



CITY OF DURHAM | DURHAM COUNTY  
NORTH CAROLINA



PLAN AMENDMENT REPORT

Meeting Date: August 5, 2013

<b>Reference Name</b>	Rustica Oaks (A1300003)	<b>Jurisdiction</b>	City
<b>Applicant</b>	Rustica Oaks LLC		
<b>Request Changes in Comprehensive Plan Designation</b>	From: Low Density Residential (4 or less DU/Acre) To: Low-Medium Density Residential (4-8 DU/Acre)		
<b>Site Characteristics</b>	<b>Tier:</b>	Suburban	
	<b>Present Use:</b>	Single-Family Residential	
	<b>Overlays:</b> None		
	<b>Size:</b>	0.659 acres	
<b>Location</b>	North of Rustica Drive, east of South Alston Avenue, west of Magnolia Tree Lane		
<b>PIN(s)</b>	0739-02-59-2895		
<b>Recommendation</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, May 14, 2013, 11-0, based on information provided in the staff report, the justification, information heard at the public hearing, and meeting the criteria for plan amendments.	

**A. Summary**

The applicant, Rustica Oaks Development, LLC, has requested a Plan Amendment to change the future land use designation of 1819 Rustica Drive from Low Density Residential (4 or Less DU/Ac.) to Low-Medium Density Residential (4-8 DU/Ac.). The site is located in the Suburban Tier, north of Rustica Drive, east of South Alston Avenue, and west of Magnolia Tree Lane. Additionally, the applicant has submitted a request to change the Zoning Map designation to Residential Suburban-8 (RS-8). The current zoning designates the parcel Residential Rural (RR). According to the applicant, the change to the Future Land Use Map and the Zoning Map will allow subdivision of 1819 Rustica Drive into three single-family residential lots. The zoning map change associated with this Plan Amendment is case Z1300006.

## **B. Site History**

A single family home was built on the site in 1960. The property was annexed into the City of Durham in 1987.

## **C. Existing Site Characteristics**

The site is currently occupied by a single-family residence. Stormwater runoff from the site flows south, toward Northeast Creek. Adjacent land to the north and east has recently been cleared for construction of Rustica Oaks Subdivision. Rustica Oaks Subdivision, zoned PDR 4.0, will consist of 278 single-family, detached residences and townhouses on approximately 70 acres. The site is bounded on the south by Rustica Drive, vacant land and a single-family residence. Wyndmoor at the Park Subdivision also lies to the south of the site.

## **D. Applicant's Plan Amendment Justification**

The applicant contends the proposed use (Low-Medium Density Residential) is more compatible with surrounding land uses and/or designated future land use patterns than is the current Low Density Residential designation. Low-Medium Density Residential (4-8 units/acre) would allow subdivision of the property into two or more single-family residential lots consistent with the lot sizes of Rustica Oaks and Wyndmoor at the Park subdivisions. The proposed use would support an orderly fashion of development and would not create a pattern of scattered development, which exists with the current designation. See Attachment 4 for the applicant's complete justification statement.

**Staff Response.** Staff agrees that the proposed use is more compatible with surrounding land uses than the current Low Density Residential designation. Lot sizes in the adjacent Rustica Oaks Subdivision, currently under construction, and the Wyndmoor at the Park Subdivision, located south of the site, average approximately 5,000 square feet. The lot sizes that could be achieved under the applicant's proposed land use designation are similar.

## **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/or 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> Objectives and Policies</b>
<b>Objective 2.2.2 Suburban Tier Development.</b> <i>Provide sufficient land in the Suburban Tier appropriately zoned for residential, commercial, institutional, office, research/research applications, and industrial purposes. The Suburban Tier shall include all land within the Urban Growth Area that is not included in the Urban, Compact Neighborhood or Downtown Tiers.</i>
<b>Policy 2.3.1b. Contiguous Development.</b> <i>Support orderly development patterns that take advantage of existing urban services, and avoid, insofar as possible, patterns of leapfrog, noncontiguous, scattered development within the Urban Growth Area.</i>

**Staff Conclusion:** Rustica Oaks Subdivision, adjacent to the site, is currently under construction. The subdivision will include detached, single-family homes on lots that average approximately 5,000 square feet as well as townhouses. The proposed plan amendment is therefore consistent with surrounding land uses and is consistent with adopted plans and policies, thus meeting criterion 3.4.7A.

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

This site is in southern Durham County, within the Suburban Tier, north of Rustica Drive, east of South Alston Avenue, and west of Magnolia Tree Lane.

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

*Existing Uses:* The site of the proposed plan amendment is currently bordered to the north and east by vacant land. However, Rustica Oaks Subdivision is currently under construction. A single-family residence is adjacent to the site on the west and another single-family residence lies to the south, across Rustica Drive.

*Future Land Use Designations:* Land to the west, north, and east of the site is designated Low-Density Residential. Land to the south of the site is designated Low-Medium Density Residential.

*Analysis:* The proposed plan amendment is consistent with the existing and future land use patterns.

**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 3.4.7B.

### 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:* The proposed land use designation would allow for no more than three additional residences on the site, given its size. The addition of two potential dwelling units does not significantly increase demand on infrastructure.

***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:* Staff projects a need in Durham County for approximately 170,000 dwelling units by 2035. The current Future Land Use Map accommodates approximately 225,000 dwelling units. The additional units that will be allowed by the proposed Future Land Use Map change will not hinder Durham's ability to provide sufficient land for residential uses in the foreseeable future.

**Staff Conclusion:** The proposed plan amendment is unlikely to create adverse impacts in the adjacent area or in the City or County in general and, therefore, meets criterion 3.4.7C.

#### **4. Adequate Shape and Size**

The area requested for amendment is approximately 0.659 acres in total, 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 3.4.7D.

#### **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:

- Center of the Region Enterprise (CORE)
- Center of the Region Enterprise
- Inter-Neighborhood Council
- Northeast Creek StreamWatch
- Unity in the Community for Progress
- Fayetteville Street Planning Group
- Friends of Durham
- Fayetteville Street Planning Group
- Partners Against Crime – District 4

#### **G. Recommendation**

Staff finds there are circumstances to warrant amending the Future Land Use Map, and that the request meets the four criteria for plan amendments, and therefore recommends approval of the request.

Planning Commission recommended approval, based on information provided in the staff report, the justification, information heard at the public hearing, and meeting the criteria for plan amendments, 11-0, on May 14, 2013. Planning Commission comments are included in Attachment 5.

#### **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 Comments  
Attachment 6, Resolution