



CITY OF DURHAM | DURHAM COUNTY
NORTH CAROLINA



PLAN AMENDMENT REPORT

Meeting Date: August 5, 2013

Reference Name	Del Webb Entry Monuments (A1200009)	Jurisdiction	City
Applicant	Horvath Associates, PA, Tim Sivers		
Request Change in Comprehensive Plan Designation	From:	Low Density Residential (4 DU/Ac. or Less)	
	To:	Institutional	
Site Characteristics	Tier:	Suburban	
	Present Use:	Vacant	
	Present Zoning:	Planned Development Residential 3.700 (PDR 3.700)	
	Overlays:	F/J-B (partial)	
	Size:	2.67 acres	
Location	804 Andrews Chapel Road, and 5814 and 6032 Leesville Road, Del Webb entry sites generally located in an area bounded by US Highway 70, Leesville Road, and Andrews Chapel Road		
PIN(s)	0769-03-41-4920, -04-42-7336, -01-26-8044, -27-5330, -3332 (all partial)		
Recommendations	Staff	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.	
	Planning Commission	Approval, May 14, 2013, 11-0, 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, is proposing changes to the Future Land Use Map that would allow the construction of entryway monuments into the Del Webb Carolina Arbors residential development. Del Webb Carolina Arbors is a previously approved development in eastern Durham County north of US Highway 70 and south of Leesville Road. The entryway monuments will be located at three separate locations shown in Attachments 1 and 2 and will comprise a total of 2.67 acres. While signs are permitted in the adopted PDR zoning district, the scale and scope of the proposed entryway monuments exceeds the standards for residential districts. Therefore, the applicant is requesting an amendment of the Future Land Use Map from Low Density Residential (4 DU/Ac. or Less) to Institutional (A1200009) and a zoning map change from PDR 3.700 to OI(D) (Z1200020). The applicant, as part of the zoning map change application, has also

elected to include a development plan that serves as both the development plan and site plan.

B. Site History

Development of 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.
- *A1200011 Del Webb Carolina Arbors.* A request that the Future Land Use Map be amended from Low-Medium Density Residential to Low Density Residential went before the Durham Planning Commission for a public hearing on July 9, 2013.

C. Existing Site Characteristics

The entry monument sites are generally located in an area bounded by US Highway 70, Leesville Road, and Andrews Chapel Road. Site entrance #1 is located at 804 Andrews Chapel Road, site entrance #2 is located at 5814 Leesville Road, and site entrance #3 is located at 6032 Leesville Road. Though a portion of the proposed amendment is within the F-J/B watershed protection overlay district, there are no specific environmental or physical constraints on these sites.

D. Applicant's Plan Amendment Justification

The applicant contends the intent of changing the Future Land Use Map from Low Density Residential to Institutional is to "build high class entry features" into the Del Webb active adult community at three different locations. The applicant explains that, "PDR zoning developments restrict the amount of sign area to sixteen (16) square feet. The concept of the proposed entry features do not fit within these parameters ... the best way to accommodate the proposed entryway features is in the OI zoning district which permits up to eighty (80) square feet of sign area ... The OI zoning district is compatible with two categories of the Future Land Use Map: 1) Office and 2) Institutional." The applicant explains that while the proposed use does not fit cleanly into identified future land use categories, Institutional is preferred because existing pockets of Institutional are found throughout Durham and in the immediate area (i.e. schools, cemeteries).

Staff Response: Staff agrees with the applicant that there are circumstances unique to this request that warrant a change in future land use policy; specifically that the proposed entryway monument concepts do not fit cleanly into the existing framework of future land use categories. Additionally, the request to use non-residential sign standards could be

considered appropriate given the size (450 acres) and magnitude (1,314 residential units) of the Del Webb Carolina Arbors development. A further examination of the applicant's request that this site be designated as Institutional 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.

Table 1: Relevant <i>Comprehensive Plan</i> Policies
<i>Policy 2.1.3g. Institutional Defined.</i> Land used primarily for institutional uses, including but not limited to educational facilities, government facilities, and civic uses. This land use category may be accommodated by the Office and Institutional (OI) zoning district, the University and College (UC) zoning districts, and the Mixed Use (MU) zoning district.
<i>Policy 4.2.3b. Nonresidential Signage.</i> Through the Unified Development Ordinance, develop different standards for attractive nonresidential signage appropriate to each development Tier. Signs within projects in the Suburban and Rural Tiers shall be compatible in appearance, while signs in the Downtown, Urban, and Compact Neighborhood Tiers shall be allowed greater variety and flexibility in their design.

Entryway monuments are not addressed specifically in *Comprehensive Plan* policies nor on the Future Land Use Map, and therefore the proposed use does not fit neatly into any of Durham's future land use categories. Given the broad definition of

Institutional uses in Policy 2.1.3g., the proposed entryway monuments align best with that non-residential designation. While signage is allowed in residential districts, the request to use non-residential sign standards, as described in Policy 4.2.3b., could be considered appropriate given the size (450 acres) and magnitude (1,314 residential units) of the Del Webb Carolina Arbors development.

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 near 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. A portion of the site along Leesville Road is within the F/J-B Watershed Protection Overlay.

Table 2: Area Land Uses and Designations		
	Existing Uses	Future Land Use Designations
North	Single-family residential, agriculture	Low Density Residential
East	Single-family residential, agriculture, place of worship	Low Density Residential
South	Single-family residential, agriculture, commercial	Low-Medium Density Residential, Commercial
West	Single-family residential, agriculture, forestry	Low Medium Density Residential

Analysis: While designating small Institutional sites on the Future Land Use Map is rare (typically the land use designation is reserved for larger facilities, such as school campuses over 20 acres), there are a number of institutional uses in the area that can operate in residential zones including the Montessori school and several places of worship. In general, entryway monuments should be compatible with the residential development with which they are associated and appropriately sized.

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:

Durham Comprehensive Plan Policy 8.1.2a, Traffic Level of Service (LOS) Standards, states that the LOS for roads in the Suburban Tier shall achieve a minimum of LOS D.

Analysis: Traffic analysis completed for the zoning map change request indicated the change of use from Low Density Residential to Institutional (entryway monuments) would reduce the number of trips generated by 33 each day. Therefore, there is no impact on Level of Service for the surrounding roads due to this Plan Amendment.

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, amending the Future Land Use Map to remove 2.67 acres of residential land is negligible.

Environment:

One of the sites for the entryway monuments is located within the Falls Lake Watershed Protection Overlay district; however, Staff has determined there are no site specific conditions that would preclude it from developing according to standards for environmental protection found in the Unified Development Ordinance.

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 2.67 acres in total, and is of sufficient shape and size for institutional 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 finds there are circumstances to warrant amending the Future Land Use Map and that the request meets criteria for plan amendments, and therefore recommends approval of the request.

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, 11-0, on May 14, 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