

PLANNING COMMISSION AGENDA

February 11, 2020, 5:30 p.m.
Council Chamber, 1st Floor, City Hall
101 City Hall Plaza, Durham, NC

1. Call To Order

2. Roll Call

Akram Al-Turk
Nathaniel Baker
George Brine
Brian Buzby, Vice Chair
Erin Durkin
Elaine Hyman, Chair
Cedric Johnson
Armeer Kenchen
David Lowe
Scot MacIver
Tom Miller
David Morgan
Cristian Santiago
Carmen Williams

3. Approval Of The Minutes And Consistency Statements From January 14, 2020

Documents:

[PC MINUTES 1-14-2020.PDF](#)

4. Adjustments To The Agenda

5. Public Hearing: Comprehensive Plan Future Land Use Map Amendments

None

6. Public Hearings: Comprehensive Plan Future Land Use Map Amendments With Concurrent Zoning Map Changes

- a. A1800011/Z1800035 1432 Ellis Road (Item will not be heard due to a defect in the required notice)
- b. A1900015/Z1900042 Page Road Flex Development

Documents:

[A1800011, Z1800035 1432 ELLIS ROAD 20200204.PDF](#)
[A1900015, Z1900042 PAGE ROAD FLEX DEVELOPMENT.PDF](#)

7. Public Hearing: Zoning Map Changes

None

8. Public Hearings: Text Amendments To The Unified Development Ordinance

- a. TC1900004 Various Amendments Related to Affordable Housing

Documents:

[TC1900004 TEXT AMENDMENT, VARIOUS AMENDMENTS RELATED.PDF](#)

9. Public Hearings: Text Amendments To The Durham Comprehensive Plan
None
10. Old Business
None
11. New Business
None
12. Adjournment

Staff Contact: Grace Smith, Planning Manager
919.560.4137 x28215. Grace.Smith@DurhamNC.gov



PLANNING COMMISSION

DRAFT MINUTES

January 14, 2020, 5:30 p.m.
Council Chamber, 1st Floor, City Hall
101 City Hall Plaza, Durham, NC

I. Call to Order

Chair Hyman called the meeting to order at 5:30 p.m.

II. Roll Call

MOTION: Excuse Commissioners Baker, Maclver, Morgan and Santiago. (Brine, Miller 2nd)

ACTION: Motion carried, 10-0.

Members Present:

Elaine Hyman, Chair
Brian Buzby, Vice Chair
Akram Al-Turk
George Brine
Erin Durkin
Cedric Johnson
Armeer Kenchen
David Lowe
Tom Miller
Carmen Williams

Excused Members Absent:

Nathaniel Baker
Scot Maclver
David Morgan
Cristian Santiago

Staff Present:

Sara Young, Assistant Planning Director
Grace Smith, Planning Manager
Jamie Sunyak, Senior Planner
Michael Stock, Senior Planner
Earlene Thomas, Transportation Engineer IV

III. Adjustments to the Agenda

MOTION: Adoption of agenda with Mr. Brine's addition to New Business. (Miller, Al-Turk 2nd)

ACTION: Motion carried, 10-0.

Approval of the Minutes and Consistency Statements: December 10, 2019

MOTION: Approve the Minutes and Consistency Statements for the December 10, 2019 meeting. (Lowe, Al-Turk 2nd)

ACTION: Motion carried, 10-0

MOTION: Recuse Commissioners Johnson and Williams from cases A1900014/Z1900035. (Miller, Buzby 2nd)
ACTION: Motion carried, 8-0

IV. Public Hearing: Comprehensive Plan Amendment - None

V. Public Hearing- Plan Amendment with Concurrent Zoning Map Change Request

a. NCCU Student Center (A1900014/Z1900035)

Plan Amendment Request: Medium Density Residential to Institutional

Staff Report: Jamie Sunyak presented case A1900014/Z1900035

Zoning Map Change Request: Residential Urban -5 (Duplex) (RU-5(2)) to University and College-2 (UC-2)

Public Hearing: Chair Hyman opened the public hearing. The applicant and three others spoke in support. No one spoke in opposition. Chair Hyman closed the public hearing.

Commission Discussion: The discussion centered on...

MOTION: Recommend approval of case A1900014. (Miller, Al-Turk 2nd)

ACTION: Approved, 8-0

MOTION: Recommend approval of case Z1900035. (Miller, Buzby 2nd)

ACTION: Approved, 8-0

Consistency Statement: The Planning Commission finds that the ordinance request is not consistent with the adopted *Comprehensive Plan*. However, should the plan amendment be approved, the request would be consistent with the *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.

VI. Public Hearing: Zoning Map Change Request

a. Royals Extension (Z1900013)

Zoning Map Change Request: Industrial Light (IL), Commercial Neighborhood (CN), Residential Suburban-20 (RS-20) to Industrial Light (IL) with no change to the existing IL area.

Staff Report: Jamie Sunyak presented case Z1900013.

Public Hearing: Chair Hyman opened the public hearing. The applicant spoke in support. No one spoke in opposition. Chair Hyman closed the public hearing.

Commission Discussion: The discussion centered on procedural questions, who has jurisdiction on the case, and potential impacts on the streams.

MOTION: Recommend approval of case Z1900013 (Johnson, Brine 2nd)

ACTION: Motion carried, 10-0

Consistency Statement: 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.

VII. Public Hearing: Text Amendment

a. NPO Revisions (TC1800010)

Amendments to Article 2, Review Authority; and Article 4, Zoning Districts, regarding revisions to the Neighborhood Protection Overlay (NPO) process.

Staff Report: Michael Stock presented case TC1800010 NPO Revisions.

Public Hearing: Chair Hyman opened the public hearing. One person spoke in opposition. Chair Hyman closed the public hearing.

Commission Discussion: The discussion centered on the revised process in general, and particularly the current and proposed role of the JCCPC.

MOTION: Recommend approval of case TC1800010 (Buzby, Al-Turk 2nd)

ACTION: Motion Carried, 9-1, (Williams voting no)

Consistency Statement: 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.

VIII. Old Business

IX. New Business

- a. Announcement – Commissioner Brine reminded his fellow commissioners that his term ends on June 30, 2020. He stated that he will not apply for reappointment. He asked everyone to let anyone they might know that would be interested in serving and resides in Triangle Township Community.

X. Adjournment

The meeting adjourned at 6:53 p.m.

Respectfully Submitted,

Terri Elliott, Clerk
Durham Planning Commission



CONSOLIDATED STAFF REPORT

1432 ELLIS ROAD
A1800011/Z1800035

Meeting Date: February 11, 2020

Application Summary			
Application Information			
Reference Name	1432 Ellis Road	Submittal Date	November 12, 2018
Application Type(s) (Case#)	Plan Amendment (A1800011), Zoning Map Change (Z1800035)		
Proposal	Residential development (up to 200 townhouse units)		
Applicant	Tim Sivers, Horvath Associates		
Staff Contact	Jamie Sunyak, Senior Planner (Jamie.Sunyak@DurhamNC.gov)		
Site Information			
Location	1432 Ellis Road	Legacy Cases	N/A
Site Acreage	43.65	Existing Use	Residential and Undeveloped
Request			
Designation	Existing	Proposed	
Jurisdiction	County and City	City	
Development Tier	Suburban	No change	
Future Land Use	Low Density Residential, Open Space and Recreation	Low-Medium Density Residential, Open Space and Recreation	
Zoning	Rural Residential (RR) and Residential Suburban-20 (RS-20)	Planned Development Residential 5.706 (PDR 5.706)	
Overlay Zoning District(s)	N/A	N/A	
TIA Required	N/A		
Recommendation and Determinations			
Staff	Staff determines that these requests are consistent with the <i>Comprehensive Plan</i> and other adopted ordinances and policies.		
Planning Commission	TBD		
BPAC	See attachment 8		

A. Summary

Tim Sivers, of Horvath Associates, proposes to change the Future Land Use Map (FLUM) map designation of five parcels of land, located at 1431, 1432, 1502, 1506 and 1518 Ellis Road, totaling 43.65 acres from Low Density Residential to Low-Medium Density Residential (4-8 du/acre). There is no change to the Recreation and Open Space designated area. Mr. Sivers proposes to rezone the tracts from Residential Rural (RR) and Residential Suburban-20 (RS-20) to Planned Development Residential 5.706 (PDR 5.706), with an associated development plan for a maximum of 200 townhouse units. A voluntary annexation petition has also been submitted as part of this request (BDG1800019) for 1431 Ellis Road; the other tracts are already located within the City's jurisdiction.

B. Site History

There have been no recent development approvals for the site.

C. Existing Site Characteristics

Site Conditions. As shown on the Existing Conditions Sheet of the development plan, 1431 Ellis Road is an 16.979 acre parcel of land located on the east side of Ellis Road. This parcel contains an existing house (which has been identified for removal), along with mature evergreen and hardwood forests, a riparian feature, wetlands and several easements. On the west side of Ellis Road, there are four parcels of land totaling 26.671 acres. The largest parcel, 1432 Ellis Road, is 20.627 acres and it contains riparian features, wetlands, and mature evergreen and mixed forest areas, along with open fields. To the south, is 1502 Ellis Road, which is 1.238 acres in size, and it contains wetlands and riparian features. There is an existing home, garage and pool on 1506 Ellis Road, all identified for removal, along with existing wetlands and riparian features. The southernmost parcel, 1518 Ellis Road, is 3.137 acres in size. It contains an existing pond and riparian features. The following photos provide a visual context of the site. Their locations have been identified on the Aerial Map (Attachment 2).



Photo 1: Facing east on Ellis Road



Photo 2: Facing south on Ellis Road



Photo 3: Facing west on Ellis Road

Area Characteristics. The site is located in the Suburban Development Tier and the Cape Fear River Basin. This area has been experiencing a lot of residential growth. Most of the property borders existing residential development. As shown in Photo 4, there are existing homes north of the 1431 Ellis Road parcel, along Ellis Road (Photo 5) and along Southern Drive (Photo 6). There is a pending zoning application (Z1900022) for up to 147 townhouse units at 1343 Ellis Road. To the south, 1443 Ellis Road (Photo 7), is zoned PDR 7.341 and has been approved for 85 townhouse lots (D1800248). Existing roadway stubs at the end of Torpoint Road, Zante Currant Road, and Hickory Nut Drive will provide

connectivity between existing adjacent neighborhoods to the proposed development (Photos 8, 9 and 10). There are several nearby garden apartments, including the Philips Research Apartments with 344 units (D0700582) shown in Photo 11 and the Winsford in the Park townhouse development with 155 lots, shown on Photo 12. The following photos provide a visual context of the area. Their locations have been identified on the Aerial Map (Attachment 2).



Photo 4: Facing east on Rada Road



Photo 5: Facing north on Ellis Road



Photo 6: Facing east on Southern Drive



Photo 7: Facing east on Ellis Road



Photo 8: Facing north on Torpoint Road



Photo 9: Facing north on Zante Currant Road



Photo 10 : Facing west on Hickory Nut Road



Photo 11 : Facing northeast into the Philips Apartments



Photo 12 : Facing north on So-Hi Drive

D. Consistency with Adopted Plans

A zoning map change request must be consistent with the Future Land Use Map and policies of the *Comprehensive Plan*, as well as other adopted plans. The proposed PDR district is not consistent with the Future Land Use Map designation of Low Density Residential for the area. The applicant has submitted an application (case A1800011) to change the land use designation to Low-Medium Density Residential (4-8 du/ac), so the requested PDR zoning district will conform to the FLUM. The UDO, in subsection 3.4.7, contains criteria to use when considering these proposals. Staff has evaluated this request against these criteria as follows:

1. Criterion A: Consistency with Adopted Plans and Policies

The *Comprehensive Plan* is a policy document intended to guide growth and development in an organized and efficient manner. The Plan addresses a range of topics related to land use, housing, community character, environmental conservation, and transportation.

Staff Analysis: The site is currently zoned residential. The Low-Medium Density residential designation is consistent with the properties to the south, and the nearby garden apartments and townhouse developments. It provides a higher density option than the existing zoning to serve the area's need for additional housing, while in proximity to the freeway and Research Triangle Park. Attachment 6 contains an evaluation of relevant policies.

2. Criterion B: Compatibility with Existing Development and Future Land Use Patterns

The following table provides information on the surrounding development:

Table 1: Area Land Uses and Designations				
	Existing Uses	Future Land Use	Zoning	Overlay(s)
North	Residential	Low Density Residential	Residential Suburban 10 (RS-10), Rural Residential (RR)	NA
East	Residential	Low Density Residential	Planned Development Residential 3.575 (PDR 3.575)	NA
South	Residential	Low-Medium Density Residential, Low Density Residential	Planned Development Residential 7.341(PDR 7.341), Residential Suburban-Multifamily with a development plan (RS-M(D))	NA
West	Residential	Low Density Residential	Residential Suburban 10 (RS-10)	NA

Staff Analysis: The proposed FLUM change to Low-Medium Density Residential (4-8 du/ac) reflects the existing development patterns of the surrounding area. The development provides a transition between the higher density developments to the south and the lower density single-family neighborhoods to the north. Existing roadway stubs at the end of Torpoint Road, Zante Currant Road, and Hickory Nut Drive will provide connectivity with the proposed development on the west side of Ellis Road. In addition, there are cross connections between the proposed development on 1443 Ellis Road (D1800248) and the development on the east side of Ellis Road.

3. Criterion C: Substantial Adverse Impacts

When evaluating plan amendment proposals through Criterion C, staff assesses potential impacts to the adjacent area and to the City and County in general.

Staff Analysis: Wetlands, floodplains and streams are found within proximity to the site. Potential utility, vehicular and pedestrian crossings are proposed, subject to the Division of Water Quality approval.

4. Criterion D: Adequate Shape and Size

When evaluating plan amendment proposals, staff must assess whether the subject site is of adequate shape and size to accommodate the proposed change.

Staff Analysis: The 43.65 acre site is of adequate shape and size to accommodate the proposed Low-Medium Density Residential designation.

E. Compliance with the Unified Development Ordinance

The zoning map change request has been reviewed by staff and determined to be consistent with UDO requirements. The proposed commitments associated with the development plan can be found on the cover sheet of the plan. Summaries of the commitments in excess of UDO requirements are below.

- **Text Commitments.** Proffered commitments include committing to townhouse units as the permitted building type, restricting the maximum number of units at 200, providing additional asphalt along Ellis Road for bicycle lanes, dedicating additional right-of-way along Ellis Road as needed to provide a minimum of 50 feet of right-of-way from the original centerline; installing traffic calming devices at site access points 4 and 5, and dedicating a 30 foot wide greenway easement for future trail construction parallel to NC-147.
- **Graphic Commitments.** Graphic commitments include the general location of site access points, building and parking envelope, proposed project boundary buffers, riparian crossings, riparian buffer areas and tree coverage areas.
- **Design Commitments.** Design commitments include hipped, gabled or shed roofs; front facing gables, and a variety of building materials.

Staff Analysis. The requested PDR zoning district and associated development plan (case Z1800035) meet the minimum requirements of the UDO. If the zoning map change request is approved, the attached development plan establishes the level of development allowed on the property.

F. Development Impact Assessment

The impact of the requested change has been evaluated to suggest its potential impact on the transportation system, water and sewer, stormwater, and schools.

The proposal, assumed to have a maximum of 200 units, is estimated to increase the traffic generation of the subject site by 742 vehicle trips per day. The site will be served by water and sewer in accordance with the Summary Utility Development Statement issued by the Department of Water Management for this project (Attachment 9). The Durham Stormwater Engineering Department reviewed the rezoning and has determined that adequate riparian buffers, floodplain requirements and impervious limitations have been addressed, where required.

Compared to the existing zoning, there will be a decrease of 2 high school students and no change to the estimated elementary or middle school demand. Additional details are available in Attachment 7.

Staff Analysis. The proposed PDR district is consistent with *Comprehensive Plan* policies regarding the infrastructure impacts of transportation, utilities, and schools.

G. Reasonable and in the Public Interest

UDO subsection 1.2.1 states that the purpose of the ordinance is to “promote the health, safety and general welfare of the residents of Durham City and County” and subsection 1.2.2 provides the intent behind the regulations contained in the ordinance. These requests have been evaluated based upon the ordinance’s purpose and intent and the policies of the *Comprehensive Plan*.

Staff Analysis. While the existing zoning already permits residential development, the proposal is to increase the density of the residential that could be built on the site. Residential development at the proposed density would be reasonable and in the public interest for several reasons. First, the proposed residential use is consistent with the goals and policies of the *Comprehensive Plan* and the Suburban Tier designation. Second, the proposed use provides an opportunity for additional housing to support the growing Durham population, at a density which is permitted within the Low-Medium Density Residential designation. Third, the proposed zoning designation is consistent with the residential land use patterns found surrounding the property, and the zoning provides an appropriate transition between the higher-density development located to the south. Staff determines that this request is consistent with the *Comprehensive Plan* and other adopted ordinances and policies.

H. Staff Contacts

Staff Contact		
Jamie Sunyak	919.560.4137 ext. 28235	Jamie.Sunyak@DurhamNC.gov
Applicant Contact		
Tim Sivers	919.490.4990	Tim.Sivers@horvathassociates.com

I. Notification

Staff certifies that newspaper advertisements, letters to property owners, 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, email notice was provided per the Durham Planning Public Notification Service.

J. Attachments

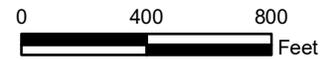
1. Context Map
2. Aerial Map
3. Future Land Use Map
4. Application
5. Development Plan Reduction
6. Comprehensive Plan Consistency Analysis
7. Summary of Development Impacts
8. BPAC
9. SUDS

Attachment 2: Aerial Map 1432 Ellis Road



Legend:

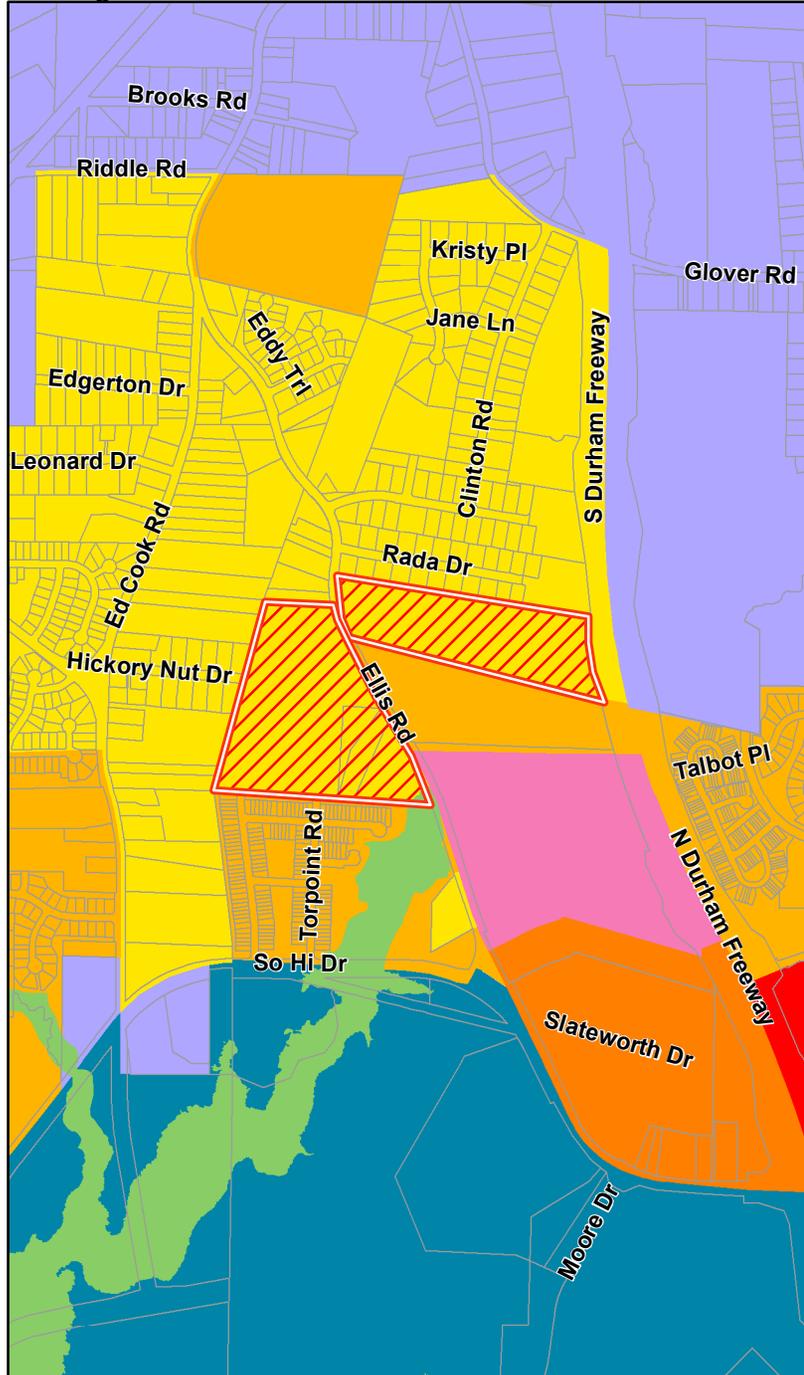
-  Case Area
-  Parcel Lines



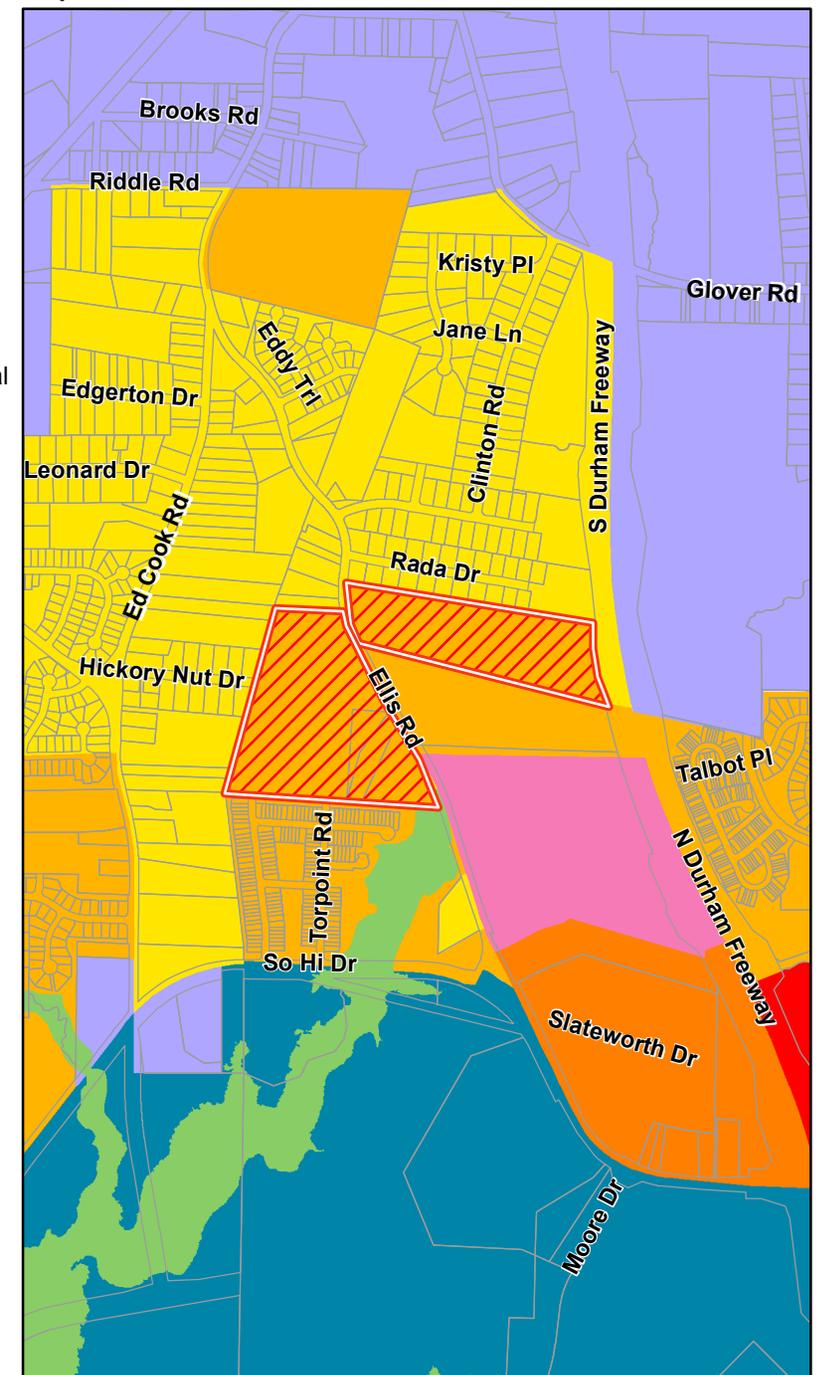
Copyright nearmap 2015, NC Center for Geographic Information & Analysis

