



CITY OF DURHAM | DURHAM COUNTY
NORTH CAROLINA



ZONING MAP CHANGE REPORT

Meeting Date: August 5, 2013

Table A. Summary			
Application Summary			
Case Number	Z1300006	Jurisdiction	City
Applicant	Rustica Oaks Development, LLC	Submittal Date	March 8, 2013
Reference Name	Rustica Oaks Subdivision	Site Acreage	0.659
Location	1819 Rustica Drive, on the north side of Rustica Drive between South Alston Avenue and Magnolia Tree Lane		
PIN(s)	0739-02-59-2895		
Request			
Proposed Zoning	Residential Suburban – 8 (RS-8)	Proposal	Single-family residential
Site Characteristics			
Development Tier	Suburban Tier		
Land Use Designation	Low Density Residential (4 DU/Ac. or less)		
Existing Zoning	Residential Rural (RR)		
Existing Use	Single-family residential		
Overlay	N/A	Drainage Basin	Jordan Lake
River Basin	Cape Fear	Stream Basin	Northeast Creek
Determination/Recommendation/Comments			
Staff	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.		
Planning Commission	Approval, 11 – 0 on May 14, 2014. 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.		
DOST	No comments		
BPAC	No comments		

A. Summary

This is a request to change the zoning designation of a 0.659-acre parcel from RR to RS-8 for a proposed development of up to three single-family residential housing units. The site is located at 1819 Rustica Drive, on the north side of Rustica Drive between South Alston Avenue and Magnolia Tree Lane (see Attachment 1, Context Map). 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 A1300003) has been requested to designate this parcel as Low-Medium

Density Residential (4-8 DU/Ac.). 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

There is no recent zoning history for the subject property. However, the adjacent property to this 0.659 acre parcel is zoned PDR 4.000 (case Z05-12; a total of 69.33 acres) was approved by Council on October 3, 2005. Development of this adjacent site, known as Rustica Oaks, is currently 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

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-8 zoning district.

Appendix D provides supporting information.

Determination. If the requested RS-8 zoning district is approved, this request would allow for single-family residential development at a maximum of 5 DU/Ac., or a maximum potential of subdividing this 0.659-acre parcel into three lots.

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-8 zoning district is not consistent with Future Land Use Map of the *Comprehensive Plan* which designates this site as Low Density Residential (4 DU/Ac. or less). However, a plan amendment (case A1300003) has been requested to

change this site to Low-Medium Density Residential (4-8 DU/Ac.). If approved the requested RS-8 zoning district would be consistent with the Comprehensive Plan and other adopted plans.

F. Site Conditions and Context

Site Conditions. The 0.659-acre site is located at 1819 Rustica Drive, on the north side of Rustica Drive between South Alston Avenue and Magnolia Tree Lane and developed as a single-family residence. The lot is mostly cleared with a few shade trees. There are no identified environmental or physical constraints on this site.

Area Characteristics. This site is in the Suburban Tier and surrounded on the north side of Rustica Drive by a subdivision currently under development (case Z05-12, zoned PDR 4.000). There are 1960s-era residences along South Alston Avenue and Rustica Drive. A 35-acre single-family residential subdivision (case P04-05, zoned RU-5(D)) was developed South of Rustica Drive beginning in 2006.

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

Determination. The proposed RS-8 district meets the ordinance requirements in relation to development on the subject site. If approved, density consistent to adjacent property would be permitted.

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-8 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 19 vehicles per day, increase water demand by 310 gallons per day, and increase students by one. The existing infrastructure has available capacity to meet these needs.

H. Staff Analysis

This request, should the plan amendment be approved, is consistent with the *Comprehensive Plan* and other applicable polices and ordinances. If the requested RS-8 zoning designation were approved, residential development consistent with adjacent properties would be permitted.

I. Contacts

Table I. Contacts		
Staff Contact		
Amy Wolff, Senior Planner	Ph: 919-560-4137, ext. 28235	Amy.Wolff@DurhamNC.gov
Applicant Contact		
Michael Blount, Rustica Oaks Development, LLC	Ph: 919-747-7912	mblount@ksdevelop.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
- Northeast Creek StreamWatch
- Partners Against Crime – District 4
- Fayetteville Street Planning Group
- Friends of Durham
- Unity in the Community for Progress
- Center of the Region Enterprise (CORE) – City of Raleigh
- Center of the Region Enterprise (CORE) – Town of Morrisville
- Center of the Region Enterprise (CORE) – Town of Cary
- Center of the Region Enterprise (CORE) – Wake County

K. Summary of Planning Commission Meeting May 14, 2013 (Case Z1300006)

Zoning Map Change Request: From Residential Rural (RR) to Residential Suburban -8 (RS-8)

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: None.

