



CITY OF DURHAM | DURHAM COUNTY
NORTH CAROLINA



ZONING MAP CHANGE REPORT

Meeting Date: November 5, 2012

Table A. Summary			
Application Summary			
Case Number	Z1200010	Jurisdiction	City
Applicant	Coulter Jewell Thames PA	Submittal Date	April 4, 2012
Reference Name	Palladian Multi-family	Site Acreage	29.558
Location	East side of Leigh Farm Road between NC 54 Highway and Leigh Farm Park, east of Interstate – 40.		
PIN(s)	0708-02-48-9929, -58-3350, -59-3209, -4720, -9112, -69-1063		
Request			
Proposed Zoning	Office Institutional with a development plan (OI(D))	Proposal	298 multi-family residential units
Site Characteristics			
Development Tier	Suburban Tier		
Land Use Designation	Office		
Existing Zoning	Office Institutional with a development plan (OI(D))		
Existing Use	Vacant		
Overlay	F/J-B, MTC	Drainage Basin	Jordan Lake
River Basin	Cape Fear	Stream Basin	New Hope 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, 13 – 0 on September 11, 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 and the information in the staff report.		
DOST	No comments		
BPAC	See Attachment 8, BPAC Memorandum		

A. Summary

This is a request to change the zoning designation of six parcels totaling 29.55 acres of the eight parcels associated with Palladian Park (total of 41.95 acres) from OI(D) to OI(D) for a

multi-family residential development of 298 units. The site is located at 180, 230, 260, 276, 282, and 300 Leigh Farm Road, between NC 54 Highway and Leigh Farm Park, east of Interstate – 40 (see Attachment 1, Context Map). This request is consistent with the future land use designation of the *Comprehensive Plan* which designates this site as Office.

This request, case Z1200010, proposes to remove the commitment of prohibiting multifamily development on the site proffered as a commitment of the existing zoning, case P01-22.

Appendix A provides supporting information.

B. Site History

There are two recent zoning map change requests associated with this site. The Board of County Commissioners approved Case P98-33 on May 10, 1999 for a proposed office park development. On August 27, 2001, the Board of County Commissioners approved case P01-22 to modify the commitment that “issuance of a certificate of occupancy on phase two shall be contingent upon completion of road widening of NC 54 from NC 751 to I-40” to “a certificate of occupancy for Phase 2, consisting of 85,000 square feet, will not be issued until either NC 54 has been widened from NC 751 to I-40, or the NC 54 bridge over I-40 has been widened for additional lanes”.

The changes between the present request (case Z1200010) and the existing zoning (case P01-22) are summarized by the applicant in Attachment 8, Summary of Changes.

C. Review Requirements

Planning staff has performed a sufficiency review for this Zoning Map Change request (reference UDO Sec. 3.2.4, Application Requirements [general] and 3.5.5, Application Requirements [for a Zoning Map Change]). This staff report presents the staff findings per Sec. 3.5.8, Action by the Planning Director, on the request’s consistency with the Unified Development Ordinance and applicable adopted plans.

This review is based primarily on compliance with any applicable laws, plans, or adopted policies of the City Council. Any issues or concerns raised in this report are based on best professional planning practice unless they have a basis in adopted plans, policies, and/or laws.

D. Unified Development Ordinance (UDO) Compliance

This request is consistent with the requirements of the Unified Development Ordinance. The associated development plan (see Appendix A, Attachment 4, Development Plan reduction) provides the required elements for zoning map change requests in the OI district (Sec. 3.5.6.D, Sec. 6.10.1.B and 6.10.2). In addition, commitments in excess of UDO requirements have been made (see Appendix D for supporting information):

Text Commitments. Text commitments have not been proffered to commit to requirements in excess of ordinance standards.

Graphic Commitments. Graphic commitments include the general location of site access points, tree preservation areas, and sidewalk to meet adopted trails plan along Leigh Farm Road.

Determination. The requested OI zoning district and associated development plan meets or exceeds the applicable requirements of the UDO. If this zoning map change request is approved, the attached development plan (Appendix A, Attachment 4) establishes the level of development allowed on the property.

E. Adopted Plans

A zoning map change request must be consistent with the *Comprehensive Plan*. As such, other adopted plans have been included by reference in this document. Table E, Adopted Plans, in Appendix E identifies the applicable policies of the *Comprehensive Plan* and other adopted plans included by reference.

Determination. The requested zoning district and associated development plan is consistent with the Future Land Use Map and other policies of the *Comprehensive Plan*.