Attachment 3 - Future Land Use Map 1432 Ellis Road

Existing FLUM:



Proposed FLUM:



- Legend:**
- Case Area
 - Parcel Lines
- FLUM Designations:**
- Low Density Residential
 - Low-Medium Density Residential
 - Medium Density Residential
 - Commercial
 - Office
 - Industrial
 - Recreation/ Open Space
 - Research/ Research Applications



Planning

DURHAM

1869
CITY OF MEDICINE

CITY OF DURHAM | DURHAM COUNTY

NORTH CAROLINA

Zoning Map Change Application



Date:		Case #: TS 18-12-18	
Current Zoning District(s) <i>Including any Overlay District:</i>	RR & RS-20	Proposed Zoning District(s) <i>Including any Overlay District:</i>	PDR 5.443 5.706
Current Future Land Use Map Designation:	LDR	Jurisdiction: <i>(Check as appropriate. If also requesting annexation, check 'City')</i>	<input checked="" type="checkbox"/> City MS <input type="checkbox"/> County 09-05- <input checked="" type="checkbox"/> Both 19
Total Site Area:	43.65 AC	Development Tier:	Suburban
Project Location:	1518, 1506, 1502, 1432, 1431 Ellis Road		
Proposed Project Name:	1432 Ellis Road		
Property Identification Number(s) (PID):	163357, 163356, 209141, 163355, 163366 <i>(Attach additional sheet(s) if necessary)</i>		
Summary of Proposed Development:	Townhome Residential Development, approximately 200 units		
Applicant Information:			
Name: Tim Sivers		Company: Horvath Associates, PA	
Phone: 919-490-4990		Email: tim.sivers@horvathassociates.com	
Mailing Address: 16 Consultant Place, Ste 201 Durham, NC 27707			
Signature:			
Agent Information (if applicable):			
Name: N/A		Company: N/A	
Phone: N/A		Email: N/A	
Mailing Address: N/A			
Signature: N/A			
Owner Information: <i>(For multiple owners, attach additional sheet(s))</i>			
Name: Sally R. Humble		Company:	
Phone: 919 280 1835		Email: Shumbles724@gmail.com	
Mailing Address: 3417 Ocotea St. Raleigh NC 27607			
Signature:			



Zoning Map Change Application

Date:		Case #: TS 12-12-18	
Current Zoning District(s) <i>Including any Overlay District:</i>	RR & RS-20	Proposed Zoning District(s) <i>Including any Overlay District:</i>	PDR 5.943 S.706
Current Future Land Use Map Designation:	LDR	Jurisdiction: <i>(Check as appropriate. If also requesting annexation, check 'City')</i>	<input checked="" type="checkbox"/> City MS 09-05 <input type="checkbox"/> County 19 <input checked="" type="checkbox"/> Both
Total Site Area:	43.65 AC	Development Tier:	Suburban
Project Location:	1518, 1506, 1502, 1432, 1431 Ellis Road		
Proposed Project Name:	1432 Ellis Road		
Property Identification Number(s) (PID):	163357, 163356, 209141, 163355, 163366 <i>(Attach additional sheet(s) if necessary)</i>		
Summary of Proposed Development:	Townhome Residential Development, approximately 200 units		
Applicant Information:			
Name: Tim Sivers		Company: Horvath Associates, PA	
Phone: 919-490-4990		Email: tim.sivers@horvathassociates.com	
Mailing Address: 16 Consultant Place, Ste 201 Durham, NC 27707			
Signature:			
Agent Information (if applicable):			
Name: N/A		Company: N/A	
Phone: N/A		Email: N/A	
Mailing Address: N/A			
Signature: N/A			
Owner Information: <i>(For multiple owners, attach additional sheet(s))</i>			
Name: Richard M. Rigsbee		Company: Myra P. Rigsbee Revocable Trust	
Phone: (919) 523-0617		Email: -	
Mailing Address: 201 Potomac Grove Pl. Cary, NC 27519			
Signature:			



CITY OF DURHAM | DURHAM COUNTY
NORTH CAROLINA



Zoning Map Change Application

Date:		Case #: <i>TS 12-12-18</i>	
Current Zoning District(s) <i>Including any Overlay District:</i>	RR & RS-20	Proposed Zoning District(s) <i>Including any Overlay District:</i>	PDR <i>5.943-5.706</i>
Current Future Land Use Map Designation:	LDR	Jurisdiction: <i>(Check as appropriate. If also requesting annexation, check 'City')</i>	<input checked="" type="checkbox"/> City <i>MS</i> <input type="checkbox"/> County <i>09-05-</i> <input checked="" type="checkbox"/> Both <i>19</i>
Total Site Area:	43.65 AC	Development Tier:	Suburban
Project Location:	1518, 1506, 1502, 1432, 1431 Ellis Road		
Proposed Project Name:	1432 Ellis Road		
Property Identification Number(s) (PID):	163357, 163356, 209141, 163355, 163366 <i>(Attach additional sheet(s) if necessary)</i>		
Summary of Proposed Development:	Townhome Residential Development, approximately 200 units		
Applicant Information:			
Name: Tim Sivers		Company: Horvath Associates, PA	
Phone: 919-490-4990		Email: tim.sivers@horvathassociates.com	
Mailing Address: 16 Consultant Place, Ste 201 Durham, NC 27707			
Signature: <i>Tim Sivers</i>			
Agent Information (if applicable):			
Name: N/A		Company: N/A	
Phone: N/A		Email: N/A	
Mailing Address: N/A			
Signature: N/A			
Owner Information: <i>(For multiple owners, attach additional sheet(s))</i>			
Name: <i>Jonathan M Rigbee</i>		Company: <i>Mary P Rigbee Trust</i>	
Phone: <i>919-809-3193</i>		Email:	
Mailing Address: <i>201 Potomac Grove Place Cary NC 27519</i>			
Signature: <i>Jonathan M Rigbee</i>			



CITY OF DURHAM | DURHAM COUNTY
NORTH CAROLINA



Zoning Map Change Application

Date:		Case #: TS 12-12-18	
Current Zoning District(s) <i>Including any Overlay District:</i>	RR & RS-20	Proposed Zoning District(s) <i>Including any Overlay District:</i>	PDR 5.943 5.706
Current Future Land Use Map Designation:	LDR	Jurisdiction: <i>(Check as appropriate. If also requesting annexation, check 'City')</i>	<input checked="" type="checkbox"/> City MS 09-05-19 <input type="checkbox"/> County <input checked="" type="checkbox"/> Both
Total Site Area:	43.65 AC	Development Tier:	Suburban
Project Location:	1518, 1506, 1502, 1432, 1431 Ellis Road		
Proposed Project Name:	1432 Ellis Road		
Property Identification Number(s) (PID):	163357, 163356, 209141, 163355, 163366 <i>(Attach additional sheet(s) if necessary)</i>		
Summary of Proposed Development:	Townhome Residential Development, approximately 200 units		
Applicant Information:			
Name: Tim Sivers		Company: Horvath Associates, PA	
Phone: 919-490-4990		Email: tim.sivers@horvathassociates.com	
Mailing Address: 16 Consultant Place, Ste 201 Durham, NC 27707			
Signature:			
Agent Information (if applicable):			
Name: N/A		Company: N/A	
Phone: N/A		Email: N/A	
Mailing Address: N/A			
Signature: N/A			
Owner Information: <i>(For multiple owners, attach additional sheet(s))</i>			
Name: Martin E. Rigsbee, Sr.		Company: —	
Phone: (919) 596-2062		Email: —	
Mailing Address: 1506 Ellis Rd. Durham, NC 27703			
Signature:			

Application Checklist:		
Application Item:	Applicant/Agent Initial	Staff Initial
Application	TS	JBS
Owners Acknowledgment <i>(Original Signatures Only)</i>	TS	JBS
Text Amendment Acknowledgement	TS	JBS
Boundary Map and Legal Description	TS	JBS
Stormwater Checklist, Two Copies	TS	JBS
Utility Impact Questionnaire, Two Copies	TS	JBS
Pre-Submittal Conference Record	TS	JBS
Digital Copy of All Submitted Materials (Required)	TS	JBS
Application Fee	TS	JBS
Development Plan Checklist (If applicable):		
Development Plan Checklist	TS	JBS
Two Full Size Hard Copies of Plans	TS	JBS
Traffic Impact and/or Phasing Analysis (if required), Three Copies and One Digital Copy.	TS	JBS
Digital Copy of Plans (Required)	TS	JBS
Additional Materials/Applications (If applicable):		
Neighborhood Meeting Materials	TS	JBS
Annexation Petition	TS	JBS
Comprehensive Plan Amendment	TS	JBS

Each item on this page must be initialed by the Applicant and/or Agent, indicating that the item is part of the submittal package, is complete, and the information is accurate. Items not applicable to the request, as indicated by staff, may be marked as 'N/A'.

A submittal package with items not initialed, or otherwise incomplete or inaccurate, will not be accepted. An application shall be considered to have been accepted for review only after it has been determined to be complete in accordance with Section 3.2.4 of the Unified Development Ordinance, not upon submission to the Planning Department.

I, the undersigned, acknowledge that the application is complete and that all information included is accurate to the best of my knowledge:



 Signature

11/20/2018

 Date

TIM SIVERS

 Printed Name

Zoning Map Change

Owner's Acknowledgement of Development Plan Submittal

Date Submitted:

Case Number:

This original form is required to be submitted with a zoning map change application that includes a development plan. Each property owner for each parcel included in the development plan must provide a signature and date.

Acknowledgement Statement

I(we), Martin E. Rigsbee, Sr., owner(s) of the 41.98 -acre property having Property Identification Number(s):

0739-02-89-8616

0739-02-89-5954

0830-02-80-1161

0830-03-90-3538

5.706 MS 09-05-19

am(are) aware of the application for the PDR ^{5.943 TS 12-12-18} zone and development plan that accompanies the zoning map change request. A development plan places significant limitations on the physical development of the land. The obligation to develop in accordance with an approved development plan runs with the land and is not dependent on this particular applicant. Changes to a development plan approved with a rezoning request may require a future zoning map change request.

Martin E. Rigsbee Sr. 11-14-18
Owner's Signature Date

Sally R. Humble 11/16/2018
Owner's Signature Date

Martin E. Rigsbee Sr.
Owner's Printed Name

Sally R. Humble
Owner's Printed Name

Disclaimer:

By signing this form, the owner acknowledges that he/she is party to the Zoning Map Change application and has waived the right to certified notification under GS153A-343.

Durham City-County Planning

Zoning Map Change

Owner's Acknowledgement of Development Plan Submittal

Date Submitted:

Case Number:

This original form is required to be submitted with a zoning map change application that includes a development plan. Each property owner for each parcel included in the development plan must provide a signature and date.

Acknowledgement Statement

I(we), Myra P. Rigsbee Trust, owner(s) of the 1.668-acre property having Property Identification Number(s):

0739-02-89-6718

Four sets of horizontal lines for listing additional property identification numbers.

5.706 MS 09-05-19

5.995 TS 12-12-18

am(are) aware of the application for the PDR zone and development plan that accompanies the zoning map change request. A development plan places significant limitations on the physical development of the land. The obligation to develop in accordance with an approved development plan runs with the land and is not dependent on this particular applicant. Changes to a development plan approved with a rezoning request may require a future zoning map change request.

Richard M Rigsbee 11-15-18
Owner's Signature Date

Jonathan M Rigsbee 11-14-18
Owner's Signature Date

Richard Rigsbee, TTE
Owner's Printed Name

Jonathan M Rigsbee
Owner's Printed Name

Disclaimer:

By signing this form, the owner acknowledges that he/she is party to the Zoning Map Change application and has waived the right to certified notification under GS153A-343.

Zoning Map Change

Acknowledgement of In-Process Text Amendment that May Affect Requested Application

Date Submitted:

Case Number:

The applicant or applicant's agent may sign this original form which is required to be submitted with a zoning map change application to acknowledge that staff is processing Text Amendments that may impact a proposed project. It is the applicant's (or agent's) responsibility to remain current on these developments and assess any potential impacts in consultation with staff. Due to the unknown life expectancy of an application, an updated list of Text Amendments may be found online: http://ldo.durhamnc.gov/durham/ldo_web/ldo_main.aspx.

Acknowledgement Statement

I, Tim Sivers, applicant or agent of the 43.65-acre property having

Property Identification Number(s):

0739-02-89-8616

0830-03-90-3538

0739-02-89-6718

0739-02-89-5954

0830-02-80-1161

am authorized by the property owner(s) associated with this application for the PDR 5.706 zone.

The obligation to develop in accordance with all applicable ordinances when seeking development approvals is hereby acknowledged.



Authorized Signature

9-4-19

Date

Tim Sivers

Printed Name

DURHAM



1869
CITY OF MEDICINE

CITY OF DURHAM | DURHAM COUNTY

NORTH CAROLINA

Future Land Use Map Amendment Application



Date:		Case #:	
Property Information:			
Jurisdiction (Check as appropriate. If also requesting annexation, check 'City') <input checked="" type="checkbox"/> City <input type="checkbox"/> County <input checked="" type="checkbox"/> Both			
Development Tier: Suburban		Associated with Zoning Map Change? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
PID:	Current FLUM Designation	Proposed FLUM Designation	Acreage
163357	LDR	LMDR	3.137
163356	LDR	LMDR	1.668
209141	LDR	LMDR	1.238
163355	LDR	LMDR	20.627
163366	LDR	LMDR	16.979
Applicant Information:			
Name: Tim Sivers		Company: Horvath Associates, PA	
Phone: 919-490-4990		Email: tim.sivers@horvathassociates.com	
Mailing Address: 16 Consultant Place Ste 201 Durham, NC 27707			
Signature:			
Agent Information (if applicable):			
Name: N/A		Company: N/A	
Phone: N/A		Email: N/A	
Mailing Address: N/A			
Signature: N/A			
Owner Information:			
<i>(For multiple owners, attach additional sheet(s))</i>			
Name: Sally R. Humble		Firm:	
Phone: 919 280 1835		Email: shumbles724@gmail.com	
Mailing Address: 3417 Outea St. Raleigh NC 27607			
Signature:			



Future Land Use Map Amendment Application



Date:		Case #:	
Property Information:			
Jurisdiction (Check as appropriate. If also requesting annexation, check 'City')		<input checked="" type="checkbox"/> City	<input type="checkbox"/> County
		<input checked="" type="checkbox"/> Both	
Development Tier: Suburban		Associated with Zoning Map Change? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
PID:	Current FLUM Designation	Proposed FLUM Designation	Acreage
163357	LDR	LMDR	3.137
163356	LDR	LMDR	1.668
209141	LDR	LMDR	1.238
163355	LDR	LMDR	20.627
163366	LDR	LMDR	16.979
Applicant Information:			
Name: Tim Sivers		Company: Horvath Associates, PA	
Phone: 919-490-4990		Email: tim.sivers@horvathassociates.com	
Mailing Address: 16 Consultant Place Ste 201 Durham, NC 27707			
Signature:			
Agent Information (if applicable):			
Name: N/A		Company: N/A	
Phone: N/A		Email: N/A	
Mailing Address: N/A			
Signature: N/A			
Owner Information: (For multiple owners, attach additional sheet(s))			
Name: Richard M. Rigsbee		Firm: Myra P. Rigsbee Revocable Trust	
Phone: (919) 523-0617		Email: -	
Mailing Address: 201 Potomac Grove Pl. Cary, NC 27519			
Signature:			



CITY OF DURHAM | DURHAM COUNTY
NORTH CAROLINA



Future Land Use Map Amendment
Application

Date:		Case #:	
Property Information:			
Jurisdiction (Check as appropriate. If also requesting annexation, check 'City') <input checked="" type="checkbox"/> City <input type="checkbox"/> County <input checked="" type="checkbox"/> Both			
Development Tier: Suburban		Associated with Zoning Map Change? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
PID:	Current FLUM Designation	Proposed FLUM Designation	Acreage
163357	LDR	LMDR	3.137
163356	LDR	LMDR	1.668
209141	LDR	LMDR	1.238
163355	LDR	LMDR	20.627
163366	LDR	LMDR	16.979
Applicant Information:			
Name: Tim Sivers		Company: Horvath Associates, PA	
Phone: 919-490-4990		Email: tim.sivers@horvathassociates.com	
Mailing Address: 16 Consultant Place Ste 201 Durham, NC 27707			
Signature: <i>Tim Sivers</i>			
Agent Information (if applicable):			
Name: N/A		Company: N/A	
Phone: N/A		Email: N/A	
Mailing Address: N/A			
Signature: N/A			
Owner Information: <i>(For multiple owners, attach additional sheet(s))</i>			
Name: <i>Martin E. Rigsbee, Sr.</i>		Firm: <i>—</i>	
Phone: <i>(919) 596-2062</i>		Email: <i>—</i>	
Mailing Address: <i>1506 Ellis Rd. Durham, NC 27703</i>			
Signature: <i>Martin E. Rigsbee Sr.</i>			

DURHAM



1869
CITY OF MEDICINE

CITY OF DURHAM | DURHAM COUNTY

NORTH CAROLINA

Future Land Use Map Amendment Application



Date:		Case #:	
Property Information:			
Jurisdiction (Check as appropriate. If also requesting annexation, check 'City') <input checked="" type="checkbox"/> City <input type="checkbox"/> County <input checked="" type="checkbox"/> Both			
Development Tier: Suburban		Associated with Zoning Map Change? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
PID:	Current FLUM Designation	Proposed FLUM Designation	Acreage
163357	LDR	LMDR	3.137
163356	LDR	LMDR	1.668
209141	LDR	LMDR	1.238
163355	LDR	LMDR	20.627
163366	LDR	LMDR	16.979
Applicant Information:			
Name: Tim Sivers		Company: Horvath Associates, PA	
Phone: 919-490-4990		Email: tim.sivers@horvathassociates.com	
Mailing Address: 16 Consultant Place Ste 201 Durham, NC 27707			
Signature:			
Agent Information (if applicable):			
Name: N/A		Company: N/A	
Phone: N/A		Email: N/A	
Mailing Address: N/A			
Signature: N/A			
Owner Information: <i>(For multiple owners, attach additional sheet(s))</i>			
Name: Jonathan M Rigsbee		Firm: Mayra P Rigsbee Trust	
Phone: 919-809-3193		Email:	
Mailing Address: 201 Potomac Grove Place Cary NC. 27519			
Signature:			

Application Checklist:		
<i>Application Item:</i>	<i>Applicant/Agent Initial</i>	<i>Staff Initial</i>
Application	TS	JBS
Pre-submittal Conference Documentation	TS	JBS
Legible Map of proposed Plan Amendment Area	TS	JBS
Documentation of Neighborhood Materials:	<input checked="" type="checkbox"/> Meeting Letter <input checked="" type="checkbox"/> Labels <input checked="" type="checkbox"/> Sign-In Sheet <input checked="" type="checkbox"/> Summary	<input type="checkbox"/> Meeting Letter <input type="checkbox"/> Labels <input type="checkbox"/> Sign-In Sheet <input type="checkbox"/> Summary
Justification Statement, based upon criteria found in UDO subsection 3.47	TS	JBS
Digital Copy of All Materials	TS	JBS
Application Fee	TS	JBS

Each item on this page must be initialed by the Applicant and/or Agent, indicating that the item is part of the submittal package, is complete, and the information is accurate. Items not applicable to the request, as indicated by staff, may be marked as 'N/A'.

A submittal package with items not initialed, or otherwise incomplete or inaccurate, will not be accepted. An application shall be considered to have been accepted for review only after it has been determined to be complete in accordance with Section 3.2.4 of the Unified Development Ordinance, not upon submission to the Planning Department.

I, the undersigned, acknowledge that the application is complete and that all information included is accurate to the best of my knowledge:



 Signature

11/20/2018

 Date

TIM SIVERS

 Printed Name



HORVATH
ASSOCIATES

Civil Engineers
Planners
Landscape Architects

JUSTIFICATION STATEMENT

1432 Ellis Road

November 1, 2019

Prepared by Horvath Associates

Introduction

The subject parcel encompasses 43.650 acres located at 1432, 1502, 1506, 1518, and 1431 Ellis Road between So-Hi Drive and Rada Drive. The site includes open fields, mature pine and hardwood forested areas, as well as one vacant and one occupied single-family home.

This request is to change the existing Low Density Residential (LDR) land use classification to Low-Medium Density Residential (LMDR). The requested LMDR land use is an extension of the existing LMDR land use to the south. The proposed density for this development will create a transition from the higher density projects to the south to the lower density existing residential area to the north. The LMDR is compatible with the requested PDR zone as shown on the Future Land Use and Zoning District Compatibility Chart.

To meet the Durham Comprehensive Plan the following justifications are proposed to meet the requirements of the Suburban Tier and the Low-Medium Density Residential Land Use.

