of the continued efforts in the area needed to ensure successful implementation of this vision.

Development Since 2016

The map and chart below detail the development proposed or completed since the adoption of the current Compact Neighborhood Tier boundary and “Design District” future land use at Patterson Place in 2016.

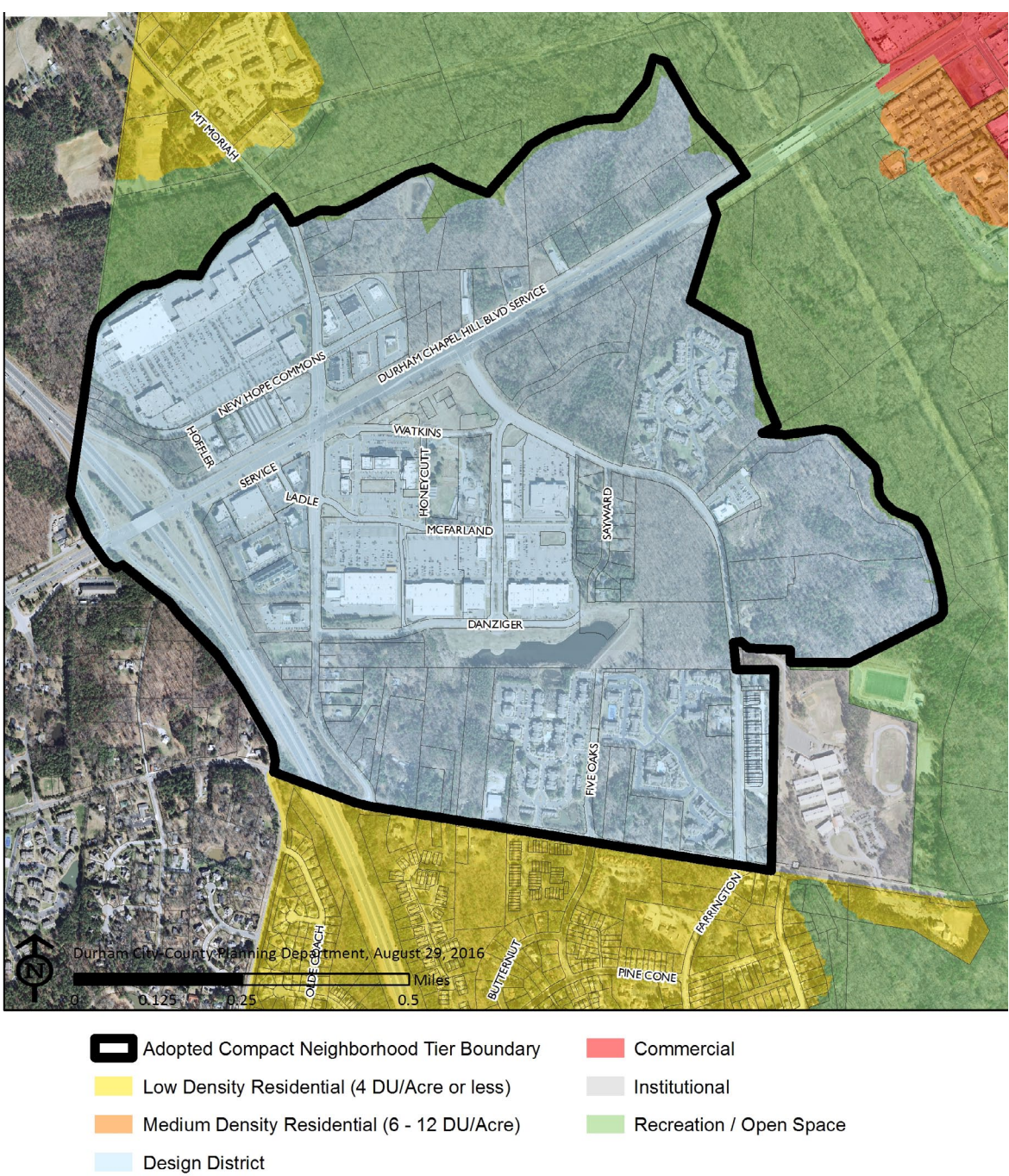
Figure 1: Development Since 2016



Implementing Future Land Use

The future land use designation for the approximately 602 acres of the Patterson Place Compact Neighborhood Tier is Design District. This is the category on the Future Land Use Map that directs future zoning map changes to design district zoning, a form-based designation which encourages a mix of uses and emphasizes pedestrian-oriented design. The design district zoning is implementing this vision for the area.

