

DURHAM



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CITY OF MEDICINE

CITY OF DURHAM | DURHAM COUNTY
NORTH CAROLINA



ZONING MAP CHANGE REPORT

Meeting Date: November 18, 2013

Table A. Summary			
Application Summary			
Case Number	Z1300011	Jurisdiction	City (pending annexation)
Applicant	Stewart Engineering	Submittal Date	April 8, 2013
Reference Name	Hope Crossing II	Site Acreage	29.914
Location	299 Chorley Road, south of Junction Road and north of Independence Avenue		
PIN(s)	0841-07-59-5174, -58-8318, -57-5841.SPL, -69-0008		
Request			
Proposed Zoning	Planned Development Residential 6.000 (PDR 6.000)	Proposal	Residential subdivision
Site Characteristics			
Development Tier	Suburban Tier		
Land Use Designation	Industrial, Low Density Residential (4 DU/Ac. or less)		
Existing Zoning	Industrial Light (IL), Residential Suburban – Multifamily with a development plan (RS-M(D)), Residential Suburban – 8 with a development plan (RS-8(D)), Residential Suburban – 8 (RS-8), Residential Suburban – 10 with a development plan (RS-10(D)), Residential Suburban – 20 (RS-20)		
Existing Use	Vacant		
Overlay	F/J-B	Drainage Basin	Falls Lake
River Basin	Neuse	Stream Basin	Little Lick Creek

Determination/Recommendation/Comments	
Staff	Staff determines that this request, should the plan amendment be approved, would be consistent with the <i>Comprehensive Plan</i> and applicable policies and ordinances.
Planning Commission	Recommend approval, 11 – 0, on September 10, 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.
DOST	No comments
BPAC	No comments

A. Summary

This is a request to change the zoning designation of a 29.914-acre site for a proposed residential subdivision. The site is located at 299 Chorley Road, south of Junction Road and north of Independence Avenue (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 Industrial and Low Density Residential (4 DU/Ac. or less). A plan amendment request (Case A1300004) to designate the entire site as Low-Medium Density Residential (4-8 DU/Ac.) is being supported by staff. Should the plan amendment be approved this case would be consistent with the *Comprehensive Plan* and applicable policies and ordinances.

A portion of this project (0.29 acres) is currently in the County’s jurisdiction but is associated with an annexation request (case BDG1300005). Council will consider the annexation and initial zoning (case Z1300016A) of this 0.29-acre area prior to making a decision on this larger request.

Appendix A provides supporting information.

B. Site History

The majority of this site is a portion of a development plan, P04-22 approved by the Board of County Commissioners on August 23, 2004 which included a proposal for a mixture of single- and multi-family development bisected by the proposed Midland Terrace Extension thoroughfare. The property to the east of that proposed street is now owned by the City and managed by the City of Durham Parks and Recreation Department.

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. The associated development plan (see Appendix A, Attachment 4, Development Plan reduction) provides the required elements for zoning map change requests in the PDR district (Sec. 3.5.6.D, Sec. 6.11.3). In addition, commitments in excess of UDO requirements have been made (see Appendix D for supporting information):

Text Commitments. Text commitments have been proffered to commit to requirements in excess of ordinance standards regarding dedication of right-of-way for Midland Terrace Extension and Chorley Road, constructing improvements on Chorley Road, Junction Road, and Mansfield Avenue, and submitting a street closing request for Dodson Street.

Graphic Commitments. Graphic commitments include the general location of site access points (four external and two internal), and location of tree preservation.

Design Commitments. The proposed development will include buildings with pitched roofs with the following exterior building materials: either masonry (brick and/or cultured stone or real stone) and/or siding (vinyl or cement-fiber plank). Porches shall have pitched or flat roofs.

Determination. If the requested PDR zoning district is approved, this request would allow for a residential development of up to 128 units; housing type is not specified.

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 PDR zoning district is not consistent with the Future Land Use Map of the *Comprehensive Plan* which designates this site as Industrial and Low Density Residential (4 DU/Ac. or less). A plan amendment (Case A1300004) to designate the entire site as Low-Medium Density Residential (4-8 DU/Ac.) has been requested and is being supported by staff.

