



ZONING MAP CHANGE REPORT

505 WEST CHAPEL HILL STREET
Z2000006

Meeting Date: June 15, 2020

Application Summary			
Application Information			
Reference Name	505 W Chapel Hill Street	Submittal Date	January 28, 2020
Application Type(s) (Case#)	Zoning Map Change (Z2000006)		
Proposal	280+ Residential Units and 250-450,000 SF Commercial/Office		
Applicant	Zac Vuncannon, The Fallon Company; Katie Hamilton, Stewart		
Staff Contact	Emily Struthers, Senior Planner (Emily.Struthers@durhamnc.gov)		
Site Information			
Location	505 W Chapel Hill Street	Legacy Cases	N/A
Site Acreage	4.103	Existing Use	Former Police Headquarters
Request			
Designations	Existing	Proposed	
Jurisdiction	City	No change	
Development Tier	Downtown	No change	
Future Land Use	Design District	No change	
Zoning	Downtown Design District Support-1 (DD-S1)	Downtown Design District – Core with a development plan (DD-C(D))	
Overlay Zoning District(s)	N/A	No change	
TIA Required	Not required. NCDOT will require a TIA at site plan.		
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	The Commission, by a vote of 12-0 at their March 10, 2020 meeting, recommended approval of the request. 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		

A. Summary

Zac Vuncannon, of The Fallon Company, proposes to change the zoning designation of one parcel located at 505 West Chapel Hill Street. The site is presently zoned Downtown Design District Support 1 (DD-S1) and the applicant proposes to change this designation to Downtown Design District Core with a development plan (DD-C(D)). The development plan associated with this request commits to a minimum of 280 residential units and 250,000-450,000 square feet of Commercial/Office. The property is designated Design District on the Future Land Use Map (FLUM) which is consistent with the rezoning request for Downtown Design District - Core.

B. Site History

This site most recently housed the Durham Police Department headquarters and is currently owned by the City of Durham. On November 4, 2019, the Durham City Council voted 6-0 to select The Fallon Company as the preferred developer for the redevelopment of 505 W. Chapel Hill Street. The resolution authorized the City Manager to begin negotiations with The Fallon Company in order to reach a development agreement for 505 W. Chapel Hill Street. This development agreement is under way. On January 21, 2020, City Council approved (7-0) a resolution granting the expedited hearing request of this rezoning to allow the applicant to potentially meet North Carolina Housing Finance Agency deadlines. The City is exploring restrictive covenants for the parcel that would require affordable housing. These restrictive covenants are anticipated to be considered during the April 20, 2020 City Council meeting. Other than these items, there have been no recent development approvals for this site.

C. Existing Site Characteristics

Site Conditions. The 4.103 acre site proposed for rezoning comprises one parcel. As shown on the Existing Conditions Sheet of the development plan, the site is largely paved with surface parking and contains site improvements and an existing building. The building, which the applicant commits to retaining, was constructed in the late 1950s. This site has frontages on West Chapel Hill Street, South Duke Street, Jackson Street, and Gregson Street. 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

Area Characteristics. The site is located in the Downtown Development Tier. The site is adjacent to Downtown Design District – Core zoned property to the east including the NC Mutual Building, undeveloped property, and a BB&T bank building. The remaining adjacent properties are designated Downtown Design District – Support 1. These properties include under-construction townhouses, a small office building, a converted residential small office building, apartments, and Duke Memorial United Methodist Church. The following photos provide a visual context of the area. Their locations have been identified on the Aerial Map (Attachment 2).



Photo 5



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 Downtown Design District - Core zoning district meets the policy requirements in relation to the Comprehensive Plan and other adopted plans and policies including the Downtown Durham Master Plan and Downtown Open Space Plan.

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 can be found in Attachment 5, Development Plan. Summaries of the commitments in excess of UDO requirements are below.

- **Text Commitments.** Text commitments include retaining the existing building, providing open areas, identifying build-to-zone calculations with the conditions of the site, identifying horizontal building expression, and providing outdoor space with pedestrian connections.
- **Graphic Commitments.** Graphic commitments include site access points, building and parking envelopes. A minimum of 280 residential units and a range of 250,000 – 450,000 square feet of commercial/office use.
- **Design Commitments.** Design commitments identify a variety of permissible rooflines and exterior building materials. Primary residential buildings will be located adjacent to South Gregson Street and primarily commercial/office buildings will be located adjacent to South Duke Street. The tallest buildings will be contiguous with adjacent DD-C zoning and shorter buildings will be located on the western portion of the site adjacent DD-S1 zoning.

