



CITY OF DURHAM | DURHAM COUNTY  
NORTH CAROLINA



ZONING MAP CHANGE REPORT

Meeting Date: August 5, 2013

Table A. Summary			
<b>Application Summary</b>			
<b>Case Number</b>	Z1200020	<b>Jurisdiction</b>	City
<b>Applicant</b>	Horvath Associates, PA	<b>Submittal Date</b>	September 24, 2012
<b>Reference Name</b>	Del Webb Entry Monuments	<b>Site Acreage</b>	2.67
<b>Location</b>	804 Andrews Chapel Road, and 5814 & 6032 Leesville Road, Del Webb entry sites generally located in an area bounded by US 70 Highway, Leesville Road, and Andrews Chapel Road		
<b>PIN(s)</b>	0769-03-41-4920 (partial), -04-42-7336(partial), 01-27-3332, -5330, -35-3514		
<b>Request</b>			
<b>Proposed Zoning</b>	Office Institutional with a development plan (OI(D))	<b>Proposal</b>	Entry monument signage
<b>Site Characteristics</b>			
<b>Development Tier</b>	Suburban Tier		
<b>Land Use Designation</b>	Low Density Residential (4 DU/Ac. or less)		
<b>Existing Zoning</b>	Planned Development Residential 3.700 (PDR 3.700)		
<b>Existing Use</b>	Single-family residential, under development		
<b>Overlay</b>	F/J-B (partial)	<b>Drainage Basin</b>	Falls Lake
<b>River Basin</b>	Neuse	<b>Stream Basin</b>	Brier Creek, Little Lick Creek
<b>Determination/Recommendation/Comments</b>			
<b>Staff</b>	Staff determines that, should the plan amendment be approved, this request would be consistent with the <i>Comprehensive Plan</i> and other adopted policies and ordinances.		
<b>Planning Commission</b>	Approval, 11-0 on May 14, 2013. 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.		
<b>DRB</b>	Recommends approval of alternate sidewalk location on April 19, 2013 by a vote of 9 – 0. Recommends approval of site plan on April 19, 2013 by a vote of 9 – 0.		
<b>DOST</b>	No comments		
<b>BPAC</b>	No comments		

**A. Summary**

This is a request to change the zoning designation of a total of 2.67 acres, from PDR 3.700 to OI(D) for entry monument signage for the Del Webb Carolina Arbors community. There

are three separate entry sites: 1) 1.58 acres at 804 Andrews Chapel Road, 2) 0.70 acres at 5814 Leesville Road, and 3) 0.39 acres at 6032 Leesville Road (see Attachment 1, Context Map).

The applicant has elected to include a development plan that serves as both the development plan and site plan as allowed by UDO Sec. 3.5.6.F, Development Plan as Site Plan/Preliminary Plat. In such cases the plan is reviewed for compliance with development plan requirements in UDO Sec. 3.5.6.D, (see Section C of this report), and site plan requirements, UDO Sec. 3.7.4, (see Section D of this report). Significant changes to either the required site plan elements or development plan commitments would require a new review and approval by the Planning Commission and elected body.

Additionally, this plan includes commitments which satisfy the requirements of Sec. 3.5.6.F. As such, development in accordance with this plan does not require a minor special use permit to achieve the 8-foot height of the proposed wall (which would otherwise be required).

This zoning request is not consistent with the future land use map designation of the *Comprehensive Plan* which designates the site as Low Density Residential (4 DU/Ac. or less). However, a plan amendment (case A1200009) has been requested to designate the subject areas as Institutional. Should the plan amendment be approved, this zoning map change request would be consistent with the *Comprehensive Plan* and applicable policies and ordinances.

Appendix A provides supporting information.

## **B. Site History**

The first zoning map change associated with this site was case Z1000006 (368.8 acres) and was approved by the Durham City Council on August 1, 2011 immediately following approval of the associated annexation request (case FY2011-04) and the initial zoning map change (case Z1000016A as a translational zoning). An additional 63.54 acres, at the request of the applicant, was annexed (case FY12-04) and the City established the initial zoning RR (case Z1200007A). The applicant included the land area of the Z1000006 case and the additional 63.54 acres with zoning map change case Z1100026 to establish the present zoning designation of PDR 3.700, approved by Council on June 18, 2012.

A number of site plans and plats have already been approved for this site and development is underway.

## **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

Should the plan amendment associated with this request be approved, this request is consistent with the requirements of the Unified Development Ordinance. The associated development plan (Attachment 4, Development Plan reduction) provides the required elements that apply to this site (Sec. 3.5.6.D and F, Sec. 3.7.4).

The proposal for this site is for entry monuments signs which is a combination of a wall (Sec. 9.9.1.A.4) and freestanding monument sign (Sec. 11.6.2.1.a).