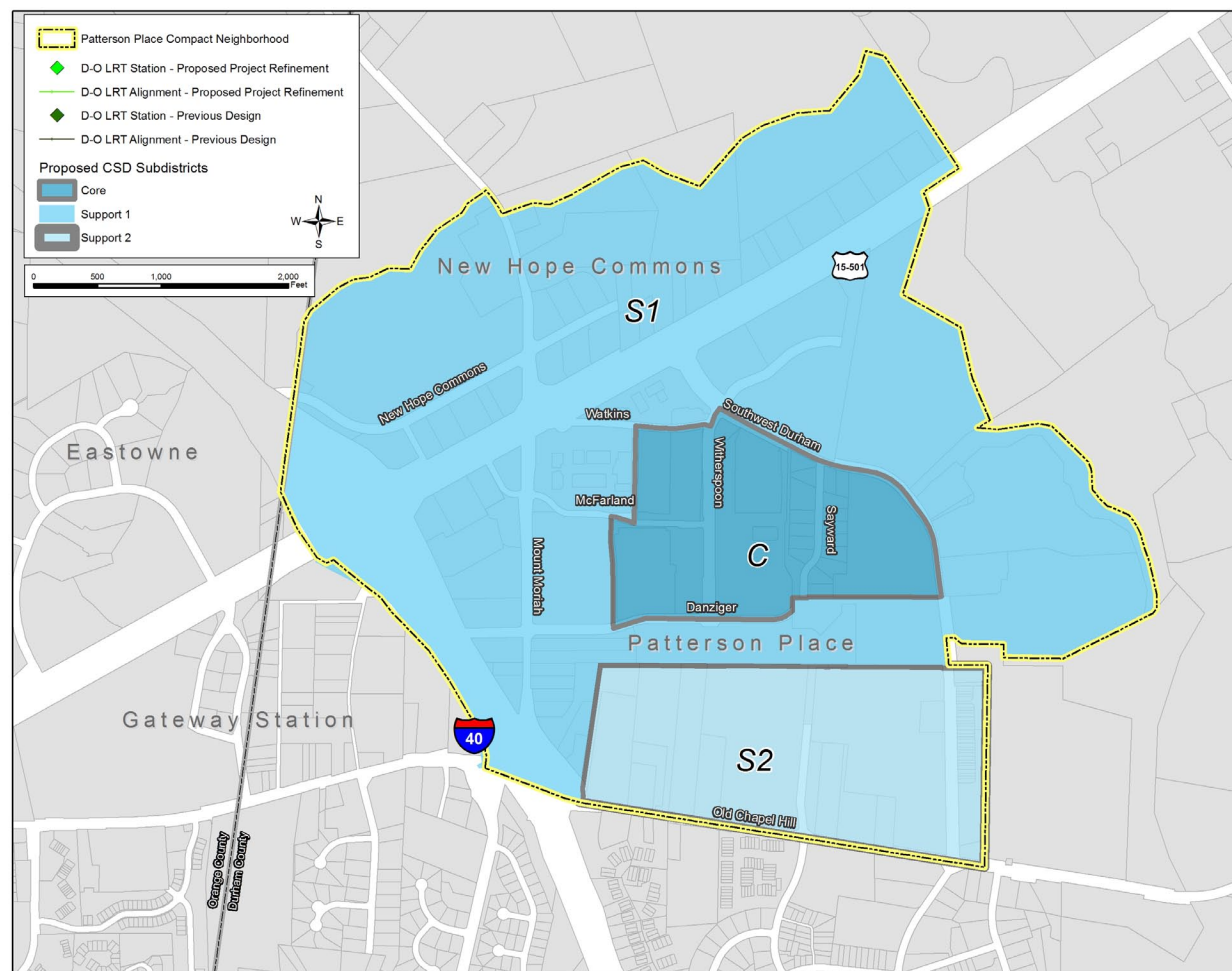
Figure 2: Current Future Land Use Map



Zoning Map Change

Through the process of determining an appropriate application of the design district framework for Patterson Place, staff developed a new type of design district, Compact Suburban Design (CSD), for implementation in this and similar contexts where more auto-oriented development exists. The CSD utilizes the same design district framework as the Downtown Design (DD) District and the Compact Design (CD) District but, in particular, utilizes the less urban and less constrained environment to create more generous public space along the street. The application of the sub-district framework to the Patterson Place Compact Neighborhood Tier is shown in Figure 3 below. These sub-districts help transition development from most intense in the Core sub-district near the center, through the Support 1 sub-district, to the Support 2 sub-district where a more sensitive transition is necessary to development outside of the Compact Neighborhood. A summary of the major text changes for the CSD standards follow on page 5.

Figure 3: Compact Suburban Design (CSD) District Zoning Map



Summary of CSD Specific Regulations

Density. Minimum and maximum residential densities are established by sub-district, ranging from 9-30 dwelling units per acre.

Height and Massing. A variety of height and massing requirements are proposed for CSD based on sub-district. As with other design districts, these provisions have a minimum and maximum podium height (the height before a building must step-back), a minimum step-back distance, and maximum by right heights. The CSD has differentiated maximum by-right heights for residential (ranging from 35 to 145 feet) and non-residential structures (ranging from 60 to 300 feet). A development with any residential component falls under the regulations for residential height.

Affordable Housing Bonus. An affordable housing bonus is proposed that removes density maximums and allows increased heights beyond the maximum by-right height, ranging from 60 feet to 300 feet, if 15% or more of the total units qualify as affordable housing dwelling units. Additional discussion of affordable housing strategies can be found on page 6 below.

Single-Family and Two-Family Lots. Provisions for single- and two-family subdivisions, only within the Support 2 sub-district of CSD, so long as the development falls within the minimum and maximum density regulations. These provisions will allow creative configurations of dense single- and two-family residential with integrated open space to be developed.

