



ATTACHMENT 8: CONSOLIDATED STAFF REPORT

ROMF
A1800003/Z1800006

Meeting Date: December 3, 2018

Application Summary				
Application Information				
Reference Name	Rail Operations Maintenance Facility (ROMF)			
Case Number	A1800003, Z1800006	Jurisdiction	City (Pending Annexation)	
Applicant	GoTriangle	Submittal Date	March 13, 2018	
Location	East side of Farrington Road, generally located at 4901 Farrington Road			
Request				
Proposal	A rail operations and maintenance facility with offices, storage, and service for light rail vehicles. There is an associated Annexation petition and Utility Extension Agreement which will go to the City Council for consideration concurrent with the Future Land Use Map (FLUM) amendment and Zoning Map change request.			
Future Land Use	Existing	Commercial and Office		
	Proposed	Industrial		
Zoning	Existing	Residential Suburban-20 (RS-20)		
	Proposed	Industrial Light with a Development Plan (IL(D))		
Site Acreage	Future Land Use	23.422	Zoning	23.422
Site Information				
Development Tier	Suburban		Existing Use	Vacant, Residential
Overlay Zoning District(s)	Falls/Jordan Watershed Projection Overlay- District B (F/J-B), Major Transportation Corridor Overlay I-40 (MTC I-40)		Drainage Basin	Jordan Lake
River Basin	Cape Fear		Stream Basin	New Hope 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	Motion to recommend approval failed, 4-4 (Baker recused, Al-Turk, Hyman, Miller, Williams voting no) on October 9, 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 about environmental concerns, opposition from the community, and the information in the staff report.			
BPAC	See Attachment 8f			
TIA	See Attachments 8g and 8h			
Chapel Hill	See Attachment 8i			

A. Summary

Jeff Mann, General Manager, on behalf of GoTriangle, proposes to change the zoning designation of 12 parcels of land located on the east side of Farrington Road, across from Ephesus Church Road just southwest of the crossing with I-40, totaling 23.422 acres. The subject area is presently zoned Residential Suburban-20 (RS-20). Mr. Mann proposes to change this designation to Industrial Light with a Development Plan (IL(D)).

The development plan associated with this request proposes a rail operations and maintenance facility (ROMF) with offices, storage, and service for light rail vehicles as part of a 17.7-mile light-rail system between Durham and Chapel Hill. The rail project will connect three major universities, three major medical facilities, and three of the top 10 employers in the state (Duke University, UNC-Chapel Hill, and UNC Health Care). The line will run from the UNC Health Care campus in Chapel Hill, through Chapel Hill and Durham, to the Duke University and North Carolina Central University campuses, serving other key destinations in the City such as Patterson Place and South Square. The alignment, including the siting of the ROMF facility, was approved by the Federal Transit Administration in February 2016, and amended to include an additional station in December 2016. In December 2016, the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization (DCHC MPO) unanimously approved the inclusion of the final revision of the alignment in the local Metropolitan Transportation Plan, including the siting of the ROMF.

The properties are currently designated Commercial and Office on the Future Land Use Map (FLUM) (Attachment 3). The applicant proposes to change the land use designation to Industrial to coincide with the zoning request. The applicant is also seeking to utilize the Falls/Jordan District (F/J-B) overlay high-density impervious surface option, which is one of the approaches available for development in watershed protection overlays. The high density option relies on impervious surface limits and engineered stormwater controls to minimize risk of water pollution. It allows development of up to 70% impervious surface on the site. The site is also within the Major Transportation Corridor I-40 (MTC I-40) overlay district, which requires a 100-foot buffer along the eastern perimeter of the property line, adjacent to I-40. Through this development plan, the applicant is also seeking approval of an encroachment into the MTC buffer, in lieu of seeking a Major Special Use Permit (MSUP). The site also has a pending annexation petition (case BDG170008). Upon receipt of a recommendation from the Planning Commission on this consolidated item, the City Council will consider both requests.

