



CITY OF DURHAM | DURHAM COUNTY
NORTH CAROLINA



ZONING MAP CHANGE REPORT

Meeting Date: April 4, 2016

Table A. Summary			
Application Summary			
Case Number	Z1500020	Jurisdiction	City
Applicant	Coulter Jewell Thames, PA	Submittal Date	May 26,2015
Reference Name	Rose Walk Club Boulevard	Site Acreage	5.59
Location	708 and 710 West Club Boulevard; between North Duke Street and Ruffin Street		
PIN(s)	0822-12-85-3198, -4158, -4532, -4738, -2758, -1619, -2448		
Request			
Proposed Zoning	Planned Development Residential 10.800 (PDR 10.800)	Proposal	Future Residential Development
Site Characteristics			
Development Tier	Urban		
Land Use Designation	Medium Density Residential (6 – 12 DU/Ac.)		
Existing Zoning	Residential Urban - 5 (RU-5), Residential Urban – 5(2) (RU-5(2))		
Existing Use	Vacant, Residential Single Family		
Overlay	None	Drainage Basin	Falls Lake
River Basin	Neuse	Stream Basin	Ellerbe 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	Approved, 11-0 on November 10, 2015. 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	See Attachment 7.		

A. Summary

This is a request to change the zoning designation of seven parcels and an unimproved right-of-way (Sally Street) totaling 5.59 acres from RU-5 and RU-5(2) to PDR 10.800 for a future residential development. A petition to close the existing unimproved right-of-way

(Sally Street) has been filed and approved. The site is located at 708, 710, 714, 800, 804 West Club Boulevard, 1400 Woodland Drive, and 1624 North Duke Street between North Duke Street and Ruffin Street (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

There have been no recent development applications on this site.

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 practices, 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. Text commitments have been proffered that commit to requirements in excess of ordinance standards. The proffered commitments will require that: the existing right-of-way for Sally Street internal to the project must be legally closed, a mix of housing types will be provided, a community green space will be provided, a buffer along the northern property will be provided, and the existing right of way for Hildreth Street adjacent to the site must be legally closed.

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

Design Commitments. Design commitments have been provided for any multifamily residential buildings.

Determination. The requested PDR 10.800 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 Medium Density Residential (6 – 12 DU/Ac.).

F. Site Conditions and Context

Site Conditions. The 5.59-acre site is comprised of seven parcels and an unimproved right of way. The site is heavily forested and elevation changes greatly across the parcel. Most of the project area is vacant however, there are single family homes currently located at 708 and 710 Club Boulevard.

Area Characteristics. This site is in the Urban Tier and is completely surrounded on all sides by residential homes, except on the South West where a church is located and on the north side where I-85 is located.

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

Determination. The proposed PDR 10.800 district meets the ordinance and policy requirements in relation to site and context.

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 163 daily trips, increase the students generated from the proposed use by 5 students, and increase the estimated water demand of the site by

2,480 gallons per day. The existing infrastructure has available capacity to meet these increases.

H. Staff Analysis

This request is consistent with the *Comprehensive Plan* and other policies and ordinances. If the requested PDR 10.800 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		
Kyle Taylor, Planner	Ph: 919-560-4137, ext. 28250	Kyle.Taylor@DurhamNC.gov
Applicant Contact		
Andrew Porter, RLA/ Coulter Jewell Thames, PA	Ph: 919-682-0368	andrew.porter@jcitpa.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
- Partners Against Crime – District 4
- Fayetteville Street Planning Group
- Friends of Durham
- Unity in the Community for Progress
- Ellerbee Creek Watershed Association

K. Summary of Planning Commission Meeting November 10, 2015 (Case Z1500020)

Zoning Map Change Request: Rose Walk Club Blvd. (Z1500020) 708 and 710 West Club Blvd. between North Duke Street and Ruffin Street. Request: Residential Urban -5 (RU-5), Residential Urban – 5(2) (RU-5(2)) to Planned Development Residential 10.800 PINs: 0822-12-85-3198, -4158, -4532, -4738, -2758, -1619, -2448.