Criteria for Future Land Use Map Change Recommendations

A. Whether the proposed change would be consistent with the intent, goals, objectives, policies, guiding principles and programs of any adopted plans:

Policy 2.3.1a. Contiguous Development.

This policy is to support orderly development patterns that take advantage of existing urban services, and avoid, as possible, patterns of leapfrog, noncontiguous, scattered development. This expansion of the Low Medium Density residential land use for this project will connect two existing Low Medium Density Residential Land use areas providing a contiguous development pattern. The adjacent parcels to the south on both east and west sides of Ellis Road currently allow Low Medium Density residential development. This proposed expansion of the Low Medium Density residential development will provide a use that is better suited as a transition between the higher density apartment complexes along SoHi Drive and Ellis Road up to the existing Low-Density single family residential developments to the north.

Policy 2.3.1b. Efficient Provision of Services through Annexation.

This project is partially located within the current City limits. Changing the Future Land Use of this site will allow the area to be annexed and assist in reducing the areas under County Jurisdiction that are surrounded by areas of City Jurisdiction.

Policy 2.3.4a. Infill Development Standards.

Through the Unified Development Ordinance, encourage and promote compatible residential infill on underutilized property within developed portions of the community to reinforce the existing character. The above policy supports the proposed Low-Medium Density Residential use that will provide a

connection to and expand the neighborhood to the South to Ellis Road on a property that is otherwise not developed to its potential.

Policy 2.4.2b. Connectivity.

This policy encourages that new development and redevelopment provide internal and external pedestrian and vehicular connectivity within and between individual development sites to provide alternative means of access. The proposed change in land use will allow the project to provide multiple pedestrian and vehicular connections to Winsford at the Park, directly south of the project area. These connections will contain a traffic calming device to slow traffic between the communities. The project will also provide a connection to the west onto Hickory Nut Drive. The main entrance into the development will be located on Ellis Road. To the east of Ellis Road, this project will provide a pedestrian and vehicular connection to the Atwater subdivision south of the project area. The existing residential subdivision to the north did not provide right-of-way for an internal connection from the project area.

B. Whether the proposed change would be compatible with the existing land use pattern and/or designated future land uses:

Policy 2.1.2c. Suburban Tier Defined.

The proposed low-medium density residential use is the best redevelopment use of the subject property. With the proximity of the existing low-medium density to the south and low density to the north, the proposed change in use is an appropriate location for a low-medium residential density. This policy outlines that the Suburban Tier is established to provide land for low to medium density residential development, employment centers, and commercial and industrial activity. Land in this tier is expected to accommodate a large proportion of Durham’s growth through greenfield development, infill, and redevelopment.

Policy 2.1.3d. Residential Defined.

This policy defines that the Suburban Tier is primarily land designated for a range of residential densities and uses. In accordance with table 2-1, Summary of Residential Density Categories, the Suburban Tier allows residential densities ranging from Very Low to Medium-High Density Residential. The proposed low-medium density residential use is appropriate with the project location on Ellis Road.

Policy 2.2.2a. Suburban Tier Development Focus.

This policy is to ensure that Suburban Tier will provide for sufficient land to accommodate anticipated population growth and its attendant demands for housing. The proposed Low-Medium Density Residential, will provide support for this anticipated growth and housing demands while complimenting the adjacent uses and providing transitions within the Suburban Tier.

Policy 2.3.3c. Provision of Open Space.

This site will allow for Open Space areas to be provided. They will be sized appropriate to the nature of the development and within a one-half mile walking distance from the majority of homes within the development while having minimal impact to the to the site’s environmental conditions.



Policy 3.4.2c. Density.

This policy is to ensure that appropriate densities are developed to maximize utilization of existing infrastructure and the utilization and efficiency of existing or proposed transit systems. The existing Low-Density land use classification currently assigned to this area does not maximize the use of the existing infrastructure. By increasing the density to allow Low-Medium residential density development, the existing infrastructure will be better utilized. In addition, this development will provide the necessary improvements to the transportation system as required.

Appropriate Transitions.

The proposed change in land use to Low-Medium Density Residential will allow a better transition by providing a higher density use that is more compatible with the current development trends in this area while transitioning between the Low-Density Residential area to the north and the higher density apartment complex developments to the southeast.

The apartment complexes to the southeast along Ellis Road and adjacent to NC 147 have a density that exceeds 10 units per acre. The existing low-medium density residential developments directly to the south, when calculated with today’s requirements, have a density of 6 to 7 units per acre. The proposed development of less than 6 units per acre as indicated on the development plan will provide a decreased transition through the proposed low-medium density residential land use area to the existing low-density residential development to the north.

C. The proposed change would not create substantial adverse impacts in the adjacent area or the City or County in general.

The proposed expansion of the Low-Medium Residential Land use to allow townhome development will not create substantial adverse impacts to the area or the City/County in general since the requested proposal is more appropriate and follows current development trends in the area. In addition, the existing infrastructure and proposed improvements will be sufficient to support any potential impacts.

D. The subject site is of adequate shape and size to accommodate the proposed change:

The subject site is of adequate shape and size to accommodate the proposed change. The size, shape and access to the land will accommodate the requested zoning, density, interconnectivity, map change, required tree coverage, open space, and stormwater control measures.

Conclusion

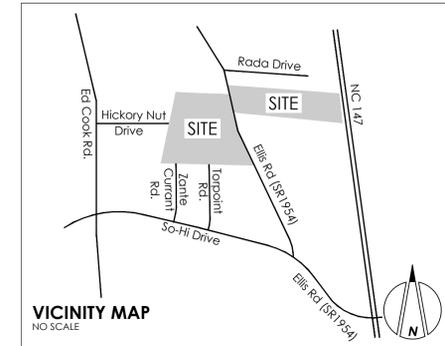
The proposed request to change the land use classification from Low Density Residential to Low-Medium Density Residential is compatible with the adjacent uses and growth patterns of the area. The proposed zoning to PDR will complement the current developments and provide a transition between the surrounding neighborhoods while allowing an underutilized portion of Durham to be appropriately developed to support the anticipated growth and housing demands of Durham.



PIN: 0739-02-89-8616 PID: 163357	PIN: 0739-02-89-6718 PID: 163356	PIN: 0739-02-89-5954 PID: 209141	PIN: 0830-02-80-1161 PID: 163355	PIN: 0830-03-90-3538 PID: 163366
-------------------------------------	-------------------------------------	-------------------------------------	-------------------------------------	-------------------------------------

DEVELOPMENT PLAN 1432 ELLIS ROAD

DURHAM, NORTH CAROLINA



OWNER
SALLY HUMBLE
MARTIN RIGSBEE
3417 OCOTEA STREET
RALEIGH, NC 27607

THE FAMILY TRUST
201 POTOMAC GROVE PLACE
CARY, NC 27519

ENGINEER/LAND PLANNER
HORVATH ASSOCIATES, PA

Tim Sivers
16 CONSULTANT PLACE, SUITE 201
DURHAM, N.C. 27707
P: (919) 490-4990
F: (919) 490-8953
e-mail: tim.sivers@horvathassociates.com

INDEX OF DRAWINGS:

- D000 COVER SHEET
- D001 EXISTING CONDITIONS
- D100 DEVELOPMENT PLAN

TEXT COMMITMENTS	
1.	THE PROPOSED DEVELOPMENT WILL BE TOWNHOUSE RESIDENTIAL UNITS AND PERMITTED ACCESSORY USES.
2.	PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY, INSTALL AN EXCLUSIVE NORTHBOUND LEFT TURN LANE WITH ADEQUATE STORAGE AND APPROPRIATE TAPERS ON ELLIS ROAD AT THE PROPOSED SITE ENTRANCE.
3.	PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY, INSTALL AN EXCLUSIVE SOUTHBOUND LEFT TURN LANE WITH ADEQUATE STORAGE AND APPROPRIATE TAPERS ON ELLIS ROAD AT THE PROPOSED SITE ENTRANCE.
4.	PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY, A MINIMUM OF 5 FEET OF ADDITIONAL ASPHALT (IN ADDITION TO THE PROPOSED ROADWAY IMPROVEMENTS) WILL BE PROVIDED FOR THE FULL FRONTAGE OF THE SITE ALONG BOTH SIDES OF ELLIS ROAD. THE ADDITIONAL ASPHALT WIDENING WILL BE PROVIDED TO ALLOW FOR A BICYCLE LANE.
5.	PRIOR TO ISSUANCE OF A BUILDING PERMIT, DEDICATE ADDITIONAL RIGHT-OF-WAY FOR THE FRONTAGE OF THE SITE ALONG ELLIS ROAD AS NEEDED TO PROVIDE A MINIMUM OF 50 FEET OF RIGHT-OF-WAY FROM THE ORIGINAL CENTERLINE.
6.	TRAFFIC CALMING DEVICES WILL BE PROVIDED AT SITE ACCESS POINTS #4 AND #5.
7.	DEDICATE 30-FOOT WIDE GREENWAY EASEMENT TO THE CITY OF DURHAM FOR FUTURE TRAIL CONSTRUCTION PARALLEL TO NC-147. EXACT LOCATION TO BE DETERMINED AT SITE PLAN.

GENERAL STATUTE	
PER N.C. GENERAL STATUTE § 160A-393.2, ALL COMMITTED ELEMENTS (BOTH GRAPHICAL AND TEXT) DESCRIBED ON THIS PLAN HAVE BEEN CONSENTED TO BY THE UNDERSIGNED APPLICANT.	
APPLICANT PRINT NAME	_____
APPLICANT SIGNATURE	_____

DESIGN COMMITMENTS	
1. DESCRIPTION OF PROPOSED ARCHITECTURE:	
<u>GENERAL ARCHITECTURAL STYLE:</u> THE ARCHITECTURAL DESIGN OF THIS DEVELOPMENT WILL INCLUDE ELEMENTS AS DESCRIBED BELOW.	
<u>PROPOSED ROOFLINE(S):</u> ROOFS WILL BE HIPPED, GABLED OR SHED; SINGLY OR/IN COMBINATION.	
<u>PROPOSED BUILDING MATERIALS:</u> THE PRIMARY BUILDING MATERIAL TO BE USED SHALL BE A CHOICE OR COMBINATION OF THE FOLLOWING MATERIALS: BRICK, BLOCK, STONE, WOOD, EIFS, VINYL, AND / OR FIBER CEMENT BOARD / CEMENTITIOUS CLADDING.	
<u>DISTINCTIVE ARCHITECTURAL FEATURES:</u> A MINIMUM OF ONE DISTINCTIVE ARCHITECTURAL FEATURE SHALL BE USED ON EACH TOWNHOME. THE DISTINCTIVE ARCHITECTURAL FEATURE(S) SHALL BE A CHOICE OR COMBINATION OF WINDOW SHUTTERS, AND / OR STREET FACING GABLES.	
2. DESCRIPTION OF HOW PROPOSED DESIGN WILL FIT INTO THE CONTEXT AREA:	
<u>HOW WILL THE PROPOSED DESIGN, INCLUDING TRANSITION TO ON AND OFF SITE DEVELOPMENT, FIT INTO THE CONTEXT AREA?</u> THIS DEVELOPMENT WILL PROVIDE A TRANSITION BETWEEN THE HIGHER DENSITY DEVELOPMENTS TO THE SOUTH AND LOWER DENSITY EXISTING SINGLE FAMILY NEIGHBORHOODS TO THE NORTH. THE PROPOSED DESIGN WILL EXTEND A SIMILAR USE FROM THE SOUTH.	

GENERAL NOTES	
1.	BOUNDARY INFORMATION TAKEN FROM SURVEY PROVIDED BY MSS LAND CONSULTANTS, NOVEMBER 2018.
2.	TOPOGRAPHIC INFORMATION TAKEN FROM CITY OF DURHAM GIS.
3.	BY REFERENCING ROADWAY IMPROVEMENTS ON THE PLAN, THE APPLICANT AGREES TO CONSTRUCT SAID IMPROVEMENTS PRIOR TO THE ISSUANCE OF ANY CERTIFICATE OF OCCUPANCY IN A MANNER THAT WILL ALLOW THEM TO FUNCTION AS NOTED ON THE PLAN AND IN ACCORDANCE WITH NCDOT AND CITY OF DURHAM STANDARDS AND POLICIES. THIS INCLUDES (WHERE APPROPRIATE) BUT IS NOT LIMITED TO: ADEQUATE TRANSITION TAPERS, ALIGNMENT OF LANES THROUGH INTERSECTIONS, ASSOCIATED SIGNAL MODIFICATIONS, PAVEMENT MARKINGS, ASSOCIATED SIGNAGE, CURB AND GUTTER, COORDINATION WITH OTHER PROPOSED ROADWAY IMPROVEMENTS AND BIKE LANES. THE APPLICANT ALSO ACCEPTS THE FINANCIAL RESPONSIBILITY FOR ACQUISITION OF ANY ADDITIONAL RIGHT-OF-WAY NECESSARY TO ACCOMMODATE THESE IMPROVEMENTS AND ANY REQUIRED SIDEWALK CONSTRUCTION.
4.	A MAXIMUM OF 90 DWELLING UNITS WILL BE PERMITTED ON EACH SIDE OF ELLIS ROAD PRIOR TO A SECOND POINT OF ACCESS TO THE ROADWAY NETWORK.

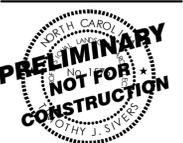
DEVELOPMENT SUMMARY		
SITE SUMMARY	ACRES	SQUARE FEET
GROSS LAND AREA	43.650	1,901,382
EXISTING USE:	FORESTRY, SF & VACANT RESIDENTIAL	
EXISTING ZONING:	RR & RS-20	
PROPOSED ZONING:	PDR 5.706	
EXISTING IMPERVIOUS AREA (SF):	16,986	
WATERSHED COVERLAY:	N/A	
RIVER BASIN:	CAPE FEAR	
CITY LIMIT:	YES (ANNEXATION CASE #: BDG1900019)	
TIER:	SUBURBAN	
<hr/>		
MAXIMUM NUMBER OF UNITS:	200	
NET LAND AREA:	35.048 AC	
MAXIMUM DENSITY:	5.706 DU/AC	
IMPERVIOUS SUMMARY	ACRES	PERCENTAGE
MAXIMUM IMPERVIOUS AREA:	21.825	50%
<hr/>		
TREE COVERAGE SUMMARY	ACRES	PERCENTAGE
TOTAL TREE COVERAGE NET AREA (SF)	42,254	
TREE COVERAGE:	8.451	20%
REQUIRED TREE COVERAGE:	8.451	20%
<hr/>		
OPEN SPACE SUMMARY	ACRES	PERCENTAGE
NET LAND AREA	35.048	
REQUIRED OPEN SPACE:	5.608	16%
PROPOSED OPEN SPACE:	5.608	16%

APPROVAL STAMP	



1432 ELLIS ROAD
 DURHAM, NORTH CAROLINA

COVER SHEET



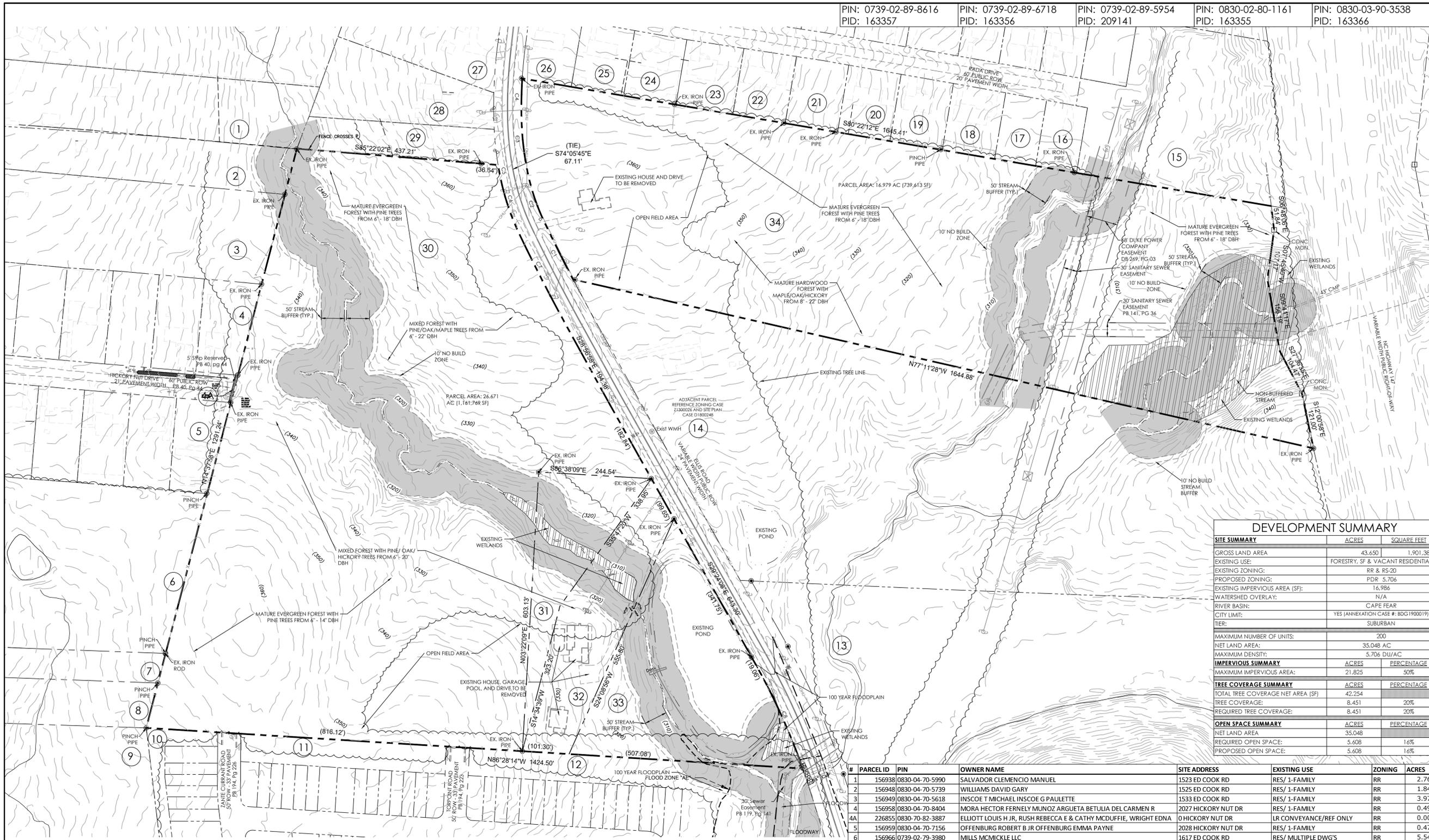
1	SEPTEMBER 5, 2019	PER 1ST CITY REVIEW COMMENTS	MS
2	NOVEMBER 7, 2019	PER 2ND CITY REVIEW COMMENTS	MS
3	JANUARY 2, 2020	PER CITY REQUEST	TS

DRAWN BY:	CHECKED BY:
MS	TS
DATE	DECEMBER 10, 2018
SCALE	AS NOTED
PROJECT NO.	1868
SHEET NO.	

CASE #Z1800035

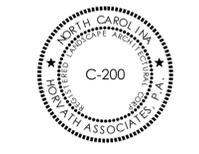
D000

DEVELOPMENT PLAN



DEVELOPMENT SUMMARY		
SITE SUMMARY	ACRES	SQUARE FEET
GROSS LAND AREA	43.650	1,901,382
EXISTING USE:	FORESTRY, SF & VACANT RESIDENTIAL	
EXISTING ZONING:	RR & RS-20	
PROPOSED ZONING:	PDR 5.706	
EXISTING IMPERVIOUS AREA (SF):	16,996	
WATERSHED OVERLAY:	N/A	
RIVER BASIN:	CAPE FEAR	
CITY LIMIT:	YES (ANNEXATION CASE #: BDG1900019)	
TIER:	SUBURBAN	
MAXIMUM NUMBER OF UNITS:	200	
NET LAND AREA:	35.048 AC	
MAXIMUM DENSITY:	5.706 DU/AC	
IMPERVIOUS SUMMARY	ACRES	PERCENTAGE
MAXIMUM IMPERVIOUS AREA:	21.825	50%
TREE COVERAGE SUMMARY	ACRES	PERCENTAGE
TOTAL TREE COVERAGE NET AREA (SF)	42,254	
TREE COVERAGE:	8.451	20%
REQUIRED TREE COVERAGE:	8.451	20%
OPEN SPACE SUMMARY	ACRES	PERCENTAGE
NET LAND AREA	35.048	
REQUIRED OPEN SPACE:	5.608	16%
PROPOSED OPEN SPACE:	5.608	16%

EXISTING CONDITIONS



1	SEPTEMBER 5, 2019	MS
	PER 1ST CITY REVIEW COMMENTS	
2	NOVEMBER 7, 2019	MS
	PER 2ND CITY REVIEW COMMENTS	
3	JANUARY 2, 2020	TS
	PER CITY REQUEST	

DRAWN BY: MS
CHECKED BY: TS

DATE: DECEMBER 10, 2018

SCALE: 1"=100'

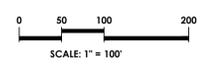
PROJECT NO. 1868

SHEET NO.

