



CITY OF DURHAM | DURHAM COUNTY
NORTH CAROLINA



ZONING MAP CHANGE REPORT

Meeting Date: August 4, 2014

Table A. Summary			
Application Summary			
Case Number	Z1400008	Jurisdiction	City
Applicant	John R. McAdams	Submittal Date	April 14, 2014
Reference Name	Harmony Road II Revisions	Site Acreage	75.14
Location	Victorian Oaks Drive between Cook Road and Morningside Drive		
PIN(s)	198 total parcels, see Attachment 5, Application, for full list		
Request			
Proposed Zoning	Planned Development Residential 2.710 (PDR 2.710) (no change)	Proposal	Modification of text commitments from existing plan – see Section A and B below
Site Characteristics			
Development Tier	Suburban		
Land Use Designation	Low Density Residential (4 DU/Ac. or less)		
Existing Zoning	Planned Development Residential – 2.710 (PDR 2.710)		
Existing Use	Residential subdivision under development		
Overlay	F/J-B (partial)	Drainage Basin	Jordan Lake
River Basin	Cape Fear	Stream Basin	Third Fork 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 7-3 on June 10, 2014. 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 remove two text commitments, #12 and #18, associated with the existing development plan for Harmony Road II, with the following zoning district: Planned Development Residential 2.710 (PDR 2.710). The commitments proposed for removal read as follows:

12. Construct a 6-foot north-south asphalt trail from the sidewalks and to the City's proposed greenway trail along Third Fork Creek and to the adjacent Woodcroft community trail immediately south of Morningside Drive.

18. Circulate a petition among the owners of property in the area south of lots 56 through 67 as shown on sheet C-2 of the development plan and, if 75% of the affected owners sign the petition, develop a mulch trail in the area along the southern perimeter of the site as shown on the conceptual illustrative master plan dated May 15, 2006.

Additionally, the applicant has added and/or modified the timing mechanism of text commitments #13, #14, and #16 (of the existing development plan) to allow staff to track and ensure compliance with these commitments.

The Planning Director has determined that removal of a text commitment only requires a change to that portion of the application to be subject to the zoning map change process (ref. UDO Secs. 3.5.12.A and 3.5.12.B). As such, only the removal of this text commitment from the existing development plan was reviewed. All other portions of the original application that are not expressly modified will remain unchanged.

Removal of the commitments, which constitute a proffered level of development greater than ordinance requirements, does not change the sufficiency of the previously approved development plan nor its consistency with the future land use designation of the *Comprehensive Plan*.

B. Site History

The site's existing zoning designation of PDR 2.710 and associated development plan (case Z05-32) was approved by the City Council on June 19, 2006. Prior to this approval, a zoning map change request to PDR 3.310 (case P03-72) was filed for a portion of this site which was approved by the Zoning Committee on March 9, 2004, but was denied by the City Council on May 3, 2004.

Proposed change under consideration with this case, Z1400008, is shown as ~~stricken~~ in the table below. Newly proposed text is shown as underlined.

Table B: Development Plan Text Commitments	
1.	Single family lots shall have a minimum of 8,000 square feet.
2.	There shall be a maximum of 185 units.
3.	The offsite portion of Harmony Road and road "Q" shown on sheet C-2 will be improved to current City of Durham Public Works standards.
4.	Construction of a northbound left-turn lane on Cook Road at the proposed intersection of Harmony Road.
5.	A 100 foot greenway easement shall be provided on the south side of the stream in the southeast corner of the site.
6.	A minimum 50 foot undisturbed perimeter buffer where shown on sheet C-2, allowing for a five foot mulch trail, and all required infrastructure. No lots shall be platted within this 50 foot undisturbed perimeter buffer.
7.	Provide erosion and sedimentation controls during construction that are consistent with the practices proposed for the updated NC State design

- manual using baffles and/or skimmers to increase sediment-trapping efficiency.
8. Grade and construct subgrade of all streets before grading of any lots, unless required to construct infrastructure.
 9. Grading of lots shall be completed with a minimum of three phases.
 10. The developer shall provide one pocket park which shall be located generally in the south east portion of the development. The park will be built with the phase of the development it is located in and prior to the issuance of a certificated of occupancy in that phase.
 11. Provide a centrally located children's play area not less than 7,200 square feet containing a basketball hoop and tot lot containing swings, climbing apparatus, benches and picnic tables.
 - ~~12. Construct a 6-foot north-south asphalt trail from the sidewalks and to the City's proposed greenway trail along Third Fork Creek and to the adjacent Woodcroft community trail immediately south of Morningside Drive.~~
 13. Provide a traffic-calming device approved by the City of Durham north of the Morningside Drive cul-de-sac at the entrance to Harmony Road II project prior to the first certificate of occupancy on Kinney Glen Court.
 14. Circulate a petition among property owners along Morningside Drive south of the Harmony Road II project and, if sufficient signatures are obtained (75% of affected property owners) and the City of Durham Engineering and Transportation Departments approve, install speed humps per City of Durham standards on Morningside Drive prior to the first certificate of occupancy on Kinney Glen Court issuance of the 61st building permit.
 15. Minimum 16.58 acres (22.1%) tree coverage.
 16. Applicant shall either construct or provide up to \$50,000 toward the completion of the sidewalk along the east side of Cook Road from the intersection with Harmony Road to the northern entrance of Southwest Elementary School. Construction of the sidewalk or payment-in-lieu shall be provided prior to the first certificate of occupancy on Kinney Glen Court. This shall be provided in labor and materials or cash payment at the discretion of the City prior to the 61st building permit.
 17. Provide a chain link fence around the perimeter of detention ponds.
 - ~~18. Circulate a petition among the owners of property in the area south of lots 56 through 67 as shown on sheet C-2 of the development plan and, if 75% of the affected owners sign the petition, develop a mulch trail in the area along the southern perimeter of the site as shown on the conceptual illustrative master plan dated May 15, 2006.~~
 19. Do no grading in the southwestern and western areas of the site as shown on the conceptual illustrative master plan dated May 15, 2006 except as required for stormwater controls or recreational facilities such as trails.

