



CITY OF DURHAM | DURHAM COUNTY
NORTH CAROLINA



ZONING MAP CHANGE REPORT

Meeting Date: May 12, 2015

Table A. Summary			
Application Summary			
Case Number	Z1400022	Jurisdiction	City
Applicant	Ron Horvath, Horvath Associates, PA	Submittal Date	September 4, 2014
Reference Name	Garrett Ridge Multifamily Community	Site Acreage	10.18
Location	4904 and 5010 Garrett Road, west side of Garrett Road, just north of Old Chapel Hill Road		
PIN(s)	0800-04-81-3306, -80-4975		
Request			
Proposed Zoning	Residential Suburban - Multifamily with a development plan (RS-M(D))	Proposal	Allow internal access between the two parcels
Site Characteristics			
Development Tier	Suburban Tier		
Land Use Designation	Medium Density Residential (6-12 DU/Ac.)		
Existing Zoning	Residential Suburban - Multifamily with a development plan (RS-M(D))		
Existing Use	Multifamily residential, vacant		
Overlay	N/A	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 other adopted policies and ordinances.		
Planning Commission	Approval, 10-1 on May 12, 2015. The Planning Commission finds that the ordinance request is consistent with the adopted <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	See Attachment 7		

A. Summary

This is a request to change the zoning designation of a 10.18-acre site (two parcels) from RS-M(D) to RS-M(D). The request essentially combines the two existing development plans approved for 132 multifamily units (combined) to allow for vehicular connectivity internal

to the site. The site is located at 4904 and 5010 Garrett Road, west side of Garrett Road, just north of Old Chapel Hill Road (see Attachment 1, Context Map).

This zoning request is consistent with the future land use map designation of the *Comprehensive Plan* which designates the site as Medium Density Residential (6-12 DU/Ac.) and applicable policies and ordinances.

Appendix A provides supporting information.

B. Site History

The present designation of RS-M(D) on 5010 Garrett Road was approved in 2001 (case P01-35) and allowed for 96 units. The designation of RS-M(D) on 4904 Garrett Road was approved in 2007 (case Z06-43) and allowed for 36 units. The difference between the existing zoning districts on these properties and the proposed zoning district is that each of the two parcels is encumbered by a separate development plan which does not allow for cross access between the properties. All of the text commitments from both existing development plans are reflected on the proposal under consideration.

The purpose of the subject request is to allow cross access between these two properties. However, the existing approved number of units for this site is 132 units (13.77 DU/Ac.) and the subject zoning request would allow for 114 (12 DU/Ac.) for consistency with the adopted future land use of the site.

The applicant has submitted (currently in-process) a subsequent zoning map change (case Z1500013) that includes the two subject parcels in addition to two parcels to the north, as well as a plan amendment (case A1500006) to request the Medium-High Density Residential (8-20 DU/Ac.). The in-process applications reconcile the discrepancy between the existing and approved number of units on the site, and the future land use designation consistency.

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 RS-M district (Sec. 3.5.6.D, Sec. 6.3.1). 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. These commitments (see Table D5, Summary of Development Plan) include: designated open space, mulched trail, usable open space amenities, vegetated berm with plantings, limitation of parking, stormwater BMP, dedication of right-of-way, bus shelter, signage, bicycle parking, and site entrance improvements.

Graphic Commitments. Graphic commitments include the general location of site access points, tree preservation areas, and building and parking envelope.

Design Commitments. Design Commitments are required of zoning requests that include a development plan for nonresidential projects. This request includes commitments that specify the committed design elements proposed for the site.

Determination. The requested RS-M zoning district 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 RS-M zoning district is consistent with the Future Land Use Map of the *Comprehensive Plan* which designates this site as Medium Density Residential (6-12 DU/Ac.) by indicating a maximum of 12 DU/Ac, 114 units.

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

Long Range Bicycle Plan Map 4.6. There is one condition shown as a recommendation of the Long Range Bicycle Plan Map 4.6. A proposed bicycle lane is shown along Garrett Road. No additional roadway improvements are required or proffered with the subject zoning request.

New Hope Corridor Open Space Master Plan/New Hope Creek Bottomland Forest Natural Area. This site is within the New Hope Creek Corridor and portions of the site are within the mapped New Hope Creek Bottomland Forest Natural Area (see Attachment 8). The goal of the New Hope Corridor Open Space Master Plan is to “preserve an open space corridor linking the Eno River State Park, the New Hope Creek Corps lands... for aesthetic, environmental, educational, and recreational purposes, and as a means of shaping the urban form of the area.” It is recommended that the area of floodplain be designated as open space. Text commitment #A3 (see

Attachment 4, Cover Sheet) commits the floodplain as permanent undisturbed open space with the exception of a limited clearing related to a single utility crossing for storm and sanitary sewer access to the existing 40-foot sewer easement. The applicant provides a Biologic Opinion (see Attachment 9) describing how the plan proposes permanent open space and buffers to be reserved for wildlife to pass.