D001

DEVELOPMENT PLAN

1 EXISTING CONDITIONS
D001 SCALE: 1"=100'



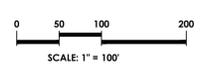
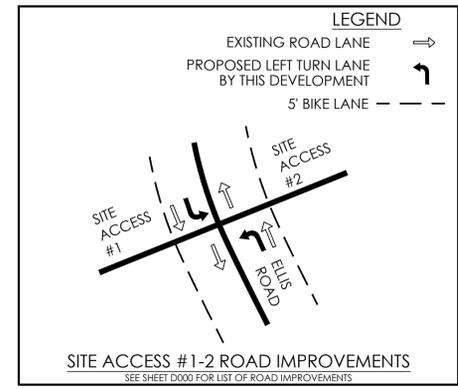
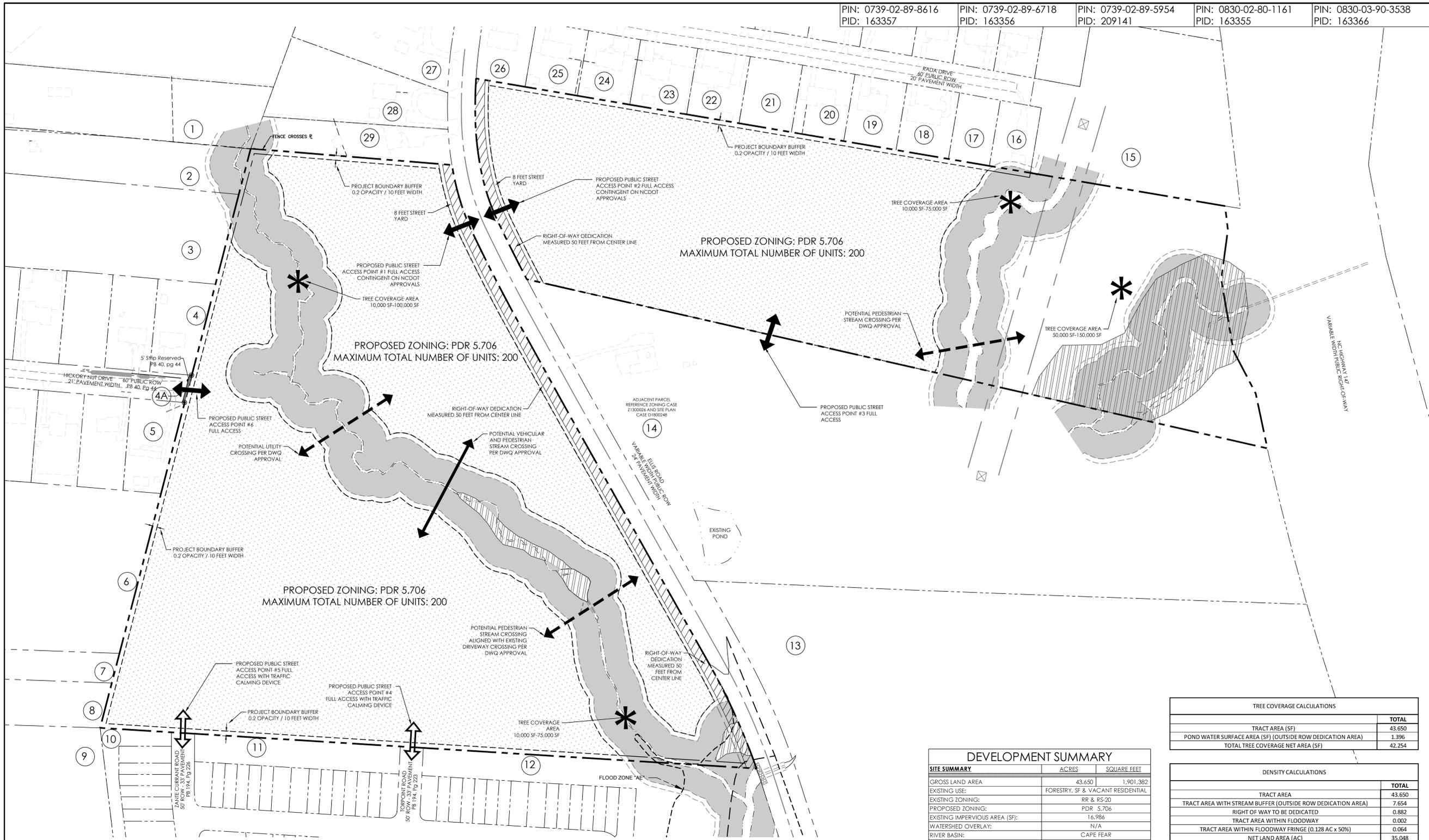
- LEGEND**
- STREAM BUFFER HATCH
 - NO BUILD STREAM BUFFER
 - TOTAL PROJECT AREA BOUNDARY
 - ADJACENT PROPERTY BOUNDARY

- EXISTING CONDITIONS NOTES:**
- BOUNDARY SURVEY FROM MSS CONSULTANTS DATED NOVEMBER, 2018.
 - TOPOGRAPHIC INFORMATION FROM CITY OF DURHAM.
 - NO STEEP SLOPES FOUND ON THE SITE.
 - NO DURHAM HISTORIC INVENTORY SITES OR DURHAM NATURAL INVENTORY AREAS LOCATED ON OR WITHIN 100' OF THIS PROPERTY.
 - NO GREENWAY OR TRAILS ARE LOCATED OR PLANNED FOR THIS SITE AS PER THE DURHAM URBAN TRAILS AND GREENWAY MASTER PLAN.
 - TREE SAMPLING AREA AND SPECIMEN TREE SURVEYS ARE NOT REQUIRED WITHIN FLOOD PLAIN, STREAM BUFFERS, OR ALONG STEEP SLOPES AS PER THE UDO.
 - 100 YR FLOOD PLAIN IS ILLUSTRATED ON THE PLAN.

CURRENT PROPERTY OWNER INFORMATION						
#	PARCEL ID	PIN	OWNER NAME	SITE ADDRESS	EXISTING USE	ZONING ACRES
30	163355	0830-02-80-1161	HUMBLE SALLY RIGSBEE, RIGSBEE MARTIN	1432 ELLIS RD	PRESENT-USE/FORESTRY	RR 20.627
31	209141	0739-02-89-5954	HUMBLE SALLY RIGSBEE, RIGSBEE MARTIN	1502 ELLIS RD UNIT 00000	PRESENT-USE/FORESTRY	RR 1.238
32	163356	0739-02-89-6718	FAMILY TRUST THE UNDER ARTICLE III SEC ONE	1506 ELLIS RD	RES/ 1-FAMILY	RR 1.668
33	163357	0739-02-89-8616	HUMBLE SALLY RIGSBEE, RIGSBEE MARTIN	1518 ELLIS RD	PRESENT-USE/FORESTRY	RR 3.137
34	163366	0830-03-90-3538	HUMBLE SALLY RIGSBEE, RIGSBEE MARTIN	1431 ELLIS RD	PRESENT-USE/FORESTRY	RS-20 16.979

#	PARCEL ID	PIN	OWNER NAME	SITE ADDRESS	EXISTING USE	ZONING	ACRES
1	156938	0830-04-70-5990	SALVADOR CLEMENCIO MANUEL	1523 ED COOK RD	RES/ 1-FAMILY	RR	2.766
2	156948	0830-04-70-5739	WILLIAMS DAVID GARY	1525 ED COOK RD	RES/ 1-FAMILY	RR	1.841
3	156949	0830-04-70-5618	INSCOE T MICHAEL INSCOE G PAULETTE	1533 ED COOK RD	RES/ 1-FAMILY	RR	3.974
4	156958	0830-04-70-8404	MORA HECTOR FERNELY MUNOZ ARGUETA BETULIA DEL CARMEN R	2027 HICKORY NUT DR	RES/ 1-FAMILY	RR	0.499
4A	226855	0830-70-82-3887	ELLIOTT LOUIS H JR, RUSH REBECCA E & CATHY MCDUFFIE, WRIGHT EDNA	0 HICKORY NUT DR	LR CONVEYANCE/REF ONLY	RR	0.007
5	156959	0830-04-70-7156	OFFENBURG ROBERT B JR OFFENBURG EMMA PAYNE	2028 HICKORY NUT DR	RES/ 1-FAMILY	RR	0.478
6	156966	0739-02-79-3980	MILLS MCMICKLE LLC	1617 ED COOK RD	RES/ MULTIPLE DWG'S	RR	5.545
7	156969	0739-02-79-3619	NGUYEN CHINH H PHUNG HANH M	1703 ED COOK RD	RES/ 1-FAMILY	RR	1.075
8	156970	0739-02-79-3611	YATES MICHAEL R YATES ROSE B	1707 ED COOK RD	RES/ MULTIPLE DWG'S	RR	1.552
9	156973	0739-02-79-4339	WALTON LESLIE MADDOX WALTON CAROL GERKEN	1713 ED COOK RD	VACANT LAND (UNDIFF)	RR	3.479
10	163354	0739-02-79-7040	WINSFORD AT THE PARK OWNERS ASSOCIATION INC	103 ZANTE CURRANT RD	VAC RES/ HOMEOWNERS ASSOC	RS-M(D)	0.909
11	217967	0739-02-89-0570	WINSFORD AT THE PARK OWNERS ASSOCIATION INC	314 ZANTE CURRANT RD	VAC RES/ HOMEOWNERS ASSOC	RS-M(D)	0.612
12	217878	0739-02-88-8819	WINSFORD AT THE PARK OWNERS ASSOCIATION INC	200 TORPOINT RD	COM/ HOMEOWNERS ASSOC IMP	RS-M(D)	16.352
13	163370	0739-01-99-8190	RESEARCH PARK LLC	1533 ELLIS RD	COM/ APARTMENT-GARDEN	OI(D)	42.241
14	163368	0830-01-90-4111	TEAGUE-HANKINS DEVELOPMENT CORP	1443 ELLIS RD	RES/ 1-FAMILY	PDR 7.341	15.515
15	163300	0830-03-90-9807	GUTHRIE RAY P ESTATE	2328 RADA DR	VACANT LAND (UNDIFF)	RS-10	3.08
16	163330	0830-04-90-6824	WHITE JACQUELINE ANITA	2324 RADA DR	VAC RES/ W/ SML IMPROV	RS-10	0.294
17	163329	0830-04-90-5846	GRIFFIN JACQUELINE ANITA WHITE	2320 RADA DR	RES/ 1-FAMILY	RS-10	0.297
18	163328	0830-04-90-4848	BROGE BRADLEY ROBERT	2316 RADA DR	RES/ 1-FAMILY	RS-10	0.383
19	163327	0830-04-90-3920	DE LA CRUZ JOAQUIN	2312 RADA DR	RES/ 1-FAMILY	RS-10	0.384
20	163326	0830-04-90-2922	SEAGROVES MARY LOUISE H	2308 RADA DR	RES/ 1-FAMILY	RS-10	0.386
21	163325	0830-04-90-0993	RITZ MICHALA ROSE	2304 RADA DR	RES/ 1-FAMILY	RS-10	0.387
22	163324	0830-04-90-0905	KLECZOWSKI SCOTT C	2300 RADA DR	RES/ 1-FAMILY	RS-10	0.383
23	163323	0830-04-80-8978	GUTHRIE RAY P SR ESTATE GUTHRIE RAY P JR	2214 RADA DR	RES/ 1-FAMILY	RS-10	0.41
24	163322	0830-04-81-7050	TOLEDO DANIEL CORTAZ TOLEDO ADOLFO CORTAZ	2210 RADA RD	RES/ 1-FAMILY	RS-10	0.374
25	163321	0830-04-81-6031	TOLEDO DANIEL CORTAZ SALAZAR-LARA ELVIRA	2206 RADA DR	RES/ 1-FAMILY	RS-10	0.377
26	163320	0830-04-81-5034	AGUILAR OSCAR ARMANDO MERLOS	2202 RADA DR	RES/ 1-FAMILY	RS-10	0.371
27	163362	0830-04-81-2067	VICKERS SARAH E	1414 ELLIS RD	RES/ 1-FAMILY	RR	1.157
28	163361	0830-04-80-1993	HANSEN CHARLES M	1420 ELLIS RD	RES/ 1-FAMILY	RR	1.119
29	163358	0830-04-80-2802	COOPER CHRISTOPHER D COOPER MARY M	1422 ELLIS RD	RES/ 1-FAMILY	RR	0.785

PIN: 0739-02-89-8616 PID: 163357
 PIN: 0739-02-89-6718 PID: 163356
 PIN: 0739-02-89-5954 PID: 209141
 PIN: 0830-02-80-1161 PID: 163355
 PIN: 0830-03-90-3538 PID: 163366



D100 DEVELOPMENT PLAN
 SCALE: 1"=100'

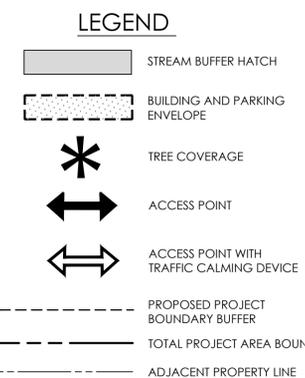


DEVELOPMENT SUMMARY		
SITE SUMMARY	ACRES	SQUARE FEET
GROSS LAND AREA	43.650	1,901,382
EXISTING ZONING:	FORESTRY, SF & VACANT RESIDENTIAL	
PROPOSED ZONING:	RR & RS-20	
EXISTING IMPERVIOUS AREA (SF):	PDR 5.706	
WATERSHED OVERLAY:	N/A	
RIVER BASIN:	CAPE FEAR	
CITY LIMIT:	YES (ANNEXATION CASE #: BDG1900019)	
TIER:	SUBURBAN	
MAXIMUM NUMBER OF UNITS:	200	
NET LAND AREA:	35.048 AC	
MAXIMUM DENSITY:	5.706 DU/AC	
IMPERVIOUS SUMMARY		
MAXIMUM IMPERVIOUS AREA:	21,825	50%
TREE COVERAGE SUMMARY		
TOTAL TREE COVERAGE NET AREA (SF)	42,254	
TREE COVERAGE:	8,451	20%
REQUIRED TREE COVERAGE:	8,451	20%
OPEN SPACE SUMMARY		
NET LAND AREA	35.048	
REQUIRED OPEN SPACE:	5,608	16%
PROPOSED OPEN SPACE:	5,608	16%

GENERAL NOTES:
 1. TRAFFIC CALMING DEVICE SHALL INCLUDE AT LEAST ONE OF THE FOLLOWING MEASURES: LOWERING OF SPEED LIMIT, NEIGHBORHOOD GATEWAYS, NECKDOVNS, AND / OR MEDIANS AS DEFINED IN THE CITY OF DURHAM TRAFFIC CALMING GUIDELINE.

TREE COVERAGE CALCULATIONS	
TRACT AREA (SF)	43,650
POND WATER SURFACE AREA (SF) (OUTSIDE ROW DEDICATION AREA)	1,396
TOTAL TREE COVERAGE NET AREA (SF)	42,254

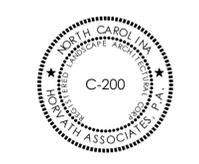
DENSITY CALCULATIONS	
TRACT AREA	43,650
TRACT AREA WITH STREAM BUFFER (OUTSIDE ROW DEDICATION AREA)	7,654
RIGHT OF WAY TO BE DEDICATED	0.882
TRACT AREA WITHIN FLOODWAY	0.002
TRACT AREA WITHIN FLOODWAY FRINGE (0.128 AC x 50%)	0.064
NET LAND AREA (AC)	35.048



HORVATH ASSOCIATES
 CIVIL ENGINEERING LANDSCAPE ARCHITECTURE PLANNING STORMWATER MANAGEMENT
 16 CONSULTANT PLACE, SUITE 201
 DURHAM, NORTH CAROLINA 27707
 P 919.490.4990 F 919.490.8953
 NORTH CAROLINA BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS LICENSE NO.: C-0676
 www.horvathassociates.com

1432 ELLIS ROAD
 DURHAM, NORTH CAROLINA

DEVELOPMENT PLAN



- 1 SEPTEMBER 5, 2019 PER 1ST CITY REVIEW COMMENTS MS
- 2 NOVEMBER 7, 2019 PER 2ND CITY REVIEW COMMENTS MS
- 3 JANUARY 2, 2020 PER CITY REQUEST TS

DRAWN BY: MS CHECKED BY: TS
 DATE: DECEMBER 10, 2018
 SCALE: 1"=100'
 PROJECT NO: 1868
 SHEET NO.

D100 DEVELOPMENT PLAN



ATTACHMENT 6:
COMPREHENSIVE PLAN
CONSISTENCY ANALYSIS

As directed by paragraph 3.4.7 of the Unified Development Ordinance, staff has reviewed the requested Zoning Map Change and Future Land Use Map Amendment for consistency with all relevant policies of the Comprehensive Plan. That analysis is provided below.

1. Future Land Use Map Amendment

Policy 2.1.3d. Residential Defined. *Primarily land designated for a range of residential densities and uses. Table 2-1 displays the residential future land use categories that are allowed within each Tier. There is no category applicable to the Downtown Tier because residential density is not regulated Downtown. Through the Unified Development Ordinance, maintain density categories by Tier consistent with Table 2-1, Summary of Residential Densities. This land use category may be accommodated by any residential zoning district and the Mixed Use (MU) district with a density consistent with its future land use designation.*

Density		Tier					
		Rural	Suburban	Urban	Compact Neighborhood Support	Core	Downtown
Rural	0.75 DU/Acre or Less	●					
Very Low	2 DU/Acre or Less	●	●				
Low	4 DU/Acre or Less		●				
Low-Medium	4-8 DU/Acre		●				
Medium	8-12 DU/Acre		●	●			
Medium-High	8-20 DU/Acre		●	●	●		
High	12-60 DU/Acre				●	●	(Unlimited)

Note: Achievement of these densities may require utilization of development plans and/or density bonuses for such things as provision of affordable housing or location on major transportation corridors, as further provided for in the Unified Development Ordinance.
In the Downtown Tier, regulations will focus on creating desirable development forms and appropriate interface with the streetscape. Therefore, residential densities will not be regulated.

Staff Analysis: The low-medium density residential designation for the 43.65 acre tract is consistent with the neighboring developments to the south, and it is an acceptable designation in the Suburban Tier. It provides an appropriate transition between the higher density development to the south and the single-family homes to the north.

Policy 2.2.2b. Suburban Tier Land Uses. *Land uses that shall be allowed in the Suburban Tier include: i. Recreation and Open Space; ii. Agricultural; iii. Residential; iv. Institutional; v. Commercial; vi. Office; vii. Research/Research Application; and viii. Industrial.*

Staff Analysis: The proposed low-medium density residential designation of the site is consistent with Planned Development Residential development permissible within the Suburban Tier. The Low-Medium

Density residential designation is consistent with the properties to the south, and the nearby garden apartments and townhouse developments. It provides a higher density option than the existing zoning to serve the area's need for additional housing, while in proximity to the interstate highway and Research Triangle Park.

2. Zoning Map Amendment

2.3.1a. Contiguous Development. *Support orderly development patterns that take advantage of existing urban services, and avoid, insofar as possible, patterns of leapfrog, noncontiguous, scattered development.*

Staff Analysis: This area has been experiencing a tremendous amount of residential growth, some of which has been built, some is under construction, and some is approved. Most of the property borders existing residential development. There are existing homes north of the 1431 Ellis Road parcel. There is a pending zoning application (Z1900022) for up to 147 townhouse units at 1343 Ellis Road. To the south, 1443 Ellis Road, is zoned PDR 7.341 and has been approved for 85 townhouse lots (D1800248). There are several nearby garden apartments, including the Northpark Apartments with 344 units (D0700582) and the Winsford in the Park townhouse development with 155 lots. Single family homes are located to the west off Ed Cook Road and Hickory Nut, and to the north off Ellis Road. Existing roadway stubs at the end of Torpoint Road, Zante Currant Road and Hickory Nut Drive will provide interconnectivity with the proposed development on the west side of Ellis Road. In addition, there are cross connections between the proposed development on 1443 Ellis Road (D1800248) and the development on the east side of Ellis Road.

Policy 2.3.2a Infrastructure Capacity. *In evaluating changes to the Future Land Use Map and Zoning Atlas, the City-County Planning Department shall consider impacts to the existing capacities of the transportation, water, and sewer systems, and other public facilities and services. In order to assess the impact on infrastructure and services of changes to the Future Land Use and Zoning Maps, the City-County Planning Department shall measure from the potential maximum impact of current policy or regulation to the potential maximum impact of the proposed change in policy or regulation.*

Staff Analysis: Existing infrastructure, such as road, water, and sewer capacity, is sufficient to accommodate potential impacts. Attachment 8 provides additional information.

Policy 8.1.2h. Transportation Level of Service Maintenance. *In order to maintain the level of service on Durham roads, the City-County Planning Department shall not recommend approval for any zoning map change which would result in the average daily trips exceeding 110 percent of the adopted level of service standard for any adjacent road, unless the impact on the adjacent roads is mitigated. Development projects shall be exempt from this policy if the project results in a change in the average daily trips of no more than 3 percent of the level of service standard on any adjacent road. This exemption shall not apply if the present average daily trips exceed 120 percent of the level of service standard on any adjacent road. If the zoning map change request is found to be inconsistent with this policy, any associated Plan Amendment shall also be recommended for denial.*

Staff Analysis: The proposed development plan is consistent with this policy; while the traffic from the proposed zoning will increase, there is a series of traffic related improvements that the applicant has committed to, including installing exclusive northbound and southbound left turn lanes with adequate

storage on Ellis Road, and dedicating additional right-of-way for the full frontage of the site along Ellis Road.

8.1.4d. Development Review and Adopted Regional Bicycle Plans. *The City-County Planning Department, the City Parks and Recreation Department, the City Public Works Department, and the City Department of Transportation shall 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.*

Staff Analysis: The proposed development is consistent with this policy; the development plan commits to additional asphalt for a future bicycle lane along Ellis Road.

11.1.1b. Adequate Schools Facilities. *The City-County Planning Department shall 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 the schools of any type to exceed the level of service. In application of this Policy, consideration shall be given to any commitments made by the developer to mitigate the exceedance.*

Staff Analysis: There will be a decrease in the number of students generated by the proposed development, compared to the existing zoning. The existing school capacity is sufficient to accommodate the number of school children generated at this site. Attachment 8 provides additional information.



**ATTACHMENT 7:
SUMMARY OF DEVELOPMENT IMPACTS**

This attachment provides a summary of the potential infrastructure impacts associated with the proposed request in terms of how it affects the transportation system and utilities.

1. Transportation Impacts

Ellis Road and SoHi Drive are the major roads impacted by the proposed zoning change. There are no planned City of Durham or NCDOT projects within the vicinity of the proposed zoning.

Table 1: Existing Roadway Characteristics		
Affected Segment	Ellis Road	SoHi Drive
Type of Roadway	2-lane undivided city/county class I arterial without left-turn lanes	2-lane undivided city/county class I arterial with left-turn lanes
Current Roadway Capacity (LOS D) (AADT)*	11,800	17,700
Latest Traffic Volume (AADT)**	4,500	4,700

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

Source of Latest Traffic Volume: 2017 NCDOT Traffic Count Map

Table 2, below, shows the projected vehicle trips generated under the proposed rezoning compared to the present zoning designation.

Table 2: Traffic Generation	
Traffic Generated by Present Designation (average 24 hour)*	*729
Traffic Generated by Proposed Designation (average 24 hour)**	**1,471
Impact of Proposed Designation	+742

*Assumption- (Max Use of Existing Zoning) – RR and RS-20: 68 single-family lots

**Assumption- (Max Use of Existing Zoning) – PDR 5.706: 200 townhomes

Transit service is not currently provided with one-quarter mile of the site.

2. Water and Sewer Impacts

This site will be served by city water and sewer. Water Management has reviewed the impact the proposed zoning will have on the following utilities:

1. Drinking water supply, treatment and distribution infrastructure, including available fire flow capacity
2. Waste water collection and treatment infrastructure, including downstream lift station capacity.

As a result of this review, Water Management has issued a Summary Utility Development Statement to the applicant summarizing required off-site improvements to the water and wastewater systems to serve this proposed use, see Attachment 9.

3. Stormwater Impacts

The Durham Stormwater Engineering Department reviewed the proposed zoning and determined that adequate riparian buffers, floodplain requirements and the appropriate impervious surface limitations have been addressed, where required.

All other stormwater impacts associated with the development will be addressed at the time of site plan review, because site plan review requires a level of detail that is not required at the time of rezoning.

