



CITY OF DURHAM | DURHAM COUNTY
NORTH CAROLINA

MEMORANDUM



Date: October 26, 2009

To: Mike Ruffin, County Manager

From: Joseph Carley, AICP, Planner

Through: Steven L. Medlin, AICP, City-County Planning Director

RE: Fourth Annual Evaluation and Assessment Report (EAR) of the
Durham Comprehensive Plan (A0900005)

Summary. The *Durham Comprehensive Plan* was adopted in February, 2005. Policy 1.1.4a of the Plan requires that the Planning Department submit an annual evaluation and assessment report to the governing boards highlighting progress on implementing the Plan.

Recommendation. Staff recommends that the County Board of Commissioners approve the Evaluation and Assessment Report, rectify the Future Land Use Map of the *Durham Comprehensive Plan* by approving the map changes that the City Council adopted in 2008, and adopt the proposed changes to policies in the *Durham Comprehensive Plan*.

The Planning Commission recommended approval of these actions on September 15, 2009, 13-0.

Background. This report is the fourth annual assessment of implementation of the *Durham Comprehensive Plan*, adopted on February 28, 2005. Policy 1.1.4a of the Comprehensive Plan requires the Planning Department to submit an annual evaluation and assessment of Plan implementation to the Board of County Commissioners and the City Council. This report includes:

1. A summary of accomplishments in implementing the *Durham Comprehensive Plan* in the reporting period, describing the degree to which goals, objectives, and policies have been successfully reached;
2. A summary of 2008 adopted plan amendments; and
3. Proposed changes to the text of *Durham Comprehensive Plan* policies.

Plan policies identify the departments, boards or agencies responsible for implementation. Each department, board, and agency identified in the Plan was given an opportunity to update the implementation status of each policy. Of the Plan's 542 policies, 175 were reported in 2008 as being "Completed," 283 were reported as

“Ongoing,” 27 policies were reported as being “Underway,” and 44 policies were reported as being “Unscheduled.”

All of the policies shown in Table 1, Plan Policies to Implement, were listed as “Underway”, “Scheduled”, and “Unscheduled” and include the status and any comments made by the implementing department, board, or agency. Policies that were identified as “Completed” or “Ongoing” were not included, since those policies require no action (although staff has these data).

As of the end of 2008, about 32.5% of the Plan’s 542 policies were reported as “Completed”, 52.5% were reported as “Ongoing”, 5% were “Underway”, and 8% are “Unscheduled”.

Status of Policies	2007, Number of Plan Policies	2008	
		Number of Plan Policies	Percent of Plan Policies
Policies Completed	167	175	32.5%
Policies Ongoing	287	294	54.5%
Policies Underway	26	27	5%
Policies Scheduled	3	1	--
Policies Unscheduled	52	44	8%
No Report	3	1	--
Policies Deleted	1	1	--
Total	539	542	100%

Issues.

- **Rectification.** When plan amendments are adopted by either the Board of Commissioners or the City Council, the Future Land Use Map (FLUM) is made inconsistent. Six plan amendments were approved by either the Board of Commissioners or the City Council in 2008 (see Table 2, Summary of 2008 Adopted Plan Amendments.) Section 3.4.10, Rectification of County and City Plans, requires that the Board of Commissioners and the City Council hold a public hearing to rectify these differences. The staff reports for the plan amendments approved by the County are attached.
- **Proposed Policies for Deletion.** The adoption of the EAR also typically includes changes to the policies that guide Durham’s decision-makers. The Solid Waste Department has requested that the following policy be

removed from the *Durham Comprehensive Plan*, as it is no longer applicable:

Policy 13.1.1a. Stationary Container Collection. The stationary container (dumpster) collection level of service standard shall be weekly collection to subscribing businesses or multi-family residential complexes.

- **Proposed Changes in Policy Language.** A number of departments requested changes to policy language to better reflect their current priorities. The amended language in Policy 2.3.2l., was added at the direction of the Joint City-County Planning Committee at their September 3, 2009 meeting, based on requests from citizens.

~~**Policy 2.3.2l. Neighborhoods in Transition.** Identified neighborhoods, such as Kentington Heights, seeking an area-wide change in land use shall develop through single ownership or as a single project employing unifying design elements, roadways, and buffers.~~

Policy 2.3.2l., Special Redevelopment Areas. When multiple existing lots are proposed for new development or redevelopment as part of an area-wide change in land use, and where significant development has changed the character of the surrounding area, the development should be configured in such a way so as to:

- Ensure that the tracts which are not included in the development are of sufficient size, shape, and location to be subsequently developed to compatible standards and use;
- Employ unifying design elements, roadways, and buffers; and
- Incorporate vehicular, pedestrian, and bicycle access as required by the UDO in a way to serve the development as well as other adjacent parcels not proposed for development.

