



CITY OF DURHAM | DURHAM COUNTY  
NORTH CAROLINA



ZONING MAP CHANGE REPORT

On April 1, 2013, City Council voted to grant this application an expedited hearing per UDO 3.5.11.B.

Meeting Date: May 6, 2013

Table A. Summary			
<b>Application Summary</b>			
Case Number	Z1300004	Jurisdiction	City
Applicant	Workforce Homestead, Inc.	Submittal Date	February 8, 2013
Reference Name	Vermilion	Site Acreage	10.371
Location	1311 Cook Road, south of Martin Luther King, Jr. Parkway and north of Brown Street		
PIN(s)	0729-01-38-0339		
<b>Request</b>			
Proposed Zoning	Residential Suburban - Multifamily (RS-M)	Proposal	All allowable uses in the RS-M district
<b>Site Characteristics</b>			
Development Tier	Suburban Tier		
Land Use Designation	Low - Medium Density Residential (4-8 DU/Ac.)		
Existing Zoning	Planned Development Residential – 8.000 (PDR 8.000)		
Existing Use	Vacant		
Overlay	N/A	Drainage Basin	Jordan Lake
River Basin	Cape Fear	Stream Basin	Third Fork Creek
<b>Determination/Recommendation/Comments</b>			
Staff	Staff determines that this request is consistent with the <i>Comprehensive Plan</i> and other adopted policies and ordinances.		
Planning Commission	Denial, 13-0, on April 9, 2013.		
DOST	No comments		
BPAC	No comments		

### A. Summary

This is a request to change the zoning designation of a 10.371-acre site from PDR 8.000 to RS-M. The applicant has represented that they will develop a multifamily development of up to 8 DU/Ac. (83 apartments), but this is not committed. The site is located at 1311 Cook Road, south of Martin Luther King, Jr. Parkway and north of Brown Street (see Attachment 1, Context Map). This zoning request is consistent with the future land use

map designation of the *Comprehensive Plan* which designates the site as Low-Medium Density Residential (4-8 DU/Ac.) and applicable policies and ordinances.

Appendix A provides supporting information.

## B. Site History

The present zoning designation of PDR 8.000 (case Z06-17) was approved by City Council on December 18, 2006. The Planning commission recommended denial of the request by a vote of 8 – 5 on August 8, 2006 based on increased traffic congestion, inconsistency with neighboring land uses, impacts on sensitive environmental area, and inadequate provision of facilities in the development plan. After a continuance of the first Council hearing on October 16, 2006 Council voted to approve the request of PDR 8.000 with additional commitments made on the development plan (commitments #3-#8 below were added as a result of the public process).

Case Z06-17 Commitments
<ol style="list-style-type: none"><li>1. The construction of a left-turn lane on southbound Cook Road at the proposed site driveway is required.</li><li>2. Construction of a sidewalk along the south side of Cook Road for the frontage of the adjoining Caswyck parcel to the north of this site to provide a sidewalk connection to Martin Luther King, Jr. Parkway.</li><li>3. 20-foot undisturbed buffer along the southern property line.</li><li>4. Provide a tot lot, benches and gazebo on the eastern side of the intersection of roads B and C.</li><li>5. Provide an all-weather walking trail within the existing power line easement creating a looped walkway with road B.</li><li>6. Install sidewalks along both sides of roads B and C.</li><li>7. Maximum 60 units.</li><li>8. Developer shall provide \$500 per dwelling unit at the time of building permit for the Durham Public Schools.</li></ol>

If approved, the existing commitments (above) that were intended to address the community's concerns associated with development on the site, will be removed.

## 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. There is no development plan associated with this request. As such, there are no voluntary limitations imposed on the requested RS-M zoning district.

Appendix D provides supporting information.

**Determination.** If the requested RS-M zoning district is approved, this request would allow for multi-family residential development at a maximum of 8 DU/Ac., the maximum permitted without a development plan associated with the request.

#### **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 zoning district is consistent with Future Land Use Map of the *Comprehensive Plan* which designates this site as Low-Medium Density Residential (4-8 DU/Ac.).

