



CITY OF DURHAM | DURHAM COUNTY
NORTH CAROLINA



ZONING CHANGE REPORT

ATTACHMENT 5A

Meeting Date: February 18, 2013

Table A. Summary			
Application Summary			
Case Number	Z1200013	Jurisdiction	City
Applicant	City of Durham	Submittal Date	June 11, 2012
Reference Name	Montclair	Site Acreage	19.21
Location	8002 Farrington Mill Road and 5904 Barbee Chapel Road, in the southwest quadrant of the Barbee Chapel Road and Farrington Mill Road intersection.		
PIN(s)	0707-01-27-6476, -3502		
Request			
Proposed Zoning	Planned Development Residential 2.870 (PDR 2.870) and Residential Rural with a development plan (RR(D))(City jurisdiction)	Proposal	Initial zoning of newly annexed land for 53 single-family residential
Site Characteristics			
Development Tier	Suburban Tier		
Land Use Designation	Very Low Density Residential (2 DU/Ac. or less)		
Existing Zoning	Residential Rural (RR) (County jurisdiction)		
Existing Use	Vacant		
Overlay	F/J-B	Drainage Basin	Jordan Lake
River Basin	Cape Fear	Stream Basin	Little Creek
Determination/Recommendation/Comments			
Staff	Staff determines that this request is not consistent with the <i>Comprehensive Plan</i> ; however, is consistent with the adopted ordinance.		
Planning Commission	Approval, 10-3 on December 11, 2012. 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.		

Table A. Summary	
DOST	No comments
BPAC	See Attachment 7, BPAC Memorandum

A. Summary

This is a request to apply the initial zoning of land annexed into the City of two parcels totaling 19.21 acres from Residential Rural (RR) – County Jurisdiction to Planned Development Residential 2.870 (PDR 2.870) – City Jurisdiction for a single-family residential development of 53 units. The site is located at 8002 Farrington Mill Road and 5904 Barbee Chapel Road, in the southwest quadrant of the Barbee Chapel Road and Farrington Mill Road intersection (see Attachment 1A, Context Map). This request is not consistent with the future land use designation of the *Comprehensive Plan* which designates this site as Very Low Density Residential (2 DU/Ac. or less). A plan amendment request (Case A1200005) to change the future land use designation to Low Density Residential (4 DU/Ac. or less) has been requested. Staff is not supporting this plan amendment request.

Appendix A provides supporting information.

B. Site History

There are no recent zoning map change requests associated with this site.

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 Attachment 5C, Development Plan reduction) provides the required elements for zoning map change requests in the PDR and RR district (Sec. 3.5.6.D, Sec. 6.2.1, and 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. The applicant has committed that the PDR portion of the site be limited to single family residential (and accessory) uses, construction of turn lanes into the site from Barbee Chapel Road and Farrington Mill Road, and additional asphalt widening to accommodate a bicycle lane on Barbee Chapel Road and Farrington Mill Road.

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

Determination. The requested PDR and RR zoning districts 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 (Attachment 5C) 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 not consistent with the Future Land Use Map and other policies of the *Comprehensive Plan*.

The Future Land Use Map of the *Comprehensive Plan* designates this site as Very Low Density Residential (2 DU/Ac. or less). A plan amendment, case A1200005, has been requested to change this designation to Low Density Residential (4 DU/Ac. or less). Staff is not supporting this request.

Policy 2.3.1b, Contiguous Development, “support[s] for orderly development patterns that take advantage of existing urban services, and avoid, insofar as possible, patterns of leapfrog, noncontiguous, scattered development...” This requested development would require extension of public utilities. This site is currently non-contiguous with Durham City Limits. If the requested annexation into the City of Durham is approved, irregular patterns for service provision, including solid waste disposal and police protection, would exist.

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

Policy 8.1.4c and d: Long Range Bicycle Plan. A proposed bicycle lane along Barbee Chapel Road and a proposed paved shoulder along Farrington Mill Road are shown as conditions along the road frontages of the site as recommendations of the Long Range Bicycle Plan Map 4.6. The applicant is committing to provide a minimum of 4 feet of additional asphalt along the frontages of this site to accommodate these recommendations.

Policy 7.1.6b: Durham County Inventory of Important Natural Areas, Plants, and Wildlife. This site is within the vicinity of the New Hope Creek Corridor according to the Inventory and is adjacent to a Natural Heritage Inventory area identified as the Little Creek Bottom Lands and Slopes and used by the Army Corps of Engineers for flood control purposes. While a small portion of the Significant Natural Heritage Area overlays this site, more recent analysis indicates that the depicted boundary provided by the state includes a buffer offset from the floodplain located on the northern side of Barbee Chapel Road. Therefore, there is no ordinance or policy guidance applied to this site in regards to the Inventory.

F. Site Conditions and Context

Site Conditions. The 19.21-acre site is located at 8002 Farrington Mill Road and 5904 Barbee Chapel Road, southwest quadrant of the Barbee Chapel Road and Farrington Mill Road intersection. The site includes two forested vacant parcels with access onto Farrington Mill Road and Barbee Chapel Road.

