



CITY OF DURHAM | DURHAM COUNTY  
NORTH CAROLINA



INITIAL ZONING MAP CHANGE REPORT

Meeting Date: November 19, 2012

Table A. Summary			
<b>Application Summary</b>			
<b>Case Number</b>	Z1200009A	<b>Jurisdiction</b>	City
<b>Applicant</b>	City of Durham	<b>Annexation Effective Date</b>	November 19, 2012
<b>Reference Name</b>	Brier Creek Townes Initial	<b>Site Acreage</b>	33.213
<b>Location</b>	805 and 901 Andrews Chapel Road		
<b>PIN(s)</b>	0769-04-40-5459, -41-7279		
<b>Request</b>			
<b>Proposed Zoning</b>	Residential Rural (RR) – City Jurisdiction	<b>Existing Zoning</b>	Residential Rural (RR) – County Jurisdiction and Residential-4 (R-4) City of Raleigh Extraterritorial Jurisdiction (ETJ)
<b>Site Characteristics</b>			
<b>Development Tier</b>	Suburban	<b>Land Use Designation</b>	Low-Medium Density Residential (4-8 DU/Ac.), Recreation Open Space
<b>Overlays</b>	None	<b>Drainage Basin</b>	Lower Neuse
<b>River Basin</b>	Neuse	<b>Stream Basin</b>	Brier Creek
<b>Determination/Recommendation/Comments</b>			
<b>Staff</b>	Approval		
<b>Planning Commission</b>	Approval, 11-0 on August 14, 2012. The Planning Commission finds that the ordinance request is not consistent with the adopted <i>Comprehensive Plan</i> . However, the Commission believes the request is reasonable and in the public interest and recommends approval because the request reflects the current zoning in Durham County.		

**A. Summary**

This is the initial zoning of property newly annexed into the City, effective November 19, 2012. Portions of this site are in both Durham and Wake

Counties. The Wake County portion is within Durham's annexation area per the 1999 Durham-Raleigh Annexation Agreement.

A zoning designation of RR is proposed for the entire site. A zoning map change application (Case Z1200009) to Planned Development Residential 7.670 (PDR 7.670) has been submitted for this property. The proposed use is 227 townhome units and up to 50,000 square feet of non-residential uses.

**B. Statutory Requirements**

State Statutes (General Statute 160A-360) require that a municipality annexing land place its zoning designation on the property within 60 days of the effective date of the annexation.

**C. Staff Analysis**

The zoning involves the translation of RR zoning from Durham County and the transfer of R-4 zoning from the City of Raleigh's ETJ to the RR zoning district in the City of Durham's jurisdiction. City policy, as affirmed by the Planning Commission in their resolution adopted by the commission on December 13, 2005, is to place the closest City zoning classification to the existing zoning on the property. The Planning Commission resolution does not apply to properties outside of Durham County that are annexed by the City of Durham. In this case, because the parcel is split-zoned, staff is proposing use of the Durham County designation on the entire parcel.

**D. Notification**

Staff certifies that newspaper advertisements, letters to property owners within 100 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
- Friends of Durham
- Unity in the Community for Progress
- Olive Branch Road Association
- Fayetteville Street Planning Group
- Center of the Region Enterprise
- City of Raleigh
- RDU HZO Permit Area

**E. Recommendations**

Staff recommends approval of this initial zoning from RR; F/J-B (County jurisdiction) and R-4 (City of Raleigh ETJ) to RR; F/J-B (City jurisdiction).

**F. Summary of the Planning Commission Meeting August 14, 2012 (Case Z1200009A)**

**Zoning Map Change Request:** RR, R-4 to RR

**Staff Report:** Mr. Whiteman presented the staff report.

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

**Commission Discussion:** None.

**Motion:** To approve. (Mr. Martin, Mr. Harris 2<sup>nd</sup>)

**Action:** Motion carried, 11-0.

**Findings:** The Planning Commission finds that the ordinance request is not consistent with the adopted *Comprehensive Plan*. However, the Commission believes the request is reasonable and in the public interest and recommends approval because the request reflects the current zoning in Durham County.

**G. Staff Contact**

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**H. Attachments**

1. Context Map
2. Aerial Photo
3. Durham-Raleigh Annexation Agreement
4. Planning Commissioner's Written Comments
5. Ordinance Form