



CITY OF DURHAM | DURHAM COUNTY
NORTH CAROLINA



Zoning Map Change Report

Meeting Date: May 13, 2008

This request was continued from the April 8, 2008 Planning Commission meeting. Changes to the staff report are shown with additional language underlined and deleted language ~~stricken~~.

Reference Name	Egypt Property (Z06-26)		Jurisdiction	County
Request	Proposed Zoning	Planned District Residential - 3.000 (PDR 3.000)		
	Existing Zoning	Residential Rural (RR)		
	Proposed Use	413 single-family lots and 150 multifamily units		
	Existing Use	Undeveloped land, one single family dwelling and accessory buildings		
Site Characteristics	Tier	Suburban		
	Land Use Designation	Low Density Residential (4 DU/Ac or less)		
	Overlays	Falls/Jordan-B (F/J-B)		
	Site Acreage	208.41		
Applicant	Horvath Associates	Submittal Date	March 13, 2006	
Location	East and west side of Olive Branch Road, south of NC 98, north of Leesville Road and east of Doc Nichols Road			
PINs	0860-02-51-6826			
Recommendations/ Comments	Staff	Approval, based on consistency with the <i>Comprehensive Plan</i> and considering the information contained in this report.		
	Planning Commission			
	DOST	Approval with recommendations (See Attachment 7)		

A. Summary

The request is to change the zoning on 208.41 acres from RR to PDR 3.000 for a residential project with 563 units, comprised of 413 single-family lots and 150 multi-family units. Phase 1 of this project is comprised of 350 single family lots and 100 multifamily units and Phase 2 is 63 single family lots and 50 multifamily lots.

The site is mostly undeveloped but has one single family house and accessory buildings that will be demolished and has significant environmentally sensitive features, including several intermittent and perennial streams, wetlands and some steep slopes along the streams. The site is adjacent to the Sierra Subdivision

(formerly Sauternes) which was approved by the BOC in July 2006. The remaining area is surrounded by other large undeveloped tracts of land with similar features of streams and wetlands.

Water and sewer facilities would be extended from the adjacent Sierra Subdivision project to service this project. Tree coverage and open space are proposed to protect sensitive environmental features. Additional right-of-way would be dedicated and improvements constructed to Olive Branch Road. An additional 60 foot right-of-way will be reserved on the northeastern portion of the site for a potential future thoroughfare connection. There is a 300 foot wildlife easement provided on the northwestern portion of the site. This 300 foot easement is measured from the top of the stream bank on each side of the stream and is provided to support wildlife movement and habitat and was requested by the Durham Open Space and Trails Commission.

A development plan is provided with this zoning map change request. Any significant change in the development plan will require a new zoning petition for the property. The development plan submitted with this zoning map change includes the following committed elements:

Development Plan Committed Elements
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| <ol style="list-style-type: none">1. All single family lot sizes to be a minimum of 6,500 square feet.2. A recreational swim club facility located in Phase 1 of the Sierra Subdivision, at the intersection of Atlas Drive and Athena Drive will be shared with this Egypt Property Subdivision. This swim club facility will be constructed with Phase 1 of the Sierra Project and prior to final plat of Phase 2 of the Egypt property.3. A 300 foot wildlife corridor will be provided on the first final plat of this project from top of stream bank along northern property line east of Olive Branch Road as shown on sheet D002. The area is within the LK2 Middle Lick Creek Bottomland study. This corridor will remain undisturbed open space with the exception of any utility needs for the development.4. Provide a road re-alignment along a 2600 linear foot stretch of Olive Branch Road located between POD 2 & 3 and a portion of POD 1 adjacent to multi-family units and will be constructed during phase 2.5. Construct a northbound left turn lane with adequate storage and appropriate taper on Olive Branch Road at Road 1.6. Construct a Southbound right turn lane with adequate storage and taper on Olive Branch Road at Road 1.7. Construct a northbound left turn lane with adequate storage and appropriate taper on Olive Branch Road at the site entrance to Pod 2.8. Construct a southbound left turn lane with adequate storage and taper on Olive Branch Road at the site entrance to Pod 3.9. Construct a northbound right turn lane with adequate storage and appropriate taper on Olive Branch Road at the site entrance to Pod 3.10. An additional 25 feet (or 55 feet from existing centerline) of right-of-way will be dedicated along the Olive Branch Road for the frontage of the site. |
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B. Site History

There have been no recent zoning map change requests for this site. The site is adjacent to the recently approved Sierra (formerly Sauternes) Subdivision.