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

**Long Range Bicycle Plan Map 4.6.** There is one condition shown as a recommendation of the Long Range Bicycle Plan Map 4.6. A proposed bicycle lane is shown along Cook Road. There is no development plan associated with this request. Therefore, no commitments can be made regarding any related policies.

#### **F. Site Conditions and Context**

**Site Conditions.** The site is located at 1311 Cook Road, on the east side of Cook Road, south of Martin Luther King, Jr. Parkway and north of Brown Street, and is in the Cape Fear River Basin. There are environmental features on the northern portion of this site that will constrain development. These include an intermittent stream and steep slopes. The tract is covered with a mix of hard- and softwood trees. There are no other identified environmental or physical constraints on this site.

**Area Characteristics.** This site is in the Suburban Tier and surrounded by a mix of undeveloped land, single- and multi-family residential property. The area to the west is currently undeveloped; however, recent zoning activity (cases Z05-28 and Z06-41) suggest interest in single-family and multi-family development.

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

**Determination.** The proposed RS-M district meets the ordinance requirements in relation to development on the subject site. If approved, the existing commitments (see Section B above) that were intended to address the community's concerns associated with development on the site, will be removed.

## 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 district is consistent with *Comprehensive Plan* policies regarding the infrastructure impacts of traffic, transit, utility, drainage/stormwater, schools and water supply. The proposal is estimated to increase traffic by 140 vehicles per day, increase water demand by 2,645 gallons per day, and increase students by five. The existing infrastructure has available capacity to meet these needs.

If approved, the commitments to provide sidewalks in excess of ordinance requirements would be removed (see Section B).

## H. Staff Analysis

This request is consistent with the *Comprehensive Plan* and other applicable polices and ordinances. If the requested RS-M zoning designation were approved, residential development, ranging from single-family to multi-family, up to a maximum of 8 DU/Ac. would be permissible.

**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: Patty E. Hilburn Pabst & Hilburn, PA	Ph: 919-448-4395	philburn@pabsthilburn.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:

- Farrington Homeowners Allied for Residential Preservation
- Trenton Homeowners Association
- Woodland Acres Homeowners Association
- Eastwood Park Neighborhood Association
- Downing Creek Community Association
- Inter-Neighborhood Council
- Peoples Alliance
- Cross-County Communities
- Fairfield Community Awareness Committee
- Northeast Creek Streamwatch
- North Garrett Road Committee
- Durham Justice and Fairness Inter-Neighborhood Association
- Town of Chapel Hill
- Partner’s Against Crime – District 3
- Partner’s Against Crime – District 4

**K. Summary of Planning Commission Meeting April 9, 2013 (Case Z1300004)**

**Zoning Map Change Request:** Planned Development Residential 8.000 (PDR 8.000) to Residential Suburban – Multifamily (RS-M).

**Staff Report:**

**Public Hearing:**

**Commission Discussion:**

**Motion:**

**Action:**

**Findings:**

**L. Supporting Information**

<b>Table K. Supporting Information</b>		
<b>Applicability of Supporting Information</b>		
Appendix A	Application	Attachments: 1. Context Map 2. Future Land Use Map 3. Aerial Photography 4. Application 5. Owner’s Acknowledgement 6. 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
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: 7. Planning Commissioner’s Written Comments 8. Ordinance Form

**Appendix A: Application Supporting Information**

Attachments:

1. Context Map
2. Future Land Use Map

3. Aerial Photography
4. Application
5. Owner’s Acknowledgement
6. Submittal and Review History

## Appendix D: Unified Development Ordinance Supporting Information

Table D1. UDO Designation Intent	
<b>RS-M</b>	<p><b>Residential Suburban – Multi-family:</b> the <b>RS-M</b> district is established to provide for suburban residential development and redevelopment with a minimum lot size of 5,000 square feet and a maximum of 10.5 dwelling units per acre (density greater than 8 DU/Ac. requires the submittal of a development plan). 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.</p>

Table D2. District Requirements – RS-M		
	Code Provision	Ordinance Standard
<b>Maximum Density (DU/Ac.)</b>	6.3.1.A.1	8
<b>Minimum Open Space (%)</b>	6.3.1.A.1	18
<b>Minimum Site Width (feet)</b>	6.3.1.A.1	200
<b>Maximum Height (feet)</b>	6.3.1.A.1	35