Conditions in other adopted plans have been identified (see Appendix E, Table E):

Long Range Bicycle Plan Map 4.6 and Durham Trails and Greenways Master Plan. A proposed greenway through the site is shown as a recommendation of the Long Range Bicycle Plan Map 4.6. The Durham Trails and Greenways Master Plan also shows a trail through the site. Durham Parks and Recreation is satisfied that completing the sidewalk connection along Leigh Farm Road (committed on the development plan) accommodates the proposed conditions of these adopted plans. See Section F, Site Conditions and Context for details on the existing pedestrian path. Maintaining the existing path, or any trail connection through the site, is not a commitment on the proposed development plan.

F. Site Conditions and Context

Site Conditions. The 29.558-acre site is part of a larger development tract that totals 41.95 acres and is located at 180, 230, 260, 276, 282, and 300 Leigh Farm Road, between NC 54 Highway and Leigh Farm Park, east of Interstate – 40. The site has previously been cleared and prepared for development and is organized to share the same internal infrastructure with the larger Palladian tract, already developed with two four-story office buildings, internal circulation including a 6-foot gravel pedestrian trail that follows the site boundary from Leigh Farm Road on the south, along the eastern property line, before turning west through the rear of the property back to Leigh Farm Road. This trail presently connects to the pedestrian trail network in Leigh Farm Park.

Two stream segments and associated buffers impact the southern-most and northern-most portions of the site. The two existing stormwater detention ponds on site are expected to remain to serve the larger development.

Area Characteristics. The site is in the Suburban Tier, separated from a Suburban Transit Area by Interstate – 40. Leigh Farm Road’s only access to the greater transportation network is NC 54 Highway, less than ¼ mile from the site, which has been included in the NC 54/I-40 Corridor Study. Traveling west on NC 54 Highway is a major route of access to Chapel Hill and provides immediate access to Interstate – 40. Traveling east on NC 54 Highway are wetlands associated with New Hope Creek and owned by the Army Corps of Engineers. The surrounding zoning districts include OI(D) and Residential Suburban-20 (RS-20). This area is within the F/J-B Watershed Protection Overlay district which limits impervious surface allowances on proposed development.

Appendix F provides a summary of the uses and zoning in the more immediate vicinity of the subject site.

Determination. The proposed OI district and associated development plan meets the ordinance and policy requirements in relation to development on the subject site. Multifamily development, as well as the existing office on this tract, is typically viewed as an appropriate transition from a more intense land use, such as being immediately adjacent to in interstate and along a transit corridor, to less intense land uses. The adjacent park is an amenity asset to potential residents.

G. Infrastructure

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.

See Appendix G for additional information.

Determination. The proposed OI district and associated development plan is consistent with *Comprehensive Plan* policies regarding the infrastructure impacts of road, transit, utility, drainage/stormwater, schools and water supply. The proposal is estimated to reduce the traffic generation of the subject site by 1,244 daily trips, increase the students generated from the proposed use by 62 students, and increase the estimated water demand of the site by 9,895 gallons per day. The completed NC 54/I-40 Corridor Study designates this site as future “Employment” use which is more consistent with the present OI(D) designation for office uses rather than the proposed OI(D) designation committing to multi-family use. However, the OI zoning district, which consequently allows a range of uses, is the most similar zoning option the UDO allows to the NC 54/I-40 Corridor Study designated “Employment” category.

H. Staff Analysis

This request is consistent with the *Comprehensive Plan* and other polices and ordinances. If the requested OI(D) zoning designation were approved, the development plan would

further establish the development potential of the site considering the text and graphic commitments proffered.

I. Contacts

Table I. Contacts		
Staff Contact		
Amy Wolff, Senior Planner	Ph: 919-560-4137, ext. 28235	Amy.Wolff@DurhamNC.gov
Applicant Contact		
Agent: Patrick Byker, Morningstar Law Group	Ph: 919-590-0384	pbyker@morningstarlawgroup.com

J. 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:

- Trenton Homeowner’s Association
- Jordan Lake Resource management
- Town of Chapel Hill
- Inter-Neighborhood Council
- Partner’s Against Crime – District 4
- Fayetteville Street Planning Group
- Friends of Durham
- Unity in the Community for Progress

K. Summary of Planning Commission Meeting September 11, 2012 (Case Z1200010)

Zoning Map Change Request: OI(D) to OI(D)

Staff Report: Ms. Wolff presented the staff report.