In addition, this plan meets the requirements for a site plan and was recommended for approval by the Development Review Board on April 19, 2013. The Proposed Conditions sheets for a site plan are required to address the topics identified in the sections below. Any significant changes, as determined by the Planning Director or designee (per UDO Sec. 3.7.14.B, Site Plan Amendments) from these plans will require a new zoning request in addition to a new site plan (see Appendix D for supporting information).

Appendix D provides supporting information.

### 1. Buildings

There will be no buildings on the subject property.

### 2. Site Service Areas and Facilities

Requirement	Plan Depiction	Plan Sheet
Loading	Not required of this development	N/A
Trash/Recycling	Not required of this development	N/A
Other facilities	None shown	N/A

### 3. Internal vehicular circulation and parking

Requirement	Plan Depiction	Plan Sheet
Drive and Drive aisles	None proposed	N/A
Parking spaces	None shown	N/A
Bicycle parking	None shown	N/A
Pavement structure	None proposed	N/A
Lighting	Site lighting to comply with UDO Sec. 7.4.3 as noted.	D101A, D102, D103

**4. Street Improvements.**

There were no street improvements required of this project. Entrance #1 and #2 show decorative pavement across the full right-of-way.

**5. Pedestrian Circulation**

A 5-foot concrete sidewalk will be provided for the full frontage of the three distinct site entries. Each of these entry areas show a portion of the sidewalk meandering onto private property where a public pedestrian access easement is provided. Site entrance #1 provides dual handicap ramps at the street intersection and entrances #2 and #3 provide a single handicap ramp at each corner.

**6. Landscaping**

A planting schedule for the landscaping has been provided on sheets D101, D102, and D103 and meets the technical requirements of the UDO.

Requirement	Plan Depiction	Plan Sheet
Tree Coverage	None shown.	Part of development plan Z1100026
Street Trees	The landscaping provided serves to meet street tree criteria.	D101, D102, D103
Tree Survey	None provided.	N/A
Tree Protection	Tree protection fencing is shown provided where required.	D101, D102, D103

**7. Grading**

Grading will be performed as shown on sheets D101, D102, and D103. The topography with 2-foot contour lines is shown. Tree protection fencing provides protection for identified vegetation being retained.

**8. Utilities**

Water line taps for irrigation, and for a water feature at entrance #1, is shown on sheets D101, D102, and D103.

**9. Storm Drainage**

Total impervious surface for the three site entrances is a component of the overall project site associated with development plan Z1100026 which commits to a maximum of 45% (194.224 acres). The impervious surface proposed meets the restrictions for the site. The total impervious area shown for the site entrances is 1,705 square feet, 130 square feet of which are within the F/J-B watershed protection overlay (site entrance #3).

**10. Water and Sewer**

The site is within the City limits. A utility extension agreement has been approved.

### 11. Property dedications and reservations.

In accordance with development plan Z1100026, this site plan shows dedication of 25 feet of right-of-way along Leesville Road and 10 feet of right-of-way along Andrews Chapel Road.

### 12. Performance Standards

There are no performance standards associated with this project.

**Determination.** The scale and scope of the proposed entry monument signs is not permitted in a residential district, where a maximum of 32 square feet of signage is permitted at an entrance. Although considered the same project as the surrounding PDR 3.700 residential district, known as Del Webb, the applicant is seeking approvals for the entryway areas (the subject property of this request) to accommodate larger signage. Nonresidential signage can achieve up to 80 square feet of signage, thus this request for the OI district. Although no buildings nor use is proposed at the entries, the OI district is considered a transitional zone between residential and nonresidential areas.

The requested OI(D) zoning district and associated development plan/site plan meets or exceeds the applicable requirements of the UDO. If this application request is approved, the attached development plan (Attachment 4) shall establish the level of development allowed on the subject 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 OI zoning district and associated development plan/site plan is not consistent with the Future Land Use Map's designation as Low Density Residential (4 DU/Ac. or less). A plan amendment (case A1200009) has been submitted for and Institutional future land use designation consistent with the three entry monument areas of the project consistent with the proposed geography of the development plan/site plan. If the plan amendment is approved, this request would be consistent with the applicable policies of the *Comprehensive Plan* as well as all other adopted plans and policies.

## F. Site Conditions and Context

**Site Conditions.** The entry monument sites are generally located in an area bounded by US 70 Highway, 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. There are no identified environmental or physical constraints on this site.

**Area Characteristics.** This project is located in the Suburban Tier and 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.

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

**Determination.** The proposed OI district and associated development plan/site plan meets the ordinance requirements and adopted plans and policies for development on the site.

## 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 OI 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 reduce traffic generation of the site by 33 trips, decrease students by three, and increase water demand by 262 gallons per day. The existing infrastructure has available capacity to meet these needs.

