



**CITY OF DURHAM | DURHAM COUNTY
NORTH CAROLINA**



Plan Amendment Report

Meeting Date: March 19, 2012

This item was continued from the April 6, 2009, September 8, 2009, and March 15, 2010 City Council meetings.

Reference Name	Eno Drive at West Point on the Eno (A0800001)		Jurisdiction	City
Request	Proposed Land Use Designation	Low Density Residential (4 DU/Ac. or Less)		
	Existing Land Use Designation	Low-Medium Density Residential (4-8 DU/Ac.)		
Site Characteristics	Tier	Suburban		
	Site Acreage	58.83 acres		
	Existing Use	Vacant		
Applicant	City of Durham	Submittal Date	January 18, 2008	
Location	West of Roxboro Road, south of West Point on the Eno City Park			
PIN(s)	0824-19-42-8338 (partial); -04-62-4788			
Recommendations	Staff	Approval, based on the request being justified and meeting the four criteria for plan amendments		
	Planning Commission	Approval, December 9, 2008, 8-5, based on information provided in the staff report, the justification, and meeting the four criteria for plan amendments.		

A. Summary

The proposed plan amendment would change the Future Land Use Map designation from Low-Medium Density Residential (4-8 DU/Ac.) to Low Density Residential (4 DU/Ac. or Less) for two parcels located west of Roxboro Road, south of West Point on the Eno City Park. The total land area to be affected is 58.83 acres.

There was previously an associated zoning map change for this case, Z07-47. The zoning map change case has since been withdrawn by the applicant.

B. Site History

The *West/Northwest Durham Plan* designated the site as Medium Density Residential (4-8 DU/Ac.) on the Future Land Use Map. The site was annexed into the City in 1997.

On October 3, 2007 the Joint City-County Planning Committee (JCCPC) directed Planning staff to analyze the zoning and future land use designations along abandoned thoroughfares. Planning Staff conducted the review and on December 5, 2007 recommended that two sites along the former route of Eno Drive – this site, along with an area along Denfield Street – should be designated for lower residential density on the Future Land Use Map of the *Durham Comprehensive Plan*, and should be zoned to RS-10. The JCCPC concurred. Already zoned RS-10, the Denfield plan amendment case proceeded and resulted in City Council approval on August 4, 2008. Consideration of the subject parcels was delayed at the request of the property owners and some citizens who expressed concern that a zoning map change could negatively impact potential state efforts to acquire the site.

The subject site has been the subject of acquisition negotiations for conservation purposes. The proposed zoning map change for the subject site, Z07-47, has been withdrawn in order to remove that complication from the negotiation process.

C. Existing Site Characteristics

The proposed plan amendment consists of two parcels totaling 58.83 acres. It is within the Eno Protected Watershed Overlay (E-B). The property is currently wooded. The land slopes down to the north toward the Eno River from a high point in the south-central part of the site. Warren Creek, a tributary of the Eno River, runs along the western boundary of the site and continues east and north through West Point on the Eno City Park until it meets the Eno River. The proposed Warren Creek Trail follows the Creek into West Point on the Eno City Park. A small area of the site along the western boundary is designated Recreation/Open Space to indicate the presence of a Special Flood Hazard Area. It has no road access except for an unbuilt stubout to Woodside Park Lane. All of the subject site and the parkland to the north are identified for protection in the *Durham County Inventory of Natural Areas, Plants and Wildlife*.

D. Applicant's Plan Amendment Justification

The applicant states, "(t)his proposed plan amendment and related rezoning were recommendations in the Abandoned Corridors Study... an assessment of land uses and zoning adjacent to abandoned corridors prepared by the Planning Department". The study was presented to the Joint City-County Planning Committee on December 5, 2007, and this plan amendment and rezoning were initiated at the conclusion of that discussion. The study represents a change in conditions that justifies this plan amendment.

The applicant states, "The site is located between the environmentally-sensitive West Point on the Eno City Park on the north and single-family residential neighborhoods to the south. All of the site and the parkland to the north are within the West Point on the Eno natural area identified for protection in the *Durham County Inventory of Natural Areas, Plants and Wildlife*. Given the Inventory designation on this site, and the less intense land use and zoning designations on the adjacent properties to the north and south, it is apparent that the Low-Medium Residential (4-8 DU/Ac.) designation is inappropriate for this site and that the proposed plan amendment is justified."

