



CITY OF DURHAM | DURHAM COUNTY
NORTH CAROLINA



Zoning Map Change Report

Meeting Date: February 2, 2009

Reference Name	Finley Glen (Z0800007)	Jurisdiction	City
Request	Proposed Zoning	Residential Suburban – Multi-family with a development plan (RS-M (D))	
	Existing Zoning	RS-M (D)	
	Proposed Use	Townhouse units and multi-unit buildings with garages	
	Existing Use	Vacant	
Site Characteristics	Tier	Suburban	
	Land Use Designation	Medium Density Residential (6-12 DU/Ac)	
	Overlays	None	
	Site Acreage	13.32	
Applicant	The Glens, LLC	Submittal Date	February 11, 2008
Location	West side of Moreene Road, north of Whitfield Road		
PINs	0812-01-16-6744		
Recommendations/ Comments	Staff	Approval, based on consistency with the <i>Comprehensive Plan</i> and considering the information contained in this report.	
	Planning Commission	Approval, 10-4 on December 9, 2008. The Planning Commission finds that the ordinance request is consistent with the adopted <i>Comprehensive Plan</i> . The Commission believes the request is reasonable and in the public interest and recommends approval based on the information in the staff report and comments received during the public hearing.	
	DOST	No comments	

A. Summary

This zoning request shows a change in the development plan associated with this 13.32 acre parcel of land located at 116 Morreene Road. The site is zoned RS-M(D) and in the Suburban Tier. The development plan shows a mixture of townhouses and apartments with two points of access from existing public rights-of-way (Finley Street and Morreene Road). The request is consistent with the future land use designation of the *Comprehensive Plan* which designates the site for Medium Density Residential (6-12 DU/Ac).

A development plan has been submitted with this request and indicates the general physical layout of the property. If this plan were approved, any significant deviation

from the plan would require a new zoning petition for the property. The development plan submitted with this request includes the following committed elements:

Development Plan Committed Elements

1. The maximum number of townhouse units = 50 and apartment units = 60; total dwelling units = 110.
2. No lots shall be platted into any stream buffers.
3. A minimum landscape buffer of 25 feet shall be provided along the property line common with the two adjoining lots to the east. The landscape buffer must be installed prior to the issuance of any certificate of occupancy for buildings G or H. 40% opacity will be obtained through the use of either existing vegetation or new plant material.
4. Along the western property line, abutting the lots fronting on Sturdivant Street, the westernmost 35 feet shall be designated as required tree coverage. In areas where the vegetation meets ordinance requirements for preserved tree cover, it shall be left in an undisturbed state. In those areas where the existing vegetation does not meet ordinance requirements, it shall be planted as replacement tree cover prior to the issuance of the first certificate of occupancy. 60% opacity will be obtained through the use of either existing vegetation or new plant material. The developer will submit a landscape plan to the Planning Department for review and approval to verify that the planted area meets minimum ordinance standards at the time of approval of the final plat. The first certificate of occupancy/compliance can be issued only after the plantings have been planted in accordance to the approved plan and verified by the Planning Department.
5. A 6 foot high opaque wood fence shall be located 35 feet (at a minimum) east of the rear yard property lines of the three parcels that front on Sturdivant Street, as illustrated on the development plan. The installation of the fence shall be completed prior to the issuance of the first certificate of occupancy for the two closest adjacent apartment buildings.
6. The Home Owners Association documents shall include provisions prohibiting the removal of any vegetation located within any buffer or landscape area planted in excess of ordinance requirements without the express consent of the Home Owner's Association. Copies of the Home Owner's Association documents including this provision shall be provided to the City at the time of final plat approval.
7. Equipped recreation area(s) shall be provided in the general area(s) shown on the development plan. The developer shall equip these recreation areas with the amenities shown on the plan prior to issuance of the final certificate of occupancy. At a minimum, the recreation area amenities will include benches, picnic tables, walking paths, gazebos and a picnic shelter.
8. Construction access into the property from Finley Street shall be prohibited through the erection of barricades along the street. The barricades shall not be removed until after the public road has been paved with the first course of asphalt. The barricades must be in place and the Planning Department contacted to inspect the installation prior to the issuance of any permits, including but not limited to grading permits, infrastructure permits, building permits, etc.
9. Improve Whitfield Road to 2-lane section with curb and gutter through new road