Public Hearing: Vice Chair Monds opened the public hearing. One citizen spoke in support. Vice Chair Monds closed the public hearing.

Commission Discussion: None.

Motion: Approval of Z1200010 (Ms. Beechwood, Mr. Whitley 2nd).

Action: Motion carried 13-0.

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 and the information in the staff report.

L. Supporting Information

Table K. Supporting Information		
Applicability of Supporting Information		
Appendix A	Application	Attachments: <ol style="list-style-type: none"> 1. Context Map 2. Future Land Use Map 3. Aerial Photography 4. Development Plan Reduction 5. Application 6. Owner's Acknowledgement 7. BPAC Memorandum 8. Submittal and Review History
Appendix B	Site History	Attachment: <ol style="list-style-type: none"> 9. Summary of Changes
Appendix C	Review Requirements	N/A
Appendix D	Unified Development Ordinance	Table D1: Designation Intent Table D2: District Requirements Table D3: Environmental Protection Table D4: Project Boundary Buffers Table D5: Summary of Development Plan
Appendix E	Adopted Plans	Table E: Adopted Plans
Appendix F	Site Conditions and Context	Table F: Site Context
Appendix G	Infrastructure	Table G1: Road Impacts Attachments: <ol style="list-style-type: none"> 10. DDOT TIA Memorandum 11. NCDOT TIA Memorandum Table G2: Transit Impacts Table G3: Utility Impacts Table G4: Drainage/Stormwater Impacts Table G5: School Impacts Table G6: Water Impacts
Appendix H	Staff Analysis	N/A
Appendix I	Contacts	N/A
Appendix J	Notification	N/A
Appendix K	Summary of Planning	Attachments:

Table K. Supporting Information		
	Commission Meeting	12. Planning Commissioner’s Written Comments 13. Ordinance Form

Appendix A: Application Supporting Information

Attachments:

1. Context Map
2. Future Land Use Map
3. Aerial Photography
4. Development Plan Reduction
5. Application
6. Owner’s Acknowledgement
7. BPAC Memorandum
8. Submittal and Review History

Appendix B: Site History Supporting Information

Attachments:

9. Summary of Changes

Appendix D: Unified Development Plan Supporting Information

Table D1. UDO Designation Intent	
OI	Office and Institutional - the OI district is established for employment and community service activities. Some support facilities and residential uses are also allowed when compatible with surrounding uses. The OI district is designed for use on sites that have convenient access to arterials, since development of moderate to high intensity is allowed.
D	Development Plan – the letter “D” following a zoning district indicates that a development plan has been included with a zoning map change request. This designation may be added to any zoning map change request to signify that a conceptual representation of the proposed site has been submitted that indicates how the proposed development could meet ordinance standards. Any significant change to the development plan would require a new zoning petition.

Table D1. UDO Designation Intent	
F/J-B	<p>Falls/Jordan District B – the purpose of the F/J-B Watershed Protection Overlay district is to preserve the quality of the region's drinking water supplies through application of the development standards intended to protect the environment. In general, water supply protection will be accomplished by establishing and maintaining low intensity land use and development on land near the region's water supply rivers and reservoirs. Where high density development is desired, water supply protection will be accomplished through the use of engineered stormwater controls. The overall objective is to:</p> <ul style="list-style-type: none"> • Reduce the risk of pollution from stormwater running off of paved and other impervious surfaces; and • Reduce the risk of discharges of hazardous and toxic materials into the natural drainage system tributary to drinking water supplies.
MTC	<p>Major Transportation Corridor Overlay – the MTC Overlay is established to enhance the economic and aesthetic appeal and orderly development of properties adjacent to major transportation corridors. Certain arterial streets, parkways and expressways are of critical importance to Durham City and County. Rights-of-way carrying high volumes of traffic are image makers for Durham City and County. They act as entryways for visitors and residents and also serve as an indicator of the quality of life found in the area. Standards are provided to ensure that thoroughfares in this overlay develop with improved traffic efficiency and safety by reducing visual clutter and avoiding inappropriate site design.</p>

Table D2. District Requirements – OI			
	Code Provision	Required	Committed
Minimum Site Area (square feet)	6.10.1.B	20,000	1,287,312
Maximum Residential Density (DU/Ac.)	6.10.2B	10.5	10.49 (shown)
Minimum Lot Width (feet)	6.10.1.B	60	60
Minimum Street Yard (feet)	6.10.1.B	25	25
Minimum Side Yard (feet)	6.10.1.B	20	20 (shown)
Minimum Rear Yard (feet)	6.10.1.B	25	50 (shown)
Maximum Height (feet)	6.10.1.B	50	50

Table D3. Environmental Protection			
Resource Feature	UDO Provision	Required	Committed
Tree Coverage	8.3.1C	24.16% (7.14 acres)*	24.16% (7.14)
Stream Protection (buffer in feet)	8.5.4.B	100	100

*The subject site is encumbered by required tree coverage for the entire Palladian Development which is covered by an existing easement of record.