Staff Response: When the proposed route of Eno Drive was directly adjacent to this property, the higher intensity zoning and land use designation was more compatible with proposed infrastructure. The site would have been served by two high capacity thoroughfares, Eno Drive and Roxboro Road. The Abandoned Corridors Study determined that, without Eno Drive, the higher intensity land use is not appropriate. The proposed designation, Low Density Residential (4 DU/Ac. or Less) is more compatible with the existing residential areas to the south. Furthermore, development should be less intense progressing toward the environmentally sensitive area of the Eno River. Given the surrounding development pattern, the requested Low Density Residential (4 DU/Ac. or Less) would create the appropriate transition by decreasing the potential development intensity adjacent to this environmentally sensitive area.

The change in designation is justified based on examination of the area in greater detail than was done during the preparation of the *Durham Comprehensive Plan*.

E. Criteria for Plan Amendments

The Unified Development Ordinance (UDO) contains criteria for the Planning Commission to use in considering proposals to amend the *Durham Comprehensive Plan*. (See Section 3.4.7, Criteria for Planning Commission Recommendations).

- A. Whether the proposed change would be consistent with the intent, goals, objectives, policies, guiding principles and program of any adopted plans;
- B. Whether the proposed change would be compatible with the existing land use pattern and designated future land uses;
- C. Whether the proposed change would create substantial adverse impact in the adjacent area or in the City or County in general; and
- D. Whether the subject parcel is of adequate shape and size to accommodate the proposed change.

1. Plan Consistency

The *Durham Comprehensive Plan* is a policy document intended to guide growth and development in an organized and efficient manner. The Plan

addresses a range of topics related to land use, housing, community character, environment and conservation, transportation, and more. Evaluating the proposed plan amendment for consistency with these relevant policies is crucial in determining if changing the Future Land Use Map is appropriate.

Land Use

Durham Comprehensive Plan Land Use Policy 2.2.2b., Demand for Residential Land, indicates that in evaluating plan amendments, the Governing Boards and the City-County Planning Department shall consider the demand for residential land and the capacity of transportation, water and sewer systems, and other public facilities and services.

Analysis: By 2035 there will be demand for 167,000 dwelling units county-wide. On the Future Land Use Map, enough land is designated to accommodate 210,000 dwelling units. The loss of potential dwelling units in changing the Future Land Use designation on the subject site from Low-Medium Density Residential (4-8 DU/Ac.) to Low Density Residential (4 DU/Ac. or Less) will not alter Durham's ability to provide for adequate residential land in the future. Since the proposal is to lower the residential density, Durham has sufficient capacity in water and sewer systems and other public facilities to accommodate the change of designation.

Durham Comprehensive Plan Land Use Policy 2.3.2c., Suburban Tier Residential Density, indicates that through the Unified Development Ordinance, densities of residential development should be consistent with Table 2-1, Summary of Residential Densities.

Analysis: Low Density Residential (4 DU/Ac. or Less) development is appropriate in the Suburban Tier and the designation is consistent with Table 2-1, Summary of Residential Densities.

Transportation

Durham Comprehensive Plan Policy 8.1.2a., Transportation Level of Service Standards (LOS), indicates that the LOS for roads within the Suburban Tier shall achieve a minimum of LOS D.

Analysis: Development consistent with the proposed Low Density Residential (4 DU/Ac. or Less) designation would result in less traffic on Roxboro Road than the existing Low-Medium Density Residential (4-8 DU/Ac.) designation, and is therefore consistent with this policy.

Conservation and Environment

Durham Comprehensive Plan Policy 7.1.7a., Water Demand Generation Rates, indicates the City-County Planning Department shall consider the impact of proposed zoning and plan amendment changes on water demand.

Analysis: Development allowed with the proposed plan amendment change is estimated to generate a demand for water of 36,425 gallons per day, which when compared with development consistent with what the present land use designation would allow is a decrease of about 36,425 gallons per day.