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

Long Range Bicycle Plan Map 4.5. The Midland Terrace Extension is shown as a future road with bicycle facility in this plan. The applicant is committing to dedicate right-of-way for road but is not required to provide improvements.

Eastern Durham Open Space Plan. This site is within the boundary of the Eastern Durham Open Space Plan. Although no specific recommendations have been made of this site, the goal of the Plan is to preserve and protect open space which “includes areas with cultural and natural resource values, farmland, parkland, and greenway trails.”

F. Site Conditions and Context

Site Conditions. This vacant 29.914-acre site is comprised of four parcels generally between Junction Road and Independence Avenue. The site is entirely forested with a mix of hard- and soft-wood trees. A stream and associated wetlands are located in the central portion of the site. An existing sanitary sewer easement follows this stream.

Area Characteristics. This site is in the Suburban Tier in an area that is mostly developed as single-family subdivisions. Twin Lakes Park, a City park, is adjacent to the east. There is Industrial-zoned property mostly to the north of Junction Road (just north of this site) and a parallel railroad (parallel to Junction Road). Many of those industrial tracts are vacant.

This area is within the F/J-B Watershed Protection Overlay district which limits impervious surface allowances on proposed development to 24% for low-density option and 70% for high-density option.

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

Determination. The proposed PDR district meets the ordinance requirements in relation to development on the subject site and would provide residential development consistent to what is already developed in the area. A proposed collector street, Midland Terrace Extension will eventually provide the eastern boundary of this subdivision.

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 PDR district is consistent with *Comprehensive Plan* policies regarding the infrastructure impacts of transit, utility, drainage/stormwater, schools and water supply. The proposal is estimated to increase traffic generation by 326 trips per day, increase student generation by 13 students, and increase water demand by 5,265 gallons per day. The existing infrastructure has available capacity to meet these needs.

H. Staff Analysis

Staff determines that, should the plan amendment be approved, this request would be consistent with the *Comprehensive Plan* and applicable polices and ordinances.

I. Contacts

Table I. Contacts		
Staff Contact		
Amy Wolff, Senior Planner	Ph: 919-560-4137, ext. 28235	Amy.Wolff@DurhamNC.gov
Applicant Contact		
Mike Tarrant	Ph: 919-866-4789	MTarrant@stewartinc.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
- Partners Against Crime – District 1

K. Summary of Planning Commission Meeting September 10, 2013 (Case Z1300011)

Zoning Map Request: IL, RS-M(D), RS-8(D), RS-8, RS-10(D), RS-20 to PDR 6.000.

Staff Report: Wolff presented the staff report.

Public Hearing: Chair Jones opened the public hearing. One person signed up to speak and one person spoke in support and no one spoke in opposition. Chair Jones closed the public hearing.

Commission Discussion: Discussion was on how well the meetings were attended by the community, commissions were proud of the work that Habit Humanity was doing in the community. Discussed the flooding issues that might occur because of the creek, but there was no problem with the land itself.

Motion: Approval of the Zoning Case Z1300011. (Mr. Whitley, Mr. Harris 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. Development Plan Reduction 5. 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 Table D3: Environmental Protection Table D4: Project Boundary Buffers Table D5: 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: 6. Planning Commissioner's Written Comments 7. Ordinance Form

Appendix A: Application Supporting Information

Attachments:

1. Context Map
2. Future Land Use Map
3. Aerial Photography
4. Development Plan Reduction
5. Submittal and Review History

Appendix D: Unified Development Plan Supporting Information

Table D1. UDO Designation Intent	
PDR	<p>Planned Development Residential: The PDR district is established to allow for design flexibility in residential development. The district is intended to encourage efficient use of land and public services and to promote high quality design that will provide a variety of dwelling types as well as adequate support services and open space for the residents of the development. The district regulations are intended to allow innovative development that is integrated with proposed adjacent uses and compatible with existing patterns of development.</p>
F/J-B	<p>Falls/Jordan District B Watershed Protection Overlay: The purpose this overlay district is to preserve the quality of the region's drinking water supplies through application of the development standards intended to protect the environment. In general, water supply protection will be accomplished by establishing and maintaining low intensity land use and development on land near the region's water supply rivers and reservoirs. Where high density development is desired, water supply protection will be accomplished through the use of engineered stormwater controls. The overall objective is to:</p> <ul style="list-style-type: none"> • Reduce the risk of pollution from stormwater running off of paved and other impervious surfaces; and • Reduce the risk of discharges of hazardous and toxic materials into the natural drainage system tributary to drinking water supplies.

