

PLANNING COMMISSION AGENDA

March 10, 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 February 11, 2020

Documents:

[PC MINUTES 2-11-2020.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

Documents:

[A1800011, Z1800035 1432 ELLIS ROAD 20200204.PDF](#)

7. Public Hearing: Zoning Map Changes

- A. Z1900008 3259 Rose of Sharon Road
B. Z1900025 Leesville Road Assemblage
C. Z1900046 1900 Hillandale – Committed Element Modification
D. Z2000006 505 West Chapel Hill Street

Documents:

[Z1900008 3259 ROSE OF SHARON ROAD.PDF](#)
[Z1900025 LEESVILLE ROAD ASSEMBLAGE.PDF](#)
[Z1900046 1900 HILLANDALE COMMITTED ELEMENT MODIFICATION.PDF](#)
[Z2000006 505 W CHAPEL HILL STREET.PDF](#)

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

- a. TC1900006 Omnibus 14

Documents:

[TC1900006 OMNIBUS 14.PDF](#)

9. Public Hearings: Text Amendments To The Durham Comprehensive Plan
None

10. Public Hearings: Text Amendments With Rezoning
None

11. Old Business
None

12. New Business
None

13. Adjournment

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



PLANNING COMMISSION

DRAFT MINUTES

February 11, 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 Commissioner Durkin. (Al-Turk, Brine 2nd)

ACTION: Motion carried, 13-0.

Members Present:

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

Excused Members Absent:

Erin Durkin

Staff Present:

Sara Young, Assistant Planning Director
Grace Smith, Planning Supervisor
Jamie Sunyak, Senior Planner
Scott Whiteman, Planning Manager
Earlene Thomas, Transportation Engineer IV

III. Adjustments to the Agenda – Staff requested removal of cases A1800011 and Z1800035, 1432 Ellis Road, from agenda due to a defect in public notice. This case will be placed on the agenda for March 10, 2020.

MOTION: Adoption of agenda as presented with adjustments. (Brine, Morgan 2nd)

ACTION: Motion carried, 13-0.

Approval of the Minutes and Consistency Statements: January 14, 2020

MOTION: Approve the Minutes and Consistency Statements for the January 14, 2020 meeting with corrections. (Al-Turk, Buzby 2nd)

ACTION: Motion carried, 13-0

IV. Public Hearing: Comprehensive Plan Amendment - None

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

a. Page Road Flex Development (A1900015/Z1900042)

Plan Amendment Request: Industrial

Staff Report: Jamie Sunyak presented cases A1900015 and Z1900042.

Zoning Map Change Request: Industrial Light with a Text-only development plan

(IL(D))

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

Commission Discussion: The discussion centered on the area, its zoning and development pattern, and the negative impacts associated with the future land use map amendment and rezoning.

MOTION: Recommend approval of case A1900015. (Miller, Buzby 2nd)

ACTION: Failed, 0-13

MOTION: Recommend approval of case Z1900042. (Miller, Brine 2nd)

ACTION: Failed, 0-13

Consistency Statement: The Planning Commission finds that the ordinance request is not consistent with the adopted *Comprehensive Plan*. The Commission believes the request is not reasonable and not in the public interest and does not recommend approval based on comments received at the public hearing, inconsistency with neighboring land uses and the information in the staff report.

VI. Public Hearing: Zoning Map Change Request - None

VII. Public Hearing: Text Amendment

a. Various Amendments Related to Affordable Housing (TC1900004)

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.

Staff Report: Scott Whiteman presented case TC1900004 Various Amendments Related to Affordable Housing.

Public Hearing: Chair Hyman opened the public hearing. Seven people spoke in support. Eight people spoke in opposition, and two others undecided. Chair Hyman closed the public hearing.

Commission Discussion: The discussion centered on the need for more public input.

MOTION: Recommend continuing Various Amendments related to Affordable Housing (TC1900004) for two cycles to the April 14, 2020 meeting. (Buzby, Al-Turk 2nd)

ACTION: Motion Carried, 13-0

VIII. Old Business

IX. New Business

X. Adjournment

The meeting adjourned at 7:50 p.m.

Respectfully Submitted,

Terri Elliott, Clerk
Durham Planning Commission



CONSOLIDATED STAFF REPORT

1432 ELLIS ROAD
A1800011/Z1800035

Meeting Date: March 10, 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.

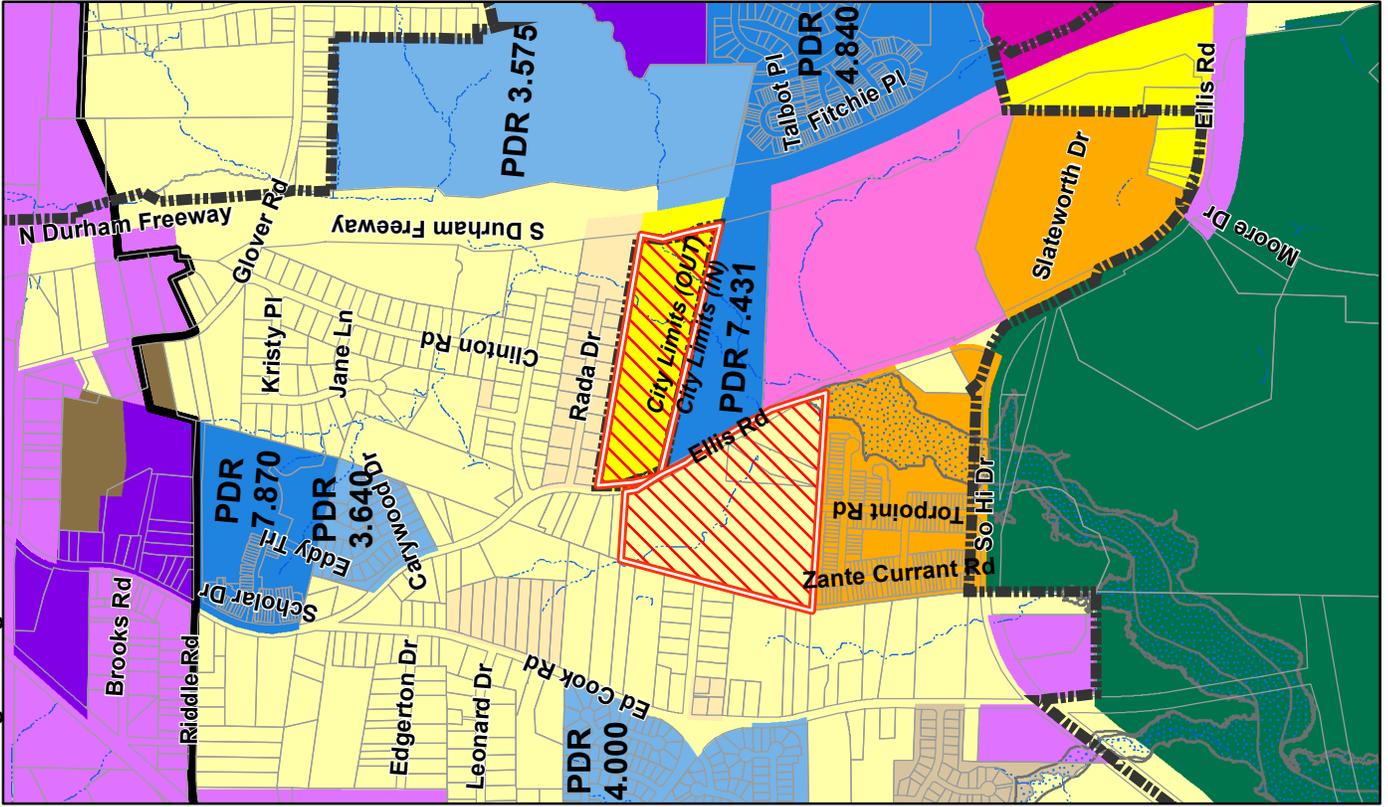
J. Attachments

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

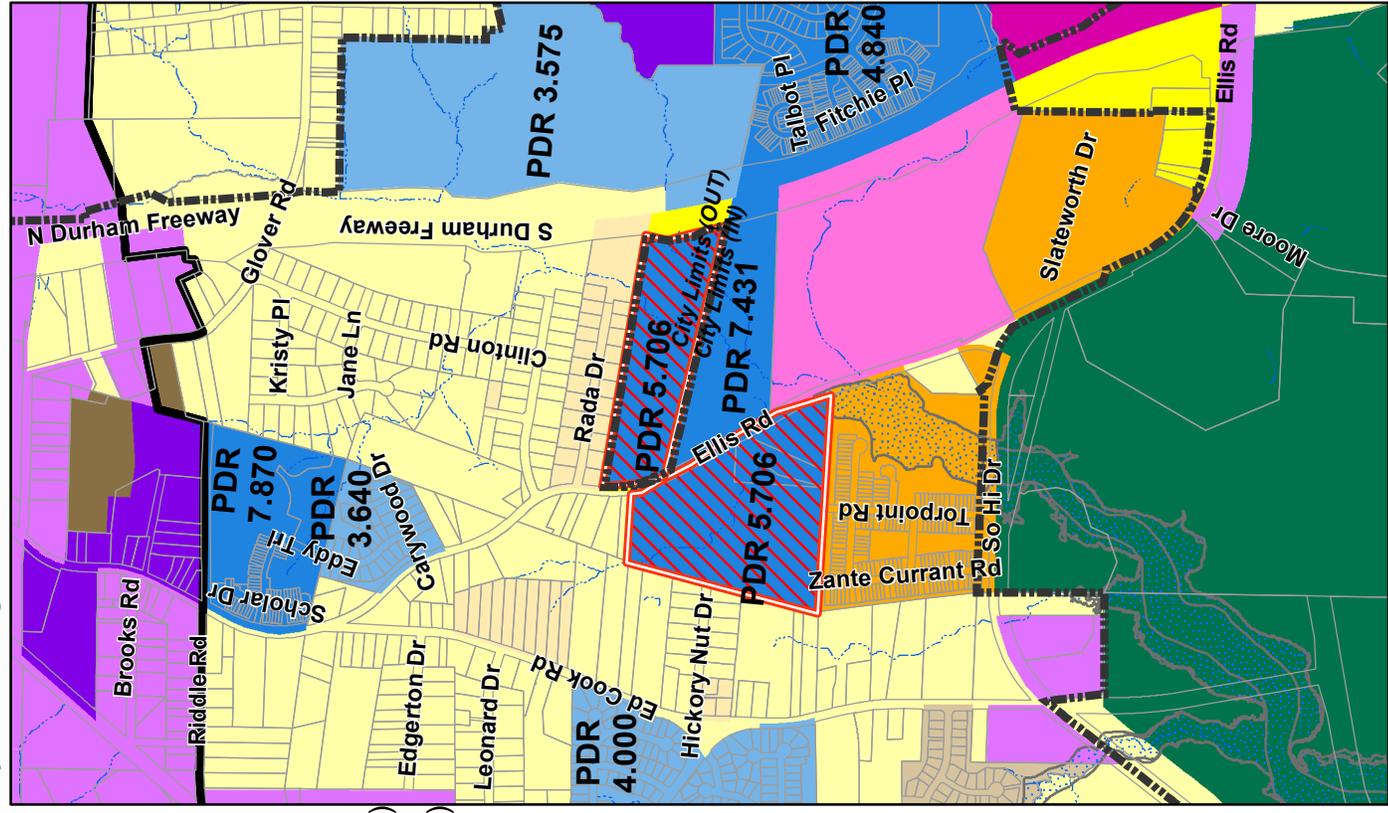
Attachment 1 - Context Map

1432 Ellis Road

Existing Zoning:



Proposed Zoning:

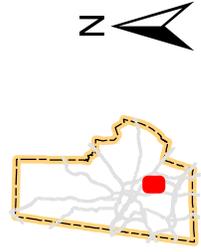


Legend:

- Case Area
- Parcel Lines
- Streams
- Floodplain
- City Limits

Zoning Districts:

- PDR (2 - 4 du/ac)
- PDR (4 - 8 du/ac)
- RR
- RS-20
- RS-10
- RS-M
- RU-5
- RU-M
- OI
- CG
- I
- IL
- SRP



Attachment 2: Aerial Map 1432 Ellis Road

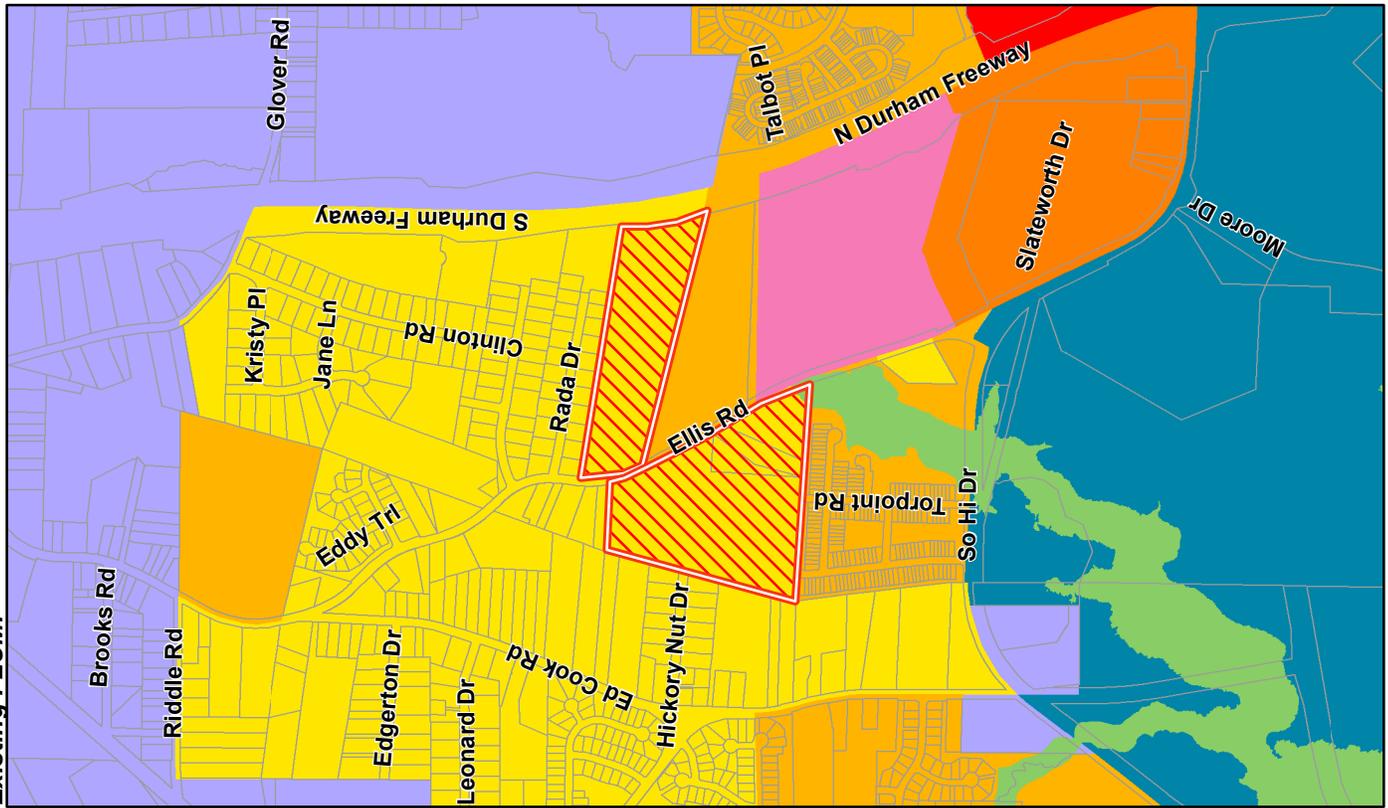


- Legend:**
- Case Area
 - Parcel Lines

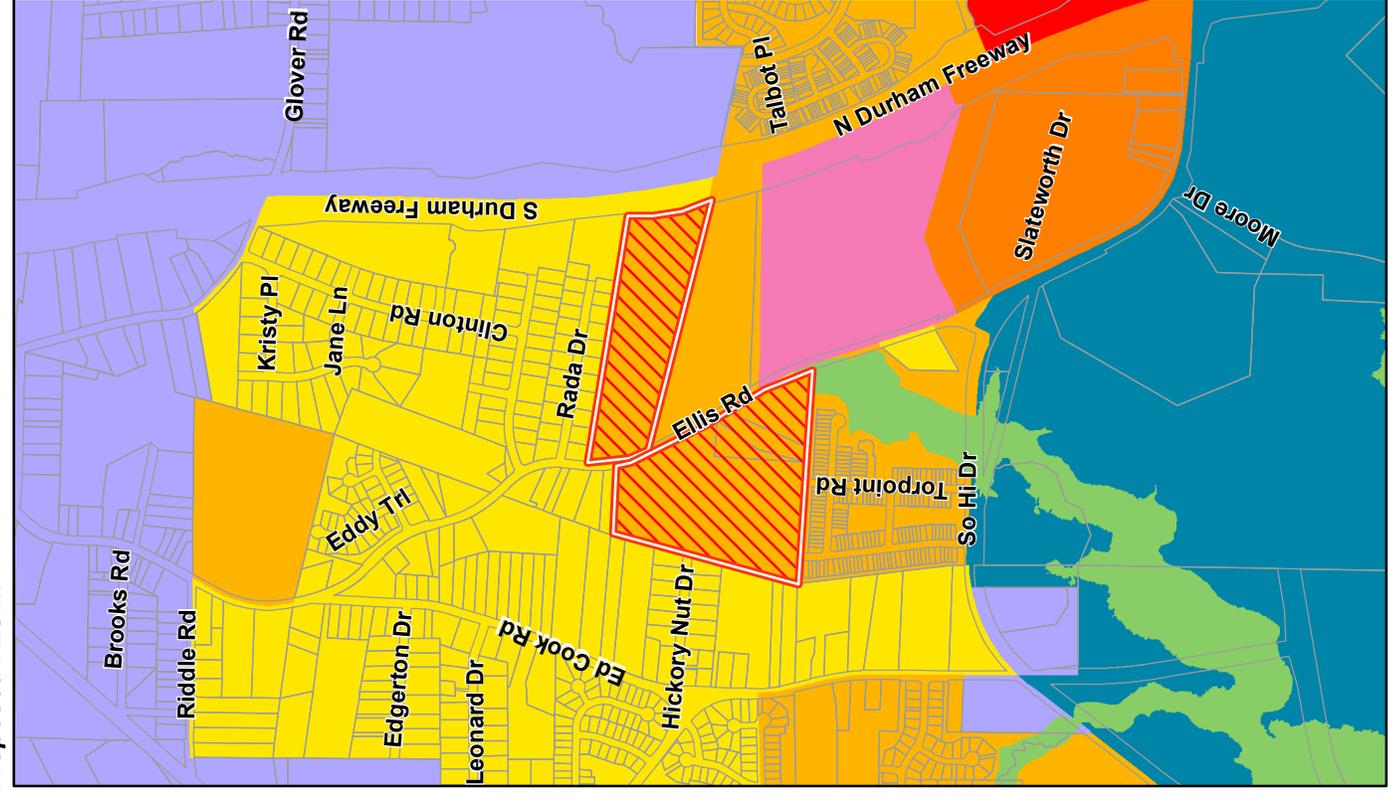


Attachment 3 - Future Land Use Map 1432 Ellis Road

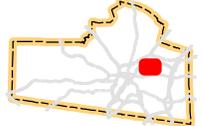
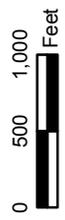
Existing FLUM:



