



CITY OF DURHAM | DURHAM COUNTY  
NORTH CAROLINA



PLAN AMENDMENT REPORT

Meeting Date: September 3, 2013

<b>Reference Name</b>	Del Webb Carolina Arbors (A1200011)		<b>Jurisdiction</b>	City
<b>Applicant</b>	Horvath Associates, PA			
<b>Request Change in Comprehensive Plan Designation</b>	<b>From:</b>	Low-Medium Density Residential (4-8 DU/Ac.)		
	<b>To:</b>	Low Density Residential (4 DU/Ac. or Less)		
<b>Site Characteristics</b>	<b>Tier:</b>	Suburban		
	<b>Present Use:</b>	Vacant		
	<b>Present Zoning:</b>	Rural Residential (RR)		
	<b>Overlays:</b>	N/A		
	<b>Size:</b>	14.36 acres (excludes Recreation and Open Space designated land)		
<b>Location</b>	1058 Andrews Chapel Road, north of the Durham-Wake County line and west of Andrews Chapel Road			
<b>PIN(s)</b>	0769-03-21-3915			
<b>Recommendations</b>	<b>Staff</b>	Approval, based on conditions warranting an amendment to the Future Land Use Map and the proposed land use pattern meeting the four criteria for plan amendments.		
	<b>Planning Commission</b>	Approval, July 9, 2013, 12-0, based on the justification, the request meeting the four criteria for plan amendments, and information heard at the public hearing.		

**A. Summary**

The applicant, Horvath Associates, PA, proposes to amend the Future Land Use Map from Low-Medium Density Residential (4-8 DU/Ac.) to Low Density Residential (4 DU/Ac. or Less). This plan amendment represents a southern expansion of Del Webb Carolina Arbors, a previously approved development in eastern Durham County north of US Highway 70 and south of Leesville Road. The requested plan amendment affects one 18.4 acre parcel; however, no changes are requested for the area designated for Recreation and Open Space. The applicant is pursuing the proposed change in order to incorporate this parcel into the previously approved Del Webb Carolina Arbors.

## B. Site History

Site work for the Del Webb Carolina Arbors project is already underway. In seeking development entitlements for the project, a number of amendments to the Future Land Use Map have been requested:

- *A1000011 Leesville Road Active Adult Residential.* A request that the Future Land Use Map be amended from Low Density Residential (4 DU/Ac. or Less) to Low-Medium Density Residential (4-8 DU/Ac.) was withdrawn at the Planning Commission public hearing on May 10, 2011.
- *A1100012 Del Webb Duraleigh Arbors.* A request that the Future Land Use Map be amended from Low-Medium Density Residential to Low Density Residential was approved by the City Council on June 18, 2012.
- *A1200009 Del Webb Entry Monuments.* A request that the Future Land Use Map be amended from Low Density Residential to Institutional was approved by the City Council unanimously on August 5, 2013.

## C. Existing Site Characteristics

The site of the proposed Plan Amendment is currently undeveloped and is impacted by streams, stream buffers and floodway fringe. Little Brier Creek occupies the western portion of the site, while a tributary stream forms the southern parcel boundary. Please refer to Attachment 3 for aerial imagery.

## D. Applicant's Plan Amendment Justification

The applicant contends that the subject parcel ought to be amended from its current future land use designation for a number of reasons. The applicant asserts that environmental conditions including "streams, steep slopes and associated buffers," will be better protected under the proposed lower density land use because site design will be better able to "mimic the site's environmental conditions." These natural features, the applicant also points out, "assist to define the project area and provide a separation from the higher density developments to the south," and, therefore, create a more logical transition between residential densities.

**Staff Response:** Staff agrees with the applicant that there are features of this site that warrant a change in future land use policy, the most compelling of which is that environmental conditions on site make the proposed use (with less potential density) more appropriate. While Staff acknowledges that the design of the site, and not strictly density, determines the effect on environmental features, Staff concludes that amending the Future Land Use Map is justified. A further examination of the request according to the four criteria for plan amendments follows.

## 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). The proposed plan amendment has been evaluated against these criteria.

- 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 site is of adequate shape and size to accommodate the proposed change.

**1. Consistency with Adopted Plans and Policies**

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.

<b>Table 1: Relevant <i>Comprehensive Plan</i> Policies</b>
<i>Policy 2.2.2h. Suburban Tier Density Evaluation. Evaluate allowed Suburban Tier residential densities in consideration of policies to encourage higher density development in the Downtown and Compact Neighborhood Tiers and Suburban Transit Support Areas.</i>
<i>Policy 2.3.1b. Contiguous Development. Support orderly development patterns that take advantage of existing urban services, and avoid, insofar as possible, patterns of leapfrog, noncontiguous, scattered development within the Suburban Tier.</i>

The proposed amendment is a contiguous expansion of a previously approved project that has been annexed into the City of Durham and represents a decrease in the planned intensity of development. As a result, the plan amendment is not inconsistent with goals and policies related to encouraging higher density development in other areas of Durham identified for growth.