The plan proposes an alternate sidewalk location outside of right-of-way (see Attachment 4, sheets D100, D101, and D102). Per UDO Section 12.4.3.A.1, City Council as the approving authority must make a determination that the walkway will have the same functionality as a conventional sidewalk. The Development Review Board voted to recommend approval of the alternate sidewalk location by a vote of 9 – 0 on April 19, 2013.

## H. Staff Analysis

This request, should the plan amendment be approved, would be consistent with the *Comprehensive Plan* and other applicable polices and ordinances. If the requested OI(D) zoning designation were approved, the three entry monuments as shown in this plan would be permitted. Any significant deviation of this plan would require a new zoning.

## 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>		
Tim Sivers, Horvath Associates, PA	Ph: 919-490-4990	tim.sivers@horvathassociates.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
- Olive Branch Road Association
- RDU HZO Permit Area

## K. Summary of Planning Commission Meeting May 14, 2013 (Case Z1200020)

**Zoning Map Change Request:** Planned Development Residential 3.700(PDR 3.700) to Office Institutional with a Development Plan (OI(D)).

**Staff Report:** Ms. Wolff presented the staff report.

**Public Hearing:** Chair Jones opened the public hearing. One person spoke in favor and none against. Chair Jones closed the public hearing.

**Commission Discussion:** Discussion centered on the size and location of signs.

**Motion:** Approval of the Zoning Map Change. (Mr. Kimball, Mr. Smudski 2<sup>nd</sup> )

**Action:** Motion carried, 11-0.

**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: <ol style="list-style-type: none"> <li>1. Context Map</li> <li>2. Future Land Use Map</li> <li>3. Aerial Photography</li> <li>4. Development Plan/Site Plan</li> <li>5. Application</li> <li>6. Owner's Acknowledgement</li> <li>7. Submittal and Review History</li> </ol>
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 D3: Project Boundary Buffers Table D4: 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: <ol style="list-style-type: none"> <li>8. Planning Commissioner's Written Comments</li> <li>9. Ordinance Form</li> </ol>

## Appendix A: Application Supporting Information

Attachments:

1. Context Map
2. Future Land Use Map
3. Aerial Photography
4. Development Plan/Site Plan
5. Application
6. Owner’s Acknowledgement
7. Submittal and Review History

## Appendix D: Unified Development Ordinance Supporting Information

Table D1. UDO Designation Intent	
<b>OI</b>	<b>Office and Institutional</b> – the <b>OI</b> district is established for employment and community service activities of moderate to high intensity. While <b>OI</b> is an office district, other uses such as residential and limited commercial, veterinary clinic, studio or gallery, or hotels may also be allowed.
<b>D</b>	<b>Development Plan</b> – the letter “D” following a zoning district indicates that a development plan has been included with a zoning map change request. This designation may be added to any zoning map change request to signify that a conceptual representation of the proposed site has been submitted that indicates how the proposed development could meet ordinance standards. Any significant change to the development plan would require a new zoning petition.

Table D2. District Requirements – OI					
	Code Provision	Ordinance Standard	Provided		
			Entry #1	Entry #2	Entry #3
<b>Minimum Site Area (square feet)</b>	6.10.1.B.1	20,000	68,974	30,370	16,920
<b>Minimum Lot Width (feet)</b>	6.10.1.B.1	60	233	80	120
<b>Maximum Height (feet)</b>	6.10.1.B.1	50	12	10	10

Table D3. Project Boundary Buffers
The OI(D) designation on this site is a modification of the project associated with Z1100026; where no project boundary buffers are required internal to a project. Both Leesville Road and Andrews Chapel Road are greater than 60 feet in width. As such, no project boundary buffers are required nor provided on this plan.

<b>Table D4. Summary of Development Plan</b>		
<b>Components</b>	<b>Description</b>	<b>Development Plan Sheet</b>
<b>Required Information</b>	<b>Intensity/Density.</b> Three entry monument signs as shown.	D101, D101A, D102, D103
	<b>Building /Parking Envelope.</b> No building or parking is proposed	N/A
	<b>Project Boundary Buffers.</b> None required.	N/A
	<b>Stream Crossing.</b> No streams on site.	N/A
	<b>Access Points.</b> A public right-of-way runs through each entry area shown.	D101, D102, D103
	<b>Dedications and Reservations.</b> 25 feet right-of-way dedicated along Leesville Road and 10 feet of right-of-way dedicated along Andrews Chapel Road.	D101, D102, D103
	<b>Impervious Area.</b> Impervious surface for the site is 1,705 square feet.	D100, D101, D102, D103
	<b>Environmental Features.</b> There are no environmental features identified on this site.	N/A
<b>Graphic Commitments</b>	See Site Plan Specifics, Section D of this report. All elements of this development/site plan are committed.	all
<b>SIA Commitments</b>	There are no stormwater commitments shown.	N/A
<b>Text Commitments</b>	There are no text commitments provided of this application.	N/A
<b>Design Commitments</b>	This application commits to entry monument signs as shown. No Design commitments are required of this application.	N/A

