



CITY OF DURHAM | DURHAM COUNTY
NORTH CAROLINA

ZONING CHANGE REPORT



Meeting Date: January 21, 2014

Table A. Summary			
Application Summary			
Case Number	Z1300013	Jurisdiction	City (pending annexation)
Applicant	City of Durham	Submittal Date	May 13, 2013
Reference Name	Montclair Phase II	Site Acreage	12.05
Location	8020 and 5856 Farrington Mill Road, in the southwest quadrant of the Barbee Chapel Road and Farrington Mill Road intersection.		
PIN(s)	0707-01-26-3803 (partial), -17-8452		
Request			
Proposed Zoning	Planned Development Residential 2.000 (PDR 2.000) (City jurisdiction)	Proposal	Initial zoning of newly annexed land for 24 single-family residential lots
Site Characteristics			
Development Tier	Suburban Tier		
Land Use Designation	Very Low Density Residential (2 DU/Ac. or less)		
Existing Zoning	Residential Rural (RR) (County jurisdiction)		
Existing Use	Vacant		
Overlay	F/J-B	Drainage Basin	Jordan Lake
River Basin	Cape Fear	Stream Basin	Little Creek
Determination/Recommendation/Comments			
Staff	Staff determines that this request is consistent with the <i>Comprehensive Plan</i> and applicable policies and ordinances.		
Planning Commission	Approval, 14-0 on November 12, 2013. The Planning Commission finds that the ordinance request is consistent with the adopted 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.		
DOST	No comments		
BPAC	No comments		

A. Summary

This is a request to apply the initial zoning of land annexed into the City of a site totaling 12.05 acres from Residential Rural (RR) – County Jurisdiction to Planned Development

Residential 2.000 (PDR 2.000) – City Jurisdiction for a single-family residential development of 24 single-family lots. The site is located at 8020 and 5856 Farrington Mill Road, in the southwest quadrant of the Barbee Chapel Road and Farrington Mill Road intersection (see Attachment 1, Context Map). This request is consistent with the *Comprehensive Plan* and applicable policies and ordinances.

This project is currently in the County’s jurisdiction but is associated with an annexation request. Council will consider this zoning map change as part of a consolidated land use item which will include decisions on Annexation, Utility Extension Agreement, and this zoning map change request as an “initial” zoning of newly annexed land where the City is the applicant.

Appendix A provides supporting information.

B. Site History

There are no recent zoning map change requests associated with the subject site. However, 19.21 acres of adjacent property was recently annexed into the City and initially zoned with case Z1200013 (Montclair), on February 18, 2013.

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, and 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. The applicant has committed to single family residential (and accessory) uses.

Graphic Commitments. Graphic commitments include the general location of site access points, location of tree preservation areas, and that all access points will be public streets.

Determination. The requested PDR zoning districts and associated development plan meets or exceeds the applicable requirements of the UDO. If this zoning map change request is approved, the attached development plan (Appendix A, Attachment 4) establishes the level of development allowed on the 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 zoning district and associated development plan is consistent with the Future Land Use Map of the *Comprehensive Plan*.

F. Site Conditions and Context

Site Conditions. The 12.05-acre site is located at 8020 and 5856 Farrington Mill Road, southwest quadrant of the Barbee Chapel Road and Farrington Mill Road intersection. The site includes an existing land-locked parcel that is vacant and forested and the rear portion of a parcel with frontage on Farrington Mill Road.

Area Characteristics. The site is in the southern part of the county west of the intersection of Farrington Mill Road and Barbee Chapel Road and adjoins the boundary between the Suburban Tier and the Rural Tier, which also forms the boundary between the Jordan Lake Protected Watershed (F/J-B) and the Critical Watershed (F/J-A). There are several pockets of suburban residential neighborhoods, including Southpoint Manor, Chapel Wood and Downing Creek, in the vicinity; however, the majority of the surrounding area remains in the County's jurisdiction and is either protected open space, undeveloped, or very large lot residential.

Although the site is currently located within Durham County jurisdiction, the applicant is seeking annexation into the City of Durham.

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

Determination. The proposed PDR district and associated development plan meets the policy and ordinance requirements in relation to development on the subject site (see Section E, Adopted Plans, of this report).

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 and associated development plan is consistent with *Comprehensive Plan* policies regarding the infrastructure impacts of road, transit, drainage/stormwater, and schools. The proposal is estimated to increase the traffic generation of the subject site by 77 daily trips, increase the students generated from the proposed use by three students, and increase the estimated water demand of the site by 1,085 gallons per day. The existing infrastructure has available capacity to meet these increases.

This site is currently in the County’s jurisdiction and does not presently have approvals for utilities. However, this site has requested annexation and a utility extension agreement for access to these services.

H. Staff Analysis

Staff determines that this request is consistent with the *Comprehensive Plan* and applicable policies and ordinances.

If the requested PDR 2.000 zoning designation were approved, the development plan would further establish the development potential of the site considering the text and graphic commitments proffered.