4. School System Impact

Durham Public Schools serving the area are Bethesda Elementary, Lowes Grove Middle, and Hillside High. Table 3 provides a summary of the current building capacity for the elementary, middle and high schools, as well as the current enrollment and the available capacity.

Table 3: School Enrollment and Capacity Figures			
	Elementary School Students	Middle School Students	High School Students
Current Building Capacity	15,047	7,779	10,500
Maximum Building Capacity (110% of Building Capacity)	16,552	8,557	11,550
20th Day Attendance (2019-2020 School Year)	15,045	7,311	10,354
Committed to Date (October 2016-September 2019)	121	25	(28)
Available Capacity	1,386	1,221	1,224

As shown in Table 4, there would be a decrease of two school aged children based upon the proposed zoning district buildout.

Table 4: Number of Projected Students Under Rezoning			
	Elementary School Students	Middle School Students	High School Students
Potential Students Generated – Current Zoning*	10	5	8
Potential Students Generated – Proposed Zoning**	10	5	6
Impact of Proposed Zoning	0	0	-2

*Assumption- (Max Use of Existing Zoning) – RR and RS-20: 68 single-family lots

**Assumption- (Max Use of Existing Zoning) – PDR 5.706: 200 townhomes

5. Summary

The proposed PDR district and associated development plan is consistent with *Comprehensive Plan* policies regarding the infrastructure impacts of the transportation system, utilities, and schools.



ATTACHMENT 8:

BICYCLE AND PEDESTRIAN ADVISORY COMMISSION (BPAC) COMMENTS AND RESPONSE

The Durham Bicycle and Pedestrian Advisory Commission (BPAC) has reviewed the project and believes the project would better serve the needs of the community and the goals of the Durham Comprehensive Plan if the following items are included:

1. For conformance with the Durham Comprehensive Plan Policy 8.1.4.i (Pedestrian Facilities in New Development), BPAC recommends the applicant proffer the construction of a sidewalk along the full frontage of the site along Ellis Road, rather than make a payment in lieu of constructing the sidewalk. This is a growing part of the City of Durham and sidewalks are needed.

Transportation Response: Per UDO Section 12.4.2.B, preliminary and minor plats shall provide public sidewalk within right-of-way. Therefore, payment in-lieu will not be an option at the time of site plan.

2. For conformance with Durham Comprehensive Plan Policy 8.1.4.d (Development Review and Adopted Regional Bicycle Plans), BPAC recommends the applicant proffer the construction of an additional 5 feet of asphalt for the full frontage of the site along Ellis Road. The additional asphalt widening will provide a lane for bicycle use. The need for a 5-foot bike lane in this location is documented in the adopted DCHC MPO Comprehensive Transportation Plan.

Transportation Response: Text commitment has been added.

3. For conformance with Durham Comprehensive Plan Policy 8.1.4.d (Development Review and Adopted Regional Bicycle Plans), BPAC recommends the applicant proffer a public access trail easement for a future multi-use path that would parallel NC 147. The need for a multi-use path in this location is documented in the adopted DCHC MPO Comprehensive Transportation Plan.

Transportation Response: Text commitment has been added.

4. For conformance with Policy 8.1.6m (Traffic Calming Standards and Practices) of the Durham Comprehensive Plan and to further the goals of Vision Zero Durham, Please add a text commitment to provide traffic calming in the development to ensure safe bicycle and pedestrian use by adding traffic calming circles at intersections, speed humps/tables, or other design features. It is more efficient when building new neighborhoods to incorporate traffic calming features into the street design, rather than

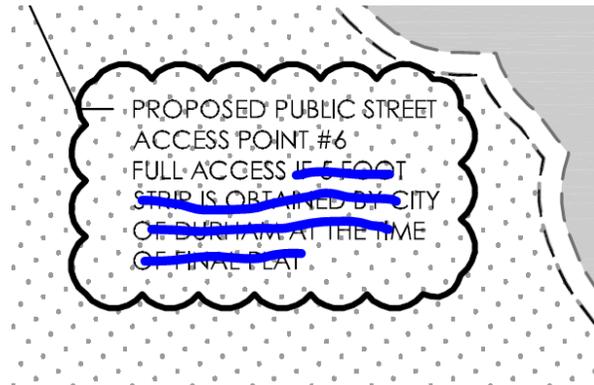
to retrofit the streets later at taxpayer expense when residents complain to City staff and the Police Department about high speed traffic.

Transportation Response: Text commitment has been added and the traffic calming devices have been noted on D100.

5. Please note that there appears to be a utility use at the end of Hickory Nut Drive which would have to be moved in order to connect to the proposed development:



Transportation response: If the applicant cannot commit without condition to connecting Site Access #6 to the existing pavement for Hickory Nut Drive due to the uncertainty of the 5' reserved strip, revise the label for site access point #6 as follows.



If the above issue has been resolved at the time of site plan, the connection can still be made at that time. Regardless, a street stub will still be required to be constructed to the property line and aligned with the existing Hickory Nut Drive right-of-way for future connection.


CITY OF DURHAM – SUMMARY UTILITY DEVELOPMENT STATEMENT

Department of Water Management
 1600 Mist Lake Drive | Durham, NC 27704
 919.560.4381 | F 919.560.4479

 Date: 10/26/2018

www.durhamnc.gov

PROJECT INFORMATION SUMMARY

 Project Name: Ellis Road Assemblage

 Parcel ID(s) (not PINs): 163366, 163355, 209141, 163356, 163357

Project Description/Type, per RGD Section 5.0, and Unit Count:

200 Townhomes Units
UTILITIES STATEMENT

Per discussion with the applicant and review of the attached Utility Impact Analysis Questionnaire, the City of Durham Department of Water Management has determined the following utilities will be required to serve the proposed project:

GENERAL: The applicant may increase or decrease the proposed unit count by 10% without triggering a new Summary Utility Development Statement.

WATER: The proposed project site is within the 567' pressure zone and will require the following waterline connections to serve the proposed development of 200 units: (1) Connections from the parcels to the west and the east to the existing 12-inch water main in Ellis Rd, (2) connection to the existing 8-inch waterline in Torpoint Rd, (3) connection to the existing 8-inch waterline in Zante Currant Rd and (4) connection to the existing 8-inch waterline in Hickory Nut Dr. Applicant will extend 8-inch public water mains throughout site to provide domestic service and fire protection. At a minimum, a second waterline feed must be constructed and in service before the 100th CO will be issued. Water management will not approve a plat that establishes more than 100 units without a second waterline feed in service. PRVs at structures are the responsibility of the applicant.

SEWER: The proposed project site is within the Northeast Creek Outfall drainage basin. The applicant will construct public gravity mains to connect to the existing Northeast Creek Outfall in parcel 163366 and along Ellis Rd. The applicant will abandon the Hickory Nut Drive Lift Station, cut and cap the existing force main, and extend gravity sewer to serve the properties formerly served by the Hickory Nut Drive Lift Station. Reimbursement will be provided for abandonment of the Hickory Nut Drive Lift Station.

ADDITIONAL REQUIREMENTS

- Review and approval of a Lift Station PER is required before any lift station drawings will be reviewed
- Flow calculations are required for water meters 3-inch or greater
- Applicant is responsible for performing fire flow analyses to ensure that the required fire flow can be provided to each proposed hydrant
- Utility Extension Agreement required
- Reimbursement Agreement required

Signed: _____

 Title: Engineering Supervisor



CONSOLIDATED ITEM REPORT
PAGE ROAD FLEX DEVELOPMENT
A1900015, Z1900042

Meeting Date: February 11, 2020

Royals Extension			
Application Information			
Reference Name	Page Road Flex Development	Submittal Date	September 9, 2019
Application Type(s) (Case#)	Plan Amendment (A1900015) Zoning Map Change (Z1900042)		
Proposal	Text-only development plan. The following uses are permitted: Retail sales and services, except for convenience store with gasoline sales, drive-through facilities, pay day lenders; self-service storage; office; light industrial services; warehouse and freight movement; and medical facilities. Any self-storage uses constructed on this property shall be screened from view from adjacent properties pursuant to Sec. 9.7, Screening, except where storage units are not visible off-site and all access to individual storage units are from corridors internal to the building.		
Applicant	Warren Mitchell, PE		
Staff Contact	Jamie Sunyak, Senior Planner (Jamie.Sunyak@Durhamnc.gov)		
Site Information			
Location	2211 Page Road	Legacy Cases	N/A
Site Acreage	10.12	Existing Use	Undeveloped
Request			
Designations	Existing	Proposed	
Jurisdiction	County	No change	
Development Tier	Suburban	No change	
Future Land Use	Office	Industrial	
Zoning	Residential Rural (RR)	Industrial Light with a Text-only development plan (IL(D))	
Zoning Overlay	None	No change	
TIA Required	Not required		
Recommendations and Determinations			
Staff	Staff determines that this request is inconsistent with the <i>Comprehensive Plan</i> and other adopted ordinances and policies.		
Planning Commission	TBD		
BPAC	No comments		

A. Summary

Warren Mitchell, PE, proposes to change the zoning designation of a 10.12 acre parcel of land located at 2211 Page Road. The site is presently zoned Rural Residential (RR). As noted in Attachment 7, the applicant proposes to change this designation to Light Industrial with a text-only development plan, with the following permitted uses: retail sales and services, except for convenience store with gasoline sales, drive-through facilities, pay day lenders; self-service storage; office; light industrial services; warehouse and freight movement; and medical facilities. Any self-storage uses constructed on this property shall be screened from view from adjacent properties pursuant to Sec. 9.7, Screening, except where storage units are not visible off-site and all access to individual storage units are from corridors internal to the building.

The property is currently designated Office on the Future Land Use Map (FLUM) (Attachment 3). The applicant has requested a Future Land Use Map amendment (A1900015) to Industrial to coincide with the rezoning request.

B. Site History

No development activity has occurred on the site.

C. Existing Site Characteristics

Site Conditions. The 10.12 acre site is undeveloped and heavily wooded. The following photos provide a visual context of the site. Their locations have been identified on the Aerial Map (Attachment 2).



Photo 1: Facing east on Page Road



Photo 2: Facing southeast on Page Road

Area Characteristics. The site is located in the Suburban Development Tier. As shown on the Context Map, this area has multiple zoning designations, and the land use pattern is varied in terms of uses. To the west, is a mix of flex light industrial, office, warehouse and self-service storage facilities. Directly north is a City-owned parcel with an overhead water tank. To the north along Page Road Extension and towards Highway 70, there is an office building, a telecommunication company and an industrial manufacturing plant on the east side. Along the west side, there is a motor vehicle services facility, a car wash, and additional light industrial/flex users, and a self-storage facility. To the south along Page Road, there is a small parcel of undeveloped land, followed by a business use at the corner of Lumley Road and Page Road. On the north side of Lumley Road, there is land that was rezoned to Industrial Light in 2017 (legacy case Z1700042). To the east is a 47 acre tract of land that has an approved site plan (case D1700334) for 93 townhouse units. On the south side of Lumley Road, there is a townhouse development, Houndsvillage, which is under construction. South of the intersection with Lumley Road, the character of the area changes, and there are a number of residential developments including the Indigo garden apartments, Pagehurst townhomes, Brier Village, and retail shopping at Alexander Village. The area transitions again to the northwest along Page Road, where there are additional garden apartments, Kingsley Woods townhouses, an existing and proposed church, the Pagemore residential neighborhood, and other single-family and multifamily residential developments. The following photos provide a visual context of the area. Their locations have been identified on the Aerial Map (Attachment 2).



Photo 3: Facing south on Page Road



Photo 4: Facing east on Page Road



Photo 5: Facing south on Litho



Photo 6: Facing west on Page Road



Photo 7: Facing northwest on Page Road



Photo 8: Facing west on Page Road



Photo 9: Facing west on Page Road



Photo 10: Facing southeast on Page Road



Photo 11: Corner of Lumley Road and Page Road



Photo 12: Facing north on Lumley Road



Photo 13: Facing south on Terrier Road



Photo 14: Facing north on Lumley Road



Photo 15: Facing west on Page Road



Photo 16: Facing east on Page Road

D. Criteria for Plan Amendments

A change to the Future Land Use Map is reviewed for consistency with the policies of the *Comprehensive Plan*, as well as other adopted plans.

1. Criterion A: Consistency with Adopted Plans and Policies

Whether the proposed change would be consistent with the intent, goals, objectives, policies, guiding principles and programs of any adopted plans.

Staff Analysis. As detailed in Attachment 5, the proposed plan amendment is inconsistent with the adopted policies of the Comprehensive Plan regarding the proposed Industrial Future Land Use Map designation and corresponding Industrial Light (IL) zoning designation. In addition, the property has not been identified in the Industrial Land Study as suitable for industrial land use development.

2. Criterion B: Compatibility with Existing Development and Future Land Use Patterns

Whether the proposed change would be compatible with the existing land use pattern and/or designated future land uses.

The following table provides information on surrounding development:

Table 1: Area Land Uses and Designations				
	Existing Uses	Future Land Use	Zoning	Overlay(s)
North	Water tank, self-service storage, office	Industrial	Industrial Light (IL), Rural Residential (RR)	N/A
East	Undeveloped, but approved for 93 townhouse units (D1700334)	Office	Rural Residential (RR)	N/A
South	Undeveloped	Industrial	Industrial Light (IL), Rural Residential (RR)	N/A
West	Flex Office	Industrial	Industrial Light (IL)	N/A

Staff Analysis. This area has multiple zoning designations, and the land use pattern is varied in terms of uses. The proposed Industrial future land use designation does not serve as an appropriate transition to the residentially zoned land to the north, east or south. While the applicant has limited the proposed uses through a text-only application, no development plan has been proposed to illustrate how the potential impacts for the proposed change will be mitigated. Staff does not support the request to change the future land use designation and has determined that the current Office designation is more consistent and compatible with adjacent land uses.

3. Criterion C: Substantial Adverse Impacts

Whether the proposed change would create substantial adverse impacts in the adjacent area or the City or County in general.

Staff Analysis. Staff does not support the request to change the future land use designation because without a full development plan, or further limiting the proposed uses, staff cannot fully address the compatibility with the Comprehensive Plan and other applicable policies. While the site would be subject to ordinance requirements including those regulating environmental impacts, circulation, and buffers, there is no development plan associated with this request, limiting the ability to provide text or design commitments to address site issues such as, building placement, outdoor storage, hours of operation, lighting, buffering, appearance and screening. Staff concludes that the proposed Industrial designation is not consistent with the adjacent residential development, including the property to the east which has been approved for 93 townhouse units. Staff does not support the request to change the future land use designation and has determined that the current Office designation is a more appropriate transition to the adjacent residentially zoned land.

4. Criterion D: Adequate Shape and Size

Whether the site is of adequate shape and size to accommodate the proposed change.

Staff Analysis. The 10.12 acre site is of adequate shape and size to accommodate a variety of land uses. However, the site has not been identified as a suitable industrial site in the Industrial Land Study, and therefore staff concludes that the proposed Industrial designation is not compatible with the Comprehensive Plan and other applicable policies.

E. Consistency with Adopted Plans

A zoning map change is reviewed for consistency with the Future Land Use Map and policies of the *Comprehensive Plan*, as well as other adopted plans. Attachment 5 provides the associated Comprehensive Plan policies which are applicable to the proposal.

Staff Analysis. The proposed IL zoning district is inconsistent with the Future Land Use Map but staff has reviewed the Industrial Land Study and determined that this property is not a prime industrial site, especially given its size and proximity to residentially zoned land.

F. Compliance with the Unified Development Ordinance

The zoning map change request has been reviewed by staff and determined to be consistent with UDO requirements. According to UDO subsection 4.1.1A. IL is an allowable zoning district within the Suburban Tier. The applicant has submitted a text-only development plan, to further define the proposed uses. However, no development plan was submitted as part of case Z1900042, so there is no method to proffer text commitments for the site.

Dimensional standards for the IL zoning district in the Suburban Tier are as follows:

Dimensional Standard	Min.	Max
Site Area (Square feet)	25,000	-
Lot Width (feet)	100	-
Street Yard (feet)	40	-
Side Yard (feet)	30	-
Rear Yard (feet)	25	-
Building Coverage (%)	-	60
Height (feet)	-	50

Staff Analysis. The requested Industrial Light zoning district meets the applicable requirements of the UDO. Development of the site will be subject to UDO requirements.

G. Development Impact Assessment

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.

The proposal is estimated to increase the traffic generation of the subject site by 1,378 vehicle trips per day. The site will be served by City water and County sewer. As there is no development plan associated with this request, riparian buffers, floodplain requirements, and impervious limitations will be reviewed at the time of site plan and are subject to Unified Development Ordinance requirements. There would be decrease of four school-aged children, since no residential uses are proposed compared to the existing zoning. Additional details are available in Attachment 6.

H. Reasonable and in the Public Interest

UDO subsection 1.2.1 states that the purpose of the ordinance is to “promote the health, safety and general welfare of the residents of Durham City and County” and subsection 1.2.2 provides the intent behind the regulations contained in the ordinance. These requests have been evaluated based upon the ordinance’s purpose and intent and the policies of the *Durham Comprehensive Plan*.

Staff Analysis. While development of the site would be subject to ordinance requirements including those regulating environmental impacts, circulation, and buffers, without a full development plan, there is not a method to demonstrate mitigation of potential issues such as building placement, outdoor storage, hours of operation, lighting, buffering, appearance and screening. Some of the uses within the

Industrial Light zoning district are not compatible with the adjacent residentially approved site. For example, warehousing and freight uses often have after hours delivery and traffic, with associated noise and lighting, which can have secondary effects on adjacent residential development. Staff does not support the request to change the future land use designation and has determined that the current Office designation, or a more restricted and limited scope of uses with a development plan would be a better transition between the adjacent residential land and the light industrial uses along Page Road.

I. Staff Recommendation and Determination

Staff determines that this request is inconsistent with the *Comprehensive Plan*, including the Future Land Use Map, and other adopted ordinances and plans.

J. Contacts

Staff Contact		
Jamie Sunyak, Senior Planner	919.560.4137 ext. 28235	Jamie.Sunyak@durhamnc.gov
Applicant Contact		
Warren Mitchell, PE	919.593.1916	warrendmitchellpe@gmail.com

K. Notification

Staff certifies that newspaper advertisements, letters to property owners, 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, email notice was provided per the Durham Planning Public Notification Service.

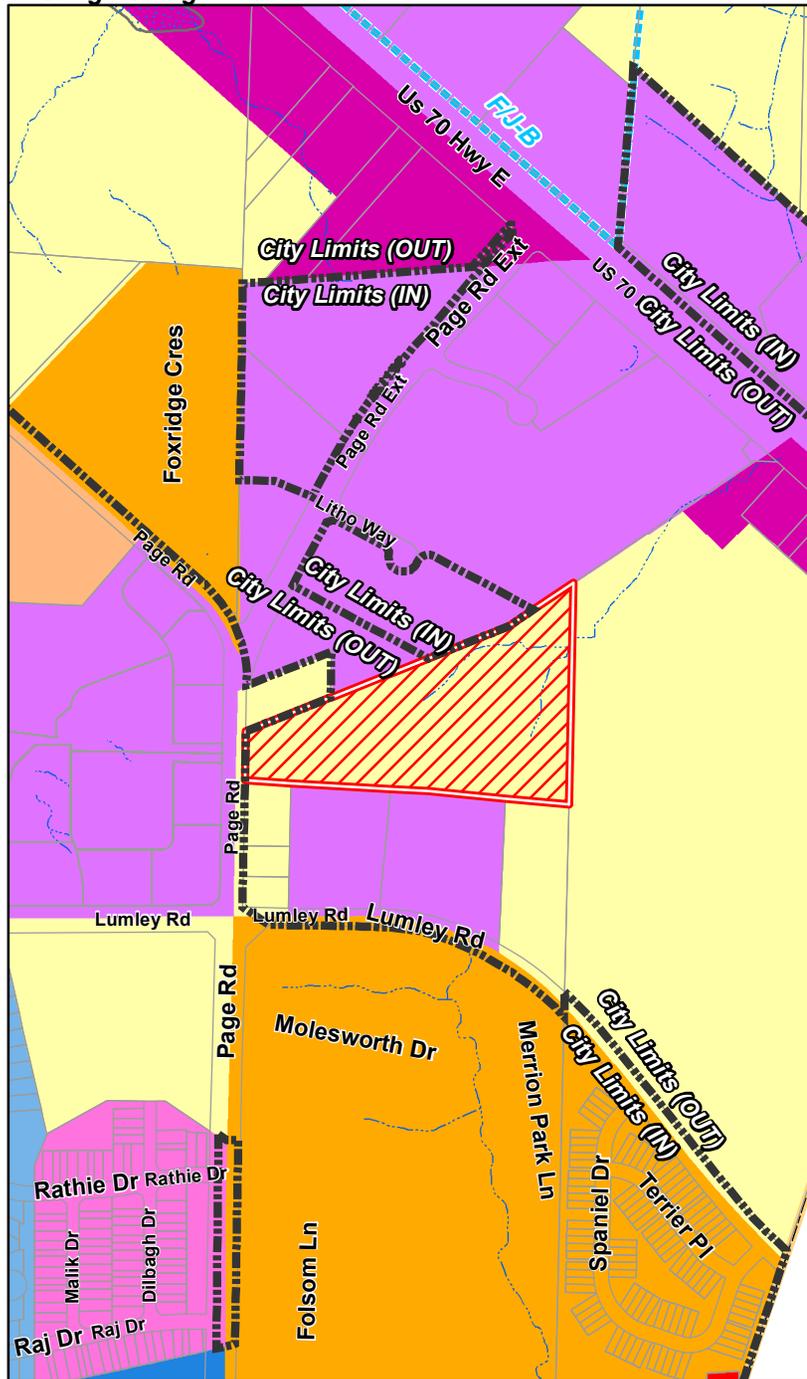
L. Attachments

1. Context Map
2. Aerial Map
3. Future Land Use Map
4. Applications
5. Comprehensive Plan Consistency Analysis
6. Summary of Development Impacts
7. Summary of Development Plan