Water Supply Impacts	
Current Water Supply Capacity	37.00 MGD
Present Usage	27.54 MGD
Committed to Date (January 2009 through December 2011)	1.44 MGD
Available Capacity	8.92 MGD
Maximum Water Demand Under Adopted Low-Medium Density Residential Use ¹	72,850 Gallons per day
Maximum Water Demand Under Proposed Low Density Residential Use ²	36,425 Gallons per day
Impact of Proposed Plan Amendment	-36,425 Gallons per day
Notes: MGD = Million gallons per day	
¹ Maximum water demand of the adopted Future Land Use (470 Dwelling Units)	
² Maximum water demand of the proposed Future Land Use (235 Dwelling Units)	

Durham Comprehensive Plan Conservation and Environment Policy 7.1.6a., The Inventory, indicates that the City of Durham and Durham County should use the *Durham County Inventory of Important Natural Areas, Plants and Wildlife* (1999) as a source of information about the location and importance of special places and species in Durham County.

Analysis: The *Inventory* includes all of West Point on the Eno City Park as well as areas beyond the boundaries of the park, including this site and other uplands south of the park, which are noted for their wildlife habitation. These areas support habitat for Cooper’s Hawks (*Accipiter cooperii*), a state listed bird of special concern, as well as Broad-winged Hawks (*Buteo platyteris*) and Cedar Waxings (*Bombycilla cedrorum*), which are both rare as nesting species in the Piedmont. A land use pattern of lower intensity could be designed with a smaller adverse impact on wildlife habitat, consistent with protecting *Inventory* sites.

Staff Conclusion: The request is consistent with the intent, goals, objectives, policies, guiding principles and programs of adopted plans and, therefore, meets criterion 3.4.7.A.

2. Compatibility

The table below describes surrounding existing uses and Future Land Use designations.

Area Land Uses and Designations		
	Existing Uses	Land Use Designations
North	West Point on the Eno City Park	Recreation and Open Space
East	Single-Family Residential, Institutional, Vacant	Recreation and Open Space, Low Density Residential (4 DU/Ac. or Less)
South	Single-Family Residential, Vacant	Low Density Residential (4 DU/Ac. or Less)
West	Institutional, Vacant	Recreation and Open Space, Institutional

Existing Uses: The site is adjacent to West Point on the Eno City Park on the south, and north of single-family residential neighborhoods. There is a church (institutional use) to the east that fronts onto Roxboro Road and State of North Carolina institutional uses to the west.

Future Land Use Designations: The area surrounding the subject site is primarily designated for Recreation and Open Space to the north and west and Low Density Residential (4 DU/Ac. or Less) to the south and east. There is some land designated Institutional to the west as well.

Analysis: The vast majority of the parcels to the south and east of this site are designated Low Density Residential (4 DU/Ac. or Less), the same as the proposed designation. Continuation of the Low Density Residential (4 DU/Ac. or Less) development pattern the requested Low Density Residential (4 DU/Ac. or Less) would create the appropriate transition from the single-family residential uses to the south and the environmentally sensitive area to the north.

The proposed plan amendment is compatible with the existing land use trends and designated future land uses in the area and, therefore, meets criterion 3.4.7.B.

3. Adverse Impacts

The subject site is located within the Eno Protected Watershed Overlay, and a majority of the site drains directly into the Eno River. In addition, the site is identified for protection in the *Durham County Inventory of Natural Areas, Plants and Wildlife*. Given the *Inventory* designation on this site, a lower

density designation than currently exists for this site would more likely allow for protection of important environmental features.

Analysis: At the proposed level of residential density, the site could be developed consistent with Unified Development Ordinance standards consistent with protection of environmental features.

Staff Conclusion: The proposed plan amendment would not create substantial adverse impact in the adjacent area or in the City or County in general and, therefore, meets criterion 3.4.7.C.

4. Adequate Shape and Size

The area of the two properties being proposed for change of designation is 58.83 acres. The shape is appropriate to support development consistent with ordinance requirements.

Staff Conclusion: The site is of adequate shape and size to accommodate the use pursuant to the proposed change and, therefore, meets criterion 3.4.7.D.

E. Notification

Staff certifies that notification, including newspaper advertisements and letters to property owners within 1,000 feet of the site, was carried out at the time of the initial meeting in accordance with Section 3.2.5 of the UDO.

F. Recommendation

Staff recommends approval, based on the request being justified and meeting the four criteria for plan amendments.

The Planning Commission recommended approval, 8-5, December 9, 2008, based on information provided in the staff report, the justification, and meeting the four criteria for plan amendments. Planning Commission comments are attached.

G. Staff Contact

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H. Attachments

1. Context Map
2. Aerial Photograph
3. Applicant Justification
4. Planning Commission Comments
5. Resolution