F. Site Conditions and Context

Site Conditions. The site is located at 4904 and 5010 Garrett Road and totals 10.18 acres; 5010 Garrett Road is developed as apartments and a vacant single-family house is on 4904 Garrett Road. A site plan for 32 townhouses and a clubhouse has been approved (September 2014) for 4904 Garrett Road. Portions of the site are located within the New Hope Creek Bottomland Forest according to the New Hope Corridor Open Space Master Plan (see also Section E, Adopted Plans).

The rear portion of the property is covered with a mix of soft- and hard-wood trees. The 15/501 Bottomlands inventory site is primarily located to the west of this site, though a small area extends into this site. On this property, the inventory site is located in a floodway and floodway fringe which are precluded from development on the development plan. There are no other identified environmental or physical constraints on this site.

Area Characteristics. This site is in the Suburban Tier adjacent to a floodplain associated with the New Hope Creek Corridor (see Section E for additional details). Uses in the area consist of single- and multi-family residential, offices, a place of worship and undeveloped land; zoning is RS-20, RS-M, RS-M(D), and OI(D).

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

Determination. The proposed RS-M district meets the ordinance requirements in relation to development on the subject site. If approved, the development plan would permit multifamily residential development on the site which is permissible today. The proposal also affirms protection of the site's environmentally sensitive areas by committing to open space areas removing the mapped Inventory areas from the building and parking envelope.

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-M 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 decrease traffic by 109 vehicles per day, decrease water demand by 2,070 gallons per day, and decrease students by four. The existing infrastructure has available capacity to meet these needs.

H. Staff Analysis

This request is consistent with the *Comprehensive Plan* and other applicable polices and ordinances. If the requested RS-M zoning designation were approved, the development plan would permit multifamily residential development to a maximum of 12 DU/Ac.

I. Contacts

Table I. Contacts		
Staff Contact		
Amy Wolff, Senior Planner	Ph: 919-560-4137, ext. 28235	Amy.Wolff@DurhamNC.gov
Applicant Contact		
Agent: Ron Horvath Horvath Associates, PA	Ph: 919-490-4990	ron.horvath@horvathassociates.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:

- Trenton Homeowners Association
- Jordan Lake Resource Management
- Inter-Neighborhood Council
- Fayetteville Street Planning Group
- Friends of Durham
- Unity in the Community for Progress

K. Summary of Planning Commission Meeting May 12, 2015 (Case Z1400022)

Staff Report: Ms. Wolff presented the staff report.

Zoning Map Change Request: Residential Suburban-Multifamily with a development plan (RS-M(D)) to Residential Suburban

Public Hearing: Chair Harris opened the public hearing. One person spoke in support and no one spoke in opposition. Chair Harris closed the public hearing.

Commission Discussion: The discussion centered on a suggested 100 foot vegetative buffer from the Army Core of Engineering, Water quality, Signage, hunting and location of 4th access.

Motion: To approve. (Mr. Miller, Mr. Padgett 2nd)

Action: Approved, 10-1, with Mr. Whitley voting 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.

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 5. Application 6. Submittal and Review History 7. BPAC Comments
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 Attachments: 8. NCNHP map 9. Applicant Biological Opinion
Appendix F	Site Conditions and Context	Table F: Site Context

Table K. Supporting Information		
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: 10. Planning Commissioner’s Written Comments 11. Ordinance Form 12. Consistency Statement

Appendix A: Application Supporting Information

Attachments:

1. Context Map
2. Future Land Use Map
3. Aerial Photography
4. Development Plan
5. Application
6. Submittal and Review History
7. BPAC Comments

Appendix D: Unified Development Plan Supporting Information

Table D1. UDO Designation Intent	
RS-M	Residential Suburban – Multi-family: the RS-M district is established to provide for suburban residential development and redevelopment with a minimum lot size of 5,000 square feet and a maximum of 18 dwelling units per acre (density greater than 8 DU/Ac. requires the submittal of a development plan). A variety of single- and multi-family housing types are permitted including duplexes, townhomes, and apartments. While RS-M 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.
D	Development Plan – the letter “D” following a zoning district indicates that a development plan has been included with a zoning map change request. This designation may be added to any zoning map change request to signify that a conceptual representation of the proposed site has been submitted that indicates how the proposed development could meet ordinance standards. Any significant change to the development plan would require a new zoning petition.