Environmental Protections. Provisions for steep slopes and a transitional use area (TUA) are discussed in detail on page 7 below.

Building Placement. All design districts establish a build-to zone where buildings must be placed in relation to the street. In CSD the build-to zone is proposed at 15-25 feet rather than the 12-18 feet in the DD and CD.

Public Space. In the CSD lower thresholds are established where public space requirements apply and a greater percentage of site area is required to be dedicated. To offset this, more flexibility is granted for the provision of that required public space, allowing green roofs and stormwater mitigation areas to count for a portion of that area and allowing the space to be divided between three different areas.

Building and Frontage Types. All adopted building and frontage types are proposed to be allowed in all sub-districts of CSD.

Sidewalk standards. A provision for sidewalk is created that includes a landscape stormwater control measure. The required clear zone for sidewalks in CSD is proposed to be 8 feet, rather than the 5 feet required in DD and CD.

Allowable Uses. Generally, uses in the CSD follow those allowed in the CD District. However, the CSD is the only design district where drive-through uses are permitted in some locations.

Required Parking. A detailed discussion of parking can be found on page 12 below.

Nonconforming Uses. A provision for reestablishing a nonconforming use where the structure is damaged or destroyed by right in included, only in design districts.

Housing Affordability

In 2014 the City Council and Board of County Commissioners adopted resolutions with a goal that at least 15% of all housing within ½ mile of proposed transit stations should be affordable to those making 60% or less than Area Median Income (AMI). A household is generally considered cost-burdened if housing and utility costs exceed 30% of income.

Affordable Housing Goals 2016-2021 Report.

In this report, the three highest priority areas identified for impacting housing affordability in proposed transit station areas include:

- Producing affordable rental housing;
- Preserving existing affordable rental housing; and
- Establishing an enhanced density bonus to assist in the creation of new affordable housing units.