- connection.
10. Northbound left turn lane will be constructed on Morreene Road at Whitfield Road intersection.
 11. A second waterline feed is required prior to the issuance of the 40th certificate of occupancy.
 12. Sanitary sewer services will be provided to the two neighboring properties (labeled Tract B and Tract C) along Morreene Road. This connection will occur when sewer is installed in the proposed public street.
 13. The developer will provide additional off-site sidewalks along Morreene and Whitfield Roads adjacent to PIN 0812-01-26-1649 (Bunting parcel) and PIN 0812-01-26-2563 (Meysers parcel).

B. Site History

The current RS-M(D) zoning designation of this property was approved with Case #Z05-06, Galway Glen, in December 2005. The proposal under consideration differs from the exiting development plan in that it shows two housing types (townhouse and apartments); the existing development plan commits to townhouse units only. In addition, proffered commitments 1 through 12 (above) are the same committed elements proffered and approved with the approval of Case #Z05-06. It should be noted that committed element 6 does not empower the Planning Department to enforce any provision beyond ordinance requirements.

C. Area Characteristics

The site is a vacant parcel of land located between residential development on three sides and the Durham Freeway to the east (see Attachment 4). The area consists of two townhouse developments; Walden Pond to the north and Forest Oaks to the south. The American Village single-family subdivision is to the west and there are several undeveloped lots that are not part of these communities to the north and south. The zoning districts include Residential Suburban – 20 (RS-20), RS-M, and Planned Development Residential – 6.900 (PDR 6.900).

Adjoining Uses, Zoning Districts and Overlays			
	Existing Uses	Zoning Districts	Overlays
North	Vacant, townhouses, single-family residential	RS-20, RS-M	None
East	Public right-of-way	RS-20, RS-M	None
South	Vacant, townhouses, single-family residential	RS-20, PDR 6.900	None
West	Single-family residential	RS-20	None

Staff Analysis and Conclusion. At 10.5 DU/Ac, the proposed development is higher in density compared to the two adjacent townhouse developments. With approximate calculations using UDO standards, Walden Pond is approximately 5 DU/Ac and Forest Oaks is approximately 8 DU/Ac.

This site is also adjacent to ¼ - ½ acre single-family lots. The proposed development plan has made commitments to provide additional separation by way of opacity and/or fencing to these properties to the east and west.

Given the commitments proffered, the intensity of the neighboring developments, and the site’s proximity to the Durham Freeway, the proposal is compatible with the surrounding area.

D. Site Characteristics

This 13.32 acre site is located at 116 Morreene Road. 2005 aerial photography shows the site mostly tree-covered with two small cleared areas on the north; one of which contains a one-story frame dwelling and a one-story log cabin. There are two segments of streams running through the site that require 50-foot buffers. Existing infrastructure would dictate required access points from Finley Street (adjacent to the north and west) and Whitfield Road (adjacent to the south).

Code Requirements				
Resource Feature	Code Provision	Required	Proposed	Consistent
Tree Coverage (minimum)	8.3.1.C	20% (2.10 acres)	28% (2.91 acres) (illustrative)	Yes
Impervious Surface (maximum)	Site not located in a watershed overlay. Therefore, no impervious surface limits.		42.8% (5.66 acres) (illustrative)	Yes

Staff Analysis and Conclusion. There are no identified environmental or physical constraints, other than the stream buffers, that could prevent this site from being developed under ordinance standards. The development plan demonstrates conformance with UDO standards.

E. Requested Zoning District Characteristics

RS-M (Residential Suburban – Multi-family) - the RS-M district is established to provide for suburban residential development and redevelopment with a minimum lot size of 5,000 square feet and a maximum of 10.5 dwelling units per acre. A variety of single- and multi-family housing types are permitted including duplexes, townhomes, and apartments. While RS-M is a residential district, certain nonresidential uses such as day care facilities and places of worship may be sought through a special use permit or other limited provisions of the ordinance.