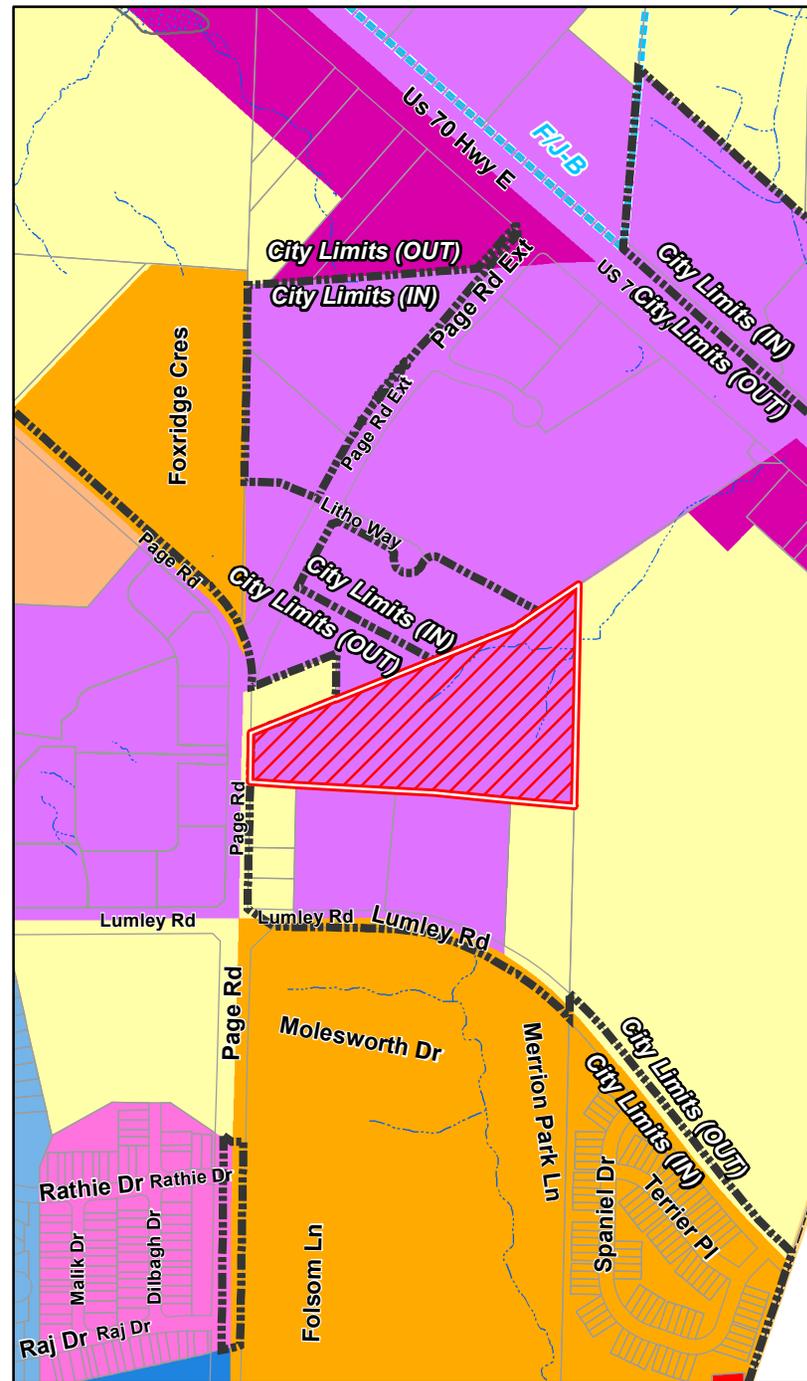
Attachment 1 - Context Map

Page Road Flex Development

Existing Zoning:



Proposed Zoning:



Legend:

-  Case Area
-  Parcel Lines
-  Streams
-  Floodplain
-  City Jurisdiction
-  F/J-B Overlay

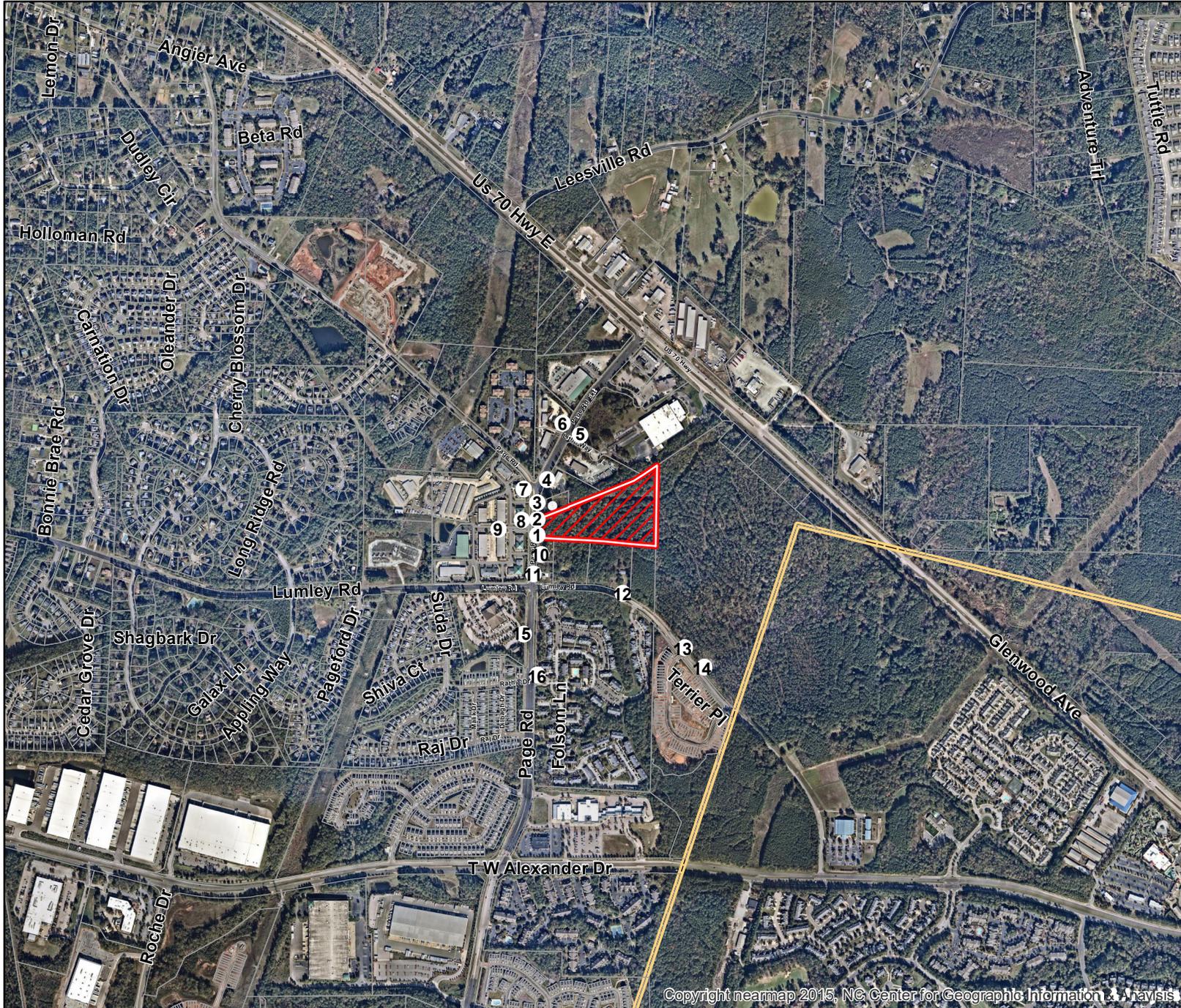
Zoning Districts

-  PDR - (2 - 4 du/ac)
-  PDR - (4 - 8 du/ac)
-  RR
-  RS-8
-  RS-M
-  CC
-  OI
-  CG
-  IL



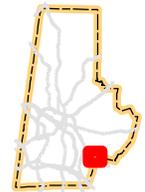
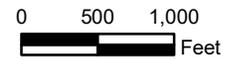
Planning

Attachment 2: Aerial Map Page Road Flex Development



Legend:

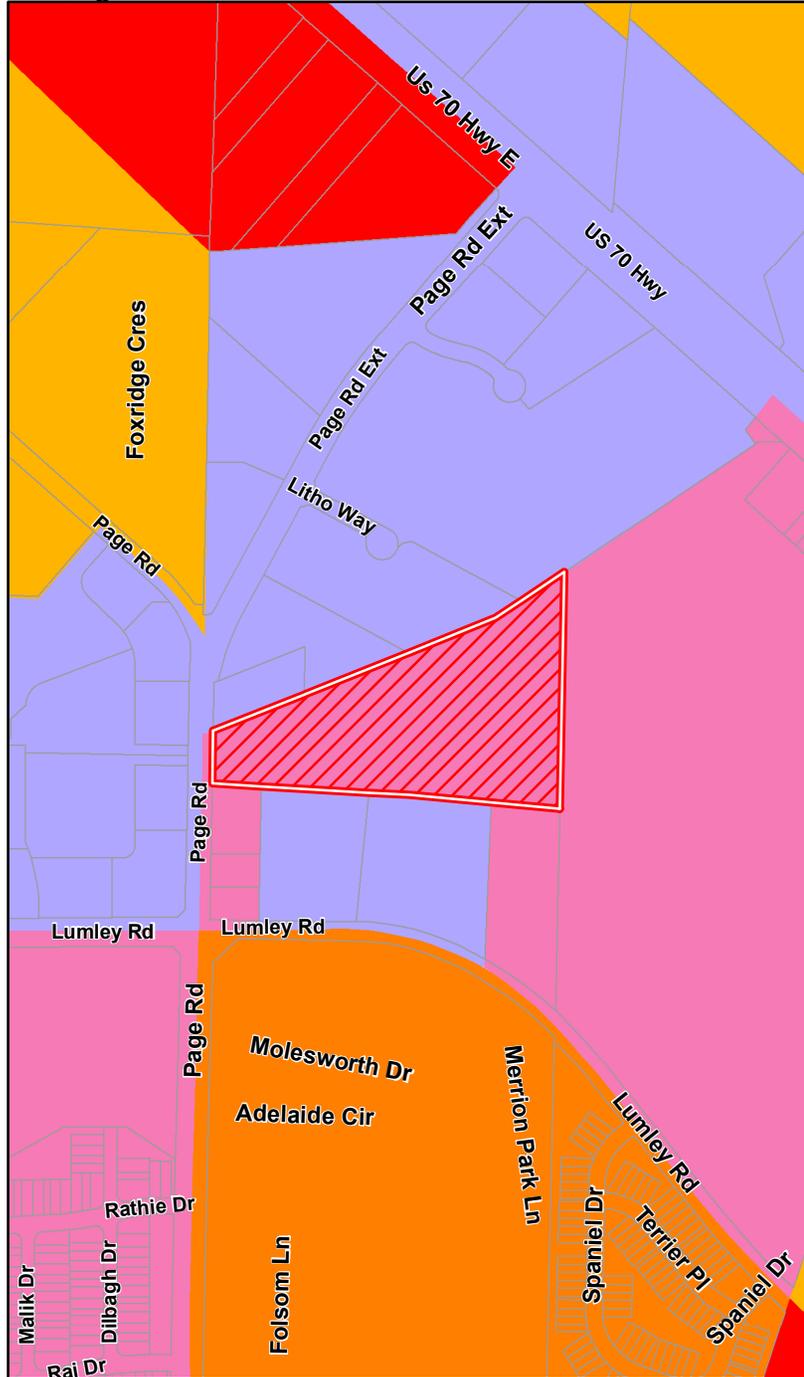
-  Case Area
-  Parcel Lines
-  County Limits



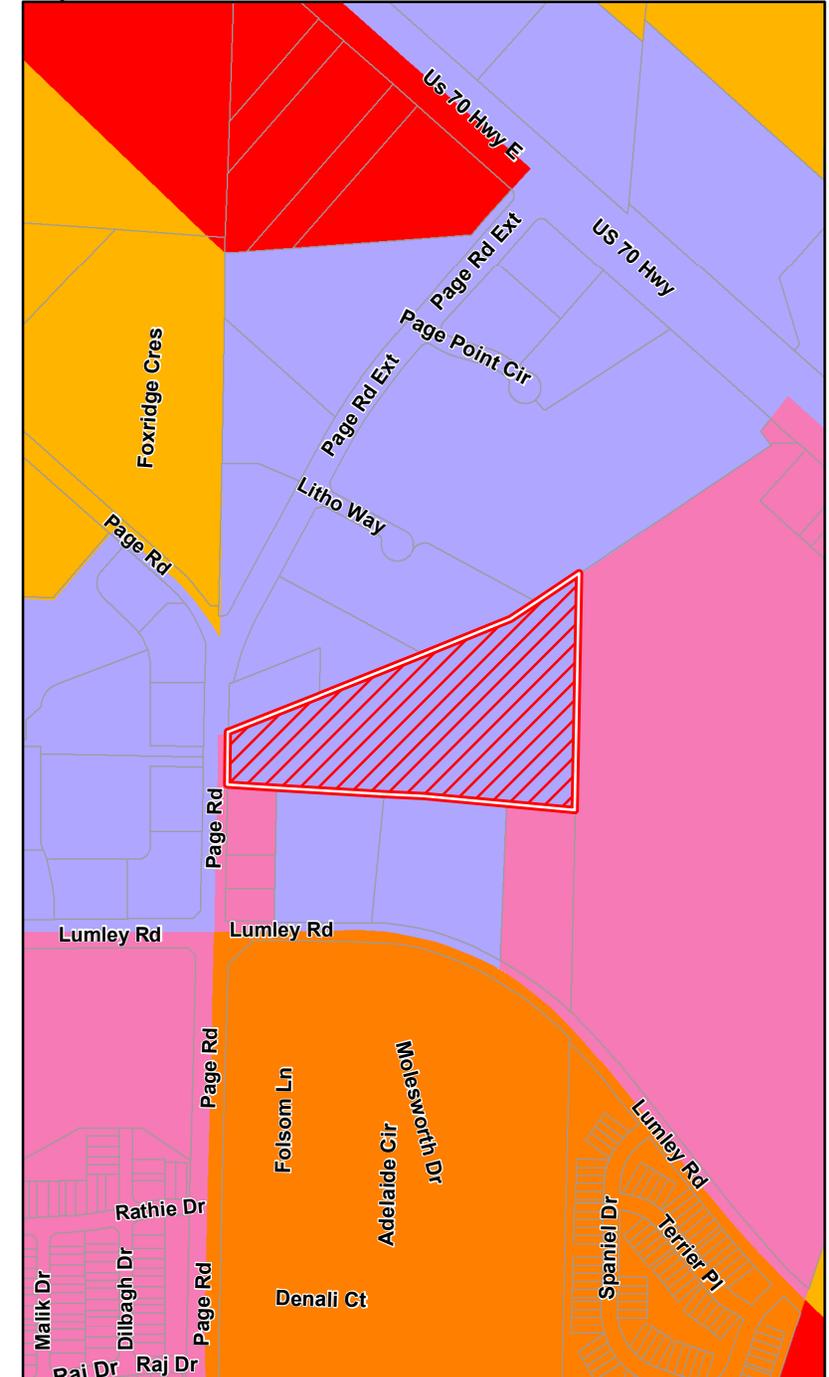
Copyright nearmap 2015, NC Center for Geographic Information & Analysis

Attachment 3 - FLUM Page Road Flex Development

Existing FLUM:

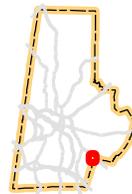


Proposed FLUM:



- Legend:**
- Case Area
 - Parcel Lines

- FLUM Designations:**
- Low-Medium Density Residential (4 - 8 DU/Acre)
 - Medium Density Residential (6 - 12 DU/Acre)
 - Commercial
 - Office
 - Industrial



Planning



Durham City-County Planning Department

ZONING MAP CHANGE APPLICATION FOR TEXT COMMITMENTS ONLY

Planning

Date:		Case #:	
Project Information:			
Type of Request:		<input type="checkbox"/> Changes to Text on Approved Development Plan (This can only be used for changing text, changing or adding graphics is considered a full zoning map change.)	
<input checked="" type="checkbox"/> New Text-Only Development Plan			
Current Zoning District(s) including any Overlay District: RR (F/J-B)		Proposed Zoning District(s) including any Overlay District: ILD (F/J-B) 7CA 11/4/19	
Current Future Land Use Map Designation: Office		Jurisdiction: (Check as appropriate. If also requesting annexation, check 'City') <input type="checkbox"/> City <input checked="" type="checkbox"/> County <input type="checkbox"/> Both	
Total Site Area: 10.12 Acres (440,800 sf)		Development Tier: Suburban	
Project Location: 2211 Page Road near Page Road Extension at Hwy 70			
Proposed Project Name: Page Road Flex Development			
Property Identification Number(s) (six-digit PID #): 224590		<i>(Attach additional sheet(s) if necessary)</i>	
Summary of Proposed Development: Flex Buildings and Boat + RV Storage			
Proposed Text: ALL USES IN LIGHT INDUSTRIAL ZONING DISTRICT EXCEPT FOR THOSE LISTED ON THE ATTACHED SHEET.			
Applicant Information:			
Name: Warren D. Mitchell, PE		Firm: N/A	
Phone: 919-593-1916		Email: warrendmitchellpe@gmail.com	
Mailing Address: 104 Amber Wood Run, Chapel Hill NC 27516			
Signature:			
Agent Information (if applicable):			
Name:		Firm:	
Phone:		Email:	
Mailing Address:			
Signature:			
Owner Information: (For multiple owners, attach additional sheet(s))			
Name: Hilary H. Salley, Manager		Firm: NA	
Firm: Nathanco LLC		Email:	
Mailing Address: 2462 Sedgefield Drive, Chapel Hill NC 27514			
Signature:			

Molly Jenkins, Manager
Molint, LLC 10/23/19



Durham City-County Planning Department

ZONING MAP CHANGE APPLICATION FOR TEXT COMMITMENTS ONLY

Planning

Date:

Case #:

Project Information:

Type of Request: New Text-Only Development Plan Changes to Text on Approved Development Plan (This can only be used for changing text, changing or adding graphics is considered a full zoning map change.)

Current Zoning District(s) RR (F/J-B) Proposed Zoning District(s) II. (F/J-B)
Includes any Overlay District.

Current Future Land Use Map Designation: Office Jurisdiction: City County Both
(Check as appropriate. If also requesting annexation, check 'City')

Total Site Area: 10.12 Acres (440,800 sf) Development Tier: Suburban

Project Location: 2211 Page Road near Page Road Extension at Hwy 70

Proposed Project Name: Page Road Flex Development

Property Identification Number(s) (six-digit PID #): 224590

(Attach additional sheets if necessary)

Summary of Proposed Development: Flex Buildings and Boat + RV Storage

Proposed Text: ALL USES IN LIGHT INDUSTRIAL ZONING DISTRICT EXCEPT FOR THOSE LISTED ON THE ATTACHED SHEET.

Applicant Information:

Name: Warren D. Mitchell, PE Firm:
 Phone: 919-593-1916 Email: warrendmitchell@comcast.net
 Mailing Address: 104 Amber Wood Run, Chapel Hill NC 27516
 Signature: *Warren D. Mitchell*

Agent Information (if applicable):

Name: Firm:
 Phone: Email:
 Mailing Address:
 Signature:

Owner Information:

(For multiple owners, attach additional sheet(s))

Name: Hilary H. Salley, Manager Firm: NA
 Firm: Nathanco LLC Email:
 Mailing Address: 2462 Sedgewick Drive, Chapel Hill NC 27514
 Signature:

Molly Jenkins, Manager
 Molint, LLC *Molly Jenkins* 10/23/19
 Clint C. Mayberry, Manager Molint Ebc
Clint C. Mayberry 10/23/19

Application Checklist:

Application Item:	Applicant/Agent Initial	Staff Initial
Application		
Pre-submittal Conference Documentation		
Legible Map of proposed Plan Amendment Area		
Documentation of Neighborhood Meeting Materials:	<input type="checkbox"/> Meeting Letter	<input type="checkbox"/> Meeting Letter
	<input type="checkbox"/> Labels	<input type="checkbox"/> Labels
	<input type="checkbox"/> Sign-In Sheet	<input type="checkbox"/> Sign-In Sheet
	<input type="checkbox"/> Summary	<input type="checkbox"/> Summary
Justification Statement, based upon criteria found in UDO subsection 3.47		
Digital Copy of All Materials		
Application Fee		

Each item on this page must be initialed by the Applicant and/or Agent, indicating that the item is part of the submittal package, is complete, and the information is accurate. Items not applicable to the request, as indicated by staff, may be marked as 'N/A'.

A submittal package with items not initialed, or otherwise incomplete or inaccurate, will not be accepted. An application shall be considered to have been accepted for review only after it has been determined to be complete in accordance with Section 3.2.4 of the Unified Development Ordinance, not upon submission to the Planning Department.

I, the undersigned, acknowledge that the application is complete and that all information included is accurate to the best of my knowledge:

Nathanco, LLC

by Hilary H. Salley Manager

Signature

8/30/19

Date

Hilary H. Salley

Printed Name

Molint, LLC

by: Molly Jenkins 10/23/19

Molly Jenkins, Manager

Molint LLC 10/23/19

by: [Signature]
Cliff C. Maylan
 Manager

Durham City-County Planning
Zoning Map Change
Owner's Acknowledgement

Date Submitted:

Case Number:

This original form is required to be submitted with a zoning map change application. Each property owner for each parcel included in the request must provide a signature and date.

Acknowledgement Statement

I (we), Hilary Salley, owner(s) of the 10.15 -acre property having Property Identification Number(s):

224590

I am (are) aware of the application for the _____ zone. The obligation to develop in accordance with the property's approved zoning designation runs with the land and is not dependent on this applicant's interest in the land.

Hilary Salley 9/5/19
Owner's Signature Date

[Signature] 10/23/19
Owner's Signature Date

Hilary Salley
Owner's Printed Name
Molint LLC Molly Jenkins, Manager

Clint C. Moylan
Owner's Printed Name
Molint LLC Manager

[Signature] 10/23/19

Disclaimer:
By signing this form, the owner acknowledges that he/she is party to the Zoning Map Change application and has waived the right to certified notification under GS153A-343.

Zoning Map Change

Acknowledgement of In-Process Text Amendment that May Affect Requested Application

Date Submitted:

Case Number:

The applicant or applicant's agent may sign this original form which is required to be submitted with a zoning map change application to acknowledge that staff is processing Text Amendments that may impact a proposed project. It is the applicant's (or agent's) responsibility to remain current on these developments and assess any potential impacts in consultation with staff. Due to the unknown life expectancy of an application, an updated list of Text Amendments may be found online: http://ldo.durhamnc.gov/durham/ldo_web/ldo_main.aspx.

Acknowledgement Statement

I, Kim Griffin Jr, applicant or agent of the 10.12 -acre property having Property Identification Number(s):

224590 _____

am authorized by the property owner(s) associated with this application for the ILD zone.

The obligation to develop in accordance with all applicable ordinances when seeking development approvals is hereby acknowledged.

