



# TRANSPORTATION SPECIAL USE PERMIT (TSUP) APPLICATION

(A Pre-submittal conference must be held prior to submission)

### Tracking Information (Staff Only)

|              |                                   |           |
|--------------|-----------------------------------|-----------|
| Case Number: | Date/Time rec'd: 6.6.11 @ 5:00 PM | Rec'd by: |
|--------------|-----------------------------------|-----------|

### About this Application

ONLY COMPLETE APPLICATIONS CAN BE ACCEPTED

*Transportation special use permits* are heard by the Governing Body (City Council if City, Board of Commissioners if County) as a quasi-judicial public hearing.

**Submittal:** Applications are due by noon on the submittal deadline date. Deadlines are discussed at the pre-submittal meeting and are available online at <http://www.durhamnc.gov/departments/planning/msup.cfm>. Applications should be submitted in-person, and fees are due at time of submittal.

The application is a form of written testimony, and used both to show how Ordinance considerations are addressed and to provide evidence that the required findings for approval can be made. In addition to the application materials, the applicant may provide any other written, drawn or photographed material to support his/her request and as permitted by the Governing Body, as applicable. Any such additional material submitted will become part of the application, and as such cannot be returned.

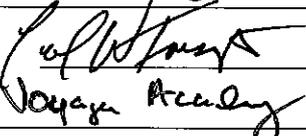
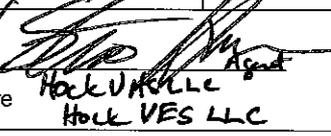
Attendance at the hearing is required. Applicants may represent themselves or may be represented by someone appropriate for quasi-judicial public hearings. The applicant has the **burden of proof** and must provide sufficient evidence in order for the required findings to be made. The public hearing will allow the applicant, proponents, opponents and anyone else the opportunity to speak and ask questions in regards to the request. An application may be approved, approved with conditions, continued for more information, or denied. **Decisions can be appealed to Superior Court within 30 days.**

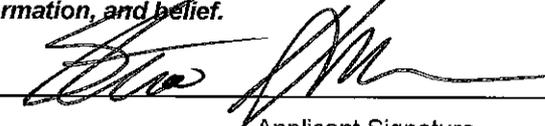
**Contact Information:** If you have any questions, please contact the City-County Planning Department at 560-4137 between 8:00 a.m. and 5:00 p.m. on weekdays.

### Application Requirements

|   | Applicant Initial | Staff Initial |
|---|-------------------|---------------|
| Record of the pre-submittal meeting (copies provided at the meeting)    | SS                |               |
| Fee   | SS                |               |
| Completed application and responses: ORIGINAL signatures required       | SS                |               |
| SITE PLAN (full size and 11x17), as determined at pre-submittal meeting | SS                |               |
| Traffic Impact Analysis (TIA)   | SS                |               |
| <b>Note: Additional supporting documents may also be submitted</b>      |                   |               |

| General/Property Information                             |                            |  |
|--|----------------------------|--|
| Site Address: 101 Hock Parc, 4210 + 4302 Ben Franklin    |                            | PIN(s): 0833-01-05-7672, 15-0924, -4997  |
| Zoning District(s): OI(D) <sup>P99</sup> -46             | Overlay District(s): F/J-B | PID(s): 172253, 209406, 172260   |
| Current Use(s): Middle and High School Future Elementary |                            | <input checked="" type="checkbox"/> City <input type="checkbox"/> County <input type="checkbox"/> Both |
| Proposed use(s): Charter schools                         |                            |  |
| Project Name: Voyager Academy Elementary School          |                            |  |
| TIA prepared by: Martin                                  |                            |  |

| Property Owner   |   |
|--|---|
| Name(s) (Print): Hock DHS, LLC, Hock VES LLC<br>Voyager Academy Foundation Inc.                                      | Telephone: 919-471-2895   |
| Contact Person: Steve Hubrich  | Email: shubrich@gmhock.com  |
| <br>Voyager Academy Owner Signature | <br>Hock DHS LLC<br>Hock VES LLC Agent<br>Date: 6-3-11 |

| Applicant  |                            |
|--|----------------------------|
| Name(s): C.M. Hock   |                            |
| Contact Person: Steve Hubrich  | Telephone: 919-471-2895    |
| Address: 4321 Medical Park Dr. Sk. 100   | Fax: 919-471-6140          |
| City/State/ZIP: Durham NC 27278  | Email: shubrich@gmhock.com |
| <i>I certify that all of the information presented by me in this application is accurate to the best of my knowledge, information, and belief.</i> |                            |
| <br>Applicant Signature   | Date: 6-3-11               |

| Agent (if different than applicant) |            |
|-------------------------------------|------------|
| Name:                               |            |
| Contact Person:                     | Telephone: |
| Address:                            | Fax:       |
| City/State/ZIP:                     | Email:     |

