



CITY OF DURHAM | DURHAM COUNTY
NORTH CAROLINA



Zoning Map Change Report

Meeting Date: April 2, 2012

Table A. Summary				
Application Summary				
Case Number	Z1100032		Jurisdiction	City
Applicant	Scot Lay, Reader and Partners		Submittal Date	December 13, 2011
Reference Name	Bethpage Village		Site Acreage	407.27
Location	Northwest quadrant of the intersection of Page Road and Chin Page Road			
PIN(s)	0758-01-20-0345, 0758-03-11-2112, 0758-03-12-7976, 0748-03-94-7127			
Request				
Proposed Zoning	No change	Proposal	Remove the following from development plan (Z06-47): 1. Minimum lot size commitment 2. Sheet DV-3 Illustrative Master Plan	
Site Characteristics				
Development Tier	Suburban			
Land Use Designation	Medium-High Density Residential (4-8 DU/Ac.), Industrial, Commercial, Recreation/Open Space			
Existing Zoning	Planned Development Residential – 4.733 (PDR 4.733), Industrial Light with a development plan (IL(D)), Commercial General with a development plan (CG(D))			
Existing Use	Vacant			
Overlay	None	Drainage Basin	Lower Neuse	
River Basin	Neuse	Stream Basin	Stirrup Creek	
Determination/Recommendation/Comments				
Staff	Staff determines that this request is consistent with the <i>Comprehensive Plan</i> and other adopted policies and ordinances.			
Planning Commission	Approval, 10 – 2 on February 14, 2012. 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 comments received at the public hearing, the information in the staff report.			
DOST	No comments			
BPAC	No comments			

A. Summary

This is a request to remove an existing text commitment and the Illustrative Master Plan associated with the approved development plan associated with the Planned Development Residential – 4.733 (PDR 4.733), Industrial Light with a development plan (IL(D)), and Commercial General with a development plan (CG-(D)) zoning designations of this site. The existing text commitment requires that single-family lots be a minimum of 6,500 square feet. This site is 407.27 acres located at the northwest quadrant of the intersection of Page Road and Chin Page Road.

The Planning Director has determined that removal of a text commitment only requires a zoning map change for that portion of the development plan subject to the proposed change (ref. UDO Secs. 3.5.12.A and 3.5.12.B). As such, only the removal of the commitment from the development plan was reviewed.

Removal of the commitment, a proffered level of development greater than ordinance requirements, does not change the sufficiency of the previously approved development plan nor its consistency with the future land use designation of the *Comprehensive Plan*.

B. Site History

The site's existing zoning designation of PDR 4.733, IL(D), and CG(D) and associated development plan (case Z06-47) was approved by the Board of County Commissioners on December 10, 2007 with City Council approving the initial zoning on October 19, 2009 (Case Z0900002A) and is further described in the attached development plan (Attachment 4, Development Plan Reduction). As shown in bold text titled "Changes: 12/12/2011" two changes are proposed (see Sec. C, Staff Analysis) and are reflected in the table below with the proposed changes stricken:

Table B: Development Plan Committed Elements (Case Z06-47)
1. Maximum number of units within the PDR 4.733 district: 1,300
2. Minimum single-family lot size: 6,500 square feet
3. This project will provide a minimum of 90.0 acres of open space. This acreage is a combination of 24 acres of active and 66 acres of passive open space.
4. At the time of the building permit, the applicant shall pay a voluntary school impact fee of \$1,000 per single-family lot and \$300 per townhouse and multi-family unit.
5. Construction of 3 miles of six-foot wide soft surface & asphalt walking trails as shown on DV-1 and DV-3. Trails shall be field located to avoid specimen tree locations. Walking trails shall be completed prior to the last certificate of occupancy in the adjacent development pod.
6. A 100-foot greenway dedication along unnamed tributary of Stirrup Iron Creek prior to approval of final plat as shown on DV-1.
7. 25 feet of additional right-of-way to be dedicated along frontage of Page Road.
8. 10 feet of additional right-of-way to be dedicated along frontage of Chin Page Road.
9. 120-foot right-of-way dedication will be provided on the north side of the property for the proposed Wake-Durham collector as shown on DV-1.
10. A minimum of four feet of additional asphalt (in addition to the proposed widening required by the TIA) will be provided for the full frontage of the site along the north side of Chin Page Road and the west side of Page Road. The additional asphalt widening will be provided to

allow for a future bicycle lane.