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



DURHAM

1869
CITY OF MEDICINE

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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 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: 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>		
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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		
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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>Margaret 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
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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



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
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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: 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
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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
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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

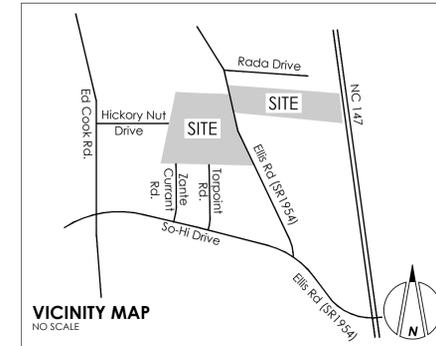
The proposed request to change the land use classification from Low Density Residential to Low-Medium Density Residential is compatible with the adjacent uses and growth patterns of the area. The proposed zoning to PDR will complement the current developments and provide a transition between the surrounding 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
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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

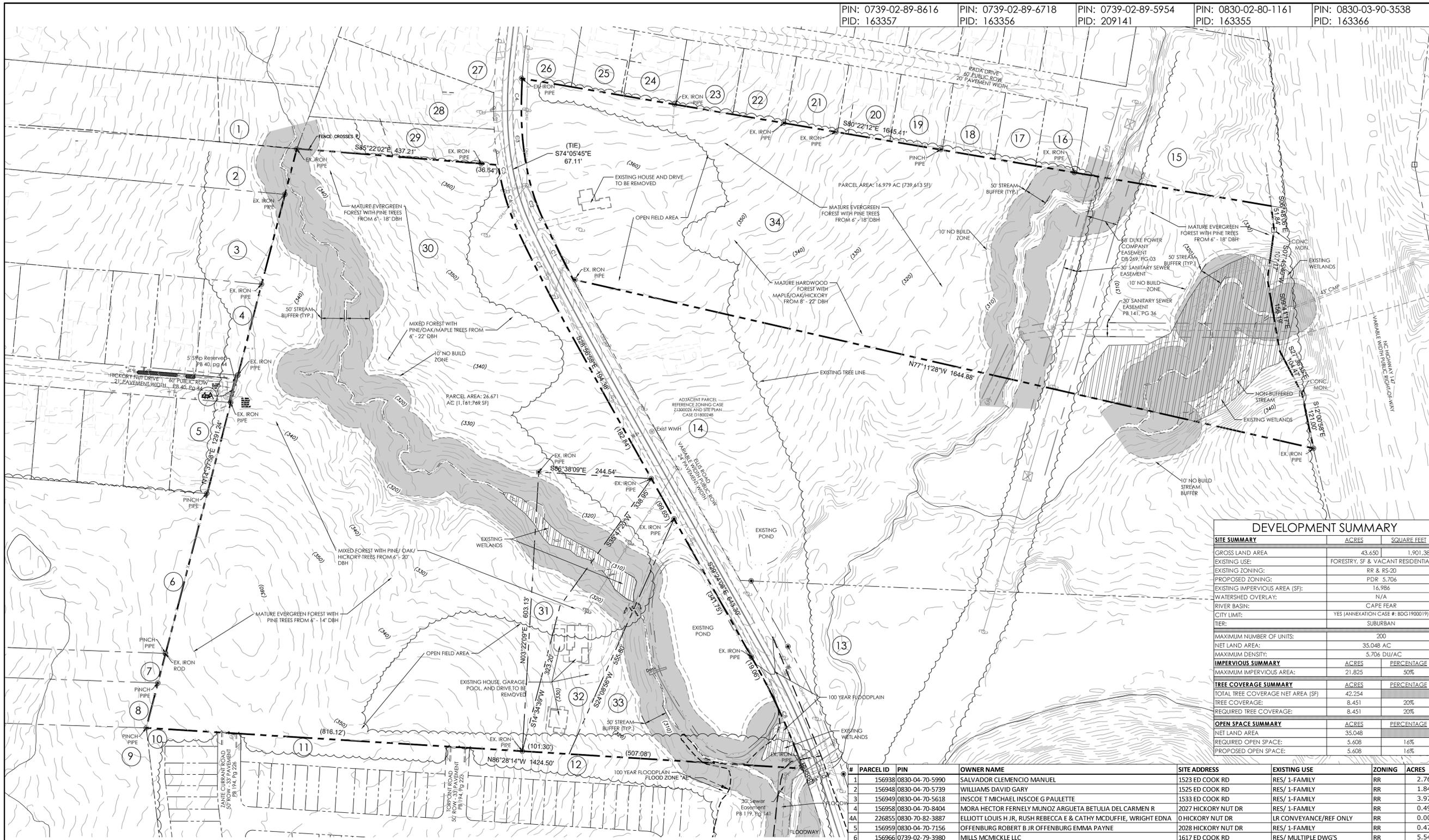
DRAWN BY:	CHECKED BY:
MS	TS
DATE	DECEMBER 10, 2018
SCALE	AS NOTED
PROJECT NO.	1868
SHEET NO.	

CASE #Z1800035

D000

DEVELOPMENT PLAN

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



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		
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%

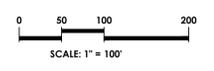
#	PARCELID	PIN	OWNER NAME	SITE ADDRESS	EXISTING USE	ZONING	ACRES
1	156938	0830-04-70-5990	SALVADOR CLEMENCIO MANUEL	1523 ED COOK RD	RES/ 1-FAMILY	RR	2.766
2	156948	0830-04-70-5739	WILLIAMS DAVID GARY	1525 ED COOK RD	RES/ 1-FAMILY	RR	1.841
3	156949	0830-04-70-5618	INSCOE T MICHAEL INSCOE G PAULETTE	1533 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

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.

1 EXISTING CONDITIONS
 D001 SCALE: 1"=100'



CURRENT PROPERTY OWNER INFORMATION						
#	PARCELID	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



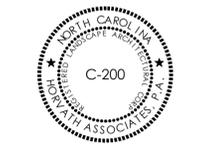
HORVATH ASSOCIATES
 CIVIL ENGINEERING LAND PLANNING
 LANDSCAPE ARCHITECTURE STORMWATER MANAGEMENT
 16 CONSULTANT PLACE, SUITE 201
 DURHAM, NORTH CAROLINA 27707
 P 919.490.4990 F 919.490.8953

NORTH CAROLINA BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS LICENSE NO.: C-0676

www.horvathassociates.com

1432 ELLIS ROAD
 DURHAM, NORTH CAROLINA

EXISTING CONDITIONS



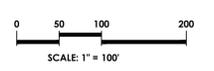
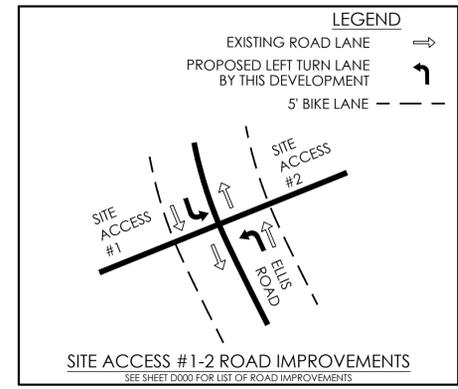
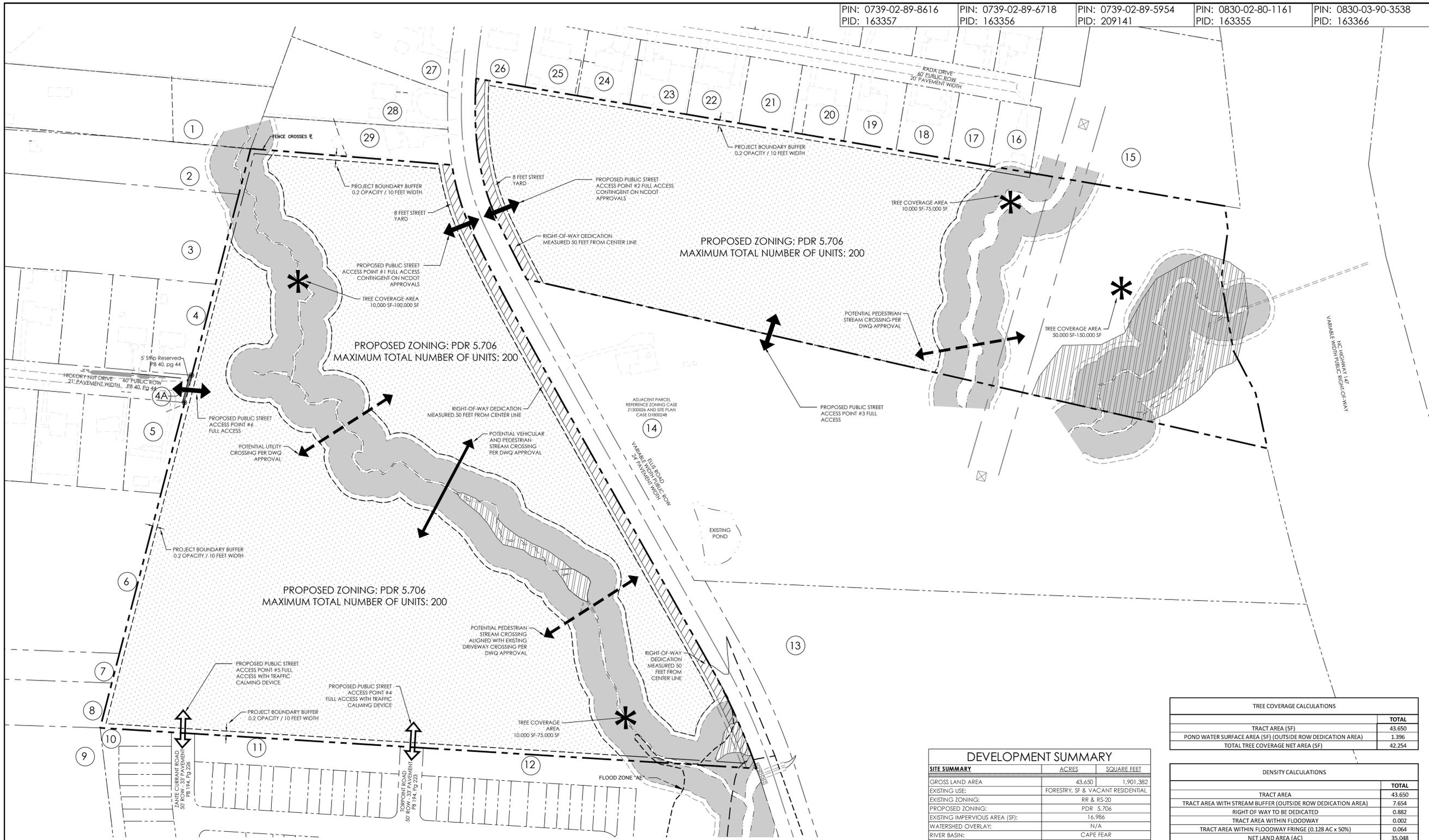
NO.	DATE	REVISION	BY
1	SEPTEMBER 5, 2019	PER 1ST CITY REVIEW COMMENTS	MS
2	NOVEMBER 7, 2019	PER 2ND CITY REVIEW COMMENTS	MS
3	JANUARY 2, 2020	PER CITY REQUEST	TS

DRAWN BY: MS CHECKED BY: TS
 DATE: DECEMBER 10, 2018

SCALE: 1"=100'
 PROJECT NO. 1868
 SHEET NO.

D001
 DEVELOPMENT PLAN

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%

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

LEGEND

- STREAM BUFFER HATCH
- BUILDING AND PARKING ENVELOPE
- TREE COVERAGE
- ACCESS POINT
- ACCESS POINT WITH TRAFFIC CALMING DEVICE
- PROPOSED PROJECT BOUNDARY BUFFER
- TOTAL PROJECT AREA BOUNDARY
- ADJACENT PROPERTY LINE

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.



HORVATH ASSOCIATES
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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

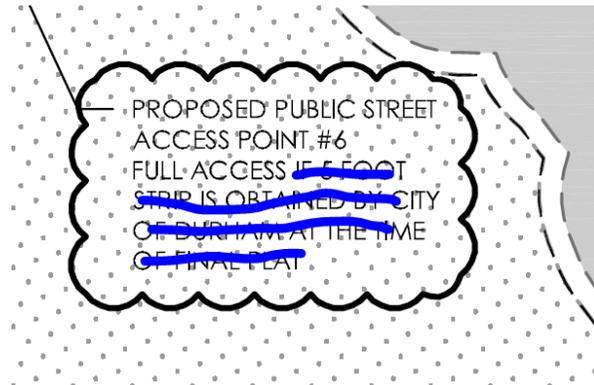
to retrofit the streets later at taxpayer expense when residents complain to City staff and the Police Department about high speed traffic.

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

www.durhamnc.gov

Date: 10/26/2018

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



ZONING MAP CHANGE REPORT

3259 ROSE OF SHARON ROAD
Z1900008

Meeting Date: March 10, 2020

Application Summary			
Application Information			
Reference Name	3259 Rose of Sharon Road	Submission Date	March 11, 2019
Application Type(s) (Case#)	Zoning Map Change (Z1900008)		
Proposal	Conference center/retreat house use. Existing house to be used as guest house and bridal party headquarters, existing barn to be expanded or replaced and used as wedding and other events center.		
Applicant	Daniel Jewell, Coulter Jewell Thames, PA		
Staff Contact	Emily Struthers, Senior Planner (Emily.Struthers@durhamnc.gov)		
Site Information			
Location	3259 Rose of Sharon Road	Legacy Cases	N/A
Site Acreage	5.828	Existing Use	Single family residential and accessory structures
Request			
Designations	Existing	Proposed	
Jurisdiction	City	No change	
Development Tier	Suburban	No change	
Future Land Use	Low Density Residential (4 or less du/acre)	No change	
Zoning	Residential Suburban - 20 (RS-20)	Rural Residential with a Development Plan (RR(D))	
Overlay Zoning District(s)	Eno River Watershed Protection Overlay District-B (E-B)	No change	
TIA Required	Not required		
Recommendations and Determinations			
Staff	Staff determines that this request is consistent with the <i>Comprehensive Plan</i> and other adopted ordinances and policies.		
Planning Commission	TBD		
BPAC	See Attachment 9		

A. Summary

Daniel Jewell of Coulter Jewell Thames, proposes to change the zoning designation of one parcel located at 3259 Rose of Sharon Road. The site is presently zoned Residential Suburban – 20 (RS-20). The applicant proposes to change this designation to Residential Rural (RR) in order to allow the proposed use of conference center/retreat house. The development plan associated with this request commits to the use of conference center/retreat house, the use identified in the Unified Development Ordinance determined consistent with the proposal to host weddings. The property is designated Low Density Residential on the Future Land Use Map (FLUM) which is consistent with the rezoning request for Residential Rural.

B. Site History

This property is currently developed with single-family house. Permits for addition, new deck, and whole house remodel were issued in 2017. Otherwise, there have been no recent development approvals for this site.

C. Existing Site Characteristics

Site Conditions. The 5.828 acre site proposed for rezoning comprises one parcel. As shown on the Existing Conditions Sheet of the development plan, the site contains an existing house, barn, and shed structures. The house has been identified as the Isaac M. Garrard House, built in 1922. Vegetation on site includes scattered mature hardwoods with denser areas of pine and hardwoods towards the rear of the site. The following photos provide a visual context of the site. Their locations have been identified on the Aerial Map (Attachment 2).