C. Area Characteristics

This site is located on the east and west side of Olive Branch Road, south of NC 98, north of Leesville Road and east of Doc Nichols Road, and in the Suburban Tier. Uses in the area consist of single family residential, agricultural and undeveloped land; zoning is RR and PDR 3.000.

Adjoining Uses, Zoning Districts and Overlays			
	Existing Uses	Zoning Districts	Overlays
North	Single family residential, undeveloped land	RR	F/J-B
East	Single family residential, undeveloped land	RR	F/J-B
South	Single family residential, undeveloped land	RR	F/J-B
West	Single family residential, undeveloped land	PDR 3.000	F/J-B

Staff Analysis and Conclusion. The subject property is in an area that is rapidly transitioning from rural to suburban uses. The development plan illustrates how the proposed development will be designed to protect environmental features through open space, buffers and easements. The proposed site layout indicates access being provided via a new collector street with medians being extended from the adjacent Sierra Subdivision and other road connections from Sierra Subdivision. Multi-family townhomes are proposed in the northern portion of the site. The potential future road stub outs shown in this area are for future expansion of this project with single family lots and other possible civic or institutional uses. The proposed zoning is consistent with the approved zoning and development trends in the area.

D. Site Characteristics

The zoning map change site consists of 208.41 acres that consists of single family residential, agricultural and undeveloped land. The property is covered with a mix of soft- and hard-wood trees and some areas of agricultural uses. There are several intermittent and perennial streams, wetlands and some steep slopes along the streams. There is a 300 foot wildlife easement boundary provided on the northwestern portion of the site to support wildlife movement and habitat.

Code Requirements				
Resource Feature	Code Provision	Required	Proposed	Consistent
Tree Coverage	8.3.1.C	20% (41.68 acres)	20.44% (42.60 acres)	Yes
Impervious Surface (Maximum)	8.7.2B	24% (50.01 acres)	24% (50.01 acres)	Yes
Stream Buffer (feet)	8.7.2E	100	100	Yes

Staff Analysis and Conclusion. The proposed development is consistent with requirements for protecting the site’s environmentally sensitive areas.

E. Requested Zoning District Characteristics

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.

Zoning District Requirements – PDR				
	Code Provision	Required	Proposed	Consistent
Minimum Site Area (acres)	6.11.1B.1	4 acres	208.41	Yes
Street Yards (feet)	6.11.3E.1	8	8	Yes
Open Space (% of gross area)	6.3.1.A	15 (31.26 acres)	17.96 (37.43 acres)	Yes
Useable Open Space (%)	6.3.1.A and 7.2.3	33% of required open space (10.32 acres)	34.13% (10.67 acres)	Yes
	7.2.5.A Street Frontage (feet)	50	50	Yes
	7.2.5.C Accessible to residents within 2,600 foot radius	95%	100%	Yes
Connectivity Ratio	13.1.6.B	Not less than 1.40	1.52	Yes

F/J-B Overlay. The purpose of the Falls/Jordan-B Watershed Protection Overlay (F/J-B) is to preserve the quality of the region's drinking water supplies through

application of the development standards in Article 8, Environmental Protection. In general, water supply protection will be accomplished by establishing and maintaining low intensity land use and development on land near the region's water supply rivers and reservoirs. Where high density development is desired, water supply protection will be accomplished through the use of engineered stormwater controls. The overall objective is to:

- Reduce the risk of pollution from stormwater running off of paved and other impervious surfaces; and
- Reduce the risk of discharges of hazardous and toxic materials into the natural drainage system tributary to drinking water supplies.

Staff Analysis and Conclusion. The site meets the dimensional requirements of the UDO.

F. Infrastructure Impacts

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.

1. Road Impacts

Olive Branch Road, Doc Nichols Road, and Leesville Road are the major roads impacted by the proposed development. There are no major roadway improvements scheduled for this area. There is no traffic demand management measures associated with the proposed project. A TIA was required and provided for this site.