Policy 4.1.1e. Appearance Commission Review of Government Projects. In order to enhance their design and appearance, the Durham Appearance Commission shall review and comment on proposed major public development projects that do not require review by the Design District Review Team or the Historic Preservation Commission, including buildings, Durham-funded parking projects, public signage programs, and significant state projects, including NC DOT projects within Durham County.

Policy 7.1.5b. Energy Saving Designs. The City General Services Department, the County Engineering Department, and the Durham Public Schools shall ensure that new facilities planned by the City and County incorporate energy conservation features in accordance with ~~the Triangle J Council of Governments High Performance~~

Leadership in Energy and Environmental Design green-B green building Standards.

Policy 9.1.1a. Collaboration Between Durham, and the Orange Water and Sewer Authority. The City Department of Water Management ~~Department~~ and the County Engineering Department shall seek opportunities to collaborate between the City of Durham, Durham County and the Orange Water and Sewer Authority (OWASA) ~~to collaborate on future upgrades and expansions at the South Durham Water Reclamation Facility~~ regarding discharges into tributaries of Jordan Lake.

Policy 9.1.1b. Water Audit and Leak Detection Study. The City Department of Water Management ~~Department~~ shall continue to implement recommendations from the ~~recently completed~~ 2008 water audit and leak detection study.

Policy 9.1.1c. Water Conservation Program. The City Department of Water Management ~~Department~~ shall continue to monitor and evaluate ~~conduct a water conservation study and establish a basis for an evaluation~~ water consumption of all customers and of the costs and effectiveness of proposed adopted water conservation actions and program activities.

Policy 9.2.4b. Collaboration with Other Jurisdictions. The City Department of Water Management ~~Departments~~ shall initiate continue discussions with other jurisdictions in the Upper Neuse River basin to investigate opportunities to collaborate on discharges into Falls Lake basin. ~~on future upgrades and expansions at the North Durham Water Reclamation Facility.~~

Recommendation. Staff recommends that the County Board of Commissioners approve the Evaluation and Assessment Report, rectify the Future Land Use Map of the *Durham Comprehensive Plan* by approving the map changes that the City Council adopted in 2008, and adopt the proposed changes to policies in the *Durham Comprehensive Plan*.

The Planning Commission recommended approval of these actions on September 15, 2009, 13-0.

Staff Contact: Joseph Carley, Planner, 560-4137 x28247, joseph.carley@durhamnc.gov

Attachments

Table 1, Plan Policies to Implement

Table 2, Summary of 2008 Adopted Plan Amendments

Attachment 1, A07-09 TW Alexander Properties Staff Report

Attachment 2, A0800002, Eno Drive at Denfield Street Staff Report
Attachment 3, A0800004, 2900 South Miami Boulevard Staff Report
Attachment 4, Planning Commission Written Comments
Attachment 5, Resolution