I. Contacts

Table I. Contacts		
Staff Contact		
Amy Wolff, Senior Planner	Ph: 919-560-4137, ext. 28235	Amy.Wolff@DurhamNC.gov
Applicant Contact		
Agent: Jarrod Edens, Edens Land Corp	Ph: 919-706-0550	Jarrod.edens@edensland.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
- Jordan Lake Resource Management
- Downing Creek

K. 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 A: Application Supporting Information

Attachments:

1. Context Map

2. Future Land Use Map
3. Aerial Photography
4. Development Plan Reduction
5. Application

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. A development plan is required with a request for this district, which shows a conceptual representation of the proposed site that indicates how the ordinance standards could be met. Any significant change to the development plan would require a new zoning petition. While PDR is primarily a residential district, other uses may be allowed under limited provisions of the ordinance.</p>
F/J-B	<p>Falls/Jordan District B – the purpose of the F/J-B Watershed Protection 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	12.05
Residential Density (maximum)	6.11.3.C	Specified on plan	2.000 (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% (2.41 acres)	20% (2.41 acres)
Stream Protection (buffer in feet)	8.5.4.B	50*	50*

*The stream is located off site. However, a 0.04-acre portion of the 50-foot buffer for low intensity option in a watershed protection overlay is located on site.

Table D4. Project Boundary Buffers			
Cardinal Direction	Adjacent Zone	Required Opacity	Proposed Opacity
North	RR	0.2/0.2	0.2 (10 feet)
East	PDR 2.870	0/0	N/A
South	RR	0.2/0.2	0.2 (10 feet)
West	RR	0.2/0.2	0.2 (10 feet)

Table D5. Summary of Development Plan		
Components	Description	Development Plan Sheet
Required Information	Intensity/Density. 24 single-family units total	D-2
	Building/Parking Envelope. Not required for single-family projects.	D-2
	Project Boundary Buffers are appropriately shown	D-2
	Stream Crossing. None present on site.	N/A
	Access Points. Five access points have been identified.	D-2
	Dedications and Reservations. None	N/A
	Impervious Area. 24% = 2.89 acres	D-2
	Environmental Features. None associated with the subject property.	N/A
	Areas for Preservation. None.	N/A
	Tree Coverage. 20% (2.41 acres) as shown.	D-2
Graphic Commitments	Location of access points. Location of tree preservation areas.	D-2
Text Commitments	1. The proposed PDR development will be limited to single family residential and accessory uses.	Cover
SIA Commitments	None provided	N/A

Appendix E: Adopted Plans Supporting Information

Table E. Adopted Plans	
<i>Comprehensive Plan</i>	
Policy	Requirement
Future Land Use Map	Very Low Density Residential: Land used primarily for residential uses. Suburban Tier: Land uses that shall be allowed include Recreation and Open Space, Agricultural, Residential, Institutional, Commercial, Office, Research/Research Application, and Industrial.
2.2.2a	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.
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	Vacant	RR	F/J-B
East	Vacant	PDR 2.870	F/J-B
South	Vacant, single-family residential	RR	F/J-B
West	Vacant	RR	F/J-B

Appendix G: Infrastructure Supporting Information

Table G1. Road Impacts		
Farrington Mill Road and Barbee Chapel Road are the major roads impacted by the proposed zoning change. There are no scheduled City of Durham or NCDOT roadway improvement projects in the area.		
Affected Segments	Farrington Mill Road	Barbee Chapel Road
Current Roadway Capacity (LOS D) (AADT)	11,900	11,900
Latest Traffic Volume (AADT)	8,600	11,000
Traffic Generated by Present Designation (average 24 hour)*	206	
Traffic Generated by Proposed Designation (average 24 hour)**	283	
Impact of Proposed Designation	+77	

Source of LOS Capacity: FDOT Generalized Level of Service Volume Table 4-1 (2009)

Farrington Mill Road: 2-lane major city/county roadway without left-turn lanes

Barbee Chapel Road: 2-lane major city/county roadway without left-turn lanes

Source of Latest Traffic Volume: 2011 NCDOT Traffic Count Map

*Assumption- (Max Use of Existing Zoning) – RR: 17 single-family lots

**Assumption- (Max Use of Existing Zoning) – PDR 2.000, RR: 24 single-family lots

Table G2. Transit Impacts
Transit service is not provided within one-quarter mile of the 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 nine students. This represents an increase of three students over the existing zoning. Durham Public Schools serving the site are Creekside Elementary School, Githens Middle School, and Jordan 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*	3	1	2
Potential Students Generated – Proposed Zoning**	4	2	3
Impact of Proposed Zoning	+1	+1	+1

*Assumption- (Max Use of Existing Zoning) – RR: 17 single-family lots

**Assumption- (Max Use of Existing Zoning) – PDR 2.000: 24 single-family lots

Table G6. Water Supply Impacts	
This site is estimated to generate a total of 3,720 GPD if developed to its maximum potential with the proposed zoning district. This represents an increase of 1,085 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*	2,635 GPD
Potential Water Demand Under Proposed Zoning**	3,720 GPD
Potential Impact of Zoning Map Change	+1,085

Notes: MGD = Million gallons per day

*Assumption- (Max Use of Existing Zoning) – RR: 17 single-family lots

**Assumption- (Max Use of Existing Zoning) – PDR 2.000, RR: 24 single-family lots