**Complete and respond to the following with an attachment (suggested), or in the space provided:**

**Note:** Before any Transportation Special Use Permit shall be granted, the Governing Body must find that satisfactory evidence has been provided for the following. Your site plan, application and testimony at the hearing must provide sufficient evidence for the Governing Body to determine that these general findings and review factors have been adequately and appropriately addressed.

Applicant's Name: I, Steve Hubrich, do hereby petition the City of Durham/County of Durham for a Transportation Special Use Permit to allow the following:

For the combined trips generated by Elementary, Middle and High School uses.

**Section 3.3.8D of the UDO: Criteria for Approval of Transportation Special Use Permits**

In order to approve a TSUP; the governing body shall make the following findings:

1. The traffic generated by the development and associated improvements to the street system will not have a significant adverse impact on the surrounding area.

Significant adverse impact shall include:

- a. Substantial increases in traffic on local residential streets such that the majority of the traffic is not associated with the residential properties which front on the street; or
- b. The need to widen local residential streets which would detract significantly from the character or basic function of the nearby streets.

See attached responses.

2. Adequate provisions have been made for safe and efficient vehicular circulation, parking and loading, and pedestrian access.

*See attached responses.*

3. The traffic generated by the proposed development and any proposed improvements to the street system will not have a significant adverse impact on the environment. Significant adverse impacts shall include but not be limited to undue concentration of air pollutants, or excessive noise or vibrations.

*See attached responses.*

4. The traffic generated by the development can be accommodated by the existing or funded transportation system, or adequate traffic mitigation measures have been proposed as part of the development application. Proposed mitigation measures shall become conditions of the special use permit. The adopted level of service for the adjacent roadways may be considered in making this determination but shall not be the sole factor considered by the governing body.

*See attached responses.*

### **Section 3.3.8D: Criteria for Approval for Transportation Special Use Permits**

In order to approve a TSUP, the governing body shall make the following findings:

1. The traffic generated by the development and associated improvements to the street system will not have a significant adverse impact on the surrounding area.

Significant adverse impact shall include:

- a. Substantial increases in traffic on local residential streets such that the majority of the traffic is not associated with the residential properties which front on the street; or
- b. The need to widen local residential streets which would detract significantly from the character or basic function of the nearby streets.

*The proposed development consists of three charter schools, an Elementary School, a Middle School, and a High School. The existing Middle School has a maximum enrollment of 500 students. The Elementary School has a proposed maximum capacity of 400 students. The High School, which is under construction, also has a maximum enrollment of 400 students. The total traffic expected to be generated by the three schools is 2,400 daily trips.*

*Individual Traffic Impact Analyses (TIAs) were completed for each of the schools, the Middle School TIA in June 2007, the High School TIA in May 2010, and the Elementary School TIA in March 2011. The Elementary School TIA includes the traffic volumes from all three schools; the Elementary School traffic is included in the traffic counts, while the High School trips are included in the background traffic estimates. From the March 2011 Elementary School TIA, all intersections in the study area are projected to operate at an overall acceptable level of service (LOS). Some stop-controlled approaches may experience an increase in delay (Freedom Lake Drive and Pacific Avenue), however, not enough to warrant signalization or additional turn lanes. These roadways serve mainly commercial traffic, do not specifically serve residential traffic, and are not classified residential streets. The TIA assumed a worst-case scenario of all schools operating within one hour to be conservative. The peak periods for each of the schools will actually be staggered to lessen the impact on peak hour traffic in the mornings and afternoons.*

*The school campus is located within a business park. There are no residential dwelling units that front along Ben Franklin Boulevard, Pacific Avenue, Freedom Lake Drive, or Medical Park Drive in the vicinity of the school campus. There are approximately 24 townhome dwelling units to the east of the High School along President's Drive. Emergency access only will be provided connecting the High School to President's Drive; therefore, no increase in traffic is expected along President's Drive. There are approximately 360 apartment units along the extension of William Penn Plaza to the south of the school campus. The access to these units is through a newly signalized intersection at Ben Franklin Boulevard and William Penn Plaza and via a private roadway connection to Medical Park Drive. Future apartment traffic will be able to utilize the proposed*

