



Minor Special Use Permit Report

Meeting Date: February 27, 2007

Reference Name	Davis Park Wall Height (B07-06)	Jurisdiction	City and County
Request	A minor special use permit to permit walls six and eight feet in height.		
Site Characteristics	Tier	Compact Neighborhood	
	Zoning District	RU-M(D), CC(D), OI(D)	
	Overlays	None	
	Site Acreage	148.12 (overall development site)	
Applicant	TMC Associates	Submittal Date	December 27, 2006
Location	Multiple properties within the Davis Park development, located on the east and west sides of Davis Drive, north of the intersection of Hopson Road and Davis Drive		
PINs	0747-03-25-0667, -15-6031, -24-7670, -14-2755, -05-0182, -04-2490, -04-7858, -01-06-0079, 0746-04-94-7412		
Recommendations	Staff	Approval, based on technical conformance with Ordinance requirements. Staff will make a final recommendation following the hearing.	
	Development Review Board	None.	

A. Summary

TMC Associates requests a minor special use permit to construct walls up to eight feet in height along the frontage of roads within the Davis Park development at the locations indicated on Attachment #2, Master Site Sheet. Eight foot high walls are requested along Davis Drive and Hopson Road, and six foot high walls are requested for the Merion section of Davis Park, located internally to the overall development. The higher walls are intended to be used as support for signs. In Section 9.9 of the UDO, walls to be located along street frontage are limited to four feet in height, but may be up to eight feet with an approved minor special use permit.

A common signage plan (CS06-20), which included the Davis Park entry signage and Merrion subdivision entry signage, was approved with four foot walls and the stipulation that walls up to eight feet could be permitted subject to the Board of Adjustment granting a minor special use permit. The applicant requests eight foot walls for Davis Park entry signs, indicated as A1 and A2 on the attached site sheet, and six foot walls for Merrion entry signs, indicated as B2 on the attached site sheet.

A site plan for the Southern Oaks portion of Davis Park has been approved without indication of signage locations, and a site plan for the Finsbury portion is currently under review. Site plans for the remaining portions, such as Merrion, will be required.

B. Section 3.9.8: Criteria for Approval

1. Section 3.9.8A General Findings

Applications for minor special use permits shall be approved only if the Board of Adjustment finds that the use as proposed, or the use as proposed with conditions, is:

1. In harmony with the area and not substantially injurious to the value of properties in the general vicinity;
2. In conformance with all special requirements applicable to the use;
3. Will not adversely affect the health or safety of the public; and
4. Will adequately address the review factors identified below.

If the Board of Adjustment fails to find conformance with the conditions listed above, or makes findings which are inconsistent with those conditions listed above, then the proposed permit must be denied.

2. Section 3.9.8B Review Factors

Section 3.9.8B requires consideration of the review factors shown in the table below:

Review Factors			
		Response	Consistent with Ordinance Requirements
1.	Circulation	The proposed height of the walls is not anticipated to inhibit any vehicle or pedestrian circulation or access to the proposed developments.	Yes
2.	Parking and Loading	The proposed wall height is not anticipated to negatively impact proposed parking and loading areas.	Yes
3.	Service Entrances and Areas	The proposed wall heights are not anticipated to negatively impact access to refuse and service areas.	Yes
4.	Lighting	The approved common signage plan indicates signs mounted on the proposed walls to be illuminated by landscape lighting. No glare is anticipated.	Yes
5.	Signs	Signs are proposed to be mounted on the walls as shown on the approved common signage plan.	Yes
6.	Utilities	No additional utility service is required for the increase in height. The increase in height is not significant enough to adversely impact utility service in the area.	Yes
7.	Open Spaces	No open space is required. Walls are permitted within required yards and the construction of the walls will not impact preserved/existing trees or other natural features.	Yes
8.	Environmental Protection	Walls cannot be located within any tree preservation areas or buffers required for any environmental resource feature. No impact is anticipated within any floodplains, inventory sites, steep slopes or other regulated environmental features. The site is not within any watershed overlay district.	Yes
9.	Screening, Buffering, and Landscaping	No additional landscaping or screening is required with additional wall height.	Yes
10.	Effect on Adjacent Property	No negative impact on adjacent properties is anticipated as a result of the increase in height. The increase in height is proposed to create entry markers (Davis Park) or is located internal to the project.	Yes

11.	Compatibility	Walls at the proposed height have been incorporated into the design of the Davis Park development. All other nearby properties are either vacant, office buildings, or single-family residential. The proposed walls will have signage mounted on them for either identification of the Davis Park development (eight foot walls) or for internal identification of sections of Davis Park (six foot walls).	Yes
12.	Other Factors	Section 9.9.1D contains additional findings required in order to issue a minor special use permit for additional wall height.	Yes

3. Section 9.9.1D Findings for Additional Wall or Fence Height

The Board of Adjustment must also make the findings described below to issue a special use permit for walls or fences up to eight feet in height. In addition to considering these factors, conditions may be specified to protect the welfare of the neighborhood and adjacent properties.

1. That the fence or wall does not impede the natural light from reaching the subject or surrounding properties to their detriment.

Given their location adjoining roads, the increased height of the walls is not anticipated to block sunlight to the detriment of the Davis Park development or surrounding properties.

2. That normal circulation of air is not unreasonably impeded by the fence or wall for the subject or surrounding properties.

The increased height of the walls is not anticipated to impede air circulation for the Davis Park development or surrounding properties, given that the locations proposed are shown adjoining roads and not anticipated to be situated adjacent to structures.

3. That the fence or wall will not hinder access to the subject or surrounding properties for emergency services.

The increased height of the walls will not impede access for emergency vehicles for the Davis Park development or surrounding properties.

4. That the fence or wall shall be reasonably compatible with the surrounding properties in that it will not adversely affect property values.

The proposed walls were designed in conjunction with the remainder of the Davis Park height. With the increased height, the walls should be compatible with surrounding properties, which are primarily office buildings with a few single-family residences also nearby.

5. That vision clearances for pedestrian and vehicular traffic will not be impeded.

The proposed walls will be located outside of site distance triangles and are intended to act as support for entry signage for the development.

C. Notification

Staff certifies that newspaper advertisements, letters to property owners within 300 feet of the site and the posting of a 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:

- Research Triangle Park
- TTA Station Sites
- Inter-Neighborhood Council (INC)
- Partners Against Crime - District 4
- Northeast Creek StreamWatch
- Center of the Region Enterprise (CORE)
- Durham Peoples Alliance
- Durham Justice and Fairness Inter-Neighborhood Association

D. Staff Contact

Michael Stock, Senior Planner, 560-4137 ext.227, or michael.stock@durhamnc.gov

E. Attachments




1. Application
2. Master site sheet
3. Applicant's supporting documents
4. Context/vicinity map
5. Aerial photo
6. Photos

CONTEXT MAP: B07-06

A minor special use permit
to allow increased wall height

LOCATION : North of the intersection of
Davis Dr. and Hopson Rd.
PIN # : 0747-03-25-0667 et al
ZONED : RU-M(D), CC(D), OI(D)
JURISDICTION: County
OVERLAYS : N/A

-  Case Area
-  Parcel Lines
-  Streams
-  Wetlands
-  Water
-  Corps Land
-  Urban Growth Area
-  Floodplain
-  Zoning
-  County Line
-  County Jurisdiction

Durham City/County Planning Department
1/3/2007