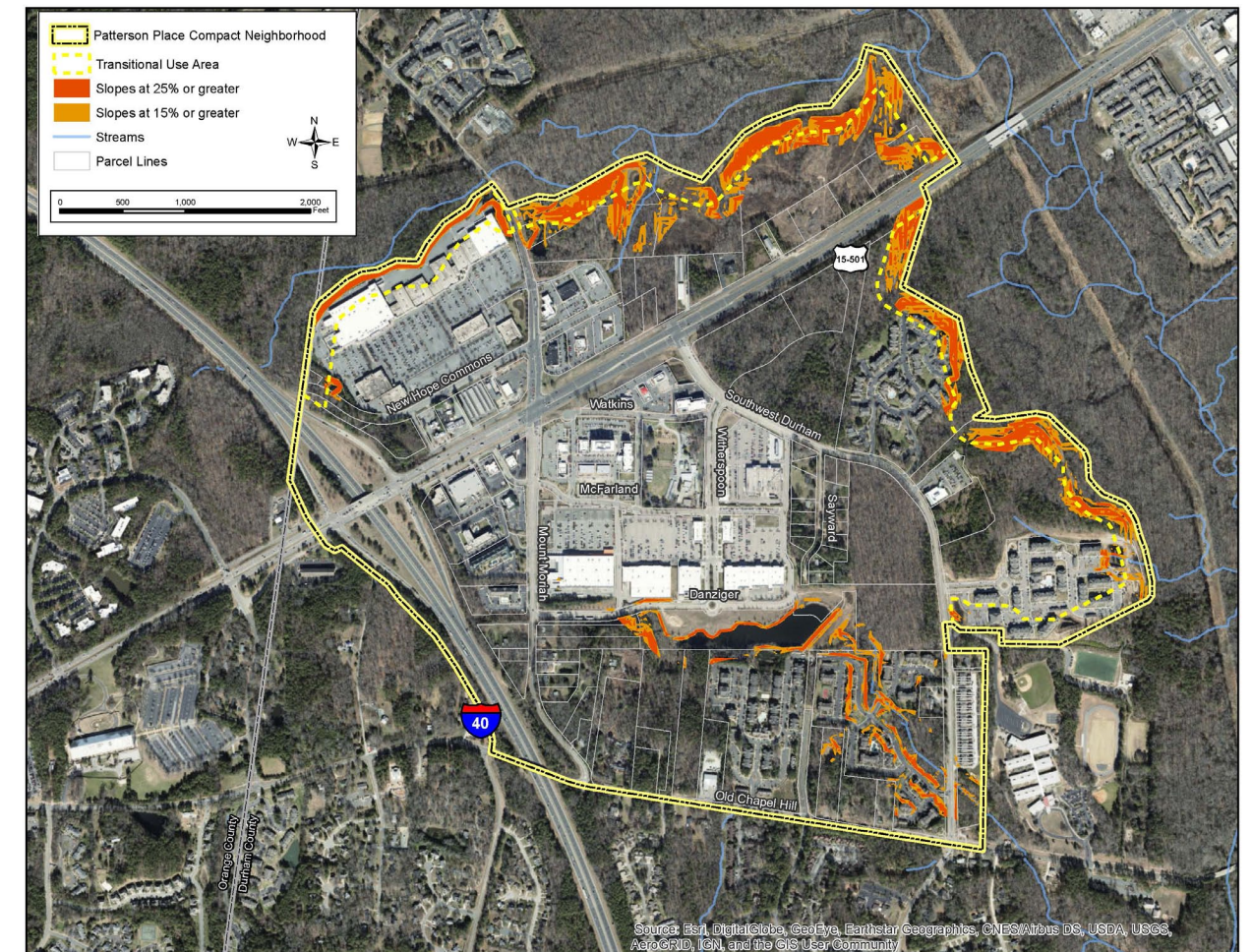
Patterson Place Existing Affordability. According to an assessment done by the Triangle J Council of Government and published in the “Raising the Roof” report, in 2018 there were 1163 housing units in the Patterson Place Compact Neighborhood. This included 25 single family homes and 1138 multi-family homes. Of the total units, 80% (932 units) were affordable to families with a household income of 80% of AMI or less. However, all of those affordable homes were naturally occurring affordable housing (NOAH) rather than legally-binding affordable housing. In addition, less than 10% (88 units) of those affordable units were affordable to those families making 60% of AMI or less.