*roundabout at Ben Franklin Boulevard/Medical Park Drive intersection. Little to no Middle School traffic would utilize the extension of William Penn Plaza through the apartment complex. From the schools' TIAs, approximately 5-10% of the High School and Elementary School traffic would utilize this secondary connection. This equates to approximately 110 trips per day through the apartment complex. This connection is not promoted in the Transportation Management Plans prepared for the schools. By comparison, a previous estimate of the apartment complex traffic was just over 2,300 trips per day. This would equate to less than a 5% increase in traffic on the William Penn Plaza extension, therefore, not a substantial increase and no roadway widening would be necessary.*

- 2. Adequate provisions have been made for safe and efficient vehicular circulation, parking and loading, and pedestrian access.**

*A roundabout is proposed at the intersection of Ben Franklin Boulevard and Medical Park Drive to service all the schools' traffic and specifically U-turning traffic. The roundabout will also serve as a traffic calming feature, slowing traffic through the reduced speed school zone along Ben Franklin Boulevard. Right-out only operation has been implemented at Hock Park Lane, which primarily serves the Middle School traffic and promotes a safer and more efficient exit from that school. A center left-turn lane was also constructed with the Middle School for safety and capacity improvements along westbound Ben Franklin Boulevard. The widening for the left-turn lane occurred in the median, the overall width of Ben Franklin Boulevard (4-lane divided) did not change. For the roundabout construction, the lanes on Ben Franklin will be reduced to a single thru lane in each direction to utilize the roundabout. An exclusive right-turn lane will be provided on the eastbound approach of the roundabout, utilizing the existing outside lane, therefore no widening will occur at this location.*

*Access to the Middle School is primarily via Hock Park Lane, with flexibility being added through a connector roadway over to Medical Park Drive as well. Access to the Elementary and High Schools will be primarily Medical Park Drive through the new roundabout at Ben Franklin Boulevard. The Elementary School will also utilize as secondary accesses, Hock Park Lane and William Penn Plaza extension. The High School will also utilize William Penn Plaza extension as a secondary access. There are no school buses serving the schools, therefore, no additional access points for buses are required, as is typically associated with public schools. Service vehicle traffic will utilize the same access points as staff and parents. There is circulation within the site for emergency vehicles.*

*Campus-wide and individual Transportation Management Plans (TMPs) have been prepared for the schools. The TMPs recommend staggering starting and ending times for the schools, carpool paths and proper loading procedures, recommended staff support, pedestrian access information, and additional*

*instructions for staff and parents to ensure the safest and most efficient traffic management for the school campus.*

*Adequate driveway length on the parent drop off is being provided for the Elementary and High Schools according the NCDOT Municipal and School Transportation Assistance calculator. The proposed parking on site falls between the minimum and maximum allowed by the UDO. Student parking for the High School is separated from the visitor parking and drop off loop to the north of the building.*

*There is existing pedestrian access along Ben Franklin Boulevard from both the east and west up to the school facilities. Sidewalks are proposed between the schools connecting the campus and to the south connecting to the apartment complex. Elsewhere, sidewalks are being added as required by the UDO.*

- 3.** The traffic generated by the proposed development and any proposed improvements to the street system will not have a significantly adverse impact on the environment. Significant adverse impacts shall include but not be limited to undue concentration of air pollutants, or excessive noise or vibrations.

*There is no off-site roadway widening associated with the schools' construction. With the roundabout construction the turning radii in the intersection quadrants will be modified to accommodate the turning vehicles and the center island. Some tree and branch removal will be necessary at this location to ensure proper sight distance in the roundabout quadrants as well. Medical Park Drive will be widened to accommodate the roundabout construction and turning vehicles into the Elementary and High Schools.*

*The majority of traffic will be cars and vans bringing students to school. There will be no school buses accessing the site. There should not be any idling vehicles along residential streets as there is sufficient stacking planned for the new schools within the site for cars and deliveries. The schools will have Transportation Management Plans where staff will regulate pick-up/drop-off activities to minimize idling times. So there should be no addition of undue concentrations of pollution, noise, or vibrations to the existing residential properties.*

- 4.** The traffic generated by the development can be accommodated by the existing or funded transportation system, or adequate traffic mitigation measures have been proposed as part of the development application. Proposed mitigation measures shall become conditions of the special use permit. The adopted level of service for the adjacent roadways may be considered in making this determination but shall not be the sole factor considered by the governing body.

