



CITY OF DURHAM | DURHAM COUNTY
NORTH CAROLINA



ZONING MAP CHANGE REPORT

Meeting Date: February 18, 2013

Table A. Summary			
Application Summary			
Case Number	Z1200009	Jurisdiction	City
Applicant	Pulte Group	Submittal Date	April 9, 2012
Reference Name	Brier Creek Townes	Site Acreage	33.12
Location	805 and 901 Andrews Chapel Road, on the south side of Andrews Chapel Road near its southern terminus and straddling the Durham-Wake County line		
PIN(s)	0769-04-40-5459, 0769-04-41-7279		
Request			
Proposed Zoning	Planned Development Residential 8.000 (PDR 8.000)	Proposal	231 residential units
Site Characteristics			
Development Tier	Suburban Tier		
Land Use Designation	Low-Medium Density Residential (4 – 8 DU/Ac.)		
Existing Zoning	Residential Rural (RR)		
Existing Use	Single-family residential with agricultural, Vacant		
Overlay	N/A	Drainage Basin	Lower Neuse
River Basin	Neuse	Stream Basin	Brier 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, 12-0 on January 8, 2013. 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	No comments		

A. Summary

This is a request to change the zoning designation of two parcels totaling 33.12 acres of from RR to PDR 8.000 for a residential development of 231 units. The site is located at 805 and 901 Andrews Chapel Road, on the south side of Andrews Chapel Road near its

southern terminus and straddling the Durham-Wake County line (see Attachment 1, Context Map). This request is consistent with the future land use designation of the *Comprehensive Plan* which designates this site as Low-Medium Density Residential (4-8 DU/Ac.).

Appendix A provides supporting information.

B. Site History

The site was recently approved for a Utility Extension Agreement and was annexed by the City, effective November 19, 2012. Zoning Map Change case Z1200009A, Brier Creek Townes Initial, was approved on November 19, 2012 that established the present designation of RR (City Jurisdiction).

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 PDR district (Sec. 3.5.6.D, Sec. 6.11.3). In addition, commitments in excess of UDO requirements have been made (see Appendix D for supporting information):

Text Commitments. Text commitments have been proffered to commit to requirements in excess of ordinance standards and include providing an additional four feet of asphalt widening for the full frontage of the site along Andrews Chapel Road for a bicycle lane, dedication of right-of-way, and construction of a turn lane into the site and construction of Del Webb Arbors drive from T.W. Alexander Drive to Andrews Chapel Road through the site.

Graphic Commitments. Graphic commitments include the general location of site access points, and tree preservation and replacement areas.

Design Commitments. A summary of the design commitments includes that there will be no distinct architecture style with flat and sloped (gable, hipped, shed, etc.) type roofs. Elements of minimal traditional style will include front-facing accent gables, a

mix of exterior materials on the structure, and panel shutters. The primary building materials will be a choice or a combination of brick, block, stone, EIFS, wood, vinyl, or fiber/cementitious cladding. Roofing materials will be shingles, standing seam metal, and recycled synthetic shakes.

Determination. The requested PDR 8.000 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 4.8. A proposed paved shoulder along Andrews Chapel Road is shown as a recommendation of the Long Range Bicycle Plan Map 4.8. The applicant is committing to providing an additional 4 feet of asphalt for the frontage of the site along Andrews Chapel Road to comply with the recommendation of this plan.

Wake-Durham Comprehensive Street System Plan. The development plan commits to the construction of Del Webb Arbors Drive, through the site and alignment of ACC Boulevard extension through the site for consistency with the Wake-Durham Comprehensive Street System Plan.

F. Site Conditions and Context

Site Conditions. The 33.12-acre site is comprised of two parcels that straddle the Durham – Wake County line. The northern portion of the site was recently used for active agriculture and the remainder of the site is forested. A stream is located in the central western portion of the site with the required buffer for this stream and portions of the required buffer for offsite streams also impact the site.

