



CITY OF DURHAM | DURHAM COUNTY
NORTH CAROLINA

ZONING MAP CHANGE REPORT



This item (Attachment 7) is a component of the 'Joven-Northeast Creek' Annexation request (Case BDG1400002). Please refer to that case for additional details and referenced attachments

Meeting Date: August 18, 2014

Table A. Summary			
Application Summary			
Case Number	Z1400012A	Jurisdiction	City
Applicant	Meadows Land Investment, LLC	Submittal Date	May 7, 2014
Reference Name	Joven-Northeast Creek	Site Acreage	177.217
Location	North of Ellis Road, east of Durham Freeway (NC-147)		
PIN(s)	0840-03-20-3236, 0840-01-20-2058, 0741-01-09-9715, 0749-01-19-5577, 0749-01-18-5947, 0749-01-18-9979, 0749-01-38-1675, 0749-01-27-0564, 0749-01-27-6434, 0749-01-27-9963, 0749-01-27-9863, 0749-01-27-9763, 0749-01-27-9663, 0749-01-27-9563, 0749-01-27-9463, 0749-01-27-9363, 0749-01-27-9275, 0749-01-27-9178, 0749-01-27-9079, 0749-01-26-9979, 0749-01-37-2933, 0749-01-37-2830, 0749-01-37-2637, 0749-01-37-2537, 0749-01-37-2436, 0749-01-37-2436, 0749-01-37-2336, 0749-01-37-2024		
Request			
Proposed Zoning	Residential Suburban-20 (RS-20), Industrial Light with a Development Plan (IL(D)), Commercial General with a Development Plan (CG(D)), Planned Development Residential-4.840 (PDR 4.840) - City	Proposal	676 residential units, 235,000 square feet of commercial, and 89,000 square feet of office space
Site Characteristics			
Development Tier	Suburban Tier		
Land Use Designation	Low-Medium Density Residential (4-8 DU/Acre), Commercial, Industrial		
Existing Zoning	Residential Suburban-20 (RS-20), Industrial Light with a Development Plan (IL(D)), Commercial General with a Development Plan (CG(D)), Planned Development Residential-4.840 (PDR 4.840) - County		
Existing Use	Vacant		
Overlay	None	Drainage Basin	Jordan Lake
River Basin	Cape Fear	Stream Basin	Northeast Creek
Determination/Recommendation/Comments			
Staff	Staff determines that the applicant requests an initial zoning that is not the least intense zoning based on the Development Tier and size of the lot. Residential Rural (RR) and RS-20 would be the least intense zoning applicable for this site. Staff will provide two recommended alternatives at the end of this report.		

A. Summary

This is a request to establish the initial zoning designation of a 29 parcel, 177.217 acre site of RS-20, IL(D), CG(D), and PDR 4.840. This request is associated with an annexation petition to annex the 29 parcel, 177.217 acre site into the City of Durham.

Applicant's requested initial zoning is not the least intense zoning based on the Development Tier and lot size. RR and RS-20 would be the least intense zoning applicable for this site.

Most of the site was rezoned with a development plan approved by the Durham County Board of Commissioners on June 12, 2006 (Z04-46, Attachment 6). The portion of this initial zoning request which was not involved during the previous rezoning are the RS-20-zoned properties along Southland Drive. In addition, the previous rezoning case (Z04-46, Attachment 6) includes properties to the east of the subject site were previously annexed in 2008 and are not part of this request.

(The properties fronting along 'Southland Drive' are not consistent with the future land use designation of the *Comprehensive Plan* which designates this area as Industrial. Staff finds that the remainder of the site is compliant with the *Comprehensive Plan*..

B. Site History

There have been no recent development requests for this site.

C. Committed Elements.

Text commitments were proffered to commit to requirements in excess of ordinance standards during the previous rezoning. A TIA was required with the approved development plan and notes the required traffic improvements for the proposed development. Below is a list of the key Committed Elements for this request. All commitments and TIA commitments can be seen in Table 3.