Zoning District Requirements – RS-M				
	Code Provision	Required	Proposed	Consistent
Maximum Residential Density (DU/Ac)	6.3.1.A	10.5	10.5	Yes
Open Space	6.3.1.A	18% (2.38 acres)	46% (6.06 acres) (illustrative)	Yes
Useable Open Space	6.3.1.A	6% (0.79 acres)	6% (0.79 acres)	Yes
Connectivity Ratio	13.1.6.B	Not less than 1.40	2.00	Yes

Housing Type Standards - Townhouses				
	Code Provision	Required	Proposed	Consistent
Minimum Street Yard (feet)	7.1.8.B	25	25	Yes
Minimum Distance Between Building and Shared Parking (feet)	7.1.8.B	12	20	Yes
Minimum Rear Yard (feet)	7.1.8.B	20	25	Yes
Minimum Building Separation (feet)	7.1.8.B	10	10	Yes

Housing Type Standards - Apartments				
	Code Provision	Required	Proposed	Consistent
Minimum Street Yard (feet)	7.1.10.B	25	25	Yes
Minimum Distance Between Building and Parking Lot (feet)	7.1.10.B	12	14	Yes
Minimum Rear Yard (feet)	7.1.10.B	25	25	Yes
Minimum Building Separation (feet)	7.1.10.B	10	56	Yes

Project Boundary Buffers – Section 9.4				
Cardinal Direction	Adjacent Zone	Required Opacity	Proposed Opacity	Consistent
North	RS-M	0.2/0.4	0.4	Yes
	RS-20	0.4/0.6	0.6	Yes
East	n/a	n/a (adjacent to variable width right-of-way from 400-940 feet)	tree coverage shown	Yes
	RS-M	0.2/0.4	25-foot, 0.4 committed	Yes
South	RS-20	0.4/0.6	0.4	Yes
	PDR 6.900	0.4/0.6	0.4	Yes
West	RS-20	0.4/0.6	35-foot, 0.6 with a 6-foot opaque wood fence (committed)	Yes

Staff Analysis and Conclusion. The development plan conforms to the intent and standards of the requested district. It commits to apartments and townhouses at 10.5 DU/Ac, the maximum amount of density allowed in this district. Two stream segments create natural breaks in the development of this site (dividing the site into three sections) where the required stream buffers provide visual relief from the proposed structures. This also allows for areas of dispersed tree coverage and open space. Although the location is not committed to, the project’s useable open space appears to be concentrated in the north and eastern portions of the site; however, useable open space is provided in each of the three development areas.

F. Infrastructure Impacts

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.

1. Road Impacts

Morreene Road and Neal Road are the major roads impacted by the proposed zoning change. There are no NCDOT roadway improvements scheduled for this area. The 2006 Durham Comprehensive Bicycle Plan shows a proposed bicycle lane along Morreene Road. The Transportation Division has requested that a committed element be added to the plan to provide a minimum of 4-feet of additional asphalt widening along Morreene Road to allow for this future bicycle lane. Since the applicant is not willing to proffer this commitment, the issue remains an unresolved Transportation concern.

Road Impacts		
Affected Segments	Morreene Road	Neal Road
Current Roadway Capacity (LOS D) (ADT)	11,700	11,700
Latest Traffic Volume (AADT)	5,900	3,800
Traffic Generated by Present Designation (average 24 hour)*	696	
Traffic Generated by Proposed Designation (average 24 hour)**	867	
Impact of Proposed Designation	+171	

Source of LOS Capacity: FDOT Generalized Level of Service Volume Table 4-1 (2002)

Morreene Road: 2-lane Major City/County roadway without left-turn lanes

Neal Road: 2-lane Major City/County roadway without left-turn lanes

Source of Latest Traffic Volume: 2007 NCDOT Traffic Count Map

*Assumption- (Max Use of Existing Zoning) – RS-M (D): 110 townhome units

** Assumption- (Max Use of Proposed Zoning) – RS-M (D): 50 townhome units and 60 apartment units

2. Transit Impacts

Transit service is provided with one-quarter mile of the site along Hillsborough Road via DATA Route 11.

3. Utility Impacts

The site will be served by City water and sewer.

4. Drainage/Stormwater Impacts

The plan as submitted conceptually meets the minimum ordinance standards for a zoning map change request. Final approval of the stormwater impact analysis will occur at the time of site plan approval.

5. School Impacts

The proposed project could generate an estimate of 18 students, or 6 more students than the existing zoning. Durham Public Schools serving the site are Hillandale Elementary School, Brogden Middle School, and Riverside High School.