Staff Reports: Mr. Taylor presented case Z1500020.

Public Hearing: Chair Harris opened the public hearing. Four citizens spoke in support and Two citizens spoke against this project. Chair Harris closed the public hearing.

Commission Discussion: The discussion centered on drainage, access and noise buffers.

MOTION: To recommend approval, provided that the Development Plan contain Committed Elements that include the chart diversity of housing opportunities (provided below), that the developers provide a committed element concerning noise mitigation along the property boundary with I-85, and that a committed element be added that includes shared common green space with access to a significant share of housing units.

Diversity of Housing Opportunities

- Row houses / Townhouses - 4 min. 6 anticipated 8 max.
- Cottages - 18 min. 27 anticipated 36 max.
- Single Family - 18 min. 27 anticipated 36 max.
- Flex Rental - 8 min. 10 anticipated 12 max.

Total 70 dwelling units which includes 10 from anticipated density bonus for affordable housing (Miller, Freeman 2nd)

ACTION: Carried, 11-0.

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 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
Appendix E	Adopted Plans	Table E: Adopted Plans
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: 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	5.59
Residential Density (maximum)	6.11.3.C	Specified on plan	10.800 (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	8.3.1.C.4.B	3% (7,311 square feet)	3% (7,311 square feet)

Table D4. Project Boundary Buffers			
Cardinal Direction	Adjacent Zone	Required Opacity	Proposed Opacity
North	RU-5	0/0	N/A
East	RU-5	0/0	N/A
	RU-5(2)	0/0	N/A
South	RU-5(2)	0/0	N/A
West	RU-5(2)	0/0	N/A

Table D5. Summary of Development Plan		
Components	Description	Development Plan Sheet
Required Information	Intensity/Density. 60.37 residential units = 10.80 DU/Ac.	D-1
	Building/Parking Envelope is appropriately identified.	D-1
	Project Boundary Buffers are not required for this development.	D-1
	Stream Crossing. There are no streams on site.	D-1
	Access Points. Two (2) access points have been identified.	D-1
	Dedications and Reservations. None.	N/A
	Impervious Area. 100% = 5.59 acres	D-2
	Environmental Features. None.	N/A
	Areas for Preservation. Tree preservation areas.	D-2
	Tree Coverage. 3% (7311 square feet) as shown.	D-2
Graphic Commitments	Location of tree preservation areas.	D-2
	Location of access points.	

<p>Text Commitments</p>	<p><u>Committed Element #1</u> The existing right-of-way for Sally Street internal to the project must be legally closed prior to approval of the first preliminary plat or final plat.</p> <p><u>Committed Element #2</u> There shall be a mix of Housing types as follows: Townhouses (as defined in UDO 7.1.8) no fewer than 8, no more than 20 Single-Family (detached units of less than 1,350 sf floor area and a maximum bldg. height of 40') no fewer than 18, no more than 36 Single Family (detached units greater than 1,350 sf Floor area) no fewer than 18, no more than 36</p> <p>The minimums shown above shall be reduced pro-rata if the total units do not total at least 60.</p> <p>The maximum density for this project shall be 60 dwelling units. However, the affordable housing bonus set forth in UDO Section 6.6 may be utilized to raise the maximum density up to 70 dwelling units.</p> <p><u>Committed Element #3</u> More than 50% of the primary dwelling units shall be oriented to and have direct access to a shared community green space. For the purposes of this development plan, "Shared Community Green Space" shall mean an open space that is not smaller than 2,000 sq. ft. in area. A shared community green space shall not include street rights of way, driveways, parking areas, required side, rear, or street yards, or required buffers or setbacks. A shared community green space shall not be narrower than 25' in width.</p> <p><u>Committed Element #4</u> A vegetated buffer of at least 25' width along the northern property consisting of 10 evergreen trees per each 100' of buffer length and 20 large evergreen shrubs (12' min. at maturity) per each 100' of buffer length. Or as an alternate, a vegetated buffer of at least 25' width along the northern property consisting of 10 evergreen trees per each 100' of buffer length and a 12' brick faced or stucco faced wall along that frontage.</p> <p><u>Committed Element #5</u> Internal streets may be public or private.</p> <p><u>Committed Element #6</u> Prior to issuance of any building permits, the existing right-of-way for Hildreth street adjacent to the site must be legally closed.</p>	<p>Cover</p>
<p>SIA Commitments</p>	<p>None provided</p>	<p>N/A</p>