Table D2. District Requirements – PDR			
	Code Provision	Required	Committed
Minimum Site Area (acres)	6.11.3.B.1	4	29.914
Residential Density	6.11.3.C	Specified on plan	6.000 (DU/Ac.)
Maximum Height (feet)	6.11.3.C.3	35	35
Minimum Street Yard (feet)	6.11.3.E.1	8	8

Table D3. Environmental Protection			
Resource Feature	UDO Provision	Required	Committed
Tree Coverage	8.3.1C	20% (5.50 acres)	20% (5.50 acres)
Impervious Surface (maximum)	8.7.2B	70% (19.278 acres)	70% (19.278 acres)
Stream Protection (buffer in feet)	8.5.4.B, 8.7.2.B.1	100	100

Table D4. Project Boundary Buffers			
Cardinal Direction	Adjacent Zone	Required Opacity	Proposed Opacity
North	IL	0.2/0.8	0.8 (50 feet)
East	RS-M(D)	N/A (right-of-way greater than 60 feet)	N/A
	RS-8(D)		
	RS-10(D)		
South	RS-20	0/0	N/A
West	RS-8	0/0	N/A

Table D5. Summary of Development Plan		
Components	Description	Plan Sheet
Required Information	Intensity/Density. 128 residential units.	DP2.0
	Building/Parking Envelope has been appropriately identified.	DP2.0
	Project Boundary Buffers are appropriately shown.	DP2.0
	Stream Crossing. One potential stream crossing is identified.	DP2.0
	Access Points. Four (4) external and two (2) internal access points have been identified.	DP2.0
	Dedications and Reservations. See Text Commitments (below) for dedications.	DP2.0
	Impervious Area. 70% (19.278 acres)	DP2.0
	Environmental Features. A stream and stream buffer has been identified as shown.	DP2.0
	Areas for Preservation. See Tree Coverage (below).	DP2.0
	Tree Coverage. 20% (5.50 ac.) of tree preservation area as shown.	DP2.0
Graphic Commitments	<ol style="list-style-type: none"> 1. Location of four external site access points. 2. Location of two internal site access points. 3. Location of tree preservation area. 	DP2.0

<p>Text Commitments</p>	<p><u>Prior to the issuance of any building permit:</u></p> <ol style="list-style-type: none"> 1. Dedicate 50 feet, 70 feet, and 100 feet of right-of way for the proposed Midland Terrace Extension as illustrated on sheet DP2.0. 2. Dedicate 25 feet of right-of-way for Chorley Road as shown on sheet DP2.0. <p><u>Prior to the issuance of a Certificate of Occupancy:</u></p> <ol style="list-style-type: none"> 3. Construct Chorley Road to City of Durham public street standards with sidewalk along one side of the road from Junction Road to the northern site boundary. 4. Construct a left-turn lane with adequate storage and appropriate tapers to NCDOT and City of Durham standards on Junction Road at Chorley Road. 5. Construct Mansfield Avenue to City of Durham public street standards with sidewalk along one side of the road from Belmont Drive to the eastern site boundary. <p><u>Prior to Site Plan approval:</u></p> <ol style="list-style-type: none"> 6. A right-of-way closure request will be submitted for the closure of the Dodson Street right-of-way from Belmont Drive to the western site boundary. 	<p>Cover</p>
<p>SIA Commitments</p>	<p>None Provided.</p>	<p>N/A</p>
<p>Design Commitments</p>	<p>The architectural style will be defined by materials, roof lines, and features.</p> <p>Rooflines: primary roofs will be pitched. Covered porches will have pitched or flat roofs.</p> <p>Materials: primary exterior finish will be either masonry (brick and/or cultured stone or real stone) and/or siding (vinyl or cement-fiber plank).</p> <p>Features: no distinctive features.</p>	<p>Cover</p>