Table D4. Project Boundary Buffers			
Cardinal Direction	Adjacent Zone	Required Opacity	Proposed Opacity
North	RS-20	0.4/0.6*	0.6 (30 feet)
East	RS-20	0.4/0.6*	0.4 (20 feet)
South	OI(D)	0.2/0.6*	100-foot stream buffer shown
West	OI(D)	N/A (right-of-way greater than 60 feet)	N/A
	RS-20		

*The subject property has committed to multifamily residential development and shall provide buffers in accordance with the provisions for RS-M per UDO 9.4.3.B.1.

Table D5. Summary of Development Plan		
Components	Description	Development Plan Sheet
Required Information	Intensity/Density. 298 residential units = 10.49 DU/Ac.	DP-2
	Building/Parking Envelope has been appropriately identified.	DP-2
	Project Boundary Buffers are appropriately shown	DP-2
	Stream Crossing. None shown.	DP-2
	Access Points. Two (2) access points have been identified along with to internal circulation connection per existing easement.	DP-2
	Dedications and Reservations. None	N/A
	Impervious Area. 70% = 20.685 acres	DP-2
	Environmental Features. Stream (on and offsite) and associated buffers impact the subject property.	DP-1, DP-2
	Areas for Preservation. Stream buffer, tree preservation.	DP-2

Table D5. Summary of Development Plan		
	Tree Coverage. 24.19% (7.15 acres) as shown.	DP-2
Graphic Commitments	Location of tree preservation area. Location of access points.	DP-2
Text Commitments	None provided	N/A
SIA Commitments	None provided	N/A
Design Commitments (summary)	The architecture will be one of the following (or a combination of) Neo-traditional or Transitional style(s) with flat, sloped, hipped, and/or a combination of roof styles. The buildings will use a minimum of two of the following building materials: brick, masonry block, stone, metal, stucco, artificial stucco, and/or cementitious siding and trim. Distinctive architectural features includes trim details, masonry detailing, and/or balconies.	Cover

Appendix E: Adopted Plans Supporting Information

Table E. Adopted Plans	
<i>Comprehensive Plan</i>	
Policy	Requirement
Future Land Use Map	Office: Land used primarily for office uses. Suburban Tier: Land uses that shall be allowed include Recreation and Open Space, Agricultural, Residential, Institutional, Commercial, Office, Research/Research Application, and Industrial.
2.2.2b	Suburban Tier Land Uses: Land uses that shall be allowed include Recreation and Open Space, Agricultural, Residential, Institutional, Commercial, Office, Research/Research Application, and Industrial.
2.3.1b	Contiguous Development: Support orderly development patterns that take advantage of the existing urban services, and avoid, insofar as possible, patterns of leapfrog, noncontiguous, scattered development within the Urban Growth Area.
8.1.2j	Transportation Level of Service Maintenance: Not recommend approval for any zoning map change which would result in the average daily trips exceeding 110% of the adopted level of service standards for any adjacent road, unless the impact on the adjacent roads is mitigated.
8.1.4a and b	Durham Trails and Greenways Master Plan: Review development proposals in relation to the Durham Trails and Greenways Master Plan and seek dedication or reservation of right-of-way or easements and construction of facilities in conformance with that Plan.
8.1.4c and d	Development Review and the Adopted Bicycle Plans: Review development proposals in relation to the 2006 Comprehensive Durham Bicycle Transportation Plan and the Bicycle Component of the most recent adopted Long Range Transportation Plan, and seek dedication or reservation of right-of-way or easements and construction of facilities in conformance with that Plan and Complete Street design standards.

Table E. Adopted Plans	
11.1.1a	School Level of Service Standard: The level of service for public school facilities shall be established as a maximum enrollment of 110 percent of the system’s maximum permanent building capacity, measured on a system-wide basis for each type of facility.
11.1.1b	Adequate Schools Facilities: Recommend denial of all Zoning Map amendments that proposed to allow an increase in projected student generation over that of the existing zoning that would cause schools of any type to exceed the level of service.
Long Range Bicycle Plan	
Map 4-6 shows a proposed bicycle lane along Leigh Farm Road and a greenway along the western boundary of the site and through the site to Leigh Farm Road.	
Durham Trails and Greenways Master Plan	
A trail is shown located along the western boundary of the site and through the site to Leigh Farm Road.	

