



CITY OF DURHAM | DURHAM COUNTY
NORTH CAROLINA



ZONING MAP CHANGE REPORT

Meeting Date: August 3, 2015

Table A. Summary			
Application Summary			
Case Number	Z1400026	Jurisdiction	City
Applicant	Tony M. Tate Landscape Architecture, PA	Submittal Date	September 22, 2014
Reference Name	Belgreen Road	Site Acreage	23.80
Location	823 Belgreen Road, at the eastern terminus of Belgreen Road at Silver Star Drive		
PIN(s)	0729-04-85-7186, -95-1019, -6240		
Request			
Proposed Zoning	Planned Development Residential 4.010 (PDR 4.010)	Proposal	95 single-family lots
Site Characteristics			
Development Tier	Suburban Tier		
Land Use Designation	Low-Medium Density Residential (4 – 8 DU/Ac.)		
Existing Zoning	Residential Suburban - 20 (RS-20)		
Existing Use	Vacant		
Overlay	None	Drainage Basin	Jordan Lake
River Basin	Cape Fear	Stream Basin	Northeast 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	Denial, 8-3 on June 9, 2014. The Planning Commission finds that the ordinance request is consistent with the adopted <i>Comprehensive Plan</i> . However, the Planning Commission believes the request is not reasonable nor in the public interest and recommends denial based on comments received at the public hearing, information in the staff report, problems with traffic congestion, inadequate transportation infrastructure and opposition from the community.		
DOST	No comments.		
BPAC	See Attachment 7.		

A. Summary

This is a request to change the zoning designation of three parcels totaling 23.80 acres of from RS-20 to PDR 4.010 for a single-family residential development of 95 units. The site is

located at 823, 825, and 831 Belgreen Road, at the eastern terminus of Belgreen Road at Silver Star Drive (see Attachment 1, Context Map). This request is consistent with the future land use designation of the *Comprehensive Plan* and applicable policies and ordinances.

Appendix A provides supporting information.

B. Site History

One of the parcels in this request, 831 Belgreen Road was part of zoning map change case number Z06-44, which also included 826 Belgreen Road. The request was for Planned Development Residential 4.140 (PDR 4.140) for 95 lots. This case was administratively withdrawn on December 29, 2007 for failure to resubmit materials in a timely manner.

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. A text commitment has been proffered to commit to requirements in excess of ordinance standards which limits the development on the site to single-family houses and accessory uses.

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

Determination. The requested PDR 4.010 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 zoning district and associated development plan is consistent with the Future Land Use Map of the *Comprehensive Plan* which designates the site as Low-Medium Density Residential (4-8 DU/Ac.).

F. Site Conditions and Context

Site Conditions. The 23.80-acre site is comprised of three parcels at 823, 825, and 831 Belgreen Road. The site has a 50-foot gas easement running diagonal from the northwestern site boundary to the eastern site boundary. The two western parcels, 823 and 825 Belgreen Road, are mostly forested; according to aerial photography 831 Belgreen Road was timbered between 2007 and 2008 and is now covered with a mix of young growth pine and hardwoods.

Area Characteristics. This site is in the Suburban Tier, located between a light industrial park and apartments to the north and residential neighborhoods to the south and east.

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

Determination. The proposed PDR 4.010 district meets the ordinance and policy requirements in relation to site and context and is a reasonable request given that the development would have access to, and required to be connected to, the street network associated with Belgreen Road and Silver Star Road which are predominantly residential; a place of worship is immediately south of the site opposite 825 Belgreen Road.

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 529 daily trips, increase the students generated from the proposed use by 19 students, and increase the estimated water demand of the site by

8,215 gallons per day. The existing infrastructure has available capacity to meet these increases.

Present Transportation Infrastructure. Fayetteville Road is presently operating over capacity (at 119.50% level of service). Although, the trip distribution of the proposed traffic has not been analyzed because a Traffic Impact Analysis was not required, if we estimate 50% of the proposed trips to be assigned to exit west on to Belgreen Road to Fayetteville Road, the level of service would be 122.65% capacity. However, this request does not violate *Comprehensive Plan* policy 8.1.2.j, requiring staff to recommend denial if the site were adjacent to a road operating overcapacity, because the site is not adjacent to Fayetteville Road. A City of Durham Capital Improvement Program (CIP) project to widen Fayetteville Road at this section would result in a capacity of 54.47% if the subject zoning map change were approved, assuming a 50% distribution.

H. Staff Analysis

Should the plan amendment be approved, this request would be consistent with the *Comprehensive Plan* and other polices and ordinances. If the requested PDR 4.010 zoning designation is 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: Pamela Porter, Tony M. Tate Landscape Architecture, PA	Ph: 919-484-8880	pam@tmtla.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
- Northeast Creek StreamWatch
- Partners Against Crime – District 4
- Fayetteville Street Planning Group
- Friends of Durham
- Unity in the Community for Progress

K. Summary of Planning Commission Meeting June 9, 2015 (Case Z1400026)

Zoning Map Change Request: RS-20 to PDR 4.010

Staff Report: Ms. Smith presented the staff report.

Public Hearing: Chair Harris opened the public hearing. Bill Ripley and Tony Tate spoke in favor and Debra Morgan and Pamela Oxendine spoke against. Chair Harris closed the public hearing.

Commission Discussion: Discussion centered on traffic concerns, density, sidewalks and the types of homes being built.