C. Background

At the time of approval of the existing zoning (case Z05-32), the 2001 Durham Trails and Greenways Master Plan showed a proposed trail along the Third Fork Creek Tributary which runs through the southeast portion of the site. To satisfy the conditions of this plan the applicant committed to provide a 100-foot greenway easement through the site (see commitment #5 in Section B above). The additional commitment, which is being proposed

for removal, to provide a 6-foot asphalt trail from the subject site's sidewalk system to the Woodcroft Community trail system (see stricken commitment #12 in Section B above) was an offsite commitment that exceeded our policy and ordinance requirements at the time of approval.

Presently, there are two adopted plans that identify trails and greenways through or in the vicinity of the subject site. The first is the updated 2011 Durham Trails and Greenways Master Plan (see Attachment 5) which identifies the same Third Fork Creek Tributary trail as was the 2001 plan. Additionally, in 2006, the Durham Comprehensive Bicycle Transportation Plan (also known as the Long Range Bicycle Plan, see Attachment 6) shows a proposed greenway along the Third Fork Creek Tributary consistent with the 2001 and recommended in the updated 2011 Durham Trails and Greenways Master Plan. Since the 100-foot greenway easement has already been dedicated and this condition is not being requested to change, the subject case (case Z1400008) is consistent with the adopted plans that apply to the subject site.

The request to remove the trail connection (see stricken commitment #12 in Section B above) is consistent with our adopted plans because the trail is located offsite. Developing the trail as proposed is further complicated by the requirement for the developer to obtain permission from third-party ownership (both private property and Homeowner's Association) who are generally not supportive of the approved trail alignment designated on the adopted plans.

The request to remove an internal mulch trail (see stricken commitment #18 in Section B above) is consistent with our adopted plans because that trail has not been reflected on any adopted plan.

D. Staff Analysis

The existing development plan governing this site (Case Z05-32) allows a residential subdivision of a maximum of 185 units. This project is currently under construction.

Determination. The removal of text commitments #12 and #18, and modification of #13, #14, and #16, associated with Z05-32 is not contrary to any current Ordinance requirements or policies. Additionally, adding a trackable timing mechanism strengthens the existing proffers. As such, staff determines that this request is consistent with the Comprehensive Plan and other adopted policies and ordinance.

If approved, development plan Z05-32 with modifications of this case (Z1400008) establishes the level of development of the site.

E. 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

F. Summary of Planning Commission Meeting June 10, 2014 (Case Z1400008)

Zoning Map Change Request from PDR 2.710 to PDR 2.710.

Staff Report: Ms. Wolff presented the staff report.

Public Hearing: Chair Jones opened the public hearing. Five people signed up to speak; three people spoke in support and two people in opposition. Chair Jones closed the public hearing.

Commission Discussion: There was much discussion centered on the value of trails to the Chamberlynn/Harmony Road II Community. Commissioner Board and Commissioner Smith expressed to the neighbors, the value of their homes would not decline, due to the trail. It was expressed there were sidewalks to ride bikes and to walk on the asphalt trail. Commission discussion also included the feasibility of connecting the proposed trail to the existing private trail amenity within the Woodcroft neighborhood.

The developers passed out several handouts: Harmony Road Trail Exhibit – June 9, 2014; Gmail Email – Summary of what Standard Pacific has agreed to do as per call with Gray Methven (with Mark Avitabile and Kirk Everett) on June 9, 2014 at 4:45 – 5:10 p.m.

Motion: Approval of Harmony Road II Revisions - Z1400008 (Smudski, Davis 2nd).

Action: Motion carried, 7-3 (Board, Huff, Walter voted No)

Findings: 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.

G. Staff Recommendation

Staff recommends approval based on consistency with the Comprehensive Plan, and considering the information provided in this report.

H. Contacts

Table I. Contacts		
Staff Contact		
Amy Wolff, Senior Planner	Ph: 919-560-4137, ext. 28235	Amy.Wolff@DurhamNC.gov
Applicant Contact		
Agent: Bob Zumwalt, The John R. McAdams Company, Inc.	Ph: 919-361-5000	zumwalt@mcadamsco.com

I. Attachments

- 1.Context Map
- 2.Future Land Use Map
- 3.Aerial Photography
- 4.Development Plan Reduction
- 5.2011 Durham Trails and Greenways Master Plan
- 6.2006 Durham Comprehensive Bicycle Transportation Plan
- 7.Application
- 8.Submittal History
- 9.Planning Commissioner's Written Comments
10. Ordinance Form