Photo 1



Photo 2



Photo 3

Area Characteristics. The site is located in the Suburban Development Tier and the Eno River Watershed protection Overlay (E-B). The context area includes single family houses to the east and north. Undeveloped land is situated to the southwest and northwest, as well as tree preservation area for Croasdaile Farm North to the south, and a vacant storage warehouse, formerly the Garrard Sausage Factory, located to the west. The following photos provide a visual context of the area. Their locations have been identified on the Aerial Map (Attachment 2).



Photo 4



Photo 5



Photo 6



Photo 7



Photo 8

D. 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 6 provides the associated *Comprehensive Plan* policies which are applicable to the proposal.

Staff Analysis. The requested Residential Rural zoning district meets the policy requirements in relation to the *Comprehensive Plan* and other adopted plans and policies. This site is not identified in any Open Space Plans.

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 can be found in Attachment 5, Development Plan. Summaries of the commitments in excess of UDO requirements are below.

- **Text Commitments.** Committed use shall be conference center/retreat house.
- **Graphic Commitments.** Graphic commitments include the location of tree coverage areas, site access points, building and parking envelopes, and project boundary buffers. Additionally, the existing house is to remain and the existing barn is to be renovated, rebuilt or expanded.
- **Design Commitments.** Design commitments specify that new buildings or additions to the existing buildings will adopt a vernacular similar to the existing house and/or barn, rooflines will be pitched, flat, or a combination, and a variety of permissible exterior building materials have been identified.

Staff Analysis. The requested zoning district and associated development plan exceeds 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.

Additional Approval Requested. In lieu of a Minor Special Use Permit, the applicant is seeking approval of the Conference Center/Retreat House use in Residential Rural zoning. Consistent with UDO section 3.5.6.D.10, the applicant has specified on the development plan the use, location, access, building height, and size for the proposed Conference Center/Retreat House use. If approved, the proposed use of conference center/retreat house would be located on-site within areas identified as building and parking envelope, including the existing house which is committed to remain. Two private access points are proposed approximately where an existing driveway exists. Buildings will have a maximum height of 45 feet and a maximum floor area of 16,000 square feet.

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 16,000 SF of conference center/retreat house, is estimated to increase the traffic generation of the site by 315 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 Division of the Public Works Department reviewed the rezoning and has determined that adequate riparian buffers, floodplains requirements and impervious limitations have been addressed, where required.

Compared to the existing zoning, there will be an estimated elementary school demand decrease by 4 students, since the proposed non-residential use will not generate school age students. Additional details are available in Attachment 7.

Staff Analysis. The proposed RR(D) 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 *Durham Comprehensive Plan*.

Staff Analysis. The applicant proposes to change the zoning designation to RR with a development plan. The proposed zoning is consistent with the goals and policies of the *Comprehensive Plan* and Suburban Tier designation. Staff finds the requested designation reasonable as it is compatible with the present Future Land Use Map. While the historic structure on site has not been identified as a significant resource by the North Carolina State Historic Preservation office, this proposal commits to preserve it, which maintains the area’s historic character and furthers *Comprehensive Plan Objective 5.1.1, Protection of Historic Resources*.

H. Staff Recommendation and Determination

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

I. Contacts

Staff Contact		
Emily Struthers, Senior Planner	919.560.4137 ext. 28263	Emily.Struthers@durhamnc.gov
Applicant Contact		
Daniel Jewell, Coulter Jewell Thames	919.682.0368	DJewell@cjtpa.com ; MCoulter@cjtpa.com

J. 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.

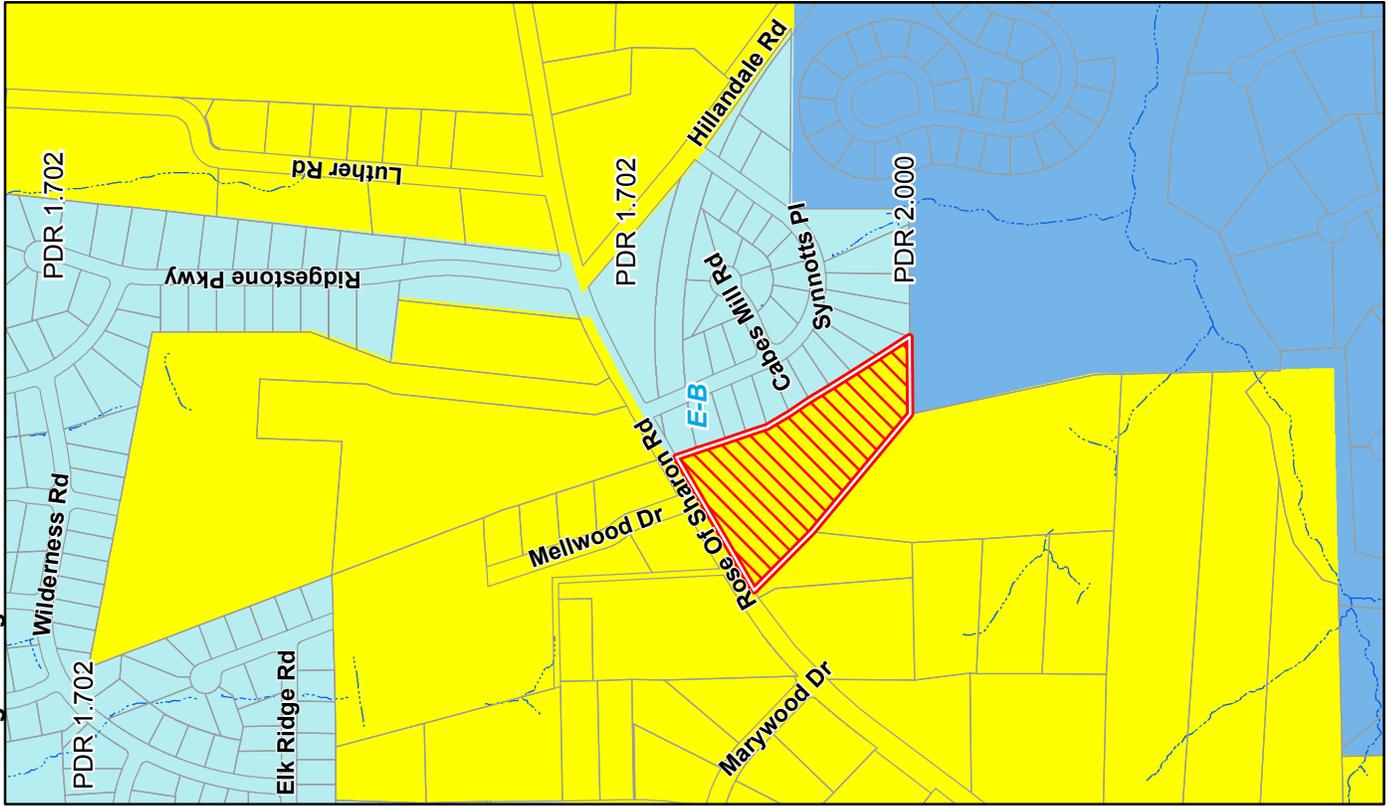
K. Attachments

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 Comments
9. Summary Utility Development Statement

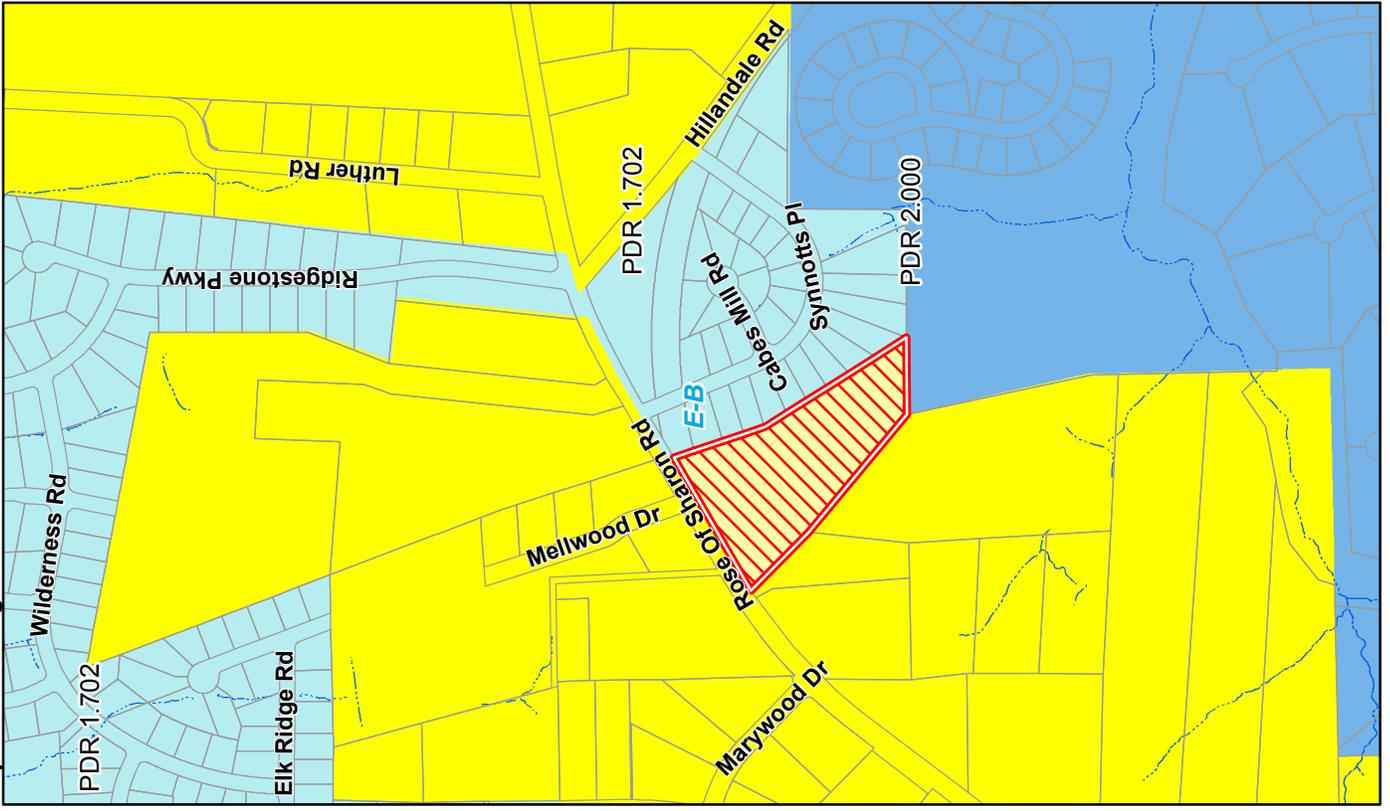
Attachment 1 - Context Map

3259 Rose of Sharon Road

Existing Zoning:



Proposed Zoning:

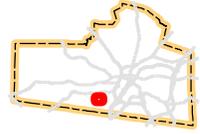


Legend:

-  Case Area
-  Parcel Lines
-  Streams
-  Watershed Protection Overlay

Zoning Districts:

-  PDR-VLR (< 2 du/ac)
-  PDR-LDR (2 - 4 du/ac)
-  RS-20
-  RR



Planning

**Attachment 2: Aerial Map
3259 Rose of Sharon Road**

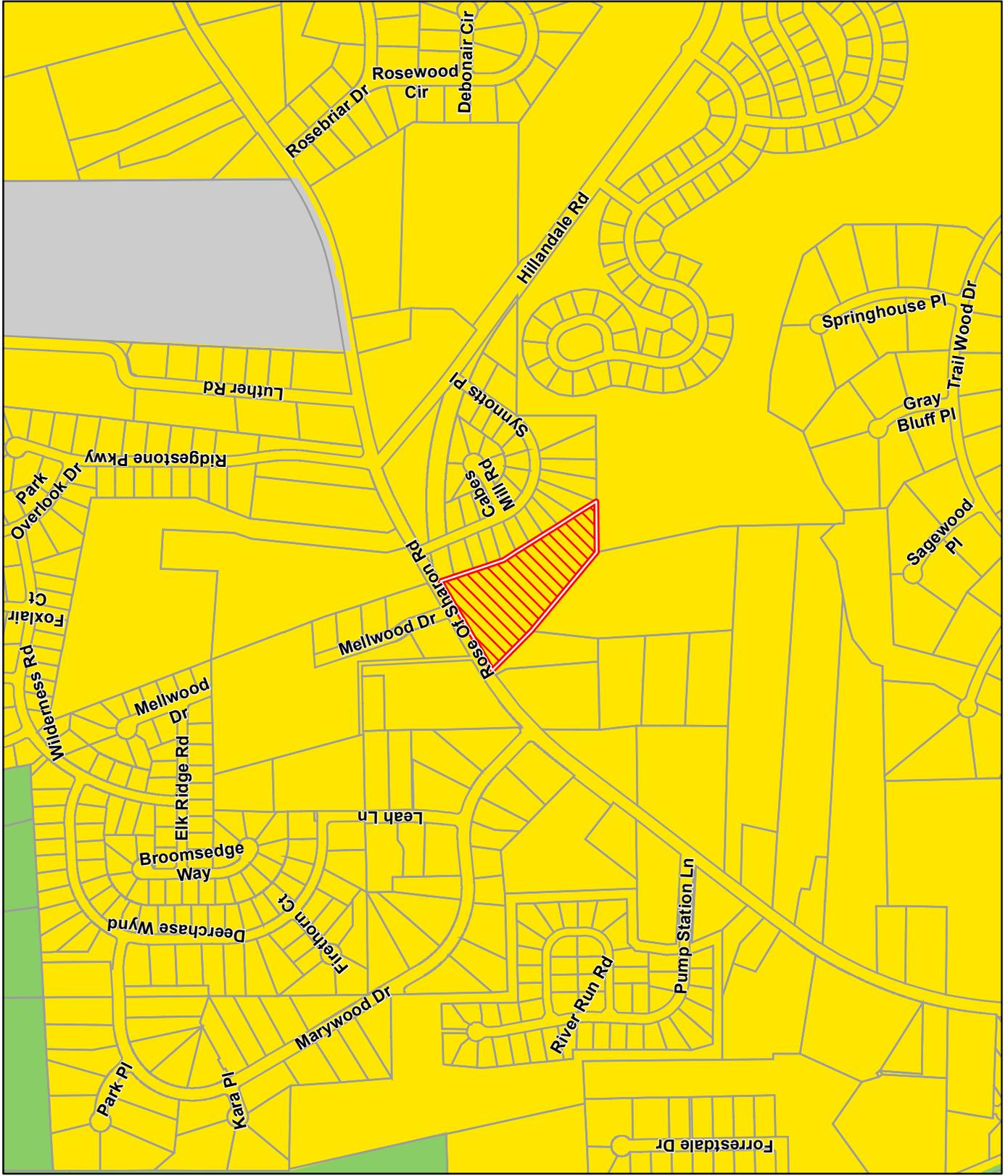


- Legend:**
-  Case Area
 -  Parcel Lines



Attachment 3 - Future Land Use Map

3259 Rose of Sharon Road

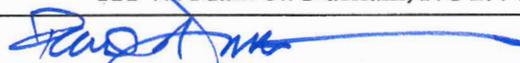
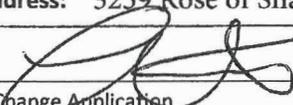




Durham City-County Planning Department

ZONING MAP CHANGE APPLICATION

Planning

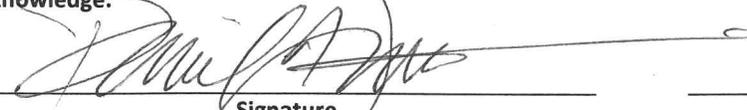
Date:		Case #:	
Project Information:			
Current Zoning District(s) <i>Including any Overlay District:</i>	RS-20, E-B watershed protection overlay	Proposed Zoning District(s) <i>Including any Overlay District:</i>	RR(D), E-B watershed protection overlay
Current Future Land Use Map Designation:	LDR	Jurisdiction: <i>(Check as appropriate. If also requesting annexation, check 'City')</i>	<input checked="" type="checkbox"/> City <input type="checkbox"/> County <input type="checkbox"/> Both
Total Site Area:	253,868 SF / 5.828 AC	Development Tier:	Suburban
Project Location:	3259 Rose of Sharon Road		
Proposed Project Name:	3259 Rose of Sharon Road		
Property Identification Number(s) (PID- six digit #):	0814-04-50-2720 / 176949 <i>(Attach additional sheet(s) if necessary)</i>		
Summary of Proposed Development:	Existing house to be used as guest house and bridal party HQ, existing barn to be expanded or replaced and used as wedding and other events center.		
Applicant Information:			
Name: Daniel Jewell		Firm: Coulter Jewell Thames, PA	
Phone: 919-682-0368		Email: DJewell@cjtpa.com / MCoulter@cjtpa.com	
Mailing Address: 111 W. Main St. Durham, NC 27701			
Signature: 			
Agent Information (if applicable):			
Name:		Firm:	
Phone:		Email:	
Mailing Address:			
Signature:			
Owner Information: <i>(For multiple owners, attach additional sheet(s))</i>			
Name: Lee Knight		Firm:	
Firm:		Email: lknight@disruptive-enterprises.com	
Mailing Address: 3259 Rose of Sharon Rd. Durham, NC 27712			
Signature: 			

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

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. *Resubmittal documents shall be provided in digital format along with one hard copy.*