Enhanced Density Bonus. In the design district zoning implementation in Patterson Place, Planning staff has proposed an alternative approach to allowable heights and densities for future design districts. Previously when design district regulations have been implemented, they have significantly intensified allowable heights and/or densities in order to assist with creating transit-supportive development adjacent to future stations. With this design district implementation, staff has proposed only modestly raising “by right” densities and heights in new design districts to the minimum density that is considered to be transit supportive, and allowing higher heights and unlimited densities only through use of an affordable housing bonus. There are a number of significant considerations and potential implications of this approach, including impacts on ridership, impacts on the mix of housing versus non-residential uses, and how parking is managed near station areas. By allowing 300 feet of height “by-right” in close proximity to the station, establishing by-right densities below market demand, and implementing parking policies and regulations to reduce supply and increase cost, the hope is that developers will choose to utilize the bonus and that the broader transit-oriented development goals for the station areas will not be compromised by this approach. However, regular monitoring of proposed development within the Compact Neighborhood after adoption of the design district will be essential to determining whether modifications to aspects of the development regulations are required to ensure transit-supportive development is built and affordable units are created.

Environmental Protections

A primary goal of this planning effort is to ensure the protection of the New Hope Creek corridor (as per the adopted New Hope Creek Open Space Master Plan), important natural inventory areas, and other sensitive environmental resources, such as steep slopes, both within the Compact Neighborhood Tier and adjacent to it. The need for increased environmental protections as part of this project was identified and highlighted at the time the Tier boundary changes were proposed in 2016.

Figure 4: Patterson Place Environmental Protections Map



The 2016 Patterson Place Compact Neighborhood Report noted the importance of addressing environmental protections in this project:

The proposed boundary of the Compact Neighborhood Tier includes steep slopes on the north side of US Highway 15-501; however staff feels strongly these should not be disturbed by development activity. They are included because the sewer easement to the north provides a legally recorded boundary for the Compact Neighborhood Tier to follow. In updating the Unified Development Ordinance, staff should take into consideration stricter steep slope regulations in Compact Neighborhoods.

The importance of environmental protections in this area was also noted in the Station Area Strategic Infrastructure work in the Transit-Oriented Development Planning grant work:

The nearby New Hope Creek Bottomlands are an environmental resource that must be protected and enhanced through green infrastructure and low impact development techniques. Unlike recent multi-family construction in this area, TOD and impervious surfaces should be required to be concentrated closer to the station, preserving a greater amount of natural habitats closer to New Hope Creek.

To that end, project stakeholders have included the New Hope Creek Advisory Committee, Durham County Open Space staff, NC Natural Heritage Program staff, the Eno-New Hope Landscape Conservation Plan policy and technical committees, the NC Wildlife Resources Commission staff, and City of Durham Stormwater staff in addition to property owners, residents, and the general public. Increasing protections for adjacent environmental resources, while allowing increased intensity to support future transit, has been integral to the intent of this project from the beginning.

Two primary areas were identified for increasing environmental protection with this project: increasing protections for slopes adjacent to creek corridors and protecting areas adjacent

to the floodplain for wildlife movement and mitigation of edge effects into the natural areas.

This project includes increased protections for steep slopes in the UDO by modifying the definition of a steep slope, the contiguous area required for protections to apply, and the amount of disturbance allowed within those protected slopes for steep slopes within the Patterson Place Compact Neighborhood Tier. Figure 5 below shows the existing and new requirements.

In addition, a 200 foot transitional use area (TUA) is established from the Tier boundary in the Support 1 sub-district of the CSD, where encroaching development would require a major special use permit approval. The intention behind this proposal is to allow a context sensitive solution to where development intensity is allowed on the site in proximity to property outside of the Compact Neighborhood Tier. Review factors for this TUA include environmental protections, lighting, effects on nearby properties, conformance to adopted plans, and other factors deemed relevant by the review body. There are exceptions to the requirement for an MSUP for existing development and for public rights-of-way.

