

DURHAM



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CITY OF MEDICINE

CITY OF DURHAM | DURHAM COUNTY  
NORTH CAROLINA



ZONING MAP CHANGE REPORT

Meeting Date: December 16, 2013

Table A. Summary			
<b>Application Summary</b>			
<b>Case Number</b>	Z1300017	<b>Jurisdiction</b>	City
<b>Applicant</b>	Stewart Engineering	<b>Submittal Date</b>	June 10, 2013
<b>Reference Name</b>	Page Park II	<b>Site Acreage</b>	16.875
<b>Location</b>	5310 and 5330 Jessip Street, intersection of Crown Parkway and Jessip Street, west of Page Road.		
<b>PIN(s)</b>	0747-02-88-6328, 0747-02-98-3482		
<b>Request</b>			
<b>Proposed Zoning</b>	Residential Suburban – Multifamily with a development plan (RS-M(D))	<b>Proposal</b>	124 residential units
<b>Site Characteristics</b>			
<b>Development Tier</b>	Suburban Tier		
<b>Land Use Designation</b>	Office, Medium Density Residential (6-12 DU/Ac.), Recreation and Open Space		
<b>Existing Zoning</b>	Residential Suburban – Multifamily with a development plan (RS-M(D)), Office Institutional with a development plan (OI(D))		
<b>Existing Use</b>	Vacant		
<b>Overlay</b>	None	<b>Drainage Basin</b>	Falls Lake
<b>River Basin</b>	Neuse	<b>Stream Basin</b>	Stirrup Iron Creek

Determination/Recommendation/Comments	
<b>Staff</b>	Staff determines that this request, should the plan amendment be approved, would be consistent with the <i>Comprehensive Plan</i> and applicable policies and ordinances.
<b>Planning Commission</b>	Approval, 11-0 on October 8, 2013. The Planning Commission finds that the ordinance request is not consistent with the adopted <i>Comprehensive Plan</i> . However, should the plan amendment be approved, the request would be consistent with the <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.
<b>DOST</b>	No comments
<b>BPAC</b>	No comments

## A. Summary

This is a request to change the zoning designation of a 16.875-acre site (two parcels) for a residential development of up to 124 units; the existing development plan designates a portion of the site as office. The site is located at 5310 and 5330 Jessip Street, intersection of Crown Parkway and Jessip Street and west of Page Road (see Attachment 1, Context Map).

A portion of this zoning request is not consistent with the future land use map designation of the *Comprehensive Plan* which designates the site as Medium Density Residential (6-12 DU/Ac.), Office, and Recreation and Open Space. A plan amendment request (Case A1300006) to change the current future land use map (FLUM) designation of Office to Medium Density Residential (6-12 DU/Ac.) is being supported by staff. Should the plan amendment be approved this case would be consistent with the *Comprehensive Plan* and applicable policies and ordinances.

Appendix A provides supporting information.

## B. Site History

This site is a portion of property included in a development plan, P03-20 approved by City Council on October 6, 2003 which included commercial, office, and residential uses which committed to “mix of uses and general location”. This zoning map change request (case Z1300017) differs from the existing zoning designation in that the previously approved development plan commits a portion of this site to office development.

## 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 RS-M district (Sec. 3.5.6.D, Sec. 6.3.1). In addition, commitments in excess of UDO requirements have been made (see Appendix D for supporting information):

**Text Commitments.** Traffic mitigation text commitments have been proffered by other developments but may be required of this development (to be determined at site plan approval with a traffic phasing analysis).

**Graphic Commitments.** Graphic commitments include the general location of site access points, location of tree preservation and replacement areas, internal street connection, a cul-de-sac on Jessip Street and a 50-foot natural buffer.

**Design Commitments.** The rooflines of the proposed development will be pitched with asphalt shingles with gables incorporated. Building materials for the primary exterior siding shall consist of vinyl or cement-fiber plank siding and accents of masonry.

**Determination.** If the requested RS-M(D) zoning district is approved, this request would allow for a residential development of up to 124 units (7.77 DU/Ac.); housing type is not specified.

#### 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 RS-M(D) zoning district is not consistent with the Future Land Use Map of the *Comprehensive Plan* which designates a portion of this site as Office. A plan amendment (Case A1300015) to change the Office designation to Medium Density Residential (6-12 DU/Ac.) has been requested and is being supported by staff. If approved, this requested would be consistent with adopted plans.

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

**Natural Heritage Inventory.** This site is within the boundary of the Stirrup Iron Creek Marsh and Sloughs Natural Heritage Area. However, this site has previously been graded and the development plan does not show any further disturbance of the

existing forested area; it is shown as committed tree preservation through a 50-foot natural buffer.