Table D2. District Requirements – RS-M			
	Code Provision	Required	Proposed
Maximum Density (DU/Ac.)	6.3.1.A.1	18*	12
Minimum Open Space (%)	6.3.1.A.1	18	24
Minimum Site Width (feet)	6.3.1.A.1	200	300
Maximum Height (feet)	6.3.1.A.1	35	35

*the Future Land Use Designation of Medium Density Residential (6-12 DU/Ac.) limits the site to 12 DU/Ac.

Table D3. Environmental Protection			
Resource Feature	UDO Provision	Required	Committed
Tree Coverage	8.3.1C	20% (2.03 acres)	20% (2.03)
Riparian Buffer (feet)	8.5.4.B	50	50

Table D4. Project Boundary Buffers			
Cardinal Direction	Adjacent Zone	Required Opacity	Proposed Opacity
North	RS-20	0.4/0.6	0.6 (22.5 feet, width if reduced and 15 feet location subject to offsite lease agreement)
East	RS-20	n/a (right-of-way greater than 60 feet)	n/a
South	RS-20	0.4/0.6	0.6 (22.5 feet, width if reduced)
West	RS-20	0.4/0.6	0.4 (20 feet)

Table D5. Summary of Development Plan		
Components	Description	Plan Sheet
Required Information	Intensity/Density. 12 DU/Ac., 114 units	Cover, D100
	Building/Parking Envelope has been appropriately identified.	D100
	Project Boundary Buffers have been shown.	D100
	Stream Crossing. None shown	N/A
	Access Points. Four (4) site access points have been identified.	D100
	Dedications and Reservations. See text commitments.	Cover
	Impervious Area. 60% (5.93 acres)	D100
	Environmental Features. Offsite stream, floodway fringe, and Natural Inventory.	D001, D100
	Areas for Preservation. See tree coverage.	N/A
Graphic Commitments	1. Location of four site access points 2. Location of tree coverage areas 3. Building and parking envelopes	D100
	Commitments from Z06-43 (PIN: 0800-04-81-3306) A1. Maximum number of dwelling units is 36. A2. Minimum open space area is 24%. A3. The area designated at the 15-501 Bottomlands and the FEMA 100-Year flood fringe area will be retained as permanent undisturbed open space except for any limited clearing related to a single utility crossing for storm and sanitary sewer access to the existing 40-foot sewer easement. Where cleared, these areas will be permanent open space. A4. Provide mulched or all weather pedestrian trail connecting development with 40-foot sewer easement prior to the first certificate of occupancy. A5. A gazebo and two benches will be provided in the usable open space prior to the first certificate of occupancy. A6. A three foot tall vegetated berm to be installed along Garrett Road frontage with 150 percent of the plant material required for a	Cover

Table D5. Summary of Development Plan		
	<p>0.4 opacity buffer and completed by the first certificate of occupancy.</p> <p>A7. No parking to be located within 25 feet of the Garrett Road public right-of-way.</p> <p>A8. Any required storm water quality detention pond will be built as either a wetland type pond or a bio-retention basin.</p> <p>A9. Dedication of 15-foot of public right-of-way along Garrett Road frontage.</p> <p>A10. Construction of left-turn lane, with an opposing left-turn lane and storage bay, at the site entrance on Garrett Road.</p> <p>A11. A bus stop shelter will be provided within 0.25 miles of the project frontage prior to the first certificate of occupancy and subject to DATA/TTA approval.</p> <p><u>Commitments from P01-35 (PIN: 0800-04-80-4975):</u></p> <p>B1. Maximum number of dwelling units is 96.</p> <p>B2. Signage: the entire development will have a uniform set of guidelines dictated by a master sign plan.</p> <p>B3. A minimum of ten (10) spaces for bicycle parking will be provided.</p>	
SIA Commitments	None Provided	N/A
Design Commitments (summary)	<p><u>For PIN: 0800-04-81-3306 (Z06-43)</u></p> <p><u>Architectural Style:</u> townhomes and other buildings will utilize traditional type construction and architectural elements.</p> <p><u>Rooflines:</u> hipped, gabled, and/or shed roofs, singly or in combination.</p> <p><u>Building Materials:</u> combination of two or more of the following: building offsets, roofline breaks and/or siding material variation.</p> <p><u>Context:</u> the proposed architecture will complement the neighboring properties so not to visually clash or detract from it. It will be a mix of brick and high quality siding material selected in colors and textures that provide a pleasing addition.</p> <p><u>For PIN 0800-04-80-4975 (P01-35)</u></p> <p><u>Architectural Style:</u> traditional</p> <p><u>Rooflines:</u> 6/12 pitched</p> <p><u>Building Materials:</u> brick, hardi-plank siding and trim, composite fiberglass shingles</p> <p><u>Architectural Features:</u> color scheme – reddish brown brick, beige or gray siding, white trim, charcoal gray roof shingles, window will be on all building faces, clear with a traditional design style.</p>	Cover