Motion: Approval of the Zoning Map Change. (Mr. Whitley, Ms. Mitchell-Allen 2nd)

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: 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	
RS-8	Residential Suburban – 8: the RS-8 district is established to provide for suburban residential development and redevelopment with a minimum lot size of 8,000 square feet. A variety of single-family housing types are permitted. While RS-8 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.

Table D2. District Requirements – RS-8		
	Code Provision	Ordinance Standard
Maximum Density (DU/Ac.)	6.3.1.A.1	5
Minimum Open Space (%)	6.3.1.A.1	15
Maximum Height (feet)	6.3.1.A.1	35

Appendix E: Adopted Plans Supporting Information

Table E. Adopted Plans	
<i>Comprehensive Plan</i>	
Policy	Requirement
Future Land Use Map	Low Density Residential (4 DU/Ac. or less): Land primarily used for a range of residential uses up to four dwelling units per acre. Low-Medium Density Residential (4-8 DU/Ac.): Land primarily used for a range of residential uses between four and eight dwelling units per acre. Suburban Tier: Land uses that shall be allowed include Recreation and Open Space, Agricultural, Residential, Institutional, Commercial, Office, Research/Research Application, and Industrial.
2.2.2b	Suburban Tier Land Uses: Land uses that shall be allowed include Recreation and Open Space, Agricultural, Residential, Institutional, Commercial, Office, Research/Research Application, and Industrial.
2.3.1b	Contiguous Development: 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.

Table E. Adopted Plans	
2.3.2a	Infrastructure Capacity. 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.
8.1.2j	Transportation Level of Service Maintenance: 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.
11.1.1a	School Level of Service Standard: 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.
11.1.1b	Adequate Schools Facilities: 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
North	Single-family residential (under development)	PDR 4.000	N/A
East	Single-family residential (under development)	PDR 4.000	N/A
South	Single-family residential and vacant	PDR 4.000, RR, RU-5(D)	N/A
West	Single-family residential (under development)	PDR 4.000	N/A

Appendix G: Infrastructure Supporting Information

Table G1. Road Impacts	
South Alston Avenue is the major road impacted by the proposed development. There are no scheduled NCDOT roadway improvement projects in the area.	
Affected Segments	South Alston Avenue
Current Roadway Capacity (LOS D) (AADT)	10,700
Latest Traffic Volume (AADT)	3,600
Traffic Generated by Present Designation (average 24 hour)*	10
Traffic Generated by Proposed Designation (average 24 hour)**	29
Impact of Proposed Designation	+19

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

S. Alston Avenue: 2-lane city/county class II arterial without left-turn lanes

Source of Latest Traffic Volume: 2011 NCDOT Traffic Count Map

*Assumption (Max Use of Existing Zone) - RR: one single-family lot

** Assumption (Max Use of Proposed Zoning) - RS-8: three single-family lots

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.

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.

Table G5. School Impacts			
The proposed zoning is estimated to generate one student if developed at the maximum residential capacity. This represents an increase of one student over the existing zoning. Durham Public Schools serving the site are Bethesda Elementary School, Lowes Grove Middle School, and Hillside High School.			
Students	Elementary School	Middle School	High School
Current Building Capacity	16,832	7,717	9,980
Maximum Building Capacity (110% of Building Capacity)	18,515	8,489	10,978
20th Day Attendance (2012-13 School Year)	16,150	7,212	9,476
Committed to Date (April 2010 – March 2013)	432	151	88
Available Capacity	1,933	1,126	1,414
Potential Students Generated – Current Zoning*	0	0	0
Potential Students Generated – Proposed Zoning**	1	0	0
Impact of Proposed Zoning	+1	0	0

*Assumption- (Max Use of Existing Zone) RR: one single-family unit

** Assumption- (Max Use of Proposed Zoning) RS-8: three single-family units

Table G6. Water Supply Impacts	
This site is estimated to generate a total of 465 GPD if developed to its maximum potential with the proposed zoning district. This represents an increase of 310 GPD over the existing zoning district.	
Current Water Supply Capacity	37.00 MGD
Present Usage	23.33 MGD

Approved Zoning Map Changes (April 2010 – March 2013)	0.70 MGD
Available Capacity	12.97 MGD
Estimated Water Demand Under Present Zoning*	155 GPD
Potential Water Demand Under Proposed Zoning**	465 GPD
Potential Impact of Zoning Map Change	+310

Notes: MGD = Million gallons per day

*Assumption- (Max Use of Existing Zone) RR: one single-family unit

** Assumption- (Max Use of Proposed Zoning) RS-8: three single-family units

Appendix K: Summary of Planning Commission Meeting

Attachments:

- 7. Planning Commissioner’s Written Comments
- 8. Ordinance Form