At this time these protections are proposed solely within the Patterson Place Compact Neighborhood to address the notable importance of the creek corridors to the north and the east in the overall ecological network of the region.

Figure 5: Current and New Steep Slope Requirements for Patterson Place

	Current Standards	New Standards
Defined steep slope %	25% slope or greater	15% slope or greater
Contiguous area	5,000 sq. ft.	2,500 sq. ft.
% disturbance allowed	15% of steep slope area	0% of steep slope area
Density credit	15% of steep slope area	100% of steep slope area

Multi-modal Transportation Connectivity

One critical goal of the CSD District at Patterson Place is to allow for movement throughout all quadrants of the US 15-501/I-40 intersection, connecting Patterson Place, New Hope Commons, Eastowne, and Gateway. There are a couple relevant plans either adopted or underway which will aid in improving connectivity in the existing transportation network.

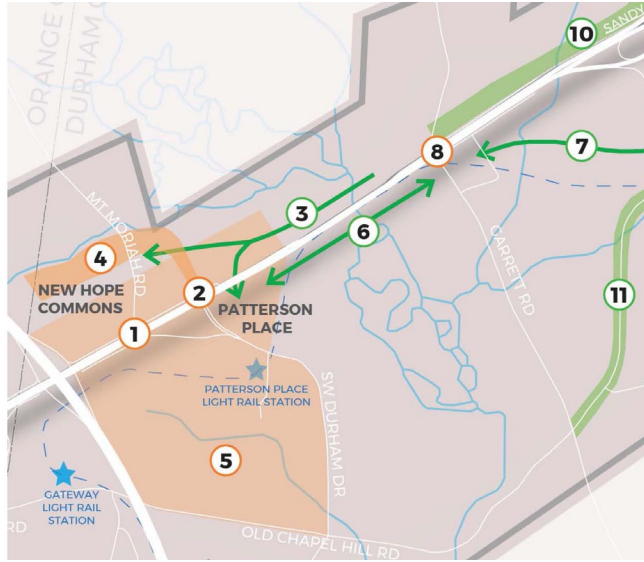
Collector Street Plan. The Southwest Durham/Southeast Chapel Hill Collector Street Plan, adopted by the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization (DCHC MPO) in 2007, proposes new collector streets that connect these quadrants over I-40 to both the north and south of US 15-501. These collectors could create opportunities for complete streets to connect development in all quadrants without sending local traffic through the congested US 15-501/I-40 intersection, allowing safe and comfortable connectivity for bicyclists and pedestrians, and the possibility of more efficient bus routing for existing or future service further linking the four areas. While this adopted plan addresses a significant needed mobility improvement, the projects associated with these connections are costly. Identifying and prioritizing funding to make these plans a reality is extremely important.

US 15-501 Corridor Plan. Additionally, there is an adopted 1994 US 15-501 Corridor Transportation Master Plan but that future vision does not anticipate the adjacent light rail project and does not appropriately address multi-modal transportation needs. The DCHC MPO was able to obtain funding to begin a new study for the corridor, which is now underway. The study area encompasses US 15-501 from Franklin Street in Chapel Hill to the 15-501 bypass and then extends along Business US 15-501 to University Drive in Durham. This study will reassess the future of this corridor with a multi-modal safety and mobility focus. The study will identify ways to improve pedestrian, bicycle, and transit access

across US 15-501 within the Patterson Place station area while also being responsive to the regional traffic needs of the US 15-501 corridor. Much of the focus of this study has been on the latter, but staff is advocating for strong bicycle and pedestrian connections to be seen as integral to this transportation project since it is unlikely that the highway itself will accommodate these modes of travel. It is anticipated that this study will conclude late summer (August 2019).

Preliminary recommendations for this segment of the study include the bridges across I40 to connect to Eastowne and Gateway, a grade separation at Mt. Moriah Rd with bicycle and pedestrian facilities, an urban interchange at SW Durham Dr, multi-use path connections across US 15-501 and New Hope Creek to create internal and regional connections for bicycle and pedestrian movement, and improved transit access and connectivity.