Appendix E: Adopted Plans Supporting Information

Table E. Adopted Plans	
Comprehensive Plan	
Policy	Requirement
Future Land Use Map	<p>Medium Density Residential (6-12 DU/Ac.): Land primarily used for a range of residential uses between six and twelve 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>
2.2.2a	Suburban Tier Development Focus: Ensure that the Suburban Tier has sufficient land to accommodate anticipated population growth and its attendant demands for housing, employment, and goods and services, including opportunities for affordable housing and recreation.
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.
2.3.1a	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.
7.1.6a and b	Development Review and the Natural Heritage Inventory. Review development proposals in relation to the Natural Heritage Inventory to preserve these sites and encourage new developments to avoid the site by using infill development, planned developments, cluster developments, conservation-by-design subdivisions, and other means.
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.
8.1.4c and d	Development Review and the Adopted Bicycle Plans: 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.
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.
Long Range Bicycle Plan	
Map 4-6 shows a proposed bicycle lane along Garrett Road as recommended condition.	

<i>New Hope Corridor Open Space Master Plan</i>
The goal of the New Hope Corridor Open Space Master Plan is to “preserve an open space corridor linking the Eno River State Park, the New Hope Creek Corps lands... for aesthetic, environmental, educational, and recreational purposes, and as a means of shaping the urban form of the area.”
<i>Durham County Inventory of Important Natural Areas, Plants, and Wildlife</i>
This site is within the New Hope Creek Corridor and portions of the site are within the mapped New Hope Creek Bottomland Forest Natural Area.

Attachments:

8. NCNHP Map
9. Applicant Biologic Opinion

Appendix F: Site Conditions and Context Supporting Information

Table F. Site Context			
	Existing Uses	Zoning Districts	Overlays
North	Single-family residential, place of worship	RS-20, OI(D)	N/A
East	Single-family residential, place of worship	RS-20	N/A
South	Single-family residential, vacant, commercial	RS-20, PDR 5.800	N/A
West	Vacant, open space	RS-20	N/A

Appendix G: Infrastructure Supporting Information

Table G1. Road Impacts	
Garrett Road is the major road impacted by the proposed zoning change. There are no scheduled NCDOT roadway improvement projects in the area.	
Affected Segments	Garrett Road
Current Roadway Capacity (LOS D) (AADT)	13,300
Latest Traffic Volume (AADT)	11,000
Traffic Generated by Present Designation (average 24 hour)*	923
Traffic Generated by Proposed Designation (average 24 hour)**	814
Impact of Proposed Designation	-109

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

Garrett Road: 2-lane undivided city/county class II arterial with left-turn lanes

Source of Latest Traffic Volume: 2013 NCDOT Traffic Count Map

*Assumption (Max Use of Existing Zone) – 132 apartments

**Assumption (Max Use of Proposed Zoning) – 114 apartments

Table G2. Transit Impacts
Transit service currently provided along Garrett Road adjacent to this site via DATA Route #10A.

Table G3. Utility Impacts
This site is 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 24 students if developed at the maximum residential capacity. This represents a decrease of four students over the existing zoning. Durham Public Schools serving the site are Creekside Elementary School, Githens Middle School, and Rogers-Herr High School.			
Students	Elementary School	Middle School	High School
Current Building Capacity	16,794	7,760	10,259
Maximum Building Capacity (110% of Building Capacity)	18,473	8,536	11,285
20th Day Attendance (2014-15 School Year)	16,545	7,465	10,074
Committed to Date (April 2012 – March 2015)	123	51	13
Available Capacity	1,805	1,020	1,198
Potential Students Generated – Current Zoning*	16	6	6
Potential Students Generated – Proposed Zoning**	14	5	5
Impact of Proposed Zoning	-2	-1	-1

*Assumption (Max Use of Existing Zone) – 132 apartments

**Assumption (Max Use of Proposed Zoning) – 114 apartments

Table G6. Water Supply Impacts	
This site is estimated to generate a total of 13,110 GPD if developed to its maximum potential with the proposed zoning district. This represents a decrease of 2,070 GPD over the existing zoning district.	
Current Water Supply Capacity	37.00 MGD
Present Usage	21.52 MGD
Approved Zoning Map Changes (April 2012 – March 2015)	0.31 MGD
Available Capacity	15.17 MGD
Estimated Water Demand Under Present Zoning*	15,180 GPD
Potential Water Demand Under Proposed Zoning**	13,110 GPD
Potential Impact of Zoning Map Change	-2,070

Notes: MGD = Million gallons per day

*Assumption (Max Use of Existing Zone) – 132 apartments

**Assumption (Max Use of Proposed Zoning) – 114 apartments

Appendix K: Summary of Planning Commission Meeting

Attachments:

10. Planning Commissioner’s Written Comments
11. Ordinance Form
12. Consistency Statement