Table 1, Plan Policies to Implement

	Policy	Title	Responsibility	2007 Status	2008 Status
1.	Policy 2.3.1j.v.	Rural Villages.	City-County Planning	Unscheduled	Unscheduled
2.	Policy 2.3.1k.	Cost of Community Services Study.	County Engineering, Soil and Water Conservation District	Unscheduled. This policy should be implemented jointly with the County Soil and Water Conservation District, which is the lead staff for the Farmland Preservation Board.	Unscheduled. Attempting to incorporate into the Countywide Farmland Plan.
3.	Policy 2.3.2n.	Suburban Tier Traditional Neighborhood Development District.	City-County Planning	Unscheduled	Unscheduled
4.	Policy 2.3.4a.	Compact Neighborhood Development Focus.	City-County Planning	Underway. Ninth Street Plan in progress.	Underway. Ninth Street Plan adopted and UDO and <i>Durham Comprehensive Plan</i> changes initiated.
5.	Policy 2.3.4f.	Core Area.	City-County Planning	Underway. Initiated for Ninth Street	Underway. <i>Ninth Street Plan</i> adopted.
6.	Policy 2.3.4g.	Support Area.	City-County Planning	Underway. Initiated for Ninth Street	Underway. <i>Ninth Street Plan</i> adopted.
7.	Policy 2.3.4h.	Station Area Plans.	City-County Planning	Underway. Initiated for Ninth Street	Underway. <i>Ninth Street Plan</i> adopted.
8.	Policy 2.3.5f.	Downtown Station Area Plan.	City-County Planning	Underway. Initiated through Downtown Durham Master Plan	Underway. Initiated through <i>Downtown Durham Master Plan</i> .
9.	Policy 2.3.5l.	Downtown Tier City-Initiated Zoning Changes.	City Council	Underway. Initiated through Downtown Durham Master Plan.	Underway. Initiated through <i>Downtown Durham Master Plan</i> .
10.	Policy 2.3.6c.	Land Use Plan Updates.	City-County Planning	Underway. Land Use Plan update in progress for Fayetteville Street-University area.	Underway. Land Use Plan update in progress for South Central Durham.
11.	Policy 3.1.1b.	Inclusionary Zoning.	Board of Commissioners, Durham City Council	Unscheduled	Unscheduled
12.	Policy 3.1.1d.	Affordable Housing Pattern Book.	City-County Planning	Underway	Unscheduled

Table 1, Plan Policies to Implement

	Policy	Title	Responsibility	2007 Status	2008 Status
13.	Policy 4.2.1e.	Public Art.	Appearance Commission, City-County Planning	Underway. The Appearance Commission established a liaison to the Public Art Task Force, which is looking into a Public Art Ordinance and a Percentage for Public Art Program.	Underway. The Appearance Commission has a liaison on the Public Art Task Force.
14.	Policy 4.2.1f.	Mixed Use Development Design Criteria.	City-County Planning	Underway	Underway
15.	Policy 4.2.4a.	Parking Design Standards.	City-County Planning	Unscheduled	Unscheduled
16.	Policy 4.2.4c.	On-Street Parking.	City-County Planning	Unscheduled	Unscheduled
17.	Policy 4.2.4d.	Structured Parking Design.	City-County Planning	Unscheduled	Unscheduled
18.	Policy 4.3.1a.	Rural Village Design Guidelines.	City-County Planning	Unscheduled	Unscheduled
19.	Policy 4.3.1c.	Scenic Roads Identification.	City-County Planning, Appearance Commission	Unscheduled	Unscheduled
20.	Policy 4.3.1e.	NC Scenic Byways.	City-County Planning	Unscheduled	Unscheduled
21.	Policy 4.4.1a.	Corridor Plans.	City-County Planning, Appearance Commission	Underway	Underway. Staff is working with the DCHC MPO on NC 54 Corridor Study.
22.	Policy 4.4.1d.	Wide Sidewalks.	City-County Planning	Unscheduled. Will be incorporated into Compact Neighborhood Plans where appropriate. Researched for non-residential development in the Urban Tier and found it to be prohibitively difficult to administer.	Underway. Provisions for wide sidewalks being incorporated into draft Downtown Zoning Ordinance.
23.	Policy 4.4.1e.	Pedestrian Mobility.	City-County Planning	Underway. City and County have adopted the <i>DurhamWalks Pedestrian Plan</i>	Underway. Provisions for pedestrian mobility being incorporated into draft Downtown Zoning Ordinance.
24.	Policy 4.4.1f.	Pedestrian Amenities.	City-County Planning	Underway. Requirements will be incorporated into Downtown and Compact Neighborhood Plans.	Underway. Provisions for pedestrian amenities being incorporated into draft Downtown Zoning Ordinance.