School Impacts-System Totals			
	Elementary School	Middle School	High School
Current Building Capacity	15,968	8,063	9,670
Maximum Building Capacity (110% of Building Capacity)	17,565	8,869	10,637
20th Day Attendance (2008-09 School Year)	16,260	6,553	9,928
Committed to Date (January 2006 – December 2008)	99	32	(160)
Available Capacity	1,206	2,284	869
Potential Students Generated – Current Zoning*	6	3	3
Potential Students Generated – Proposed Zoning**	10	4	4
Impact of Proposed Zoning	+4	+1	+1

*Assumption- (Max Use of Existing Zoning) – RS-M (D): 110 townhome units

** Assumption- (Max Use of Proposed Zoning) – RS-M (D): 50 townhome units and 60 apartment units

6. Water Supply Impacts

The proposed use associated with this zoning request is estimated to generate a demand for water of 13,600 gallons per day (GPD). This represents an increase of 1,500 gallons per day over the estimated existing water usage of the site.

Water Supply Impacts	
Current Water Supply Capacity	37.00 MGD
Present Usage	24.22 MGD
Approved Zoning Map Changes (January 2006 – December 2008)	2.61 MGD
Available Capacity	10.17 MGD
Estimated Water Demand Under Present Zoning	12,100 GPD
Potential Water Demand Under Proposed Zoning	13,600 GPD
Impact of Zoning Map Change	1,500 GPD
Notes: MGD = Million gallons per day	

*Assumption- (Max Use of Existing Zoning) – RS-M (D): 110 townhome units

** Assumption- (Max Use of Proposed Zoning) – RS-M (D): 50 townhome units and 60 apartment units

Staff Analysis and Conclusion. Infrastructure is available to serve development pursuant to the zoning request.

G. Plan Consistency

Plan Requirements			
	Policy	Requirement(s) (LOS = Level of Service)	Consistent
<i>Comprehensive Plan</i>	Future Land Use Map	Medium Density Residential (6-12 DU/Ac)	Yes
	2.2.2a	Demand for Residential Land	Yes
	8.1.2m	Transportation LOS	Yes
	9.4.1a	Water Quantity LOS	Yes
	11.1.1a	School LOS	Yes

Staff Analysis and Conclusion. This request is consistent with the policies of the *Comprehensive Plan* that are applicable to the development.

H. Notification

Staff certifies that newspaper advertisements, letters to property owners within 600 feet of the site 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, the following neighborhood organizations were mailed notices:

- Durham Justice & Fairness Inter-Neighborhood Association
- Inter-Neighborhood Council
- Durham Peoples Alliance
- Partners Against Crime – District 2
- Ellerbee Creek Watershed Association

I. Recommendations

Staff recommends approval, based on consistency with the *Comprehensive Plan*, and considering the information provided in this report.

Planning Commission recommends approval. 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 the information in the staff report and comments received during the public hearing.

J. Draft Summary Minutes of the Planning Commission December 9, 2008 (Case Z0800007)

Location: West side of Morreene Road, north of Whitfield Road

Request: RS-M (D) to RS-M(D)

Staff Recommendation: Amy Wolff presented the staff report.

Public Hearing: Chair Brine opened the public hearing. Two persons spoke in favor of the request and two spoke in opposition.

Commission Discussion: Commission discussion centered around additional committed elements, widening of the streets, mass grading, sidewalks, and apartments as opposed to town homes.

Findings: 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 the information in the staff report and comments received during the public hearing.

Motion: To approve, (Mr. Moffitt, Ms. Mitchell-Allen 2nd)

Action: Motion carried, 10-4, (with Ms. Brown, Ms. Giles, Ms. Jacobs and Ms. Summers voting no)

K. Staff Contact

Amy Wolff, Planner, 560-4137 x235 or Amy.Wolff@durhamnc.gov.

L. Applicant Contact

Chris Carson, Lake Engineering Services, 810-220-2767 ext. 130 or ChrisCarson@lake-services.com

M. Attachments

1. Context Map
2. Future Land Use Map
3. Aerial Photograph
4. Area Characteristics Map
5. Development Plan Reduction
6. Application
7. Planning Commissioner's Written Comments
8. Ordinance Form