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



 Signature

 3-11-19
 Date

 Daniel A. Jewell
 Printed Name

3259 ROSE OF SHARON ROAD

Durham, North Carolina, 27705

PIN: 0814-04-50-2720

DEVELOPMENT PLAN SUBMITTAL #1: MARCH 11, 2019
 DEVELOPMENT PLAN SUBMITTAL #2: JUNE 18, 2019
 DEVELOPMENT PLAN SUBMITTAL #3: OCTOBER 22, 2019

OWNER / CLIENT:

LEE KNIGHT
 3259 ROSE OF SHARON ROAD
 DURHAM, NC 27705

CONSULTANTS / APPLICANT:

LANDSCAPE ARCHITECT:
 COULTER JEWELL THAMES PA
 111 WEST MAIN STREET
 DURHAM, NC 27701
 919-682-0368
 CONTACT: DAN JEWELL

CIVIL ENGINEER:
 COULTER JEWELL THAMES PA
 111 WEST MAIN STREET
 DURHAM, NC 27701
 919-682-0368
 CONTACT: PRESTON ROYSTER



**Coulter
 Jewell
 Thames PA**

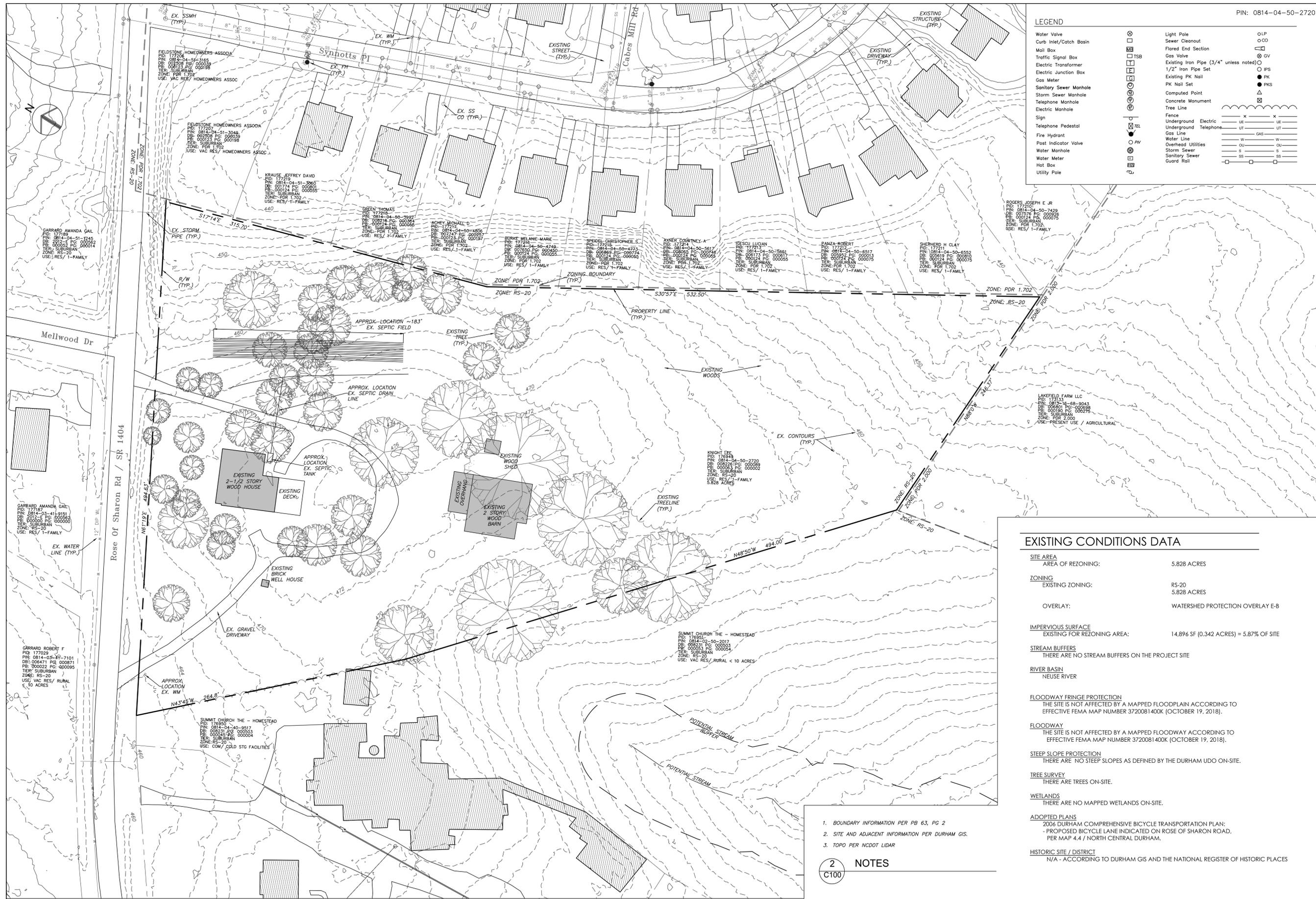
111 West Main Street
 Durham, N.C. 27701
 p 919.682.0368
 f 919.688.5646
 www.cjtpa.com

PROJECT DATA	DESIGN COMMITMENTS	TEXT COMMITMENTS	VICINITY MAP											
<p>OWNER: LEE KNIGHT OWNER ADDRESS: 3259 ROSE OF SHARON ROAD DURHAM, NC 27705</p> <p>SITE ADDRESS: 3259 ROSE OF SHARON ROAD PIN: 0814-04-50-2720 PARCEL ID: 174949 ACREAGE: 253,868 SF / 5.828 AC DEED BOOK: DB 8226, PG 89 PLAT BOOK: PB 63, PG 2</p> <p>TOTAL REZONING AREA: 253,868 SF / 5.828 AC</p> <p>FUTURE LAND USE PLAN EXISTING: LDR PROPOSED: LDR (NO CHANGE)</p> <p>ZONING EXISTING: RS-20 (253,868 SF / 5.828 AC) OVERLAY: WATERSHED PROTECTION OVERLAY E-B PROPOSED: RR(D) (253,868 SF / 5.828 AC) OVERLAY: WATERSHED PROTECTION OVERLAY E-B</p> <p>DEVELOPMENT TIER: EXISTING: SUBURBAN PROPOSED: SUBURBAN (NO CHANGE)</p> <p>RIVER BASIN: NEUSE</p>	<p>1. GENERAL ARCHITECTURAL STYLE: NEW BUILDINGS OR ADDITIONS TO THE EXISTING BUILDINGS WILL ADOPT A VERNACULAR SIMILAR TO THE EXISTING HOUSE AND/OR BARN. WITHIN THE RULES OF THIS VERNACULAR, NEW BUILDINGS OR ADDITIONS WILL BE EARLY AMERICAN FARMHOUSE IN CHARACTER AND LEND THEMSELVES TO THIS STYLE WITH CLEAN LINES AND SIMPLE PLANES WITH MINIMAL NON-FUNCTIONAL DETAIL.</p> <p>2. ROOFLINES: PROPOSED ROOFLINES WILL CONSIST OF EITHER PITCHED ROOF OR FLAT ROOF OR A COMBINATION OF THE TWO.</p> <p>3. BUILDING MATERIALS: PROPOSED BUILDINGS WILL CONSIST OF ONE OR MORE OF THE FOLLOWING EXTERIOR FINISHES:</p> <ul style="list-style-type: none"> WOOD BRICK AND/OR "ARCHITECTURAL" BLOCK TRADITIONAL AND/OR SYNTHETIC STUCCO PRECAST CONCRETE PANELS SPLIT FACE OR GROUND FACE MASONRY BLOCK STONE OR CULTURED STONE VINYL GLAZING EFS ALUMINUM OR OTHER METAL PANELS OUTDOOR GRADE FABRIC, VINYL OR METAL ACCENTS AND AWNINGS CEMENTITIOUS SIDING AND TRIM METAL ROOFS COMMERCIAL MEMBRANE ROOFS <p>4. DISTINCTIVE ARCHITECTURAL FEATURES: NO DISTINCTIVE ARCHITECTURAL FEATURES ARE IDENTIFIED AT THIS TIME.</p> <p>5. DESIGN TRANSITION TO THE CONTEXT AREA: NEW BUILDINGS WITHIN THE DEVELOPMENT WILL CONTINUE THE ARCHITECTURAL CHARACTER OF THE EXISTING BUILDINGS, WHICH HAVE BEEN PRESENT ON THE SITE FOR DECADES AND ARE NOW PART OF THE NEIGHBORHOOD CONTEXT.</p> <p>THE DESIGN OF NEW BUILDINGS WILL REFLECT THE HISTORIC NATURE OF THE ORIGINAL HOUSE AND BARN.</p>	<p>1. COMMITTED USE SHALL BE CONFERENCE CENTER / RETREAT HOUSE</p>	<p>1"=2000'</p>	<p>Project:</p> <p>3259 Rose of Sharon Road</p> <p><i>Durham County, North Carolina</i></p>										
	<p>GENERAL NOTES</p>		<p>LIST OF SHEETS</p> <p>DP-0 COVER SHEET DP-1 EXISTING CONDITIONS PLAN DP-2 DEVELOPMENT PLAN</p>											
	<p>1. PER UDO SECTION 3.5.12.A.12, THE SITE WILL BE LIMITED TO A MAXIMUM OF 149 PEAK HOUR TRIPS.</p>	<p>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.</p> <p>Daniel A. Jewell Applicant print name</p>  Applicant signature	<p>APPROVAL STAMPS</p> <p>PRELIMINARY-DO NOT USE FOR CONSTRUCTION</p> <p>Job Number: 1906</p> <table border="1"> <tr> <td>Drawn</td> <td>DAJ, MTC</td> </tr> <tr> <td>Checked</td> <td>DAJ</td> </tr> <tr> <td>Date</td> <td>3-11-19 Dev. Plan Sub. 1</td> </tr> <tr> <td>Revisions</td> <td>6-18-19 Dev. Plan Sub. 2</td> </tr> <tr> <td></td> <td>10-22-19 Dev. Plan Sub. 3</td> </tr> </table> <p>CITY COMMENTS</p> <p>Sheet Title:</p> <p>COVER SHEET</p> <p>Sheet Number</p> <p>C000</p> <p>ZONING MAP CHANGE CASE #: Z1900008</p>	Drawn	DAJ, MTC	Checked	DAJ	Date	3-11-19 Dev. Plan Sub. 1	Revisions	6-18-19 Dev. Plan Sub. 2		10-22-19 Dev. Plan Sub. 3	
Drawn	DAJ, MTC													
Checked	DAJ													
Date	3-11-19 Dev. Plan Sub. 1													
Revisions	6-18-19 Dev. Plan Sub. 2													
	10-22-19 Dev. Plan Sub. 3													



**Coulter
Jewell
Thames**

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p 919.682.0368
f 919.688.5646
www.cjtpa.com



LEGEND

Water Valve	⊗	Light Pole	○LP
Curb Inlet/Catch Basin	⊠	Sewer Cleanout	○CO
Mail Box	⊞	Flored End Section	⊞
Traffic Signal Box	⊞	Gas Valve	⊞
Electric Transformer	⊞	Existing Iron Pipe (3/4" unless noted)	○IP
Electric Junction Box	⊞	1/2" Iron Pipe Set	○PK
Gas Meter	⊞	Existing PK Nail	●PKS
Sanitary Sewer Manhole	⊞	Computed Point	⊞
Storm Sewer Manhole	⊞	Concrete Monument	⊞
Telephone Manhole	⊞	Tree Line	⊞
Electric Manhole	⊞	Fence	⊞
Sign	⊞	Underground Electric	⊞
Telephone Pedestal	⊞	Underground Telephone	⊞
Fire Hydrant	⊞	Gas	⊞
Post Indicator Valve	⊞	Water Line	⊞
Water Manhole	⊞	Overhead Utilities	⊞
Water Meter	⊞	Storm Sewer	⊞
Hot Box	⊞	Sanitary Sewer	⊞
Utility Pole	⊞	Guard Rail	⊞

EXISTING CONDITIONS DATA

SITE AREA		
AREA OF REZONING:	5.828 ACRES	
ZONING		
EXISTING ZONING:	RS-20	
	5.828 ACRES	
OVERLAY:		WATERSHED PROTECTION OVERLAY E-B
IMPERVIOUS SURFACE		
EXISTING FOR REZONING AREA:	14,896 SF (0.342 ACRES) = 5.87% OF SITE	
STREAM BUFFERS		THERE ARE NO STREAM BUFFERS ON THE PROJECT SITE
RIVER BASIN		NEUSE RIVER
FLOODWAY FRINGE PROTECTION		THE SITE IS NOT AFFECTED BY A MAPPED FLOODPLAIN ACCORDING TO EFFECTIVE FEMA MAP NUMBER 3720081400K (OCTOBER 19, 2018).
FLOODWAY		THE SITE IS NOT AFFECTED BY A MAPPED FLOODWAY ACCORDING TO EFFECTIVE FEMA MAP NUMBER 3720081400K (OCTOBER 19, 2018).
STEEP SLOPE PROTECTION		THERE ARE NO STEEP SLOPES AS DEFINED BY THE DURHAM UDO ON-SITE.
TREE SURVEY		THERE ARE TREES ON-SITE.
WETLANDS		THERE ARE NO MAPPED WETLANDS ON-SITE.
ADOPTED PLANS		2006 DURHAM COMPREHENSIVE BICYCLE TRANSPORTATION PLAN: - PROPOSED BICYCLE LANE INDICATED ON ROSE OF SHARON ROAD, PER MAP 4.4 / NORTH CENTRAL DURHAM.
HISTORIC SITE / DISTRICT		N/A - ACCORDING TO DURHAM GIS AND THE NATIONAL REGISTER OF HISTORIC PLACES

- BOUNDARY INFORMATION PER PB 63, PG 2
- SITE AND ADJACENT INFORMATION PER DURHAM GIS.
- TOPO PER NCDOT LIDAR

2 NOTES
C100

Project:

**3259
Rose of
Sharon
Road**

Durham County,
North Carolina



PRELIMINARY-DO NOT
USE FOR CONSTRUCTION
Job Number: 1906

Drawn	DAJ, MTC
Checked	DAJ
Date	3-11-19 Dev. Plan Sub. 1
Revisions	6-18-19 Dev. Plan Sub. 2
	CITY COMMENTS
	10-22-19 Dev. Plan Sub. 3
	CITY COMMENTS

Sheet Title:

**EXISTING
CONDITIONS**

Sheet Number
C100

1 EXISTING CONDITIONS
C100
1" = 40'-0"





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 for consistency with all relevant policies of the Comprehensive Plan. That analysis is shown below.

2.1.2c Suburban Tier Defined. *The Suburban Tier is established to provide land for low to medium density residential development, employment centers, and commercial and industrial activity. Land located in the Suburban Tier is expected to accommodate a large proportion of Durham's growth through greenfield development, infill, and redevelopment. The Suburban Tier is expected to develop at traditional suburban densities and patterns.*

Staff Analysis: The proposed Residential Rural zoning designation is consistent with the Suburban Tier definition. This proposal commits to the Conference Center/ Retreat House, which is permissible in Residential Rural zoning with a Minor Special Use Permit or if shown on a development plan. The proposed use is consistent with commercial activity appropriate within the suburban tier while preserving the historic residential structure.

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: The proposal seeks to change the use of a previously developed site by adaptively reusing the historic residential and agricultural structures for weddings and events. This site currently exists in the City limits with available utility services, as outlined in the Summary Utility Development Statement, Attachment 9. Transit is located in close proximity at the intersection of Rose of Sharon Road and Hillandale Road.

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. Additional detail is provided in the zoning map change report and attachment 8, Summary of Development Impacts.

Policy 11.1.1a School Level of Service Standard. *The level of service for public school facilities shall be established as a maximum enrollment of 110 percent of the system's maximum permanent building capacity, measured on a system-wide basis for each type of facility.*

Staff Analysis: The proposed development plan is consistent with this policy, as shown in Attachment 8. The change from a residential use to a nonresidential use will result in a decrease of students generated by the site as a result of the proposed development plan.



**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, utilities (water, sewer systems, and stormwater) and schools.

1. Transportation Impacts

Rose of Sharon Road is the major road impacted by the proposed zoning change. There are no planned City of Durham or NCDOT projects within the vicinity of the proposed zoning.

Affected Segment	Rose of Sharon Road
Type of Roadway	2-lane undivided city/county class I arterial without left-turn lanes
Current Roadway Capacity (LOS D) (AADT)*	14,200
Latest Traffic Volume (AADT)**	4,500

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)*	*148
Traffic Generated by Proposed Designation (average 24 hour)**	**463
Impact of Proposed Designation	+315

*Assumption- (Max Use of Existing Zoning) – RS-20: 12 single-family lots

**Assumption- (Max Use of Proposed Zoning) – RR(D): 16,000 SF indoor/outdoor event center

The nearest transit service is provided approximately 825 feet to the east of the site along Rose of Sharon Road and Hillandale Road via GoDurham Route 9A.

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 improvements to the water and wastewater systems to serve the proposed use, see Attachment 10 for additional information.

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 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 Hillandale Elementary, Brogden Middle, and Riverside 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	Middle School	High School
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, the proposed zoning will generate zero students compared to the existing zoning which estimates 4 students.