Subsequent to the October 9, 2018 Planning Commission hearing, the applicant offered the following proffers which were reviewed and approved by Planning Staff:

- A row of evergreen plantings no less than 8 feet tall at installation, spaced an average of no more than 14 linear feet apart measured center to center, to be planted behind the vegetative screening on the site's western property line along Farrington Road.
- The applicant will provide an earthen berm no less than four feet tall to the linear extent indicated on the Development Plan.

B. Site History

There have been no recent development approvals for the site.

C. Existing Site Characteristics

Site Conditions. As shown on the Existing Conditions Sheet of the development plan, the 23.422 acre site comprises 12 parcels ranging in size between 0.594 and 7.847 acres. Most of the site consists of vacant, undeveloped land, including pine and hardwood forests. However, there are a number of existing single-family houses; and an existing telecommunications tower which will remain on the site. There are also several riparian corridors and isolated wetlands areas. There are a number of existing drainage, sewer and utility easements as well as a 20-foot wide access easement to the existing wireless

communication facility. In addition, a portion of right-of-way (Dabney Road) that runs through the site will need to be closed, withdrawn, or both, prior to site plan approval. The locations of the photos have been identified on the Aerial Map (Attachment 2).



Photo 1



Photo 2



Photo 3



Photo 4



Photo 5



Photo 6



Photo 7



Photo 8

Area Characteristics. The site is located in the Suburban Development Tier, the Cape Fear Basin, the Falls/Jordan District Watershed Projection Overlay-B (F/J-B), and the Major Transportation Corridor Overlay I-40 (MTC I-40) Overlay district. As shown in photos below, the site is adjacent to the Patterson's Mill Country Store to the south, the Villas at Culp Arbor residential development to the west, and I-40 to the east. Several nearby residential developments (Glenview Park and Prescott Place) are located to the northeast of the site, across I-40. Maida Vale, Creekside, and Weston Downs residential developments as well as Creekside Elementary School are located to the west, off of Ephesus Church Road, less than a half mile away.



Photo 9



Photo 10



Photo 11



Photo 12



Photo 13



Photo 14



Photo 15



Photo 16

D. Consistency with Adopted Plans

A zoning map change request must be consistent with the Future Land Use Map and policies of the *Durham Comprehensive Plan*, as well as other adopted plans. The proposed IL(D) zoning district is not consistent with the FLUM designation of Commercial and Office for the site. The applicant has submitted an application to change the land use designation to Industrial (case A1800003), to conform to the FLUM. 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

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, environmental conservation, and transportation.

Staff Conclusion: The ROMF is a critical part of the Durham-Orange Light Rail Transit Project, and amending the FLUM to accommodate the requested development is consistent with adopted local and regional plans dating back decades. During the mid-late 1990s and early 2000s, Durham, Chapel Hill, and the NC Department of Transportation began to study congestion and mobility options, developing several plans, including the US 15-501 Corridor Study and US 15-501 Major Investment Study, evaluating transportation alternatives between the two cities. A Durham-Orange corridor for rail transit was identified in the Durham-Chapel

Hill 2035 Long-Range Transportation Plan. The project will improve non-vehicular access around the city, and integrate the City's Bike+Walk Implementation Plan (2017). The 2040 Metropolitan Transportation Plan also incorporated the light-rail project, the alignment, and the ROMF site.

In November 2015, Durham-Chapel Hill-Carboro Metropolitan Planning Organization (DCHC MPO) adopted a resolution endorsing the National Policy Act Preferred Alternative for the Durham-Orange Light Rail Project (D-O LRT). The NEPA Preferred Alternative was the suggested project alignment that arose out of the environmental study described in the Draft Environmental Impact Statement (DEIS), which the Federal Transit Administration and GoTriangle released in August, 2015. In October 2015, the Durham City Council also endorsed the NEPA Preferred Alternative, which included the Farrington Road site in the alignment. The Farrington Road ROMF Alternative was identified as most desirable from a construction and operations standpoint.

In August 2016, the Durham County Board of Commissioners unanimously adopted the Durham-Orange Light-Rail Transit Corridor Plan to help ensure that development proposed along the corridor is consistent with the proposed D-O LRT Project. The proposed plan amendment is consistent with the adopted policies of the *Comprehensive Plan* regarding the proposed level and type of development. See Attachment 8c for an evaluation of relevant policies.