## Appendix E: Adopted Plans Supporting Information

<b>Table E. Adopted Plans</b>	
<b>Comprehensive Plan</b>	
Policy	Requirement
<b>Future Land Use Map</b>	<p><b>Low-Medium Density Residential (4-8 DU/Ac.):</b> Land primarily used for a range of residential uses between four and eight dwelling units per acre.</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>2.3.1b</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>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>8.1.4c and d</b>	<b>Development Review and the Adopted Bicycle Plans:</b> 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.
<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>Long Range Bicycle Plan</b>	
Map 4-6 shows a proposed bicycle lane along Cook Road as recommended condition.	

## Appendix F: Site Conditions and Context Supporting Information

Table F. Site Context			
	Existing Uses	Zoning Districts	Overlays
<b>North</b>	Commercial, single-family residential, vacant	CC(D), PDR 3.440, PDR 10.000	N/A
<b>East</b>	Single- and multi-family residential, open space	PDR 10.000	N/A
<b>South</b>	Single-family residential and vacant	RS-20	N/A
<b>West</b>	Vacant	PDR 2.510, PDR 6.800, OI	N/A

## Appendix G: Infrastructure Supporting Information

Table G1. Road Impacts	
Martin Luther King, Jr. Parkway is the major road impacted by the proposed development. There are no scheduled NCDOT roadway improvement projects in the area.	
<b>Affected Segments</b>	<b>Martin Luther King, Jr. Parkway</b>
<b>Current Roadway Capacity (LOS D) (AADT)</b>	35,800
<b>Latest Traffic Volume (AADT)</b>	17,000
<b>Traffic Generated by Present Designation (average 24 hour)*</b>	487
<b>Traffic Generated by Proposed Designation (average 24 hour)**</b>	627
<b>Impact of Proposed Designation</b>	+140

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

Martin Luther King Jr. Parkway: 4-lane divided city/county class I arterial with left-turn lanes

Source of Latest Traffic Volume: 2011 NCDOT Traffic Count Map

\*Assumption- (Max Use of Existing Zone) PDR 8.000: 60 apartment units

\*\* Assumption- (Max Use of Proposed Zoning) RS-M: 83 apartment units

Table G2. Transit Impacts
Transit service is currently provided within one-quarter mile of this site along Martin Luther King, Jr. Parkway via DATA route 7.

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.

<b>Table G5. School Impacts</b>			
The proposed zoning is estimated to generate 18 students if developed at the maximum residential capacity. This represents an increase of eleven students over the existing zoning. Durham Public Schools serving the site are Southwest Elementary School, Lowes Grove Middle School, and Hillside High School.			
<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 (January 2010 – December 2012)</b>	321	105	37
<b>Available Capacity</b>	2,044	1,172	1,465
<b>Potential Students Generated – Current Zoning*</b>	3	2	2
<b>Potential Students Generated – Proposed Zoning**</b>	10	4	4
<b>Impact of Proposed Zoning</b>	+7	+2	+2

\*Assumption- (Max Use of Existing Zone) PDR 8.000: 60 townhouse units

\*\* Assumption- (Max Use of Proposed Zoning) RS-M: 83 apartments units

<b>Table G6. Water Supply Impacts</b>	
This site is estimated to generate a total of 9,545 GPD if developed to its maximum potential with the proposed zoning district. This represents an increase of 2,945 GPD over the existing zoning district.	
<b>Current Water Supply Capacity</b>	37.00 MGD
<b>Present Usage</b>	26.96 MGD
<b>Approved Zoning Map Changes (January 2010 – December 2012)</b>	0.69 MGD
<b>Available Capacity</b>	9.35 MGD
<b>Estimated Water Demand Under Present Zoning*</b>	6,600 GPD
<b>Potential Water Demand Under Proposed Zoning**</b>	9,545 GPD
<b>Potential Impact of Zoning Map Change</b>	+2,945

Notes: MGD = Million gallons per day

\*Assumption- (Max Use of Existing Zone) PDR 8.000: 60 townhouse units

\*\* Assumption- (Max Use of Proposed Zoning) RS-M: 83 apartments units

## Appendix K: Summary of Planning Commission Meeting

Attachments:

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