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) – RS-20: 12 single-family lots

**Assumption- (Max Use of Proposed Zoning) – RR(D): 16,000 SF non-residential

5. Summary

The proposed RR(D) 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 compliance with the adopted 2006 Durham Comprehensive Bicycle Transportation Plan, add the following text commitment to the Cover Sheet: "Prior to the issuance of a certificate of occupancy, a minimum of 5 ft. of additional asphalt (in addition to the proposed roadway improvements) will be provided for the full frontage of the site along the south side of Rose of Sharon Road. The additional asphalt widening will be provided to allow for a bicycle lane."

Applicant first response: Durham Transportation stated in comment #3 that a bicycle lane would be required if a turn lane is required by NCDOT. NCDOT has determined that a turn lane will not be required, email documentation provided. Therefore, we cannot commit to a bicycle lane.

Repeat comment – pavement width for bike lane is needed regardless of other road improvements.

2. On Sheet C200, note and illustrate the additional asphalt widening per comment #1 above.

Applicant first response: Please see response to comment #1.

Repeat comment – pavement width for bike lane is needed regardless of other road improvements.

Applicant second response:

We have taken a hard look at this in the field. See the attached photo/diagram (Attachment 8a).

The project involves a historic 100 year old farmhouse fairly near the street that has already been restored. It predates the current configuration of Rose of Sharon Rd. There is a historic wall that is of the same vintage as the house that is outside of the RoS Rd right of way.

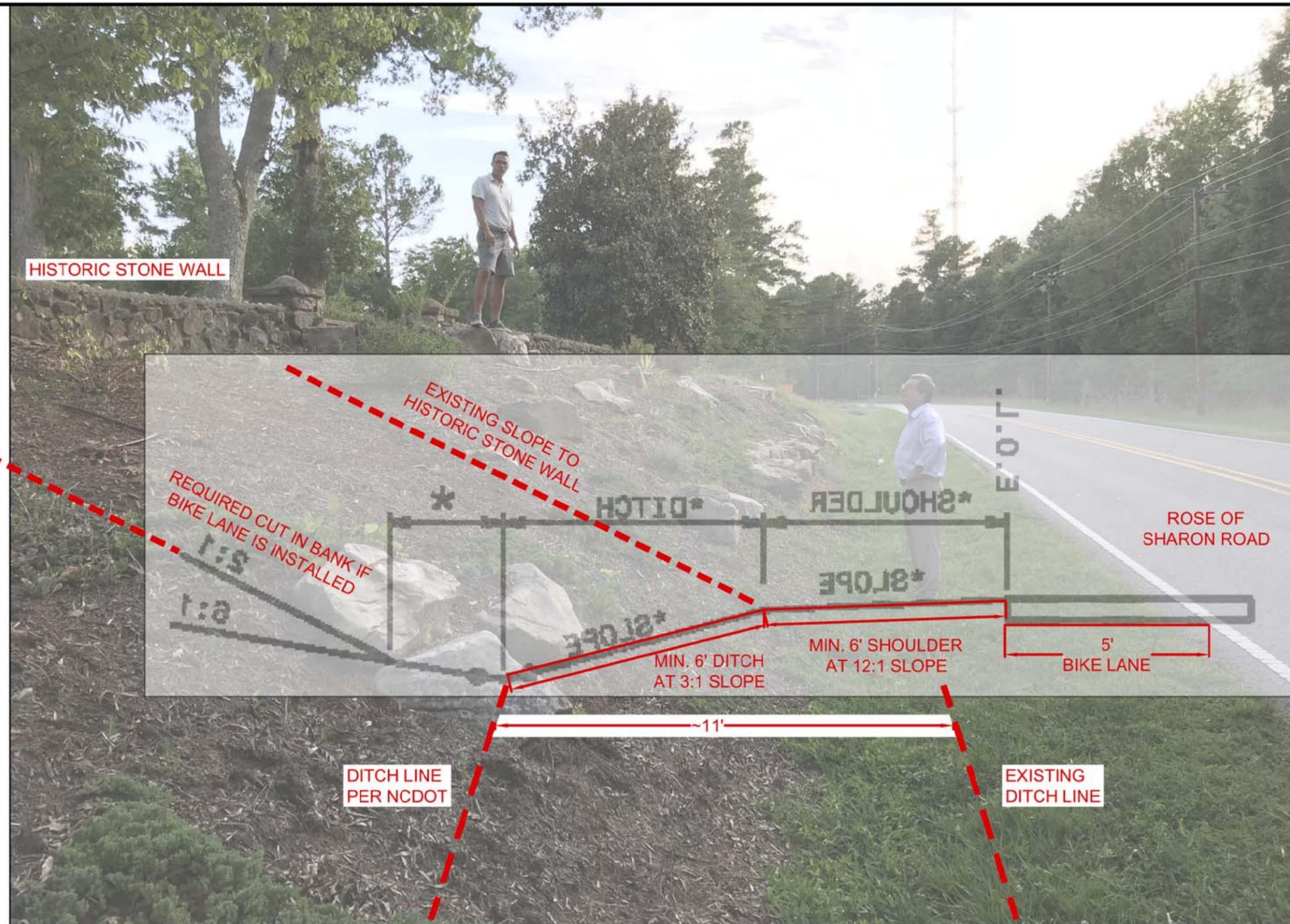
You can see from the attached that the current shoulder/swale configuration does not meet NCDOT dimensional requirements. The attached also shows that in order to meet NCDOT requirements, a substantial amount of grading work would need to be done to accommodate, likely including new retaining walls. Also, this work would require removal of the historic stone wall at the top of the existing slope. This wall is critical part of the historic character of Rose of Sharon Road. As one additional bit of information, we estimate this work will cost in excess of \$100,000.

Let us know if there is some other way to deal with your request, such as a fee in lieu. It will be much less expensive to do the work as part of a much larger future widening project.

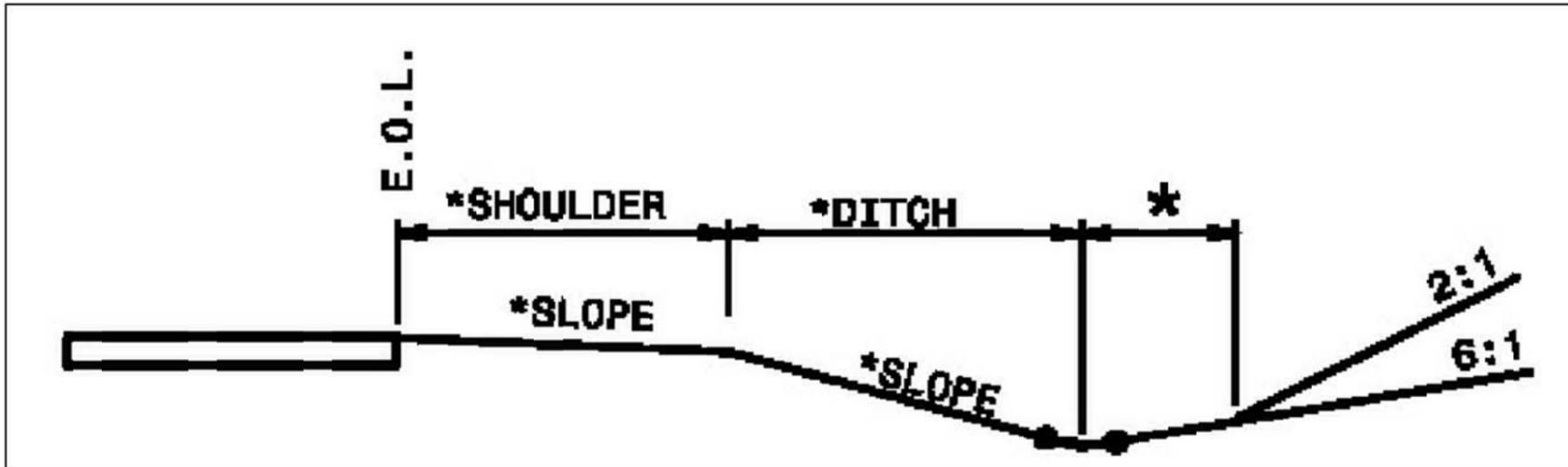
BPAC Response: The BPAC Development Review Committee has discussed Z190008 and understands the difficulties with adding a bike lane in front of the property. The committee would appreciate it if you could explore other options with staff in the planning department, such as the fee in lieu option mentioned in the e-mail to the committee.

Planning and Transportation Staff comment: The applicant explored payment in lieu options, but at this time there is no such mechanism to accept payment in lieu for bike lanes.

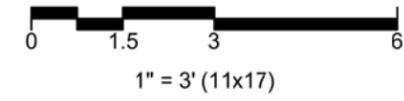
HISTORIC STONE WALL



DETAIL REVERSED AND SCALED TO MATCH IMAGE



FROM NCDOT DETAIL 225.09



Project:
 3259 Rose of Sharon Road
 Durham,
 North Carolina

CJT Job Number: 1906
 Drawn: DAJ, MTC
 Checked: DAJ
 Date: 7-25-19
 Revisions:

NOT FOR CONSTRUCTION
 Sheet Title
 BICYCLE LANE EXHIBIT
 Sheet Number
 DP-1.0


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: 3/14/2019

www.durhamnc.gov

PROJECT INFORMATION SUMMARY

 Project Name: 3259 Rose of Sharon Rd

 Parcel ID(s) (not PINs): 176949

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

Renovate existing house and barn for weddings and other events
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:

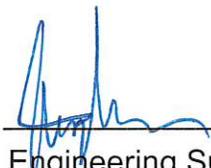
GENERAL: The applicant may renovate the existing house and barn for weddings and other events without triggering a new Summary Utility Development Statement.

WATER: The proposed project site is within the 567' pressure zone. The applicant may connect to the existing 12-inch water main in Rose of Sharon Rd to serve the proposed wedding/event location.

SEWER: The proposed project site is within the Eno River Lift Station drainage basin. A public sewer main extension in Rose of Sharon Rd from Synotts PI will be required. Capacity is formally reserved at the downstream lift station when a sewer extension permit is approved by Public Works.

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



ZONING MAP CHANGE REPORT

LEESVILLE ROAD ASSEMBLAGE Z1900025

Meeting Date: March 10, 2020

Application Summary			
Application Information			
Reference Name	Leesville Road Assemblage	Submittal Date	June 10, 2019
Application Type(s) (Case#)	Zoning Map Change (Z1900025), Annexation (BDG1900013)		
Proposal	344 townhouse and/or single family residential units		
Applicant	Tim Sivers, Horvath Associates, PA		
Staff Contact	Emily Struthers, Senior Planner (Emily.Struthers@durhamnc.gov)		
Site Information			
Location	6325 Leesville Road	Legacy Cases	N/A
Site Acreage	107.24	Existing Use	Undeveloped, single family residential
Request			
Designations	Existing	Proposed	
Jurisdiction	County	City	
Development Tier	Suburban	No change	
Future Land Use	Low Density Residential (4 or less du/acre)	No change	
Zoning	Rural Residential (RR)	Planned Development Residential 3.236 (PDR 3.236)	
Overlay Zoning District(s)	Falls/Jordan Lake Watershed Protection Overlay District-B (F/J-B)	No change	
TIA Required	Yes, see Attachments 10 and 11		
Recommendations and Determinations			
Staff	Staff determines that this request is 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 zoning designation of ten parcels of land located at 6325 Leesville Road, totaling approximately 107 acres. The site is presently zoned Residential Rural (RR). The applicant proposes to change this designation to Planned Development Residential 3.236 (PDR 3.263). The development plan associated with this request commits to a maximum of 344 units. The proposed units may be townhouse and/or single family units. The property is designated Low Density Residential on the Future Land Use Map (FLUM) which is consistent with the rezoning request. A voluntary annexation petition has also been submitted as part of this request (BDG1900013).

B. Site History

There have been no recent development approvals for this site.

C. Existing Site Characteristics

Site Conditions. The 107.27 acre site proposed for rezoning comprises six parcels. As shown on the Existing Conditions Sheet of the development plan, the site contains four existing single family houses along Leesville Road. The remainder of the site is undeveloped and contains mature mixed forest, mature evergreen forest, a field, multiple stream features, and areas of steep slopes. A 335 foot wide overhead utility easement exists along the northwest corner of the site. This site is contiguous to the City Limits and the applicant has petitioned for annexation, consolidated with the rezoning request. The following photos provide a visual context of the site. Their locations have been identified on the Aerial Map (Attachment 2).



Photo 1



Photo 2



Photo 3



Photo 4

Area Characteristics. The site is located in the Suburban Development Tier and the Falls/Jordan District B Watershed Protection Overlay. Areas to the south and west of this site have experienced significant residential growth in recent years including the Courtyards at Andrews Chapel, Carolina Arbors, and Fendol Farms developments. The areas to the north and east are more rural in character. Adjacent uses include single family residential including manufactured homes, undeveloped and forestry tracts, a place of worship, and a plant nursery. The following photos provide a visual context of the area. Their locations have been identified on the Aerial Map (Attachment 2).



Photo 5



Photo 6



Photo 7



Photo 8



Photo 9



Photo 10

D. 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 6 provides the associated *Comprehensive Plan* policies which are applicable to the proposal.

Staff Analysis. The requested PDR 3.236 zoning district meets the policy requirements in relation to the *Comprehensive Plan* and other adopted plans and policies. The site is located within the Eastern Durham Open Space Plan but no policy recommendations have been identified for this site.

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 can be found in Attachment 5, Development Plan. Summaries of the commitments in excess of UDO requirements are below. Summaries of the commitments in excess of UDO requirements are below.

- **Text Commitments.** Proffered commitments include limiting the use to townhouse and/or single family residential units and permitted accessory uses, a minimum of twenty percent tree save area, and 5,000 linear feet of trail. Transportation improvements include right-of-way dedication, widening for a future bicycle lane, a traffic calming device, a traffic signal and eastbound right-turn lane on Leesville Road at Andrews Chapel Road, and site access road improvements.
- **Graphic Commitments.** Graphic commitments include the location of tree coverage areas, site access points, building and parking envelopes, stream crossings, and project boundary buffers.
- **Design Commitments.** Design commitments apply to townhouse units and include hipped, gabled and/or shed roof types, a variety of exterior building materials, and architectural features including projected bays, vertically proportioned windows, and/or gable end walls with accent siding.

Staff Analysis. The requested zoning district and associated development plan exceeds 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 344 units, is estimated to increase the traffic generation of the site by 2,148 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 Division of the Public Works Department reviewed the rezoning and has determined that adequate riparian buffers, floodplains requirements and impervious limitations have been addressed consistent with UDO standards.

Compared to the existing zoning, there will be an estimated elementary school demand increase by 33 students, 18 additional middle school students, and 25 additional high school students. Additional details are available in Attachment 7.

Staff Analysis. The proposed PDR 3.263 (PDR 3.263) 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 *Durham Comprehensive Plan*.

Staff Analysis. The applicant proposes to change the zoning designation to PDR 3.236 with a development plan. The proposed zoning is consistent with the goals and policies of the *Comprehensive Plan* and Suburban Tier designation. Staff finds the requested designation reasonable as it is compatible with the present Future Land Use Map. This proposal would expand upon the residential development pattern to south and west of the site. The proposed project site is located within the South East Regional Lift Station sewer basin.