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

The following table provides information on the surrounding development:

Table 1: Area Land Uses and Designations				
	Existing Uses	Future Land Use	Zoning	Overlay(s)
North	Residential, Vacant, I-40	Low Density Residential, Low-Medium Density Residential	RS-20, PDR 2.720	F/J-B, MTC I-40
East	Residential, Vacant	Low-Medium Density Residential, Medium Density Residential	RS-20, PDR 4.500	F/J-B, MTC I-40
South	Commercial	Office, Low Density Residential	RS-20	F/J-B, MTC I-40
West	I-40	Low Density Residential and Commercial	RS-20	F/J-B, MTC I-40

Residential uses are found in the surrounding area, including the Villas at Culp Arbor, Glenview Park, Prescott Place, Maida Vale, Creekside, and Weston Downs residential developments. Less than one quarter mile to the west is Creekside Elementary School. To the south is the Patterson's Mill Country Store.

Staff Conclusion: The site is located within the Suburban Tier, which is intended to provide land for low-to medium-density residential development, employment centers, and commercial and industrial activities. The current FLUM designations for the site are Commercial and Office. While the proposed FLUM designation of Industrial deviates from the existing residential

development patterns in the surrounding area, the development plan proffers a number of committed elements to address transitions between the adjacent Low-Medium and Medium Density Residential future land use designations and the proposed Industrial designation, including (a) limiting the site's use to the ROMF facility and an existing wireless communication facility; (b) prohibiting vehicle body repair and paint shops; (c) adding a vegetative screening along the property's western property line (along Farrington Road), between the edge of the street right-of-way at Farrington Road and the ROMF parking area; (e) placing the building a minimum of 75 feet from Farrington Road and the parking at least 30 feet from Farrington Road; and (f) aiming exterior lighting away from property boundaries. In addition, the applicant has agreed to additional commitments and mitigation measures outlined in the Durham-Orange Light Rail Transit Project NCCU Station Refinement amended Record of Decision, issued by the Federal Transit Administration and dated December 14, 2016.

3. Criterion C: Substantial Adverse Impacts

When evaluating plan amendment proposals through Criterion C, staff assesses potential impacts to the adjacent area and to the City and County in general.

Staff Conclusion: As stated previously, the development plan includes proffered restrictions on the use of the property, designed to minimize impacts on surrounding uses. The use is limited to the ROMF facility and to the existing wireless communication facility. There will be no vehicle body repair or paint shops. The applicant has committed to additional vegetative screening along the property's western property line (along Farrington Road), between the edge of the street right-of-way at Farrington Road and the ROMF parking area. The buffer will be planted in accordance with the standards of Alternative 1 (0.4 opacity/20 feet), as set forth in the UDO Section 9.4.5.b.1. The buildings will be placed a minimum of 75 feet from Farrington Road, and the parking area at least 30 feet from Farrington Road. The storage tracks are located parallel to I-40 just west of the MTC buffer area. The applicant will be reserving additional right-of-way for the frontage of the site, as identified by the Comprehensive Transportation Plan for the future widening of Farrington Road. Exterior lighting will be shielded to aim light away from property boundaries. See Attachment 8d for a full list of the text, graphic, and design commitments.

In addition, the following roadway improvements were identified in the TIA and are required as part of this development:

1. Construct a southbound left-turn lane with adequate storage and appropriate tapes on Farrington Road at the proposed ROMF Site Access;
2. Construct the ROMF Site Access with one ingress lane and two egress lanes to provide a separate westbound left-turn lane and a shared through/right-turn lane;
3. Revise the pavement markings on Ephesus Church Road to convert the existing exclusive eastbound right-turn lane to a shared through/right-turn lane; and
4. Modify the existing traffic signal to accommodate the ROMF site access.