Appendix E: Adopted Plans Supporting Information

Table E. Adopted Plans	
<i>Comprehensive Plan</i>	
Policy	Requirement
Future Land Use Map	Medium Density Residential (6-12 DU/Ac.): Land used primarily for residential uses. Urban Tier: Generally, land developed with small lot sizes in traditional grid patterns and differing uses in proximity to one another with access to urban services and provides opportunities for infill and redevelopment.
2.2.3a	Urban Tier Development Focus. Ensure that new development enhances the street level experience by requiring that development within the Urban Tier have an urban form with small lot sizes and proximity of uses.
2.2.3b	Urban Tier Land Uses: Land uses that shall be allowed include Recreation and Open Space, Residential, Institutional, Commercial, Office, 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.
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.
8.1.2h	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 propose 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	Right-of-way	RU-5	N/A
East	Single-and multi- family residential	RU-5, RU-5(2)	N/A
South	Single- and multi-family residential	RU-5, RU-5(2)	Trinity
West	Single-and multi-family residential, Church, Bank, Hotel, vacant	RU-5(2),RS-8(D),CN(D),CC(D)	N/A

Appendix G: Infrastructure Supporting Information

Table G1. Road Impacts		
W. Club Boulevard is the major road impacted by the proposed zoning change. There are no scheduled NCDOT roadway improvement projects in the area.		
Affected Segments		W. Club Boulevard
Current Roadway Capacity (LOS D) (AADT)		21,900
Latest Traffic Volume (AADT)		11,000
Roadway Capacity (LOS D) (AADT)- with CIP		N/A
Traffic Generated by Present Designation (average 24 hour)*		*493
Traffic Generated by Proposed Designation (average 24 hour)**		**656
Impact of Proposed Designation		+163

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

W. Club Boulevard: 4-lane undivided city/county Class II arterial without left-turn lanes

Source of Latest Traffic Volume: 2013 NCDOT Traffic Count Map

***Assumption-** (Max Use of Existing Zoning) – RU-5 and RU-5(2): 44 single-family lots

****Assumption-** (Max Use of Proposed Zoning) – PDR 10.800: 60 single-family lot

Table G2. Transit Impacts
Transit service is provided within one-quarter mile of the site along W. Club Boulevard (west of N. Duke Street) and N. Duke Street (south of West Club Boulevard) via GoDurham Routes 1, 1A, and 1B.

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 21 students. This represents an increase of 5 students from the existing zoning. Durham Public Schools serving the site are Glenn Elementary School, Brogden Middle School, and Riverside 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 (July 2012 – June 2015)	185	83	59
Available Capacity	1743	988	1152
Potential Students Generated – Current Zoning Durham County*	7	4	5
Potential Students Generated – Proposed Zoning Durham County**	9	5	7
Impact of Proposed Zoning	+2	+1	+2

*Assumption (Max Use of Existing Zone) – 44 single-family lots

**Assumption (Max Use of Proposed Zoning) – 60 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	30.85 MGD
Approved Zoning Map Changes (October 2011 – September 2014)	0.47 MGD
Available Capacity	5.68 MGD
Estimated Water Demand Under Present Zoning*	6,820 GPD
Potential Water Demand Under Proposed Zoning**	9,300 GPD
Potential Impact of Zoning Map Change	+2,480

Notes: MGD = Million gallons per day

*Assumption (Max Use of Existing Zone) – 44 single-family lots

**Assumption (Max Use of Proposed Zoning) – 60 single-family lots

Appendix K: Summary of Planning Commission Meeting

Attachments:

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