H. Staff Recommendation and Determination

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

I. Contacts

Staff Contact		
Emily Struthers, Senior Planner	919.560.4137 ext. 28263	Emily.Struthers@durhamnc.gov
Applicant Contact		
Tim Sivers, Horvath Associates	919.490.4990	tim.sivers@horvathassociates.com

J. 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.

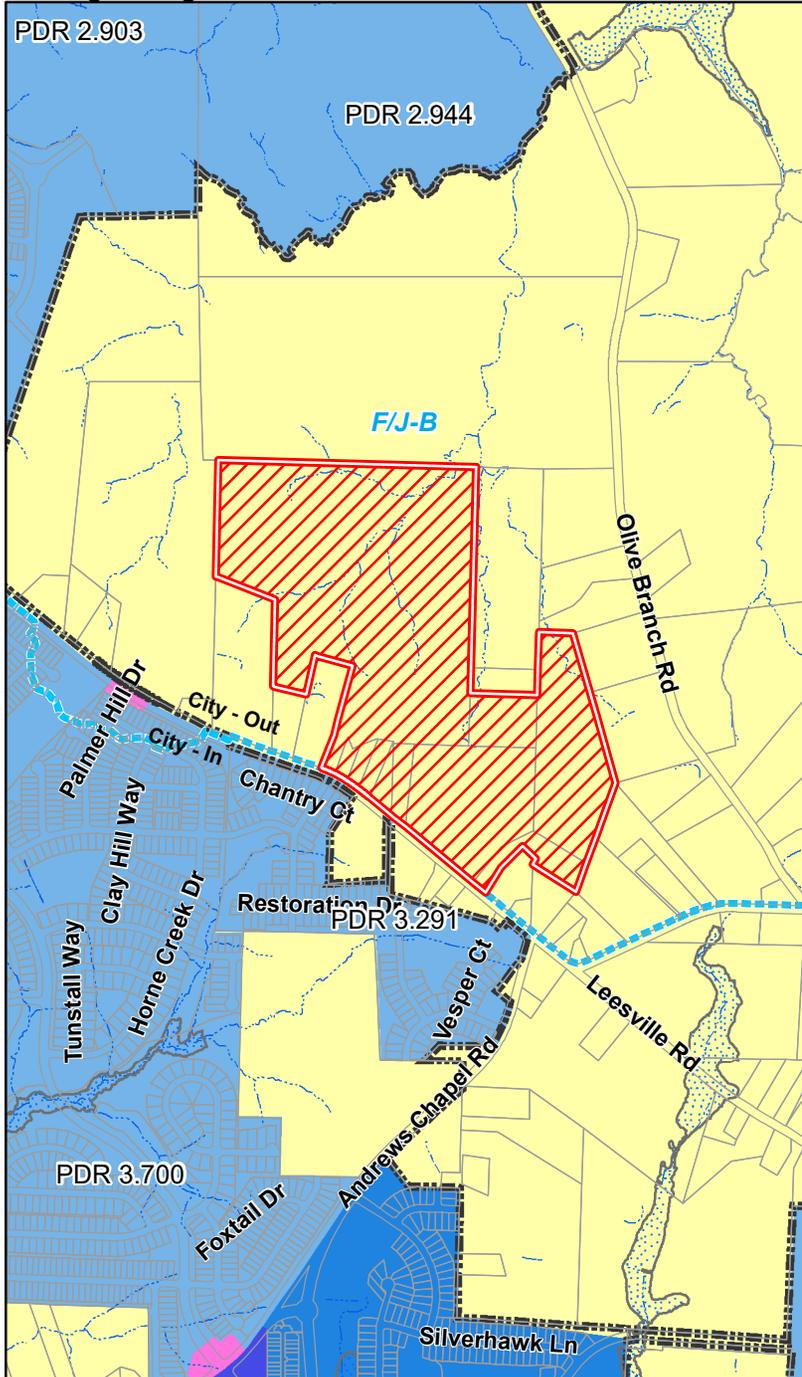
K. Attachments

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 Comments
9. Summary Utility Development Statement
10. City TIA Memo
11. NCDOT TIA Memo

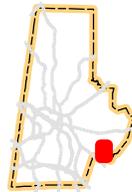
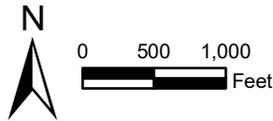
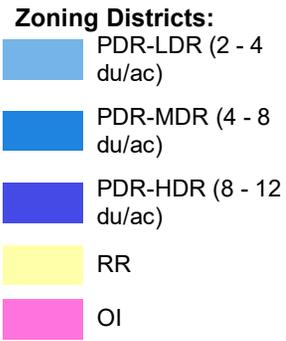
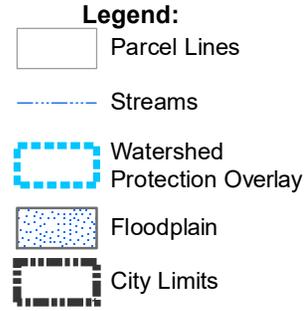
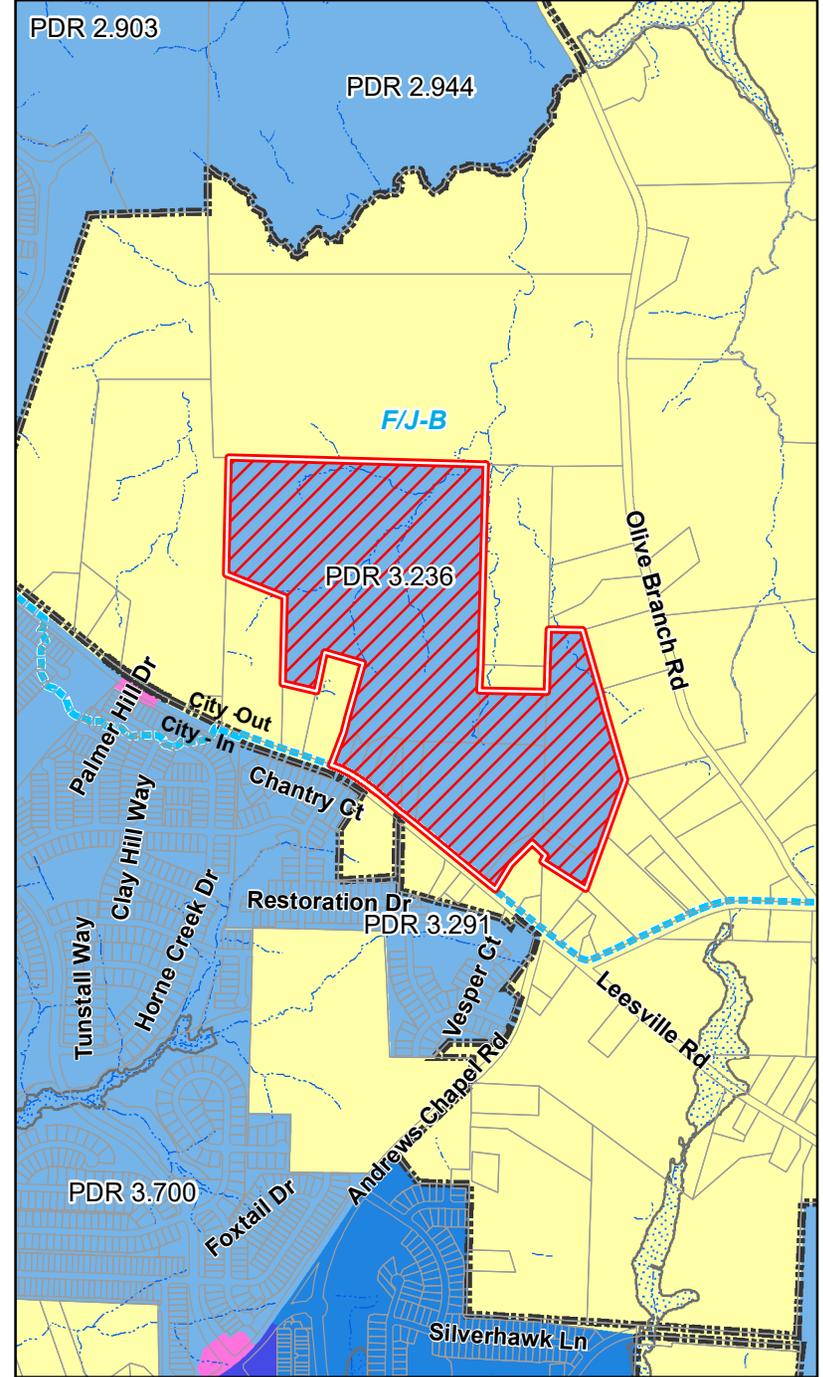
Attachment 1 - Context Map

Leesville Road Assemblage

Existing Zoning:

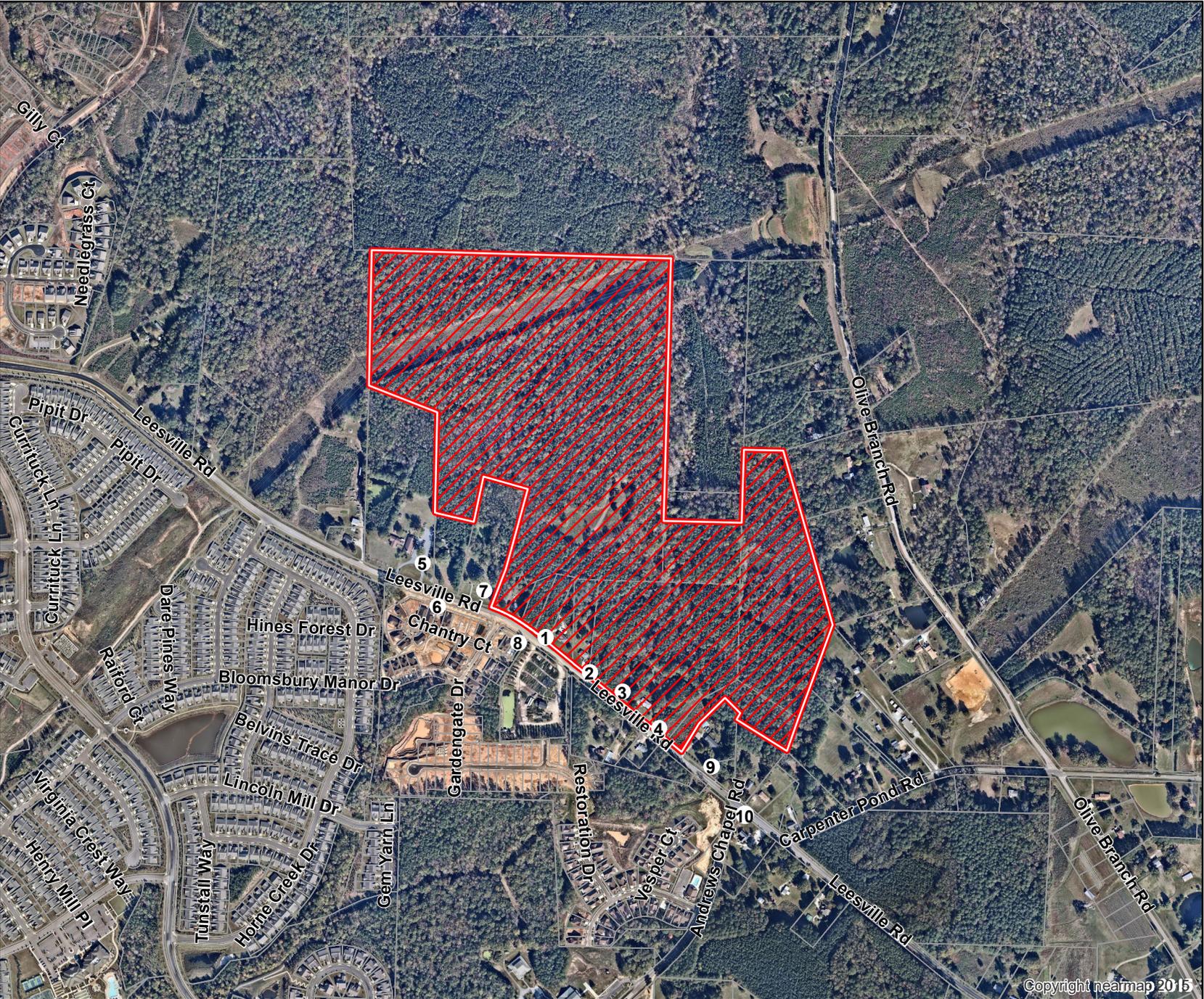


Proposed Zoning:



Planning

**Attachment 2: Aerial Map
Leesville Road Assemblage**



Legend:

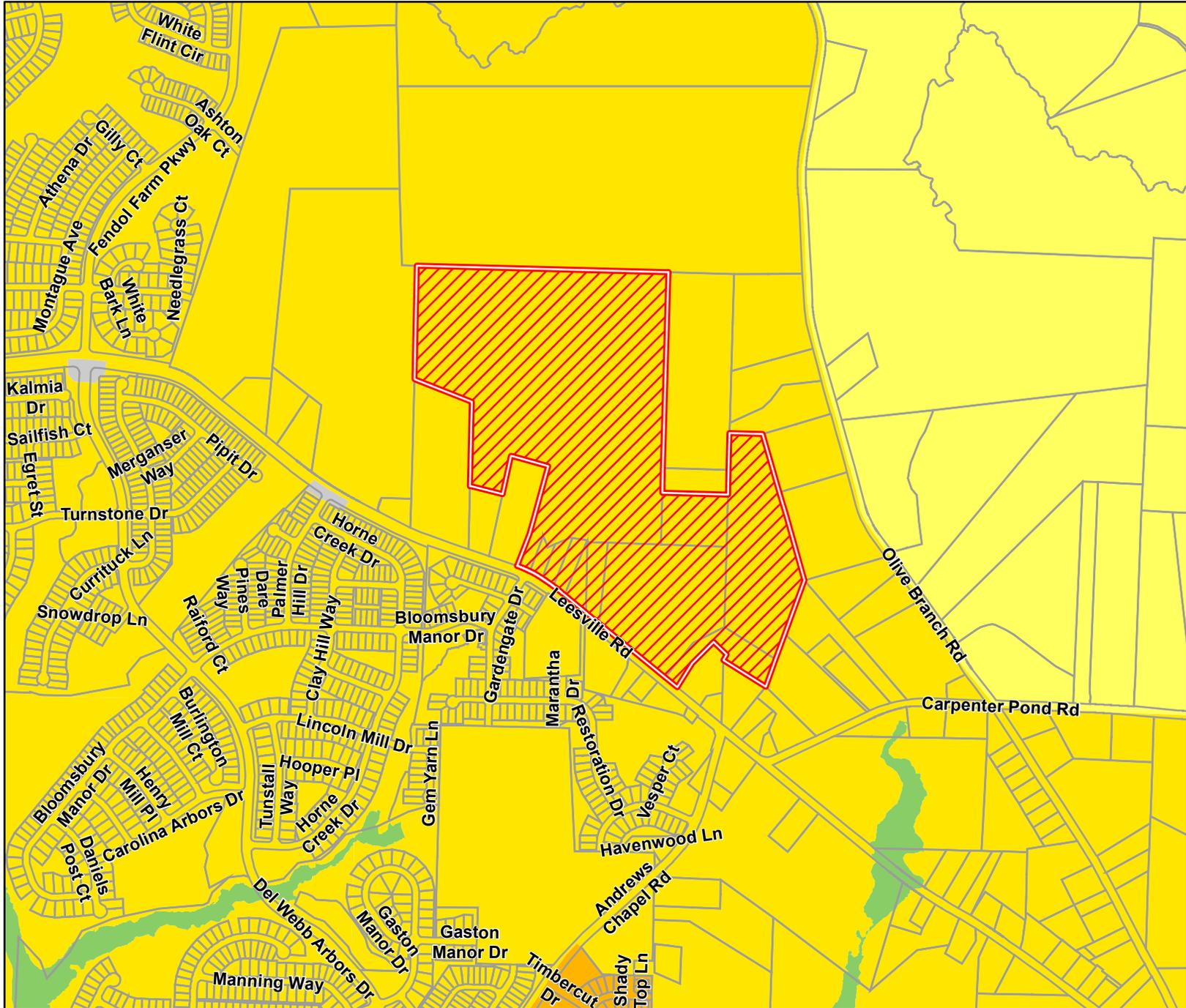
-  Case Area
-  Parcel Lines



Copyright nearmap 2015

Attachment 3 - Future Land Use Map

Leesville Road Assemblage

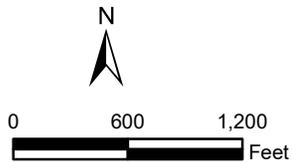


Legend:

-  Case Area
-  Parcel Lines

FLUM Designations:

-  Very Low Density Residential (2 DU/Acre or less)
-  Low Density Residential (4 DU/Acre or less)
-  Low-Medium Density Residential (4 - 8 DU/Acre)
-  Institutional
-  Recreation / Open Space





Durham City-County Planning Department

ZONING MAP CHANGE APPLICATION

Planning

Date:		Case #:	
Project Information:			
Current Zoning District(s)	RR	Proposed Zoning District(s)	PDR 3.236 F/ J-B
Existing Overlay District(s):	F/ J-B	Jurisdiction: <i>(Check as appropriate. If also requesting annexation, check 'City')</i>	<input checked="" type="checkbox"/> City <input type="checkbox"/> County <input type="checkbox"/> Both
Current Future Land Use Map Designation:	LDR	Proposed Future Land Use Map Designation:	LDR
Total Site Area:	107.24	Development Tier:	SUBURBAN
Project Location:	6411 LEESVILLE ROAD		
Proposed Project Name:	LEESVILLE ROAD ASSEMBLAGE		
Property Identification Number(s) (PID- six digit #):	PINS ATTACHED <i>(Attach additional sheet(s) if necessary)</i>		
Summary of Proposed Development:	Max of 344 Units including Single Family and/ or Townhomes		
Applicant Information:			
Name: Tim Sivers		Firm: HORVATH ASSOCIATES, PA	
Phone: 919-490-4990		Email: TIM.SIVERS@HORVATHASSOCIATES.COM	
Mailing Address: 16 CONSULTANT PLACE, DURHAM, NC 27707			
Signature: 			
Agent Information (if applicable):			
Name: N/A		Firm:	
Phone:		Email:	
Mailing Address:			
Signature:			
Owner Information: <i>(For multiple owners, attach additional sheet(s))</i>			
Name: See attached		Firm:	
Firm:		Email:	
Mailing Address:			
Signature:			



Durham City-County Planning Department

ZONING MAP CHANGE APPLICATION

Planning

Date: 2/23		Case #:	
Project Information:			
Current Zoning District(s)	RR	Proposed Zoning District(s)	PDR 3.15 ^{3.208} F /J-B
Existing Overlay District(s)	F/J-B	Jurisdiction: <i>(Check as appropriate. If also requesting annexation, check 'City')</i>	<input checked="" type="checkbox"/> City MS 09-05 <input checked="" type="checkbox"/> County 19 <input type="checkbox"/> Both
Current Future Land Use Map Designation:	LDR	Proposed Future Land Use Map Designation:	LDR
Total Site Area:	109.16 107.24	Development Tier:	Suburban
Project Location:	6411 Leesville Road MS 09-05 19		
Proposed Project Name:	Leesville Road Assemblage		
Property Identification Number(s) (PID- six digit #):	PIN's attached <i>(Attach additional sheet(s) if necessary)</i>		
Summary of Proposed Development:	Max of 344 Units including Single Family and/or Townhomes		
Applicant Information:			
Name: Tim Sivers	Firm: Horvath Associates		
Phone: 919-490-4990	Email: tim.sivers@horvathassociates.com		
Mailing Address: 16 Consultant Pl Durham, NC. 27707			
Signature:			
Agent Information (if applicable):			
Name: N/A	Firm:		
Phone:	Email:		
Mailing Address:			
Signature:			
Owner Information: <i>(For multiple owners, attach additional sheet(s))</i>			
Name: See attached	Firm:		
Firm:	Email:		
Mailing Address:			
Signature:			