Area Characteristics. This site is in the Suburban Tier and in an area transitioning from rural to suburban uses. It straddles the Durham-Wake County line where, just south of this site in Wake County, recent large-scale commercial and residential projects are underway and some have already been completed. A large, age-restricted residential development of 1,314 units has also been approved north of this site.

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

Determination. The proposed PDR 8.000 district meets the ordinance and policy requirements in relation to site and context and is a reasonable request given the surrounding transitioning uses. Portions of a new north-south collector street would be constructed within the site, as required by adopted street systems plans.

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 PDR district and associated development plan is consistent with *Comprehensive Plan* policies regarding the infrastructure impacts of road, transit, drainage/stormwater, and schools. The proposal is estimated to increase the traffic generation of the subject site by 515 daily trips, increase the students generated from the proposed use by 21 students, and increase the estimated water demand of the site by 14,630 gallons per day. The existing infrastructure has available capacity to meet these increases.

H. Staff Analysis

This request is consistent with the *Comprehensive Plan* and other polices and ordinances. If the requested PDR 8.000 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: Jarrod Edens, Edens Land Corp	Ph: 919-706-0550	Jarrod.edens@edensland.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:

- Inter-Neighborhood Council
- Fayetteville Street Planning Group
- Friends of Durham
- Unity in the Community for Progress
- Olive Branch Road Association
- RDU HZO Permit Area

K. Summary of Planning Commission Meeting January 8, 2013 (Case Z1200009)

Zoning Map Change Request: From Rural Residential to Planned Development Residential 8.0 (PDR 8.000)

Staff Report: Ms. Wolff presented the staff report.

Public Hearing: Chair Monds opened the public hearing. One spoke in support and none against. Chair Monds closed the public hearing.

Commission Discussion: Discussion centered on Community Design.

Motion: Approval of the Zoning Case Z1200009. (Mr. Padgett, Ms. Beechwood 2nd).

Action: Motion carried, 12-0 with Ms. Mitchell-Allen not yet present.

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: 1. Context Map 2. Future Land Use Map 3. Aerial Photography 4. Development Plan Reduction 5. Application 6. Owner’s Acknowledgement 7. Submittal and Review History
Appendix B	Site History	N/A
Appendix C	Review Requirements	N/A
Appendix D	Unified Development Ordinance	Table D1: Designation Intent Table D2: District Requirements

Table K. Supporting Information		
		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 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 Commission Meeting	Attachments: 8. Planning Commissioner's Written Comments 9. 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. Submittal and Review History

Appendix D: Unified Development Plan Supporting Information

Table D1. UDO Designation Intent	
PDR	Planned Development Residential - the PDR district is established to allow for design flexibility in residential development. A development plan is required with a request for this district, which shows a conceptual representation of the proposed site that indicates how the ordinance standards could be met. Any significant change to the development plan would require a new zoning petition. While PDR is primarily a residential district, other uses may be allowed under limited provisions of the ordinance.

Table D2. District Requirements – PDR			
	Code Provision	Required	Committed
Minimum Site Area (acres)	6.11.3.B.1	4	33.12
Residential Density (maximum)	6.11.3.C	Specified on plan	8.000 (DU/Ac.)
Maximum Height (feet)	6.11.3.C.3	35	35
Minimum Street Yard (feet)	6.11.3.E.1	8	8
Minimum Open Space (%)	6.11.3.F	17 (5.14 acres)	17 (5.14 acres)

Table D3. Environmental Protection			
Resource Feature	UDO Provision	Required	Committed
Tree Coverage	8.3.1C	19.82% (5.99 acres)*	19.82% (5.99)
Stream Protection (buffer in feet)	8.5.4.B	50	50

*The subject site qualifies for a 20% reduction on the portion of the site that is currently in agricultural use. See Attachment 4, Development Plan Reduction, sheet D-2 for details.