**Staff Conclusion:** This proposed plan amendment is consistent with adopted plans and policies, and therefore, meets criterion 3.4.7A.

**2. Compatibility with Existing Development and Future Land Use Patterns**

This project is located in the Suburban Tier in an area transitioning from rural to suburban uses. It is north of the Durham-Wake County line where, just south of this

site in Wake County, recent large-scale commercial and residential projects have already been completed.

Table 2: Area Land Uses and Designations		
	Existing Uses	Future Land Use Designations
<b>North</b>	Single-family residential	Low Density Residential
<b>East</b>	Rural residential, commercial	Low-Medium Density Residential
<b>South</b>	Vacant, agriculture	Low-Medium Density Residential
<b>West</b>	Forestry	Low Medium Density Residential

Analysis: While the area surrounding the proposed Del Webb Carolina Arbors plan amendment has remained largely rural due to lack of utilities until recently, nearby development across the Durham County line in Raleigh has expanded significantly. Durham’s adopted Future Land Use Map anticipates a fairly substantial change in the development pattern for the area north of US Highway 70: from agriculture and forestry, with limited amounts of rural residential to suburban-style growth at densities varying between Low (fewer than four units per acre) and Low-Medium (4-8 units per acre). The proposed plan amendment is not out of character with the adopted future land use pattern, nor with the recent patterns of development in the area.

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

### 3. Adverse Impacts

**Infrastructure:**

A theme found throughout the *Durham Comprehensive Plan* is ensuring that the pace of urbanized growth does not exceed the ability to provide essential services (*Objective 2.3.2, Infrastructure Capacity*). Toward that end, *Policy 2.3.2a., Infrastructure Capacity*, directs the City-County Planning Department to consider impacts to the capacity of existing infrastructure when evaluating changes to the Future Land Use Map and Zoning Atlas.

Analysis: This site does not presently have access to the adequate water and sewer improvements that would be required of this development. However, an Extension Agreement has been submitted to the City of Durham for these services. The entirety of the Del Webb Carolina Arbors project has been evaluated for impacts to the transportation system. The current rural nature of this area will require significant transportation system improvements to maintain acceptable level of service standards. Details are outlined in depth in the Zoning Map Change report.

***Future Demand for Land Uses:***

*Durham Comprehensive Plan Policy 2.5.2e., Demand for Land Uses*, states that in evaluating Plan Amendments, the Governing Boards and the City-County Planning Department shall consider the projected need for the requested land use in the future.

Analysis: The intent of this policy is to ensure that sufficient land is available to meet the future demand for a variety of uses. By 2035, Planning staff estimates there will be demand for approximately 189,000 dwelling units county-wide. The Comprehensive Plan accommodates enough land for 225,000 dwelling units, well over the amount that will be needed. Therefore, the effect of amending the Future Land Use Map to decrease allowed density on 14.36 acres is negligible.

***Environment:***

Though the site is located outside of a protected watershed overlay, there are a number of steams, stream buffers and steep slopes on site. There is no reason to believe the site could not be developed in accordance with the standards found in the UDO. Decreasing planned density on-site could reduce environmental impact; however, site design is a better indication of how development will impact 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 requested for amendment is approximately 14.36 acres, and is of sufficient shape and size for residential development in the Suburban Tier.

**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.

**F. Notification**

Staff certifies that notification, including newspaper advertisements and letters to property owners within 1,000 feet of the site, has been carried out in accordance with Section 3.2.5 of the UDO. The following neighborhood organizations were mailed notices:

- Olive Branch Road Association
- Inter-Neighborhood Council
- Peoples Alliance
- RDU HZO Permit Area
- Durham Justice and Fairness Inter-Neighborhood Association
- Partners Against Crime – District 1

**G. Recommendations**

Staff recommends approval, based on conditions warranting an amendment to the Future Land Use Map and the proposed plan amendment meeting the four criteria for plan amendments.

The Planning Commission recommended approval based on the justification, the request meeting the four criteria for plan amendments, and information heard at the public hearing, 12-0, on July 9, 2013.

**H. Staff Contact**

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**I. Attachments**

- Attachment 1, Proposed Change
- Attachment 2, Area Context
- Attachment 3, Aerial Image
- Attachment 4, Applicant's Justification Statement
- Attachment 5, Planning Commission Written Comments
- Attachment 6, Comprehensive Plan Amendment Resolution