Durham City-County Planning Department

ZONING MAP CHANGE APPLICATION

Planning

Date:		Case #:	
Project Information:			
Current Zoning District(s)	RR	Proposed Zoning District(s)	PDR F/J-B
Existing Overlay District(s):	F/J-B	Jurisdiction: <i>(Check as appropriate. If also requesting annexation, check 'City')</i>	<input checked="" type="checkbox"/> City <input type="checkbox"/> County <input type="checkbox"/> Both
Current Future Land Use Map Designation:	LDR	Proposed Future Land Use Map Designation:	LDR
Total Site Area:	409-16	Development Tier:	Suburban
Project Location:	Leesville Road Assemblage		
Proposed Project Name:	Leesville Road Assemblage		
Property Identification Number(s) (PID- six digit #):	194249	<i>(Attach additional sheet(s) if necessary)</i>	
Summary of Proposed Development:	SEE ATTACHED		
Applicant Information:			
Name: Tim Sivers		Firm: HORVATH ASSOCIATES, PA	
Phone: 919-490-4990		Email: TIM.SIVERS@HORVATHASSOCIATES.COM	
Mailing Address: 16 CONSULTANT PLACE, DURHAM, NC 27707			
Signature:			
Agent Information (if applicable):			
Name: N/A		Firm:	
Phone:		Email:	
Mailing Address:			
Signature:			
Owner Information: <i>(For multiple owners, attach additional sheet(s))</i>			
Name: Edwin Woods		Firm:	
Firm: Woods Holdings		Email: ewoods@darrynbuilders.com	
Mailing Address: 9204 Tawny Chase dr Raleigh NC 27617			
Signature:			



Durham City-County Planning Department

ZONING MAP CHANGE APPLICATION

Planning

Date:		Case #:	
Project Information:			
Current Zoning District(s)	RR	Proposed Zoning District(s)	PDR F/J-B
Existing Overlay District(s)	F/J-B	Jurisdiction: <i>(Check as appropriate. If also requesting annexation, check 'City')</i>	<input checked="" type="checkbox"/> City <input type="checkbox"/> County <input type="checkbox"/> Both
Current Future Land Use Map Designation:	LDR	Proposed Future Land Use Map Designation:	LDR
Total Site Area:	109.16	Development Tier:	Suburban
Project Location:	Leesville Road Assemblage		
Proposed Project Name:	Leesville Road Assemblage		
Property Identification Number(s) (PID- six digit #):	223242	<i>(Attach additional sheet(s) if necessary)</i>	
Summary of Proposed Development:			
Applicant Information:			
Name: Tim Sivers	Firm: HORVATH ASSOCIATES, PA		
Phone: 919-490-4990	Email: TIM.SIVERS@HORVATHASSOCIATES.COM		
Mailing Address: 16 CONSULTANT PLACE, DURHAM, NC 27707			
Signature:			
Agent Information (if applicable):			
Name: N/A	Firm:		
Phone:	Email:		
Mailing Address:			
Signature:			
Owner Information: <i>(For multiple owners, attach additional sheet(s))</i>			
Name: JEFFREY L. BATTEN	Firm:		
Firm:	Email: jbatten5819@gmail.com		
Mailing Address: 170 Bogue Dr. Newport, NC 28570			
Signature: Jeff L Batten			



Durham City-County Planning Department

ZONING MAP CHANGE APPLICATION

Planning

Date:		Case #:	
Project Information:			
Current Zoning District(s)	RR	Proposed Zoning District(s)	PDR F/J-B
Existing Overlay District(s):	F/J-B	Jurisdiction: <i>(Check as appropriate. If also requesting annexation, check 'City')</i>	<input checked="" type="checkbox"/> City <input type="checkbox"/> County <input type="checkbox"/> Both
Current Future Land Use Map Designation:	LDR	Proposed Future Land Use Map Designation:	LDR
Total Site Area:	109.16	Development Tier:	Suburban
Project Location:	Leesville Road Assemblage		
Proposed Project Name:	Leesville Road Assemblage		
Property Identification Number(s) (PID- six digit #):	194256, 194291 <i>(Attach additional sheet(s) if necessary)</i>		
Summary of Proposed Development:			
Applicant Information:			
Name: Tim Sivers		Firm: HORVATH ASSOCIATES, PA	
Phone: 919-490-4990		Email: TIM.SIVERS@HORVATHASSOCIATES.COM	
Mailing Address: 16 CONSULTANT PLACE, DURHAM, NC 27707			
Signature:			
Agent Information (if applicable):			
Name: N/A		Firm:	
Phone:		Email:	
Mailing Address:			
Signature:			
Owner Information: <i>(For multiple owners, attach additional sheet(s))</i>			
Name: CATHY S BATTEN		Firm:	
Firm:		Email: CSBATT4299@gmail.com	
Mailing Address: 170 Bogue Dr Newport, NC. 28570			
Signature: Cathy S. Batten			



Durham City-County Planning Department

ZONING MAP CHANGE APPLICATION

Planning

Date:		Case #:	
Project Information:			
Current Zoning District(s)	RR	Proposed Zoning District(s)	PDR F/J-B
Existing Overlay District(s):	F/J-B	Jurisdiction: <i>(Check as appropriate. If also requesting annexation, check 'City')</i>	<input checked="" type="checkbox"/> City <input type="checkbox"/> County <input type="checkbox"/> Both
Current Future Land Use Map Designation:	LDR	Proposed Future Land Use Map Designation:	LDR
Total Site Area:	109.16	Development Tier:	Suburban
Project Location:	Leesville Road Assemblage		
Proposed Project Name:	Leesville Road Assemblage		
Property Identification Number(s) (PID- six digit #):	194254	<i>(Attach additional sheet(s) if necessary)</i>	
Summary of Proposed Development:			
Applicant Information:			
Name: Tim Sivers	Firm: HORVATH ASSOCIATES, PA		
Phone: 919-490-4990	Email: TIM.SIVERS@HORVATHASSOCIATES.COM		
Mailing Address: 16 CONSULTANT PLACE, DURHAM, NC 27707			
Signature:			
Agent Information (if applicable):			
Name: N/A	Firm:		
Phone:	Email:		
Mailing Address:			
Signature:			
Owner Information: <i>(For multiple owners, attach additional sheet(s))</i>			
Name: Barbara Norris Beavers	Firm:		
Firm:	Email:		
Mailing Address: 1109 Loxley Place, Raleigh, N.C. 27610			
Signature: Barbara Norris Beavers			



Durham City-County Planning Department

ZONING MAP CHANGE APPLICATION

Planning

Date:		Case #:	
Project Information:			
Current Zoning District(s)	RR	Proposed Zoning District(s)	PDR F/J-B
Existing Overlay District(s):	F/J-B	Jurisdiction: <i>(Check as appropriate. If also requesting annexation, check 'City')</i>	<input checked="" type="checkbox"/> City <input type="checkbox"/> County <input type="checkbox"/> Both
Current Future Land Use Map Designation:	LDR	Proposed Future Land Use Map Designation:	LDR
Total Site Area:	109.16	Development Tier:	Suburban
Project Location:	Leesville Road Assemblage		
Proposed Project Name:	Leesville Road Assemblage		
Property Identification Number(s) (PID- six digit #):	194256, 194291 <i>(Attach additional sheet(s) if necessary)</i>		
Summary of Proposed Development:	SEE ATTACHED		
Applicant Information:			
Name: Tim Sivers		Firm: HORVATH ASSOCIATES, PA	
Phone: 919-490-4990		Email: TIM.SIVERS@HORVATHASSOCIATES.COM	
Mailing Address: 16 CONSULTANT PLACE, DURHAM, NC 27707			
Signature:			
Agent Information (if applicable):			
Name: N/A		Firm:	
Phone:		Email:	
Mailing Address:			
Signature:			
Owner Information: <i>(For multiple owners, attach additional sheet(s))</i>			
Name: Jenna A. Warren		Firm:	
Firm:		Email:	
Mailing Address: 5049 Hickory Ridge Blvd., Baton Rouge, LA 70817			
Signature: Jenna A. Warren			



Durham City-County Planning Department

ZONING MAP CHANGE APPLICATION

Planning

Date:		Case #:		
Project Information:				
Current Zoning District(s)	RR	Proposed Zoning District(s)	PDR	F/J-B
Existing Overlay District(s):	F/J-B	Jurisdiction: <i>(Check as appropriate. If also requesting annexation, check 'City')</i>	<input checked="" type="checkbox"/> City <input type="checkbox"/> County <input type="checkbox"/> Both	
Current Future Land Use Map Designation:	LDR	Proposed Future Land Use Map Designation:	LDR	
Total Site Area:	109.16 →	Development Tier:	Suburban	
Project Location:	Leesville Road Assemblage			
Proposed Project Name:	Leesville Road Assemblage			
Property Identification Number(s) (PID- six digit #):	194256, 194291		<i>(Attach additional sheet(s) if necessary)</i>	
Summary of Proposed Development:	ATTACHED			
Applicant Information:				
Name: Tim Sivers	SEE		Firm: HORVATH ASSOCIATES, PA	
Phone: 919-490-4990	Email: TIM.SIVERS@HORVATHASSOCIATES.COM			
Mailing Address: 16 CONSULTANT PLACE, DURHAM, NC 27707				
Signature:				
Agent Information (if applicable):				
Name: N/A	Firm:			
Phone:	Email:			
Mailing Address:				
Signature:				
Owner Information: <i>(For multiple owners, attach additional sheet(s))</i>				
Name: Ruth S. Cash	Firm:			
Firm:	Email:			
Mailing Address: 9813 Derbton Ct, Raleigh, NC 27617				
Signature: Ruth S. Cash				



Durham City-County Planning Department

ZONING MAP CHANGE APPLICATION

Planning

Date:		Case #:	
Project Information:			
Current Zoning District(s)	RR	Proposed Zoning District(s)	PDR F/J-B
Existing Overlay District(s):	F/J-B	Jurisdiction: <i>(Check as appropriate. If also requesting annexation, check 'City')</i>	<input checked="" type="checkbox"/> City <input type="checkbox"/> County <input type="checkbox"/> Both
Current Future Land Use Map Designation:	LDR	Proposed Future Land Use Map Designation:	LDR
Total Site Area:	109.16	Development Tier:	Suburban
Project Location:	Leesville Road Assemblage		
Proposed Project Name:	Leesville Road Assemblage		
Property Identification Number(s) (PID- six digit #):	194256, 194291		<i>(Attach additional sheet(s) if necessary)</i>
Summary of Proposed Development:	SEE ATTACHED		
Applicant Information:			
Name: Tim Sivers		Firm: HORVATH ASSOCIATES, PA	
Phone: 919-490-4990		Email: TIM.SIVERS@HORVATHASSOCIATES.COM	
Mailing Address: 16 CONSULTANT PLACE, DURHAM, NC 27707			
Signature:			
Agent Information (if applicable):			
Name: N/A		Firm:	
Phone:		Email:	
Mailing Address:			
Signature:			
Owner Information: <i>(For multiple owners, attach additional sheet(s))</i>			
Name: Rebecca Freeman		Firm:	
Firm:		Email:	
Mailing Address: 1818 Southview Rd, Durham, NC 27703			
Signature: Rebecca Freeman			



Durham City-County Planning Department

ZONING MAP CHANGE APPLICATION

Planning

Date:		Case #:	
Project Information:			
Current Zoning District(s)	RR	Proposed Zoning District(s)	PDR F/J-B
Existing Overlay District(s):	F/J-B	Jurisdiction: <i>(Check as appropriate. If also requesting annexation, check 'City')</i>	<input checked="" type="checkbox"/> City <input type="checkbox"/> County <input type="checkbox"/> Both
Current Future Land Use Map Designation:	LDR	Proposed Future Land Use Map Designation:	LDR
Total Site Area:	100.16	Development Tier:	Suburban
Project Location:	Leesville Road Assemblage		
Proposed Project Name:	Leesville Road Assemblage		
Property Identification Number(s) (PID- six digit #):	194250, 194251, 194252, 194257, 194248 <i>(Attach additional sheet(s) if necessary)</i>		
Summary of Proposed Development:	SEE ATTACHED		
Applicant Information:			
Name: Tim Sivers		Firm: HORVATH ASSOCIATES, PA	
Phone: 919-490-4990		Email: TIM.SIVERS@HORVATHASSOCIATES.COM	
Mailing Address: 16 CONSULTANT PLACE, DURHAM, NC 27707			
Signature:			
Agent Information (if applicable):			
Name: N/A		Firm:	
Phone:		Email:	
Mailing Address:			
Signature:			
Owner Information: <i>(For multiple owners, attach additional sheet(s))</i>			
Name: Deborah Ferrell		Firm: N/A	
Firm: N/A		Email:	
Mailing Address: 6411 Leesville Road, Durham NC 27703			
Signature: Deborah Ferrell			



Durham City-County Planning Department

ZONING MAP CHANGE APPLICATION

Planning

Date:		Case #:	
Project Information:			
Current Zoning District(s)	RR	Proposed Zoning District(s)	PDR F/J-B
Existing Overlay District(s):	F/J-B	Jurisdiction: <i>(Check as appropriate. If also requesting annexation, check 'City')</i>	<input checked="" type="checkbox"/> City <input type="checkbox"/> County <input type="checkbox"/> Both
Current Future Land Use Map Designation:	LDR	Proposed Future Land Use Map Designation:	LDR
Total Site Area:	100.16	Development Tier:	Suburban
Project Location:	Leesville Road Assemblage		
Proposed Project Name:	Leesville Road Assemblage		
Property Identification Number(s) (PID- six digit #):	194250, 194251, 194252, 194257, 194248 <i>(Attach additional sheet(s) if necessary)</i>		
Summary of Proposed Development:			
Applicant Information:			
Name: Tim Sivers		Firm: HORVATH ASSOCIATES, PA	
Phone: 919-490-4990		Email: TIM.SIVERS@HORVATHASSOCIATES.COM	
Mailing Address: 16 CONSULTANT PLACE, DURHAM, NC 27707			
Signature:			
Agent Information (if applicable):			
Name: N/A		Firm:	
Phone:		Email:	
Mailing Address:			
Signature:			
Owner Information: <i>(For multiple owners, attach additional sheet(s))</i>			
Name: <i>Kenneth J Ferrell</i>		Firm: <i>N/A</i>	
Firm: <i>N/A</i>		Email: <i>dede1vs01@gmail.com</i>	
Mailing Address: <i>6411 Leesville Road, Durham, NC 27703</i>			
Signature: <i>Kenneth J Ferrell</i>			

OWNER NAME	ADDRESS OF PARCEL	PID (SIX DIGIT NUMBER)	PIN's
FERRELL KENNETH J, FERRELL DEBBIE A	6411 LEESVILLE RD	194250	0769-02-55-7957
FERRELL KENNETH J, FERRELL DEBBIE A	6411 LEESVILLE RD	194251	0769-02-55-8955
WOODS HOLDINGS LLC	9204 TAWNY CHASE DR	194249	0769-02-55-6959
FERRELL KENNETH, FERRELL DEBORAH	6411 LEESVILLE RD	194252	0769-02-55-9812
BATTEN CATHY S, BATTEN JEFFREY	170 BOGUE DR	223242	0769-02-65-9279
FREEMAN REBECCA S, WARREN LENA S & RUTH S CASH, BATTEN CATHY S	1818 SOUTHVIEW RD	194256	0769-02-65-5720
FERRELL KENNETH, FERRELL DEBORAH	6411 LEESVILLE RD	194257	0769-02-65-0835
BEAVERS RALPH D, BEAVERS BARBARA L	1109 LOXLEY PL	194254	0769-02-66-7247
HATFIELD LINDA C	1715 OLIVE BRANCH RD	194255	0769-02-66-7554
FREEMAN REBECCA S, WARREN LENA S & RUTH S CASH, BATTEN CATHY S	1818 SOUTHVIEW RD	194291	0769-02-76-1095
FERRELL KENNETH J, FERRELL DEBBIE A	6411 LEESVILLE RD	194248	0769-02-57-7250

MS
09-05
19



HORVATH ASSOCIATES

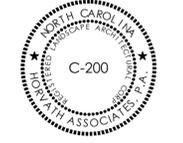
CIVIL ENGINEERING LANDSCAPE ARCHITECTURE STORMWATER MANAGEMENT LAND PLANNING
 16 CONSULTANT PLACE, SUITE 201
 DURHAM, NORTH CAROLINA 27707
 P 919.490.4990 F 919.490.8953

NORTH CAROLINA BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS LICENSE NO.: C-0676

www.horvathassociates.com

LEESVILLE ROAD ASSEMBLAGE
 6325 LEESVILLE RD
 DURHAM COUNTY
 DURHAM, NORTH CAROLINA

EXISTING CONDITIONS



1	SEPTEMBER 5, 2019	PER CITY OF DURHAM COMMENTS	MS
2	NOVEMBER 7, 2019	PER CITY OF DURHAM COMMENTS	MS
3	JANUARY 9, 2020	PER CITY OF DURHAM COMMENTS	MS