Kim Griffin Jr _____ 11-4-19
Authorized Signature Date

Kim Griffin Jr
Printed Name



Durham City-County Planning Department

FUTURE LAND USE MAP AMENDMENT APPLICATION

Planning

Date:		Case #:	
Property Information:			
Jurisdiction (Check as appropriate. If also requesting annexation, check 'City') <input type="checkbox"/> City <input checked="" type="checkbox"/> County <input type="checkbox"/> Both		Development Tier: _____ Proposed Tier Change? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, proposed Development Tier: _____	
		Associated with a Zoning Map Change? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
PID (six digit number):	Include Recreation/Open Space where applicable		Acreage
	Current FLUM Designation(s)	Proposed FLUM Designation(s)	
224590	OFFICE	INDUSTRIAL	10.12
Applicant Information:			
Name: Kim GRIFFIN, JR		Company: GRIFFIN ASSOCIATES	
Phone: 919-383-2595		Email: Kim@Griffin-REALTORS.COM	
Mailing Address: 1816 FRONT ST, SUITE 110, DURHAM NC 27705			
Signature: <i>Kim Griffin</i>			
Agent Information (if applicable):			
Name: Warren Mitchell		Company: NA	
Phone: 919-593-1916		Email: warrenmitchellPE@gmail.com	
Mailing Address: 104 Amber Wood Run, Chapel Hill NC 27516			
Signature: <i>Warren Mitchell</i>			
Owner Information: (For multiple owners, attach additional sheet(s))			
Name: HILARY SALLEY		Firm: NATHAN CD	
Phone: 919-929-8042		Email: SALLEY3@NC.PR.COM	
Mailing Address: 24062 SEDBEFIELD DR. CHAPEL HILL NC 27514			

Application Checklist:		
Application Item:	Applicant/Agent Initial	Staff Initial
Application	WDM	ES
Pre-submittal Conference Documentation	WDM	ES
Legible Map of proposed Plan Amendment Area	WDM	ES
Documentation of Neighborhood Meeting Materials:	<input checked="" type="checkbox"/> Meeting Letter <input checked="" type="checkbox"/> Labels <input checked="" type="checkbox"/> Sign-In Sheet <input checked="" type="checkbox"/> Summary	<input checked="" type="checkbox"/> Meeting Letter <input type="checkbox"/> Labels <input type="checkbox"/> Sign-In Sheet <input checked="" type="checkbox"/> Summary
Justification Statement, based upon criteria found in UDO subsection 3.47	WDM	ES
Digital Copy of All Materials	WDM	
Application Fee	WDM	ES

-print

Each item on this page must be initialed by the Applicant and/or Agent, indicating that the item is part of the submittal package, is complete, and the information is accurate. Items not applicable to the request, as indicated by staff, may be marked as 'N/A'.

A submittal package with items not initialed, or otherwise incomplete or inaccurate, will not be accepted. An application shall be considered to have been accepted for review only after it has been determined to be complete in accordance with Section 3.2.4 of the Unified Development Ordinance, not upon submission to the Planning Department.

I, the undersigned, acknowledge that the application is complete and that all information included is accurate to the best of my knowledge:

Nathan Co, LLC

by: Hilary H. Salley, Manager

Signature

8/30/19

Date

Hilary H. Salley

Printed Name

January 29, 2020

Ms. Emily Struthers
Durham City/County Planning Dept.
101 City Hall Plaza
Durham, NC 27701

RE: 2211 Road Road
Morrisville, NC

Dear Ms. Struthers;

Nathanco, LLC is requesting Durham County to change the Future Land Use Map 2211 Road Road from a rural residential use to a light industrial use in keeping with similar properties being considered for industrial use in the neighborhood. This site is adjacent to a 50 acre parcel located between Glenwood Avenue AKA US Hwy 70 and Lumley Road with frontage on Page Road the City of Durham purchase an adjacent site on Page Road for a water tower to control water pressure. The nature of this quadrant of land is for some type of commercial or industrial use. This tracts was a part of a larger tract that has been on the market for sale for over 10 years. The topographical issues make it not usable for residential purposes beside a water tower with surrounding properties being Light Industrial zone.

If the Planning Commission agrees, we plan to then request to change the zone of the parcel from RR to IL to accommodate a warehouse/flex facility with storage behind the building. The current zone does not reflect the highest and best use of the site. The IL zone will permit the proposed use.

Please let me know if additional information is needed to move this request forward.

Yours Truly,

Kim Griffin, Jr.
REALTOR



ATTACHMENT 5: COMPREHENSIVE PLAN CONSISTENCY ANALYSIS

As directed by paragraph 3.4.7 of the Unified Development Ordinance, staff has reviewed the requested Zoning Map Change and Future Land Use Map Amendment for consistency with all relevant policies of the Comprehensive Plan. That analysis is provided below.

1. Future Land Use Map Amendment

Policy 2.1.3i. Industrial Defined. *Land used primarily for industrial uses, including but not limited to manufacturing, processing, warehousing and distribution, resource extraction, research and development, flex space and service uses. This land use category may be accommodated by any industrial zoning district.*

Staff Analysis: The property is currently designated Office on the Future Land Use Map (FLUM). The applicant has requested a Future Land Use Map amendment to Industrial. While this request would be consistent with the rezoning request to Industrial Light with a text-only development plan, staff does not support the request to change the future land use designation as all of the uses within are not compatible with the adjacent residentially approved site. Staff has determined that the current Office designation, or a more restricted and limited scope of uses with a development plan would be a better transition between the adjacent residential land and the light industrial uses along Page Road.

Policy 2.2.2b. Suburban Tier Land Uses. *Land uses that shall be allowed in the Suburban Tier include: i. Recreation and Open Space; ii. Agricultural; iii. Residential; iv. Institutional; v. Commercial; vi. Office; vii. Research/Research Application; and viii. Industrial.*

Staff Analysis: The applicant proposes a designation, Industrial, which is permissible in the Suburban Tier but staff has reviewed the Industrial Land Study and determined that this property is not suitable for industrial designation, given its size and proximity to residentially zoned land.

Policy 2.5.2e. Location of Industrial uses. *Through the Future Land Use Map, ensure that new industrial uses have direct access to Major Thoroughfares, Minor Thoroughfares, or Collector Streets to protect the character of neighborhoods.*

Staff Analysis: The site fronts along Page Road which is designated as a boulevard on the County Transportation Plan (CTP).

Policy 6.1.5c. Land Use Location and Availability. *The City-County Planning Department, in conjunction with the City of Durham Office of Economic and Workforce Development and the Durham Chamber of Commerce, shall regularly evaluate the demand for land designated for economic activity, and the availability and location of land suited for economic development activities, and opportunities for revitalization and reuse.*

Staff Analysis: Staff has reviewed the Industrial Land Study and determined that this property is not a prime industrial site, especially given its size and proximity to residentially zoned land.

Zoning Map Amendment

2.3.1a. Contiguous Development. *Support orderly development patterns that take advantage of existing urban services, and avoid, insofar as possible, patterns of leapfrog, noncontiguous, scattered development.*

Staff Analysis: As shown on the Context Map and described in the Staff Report, the proposed Industrial future land use designation does not serve as an appropriate transition to the residentially zoned land to the north, east or south. While the applicant has limited the proposed uses through a text-only application, no development plan has been proposed to illustrate how the potential impacts for the proposed change will be mitigated. Staff does not support the request to change the future land use designation and has determined that the current Office designation is more consistent and compatible with adjacent land uses.



**ATTACHMENT 6:
SUMMARY OF DEVELOPMENT IMPACTS**

This attachment provides a summary of the potential infrastructure impacts associated with the proposed request in terms of how it affects the transportation system, utilities (water, sewer systems, and stormwater) and schools.

1. Transportation Impacts

Page Road is the major road impacted by the proposed zoning change. NCDOT Project U-5720 proposes to upgrade US 70 to a freeway from Lynn Road in Durham to west of T.W. Alexander Drive. This project is currently in the planning and environmental documentation phase.

Table 1: Existing Roadway Characteristics	
Affected Segment	Page Road
Type of Roadway	2-lane undivided Class I roadway without left-turn lanes
Current Roadway Capacity (LOS D) (AADT)*	12,700
Latest Traffic Volume (AADT)**	12,000

Source of LOS Capacity: FDOT Generalized Level of Service Volume Table 4-1 (2012)
Source of Latest Traffic Volume: 2017 NCDOT Traffic Count Map

Table 2, below, shows the projected vehicle trips generated under the proposed rezoning compared to the present zoning designation.

Table 2: Traffic Generation	
Traffic Generated by Present Designation (average 24 hour)*	*136
Traffic Generated by Proposed Designation (average 24 hour)**	**1,514
Impact of Proposed Designation	+1,378

*Assumption- (Max Use of Existing Zoning) – RR: 11 single family homes
**Assumption- (Max Use of Proposed Zoning) – IL: 43,500 SF Medical Office

Transit service is provided within one-quarter mile of the site to the north along Page Road and Page Road Extension via GoDurham Routes 2 and 2A.

2. Water and Sewer Impacts

Water Management has reviewed the impact the proposed zoning will have on the following utilities:

1. Drinking water supply, treatment and distribution infrastructure, including available fire flow capacity

Waste water collection and treatment infrastructure, including downstream lift station capacity.

Due to the presence of the Water Transmission Main Easement on the property, a Utility Extension Agreement (UEA) will include language which limits the allowed uses on this site and no chemical or hazardous materials storage will be permitted. In addition, no grading or permanent structures will be allowed within the existing Water Transmission Main Easement.

3. Stormwater Impacts

The Durham Stormwater Engineering Department reviewed the proposed zoning and had no comments as this is a text only rezoning with no development plan. All impacts associated with the application would be addressed at the time of site plan review, because that requires a level of detail is not required at the time of rezoning.

4. School System Impact

Durham Public Schools serving the area are Bethesda Elementary, Lowes Grove Middle, and Hillside High. Table 3 provides a summary of the current building capacity for the elementary, middle and high schools, as well as the current enrollment and the available capacity.

Table 3: School Enrollment and Capacity Figures			
	Elementary School Students	Middle School Students	High School Students
Current Building Capacity	15,047	7,779	10,500
Maximum Building Capacity (110% of Building Capacity)	16,552	8,557	11,550
20th Day Attendance (2019-2020 School Year)	15,045	7,311	10,354
Committed to Date (October 2016-September 2019)	121	25	(28)
Available Capacity	1,386	1,221	1,224

The proposed IL district does not permit residential uses and therefore does not yield school aged children, so there would be a reduction in the number of school aged children as a result of this rezoning.

Table 4: Number of Projected Students Under Rezoning			
	Elementary School Students	Middle School Students	High School Students
Potential Students Generated – Current Zoning*	2	1	1
Potential Students Generated – Proposed Zoning**	0	0	0
Impact of Proposed Zoning	-2	-1	-1

*Assumption- (Max Use of Existing Zoning) – RR: 11 single family homes

**Assumption- (Max Use of Proposed Zoning) – IL: 43,500 SF Medical Office

5. Summary

The proposed IL district and associated text commitments is consistent with *Comprehensive Plan* policies regarding the infrastructure impacts of the transportation system, utilities, and schools.



ATTACHMENT 7:
**SUMMARY OF TEXT-ONLY
DEVELOPMENT PLAN**

Components	Description	Development Plan Sheet
Text Commitments	<ol style="list-style-type: none"><li data-bbox="431 621 1203 793">1. The following uses are permitted: Retail sales and services, except for convenience store with gasoline sales, drive-through facilities, pay day lenders; self-service storage; office; light industrial services; warehouse and freight movement; and medical facilities<li data-bbox="431 814 1203 989">2. Any self-storage uses constructed on this property shall be screened from view from adjacent properties pursuant to Sec. 9.7, Screening, except where storage units are not visible off-site and all access to individual storage units are from corridors internal to the building.	N/A



Date: February 11, 2020

To: Members of the Durham Planning Commission

Through: Patrick O. Young, AICP, Planning Director

From: Michael Stock, AICP, Senior Planner

Subject: *Unified Development Ordinance* Text Amendment, Various Amendments related to Affordable Housing and the Falls/Jordan District A Watershed (TC1900004)

Summary

Text amendment TC1900004 is a privately-initiated request to amend provisions of the *Unified Development Ordinance* (UDO) regarding the Affordable Housing Bonus, Planned Development Residential (PDR) zoning requirements, open space and tree coverage requirements, parking standards, the definition of “family,” and uses within the Falls/Jordan District A (F/J-A) watershed overlay. The applicant indicates that the proposed UDO amendments are primarily intended to increase the viability of private-market-created affordable housing dwelling units and the utilization of the Affordable Housing Bonus in Sec. 6.6 of the UDO. The proposed amendment to uses within the F/J-A watershed are to specifically allow nonresidential uses allowed in residential districts, in addition to the current allowance of nonresidential uses in the Commercial Neighborhood (CN) district (see Attachment A for the application).

Recommendation

The staff recommends approval.

Background

The applicant for the proposed amendments is James Anthony of the Anthony Property Group. Most of the proposed amendments are directly related to providing private-market-financed dwelling units what will be more affordable than most newly constructed housing options and/or associated with utilizing the Affordable Housing Bonus in Sec. 6.6 of the UDO. Staff has met with the applicant prior to his submittal, where staff discussed the proposed amendments and the overall process. The application (Attachment A) includes additional requests made by the applicant subsequent to the original submittal.

The Affordable Housing Bonus was first introduced through the Merged Zoning Ordinance (MZO) in 1994 as the Affordable Housing Density Bonus, and has been amended over the years. The most recent amendments include establishing the 75 dwelling unit/acre interim density bonus for Compact Neighborhood Tiers, and increasing the bonus for the Suburban and Urban

Tiers from one to two additional units per every one affordable unit. To this date the bonus program has been used only once¹.

Planned Development Residential (PDR) districts are a type of planned districts that generally provide development flexibility over standard residential districts, and require approval of a development plan by the applicable governing body. In the County ordinances prior to the MZO, which was established in 1994, these types of districts were called Planned Unit Developments (PUD).

Tree coverage and protection standards were first adopted within the MZO and have remained relatively consistent through the years. In 2008, tree coverage requirements were added to residential development in the Urban Tier (3%), and in October 2019, the City Council and Board of County Commissioners approved increased tree coverage requirements for the Urban Tier, among other additional tree coverage and landscaping changes (case TC1800005).

Parking requirements related to affordable housing dwelling units were first amended through TC1500003, where minimum parking requirements were removed for the Compact Neighborhood Tier. Subsequent amendments removed minimum requirements for the Urban Tier, and for overall projects in the Compact Neighborhood Tier that included affordable housing units.

With the exception of Reasonable Accommodations², the current definition of “Family” was established in the City Zoning Ordinance in the late 1980s. Reasonable Accommodations was added to the definition in 2016 (case TC1500006).

The Joint City-County Planning Committee (JCCPC) reviewed the applicant’s proposal and staff comments at its December 2019 meeting. The JCCPC recommended staff suggestions, but also indicated hesitancy towards the amount of reduction (50%) for open space and tree coverage requested by the applicant when using the Affordable Housing bonus, which was consistent with staff’s concerns.

Issues

The following is a discussion of each proposed amendment:

1. **Amendment to Sec. 6.6, Affordable Housing Bonus**

Discussion: The applicant’s proposed amendment to paragraph 6.6.1, General Requirements, makes two changes: 1) it adds multifamily developments to the list of housing types that can have reduced dimensional standards, and 2) it increases the allowed dimensional standard reductions to 50%. Staff supports the proposed changes, except for street yards, as it adds more opportunities and flexibility to apply the bonus. Allowing a substantial change in street yard requirements could allow for infill

¹ Approved site plan D1700388, North Duke Street Mixed Use Development. This project uses the Affordable Housing Bonus to gain an additional 11 dwelling units for a total of 40 dwelling units (8 affordable and 32 market rate)

² Reasonable Accommodations is a quasi-judicial procedure to seek relief from ordinance requirements if determined they inhibit disabled persons an equal opportunity to housing, based upon requirements of the federal Fair Housing Amendment Act (FHA) of 1988 and the American with Disabilities Act (ADA).

development that may be demonstrably out of context with neighboring properties. Limiting the street yard flexibility should not hamper the production of affordable units.

Therefore, as proposed in Attachment B, staff has presented a revised version that maintains the current 20% reduction for street yards, and adds an additional limit on the reduction if infill standards apply.

The proposed changes are consistent with the recommendation from the JCCPC.

2. Amendments to Paragraph 6.11.3, Planned Development Residential (PDR)

- Amend paragraph 6.11.3B.1, Site Area
Discussion: Staff has identified no concerns with the proposed change. Currently, no minimum acreage is required in the Urban Tier. Since any initial establishment of a PDR requires governing body approval, removing the minimum initial site acreage for the Suburban Tier appears reasonable and is consistent with proposals within the Urban Tier.

The proposed changes are consistent with the direction received from the JCCPC.

- Amend paragraph 6.11.3D.2, Building Separation
Discussion: Staff supports the intent of the proposed change. Building separation has served as a proxy for side and rear yard setbacks. The current separation requirements encourage more sprawling developments as the density increases. The proposal also maintains the ability of the governing body to approve any alternative separation requirement as part of the development plan. Staff added the term “increase” to paragraph c to reflect the ability to reduce or increase building separations.

The proposed building separation reductions are consistent with the recommendation from the JCCPC.

- Amend paragraph 6.11.3E.1, Street Yards
Discussion: The applicant proposes amending the street yards to 10 feet for densities up to 16 dwelling units per acre, with a cross reference to allowed street yard reductions when using the Affordable Housing bonus. Staff supports the intent of the proposed change. The current yard requirements are based upon density and encourage more sprawling developments as the density increases. As mentioned above, since any PDR requires governing body approval, a basic minimum street yard similar to the one proposed by the applicant may make more sense and provide more design flexibility.

Staff has not identified any need to differentiate setbacks based upon density. Staff has therefore presented an alternative revision to a minimum eight feet, regardless of the density. Eight feet is consistent with the minimum street yard for a conservation subdivision and the current minimum for a PDR for densities ranging from one to eight units/acre.

The proposed changes are consistent with the recommendation from the JCCPC.

- Amend paragraph 6.11.3F, Open Space
Discussion: As understood by staff, a primary reason for suggesting a reduction in open space, among other suggested reductions, is to allow for more land to accommodate additional units allowed through the Affordable Housing Bonus program. As the current standards are prescribed for a PDR, the higher the density the more open space is required. Thus more land is needed to achieve higher densities.

Therefore, staff agrees that modifying the required open space is reasonable. The *Comprehensive Plan* establishes the following open space level of service standards:

Objective 7.2.1. Open Space Level of Service Standards

Establish and maintain appropriate level of service standards for open space in the City and County.

Table 7-1, Open Space Level Of Service Standards		
	Minimum Open Space Required	
	Residential	Nonresidential
Rural Tier	40%	--
Suburban Tier	15%	10%
Urban Tier	5%	3%

For context, the following are minimum open space requirements for in other districts:

RR, RS-20	None required
RS-10, RS-8	15%
RS-M	18%
RU-5, RU-5(2)	5%
RU-M	6%
RC	Core: 2%; Support: 5%
MU	Suburban Tier: 10%; Urban tier: 5%, Compact Neighborhood Tier: 2%
Residential development in nonresidential districts	Rural/Suburban tier: 18% Urban tier: 6% Compact Neighborhood: Core- 2%; Support- 5%

Within the previous MZO, the PDR District had the following open space requirements:

Residential Density in PDR Tract (dwelling units per acre)	Percent of Gross Site Area Required as Open Space
0 – 3	5
3.01 –6	10
6.01 to 10	12
10.01 -16.0	15
16.01 - 25.0	18

The request focuses on reducing open space when utilizing the Affordable Housing Bonus. A supportive rationale would be that affordable housing is a primary need for Durham, and that facilitating the production of affordable housing by reducing, but not eliminating, certain standard requirements such as open space, is a worthwhile trade-off. The argument against the request is that residents, whether living in affordable housing units or market rate units, deserve the same amenities, and that historically underserved communities have experienced lack of quality-of-life investments that other neighborhoods and communities have typically enjoyed.

Based upon feedback from JCCPC, the proposed amendment to this section allows for:

1. A 30%, instead of 50%, reduction if specified on the development plan; and
2. Requirements for the applicant to demonstrate the need for the reduction and specify how the open space is provided throughout the development and the types proposed.

These changes address concerns about the amount of the requested reduction, maintains the condition that it must be part of the development plan (and not a by-right allowance), and adds additional requirements for the reduction for consideration by the governing body. Additionally, changes to the actual open space requirements are presented to reflect, and be consistent with, open space requirements of other zoning districts, differences based upon tier, and the policy of the *Comprehensive Plan*.

3. Paragraph 8.3.1, Tree Coverage Standards

Amend paragraph 8.3.1B, Applicability, to allow a 50% by-right reduction of tree coverage if using the Affordable Housing bonus.

Discussion: The City Council and Board of County Commissioners approved additional tree coverage and landscaping requirements through text amendment case TC1800005 in October. A proposal to reduce tree coverage has the same issues raised regarding open space. Furthermore, there is the current City initiative to maintain at least 50% tree canopy, and with recognition that historically underserved parts of the community generally maintain less tree canopy, additional trees are currently being planted by the City at a rate of 1,500 a year.

Staff was not supportive of the proposal to the extent requested by the applicant, which would allow any development utilizing the Affordable Housing Bonus to get an automatic tree coverage reduction of 50%, and the JCCPC had similar concerns. Staff was supportive of a reduction request only through approval through a development plan, requiring governing body approval, for the same reason as indicated for open space; that is, there may be unique design proposals that may warrant reduced tree coverage if the Affordable Housing Bonus is utilized.

Therefore, the amendment presented reflects text similar to amendments to PDR open space requirements, where:

1. A 30%, instead of 50%, reduction is allowed only if using the Affordable housing bonus and demonstrated on a development plan (thus *not* by-right); and
2. The applicant must demonstrate need and specify location throughout the proposed development to the governing body.

4. Paragraph 10.3.1, Required Motorized Vehicle and Bicycle Parking

Amend paragraph 10.3.1B, Required Parking

Discussion: Staff supports the intent of the proposed change. Over the past several years, the governing bodies have approved text amendments that reduced or eliminated minimum parking requirements for units that qualify as “affordable housing dwelling units” as defined by the UDO. The proposal would continue that policy by eliminating minimum parking required in the suburban tier for “affordable housing dwelling units” currently available to units in the Compact Neighborhood and Urban tiers, while not preventing the ability to provide parking spaces. The Downtown Tier is not considered because no minimum parking is required for any use.

The proposed changes are consistent with the recommendation from the JCCPC.

5. Sec. 17.3, Defined Terms

Amend the definition of “family” to allow six unrelated individuals, instead of three, to be considered a “family”

Discussion: As indicated above, currently a maximum of three unrelated persons qualifies as a “family.” The following shows how other jurisdictions or agencies define unrelated individuals as a “family”.

Raleigh	4 persons
Greensboro	4 persons
Wilmington	2 persons
Greenville	3 persons
Boone	No limit indicated
Charlotte	6 persons
Chapel Hill	No limit indicated, but specifies other uses that do not qualify
Asheville	5 persons

NC Residential Building Code	5 persons
Family Care home, required by-right by state statute	6 persons

For context, historical Durham zoning ordinances and the current Minimum Housing Code are as follows:

City of Durham, 1940	Not defined
City of Durham, 1969	4 unrelated persons
Durham County, 1990	No limit indicated
City of Durham, 1990	Same as UDO
Merged Zoning Ordinance, 1994	Same as UDO
Current Durham Minimum Housing code	No limit indicated

As indicated above, Durham’s limit of three unrelated individuals is low in comparison to many other jurisdictions and the State Building Code, and became more restrictive over the years. Practically, enforcement is difficult due to the inability to require proof of relation status, or the lease indicates an allowable number of individuals. Limiting individuals also precludes opportunities for lower cost housing arrangements. Thus, staff has no concern with the requested change, and is consistent with the direction provided by the JCCPC.