Area Characteristics. The site in the southern part of the county west of the intersection of Farrington Mill Road and Barbee Chapel Road and adjoins the boundary between the Suburban Tier and the Rural Tier, which also forms the boundary between the Jordan Lake Protected Watershed (F/J-B) and the Critical Watershed (F/J-A). There are several pockets of suburban residential neighborhoods, including Southpoint Manor, Chapel Wood and Downing Creek, in the vicinity; however, the majority of the surrounding area remains either protected open space, undeveloped, or very large lot residential.

The site is adjacent to a Natural Heritage Inventory area identified as the Little Creek Bottom Lands and Slopes and used by the Army Corps of Engineers for flood control purposes. While a small portion of the Significant Natural Heritage Area overlays this site, more recent analysis indicates that the depicted boundary provided by the state includes a buffer offset from the floodplain located on the northern side of Barbee Chapel Road. Therefore, there is no ordinance or policy guidance applied to this site in regards to the Inventory.

The site is currently located within Durham County jurisdiction; however, the applicant is seeking annexation into the City of Durham.

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

Determination. The proposed PDR and RR districts and associated development plan meets the ordinance requirements; however, does not meet policy requirements in relation to development on the subject site (see Section E, Adopted Plans, of this report). While this site is within the Suburban Tier and the Jordan Lake Protected Watershed (F/J-B), it is clear the policy intention for the area south of Barbee Chapel Road is to act as a transition between traditional suburban subdivisions to the north and the critical watershed to the south. An isolated pocket of higher density development that adjoins important open space is not compatible with the existing or anticipated land use patterns.

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 and RR districts 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 322 daily trips, increase the students generated from the proposed use by ten students, and increase the estimated water demand of the site by 4,805 gallons per day. The existing infrastructure has available capacity to meet these increases.

This site is currently in the County’s jurisdiction and does not presently have approvals for utilities. However, this site has requested annexation and a utility extension agreement for access to these services.

H. Staff Analysis

This request is not consistent with the *Comprehensive Plan* and other policies but is consistent with the Unified Development Ordinance. If the requested PDR 2.870 and RR(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: 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
- Jordan Lake Resource Management
- Downing Creek

K. Summary of Planning Commission Meeting December 11, 2012 (Case Z1200013)

Zoning Map Change Request: From Residential Rural (RR) (County jurisdiction) to Planned Development Residential 2.870 (PDR2.870) and Residential Rural with a Development Plan (RR(D))(City jurisdiction).

Staff Report: Ms. Jacobson and Ms. Wolff presented the staff report.

Public Hearing: Monds opened the public hearing. Four spoke in support and one against. Chair Monds closed the public hearing.

Commission Discussion: Discussion centered on utility service and density.

Motion: Approval of the Zoning Case Z1200013. (Mr. Davis, Ms. Mitchell Allen 2nd).

Action: Motion carried, 10-3 with Mr. Monds, Mr. Harris and Mr. Gibbs voting no.

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: 5B. Future Land Use Map 5C. Development Plan Reduction 5D. BPAC Memorandum 5E. 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: 5F. Planning Commissioner's Written Comments 5G. Ordinance Form

Appendix A: Application Supporting Information

Attachments:

- 5B. Future Land Use Map
- 5C. Development Plan Reduction
- 5D. BPAC Memorandum
- 5E. Submittal and Review History

Appendix D: Unified Development Plan Supporting Information

Table D1. UDO Designation Intent	
PDR	<p>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.</p>
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.

Table D2. District Requirements – PDR			
	Code Provision	Required	Committed
Minimum Site Area (acres)	6.11.3.B.1	4	18.15
Residential Density (maximum)	6.11.3.C	Specified on plan	2.870 (DU/Ac.)
Maximum Height (feet)	6.11.3.C.3	35	35
Minimum Street Yard (feet)	6.11.3.E.1	8	8

District Requirements – RR			
	Code Provision	Required	Committed
Minimum Lot Area (square feet)	6.2.1.A.1	30,000	836,787
Residential Density (maximum)	6.2.1.A.1	1.4 (DU/Ac.)	0.94 (DU/Ac.)
Maximum Height (feet)	6.2.1.A.1	35	35
Minimum Street Yard (feet)	6.2.1.A.1	50	8
Minimum Side Yard (feet)	6.2.1.A.1	12 each side 30 both sides total	12 each side 30 both sides total
Minimum Rear Yard (feet)	6.2.1.A.1	25	25
Site Requirements – PDR and RR			
	Code Provision	Required	Committed
Minimum Open Space (%)	6.11.3.F	15 (2.88 acres)	15 (2.88 acres)

Table D3. Environmental Protection			
Resource Feature	UDO Provision	Required	Committed
Tree Coverage	8.3.1C	23% (4.42 acres)*	23% (4.42 acres)
Stream Protection (buffer in feet)	8.5.4.B	N/A	N/A

Table D4. Project Boundary Buffers			
Cardinal Direction	Adjacent Zone	Required Opacity	Proposed Opacity
North	RR	0.2/0.2	0.2 (10 feet)
		N/A (right-of-way greater than 60 feet)	N/A
East	RR	0.2/0.2	0.2 (10 feet)
South	RR	0.2/0.2	0.2 (10 feet)
West	RR	0.2/0.2	0.2 (10 feet)