Appendix E: Adopted Plans Supporting Information

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

Table E. Adopted Plans	
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.
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.
8.1.4b	Development Review and the Adopted Trails and Greenway Plan. Review development proposals in relation to the Durham Trails and Greenways master Plan and seek dedication or reservation of right-of-way or easements and construction of facilities in conformance with that Plan.
8.1.4.d	Development Review and the Adopted Regional Bicycle Plan. 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.
8.1.6d	Development Review and Adopted Transportation Plans. Review development proposals in relation to all adopted transportation plans, and shall seek dedication or reservation of right-of-way along designated road and transit corridors in conformance with these plans and Complete Streets design standards.
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.
<i>Long Range Bicycle Plan</i>	
Map 4.5 shows a proposed future road with bicycle facilities (Midland Terrace Extension) along the eastern boundary of this site.	
<i>Eastern Durham Open Space Plan</i>	
The goal of the Eastern Durham Open Space Plan is to preserve and protect open space which “includes areas with cultural and natural resource values, farmland, parkland, and greenway trails.”	
<i>Durham Chapel Hill Carrboro MPO 2003 Long Range Transportation Plan</i>	
The Midland Terrace Extension is shown as a proposed collector street along the eastern boundary of the site.	

Appendix F: Site Conditions and Context Supporting Information

Table F. Site Context			
	Existing Uses	Zoning Districts	Overlays
North	Vacant	IL	F/J-B
East	Vacant, outdoor recreation facility	RS-M, RS-8(D), RS-10(D), RS-20	F/J-B
South	Single-family residential, vacant	RS-8	F/J-B
West	Single-family residential, vacant	RS-8	F/J-B

Appendix G: Infrastructure Supporting Information

Table G1. Road Impacts		
Junction Road and Ross Road are the major roads impacted by the proposed development. There are no scheduled NCDOT roadway improvement projects in the area.		
Affected Segments	Ross Road	Junction Road
Current Roadway Capacity(LOS D) (AADT)	10,700	10,700
Latest Traffic Volume (AADT)	2,500	5,400
Traffic Generated by Present Designation (average 24 hour)*	983	
Traffic Generated by Proposed Designation (average 24 hour)**	1,309	
Impact of Proposed Designation	+326	

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

Junction Road: 2-lane city/county Class II Arterial without left-turn lanes

Ross Road: 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) IL: 1,000 square feet warehouse; RS-M(D): 27 apartments; RS-8(D): 10 single-family lots; RS-10(D): 47 single-family lots; RS-20: 17 single-family lots

** Assumption- (Max Use of Proposed Zoning) PDR 6.00: 128 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 is 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 44 students if developed at the maximum residential capacity. This represents an increase of 13 students over the existing zoning. Durham Public Schools serving the site are Merrick-Moore Elementary School, Neal Middle School, and Southern 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*	14	7	10
Potential Students Generated – Proposed Zoning**	19	10	15
Impact of Proposed Zoning	+5	+3	+5

*Assumption- (Max Use of Existing Zone) IL: 1,000 square feet warehouse; RS-M(D): 27 apartments; RS-8(D): 10 single-family lots; RS-10(D): 47 single-family lots; RS-20: 17 single-family lots

** Assumption- (Max Use of Proposed Zoning) PDR 6.00: 128 single-family lots

Table G6. Water Supply Impacts	
This site is estimated to generate a total of 19,840 GPD if developed to its maximum potential with the proposed zoning district. This represents an increase of 5,265 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*	14,575 GPD
Potential Water Demand Under Proposed Zoning**	19,840 GPD
Potential Impact of Zoning Map Change	+5,265

Notes: MGD = Million gallons per day

***Assumption- (Max Use of Existing Zone) IL:** 1,000 square feet warehouse; RS-M(D): 27 apartments; RS-8(D): 10 single-family lots; RS-10(D): 47 single-family lots; RS-20: 17 single-family lots

**** Assumption- (Max Use of Proposed Zoning) PDR 6.00:** 128 single-family lots

Appendix K: Summary of Planning Commission Meeting

Attachments:

6. Planning Commissioner’s Written Comments
7. Ordinance Form