## Appendix E: Adopted Plans Supporting Information

Table E. Adopted Plans	
<i>Comprehensive Plan</i>	
Policy	Requirement
<b>Future Land Use Map</b>	<p><b>Low Density Residential (4 DU/Ac. or less):</b> Land primarily used for a range of residential uses up to four dwelling units per acre.</p> <p><b>Institutional:</b> Land used primarily for office uses, including but not limited to educational facilities, government facilities, and civic uses.</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>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.

## Appendix F: Site Conditions and Context Supporting Information

Table F. Site Context			
	Existing Uses	Zoning Districts	Overlays
<b>North</b>	Single-family residential, agriculture	PDR 3.000, RR	F/J-B
<b>East</b>	Single-family residential, agriculture, place of worship	RR	None
<b>South</b>	Single-family residential, agriculture, commercial	RR	None
<b>West</b>	Single-family residential, agriculture, forestry	RR	None

## Appendix G: Infrastructure Supporting Information

Table G1. Road Impacts		
Leesville Road and US 70 are the major roads impacted by the proposed zoning change. There are two scheduled NCDOT roadway improvement projects in the area.		
<ol style="list-style-type: none"> <li>1) NCDOT TIP Project U-4720 will provide improvements to the US 70 corridor from Lynn Road to the Wake County Line. This project is currently unfunded.</li> <li>2) NCDOT TIP U-4721 will construct the Northern Durham Parkway from US 70 to US 501 (N. Roxboro Street). This project is currently unfunded.</li> </ol>		
Affected Segments	Leesville Road	US 70 Highway
<b>Current Roadway Capacity (LOS D) (AADT)</b>	11,700	35,700
<b>Latest Traffic Volume (AADT)</b>	4,100	29,000
<b>Traffic Generated by Present Designation (average 24 hour)*</b>	33	
<b>Traffic Generated by Proposed Designation (average 24 hour)**</b>	0	
<b>Impact of Proposed Designation</b>	-33	

Source of LOS Capacity: FDOT Generalized Level of Service Volume Table 4-1 (2002)

Leesville Road: 2-lane major City/County roadway without left-turn lanes

US 70: 4-lane divided Class I arterial

Source of Latest Traffic Volume: 2011 NCDOT Traffic Count Map

\***Assumption (Max Use of Existing Zoning)** – PDR 3.700: 9 detached senior adult housing units

\*\***Assumption (Max Use of Proposed Zoning)** – OI (D): entry signage

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

Table G3. Utility Impacts
This site will be served by City water and sewer.

<b>Table G4. Drainage/Stormwater Impacts</b>
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 not estimated to generate any students. This represents a decrease of three students less than the existing zoning if developed at the maximum residential capacity. Durham Public Schools serving the site are Spring Valley Elementary School, Neal Middle School, and Southern High School.			
Students	Elementary School	Middle School	High School
<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 (April 2010 – March 2013)</b>	432	151	88
<b>Available Capacity</b>	1,933	1,126	1,414
<b>Potential Students Generated – Current Zoning*</b>	1	1	1
<b>Potential Students Generated – Proposed Zoning**</b>	0	0	0
<b>Impact of Proposed Zoning</b>	-1	-1	-1

\*Assumption- (Max Use of Existing Zone) PDR 3.700: nine single-family units

\*\* Assumption- (Max Use of Proposed Zoning) OI(D): development plan/site plan commits to signage

<b>Table G6. Water Supply Impacts</b>	
This site is estimated to generate a total of 1,657 GPD if developed to its maximum potential with the proposed zoning district. This represents an increase of 262 GPD over the existing zoning district.	
<b>Current Water Supply Capacity</b>	37.00 MGD
<b>Present Usage</b>	23.33 MGD
<b>Approved Zoning Map Changes (April 2010 – March 2013)</b>	0.70 MGD
<b>Available Capacity</b>	12.97 MGD
<b>Estimated Water Demand Under Present Zoning*</b>	1,395 GPD
<b>Potential Water Demand Under Proposed Zoning**</b>	1,657 GPD
<b>Potential Impact of Zoning Map Change</b>	+262

Notes: MGD = Million gallons per day

\*Assumption- (Max Use of Existing Zone) PDR 3.700: nine single-family units

\*\* Assumption- (Max Use of Proposed Zoning) OI: 22,098 square feet of office use

## **Appendix K: Summary of Planning Commission Meeting**

Attachments:

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