Key Committed Elements:

1. Maximum number of units: 676 lots.
2. Minimum single-family lot size: 5,500 square feet.
3. Dedication of additional right of way along the frontage of the site to provide a minimum of 55 feet of right of way from the existing centerline of Ellis Road.
4. Construction of a decorative metal fence around the grave sites prior to the certificate of occupancy of any of the single-family lots adjacent to the cemetery.
5. Construction of each section of the 6' wide walking trail shall be completed prior to the issuance of 50% of the certificates of occupancy in the development pod located immediately adjacent to the trail.

6. At the time of the building permit, the applicant shall pay a voluntary school impact fee of \$1,000 per single-family lot and \$300 per multi-family unit, with credit given appropriate against any other impact fees that may be in place

D. Site Conditions and Context

Site Conditions. The 177.217 acre site is located to the northeast quadrant at the intersection of Ellis Road and the Durham Freeway (NC-147) (Attachment 1) and is comprised of 29 separate parcels. The entire 177.217 acre site is undeveloped.

A graveyard is found in the north central portion of the site (PID: 163433). As per the approved development plan, a decorative metal fence will be installed around the graveyard (Committed Element #6). Multiple streams traverse the site and a pond is located in the central part of the subject site.

Area Characteristics. The site is in the Suburban Tier and is adjacent to the Durham Freeway (NC-147). The overall location is convenient to Interstate-40 and the greater Triangle area. Directly south of the subject site is the Research Triangle Park. New residential development is presently underway on properties located to the west, across the Durham Freeway. The surrounding zoning districts include RS-20, IL(D), Industrial Light (IL), Industrial (I), Industrial Park (IP), and Office & Institutional with a Development Plan (OI(D)).

Determination. The applicant proposes to apply the current County zoning designations of RS-20, PDR 4.840, CG(D), and IL(D) to the site. As previously noted, this request differs from the consolidated annexation procedure adopted by Council to apply the least intense zoning based on the tier and size of the lot(s). In this case, the least intense zoning would be RS-20 for the entire site.

Staff determines that the previously approved Development Plan (Attachment 6), and the commitments proffered at the time of its approval, justifies a direct translational zoning in this case. Furthermore, the Comprehensive Plan supports the requested zoning designations, save for the Southland Drive portion of this development.

E. 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 Tables 2 and 4 for additional information.

Determination. Staff determines that adequate utility services are available for the site. In addition, the applicant committed to a voluntary school impact fee payment (Attachment 6, Committed Element #8).

As a result of the Traffic Impact Analysis (TIA), a number of improvements are required of this project (Table 3). NCDOT and City Transportation require each of the required roadway improvements identified in the TIA review memo to be listed in the Text Commitments under the heading of “Prior to the issuance of a certificate of occupancy

F. Staff Analysis

Staff determines that the applicant requests an initial zoning that is not the least intense zoning based on the Development Tier and size of the lot. RS-20 would be the least intense zoning applicable for this site.

G. Alternatives

Alternatives
Based on the information above, Staff presents the following two alternatives for the Council to consider:
Alternative A
If the annexation petition is approved, adopt the applicant’s requested zoning, Residential Suburban-20 (RS-20), Industrial Light (IL), Commercial General with a Development Plan (CG(D)), Planned Development Residential-4.840 (PDR 4.840)
Alternative B
If the annexation petition is approved, direct staff to initiate an initial zoning change to the least intensive zoning applicable to this site, Residential Suburban -20

H. Supporting Information

Table 1.A District Requirements – CG(D)		
	Code Provision	Required
Minimum Site Area (square feet)	6.10.1B.1	20,000
Project Floor Area (square feet)	6.10.1B/3.5.6D.4b	Required to be specified on plan
Minimum Lot Width (feet)	6.10.1B.1	100
Minimum Street Yard (feet)	6.10.1B.1	25
Minimum Side Yard (feet)	6.10.1B.1	25
Minimum Rear Yard (feet)	6.10.1B.1	25
Maximum Height (feet)	6.10.1B.1	50