Appendix F: Site Conditions and Context Supporting Information

Table F. Site Context			
	Existing Uses	Zoning Districts	Overlays
North	Leigh Farm Park	RS-20	F/J-B, MTC
East	Vacant (Army Corps of Engineers land)	RS-20	F/J-B, MTC (partial)
South	Vacant, Interstate right-of-way	OI(D)	F/J-B, MTC
West	Interstate right-of-way	OI(D), RS-20	F/J-B, MTC

Appendix G: Infrastructure Supporting Information

Table G1. Road Impacts		
Interstate-40 and NC 54 Highway (both maintained by NCDOT) are the major roads impacted by the proposed zoning change. There are no scheduled City of Durham or NCDOT roadway improvement projects in the area. The draft NC 54-I40 Corridor Study proposes multiple roadway, transit, pedestrian, and bicycle related improvements in this area; however, none of the recommendations effect this site.		
Affected Segments	Interstate 40	NC 54 Highway
Current Roadway Capacity (LOS D) (AADT)	110,300	16,500
Latest Traffic Volume (AADT)	110,000	18,000
Traffic Generated by Present Designation (average 24 hour)*	3,306	
Traffic Generated by Proposed Designation (average 24 hour)**	2,062 (103% if TIA)	
Impact of Proposed Designation	-1,244	

Source of LOS Capacity: FDOT Generalized Level of Service Volume Table 4-1 (2009)

I-40: 6-lane Freeway

NC 54: 4-lane divided Class I arterial with left-turn lanes

Source of Latest Traffic Volume: 2011 NCDOT Traffic Count Map

***Assumption- (Max Use of Existing Zoning)** – Per D06-962: 325,000 sf office

****Assumption- (Max Use of Existing Zoning)** – Per TIA: 310 apartment units

Attachments:

- 10. DDOT TIA Memorandum
- 11. NCDOT TIA Memorandum

Table G2. Transit Impacts
Transit service is currently provided within one-quarter mile of the site along NC 54 via Triangle Transit Route 805.

Table G3. Utility Impacts
This site is served by City water and sewer.

Table G4. Drainage/Stormwater Impacts
The impacts of any change will be assessed at the time of site plan review. The subject site is of sufficient size and shape to accommodate appropriate stormwater facilities that may be required at this time.

Table G5. School Impacts			
The proposed zoning is estimated to generate 62 students. This represents an increase of 62 students over the existing zoning. Durham Public Schools serving the site are Creekside Elementary School, Githens Middle School, and Jordan High School.			
Students	Elementary School	Middle School	High School
Current Building Capacity	15,864	8,647	9,916
Maximum Building Capacity (110% of Building Capacity)	17,450	9,512	10,908
20th Day Attendance (2011-12 School Year)	15,827	7,008	9,686
Committed to Date (July 2009 – June 2012)	384	124	81
Available Capacity	1,239	2,380	1,141
Potential Students Generated – Current Zoning*	0	0	0
Potential Students Generated – Proposed Zoning**	36	13	13
Impact of Proposed Zoning	+36	+13	+13

*Assumption (Max Use of Existing Zone) – No residential permitted in existing district.

**Assumption (Max Use of Proposed Zoning) – 298 apartments.

Table G6. Water Supply Impacts	
This site is estimated to generate a total of 34,270 GPD if developed to its maximum potential with the proposed zoning district. This represents an increase of 9,895 GPD over the existing zoning district.	
Current Water Supply Capacity	37.00 MGD
Present Usage	28.06 MGD
Approved Zoning Map Changes (July 2009 – June 2012)	0.70 MGD
Available Capacity	8.24 MGD
Estimated Water Demand Under Present Zoning*	24,375 GPD
Potential Water Demand Under Proposed Zoning**	34,270 GPD
Potential Impact of Zoning Map Change	+9,895

Notes: MGD = Million gallons per day

*Assumption- (Max Use of Existing Zoning) – 325,000 sf office (per D06-962)

**Assumption- (Max Use of Proposed Zoning) – 298 apartments

Appendix K: Summary of Planning Commission Meeting

Attachments:

12. Planning Commissioner’s Written Comments
13. Ordinance Form