## F. Site Conditions and Context

**Site Conditions.** This vacant 16.875-acre site is comprised of two parcels generally located on the north side of Jessip Street west of Crown Parkway and west of Page Road. The site has previously been graded with natural vegetation located on the extreme north and west site boundary lines. A tributary stream and floodway fringe associated with Stirrup Iron Creek impact the western boundary of the site. Other constraints include a 200-foot Duke Power easement and 10-foot AT&T easement run north-south through the central portion of the site.

**Area Characteristics.** This site is in the Suburban Tier in an area that is experiencing a change in character from rural to suburban development patterns. Although a small number of single-family residential units are existing in the area west of Page Road and south of Chin Page Road, platting, grading, and roadway infrastructure is already in place and a number of regional-scale industrial, office, and commercial approvals have already been granted in the Page Road/Chin Page Road area. The area also has ready-access to Interstate – 40 and the site is less than one mile to the access ramp.

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

**Determination.** The proposed RS-M(D) district meets the ordinance requirements in relation to development on the subject site and would provide additional residential options in an area that has, or has been approved for, employment opportunities and quick-access to Interstate – 40.

## 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 RS-M(D) district is consistent with *Comprehensive Plan* policies regarding the infrastructure impacts of transit, utility, drainage/stormwater, schools and water supply. The proposal is estimated to decrease traffic generation by 828 trips per day, increase student generation by 20 students, and increase water demand by 1,186 gallons per day. The existing infrastructure has available capacity to meet these needs.

## H. Staff Analysis

Staff determines that, should the plan amendment be approved, this request would be consistent with the *Comprehensive Plan* and applicable polices and ordinances.

## I. Contacts

Table I. Contacts		
<b>Staff Contact</b>		
Amy Wolff, Senior Planner	Ph: 919-560-4137, ext. 28235	Amy.Wolff@DurhamNC.gov
<b>Applicant Contact</b>		
Agent: Robert Shunk, Stewart	Ph: 919-866-4792	rshunk@stewartinc.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
- Partners Against Crime – District 4
- Center of the Region Enterprise (CORE) – City of Raleigh
- Center of the Region Enterprise (CORE) – Wake County
- Center of the Region Enterprise (CORE) – Town of Cary
- Center of the Region Enterprise (CORE) – Town of Morrisville
- RDU HZO Permit Area

## K. Summary of Planning Commission Meeting October 8, 2013 (Case Z1300017)

**Zoning Map Request:** Request OI(D), RS-M(D) to RS-M(D).

**Staff Report:** Ms. Wolff presented the staff report.

**Public Hearing:** Chair Jones opened the public hearing. One person signed up to speak and one person spoke in support and no one spoke in opposition. Chair Jones closed the public hearing.

**Commission Discussion:** The question was raised if there were plans for “affordable housing” and the response was No. Townhouses will be on both sides of the street. Emergency vehicles will be able to get in and out of the cul-de-sac.

**Motion:** Approval of the Plan Amendment Case A1300006. (Mr. Smudski, Mr. Gibbs 2<sup>nd</sup>).

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

**Motion:** Approval of the Zoning Case Z1300017. (Mr. Harris, Mr. Davis 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, should the plan amendment be approved, the request would be consistent with the *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. 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 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	Attachments:

Table K. Supporting Information		
	Commission Meeting	6. Planning Commissioner’s Written Comments 7. Ordinance Form

## Appendix A: Application Supporting Information

Attachments:

1. Context Map
2. Future Land Use Map
3. Aerial Photography
4. Development Plan Reduction
5. Submittal and Review History

## Appendix D: Unified Development Plan Supporting Information

Table D1. UDO Designation Intent	
<b>RS-M</b>	<b>Residential Suburban – Multi-family</b> - the RS-M district is established to provide for suburban residential development and redevelopment with a maximum of 10.5 dwelling units per acre. A variety of single- and multi-family housing types are permitted including duplexes, townhomes, and apartments. While RS-M is a residential district, certain nonresidential uses such as day care facilities and places of worship may be sought through a special use permit or other limited provisions of the ordinance.
<b>D</b>	<b>Development Plan</b> – 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 D2. District Requirements – RS-M			
	Code Provision	Required	Committed
<b>Residential Density (maximum)</b>	6.3.1.A	10.5	7.77 (DU/Ac.)
<b>Maximum Height (feet)</b>	6.3.1.A	35	35

<b>Table D3. Environmental Protection</b>			
<b>Resource Feature</b>	<b>UDO Provision</b>	<b>Required</b>	<b>Committed</b>
<b>Tree Coverage</b>	8.3.1C	23% (3.86 acres)	23% (3.86 acres)
<b>Impervious Surface (maximum)</b>	8.7.2B	100% (16.875 acres)	70% (11.82 acres)
<b>Stream Buffer (feet)</b>	8.5.4.B	50	50