In addition to the commitments included in the development plan, this site was selected following an evaluation process that included consideration of 21 proposed sites along the alignment, with detailed analyses of five of the sites as part of the Project's Draft Environmental

Impact Statement (DEIS) under the federal National Environmental Protection Act (NEPA). GoTriangle has agreed to make additional commitments and mitigation proffers in the Durham-Orange Light Rail Transit Project NCCU Station Refinement amended Record of Decision, issued by the Federal Transit Administration and dated December 14, 2016.

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 23.422 acre is of adequate size to accommodate the proposed facilities, and is strategically located adjacent to the I-40 right-of-way, where the tracks for the Durham-Orange Light Rail Transit system are to be installed. In addition, the site is able to accommodate a wide buffer on both the east frontage, along Farrington Road, and the historic property to the south.

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. The proposed commitments associated with the development plan as part of this case are noted in Attachment 8d. Summaries of the commitments in excess of UDO requirements are below.

Text Commitments. Text commitments include limiting the development to a Rail Operations and Maintenance Facility (ROMF) and the existing wireless communication facility; stipulating no vehicle body repair or vehicle paint shop, and that all controlled fluids will be captured and stored in tanks where they will be periodically collected by an outside vendor for off-site recycling or disposal in accordance with state and local regulations; dedicating additional right of way; constructing additional turn lanes and other roadway improvements to Farrington Road; providing an enhanced vegetative screening on the property's western property line along Farrington Road between the edge of the street right-of-way at Farrington Road and the ROMF parking area; and shielding exterior lighting away from property boundaries.

Graphic Commitments. Graphic commitments include the general location of site access points, building and parking envelope, riparian/stream buffers, MTC encroachment areas, and tree coverage areas.

Design Commitments. Design commitments include a variety of building materials and sloped or flat rooflines.

This application includes a request for an encroachment into the MTC I-40 buffer for tracks, light-rail access, and the relocation of an existing sewer easement. Typically, encroachments would require approval through a Major Special Use Permit (UDO Sec. 4.9.3D.2); however, per UDO 3.5.6D.10, the encroachment may be approved legislatively as a part of the development plan approval if the use or standard is specified on the approved development plan. See Attachment 8b, Text Commitment 2 and 16 and the development plan for the area of encroachment.

Staff Conclusion. As shown on the development plan, the applicant proposes a MTC buffer encroachment to accommodate the tracks, an ancillary structure and the access; additional MTC

encroachments to accommodate a 30-foot wide sanitary sewer easement; encroachments for the new and existing waterline easement; and encroachments for retaining walls, tracks, and access.

The sanitary sewer encroachment is proposed to facilitate the re-routing of the existing sewer outfall on the project site. The new sewer will be installed in an alignment that avoids the proposed maintenance facility and storage tracks. Alternate alignments of the proposed sewer outfall minimizing impacts to the MTC buffer were considered; however, these alternate alignments would create significant impacts to the ROMF facility for routine sewer maintenance and are not recommended. The applicant also proposes the relocation and five-foot widening of an existing water easement through the MTC buffer. The adjustment to the waterline alignment is necessary to accommodate the proposed track facilities and will not result in significant additional impacts to the MTC buffer. If the zoning map change request is approved, the attached development plan establishes the level of development allowed on the property as well as the area of MTC I-40 encroachment. The development plan also includes Text Commitment 12, which commits that prior to beginning site clearing, the applicant will obtain all required permits from the North Carolina Department of Environmental Regulation Division of Water Quality, United States Environmental Protection Agency, or other responsible agencies, relating to the project's impacts on wetlands, riparian areas, and no-build buffers.

F. Development Impact Assessment

The requested change has been evaluated for its potential impacts on the transportation, water and sewer, and schools systems. In each case, the impact 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 decrease the traffic generation of the site by 259 vehicle trips per day, decrease water demand by 6,105 gallons per day, and decrease the number of school-aged children by 14, since no residential uses are proposed as part of this development plan. Additional details are available in Attachment 8e.

Staff Conclusion. The proposed IL(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 *Comprehensive Plan*.