Road Impacts			
Affected Segments	Olive Branch Road	Doc Nichols Road	Leesville Road
Roadway Capacity (LOS D) (ADT)	14,600	14,600	14,600
Latest Traffic Volume (AADT)	1,400	540	4,100
Traffic Generated by Present Designation (average 24 hour)	2,371*		
Traffic Generated by Proposed Designation (average 24 hour)	4,740**		
Impact of Proposed Designation	An increase of 2,369 daily trips		

Source of LOS Capacity: FDOT Generalized Level of Service Volume Table 4-1 (2002); 2-lane undivided city/county roadway

Source of Latest Traffic Volume: 2005 NCDOT Traffic Count Map

*Assumption (Max Use of Existing Zone) – RR: 245 single-family lots

**Assumption (Max Use of Proposed Zoning) – 413 single-family lots and 150 townhomes

2. Transit Impacts

Transit service is not provided within one-quarter mile of this site.

3. Utility Impacts

The site will be served by public sewer and water. The water and sewer will need to be extended from the Sierra Subdivision which is adjacent to this site.

4. Drainage/Stormwater Impacts

The plan as submitted conceptually meets the minimum ordinance standards for a zoning map change. Final approval of the stormwater impact analysis will occur at the time of site plan approval.

5. School Impacts

The proposed request is estimated to generate a total of 170 students or 85 additional students than the existing zoning designation. The schools that would potentially serve this site are Oak Grove Elementary School, Neal Middle School, and Southern High School.

School Impacts- System Totals			
	Elementary School	Middle School	High School
Current Building Capacity	15,039	7,400	9,790
Maximum Building Capacity (120% of Building Capacity)	18,047	8,880	11,748
20th Day Attendance (2007-08 School Year)	16,060	6,648	10,040
Committed to date (April 2005 – March 2008)	250 <u>260</u>	127 <u>120</u>	(31) <u>(39)</u>
Available Capacity	1,737 <u>1,727</u>	2,105 <u>2,112</u>	1,739 <u>1,747</u>
Potential Students Generated – Current Zoning*	37	20	28
Potential Students Generated – Proposed Zoning**	74	40	56
Impact of Proposed Zoning	+37	+20	+28

*Assumption (Max Use of Existing Zone) 245 single family lots

**Assumption (Max Use of Proposed Zoning) 413 single family lots and 150 multifamily units

6. Water Supply Impacts

Development allowed with the proposed zoning map change is estimate to generate a demand for water of 0.082 million gallons per day (MGD). This represents an increase of 0.044 MGD over what development with the present zoning will allow.

Water Supply Impacts	
Current Water Supply Capacity	37.00 MGD
Present Usage	28.71 MGD
Committed to Date (April 2005 to March 2008)	0.522 MGD -0.498 MGD
Available Capacity	12.83 MGD 8.79 MGD
Potential Water Demand Under Present Zoning	0.037 MGD
Potential Water Demand Under Proposed Zoning	0.080 MGD
Impact of Zoning Map Change	+.044 MGD

*Assumption (Max Use of Existing Zone) 245 single family lots

**Assumption (Max Use of Proposed Zoning) 413 single family lots and 150 multifamily units

Staff Analysis and Conclusion. Infrastructure for road, transit, utilities, drainage/stormwater, schools and water capacity are available to accommodate development pursuant to the rezoning.

G. Plan Consistency

Plan Requirements			
	Policy	Requirement(s) (LOS = Level of Service)	Consistent
Comprehensive Plan	Future Land Use Map	Low Density Residential (4 DU/Ac or less)	Yes
	2.2.2b	Infrastructure Capacity for Residential Land	Yes
	7.2.2f	Lick Creek and Little Lick Creek Open Space Plan	Yes
	8.1.2m	Transportation LOS	Yes
	9.4.1a, b and c	Water Quantity and Quality LOS	Yes
	11.1.1a	School LOS	Yes

Staff Analysis and Conclusion. The proposed zoning map change request is consistent with the *Comprehensive Plan* policies and the Future Land Use Map.

H. 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:

- Durham Justice and Fairness Inter-Neighborhood Association
- Durham People's Alliance
- Inter-Neighborhood Council
- Friends of Durham
- Shaw Hills Neighborhood Association

I. Recommendation

Staff recommends approval based on consistency with the *Comprehensive Plan*, and considering the information provided in this report.

J. Staff Contact

Gail Sherron, Senior Planner, 560-4137 ext 230 or gail.sherron@durhamnc.gov

K. Applicant Contact

John Blackley, RLA, ASLA - Horvath Associates, PA, 919-490-4990 or john.blackley@horvathassociates.com

L. Attachments

1. Context Map
2. Future Land Use Map
3. Aerial Photograph
4. Development Plan Reduction
5. Division of Transportation TIA Memo
6. NCDOT TIA
7. DOST Memo
8. Application
9. Owners Acknowledgment Forms