Figure 6: US 15-501 Segment Two Strategies Map



Local Streets. In addition to connectivity improvements between the quadrants of which Patterson Place is one, improvements to the street network within the Patterson Place Compact Neighborhood is also a priority. Within the station area, higher levels of connectivity are desirable for providing more pedestrian- and bicycle-friendly access. In addition, greater connectivity can act to disperse motor vehicle traffic by providing more options for mobility rather than concentrating congestion on just a few major roadways. Planning staff, in coordination with the Transportation and

Public Works Departments, consultation with the public, and guidance by the TOD Planning Grant work, developed a future street network for approval in the design district project. The proposed street network is designed to work in tandem with the multi-use paths included in the DCHC MPO Comprehensive Transportation Plan (2017) for full multi-modal transportation within and into the Compact Neighborhood. Additional study and discussion is necessary to determine the final placement and type of off-road facilities to accommodate this necessary connectivity.

Figure 7: Patterson Place Compact Neighborhood Future Street Network Map



Street Design. The character desired for the Compact Neighborhood Tiers is compact development that better facilitates multi-modal travel, in contrast with typical suburban-style development. Since the streets make up a significant portion of the public space, street design needs to accommodate more than just motor vehicles.

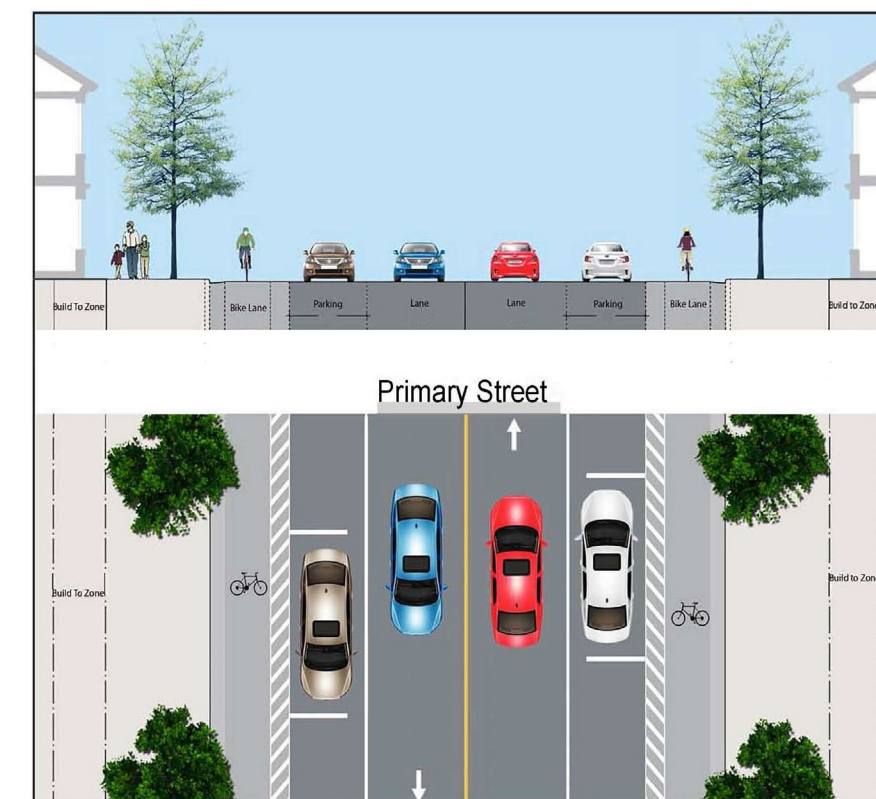
Design standards for new streets were incorporated into the design district regulations in 2017. The street designs include the following elements:

- Narrow motor vehicle lane widths and tighter corner radii at intersections to calm traffic;
- Inclusion of on-street, and sometimes protected, bicycle facilities;

- Accommodations for transit corridors, transit stations, bus traffic, and bus shelters;
- Provisions for safe pedestrian crossing at intersections; and
- Wider sidewalks to accommodate pedestrian movement, streetscape furnishings and trees.