<b>Table D4. Project Boundary Buffers</b>			
<b>Cardinal Direction</b>	<b>Adjacent Zone</b>	<b>Required Opacity</b>	<b>Proposed Opacity</b>
<b>North</b>	RS-M(D)	0.2/0.4	0.4 (20 feet)
<b>East</b>	CG(D)	0.2/0.8	0.2 (10 feet)
<b>South</b>	RS-M(D)	0.2/0.4	0.4 (20 feet)
<b>West</b>	RS-20	0.4/0.6	50-foot natural buffer

<b>Table D5. Summary of Development Plan</b>		
<b>Components</b>	<b>Description</b>	<b>Plan Sheet</b>
<b>Required Information</b>	<b>Intensity/Density.</b> 124 residential units.	DP2.0
	<b>Building/Parking Envelope</b> has been appropriately identified.	DP2.0
	<b>Project Boundary Buffers</b> are appropriately shown.	DP2.0
	<b>Stream Crossing.</b> None.	DP2.0
	<b>Access Points.</b> Two (2) specific site access points have been identified along with an unidentified number of townhouse driveways along Jessip Street.	DP2.0
	<b>Dedications and Reservations.</b> None.	DP2.0
	<b>Impervious Area.</b> 70% (11.2 acres)	DP2.0
	<b>Environmental Features.</b> A stream and stream buffer, floodway fringe, and wetlands have been identified as shown.	DP2.0
	<b>Areas for Preservation.</b> See Tree Coverage (below).	DP2.0
	<b>Tree Coverage.</b> 23% (3.86 ac.) of tree coverage area as shown; 15% (2.52 ac.) will be tree preservation and 8% (1.34 ac.) will be tree replacement.	DP2.0
<b>Graphic Commitments</b>	<ol style="list-style-type: none"> <li>1. Location of site access points.</li> <li>2. Location of tree preservation and replacement areas.</li> <li>3. Internal vehicular private access to connect Site Access #1 and Site Access #2.</li> <li>4. Construction of a cul-de-sac at the existing termination of Jessip Street.</li> <li>5. 50-foot natural buffer along western boundary as shown.</li> </ol>	DP2.0

<b>Table D5. Summary of Development Plan</b>		
<b>Text Commitments</b>	<p><u>Committed by others and may be required by this development. Requirements for these improvements to be determined at site plan approval with a traffic phasing analysis.</u></p> <ol style="list-style-type: none"> <li>1. Construct a second exclusive eastbound left-turn with adequate storage and appropriate tapers on the I-40 westbound off-ramp at Page Road.</li> <li>2. Construct a second northbound through lane on Page Road from the I-40 westbound off-ramp to receive the dual-left turn lanes per NCDOT standards.</li> <li>3. Construct a second exclusive northbound left-turn with adequate storage and appropriate tapers on Page Road at the I-40 westbound off-ramp.</li> <li>4. Construct a second westbound through lane on I-40 westbound on-ramp at Page Road to receive the dual-left turn lanes per NCDOT standards.</li> <li>5. Install a traffic signal with steel poles and mast arms at the intersection of Page Road and Chin Page Road (subject to MUTCD warrants and approval by NCDOT).</li> <li>6. Install a traffic signal with steel poles and mast arms at the intersection of Page Road and Crown Parkway (subject to MUTCD warrants and approval by NCDOT).</li> </ol>	Cover
<b>SIA Commitments</b>	None Provided.	N/A
<b>Design Commitments</b>	<p><u>General Architectural Style:</u> none identified.</p> <p><u>Rooflines:</u> pitched with asphalt shingles.</p> <p><u>Building Materials:</u> the primary exterior siding materials shall consist of vinyl or cement-fiber plank siding and accents of masonry (brick and/or cultured stone or real stone).</p> <p><u>Distinctive Architectural Features:</u> gables shall be incorporated.</p>	Cover

## Appendix E: Adopted Plans Supporting Information

Table E. Adopted Plans	
<i>Comprehensive Plan</i>	
Policy	Requirement
<b>Future Land Use Map</b>	<p><b>Office:</b> Land used primarily for office uses.</p> <p><b>Medium Density Residential (6 – 12 DU/Ac.):</b> Land primarily used for a range of residential uses between six and twelve dwelling units per acre.</p> <p><b>Recreation and Open Space:</b> Identify and protect identified areas. [Note: the property within this request has not been specifically identified].</p> <p><b>Suburban Tier:</b> Land uses that shall be allowed include Recreation and Open Space, Agricultural, Residential, Institutional, Commercial, Office, Research/Research Application, and Industrial.</p>
<b>2.2.2b</b>	<b>Suburban Tier Land Uses:</b> Land uses that shall be allowed include Recreation and Open Space, Agricultural, Residential, Institutional, Commercial, Office, Research/Research Application, and Industrial.
<b>2.3.1a</b>	<b>Contiguous Development:</b> 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.
<b>2.3.2a</b>	<b>Infrastructure Capacity.</b> Consider the impacts to the existing capacities of the transportation, water, and sewer systems, and other public facilities and services. Measure from the potential maximum impact of current policy or regulation to the potential maximum impact of the proposed change in policy or regulation.
<b>7.1.6b</b>	<b>Natural Heritage Inventory.</b> Review development proposals in relation to the Natural Heritage Inventory to preserve Natural Heritage Inventory sites and encourage new development to avoid the sites.
<b>8.1.2j</b>	<b>Transportation Level of Service Maintenance.</b> 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.
<b>11.1.1a</b>	<b>School Level of Service Standard:</b> 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.
<b>11.1.1b</b>	<b>Adequate Schools Facilities:</b> 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.

