



CITY OF DURHAM | DURHAM COUNTY  
NORTH CAROLINA



**Date:** November 18, 2013

**To:** Thomas J. Bonfield, City Manager

**Through:** Keith Chadwell, Deputy City Manager

**From:** Steven L. Medlin, AICP, Planning Director

**Subject:** Coordinated Annexation Agenda Item: Hope Crossing – 2800 Independence Avenue

**Executive Summary.** A request for voluntary annexation and initial zoning has been received from Habitat for Humanity of Durham, Inc. for a .29 acre portion of a contiguous property located at 2800 Independence Avenue. The property is presently zoned Residential Suburban-20 (RS-20).

The applicant in this case has requested an initial zoning designation of Residential Suburban-20 (RS-20) which is consistent with City Council policy designating the least intense zoning based on the Development Tier and the size of the lot. A rezoning request for the entire Hope Crossing development will be considered separately (Case Z1300011).

The requirement for an extension agreement was waived due to the small size of the subject parcel. Additionally, Budget and Management Services did not perform a fiscal impact analysis due to the small size of the request.

One motion, with two sub-components, is required by law to approve the voluntary annexation petition and zoning map change.

**Alternatives and Recommendation.** Council has two alternatives:

Alternative 1) **Recommended Alternative:** Approve the voluntary annexation and initial zoning.

Alternative 2) Deny voluntary annexation petition. No action would be required or authorized on the initial zoning.

**Issues and Analysis.** This request involves two separate items: voluntary annexation, and initial zoning.

Voluntary Annexation Petition

The Administration is requesting the Council conduct a public hearing and consider annexation of the subject property with an effective date of September 30, 2013. The public hearing will be held in compliance with N.C. General Statute 160A-31.

Initial Zoning

State Statutes (General Statute 160A-360) require that a municipality annexing land place its zoning designation on the property within 60 days of the effective date of the annexation. Staff is recommending an initial zoning designation of Residential Rural (RR) on the property. The RR zoning district is the least intense residential zoning district permitted in the Suburban Tier based on the size of the lot.

**Utility Impacts.** Because no additional units are proposed, the Departments of Public Works and Water Management did not conduct a Utility Impact Analysis for the project referenced above. Public Works has provided the following information regarding this annexation request:

Pursuant to City Ordinance Section 70-96(1):

*Sec. 70-96. Procedure generally.*

*Persons requesting water and sewer main extensions to serve properties inside the city ("project") shall:*

*(1)*

*Make written application to the city public works department and city-county planning department. The city public works department shall create an extension agreement with the applicant with any necessary additional provisions to the project. Once this is complete, the applicant shall execute an extension agreement with the city. Inside the existing city limits, the requirement of an extension agreement may be waived if the city public works director ("director") determines that there will be no reimbursables from the extension of utilities;*

The Department of Public Works, having determined that no utilities or structures are to be installed in the very small portion of the parcel being annexed, is waiving the Extension Agreement requirement for this parcel.

**Financial Impact.** Due to the small nature of this site, a fiscal impact analysis was not completed. Planning Staff finds that the area for annexation, approximately 35 feet wide, could not be developed. Staff also finds that this request would positively impact the configuration of the City/County line as the subject parcel is presently divided by this line. Furthermore, the requested annexation is for .29 contiguous acres and is within a "donut hole" area in which the City Council adopted a Resolution of Consideration to annex in early 2012.

**SDBE Summary.** This item has no known SDBE impact.

Memorandum  
Hope Crossing – 2800 Independence Avenue

**Attachments**

- Attachment 1: Context Map
- Attachment 2: Aerial Map
- Attachment 3: Clerk Certification
- Attachment 4: Legal Description
- Attachment 5: Annexation Ordinance
- Attachment 6: Initial Zoning Ordinance