Block Standards. Smaller block sizes provide greater connectivity and a more pedestrian- and bicycle-friendly experience. Working in tandem with the adopted future street network, the design district block standards will ensure as redevelopment occurs greater connectivity will result. The block standards include maximum block size and length, and the relationship between the blocks and the streets.

Figure 8: Patterson Place Compact Neighborhood Future Street Network Map



Parking

Throughout the TOD Planning Grant, the consultant team emphasized how impactful “right sizing” parking is in allowing a suburban-oriented area to effectively transition to a multi-modal oriented context. From the TOD Guidebook (page 33):

Managing parking effectively is critical to the success of transit-oriented development (TOD) districts. Every component of parking will impact the economic vitality, transit ridership, and the overall livability of the station area for residents, employees, and visitors. These components include the parking supply, how easy or difficult it is to find parking, as well as how the parking is built and managed.

Design District Parking Requirements. In the near term, the parking requirements (both minimums and maximums) for the CSD District have been modified to move towards “right sizing” the parking. These new requirements are based on the sub-district in order to tailor parking provision to the different contexts from the Core out to areas adjacent to the Compact Neighborhood boundary. Parking standards are determined by residential or non-residential use and are reduced from the requirements in other zoning districts. In addition, there continue to be no parking minimums for any affordable housing units within the district. CSD parking standards are shown below in Figure 9.

The proposal also includes revisions to methods for exceeding maximum parking in design districts. Currently, only parking within a structure is eligible to exceed the maximums. In addition, the proposal would require provision of a green roof, 15% public parking, and convertible street frontage building to non-parking use (two of the three are required).

District Parking. The parking recommendations in the guidebook call for a district parking approach. Instead of requiring and regulating parking on a project by project basis, a district parking approach asks “how do we get parking right across the neighborhood to support community goals?” And the guidebook states that successful district parking efforts will be:

- Shared – can be used by more than one land use, business, or institution;
- Actively Managed – may be used in different ways at different times of day or week;
- Unbundled – sold or rented separately from residential or commercial building space; and
- Priced – priced to make sure that there are always spaces available for people who like to park, which means a higher price when lots of people want to park and a lower price (or no price) when fewer people want to park.

Figure 9: CSD Parking Requirements

CSD Sub-district	Residential Standards		Non-Residential Standards*	
	Minimum	Maximum	Minimum	Maximum
Core	0 spaces/unit	1.5 spaces/unit	0%	50%
Support 1	0 spaces/unit	1.5 spaces/unit	0%	100%
Support 2	1 space/unit	2 spaces/unit	50%	100%

*These requirements are a percentage of the minimum parking required in other districts as per UDO paragraph 10.3.1A.4, Parking Rate Table.

Utility Infrastructure

With the significant shift in development intensity envisioned in the Compact Neighborhood, an important consideration is the capacity of the existing water and sewer infrastructure and the timing of increased capacity of that network. As part of the TOD Planning Grant effort, projections of net new water and sewer capacity due to new development or redevelopment have been generated. And, while developers are generally responsible for new utility infrastructure to support their development proposal, the existing status of many utility facilities would necessitate significant upgrades to the larger system.

The Githens School Lift Station, which serves the majority of the Patterson Place Compact Neighborhood, is currently at 89% of the firm capacity and expected growth within the station area is expected to exceed the firm capacity. The process of developing master plans for water and sewer systems is underway in order to anticipate necessary system upgrades in advance of development needs. This master planning work and the TOD Planning Grant work are anticipated to assist in determining the specific infrastructure investments that would be catalytic in allowing new development to occur without overloading the existing system. For instance,

the development scenario created with the TOD Planning grant work anticipated net new water and sewer capacity needs as follows:

Water Needs: approximately 820,000 gallons/day

Sewer Needs: approximately 750,000 gallons/day

The timing and funding of these projects will be essential in allowing transit-supportive development to occur in the station area. The design district zoning does not specifically address these issues so continued close coordination with partner departments will be essential.

Figure 10: Patterson Place Area Wastewater System Sewer Basins