Staff Analysis. The code that applies to Downtown Design District zoning regulates form more so than use and most standards are consistent between DD-C and DD-S1. Standards within the Downtown Design District that vary based on sub-district include minimum percentage of the build-to zone occupied by the building podium (DD-C 80%, DD-S1 70%), maximum building height (DD-C 300 feet or unlimited with provisions; DD-S1 100 feet or 175 feet with provisions), and amount of required streetscape amenities (DD-C one foot of seating per 15 feet of street frontage, DD-S1 one foot of seating per 20 feet of street frontage). The requested zoning district and associated development plan exceeds the minimum requirements of the UDO. If the zoning map change request is approved, the attached development plan establishes the level of development allowed on the property.

F. Development Impact Assessment

As the permissible density (residential units) and intensity (square feet of non-residential uses) does not change between Downtown Design sub-districts, a development impact assessment typical of rezoning requests, where the maximum use of the existing zoning is compared with the maximum use of the proposed zoning, is not applicable for the proposed rezoning from DD-S1 to DD-C(D).

While there are no minimum or maximum density requirements within DD Districts, the applicant has committed on their development plan to a minimum of 280 residential units. Likewise, while there are no commercial or office minimum or maximum requirements within DD Districts, the applicant has committed to a range of 250,000 to 450,000 square feet of commercial/office.

In the Downtown Tier, the Unified Development Ordinance does not require a Traffic Impact Analysis (TIA). NCDOT, however, has requested a TIA be completed at the site plan stage. Existing capacity issues on the adjacent roadways could be identified in a TIA and result in transportation improvements to be required by NCDOT at the time of site plan. While the current Level of Service (LOS) on some of the adjacent roadways is not optimal, they are based on traditional LOS measures for vehicular congestion and do not take into account other modes of transportation that are available in this highly urbanized area such walking, bike, and transit. In addition, and as noted on the development plan, the location and number of access points could change and are subject to approval of NCDOT.

Water and sewer capacity for the proposed redevelopment of this parcel will be made possible by the American Tobacco Phase II and Lakewood Sewer projects currently in design. These projects will be in construction or complete before needed by the proposed redevelopment.

The Durham Stormwater Engineering Division of the Public Works Department reviewed the rezoning and has no comments. There are no riparian features, floodplains or impervious limitations identified on this site. All other impacts associated with the application would be addressed at the time of site plan review, because that requires a level of detail is not required at the time of rezoning.

Both the existing DD-S1 and proposed DD-C(D) zoning have no maximum number of residential units. As such, no projected number of students has been calculated. Additional details are available in Attachment 7.

Staff Analysis. The proposed DD-C(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 DD-C with a development plan. This development plan is intended to ensure, in conjunction with the forthcoming development agreement between the City and developer, that the design presented through the 505 West Chapel Hill Street re-development selection process can be realized in terms of maximum building height, preservation and renovation of the existing building, and provided outdoor open spaces. The proposed zoning is consistent with the goals and policies of the *Comprehensive Plan* and Downtown Tier designation. Staff finds the requested designation reasonable as it is compatible with the present Future Land Use Map. This proposal would allow an increase in building height but commit to building form that is respectful of the existing gradient of intensity between Downtown Design Core and Downtown Design Support-1. The development plan commits to retaining the existing building and through any expansions, respecting the existing building’s form. The development plan also commits to providing outdoor areas open to the public that exceed the ordinance standards and providing additional pedestrian site access. Staff believes this request is reasonable and in the public interest.

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 Planning Commission Meeting March 10, 2019 (Case Z2000006)

Zoning Map Change Request: To change the zoning designation from Design District Support 1 to Design District Core with a Development Plan (DD-S1 to DD-C(D)).

Public Hearing:

Commission Discussion:

MOTION:

ACTION:

Consistency Statement:

J. Contacts

Staff Contact		
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Applicant Contact		
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Katie Hamilton, Stewart	919.866.4815	khamilton@stewartinc.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. Application
5. Development Plan Reduction
6. Comprehensive Plan Consistency Analysis
7. Summary of Development Impacts
8. BPAC Comments
9. Planning Commissioner's Written Comments
10. Consistency Statement
11. Zoning Ordinance