Staff Conclusion. The D-O LRT project is to provide a high-capacity transit service between Chapel Hill and Durham, along the NC Highway 54, I-40, US Highway 15-501, Erwin Road, and NC Highway 147 transportation corridors. It will provide a congestion-free, reliable transportation system between Durham and Chapel Hill to support the major employers along the alignment and additional, sustainable, transit-oriented development around each D-O LRT station. When completed, residents will enjoy greater access to jobs, health care, and educational opportunities. The light-rail project will link

the current and future transit services, including the regional bus service and the future commuter rail between Durham County and Wake County.

The Farrington Road ROMF site is the Preferred Alternative for the ROMF. It is the largest of all the alternatives, and is the most desirable from a construction and operations perspective. It is located on a long, straight section of track and can best accommodate access. The property is relatively flat and would create fewer visual impacts than the alternatives because there is more space to install screening. Compared to the alternatives, it creates a lesser impact to sensitive, natural resources, including forest areas, floodplains, floodways and ponds. It no more adversely affects historic resources than the alternatives. There were no hazardous, contaminated, or regulated materials identified at this site as compared to the alternatives. The Farrington Road ROMF site was identified to very effectively meet the project goals and objectives while also serving as the most environmentally responsible alternative.

H. Staff Recommendation and Determination

Staff determines that this request is consistent with the Durham-Chapel Hill 2035 Long Range Transportation Plan, the 2040 Metropolitan Transportation Plan, the 2045 Metropolitan Transportation Plan, the Durham County Bus and Rail Investment Plan, the updated Durham County Transit Plan, the Durham-Orange Light Rail Transit Corridor Plan and the majority of applicable policies in the *Durham Comprehensive Plan*, and the Unified Development Ordinance.

I. Summary of October 9, 2018 Planning Commission Hearing

ROMF (A1800003/Z1800006) – Plan Amendment with Concurrent Zoning Map Change Request

MOTION: Recuse Commissioner Baker from cases A1800003/Z1800006 (Miller, Al-Turk 2nd)

ACTION: Motion carried, 8-0

Plan Amendment Request: Commercial and Office to Industrial.

Zoning Map Change Request: Residential Suburban-20 (RS-20) to Industrial Light with a Development Plan (IL(D)).

Staff Report: Jamie Sunyak presented cases A1800003/Z1800006.

Public Hearing: Chair Buzby opened the public hearing. The applicant and twelve others spoke in support. Twenty-eight people spoke in opposition. Chair Buzby closed the public hearing.

Commission Discussion: The discussion centered on additional ways to mitigate the impact of the ROMF on the nearby neighbors, impacts pertaining to noise and light, inadequate buffering, and whether this is an appropriate site for an industrial use. In addition, some commission members felt that this site was the best option of all of the sites considered.

MOTION: Recommend approval of case A1800003. (Hyman, Miller 2nd)

ACTION: Motion fails, 4-4 (Baker recused, Al-Turk, Hyman, Miller, Williams voting no)

MOTION: Recommend approval of case Z1800006. (Hyman, Miller 2nd)

ACTION: Motion fails, 4-4 (Baker recused, Al-Turk, Hyman, Miller, Williams voting no)

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 about environmental concerns, opposition from the community, and the information in the staff report.

J. Contacts

Staff Contact		
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Applicant Contact		
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K. Notification

Staff certifies that newspaper advertisements, letters to property owners, and posting of a zoning sign on the property have been carried out in accordance with Section 3.2.5 of the UDO. In addition, the following neighborhood organizations were mailed notices:

- Cross-Country Communities
- Eastwood Park Neighborhood Association
- Farrington Homeowners Allied for Residential Preservation
- Hopewell Neighborhood
- Inter-Neighborhood Council
- Keep Durham Beautiful
- New Hope Advisory Committee
- North Garrett Road Committee
- Partners Against Crime – District 3
- Prescott Place HOA
- Town of Chapel Hill
- Trenton Homeowners Association

L. Attachments

- 8a. Applications
- 8b. Development Plan Reduction
- 8c. Comprehensive Plan Consistency Analysis
- 8d. Summary of Development Plan
- 8e. Summary of Development Impacts
- 8f. BPAC Comments
- 8g. DDOT Comments
- 8h. NCDOT
- 8i. Chapel Hill Comments
- 8j. Planning Commission Comments