Motion: Approve Z1400026. (Miller, Huff 2nd)

Action: Motion failed 3-8. (Buzby, Davis, Freeman, Huff, Hollingsworth, Hyman, Miller, Winders voting no)

Findings: The Planning Commission finds that the ordinance request is consistent with the adopted *Comprehensive Plan*. However, the Planning Commission believes the request is not reasonable nor in the public interest and recommends denial based on comments received at the public hearing, information in the staff report, problems with traffic congestion, inadequate transportation infrastructure and opposition from the community.

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. 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 Table D3: Environmental Protection Table D4: Project Boundary Buffers Table D5: Summary of Development Plan

Table K. Supporting Information		
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: 8. Planning Commissioner's Written Comments 9. Ordinance Form 10. Consistency Statement

Appendix A: Application Supporting Information

Attachments:

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

Appendix D: Unified Development Plan Supporting Information

Table D1. UDO Designation Intent	
PDR	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.

Table D2. District Requirements – PDR			
	Code Provision	Required	Committed
Minimum Site Area (acres)	6.11.3.B.1	4	23.80
Residential Density (maximum)	6.11.3.C	Specified on plan	4.010 (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% (4.76 acres)	20% (4.76 acres)

Table D4. Project Boundary Buffers			
Cardinal Direction	Adjacent Zone	Required Opacity	Proposed Opacity
North	IL	0.2/0.8	0.3 (10 feet)*
	RS-M(D)	0.2/0.6	(5 feet)*
East	PDR 7.120	0/0	N/A
South	RS-20	0/0	N/A
West	RS-20	0/0	N/A

*A landscaped buffer is provided on adjacent property. Therefore the applicant, pursuant to UDO 9.4.3.B.3, has identified the commitment to provide the difference of the total required opacity between the two projects.

Table D5. Summary of Development Plan		
Components	Description	Development Plan Sheet
Required Information	Intensity/Density. 95 residential units = 4.010 DU/Ac.	D-2
	Building/Parking Envelope is not required for single-family development.	D-2
	Project Boundary Buffers are appropriately shown	D-2
	Stream Crossing. There are no streams on site.	D-2
	Access Points. Two (2) access points have been identified.	D-2
	Dedications and Reservations. None.	N/A
	Impervious Area. 39.5% = 9.401 acres	D-2
	Environmental Features. None.	N/A
	Areas for Preservation. Tree preservation areas.	D-2
	Tree Coverage. 20% (4.76 acres) as shown.	D-2
Graphic Commitments	Location of tree preservation areas. Location of access points.	D-2
Text Commitments	1. Development shall be limited to single family houses 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	Low-Medium Density Residential (4-8 DU/Ac.): 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.
2.2.2b	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.
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	Service facility, multifamily residential, vacant	IL, RS-M(D)	N/A
East	Single- and multi-family residential	PDR 7.120	N/A
South	Place of worship, vacant	RS-20	N/A
West	Single-family residential, vacant	RS-20	N/A

Appendix G: Infrastructure Supporting Information

Table G1. Road Impacts		
Fayetteville Road is the major road impacted by the proposed zoning change. There is a City of Durham Capital Improvement Program (CIP) Project to widen Fayetteville Road from Riddle Road to Barbee Road to a four-lane divided roadway. With the proposed roadway widening the connection of Belgreen Road to Fayetteville Road will be limited to right-in/right-out access. There are no scheduled NCDOT roadway improvement projects in the area.		
Affected Segments		Fayetteville Road
Current Roadway Capacity (LOS D) (AADT)		15,900
Latest Traffic Volume (AADT)		19,000
Roadway Capacity (LOS D) (AADT)- with CIP		35,800
Traffic Generated by Present Designation (average 24 hour)*		473
Traffic Generated by Proposed Designation (average 24 hour)**		1,002
Impact of Proposed Designation		+529

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

Fayetteville Road: 2-lane undivided city/county class I arterial with left-turn lanes

Fayetteville Road: 4-lane divided city/county class I arterial with left-turn lanes

Source of Latest Traffic Volume: 2013 NCDOT Traffic Count Map

*Assumption (Max Use of Existing Zone) – 42 single-family lots

**Assumption (Max Use of Proposed Zoning) – 95 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 public 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 33 students. This represents an increase of 19 students from the existing zoning. Durham Public Schools serving the site are Parkwood Elementary School, Lowes Grove Middle School, and Hillside 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 (October 2011 – September 2014)	68	19	-35
Available Capacity	1,860	1,052	1,246
Potential Students Generated – Current Zoning Durham County*	6	3	5
Potential Students Generated – Proposed Zoning Durham County**	14	8	11
Impact of Proposed Zoning	+8	+5	+6

*Assumption (Max Use of Existing Zone) – 42 single-family lots

**Assumption (Max Use of Proposed Zoning) – 95 single-family lots

Table G6. Water Supply Impacts	
This site is estimated to generate a total of 14,725 GPD if developed to its maximum potential with the proposed zoning district. This represents an increase of 8,215 GPD over the existing zoning district.	
Current Water Supply Capacity	37.00 MGD
Present Usage	27.17 MGD
Approved Zoning Map Changes (October 2011 – September 2014)	0.13 MGD
Available Capacity	9.70 MGD
Estimated Water Demand Under Present Zoning*	6,510 GPD
Potential Water Demand Under Proposed Zoning**	14,725 GPD
Potential Impact of Zoning Map Change	+8,215

Notes: MGD = Million gallons per day

*Assumption (Max Use of Existing Zone) – 42 single-family lots

**Assumption (Max Use of Proposed Zoning) – 95 single-family lots

Appendix K: Summary of Planning Commission Meeting

Attachments:

8. Planning Commissioner's Written Comments
9. Ordinance Form
10. Consistency Statement