Table 1.B District Requirements – PDR 4.840		
	Code Provision	Required
Minimum Site Area (square feet)	Committed Element	5,500 per single family lot
Maximum Residential Density (DU/Ac.)	6.11.3C.	4.840 DU/Acre
Minimum Lot Width (feet)	6.11.1D.	As per recorded Plat
Minimum Street Yard (feet)	6.11.3E.1.	8
Minimum Side Yard (feet)	6.11.3E.2.	Not required
Minimum Rear Yard (feet)	6.11.3E.2.	Not required
Maximum Height (feet)	6.11.3C.3.	90 feet maximum

Table 1.C District Requirements – IL(D)		
	Code Provision	Required
Minimum Site Area (square feet)	6.10.1B.	25,000
Minimum Lot Width (feet)	6.10.1B.2.	100
Minimum Street Yard (feet)	6.10.1B.2.	40
Minimum Side Yard (feet)	6.10.1B.2.	30
Minimum Rear Yard (feet)	6.10.1B.2.	25
Maximum Height (feet)	6.10.1B.2.	50

Table 1.D District Requirements – RS-20		
	Code Provision	Required
Minimum Site Area (square feet)	7.1.2B.	20,000
Minimum Lot Width (feet)	7.1.2B.	100
Minimum Street Yard (feet)	7.1.2B.	35
Minimum Side Yard (feet)	7.1.2B.	12 (single), 30 (total)
Minimum Rear Yard (feet)	7.1.2B.	25
Maximum Height (feet)	6.3.1A.1.	35

Table 2. Roadway Impacts		
Affected Segments	Ellis Road	Angier Avenue
Roadway Capacity (LOS D) (ADT)	13,300	10,700
Latest Traffic Volume (AADT)	9,800	6,700
Traffic Generated by Present Designation (average 24 hour)	*14,379	
Traffic Generated by Proposed Designation (average 24 hour)	**20,068	
Committed Transportation Elements	None	

Source of LOS Capacity: Durham Impact Fee Study Update – May 2000
Source of Latest Traffic Volume: 2001 NCDOT Traffic Count Map

*Assumption (Max Use of Existing Zone) – a 150 acre industrial park, 3 3000 square foot fast-food restaurants (with drive-through), a drive-in bank with 4 drive-up windows, and an office building with 50,000 square feet.

**Assumption (Max Use of Proposed Zoning) – 213 single-family dwelling units, 260 apartment units, 207 townhouse units, a shopping center with 104,557 square feet, a service station with convenience market with 12 vehicle fueling positions, a drive-in bank with 2 drive-in lanes, a fast-food restaurant with drive through with 3000 square feet, a quality restaurant with 7000 square feet, a hotel with 150 rooms, a hotel with 120 rooms, and general office buildings with 89,871 square feet.

Table 3. Summary of Development Plan Commitments		
Committed Elements	Committed Elements	
	<ol style="list-style-type: none"> 1. Maximum number of units: 676 lots. 2. Minimum single-family lot size: 5,500 square feet. 3. Dedication of additional right of way along the frontage of the site to provide a minimum of 55 feet of right of way from the existing centerline of Ellis Road. 4. Construction of a 6' high wood fence and vegetative hedge (5 gallon plants at 15' O.C.) Adjacent to the Railroad Tracks. Plat Materials to be approved by the Planning Department at the time of site plan approval. Fence shall be constructed prior the first C.O. in the pod adjacent to the train tracks. Vegetative hedge shall be installed prior to the last C.o. in the pod 	Cover