<b>Table E. Adopted Plans</b>
<b><i>Natural Heritage Inventory</i></b>
A portion of this site is encumbered by the Stirrup Iron Creek Marsh and Sloughs Natural Heritage boundary as shown on the development plan (see Attachment 4, Development Plan Reduction, sheet DP1.0).

## Appendix F: Site Conditions and Context Supporting Information

<b>Table F. Site Context</b>			
	<b>Existing Uses</b>	<b>Zoning Districts</b>	<b>Overlays</b>
<b>North</b>	Vacant, single- and multi-family under development	RS-M(D), RU-5(D)	None
<b>East</b>	Vacant	CG(D)	None
<b>South</b>	Vacant, multi-family residential under development	RS-M(D), OI(D)	MTC
<b>West</b>	Vacant	RS-20	None

## Appendix G: Infrastructure Supporting Information

Table G1. Road Impacts	
Page Road is the major road impacted by the proposed zoning change. There are no scheduled NCDOT roadway improvement projects in the area.	
Affected Segments	Page Road
Current Roadway Capacity(LOS D) (AADT)	15,900
Latest Traffic Volume (AADT)	5,300
Traffic Generated by Present Designation (average 24 hour)*	1,604
Traffic Generated by Proposed Designation (average 24 hour)**	776
Impact of Proposed Designation	-828

Source of LOS Capacity: FDOT Generalized Level of Service Volume Table 4-1 (2012)

Page Road: 2-lane city/county Class I arterial roadway with left-turn lanes

Source of Latest Traffic Volume: 2011 NCDOT Traffic Count Map

\*Assumption- (Max Use of Existing Zoning) – RS-M(D): 58 townhome units; OI(D): 89,250 SF office

\*\*Assumption- (Max Use of Existing Zoning) – RS-M(D): 124 townhome units

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

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 26 students if developed at the maximum residential capacity. This represents an increase of 20 students over the existing zoning. Durham Public Schools serving the site are Bethesda Elementary School, Lowes Grove School, and Hillside High School.

<b>Table G5. School Impacts</b>			
<b>Students</b>	<b>Elementary School</b>	<b>Middle School</b>	<b>High School</b>
<b>Current Building Capacity</b>	16,832	7,717	9,980
<b>Maximum Building Capacity (110% of Building Capacity)</b>	18,515	8,489	10,978
<b>20<sup>th</sup> Day Attendance (2012-13 School Year)</b>	16,150	7,212	9,476
<b>Committed to Date (April 2010 – March 2013)</b>	432	151	88
<b>Available Capacity</b>	1,933	1,126	1,414
<b>Potential Students Generated – Current Zoning*</b>	3	1	2
<b>Potential Students Generated – Proposed Zoning**</b>	15	6	5
<b>Impact of Proposed Zoning</b>	+12	+5	+3

\*Assumption- (Max Use of Existing Zoning) – RS-M(D): 58 townhome units

\*\*Assumption- (Max Use of Existing Zoning) – RS-M(D): 124 apartments

<b>Table G6. Water Supply Impacts</b>	
This site is estimated to generate a total of 14,260 GPD if developed to its maximum potential with the proposed zoning district. This represents an increase of 1,186 GPD over the existing zoning district.	
<b>Current Water Supply Capacity</b>	37.00 MGD
<b>Present Usage</b>	23.33 MGD
<b>Approved Zoning Map Changes (April 2010 – March 2013)</b>	0.70 MGD
<b>Available Capacity</b>	12.97 MGD
<b>Estimated Water Demand Under Present Zoning*</b>	13,074 GPD
<b>Potential Water Demand Under Proposed Zoning**</b>	14,260 GPD
<b>Potential Impact of Zoning Map Change</b>	+1,186

Notes: MGD = Million gallons per day

\*Assumption- (Max Use of Existing Zoning) – RS-M(D): 58 townhome units; OI(D): 89,250 SF office

\*\*Assumption- (Max Use of Existing Zoning) – RS-M(D): 124 apartments

## Appendix K: Summary of Planning Commission Meeting

Attachments:

6. Planning Commissioner's Written Comments
7. Ordinance Form