Table D4. Project Boundary Buffers			
Cardinal Direction	Adjacent Zone	Required Opacity	Proposed Opacity
North	PDR 3.700	N/A (right-of-way greater than 60 feet)	N/A
East	RR	0.2/0.2	0.2 (10 feet)
	R-4 (Wake County)	0/0	N/A
	CUD TD (Wake County)	0.2/0.8	0.2 (10 feet)
South	CUD TD (Wake County)	0.2/0.8	0.2 (10 feet)
West	R-4 (Wake County)	0/0	N/A
	RR	N/A (right-of-way greater than 60 feet)	

Table D5. Summary of Development Plan		
Components	Description	Development Plan Sheet
Required Information	Intensity/Density. 231 residential units = 8.000 DU/Ac.	D-2
	Building/Parking Envelope has been appropriately identified.	D-2
	Project Boundary Buffers are appropriately shown	D-2
	Stream Crossing. None shown.	D-2
	Access Points. Seven (7) access points have been identified.	D-2
	Dedications and Reservations. ACC Boulevard Extension has been identified through the site.	N/A
	Impervious Area. 60% = 18.13 acres	D-2
	Environmental Features. Stream (on and offsite) and associated buffers impact the subject property.	D-1, D-2
	Areas for Preservation. Stream buffer, tree preservation.	D-2
	Tree Coverage. 19.82% (5.99 acres) as shown.	D-2
Graphic Commitments	Location of tree preservation and replacement areas. Location of access points.	D-2
Text Commitments	<p><u>Prior to the Issuance of a Certificate of Occupancy</u></p> <ol style="list-style-type: none"> 1. A minimum of four feet of additional asphalt (in addition to the proposed roadway improvements) will be provided for the full frontage of the site along the south side of Andrews Chapel Road. The additional asphalt widening will be provided to allow for a bicycle lane. 2. Construct a westbound left-turn lane with adequate storage and appropriate tapers on Andrews Chapel Road at the proposed site access point. 3. Construct Del Webb Arbors Drive to NCDOT, City of Durham, and City of Raleigh standards (as applicable) as a three-lane cross-section with bicycle lanes and sidewalks along both sides of the roadway from T.W. Alexander Drive to Andrews Chapel Road. <p><u>Prior to the Issuance of Any Building Permit</u></p> <ol style="list-style-type: none"> 1. Dedicate ten feet of additional right-of-way for the frontage of the site along Andrews Chapel Road. 2. Dedicate a minimum of 66 feet right-of-way for the proposed Del Webb Arbors Drive from Andrews Chapel Road to the southern property line of the proposed zoning. 3. Dedicate 66 feet of right-of-way for ACC Boulevard from the southern property line to the northern property line as shown on sheet D-2. 	Cover

SIA Commitments	None provided	N/A
Design Commitments (summary)	The building architecture style will be neoelectic with flat and sloped (gable, hipped, shed, etc.) type roofs. The primary building materials will be a choice or a combination of brick, block, stone, EIFS, wood, vinyl, or synthetic board. Roofing materials will be shingles, standing seam metal, recycled synthetic shakes. Architectural features include bay windows, brick or stone arches over windows, dormers or louver vents.	Cover

Appendix E: Adopted Plans Supporting Information

Table E. Adopted Plans	
<i>Comprehensive Plan</i>	
Policy	Requirement
Future Land Use Map	Low-Medium Density Residential (4-8 DU/Ac.): Land used primarily for residential 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.
8.1.4c 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.
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.

Table E. Adopted Plans
<i>Long Range Bicycle Plan</i>
Map 4-8 shows a proposed paved shoulder along Andrews Chapel Road.
<i>Wake-Durham Comprehensive Street System Plan</i>
A proposed major thoroughfare is shown adjacent to the site. A proposed collector street is shown clipping the southwestern corner of the site.