Table 1, Plan Policies to Implement

	Policy	Title	Responsibility	2007 Status	2008 Status
25.	Policy 4.4.1i.	Major Transportation Corridor Overlay District.	City-County Planning	Underway. Completed for I-85.	Underway
26.	Policy 4.4.1j.	Gateway Plans.	City-County Planning, Appearance Commission	Underway. Draft in progress.	Underway. Central Durham Gateways Plan approved by Council in August, 2009.
27.	Policy 4.4.1k.	Street Tree Replacement.	City General Services	Unscheduled	Unscheduled. The City of Durham replaced all trees in the Downtown area in 2007. Urban Forestry has been working with Planning to revamp the Landscape Guidelines in an effort to make them more user-friendly and to encourage “waterwise” practices, including broadening the species selection and increasing the range of application for some species throughout the tiers. A Comprehensive Plan for the Urban Tier is unscheduled.
28.	Policy 4.5.1a.	Compact Neighborhood Plans.	City-County Planning	Underway. Ninth Street Plan in progress.	Underway. Ninth Street Plan adopted in 2008.
29.	Policy 4.5.2b.	Compact Neighborhoods Surface Parking.	City-County Planning	Completed	Underway. Ninth Street Plan adopted in 2008.
30.	Policy 5.1.2e.	Historic Rural Villages.	City-County Planning	Unscheduled	Unscheduled
31.	Policy 5.1.4a.	Historic Preservation Outreach and Education.	City-County Planning, Durham Historic Preservation Commission	Unscheduled	Unscheduled
32.	Policy 5.1.4b.	Financial Tools for Historic Preservation.	Economic and Workforce Development	Unscheduled	Unscheduled
33.	Policy 5.1.5b.	Financial Assistance Sources.	City-County Planning	Unscheduled	Unscheduled
34.	Policy 5.1.5c.	Historic Preservation Commission and Funding.	Durham Historic Preservation Commission	Unscheduled	Unscheduled
35.	Policy 5.1.6b.	Preserving Archaeological Resources.	City-County Planning, Durham Historic Preservation Commission	Unscheduled	Unscheduled
36.	Policy 5.1.6c.	Cemetery Protection.	City-County Planning	Unscheduled	Unscheduled

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	Policy	Title	Responsibility	2007 Status	2008 Status
37.	Policy 5.1.7a.	Travel Corridors Resource Inventory and Assessment.	City-County Planning	Unscheduled	Unscheduled
38.	Policy 5.1.7b.	Preserving Historic Travel Corridors.	City-County Planning	Unscheduled	Unscheduled
39.	Policy 7.1.1a.	Environmental Indicators.	City-County Planning, Water Management, Environmental Affairs Board	Scheduled. The EAB is collaborating with the Healthy Environment Working Group to implement this policy.	Underway. The EAB is collaborating with the Healthy Environment Working Group to implement this policy.
40.	Policy 7.1.2e.	Permanent Buffer Protection.	Public Works, County Engineering	Unscheduled	Unscheduled
41.	Policy 7.1.4c.	Tree Cover.	City-County Planning, Public Works, Environmental Affairs Board	Unscheduled	Underway. EEUDO group formed in late 2008 and charged with studying this issue and making recommendations.
42.	Policy 7.1.5b.	Energy Saving Designs.	City General Services, County General Services, Durham Public Schools	Ongoing	Underway. Energy conservation plan to be presented to executive team.
43.	Policy 7.1.5d.	Green Builder Program.	Environmental Affairs Board	Unscheduled	Underway. The EAB has been using the Golden Leaf Awards Sustainable Properties category to encourage builders to adopt innovative building practices to reduce energy consumption.
44.	Policy 7.1.5e.	Energy Efficient Mortgage Programs.	Board of Commissioners, City Council	Unscheduled	Unscheduled
45.	Policy 7.1.6c.	Preservation and Management Plans.	City-County Planning, County Engineering	Unscheduled	Unscheduled
46.	Policy 7.1.6d.	Regular Inventory Updates.	City-County Planning	Unscheduled	Unscheduled
47.	Policy 7.2.1b.	Interconnected Open Spaces.	City-County Planning	Unscheduled	Unscheduled
48.	Policy 7.2.2g.	Flat River Open Space Plan.	City-County Planning, Parks and Recreation, County Engineering, Durham Open Space and Trails Commission	Unscheduled	Unscheduled
49.	Policy 7.2.2h.	City Open Space Corridors.	City-County Planning, Parks and Recreation	Unscheduled	Unscheduled
50.	Policy 8.1.2b.	Transportation Corridor Segment Level of Service Standards.	Public Works, City-County Planning	Unscheduled	Unscheduled