11. Developer agrees to provide one (1) bus shelter either along Page Road, Chin Page Road, or within the non-residential section of this development at a mutually-agreed upon location, if such a request for a shelter is made by TTA or DATA anytime in the life of the project.
12. No lots will be platted within steep slopes as defined by the UDO.
13. Applicant will make the historic structure and barn available for salvage to Preservation Durham upon request.
14. Applicant will provide a minimum of four usable open space areas. The main usable open space area shall contain a Clubhouse and a junior Olympic pool, in addition, one (1) tot lot shall be provided in one of the remaining usable open space areas.
15. The active recreation area will contain at least 1 multi-purpose field improved to a level sufficient to provide a place for organized community activities such as soccer or football. This field will be installed prior to the 500th Certificate of Occupancy.
16. Protect the cemetery and provide open space around the cemetery.

The application (Case Z06-47) proposed 1,300 residential units, 500,000 square feet of office, and 150,000 square feet of commercial. The office and commercial spaces are not maximum commitments; however, the intensity of the site is limited by the assumptions of the Traffic Impact Analysis (TIA).

C. Staff Analysis

With this proposal, the commitment for a minimum single-family lot size of 6,500 square feet would be removed. The PDR district does not require that lot size be established at the time of zoning (UDO Sec. 6.11.3.A.2). If approved, no minimum lot size would be required. Further, the removal of the minimum single-family lot size commitment does not impact the committed density of the site (4.733 DU/Ac.) nor the total number of residential units allowed (1,300 maximum).

In March 2009 certain changes to the requirements for, and interpretation of, a development plan were approved by City Council. One of the changes precludes the applicant to depict illustrative graphics unless they are proffered as commitments and subject to interpretation by the Planning Director (How about saying: "These changes do not permit the inclusion of illustrative graphics in development plans unless the graphics depict committed elements that are subject to interpretation by the Planning Director." (UDO Sec. 3.5.6.E). At the time of this site's existing zoning approval, illustrative or conceptual plan layouts were permissible and this was a common practice for applicants. As such, illustrative graphics and conceptual layouts were not considered commitments but were reviewed for consistency with the technical requirements of the UDO as well as the committed proffers at the time of approval. Removal of sheet DV-3, Illustrative Master Plan (and the reference to such sheet in the text commitments) does not diminish the approved level of development nor commitments of the site. The required elements of the development plan are fully contained within the remaining sheets (see Attachment 4, Development Plan Reduction).

To clarify the period of validity of the required Traffic Impact Analysis (TIA) associated with this site, staff requested the following note be placed on the cover sheet:

“A Traffic Impact Analysis (TIA) was provided with the previous zoning applications (Z06-47). Per UDO Section 3.3.6, the period of validity for the TIA began on December 10, 2007 and will not change with this zoning application.”

Determination. The removal of the proffered text commitment and Sheet DV-3, Illustrative Master Plan is not contrary to any current Ordinance requirements. As such, staff determines that this request is consistent with the *Comprehensive Plan* and other adopted policies and ordinance.

If approved, development plan Z06-47 with modifications, establishes the level of development of the site.

D. 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:

- Inter-Neighborhood Council
- Fayetteville Street Planning Croup
- Friends of Durham
- Unity in the Community for Progress
- RDU HZO Permit Area
- Center of the Region Enterprise (CORE) – Town of Morrisville
- Center of the Region Enterprise (CORE) – City of Raleigh
- Center of the Region Enterprise (CORE) – Wake County
- Center of the Region Enterprise (CORE) – Town of Cary

E. Summary of Planning Commission Meeting February 14, 2012 (Case Z1100032)

Zoning Map Change Request: PDR 4.733, CG(D), IL(D) to PDR 4.733, CG(D), IL(D)

Staff Report: Ms. Wolff presented the staff report.

Public Hearing: Chair Brown opened the public hearing. One person spoke in favor and none spoke against. Chair Brown closed the public hearing.

Commission Discussion: Commission discussion centered on the minimum lot size and the previously approved development plan.

Motion: Approval (Ms. Beechwood, Mr. Smudksi 2nd)

Action: Motion carried 10-2 (with Brown and Martin voting no.)

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 comments received at the public hearing, the information in the staff report.

F. Staff Recommendation

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

G. Contacts

Table I. Contacts		
Staff Contact		
Amy Wolff, Senior Planner	Ph: 919-560-4137, ext. 28235	Amy.Wolff@DurhamNC.gov
Applicant Contact		
Agent: Bob Zumwalt, The John R. McAdams Company, Inc.	Ph: 919-361-5000	zumwalt@johnrmcadams.com

H. Attachments

1. Context Map
2. Future Land Use Map
3. Aerial Photograph
4. Development Plan Reduction
5. Application
6. Owner's Acknowledgement Forms
7. Submittal History
8. Planning Commissioner's Written Comments
9. Ordinance Form