6. Paragraph 4.11.4 Nonresidential Land Use Restrictions

Amend the uses allowed for the F/J-A Watershed Overlay to included nonresidential uses in residential districts, in addition to those currently allowed in the Commercial Neighborhood (CN) district.

Discussion: Staff supports the requested change. The applicant is considering a campground on a site zoned RR and in the F/J-A watershed overlay. The proposed change would allow for nonresidential uses in residential districts, allowed by right or with a special use permit. Other uses that could also be allowed per the base zoning district, but are currently prohibited, would be other outdoor activities, certain wireless communication facilities (WCFs), cemeteries, vet clinics, antique shops, and retreat houses. These uses are no more intense than those allowed in the CN district.

The proposed changes are consistent with the recommendation from the JCCPC.

Consistency with the Comprehensive Plan; Reasonableness and in the Public Interest

The proposed changes appear consistent with the *Comprehensive Plan*, specifically considering the following objectives and policies:

- **Objective 3.1.1, Affordable Housing Enhancements:** Facilitate the provision of affordable housing by regulatory and incentive-based means.
- **Objective 7.2.1, Open Space Level of Service Standards (as specifically described above):** Establish and maintain appropriate level of service standards for open space in the City and County.

- **Policy 9.1.4b, Watershed Critical Areas and Land Use:** The City-County Planning Department shall use the Unified Development Ordinance to prohibit industrial land uses and maintain zoning that permits only low density land uses in the Watershed Critical Areas, the most sensitive land near water supply reservoirs.

Based upon conformance to the *Comprehensive Plan*, consistency with the intent by the governing bodies to explore methods to encourage the private sector to provide affordable housing, and for the F/J-A, modifying land use allowances that do not provide for more intense land uses, the requested changes appear reasonable and in the public interest.

Contact. Michael Stock, AICP, Senior Planner, 919-560-4137 ext. 28227;
Michael.Stock@DurhamNC.gov.

Attachment:

Attachment A: TC1900004 Application

Attachment B: AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE REGARDING REVISIONS PRIMARILY RELATED TO AFFORDABLE HOUSING AND USES IN THE F/J-A WATERSHED OVERLAY (TC1900004)- PC Draft



UNIFIED DEVELOPMENT ORDINANCE (UDO) TEXT AMENDMENT APPLICATION

Planning

Applicant Information

Name: James I. Anthony	Telephone: 919-832-1110
Company/Organization: Anthony Property Group	Email: janthony@aacre
Address: 1201 Edwards Mill Rd, Suite 300	City/State/Zip: Raleigh, NC 27607

Proposed Amendment(s)

In the space below, provide details of the proposed amendment(s), including:

1. Current UDO Reference: (List Articles, Sections, and paragraphs affected to the best of your knowledge);
2. Current and proposed text (with strike-out of deleted text and underline of proposed text), diagram, and/or illustration; OR detailed description of desired change; and
3. Justification for the amendment(s), including to the best of your knowledge:
 - a. How the proposal is consistent with the *Comprehensive Plan* citing applicable goals, objectives, and/or policies;
 - b. How the proposal is reasonable and in the public interest; and
 - c. How the proposal may affect other portions of the UDO, as applicable.

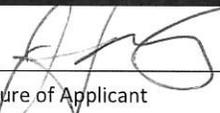
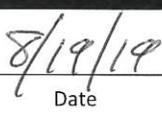
See attached sheets

(attach additional sheets as needed)

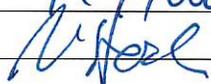
Contact Information: For questions regarding text amendment applications, please contact Michael Stock, Senior Planner at 919-560-4137 ext.28227 or Michael.Stock@DurhamNC.gov.

Submit To: Durham City-County Planning Department, 101 City Hall Plaza, Durham, NC 27701.

Signature of Applicant (Required)

	
Signature of Applicant	Date

Tracking Information (Staff Only)

Assigned Case #: TC 1900004	Date Received: 8/28/19
Received By: 	Fees Paid: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Anthony Property Group – Requested UDO Text Amendments

Section 4.11.4 – Nonresidential Land Use Restrictions

Except in the Rural Tier, nonresidential uses shall be prohibited, except that public and civic uses listed in paragraph 5.2.4, Public and Civic Use Categories, commercial uses listed in paragraph 5.2.5, Commercial Use Categories, office uses listed in paragraph 5.2.5J, Office Use Categories, and light industrial uses listed in paragraph 5.2.6A, Light Industrial Service, shall be permitted on land zoned for such uses (see Sec. 5.1, Use Table) as of September 28, 1992, provided that they do not manufacture, distribute or warehouse for distribution nuclear materials or substantial quantities of hazardous materials. Such uses may be permitted to store for on-site use or produce as a waste product nuclear materials or substantial quantities of hazardous materials, subject to the requirements of paragraph 8.7.2G, Hazardous and Nuclear Materials, provided that they maintain a 1000-foot natural vegetated buffer from the normal pool of the reservoir except when located in a special flood hazard area.

Land already zoned for one of the above uses may be rezoned to permit one of the above nonresidential uses, except for commercial uses, in accordance with the procedures of Sec. 3.5, Zoning Map Change.

Within the Rural Tier, nonresidential uses shall be prohibited except that uses allowed in the CN District may be permitted. The sale of fuel for motor vehicles shall be prohibited.

Amend to:** Except in the Rural Tier, nonresidential uses shall be prohibited, except that public and civic ***and outdoor recreation uses listed in paragraph 5.2.4, Public and Civic Use Categories, commercial uses listed in paragraph 5.2.5, Commercial Use Categories, office uses listed in paragraph 5.2.5J, Office Use Categories, and light industrial uses listed in paragraph 5.2.6A, Light Industrial Service, shall be permitted on land zoned for such uses (see Sec. 5.1, Use Table) as of September 28, 1992, provided that they do not manufacture, distribute or warehouse for distribution nuclear materials or substantial quantities of hazardous materials. Such uses may be permitted to store for on-site use or produce as a waste product nuclear materials or substantial quantities of hazardous materials, subject to the requirements of paragraph 8.7.2G, Hazardous and Nuclear Materials, provided that they maintain a 1000-foot natural vegetated buffer from the normal pool of the reservoir except when located in a special flood hazard area.

Land already zoned for one of the above uses may be rezoned to permit one of the above nonresidential uses, except for commercial uses, in accordance with the procedures of Sec. 3.5, Zoning Map Change.

~~Within the Rural Tier, nonresidential uses shall be prohibited except that uses allowed in the CN District may be permitted. The sale of fuel for motor vehicles shall be prohibited.~~

Section 6.6 – Affordable Housing Bonus

Existing: 6.6.1 D In single-family and duplex developments, required minimum lot area, lot width, and yard requirements can be reduced up to 20% in order to incorporate the additional units.

***Amend to:** In single-family, duplex and multifamily developments, required minimum lot area, lot width, and yard requirements can be reduced up to 50% in order to incorporate the additional units.

Section 6.11 Planned Districts

Existing: 6.11.3B. Dimensional Requirements

1. Site Area

B. Dimensional Requirements

1. Site Area

a. The area required for the initial approval of the zoning district shall be as follows:

(1) Within the Urban Tier, no minimum acreage shall be required.

(2) Within the Suburban Tier, a minimum of four contiguous acres shall be required.

b. Additions to an existing approved PDR can be made in increments of any size.

***Amend to include the Suburban Tier in the land area where no minimum acreage shall be required**

Section 6.11 Planned Districts

Existing: 6.11.3B. Dimensional Requirements

D2. Building Separation

a. Unless alternative building separation standards are established in Article 7, Design Standards, the minimum building separation shall be as follows:

Height of Taller Building	Distance Between Vertical Projections
<i>Under 35 feet</i>	<i>10 feet</i>
<i>35.1 to 40.0 feet</i>	<i>30 feet</i>
<i>40.1 to 50.0 feet</i>	<i>60 feet</i>
<i>50.1 to 85.0 feet</i>	<i>70 feet</i>
<i>85.1 to 90.0 feet</i>	<i>80 feet</i>

To determine the separation required, the vertical projections for each building shall be drawn from that point on each building that is horizontally closest to the other building.

***Amend to:**

Height of Taller Building	Distance Between Vertical Projections
<i>Under 35 feet</i>	<i>10 feet</i>
<i>35.1 to 40.0 feet</i>	<i>15 feet</i>
<i>40.1 to 50.0 feet</i>	<i>30 feet</i>
<i>50.1 to 85.0 feet</i>	<i>35 feet</i>
<i>85.1 to 90.0 feet</i>	<i>40 feet</i>

Section 6.11 Planned Districts

Existing: 6.11.3B. Dimensional Requirements

E. Yards

1. Street Yards

No building shall be erected, reconstructed, altered or moved nearer to the property line along the street on which such building faces than is indicated in the following table.

Residential Density	Minimum Street Yard
<i>1.0 to 8.0 units per acre</i>	<i>8 feet</i>
<i>8.1 to 16.0 units per acre</i>	<i>15 feet</i>
<i>More than 16.0 units per acre</i>	<i>25 feet</i>

***Amend to:**

Residential Density	Minimum Street Yard
<i>8.1 to 16.0 units per acre</i>	<i>10 feet</i>

*** Exceptions made for projects utilizing the Affordable Housing Bonus, otherwise the minimum street yard shall be 10 (ten) feet**

Section 6.11 Planned Districts

Existing: 6.11.3B. Dimensional Requirements

F. Open Space

1. Required open space shall be provided based upon the density of the project as follows:

Residential Density	Percent of Gross Area
<i>0 to 3.00 units per acre</i>	<i>15</i>
<i>3.01 to 6.00 units per acre</i>	<i>16</i>
<i>6.01 to 10.00 units per acre</i>	<i>17</i>
<i>10.01 to 16.00 units per acre</i>	<i>18</i>
<i>16.01 to 25.00 units per acre</i>	<i>20</i>

2. Uses of open space shall be as defined in Sec. 7.2, Open Space.

***Amend to: Required Open Space shall be reduced by 50% when the Affordable Housing Bonus is utilized**

Existing: Article 8.3 Tree Protection and Tree Coverage

8.3.1 Tree Coverage Standards

A. Purpose

The primary purpose of the tree coverage standards is the preservation and maintenance of undisturbed tree cover and the provision of replacement tree cover on development sites in the Urban and Suburban Tiers. Tree coverage serves to reduce glare, noise, air pollution, and soil erosion; to moderate temperatures; to reduce stormwater runoff; to preserve remnants of Durham's native ecology; to provide habitat for native plants and wildlife; to provide a healthy living environment; and to make Durham County a more attractive place to live.

B. Applicability

1. Tree coverage standards shall only be applied in the Urban and Suburban Tiers.

2. Developments in the RR and RS-20 Districts, and developments of less than four acres in size in the Urban Tier, shall be exempt from tree coverage requirements if enforceable assurances are provided that no mass grading as defined in Sec. 17.3, Defined Terms, or clear-cutting as defined in paragraph 8.3.4, Clear-Cutting, will be utilized during the development process.
3. No tree coverage is required in non-residential districts in the Urban Tier.
4. Additions to existing residential structures, excluding multiplexes and apartments, are exempt from tree coverage requirements.

***Amend to: 5. Within the Urban and Suburban tiers and PDR, required tree coverage shall be reduced by 50% when the Affordable Housing Bonus is being utilized**

Existing: Article 10 – Parking and Loading

10.3.1B.7 In the following tiers, the motor vehicle parking rates for household living dwelling units shall be as follows:

	Minimum	Maximum
Compact Neighborhood Tier:		
Household Living, except as Listed Below	1 space/unit	2 spaces/unit
<u>Affordable Housing Dwelling Units</u>	None	None
Urban Tier:		
<u>Affordable Housing Dwelling Units</u>	None	None

***Amend to include all tiers.**

Existing: Section 17.3 Definitions

4. Amend the definition of family per Sec. 17.3:

Family: One or more individuals residing in a dwelling unit, living as a single housekeeping unit, and complying with the following rules:

A. Any number of individuals related by blood, marriage, or adoption may occupy a dwelling unit;

B. Where some or all of the occupants are unrelated by blood, marriage, or adoption, the total number of occupants that are unrelated, shall not exceed three. In applying this provision, children who are under the age of 23 and who are children of the owner or a person renting an entire dwelling unit from the owner shall be counted as a single occupant. In addition, in all cases, the limitation set out in subsection C. below shall apply.

C. Where a reasonable accommodation has been approved.

D. The presence of household employees or children in foster care shall not disqualify any premises otherwise satisfying the above rules.

*** Amend to 17.3.4B B. Where some or all of the occupants are unrelated by blood, marriage, or adoption, the total number of occupants that are unrelated, shall not exceed six. In applying this provision, children who are under the age of 22 and who are children of the owner or a person renting an entire dwelling unit from the owner shall be counted as a single occupant. In addition, in all cases, the limitation set out in subsection C. below shall apply.**

These revisions are in the best interest of the City in promoting the use of the Affordable Housing Bonus with no burden to the taxpayer and encourages locating projects near and resident use of public and alternative methods of transportation.

Since there is an abundance of job opportunities in the Suburban Tier, many of which are accessible by bus or bicycle, it makes no sense to limit the Affordable Housing Bonus to the Urban Tier. Durham needs to encourage and support the creation of new, infill, naturally occurring affordable housing in the Suburban Tier for the next generation of workers and families.

Consistent with the Comprehensive Plan:

Ensure an adequate supply of affordable housing to meet the needs of all Durham County residents. Objective 3.1.1. Affordable Housing Enhancements Facilitate the provision of affordable housing by regulatory and incentive-based means.

Policy 3.1.1a. Density Bonus. Evaluate the density bonus allowed in the Unified Development Ordinance for enhancements or modifications to encourage greater utilization of this affordable housing tool in order to provide a workable density bonus as an incentive for provision of affordable housing units.

3.1.1b. Policy Impacts on Housing Affordability. Evaluate the net impact on housing affordability and housing supply in all received applications for neighborhood protection overlays and local historic districts.

This revision is in the best interest of the City in promoting the use of the affordable housing bonus with no burden to the taxpayer

We do not anticipate any effect on other parts of the Comprehensive Plan

**AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE
REGARDING REVISIONS PRIMARILY RELATED TO AFFORDABLE HOUSING AND USES IN THE
F/J-A WATERSHED OVERLAY (TC1900004)**

WHEREAS, the [Durham City Council/Board of County Commissioners] wishes to amend certain provisions in the Unified Development Ordinance primarily related to affordable housing and uses in the F/J-A watershed overlay; and

WHEREAS, the City and County of Durham are continuing to explore ways for the provision of affordable housing; and

WHEREAS, it is the objective of the [Durham City Council/Board of County Commissioners] to have the UDO promote regulatory efficiency and consistency and the health, safety, and general welfare of the community;

NOW, THEREFORE, be it ordained that Article 4, Zoning Districts; Article 6, District Intensity Standards; Article 8, Environmental Protection; Article 10; and Article 17, Definitions, of the *Unified Development Ordinance* is amended to make the following changes set forth in the deletions (strikethroughs) and additions (underlining) below:

PART 1

Sec. 6.6 Affordable Housing Bonus

[Paragraphs not listed remain unchanged]

6.6.1 General Requirements

D. Dimensional Standards

- 1.** In ~~single family and duplex~~single-family, duplex, and multifamily developments, required minimum lot area, ~~and~~ lot width, ~~and yard requirements~~ can be reduced up to ~~20%~~50% in order to incorporate the additional units.
- 2.** For required yards the following can apply:
 - a.** Side and rear yards can be reduced up to 50%.
 - b.** Street yards can be reduced up to 20%, unless street yard infill standards apply per Sec. 6.8 Infill Development in Residential Districts.

Sec. 6.11 Planned Districts

[Paragraphs not listed remain unchanged]

6.11.3 Planned Development Residential (PDR)

B. Dimensional Requirements

1. Site Area

No minimum site area for the initial approval of the zoning district is required.

- ~~a. The area required for the initial approval of the zoning district shall be as follows:~~
 - ~~(1) Within the Urban Tier, no minimum acreage shall be required.~~
 - ~~(2) Within the Suburban Tier, a minimum of four contiguous acres shall be required.~~

~~b. Additions to an existing approved PDR can be made in increments of any size.~~

D. Building Orientation

2. Building Separation

a. Unless alternative building separation standards are established in Article 7, Design Standards, the minimum building separation shall be as follows:

Height of Taller Building	Distance Between Vertical Projections
Under 35 feet	10 feet
35.1 to 40.0 feet	30 <u>15</u> feet
40.1 to 50.0 feet	60 <u>30</u> feet
50.1 to 85.0 feet	70 <u>35</u> feet
85.1 to 90.0 feet	80 <u>40</u> feet

To determine the separation required, the vertical projections for each building shall be drawn from that point on each building that is horizontally closest to the other building.

- b. Manufactured homes in parks shall maintain a distance of at least 16 feet between other manufactured homes. Added on rooms, porches, and other structures attached to the manufactured home shall be considered part of the manufactured home.
- c. The governing body can reduce or increase separations after consideration of the general bulk and scale in comparison with nearby development. Such modification shall only occur in conjunction with the approval of the development plan.

E. Yards

1. Street Yards

The minimum street yard shall be eight feet.

~~No building shall be erected, reconstructed, altered or moved nearer to the property line along the street on which such building faces than is indicated in the following table.~~

Residential Density	Minimum Street Yard
1.0 to 8.0 units per acre	8 feet
8.1 to 16.0 units per acre	15 feet
More than 16.0 units per acre	25 feet

F. Open Space

1. Required open space shall be provided based upon the density of the project as followsfollowing:

Residential Density	Percent of Gross Area
0 to 3.00 units per acre	15
3.01 to 6.00 units per acre	16
6.01 to 10.00 units per acre	17

<u>Residential Density</u>	<u>Percent of Gross Area</u>
<u>10.01 to 16.00 units per acre</u>	<u>18</u>
<u>16.01 to 25.00 units per acre</u>	<u>20</u>

<u>Tier</u>	<u>Percent of Gross Area</u>
<u>Urban</u>	<u>6%</u>
<u>Suburban</u>	<u>18%</u>

2. Uses of open space shall be as defined in Sec. 7.2, Open Space.
3. In the Suburban Tier, required open space may be reduced by 30% when the Affordable Housing Bonus is utilized only if shown on the development plan.
 - a. Applicants shall demonstrate to the governing body the need for the reduction; and
 - b. The development plan shall specify, graphically and/or by text, open space type(s) and layout.

Sec. 8.3 Tree Protection and Tree Coverage

[Paragraphs not listed remain unchanged]

8.3.1 Tree Coverage Standards

B. Applicability

1. Tree coverage standards shall only be applied in the Urban and Suburban Tiers.
2. Developments of less than two acres in size in the Urban Tier shall be exempt from tree coverage requirements if enforceable assurances are provided that no mass grading as defined in Sec. 17.3, Defined Terms, or clear-cutting as defined in paragraph 8.3.4, Clear-Cutting, will be utilized during the development process.
3. Additions to existing residential structures, excluding multiplexes and apartments, are exempt from tree coverage requirements.
4. Required tree coverage may be reduced by 30% when the Affordable Housing Bonus is utilized only if specified on a development plan.
 - a. The applicant shall demonstrate to the governing body the need for the reduction; and
 - b. On the development plan, tree coverage areas shall be specified and dispersed internally throughout the development.

Sec. 10.3 Required Parking

[Paragraphs not listed remain unchanged]

10.3.1 Required Motorized Vehicle and Bicycle Parking

B. Required Parking

7. In the following tiers, the motor vehicle parking rates for household living dwelling units shall be as follows:

	Minimum	Maximum
Compact Neighborhood Tier:		
Household Living, except as Listed Below	1 space/unit	2 spaces/unit
Affordable Housing Dwelling Units	None	2 spaces/unit
Urban Tier: Urban and Suburban Tiers		
Affordable Housing Dwelling Units	None	2 spaces/unit

Sec. 17.3 Defined Terms

Family: One or more individuals residing in a dwelling unit, living as a single housekeeping unit, and complying with the following rules:

- A. Any number of individuals related by blood, marriage, or adoption may occupy a dwelling unit;
- B. Where some or all of the occupants are unrelated by blood, marriage, or adoption, the total number of occupants that are unrelated, shall not exceed ~~three~~**six**. In applying this provision, children who are under the age of 23 and who are children of the owner or a person renting an entire dwelling unit from the owner shall be counted as a single occupant. In addition, in all cases, the limitation set out in subsection C. below shall apply.
- C. Where a reasonable accommodation has been approved.
- D. The presence of household employees or children in foster care shall not disqualify any premises otherwise satisfying the above rules.

PART 2

Sec. 4.11 Watershed Protection Overlay

[Portions of the table, and paragraphs not listed, remain unchanged]

4.11.4 Nonresidential Land Use Restrictions

Nonresidential land uses shall be restricted in accordance with the following table and Sec. 8.7, Watershed Protection Overlay Standards.

Overlay	Development Restrictions
F/J-A	<p>Except in the Rural Tier, nonresidential uses shall be prohibited, except that public and civic uses listed in paragraph 5.2.4, Public and Civic Use Categories, commercial uses listed in paragraph 5.2.5, Commercial Use Categories, office uses listed in paragraph 5.2.5J, Office Use Categories, and light industrial uses listed in paragraph 5.2.6A, Light Industrial Service, shall be permitted on land zoned for such uses (see Sec. 5.1, Use Table) as of September 28, 1992, provided that they do not manufacture, distribute or warehouse for distribution nuclear materials or substantial quantities of hazardous materials. Such uses may be permitted to store for on-site use or produce as a waste product nuclear materials or substantial quantities of hazardous materials, subject to the requirements of paragraph 8.7.2G, Hazardous and Nuclear Materials, provided that they maintain a 1000-foot natural vegetated buffer from the normal pool of the reservoir except when located in a special flood hazard area.</p> <p>Land already zoned for one of the above uses may be rezoned to permit one of the above nonresidential uses, except for commercial uses, in accordance with the procedures of Sec. 3.5, Zoning Map Change.</p>

Overlay	Development Restrictions
	<p>Within the Rural Tier, nonresidential uses shall be prohibited except <u>that those</u> uses allowed <u>in residential districts and</u> in the CN District may be permitted. The sale of fuel for motor vehicles shall be prohibited.</p>

PART 3

That the Unified Development Ordinance shall be renumbered, including references, as necessary to accommodate these changes.

PART 4

That this amendment of the Unified Development Ordinance shall become effective upon adoption.