Table 3. Summary of Development Plan Commitments		
Text Commitments	<p>adjacent to the train tracks.</p> <ol style="list-style-type: none"> 5. The project will contain 4 improved open spaces areas. Construction of the improved open space areas will be required in phases as follow: <ol style="list-style-type: none"> a. Improved open space area #1 – shall be built prior the 150th Certificate of Occupancy b. Improved open space area #2 – shall be built prior the 300th Certificate of Occupancy c. Improved open space area #3 – shall be built prior the 450th Certificate of Occupancy d. Improved open space area #4 – shall be built prior the Final Certificate of Occupancy 6. Construction of a decorative metal fence around the grave sites prior to the certificate of occupancy of any of the single-family lots adjacent to the cemetery 7. Construction of each section of the 6’ wide walking trail shall be completed prior to the issuance of 50% of the certificates of occupancy in the development pod located immediately adjacent to the trail. 8. At the time of the building permit, the applicant shall pay a voluntary school impact fee of \$1,000 per single-family lot and \$300 per multi-family unit, with credit given appropriate against any other impact fees that may be in place <p style="text-align: center;">Summary of TIA Required Improvements</p> <p>General</p> <ol style="list-style-type: none"> 1. The developer is responsible for traffic signal phasing revisions in the study area required due to the added traffic to the network by the proposed development. This includes all intersections evaluated in the TIA. <p>Ellis Road (General)</p> <ol style="list-style-type: none"> 2. Widen Ellis Road to provide two eastbound and two westbound through lanes from the NC 147 northbound ramp junction east to the existing commercial driveway (Reichhold Chemical) on the south side of Ellis Road approximately 1300 feet east of the NC 147 northbound ramp, and to a three-lane cross section for the remainder of the site frontage 	

Table 3. Summary of Development Plan Commitments		
	<p>with adequate transition.</p> <ol style="list-style-type: none"> 3. Provide minimal storage for a third westbound through lane in advance of the NC 147 northbound ramp. 4. Construct a median barrier on Ellis Road from the NC 147 northbound ramp intersection to the main site driveway intersection. <p>Ellis Road / NC 147 Northbound Ramps (Signalized)</p> <ol style="list-style-type: none"> 1. Extend the existing westbound right-turn lane on Ellis Road to provide adequate storage and taper. <p>Ellis Road / South Miami Boulevard</p> <ol style="list-style-type: none"> 1. Re-stripe the current eastbound shared left/right-turn lane to provide exclusive left-turn lane. 2. Construct an exclusive eastbound right-turn lane on Ellis Road with adequate storage and taper. <p>Ellis Road / Main Site Drive / Existing Office Drive</p> <ol style="list-style-type: none"> 1. Install traffic signal at the intersection including mast arms and pedestrian signals (subject to signal warrants analysis). 2. Construct the main site drive with five-lane cross section. 3. Construct dual eastbound left-turn lanes on Ellis Road. 4. Construct an additional eastbound shared through/right-turn lane on Ellis Road. 5. Construct an exclusive westbound left-turn lane on Ellis Road. 6. Construct an exclusive westbound right-turn lane on Ellis Road. 7. Construct an additional westbound through lane on Ellis Road. <p>Ellis Road / Western Commercial Site Drive</p> <ol style="list-style-type: none"> 1. Construct the western commercial site drive as right-in/right-out only with adequate spacing from the NC 147 northbound ramps. 2. Construct an exclusive westbound right-turn lane with adequate storage and taper. 	

Table 3. Summary of Development Plan Commitments	
	<p>Ellis Road / Western Residential Site Drive</p> <ol style="list-style-type: none"> 1. Construct the western residential site drive with three-lane cross section. 2. Construct an exclusive eastbound left-turn lane on Ellis Road. 3. Construct an exclusive westbound right-turn lane on Ellis Road. <p>Ellis Road / Eastern Residential Site Drive</p> <ol style="list-style-type: none"> 1. Construct the eastern residential site drive with three-lane cross section. 2. Construct an exclusive eastbound left-turn lane on Ellis Road. 3. Construct an exclusive westbound right-turn lane on Ellis Road.

Table 4. School Impacts			
The proposed zoning is estimated to generate 170 students. 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	16,695	7,824	10,080
Maximum Building Capacity (110% of Building Capacity)	18,365	8,606	11,088
20th Day Attendance (2013-2014 School Year)	16,579	7,465	9,737
Committed to Date (January 2011 through December 2013)	97	27	-32
Available Capacity	1,689	1,114	1,383
Potential Students Generated – Current Zoning*	53	28	41
Potential Students Generated – Proposed Zoning**	56	28	38
Impact of Proposed Zoning	+3	0	-3

*Assumption- (Max Use of Existing Zoning) – RR: 336 single-family units with a conservation subdivision, RS-20: 18 single-family units

**Assumption- (Max Use of Existing Zoning) – Per Development Plan: 209 single-family units, 467 townhome multi-family units