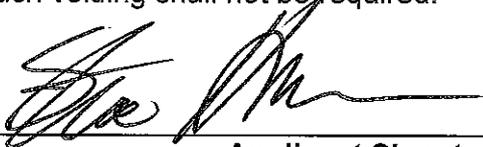
*The traffic generated by the new school will lower the level of service on some minor street approaches at a couple intersections within the study area, but the*

*mitigation measures are proposed to offset these degradations. Mitigation measures include turn lanes at site driveways, roundabout construction, and Transportation Management Plans for all three (3) schools.*

**Read and sign below:**

In granting a Transportation Special Use Permit, the Governing Body may place conditions on the use to assure that adequate mitigation measures are associated with the use. The conditions shall become part of the special use permit approval. Violations of any of the conditions shall be treated in the same manner as other violations of the Ordinance. Furthermore, Special Use Permits shall become null and void in any of the following cases (Section 3.9.13 of the UDO):

- A. If a site plan is not approved within 12 months of the date of permit approval.
- B. If an approved site plan or building permit expires.
- C. If a building permit is not issued within two years of the date of approval, in cases where a site plan is not required.
- D. If a substantial violation of the conditions of the permit, as determined by the Planning Director or designee occurs. The addition of language to the special use permit regarding such voiding shall not be required.

  
\_\_\_\_\_  
Applicant Signature

6-3-11  
\_\_\_\_\_  
Date

# MSUP/Board of Adjustment Pre-Submittal Record and Checklist

Date: 6.1.11

## GENERAL INFORMATION

|                             |   |
|-----------------------------|---|
| Name of Applicant           | Steve Hubrich <i>LYLE OVERCAST</i>  |
| Owner of Site               | Voyager Foundation, Inc. and Hock VHS, LLC  |
| Staff present               | Jim Morris, <i>DANNY CULTRIA BILL JUDGE</i> <span style="float: right;"><i>CITAD</i></span> |
| Jurisdiction                | City <span style="float: right;"><i>AB</i></span>   |
| PIN or PID                  | 0833-01-05-7672, -15-0924, -4997 / 172253, 209406, 172260                                   |
| Location/Address            | 101 Hock Parc, 4210 and 4302 Ben Franklin Dr.   |
| Zoning District(s)/Tier     | OI(D) (P99-46) / Suburban   |
| Watershed District          | F/J-B (Neuse – Eno River)   |
| Other Overlay District      | -   |
| Type of Application         | Transportation Special Use Permit   |
| Proposal                    | TSUP for combined trips generated by Elementary, Middle and High School uses                |
| Relevant Ordinance Sections | 3.9, and <del>3.10</del> , 6.10, Articles 7,8,9,10,11,12 as appropriate                     |

3.3

## Process/Application Requirements

|  | Comment/Notes  |
|--|--|
| Schedule/Deadlines   | Application dues 1 <sup>st</sup> Monday each month by NOON.  |
| Record of the pre-submittal meeting  | Copies provided  |
| Fee/ Number of signs   | \$ 2,025.00 base application fee + \$81.00 4% Tech. surcharge + \$383.00 Notification = \$2489.00 total; payable to city of Durham/ 1 sign   |
| Completed application and responses: ORIGINAL signatures required                            | Application provided: see <a href="http://www.ci.durham.nc.us/forms/planning_tia_msup_app.pdf">http://www.ci.durham.nc.us/forms/planning_tia_msup_app.pdf</a>  |
| SITE PLAN (full size and 11x17) or PLOT PLAN (11x17), as determined at pre-submittal meeting | Site plan may be required, High School site plan #D1100027 (amendment), D1000091; Middle School #D0700473; Elementary School #D1100049 (D0900261 Tree Coverage)  |
| Responses to Additional Findings and/or Review Factors, as applicable                        | - <span style="border: 1px solid black; border-radius: 50%; padding: 2px;">MSR</span>  |
| Responses to Limited Use Standards, as applicable  | -  |
| Floorplan (full size and 11x17), as applicable   | -  |
| Elevations (full-size and 11x17), as applicable  | -  |
| Comprehensive Plan and Zoning Intent statement   | Zoning Intent- Section 4.3.2 (OI)<br>Comprehensive Plan- <a href="http://www.durhamnc.gov/departments/planning">www.durhamnc.gov/departments/planning</a> , and the East Durham Open Space Plan (found in the same area) |
| Note: Additional supporting documents may also be submitted                                  |  |

To the Applicant: When the request is submitted, thorough review and site visits will be conducted by several City/County departments. **Other issues may arise that were not identified in this preliminary discussion.**