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	Policy	Title	Responsibility	2007 Status	2008 Status
51.	Policy 8.1.2d.	Transportation Facilities Plan.	Public Works	Scheduled. Part of the MPO's Comprehensive Transportation Plan.	Underway. Part of the MPO's Comprehensive Transportation Plan.
52.	Policy 8.1.2h.	Trees and Bicycle- and Pedestrian-Friendly Street Cross Sections.	Public Works, City-County Planning	Unscheduled	Unscheduled
53.	Policy 8.1.2j.	Collector Street Plans.	Public Works, City-County Planning	Completed. <i>Southwest Durham Collector Street Plan</i> finished.	Underway. MPO-wide Collection Street Plan underway.
54.	Policy 8.1.2k.	Center of the Region Collector Street Plan.	Board of Commissioners, Durham City Council	Scheduled. Will be incorporated into the MPO's <i>Comprehensive Transportation Plan</i> .	Underway
55.	Policy 8.1.3a.	Mass Transit Level of Service Standards.	Public Works, TTA, City-County Planning	Unscheduled	Unscheduled
56.	Policy 8.1.4k.	County Sidewalks and Pedestrian Infrastructure.	Public Works, Bicycle and Pedestrian Advisory Committee	Unscheduled	Unscheduled
57.	Policy 8.1.4n.	Bicycle-Friendly Community Application	Public Works	New Policy in 2007	Unscheduled
58.	Policy 8.1.6m.	Traffic Calming Standards and Practices.	Public Works, City-County Planning Commission, Inter-neighborhood Council	Unscheduled	Unscheduled
59.	Policy 8.1.6n.	Preservation of Neighborhood Streets.	City-County Planning	Unscheduled	Unscheduled
60.	Policy 9.4.1e.	Re-evaluating Stormwater Management Level of Service Standards.	City-County Planning, Public Works, County Engineering	Unscheduled	Unscheduled
61.	Policy 9.4.5b.	Impervious Surfaces Mapping.	City-County Planning	Unscheduled	Underway. Planning staff collaborating with Stormwater staff.
62.	Policy 10.1.3c.	Co-Location for New Park Facilities in Relation to Private Development.	Parks and Recreation	Unscheduled. Always something that is attempted by relation of park plans to population growth and density; no developer has been willing to donate land for a new park at this point	Unscheduled. Always something that is attempted by relation of park plans to population growth and density; no developer has been willing to donate land for a new park at this point.

Table 1, Plan Policies to Implement

	Policy	Title	Responsibility	2007 Status	2008 Status
63.	Policy 10.1.3h.	Park Improvement Districts.	Budget and Management Services, Parks and Recreation	Unscheduled. Researched, dismissed as politically infeasible	Unscheduled
64.	Policy 10.1.4g.	Flat River Open Space Master Plan.	City-County Planning, County Engineering, Durham Open Space and Trails Commission	Unscheduled	Unscheduled
65.	Policy 10.1.5a.	Parks and Durham Public Schools.	Parks and Recreation, Durham Public Schools	Unscheduled. Researched, dismissed as politically infeasible	Unscheduled. No co-location planned other than northern Durham site overlap; however DPR and DPS are increasing shared used of each other's facilities.
66.	Policy 11.1.1c.	Adequate School Facility Policies on a Less than County-Wide Basis.	City-County Planning, City Attorney's Office, County Attorney's Office, Durham Public Schools	Unscheduled	Unscheduled
67.	Policy 12.1.3b.	Fire Protection Plan.	Fire, County Fire Marshal	Underway	Unscheduled. Due to budget reduction.
68.	Policy 13.1.3d.	Solid Waste Disposal Alternatives.	Solid Waste	Underway	Underway. The City is exploring alternative disposal locations.
69.	Policy 14.1.1b.	Library Level of Service Standard, Books.	Durham Public Library	Unscheduled	Unscheduled
70.	Policy 14.1.2a.	Facilities Renovation Plan.	Durham Public Library, County General Services	Underway. County General Services is searching for energy reduction, retrofit programs, such as replacing magnetic ballast lighting systems with higher efficiency electronic lighting, retrofiting incandescent flood lights with compact fluorescents, replacing older technology heating and cooling systems with more efficient and computer-controlled equipment.	Underway. The Main Library renovations will be included in the 2011 Bond referendum.

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	Policy	Title	Responsibility	2007 Status	2008 Status
71.	Policy 16.1.1f.	Satellite Annexation Agreement.	Board of Commissioners, Durham City Council	Unscheduled	Unscheduled
72.	Policy 16.1.2b.	Granville, Person and Chatham Counties.	City-County Planning	Unscheduled	Unscheduled

Table 2, Summary of 2008 Adopted Plan Amendments
Adopted by City Council
A07-09, TW Alexander Properties
A0800002, Eno Drive at Denfield Street
A0800004, 2900 South Miami Boulevard
Adopted by the Board of Commissioners
A07-13, Epcon Neighborhood
A07-16, Page Road Corporate Center
A07-17, Hebron Road Elementary School