Appendix F: Site Conditions and Context Supporting Information

Table F. Site Context			
	Existing Uses	Zoning Districts	Overlays
North	Proposed single family residential	PDR 3.700	N/A
East	Single-family residential, vacant	RR, R-4 (Wake County), CUD TD (Wake County)	N/A
South	Proposed commercial, office	CUD TD (Wake County)	N/A
West	Single-family residential, vacant	RR, R-4 (Wake County)	N/A

Appendix G: Infrastructure Supporting Information

Table G1. Road Impacts		
<p>T.W. Alexander Drive and US 70 Highway are the major roads impacted by the proposed zoning change. There are two scheduled NCDOT roadway improvement projects in the area.</p> <ol style="list-style-type: none"> 1) NCDOT TIP Project U-4720 will provide improvements to the US 70 corridor from Lynn Road to the Wake County Line. This project is currently unfunded. 2) NCDOT TIP U-4721 will construct the Northern Durham Parkway from US 70 Highway to US 501 Highway (North Roxboro Street). This project is currently unfunded. 		
Affected Segments	T. W. Alexander Drive	US 70 Highway
Current Roadway Capacity (LOS D) (AADT)	42,200	42,200
Latest Traffic Volume (AADT)	21,000	27,000
Traffic Generated by Present Designation (average 24 hour)*	818	
Traffic Generated by Proposed Designation (average 24 hour)**	1,333	
Impact of Proposed Designation	+515	

Source of LOS Capacity: FDOT Generalized Level of Service Volume Table 4-1 (2002)

T.W. Alexander Drive: 4-lane divided Class I arterial with right-turn lanes

US 70: 4-lane divided Class I arterial with right-turn lanes

Source of Latest Traffic Volume: 2011 NCDOT Traffic Count Map

*Assumption (Max Use of Existing Zoning) – RR: 42 single-family lots

**Assumption (Max Use of Proposed Zoning) – PDR 8.000: 231 townhouses

Table G2. Transit Impacts
Transit service is not currently provided within one-quarter mile of the site.

Table G3. Utility Impacts
This site will be served by public 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 50 students. This represents an increase of 13 students in Durham County and 19 students in Wake County (total student increase of 34 students) over the existing zoning. Durham Public Schools serving the site are Spring Valley Elementary School, Neal Middle School, and Southern High School. Wake County Schools serving the site are Brier Creek Elementary, Leesville Road Middle School, and Leesville Road High School.			
Students	Elementary School	Middle School	High School
Current Building Capacity	16,832	7,717	9,980
Maximum Building Capacity (110% of Building Capacity)	18,515	8,489	10,978
20th Day Attendance (2011-12 School Year)	16,150	7,212	9,476
Committed to Date (January 2010 – December 2012)	321	105	37
Available Capacity	2,044	1,172	1,465
Potential Students Generated – Current Zoning Durham County*	3	1	2
Potential Students Generated – Proposed Zoning Durham County**	12	5	5
Impact of Proposed Zoning – Durham County	+8	+4	+3
Potential Students Generated – Current Zoning Wake County*	4	2	3
Potential Students Generated – Proposed Zoning Wake County**	16	6	6
Impact of Proposed Zoning – Wake County	+12	+4	+3

*Assumption (Max Use of Existing Zone) – RR: 42 single-family lots

**Assumption (Max Use of Proposed Zoning) – PDR 8.000: 231 apartments

Table G6. Water Supply Impacts	
This site is estimated to generate a total of 26,565 GPD if developed to its maximum potential with the proposed zoning district. This represents an increase of 20,055 GPD over the existing zoning district.	
Current Water Supply Capacity	37.00 MGD
Present Usage	26.96 MGD
Approved Zoning Map Changes (January 2010 – December 2012)	0.69 MGD
Available Capacity	9.35 MGD
Estimated Water Demand Under Present Zoning*	6,510 GPD
Potential Water Demand Under Proposed Zoning**	26,565 GPD
Potential Impact of Zoning Map Change	+20,055

Notes: MGD = Million gallons per day

***Assumption- (Max Use of Existing Zoning)** – RR: 42 single-family lots

****Assumption- (Max Use of Proposed Zoning)** – PDR 8.000: 231 apartments

Appendix K: Summary of Planning Commission Meeting

Attachments:

8. Planning Commissioner’s Written Comments
9. Ordinance Form