Table D5. Summary of Development Plan		
Components	Description	Development Plan Sheet
Required Information	Intensity/Density. 53 residential units total (52 in PDR 2.870, 1 in RR = 0.94 DU/Ac.	D-2
	Building/Parking Envelope has been appropriately identified.	D-2
	Project Boundary Buffers are appropriately shown	D-2
	Stream Crossing. None present on site.	N/A
	Access Points. Four access points have been identified; two to existing road network and two internal circulation connections	D-2
	Dedications and Reservations. None	N/A
	Impervious Area. 50% = 9.61 acres	D-2
	Environmental Features. None associated with the subject property.	N/A
	Areas for Preservation. None.	N/A
	Tree Coverage. 23% (4.42 acres) as shown.	D-2
Graphic Commitments	Location of tree preservation and replacement areas. Location of access points.	D-2
Text Commitments	<ol style="list-style-type: none"> 1. The PDR portion of the proposed development will be limited to single family residential and accessory uses. 2. <u>Prior to the issuance of any certificate of occupancy:</u> construct a westbound left-turn lane with adequate storage and appropriate tapers on Barbee Chapel Road at the proposed site access point. 3. <u>Prior to the issuance of any certificate of occupancy:</u> Construct a northbound left-turn lane with adequate storage and appropriate tapers on Farrington Mill Road at the proposed site access point. 4. <u>Prior to the issuance of a certificate of occupancy:</u> A minimum 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 Barbee Chapel Road and the west side of Farrington Mill Road. The additional asphalt widening will be provided to allow for a bicycle lane. 	Cover
SIA Commitments	None provided	N/A

Appendix E: Adopted Plans Supporting Information

Table E. Adopted Plans	
Comprehensive Plan	
Policy	Requirement
Future Land Use Map	Very Low Density Residential: 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.
7.1.6b	Development Review and the Natural Heritage Inventory: Review development proposals in relation to the Natural Heritage Inventory to preserve Natural Heritage Inventory sites and encourage new development to avoid the sites by using infill development, planned developments, cluster developments, conservation-by-design subdivisions, and other means.
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.
Long Range Bicycle Plan	
Map 4-6 shows a proposed bicycle lane along Barbee Chapel Road and a paved shoulder along Farrington Mill Road.	
Durham County Inventory of Important Natural Areas, Plants, and Wildlife	
This site is within the New Hope Creek Corridor; a small area of this site is within the State Natural Heritage Area Boundary.	

Appendix F: Site Conditions and Context Supporting Information

Table F. Site Context			
	Existing Uses	Zoning Districts	Overlays
North	Vacant (Army Corps of Engineers land)	RR	F/J-B
East	Vacant (Army Corps of Engineers land), vacant (residential), single family residential, place or worship	RR	F/J-B
South	Vacant, single-family residential	RR	F/J-B
West	Vacant, single-family residential	RR	F/J-B

Appendix G: Infrastructure Supporting Information

Table G1. Road Impacts		
Farrington Mill Road and Barbee Chapel Road 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.		
Affected Segments	Farrington Mill Road	Barbee Chapel Road
Current Roadway Capacity (LOS D) (AADT)	11,900	11,900
Latest Traffic Volume (AADT)	8,600	11,000
Traffic Generated by Present Designation (average 24 hour)*	258	
Traffic Generated by Proposed Designation (average 24 hour)**	580	
Impact of Proposed Designation	+322	

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

Farrington Mill Road: 2-lane major city/county roadway without left-turn lanes

Barbee Chapel Road: 2-lane major city/county roadway without left-turn lanes

Source of Latest Traffic Volume: 2011 NCDOT Traffic Count Map

*Assumption- (Max Use of Existing Zoning) – RR: 22 single-family lots

**Assumption- (Max Use of Existing Zoning) – PDR 2.870: 52 single-family lots, RR: 1 single-family lot

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

Table G3. Utility Impacts
This site will be 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 18 students. This represents an increase of ten 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*	3	2	3
Potential Students Generated – Proposed Zoning**	8	4	6
Impact of Proposed Zoning	+5	+2	+3

*Assumption- (Max Use of Existing Zoning) – RR: 22 single-family lots

**Assumption- (Max Use of Existing Zoning) – PDR 2.870: 52 single-family lots, RR: 1 single-family lot

Table G6. Water Supply Impacts	
This site is estimated to generate a total of 8,215 GPD if developed to its maximum potential with the proposed zoning district. This represents an increase of 4,805 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*	3,410 GPD
Potential Water Demand Under Proposed Zoning**	8,215 GPD
Potential Impact of Zoning Map Change	+4,805

Notes: MGD = Million gallons per day

*Assumption- (Max Use of Existing Zoning) – RR: 22 single-family lots

**Assumption- (Max Use of Existing Zoning) – PDR 2.870: 52 single-family lots, RR: 1 single-family lot

Appendix K: Summary of Planning Commission Meeting

Attachments:

5F. Planning Commissioner's Written Comments

5G. Ordinance Form