DRAWN BY: MS
 CHECKED BY: TS
 DATE: JUNE 10, 2019

SCALE: 1"=200'

PROJECT NO: 1919

SHEET NO: D001

<DEVELOPMENT PLAN>

PIN: 0769-02-66-7554 PID: 194255	PIN: 0769-02-55-8955 PID: 194251	PIN: 0769-02-55-6959 PID: 194249
PIN: 0769-02-55-7957 PID: 194250	PIN: 0769-02-65-9279 PID: 223242	PIN: 0769-02-65-5720 PID: 194256
PIN: 0769-02-65-0835 PID: 194257	PIN: 0769-02-76-1095 PID: 194291	PIN: 0769-02-57-7250 PID: 194248
		PIN: 0769-02-55-9812 PID: 194252

DEVELOPMENT SUMMARY		
SITE SUMMARY	ACRES	SQUARE FEET
GROSS LAND AREA	107.236	4,671,242
EXISTING USE:	VAC RES/ RURAL < 10 ACRES, RES/ 1-FAMILY, RES/ RURAL RES W/ ACREAGE, VAC RES/ LOT-SML TRACT, AG/ 1-FAMILY, VAC AG/ 10 ACRES OR >, PRESENT-USE/FORESTRY	
EXISTING ZONING:	RR	
PROPOSED ZONING:	PDR 3.236 F/J-B	
EXISTING IMPERVIOUS AREA:	27,167.96 SF	
WATERSHED OVERLAY:	F/J-B	
RIVER BASIN:	NEUSE	
CITY LIMIT:	OUTSIDE [ANNEXATION REQUIRED, CASE #: BDG1900013]	
TIER:	SUBURBAN TIER	
MAXIMUM NUMBER OF UNITS:	344	
NET LAND AREA:	106.315	
PROPOSED DENSITY:	3.236	
IMPERVIOUS SUMMARY	ACRES	PERCENTAGE
MAXIMUM IMPERVIOUS AREA:	75.065	70%
TREE COVERAGE SUMMARY	ACRES	PERCENTAGE
GROSS LAND AREA:	107.236	
TREE COVERAGE:	21.447	20%
OPEN SPACE SUMMARY	ACRES	PERCENTAGE
GROSS LAND AREA:	107.236	
OPEN SPACE (107.22 AC X 16%):	17.158	16%

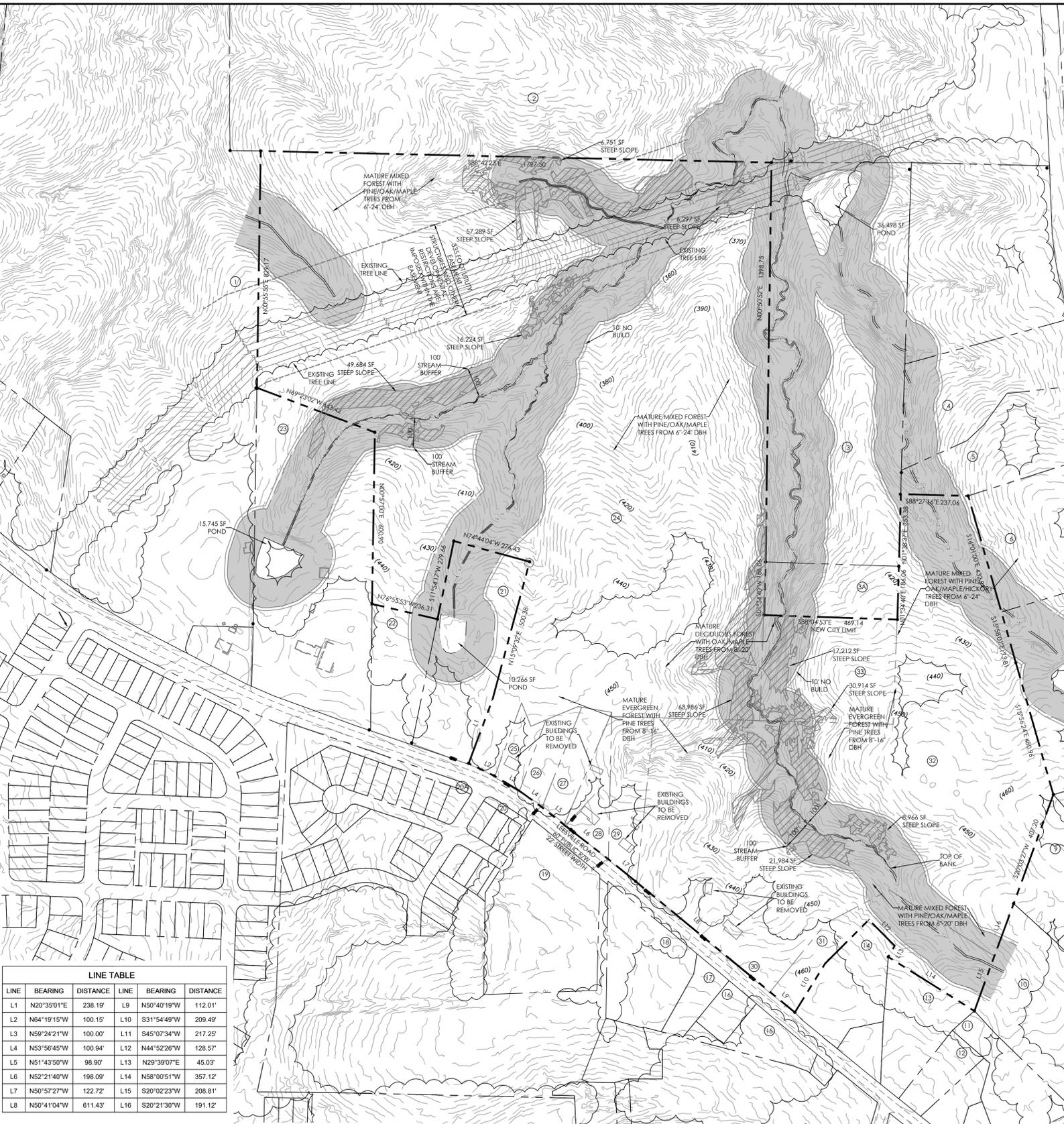
LEGEND

- STREAM BUFFER
- STEEP SLOPE
- STREAM
- TOTAL PROJECT AREA BOUNDARY
- ADJACENT PROPERTY LINE
- TREELINE

EXISTING CONDITIONS NOTES:	
1.	BOUNDARY SURVEY FROM PUCKETT SURVEYORS DATED 05/16/2019.
2.	TOPOGRAPHIC INFORMATION FROM DURHAM GIS.
3.	NO DURHAM HISTORIC INVENTORY SITES OR DURHAM NATURAL INVENTORY AREAS LOCATED ON OR WITHIN 100' OF THIS PROPERTY.
4.	NO GREENWAY OR TRAILS ARE LOCATED OR PLANNED FOR THIS SITE AS PER THE DURHAM URBAN TRAILS AND GREENWAY MASTER PLAN.
5.	TREE SAMPLING AREA AND SPECIMEN TREE SURVEYS ARE NOT REQUIRED WITHIN FLOOD PLAIN, STREAM BUFFERS, OR ALONG STEEP SLOPES AS PER THE UDO.
6.	100 YR FLOOD PLAIN IS NOT LOCATED ON OR WITHIN 100' OF THIS PROPERTY

ADJACENT PROPERTY INFORMATION

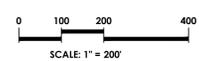
#	PARCEL ID	PIN	OWNER NAME	SITE ADDRESS	EXISTING USE	ZONING	ACRES
1	193305	0769-01-47-2598	ROSS ROBERT STONER, ALEXANDER KATHLEEN ROSS	6031 LEESVILLE RD	PRESENT-USE/FORESTRY	RR	42.23
2	194244	0769-02-68-0781	HATFIELD LINDA COOKE	1804 OLIVE BRANCH RD	PRESENT-USE/FORESTRY	RR	87.03
3	194253	0769-02-67-7373	NANCY N TRUSTEE	1952 OLIVE BRANCH RD	VAC AG/ 10 ACRES OR >	RR	15.06
3A	194255	0769-02-66-7554	ALEXANDER DOUGLAS ERIC TRUSTEE, ALEXANDER	6565 LEESVILLE RD	PRESENT-USE/FORESTRY	RR	1.92
4	194292	0769-02-77-2276	DAVIS SHEREE L	2120 OLIVE BRANCH RD	RES/ RURAL RES W/ ACREAGE	RR	3.94
5	194293	0769-02-77-3095	SNOW KIMBERLY D	2110 OLIVE BRANCH RD	RES/ RURAL RES W/ ACREAGE	RR	3.50
6	194268	0769-02-76-5734	DAVIS LINDA F	2200 OLIVE BRANCH RD	RES/ RURAL RES W/ ACREAGE	RR	5.04
7	194267	0769-02-76-6291	MORGAN LISA RIGGS, RIGGS NANCY R	2214 OLIVE BRANCH RD	RES/ 1-MH OR MH SITE	RR	7.91
8	194290	0769-02-75-8860	RIGGS PAUL J SR	2312 OLIVE BRANCH RD	RES/ 1-MH OR MH SITE	RR	3.18
9	194286	0769-04-75-7442	LYNNS CROSSROAD RURITAN CLUB	4410 CARPENTER POND RD	REC/ SOCIAL ORGANIZATIONS	RR	4.23
10	194285	0769-04-75-5064	OAKLEY GRACE P	4504 CARPENTER POND RD	RES/ RURAL RES W/ ACREAGE	RR	5.61
11	194264	0769-04-74-3881	WOOD BILLY H	4516 CARPENTER POND RD	VAC RES/ RURAL < 10 ACRES	RR	1.80
12	194261	0769-04-74-1854	ROGERS DAVID W, ROGERS KAREN D	6621 LEESVILLE RD	RES/ RURAL RES W/ ACREAGE	RR	0.87
13	194265	0769-04-75-0052	WOOD RACHEL N	6617 LEESVILLE RD	RES/ RURAL RES W/ ACREAGE	RR	1.98
14	194259	0769-04-65-8115	CLEMONS JOYCE, CLEMONS LEONDRAS	6605 LEESVILLE RD	RES/ 1-FAMILY	RR	2.03
15	194398	0769-04-64-4998	AVILA FERMIN PEREZ, PALMA MARTHA SUASTEGUI	6520 LEESVILLE RD	VAC RES/ RURAL < 10 ACRES	RR	1.05
16	194399	0769-04-65-3078	AVILA FERMIN PEREZ, PALMA MARTHA SUASTEGUI	6516 LEESVILLE RD	RES/ RURAL RES W/ ACREAGE	RR	0.52
17	194400	0769-04-65-2162	CASH LINWOOD R, CASH RUTH S	6506 LEESVILLE RD	VAC RES/ W/ SML IMPROV	RR	0.63
18	194258	0769-02-65-0284	CARDON SEAN MICHAEL	6502 LEESVILLE RD	RES/ RURAL RES W/ ACREAGE	RR	2.48
19	194403	0769-02-55-7329	FAST TRACTS RALEIGH LLC	6408 LEESVILLE RD	RES/ RURAL RES W/ ACREAGE	RR	4.50
20	226394	0769-55-58-6073	EPCON ANDREWS CHAPEL LLC	0 CHANTRY CT	VAC RES/ DEVELOPER	PDR 3.291	0.16
20A	226392	0769-55-16-4796	EPCON ANDREWS CHAPEL LLC	6314 LEESVILLE RD	VAC RES/ DEVELOPER	PDR 3.291	1.98
21	194247	0769-02-56-4374	OAKLEY NANCY, OAKLEY MICHAEL D	6613 LEESVILLE RD	RES/ RURAL RES W/ ACREAGE	RR	4.28
22	194246	0769-02-56-2237	LEESVILLE ROAD BAPTIST CHURCH	6311 LEESVILLE RD	CMNTY SVC/ CHURCH	RR	2.01
23	193308	0769-02-46-9636	LEESVILLE ROAD BAPTIST CHURCH	6211 LEESVILLE RD	CMNTY SVC/ CHURCH	RR	10.22



LINE TABLE					
LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE
L1	N20°35'01"E	238.19'	L9	N50°40'19"W	112.01'
L2	N64°19'15"W	100.15'	L10	S31°54'49"W	209.49'
L3	N59°24'21"W	100.00'	L11	S45°07'34"W	217.25'
L4	N53°58'45"W	100.94'	L12	N44°52'26"W	128.57'
L5	N51°43'50"W	98.90'	L13	N29°39'07"E	45.03'
L6	N52°21'40"W	198.09'	L14	N58°00'51"W	357.12'
L7	N50°57'27"W	122.72'	L15	S20°02'23"W	208.81'
L8	N50°41'04"W	611.43'	L16	S20°21'30"W	191.12'

#	PARCEL ID	PIN	OWNER NAME	SITE ADDRESS	EXISTING USE	ZONING	ACRES
24	194248	0769-02-57-7250	FERRELL KENNETH J, FERRELL DEBRA A	6321 LEESVILLE RD	PRESENT-USE/FORESTRY	RR	65.334
25	194249	0769-02-55-6959	WOODS HOLDING LLC	6323 LEESVILLE RD	RES/ 1-FAMILY	RR	0.548
26	194250	0769-02-55-7957	FERRELL KENNETH J, FERRELL DEBRA A	6325 LEESVILLE RD	VAC RES/ RURAL < 10 ACRES	RR	0.724
27	194251	0769-02-55-8955	FERRELL KENNETH J, FERRELL DEBBIE A	6403 LEESVILLE RD	VAC RES/ RURAL < 10 ACRES	RR	0.91
28	194252	0769-02-55-9812	FERRELL KENNETH J, FERRELL DEBORAH A	6411 LEESVILLE RD	RES/ RURAL RES W/ ACREAGE	RR	0.924
29	194257	0769-02-65-0835	FERRELL KENNETH, FERRELL DEBORAH	6417 LEESVILLE RD	RES/ RURAL RES W/ ACREAGE	RR	1.54
30	194256	0769-02-65-5720	FREEMAN REBECCA S, WARREN LENNA S & RUTH S	6511 LEESVILLE RD	AG/ 1-FAMILY	RR	14.983
31	223242	0769-02-65-9279	BATTEN CATHY S, BATTEN JEFFREY	6601 LEESVILLE RD	VAC RES/ LOT-SML TRACT	RR	2.978
32	194291	0769-02-76-1095	FREEMAN REBECCA S, WARREN LENNA S & RUTH S	6651 LEESVILLE RD	VAC AG/ 10 ACRES OR >	RR	14.742
33	194254	0769-02-66-7247	BEAVERS RALPH D, BEAVERS BARBARA L	6553 LEESVILLE RD	VAC RES/ RURAL < 10 ACRES	RR	3.987

1 EXISTING CONDITIONS
 D001 SCALE: 1"=200'





HORVATH ASSOCIATES

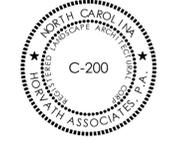
CIVIL ENGINEERING LANDSCAPE ARCHITECTURE STORMWATER MANAGEMENT
 16 CONSULTANT PLACE, SUITE 201
 DURHAM, NORTH CAROLINA 27707
 P 919.490.4990 F 919.490.8953

NORTH CAROLINA BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS LICENSE NO.: C-0676

www.horvathassociates.com

LEESVILLE ROAD ASSEMBLAGE
 6325 LEESVILLE RD
 DURHAM COUNTY
 DURHAM, NORTH CAROLINA

DEVELOPMENT PLAN



1	SEPTEMBER 5, 2019	PER CITY OF DURHAM COMMENTS	MS
2	NOVEMBER 7, 2019	PER CITY OF DURHAM COMMENTS	MS
3	JANUARY 9, 2020	PER CITY OF DURHAM COMMENTS	MS

DRAWN BY: MS
 CHECKED BY: TS
 DATE: JUNE 10, 2019
 SCALE: 1"=200'
 PROJECT NO: 1919
 SHEET NO.

D100

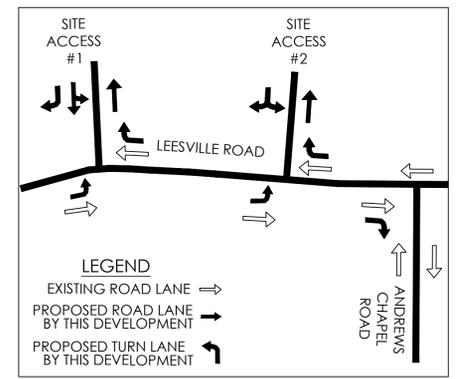
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PIN: 0769-02-66-7554 PID: 194255	PIN: 0769-02-55-8955 PID: 194251	PIN: 0769-02-55-6959 PID: 194249
PIN: 0769-02-55-7957 PID: 194250	PIN: 0769-02-65-9279 PID: 223242	PIN: 0769-02-65-5720 PID: 194256
PIN: 0769-02-65-0835 PID: 194257	PIN: 0769-02-76-1095 PID: 194291	PIN: 0769-02-57-7250 PID: 194248
		PIN: 0769-02-55-9812 PID: 194252

DENSITY CALCULATIONS	
	TOTAL
TRACT AREA	107.234
TRACT AREA WITHIN STEEP SLOPES	6.412
STEEP SLOPES OUTSIDE STREAM BUFFER (85%) (1.081)	0.919
NET LAND AREA	106.315

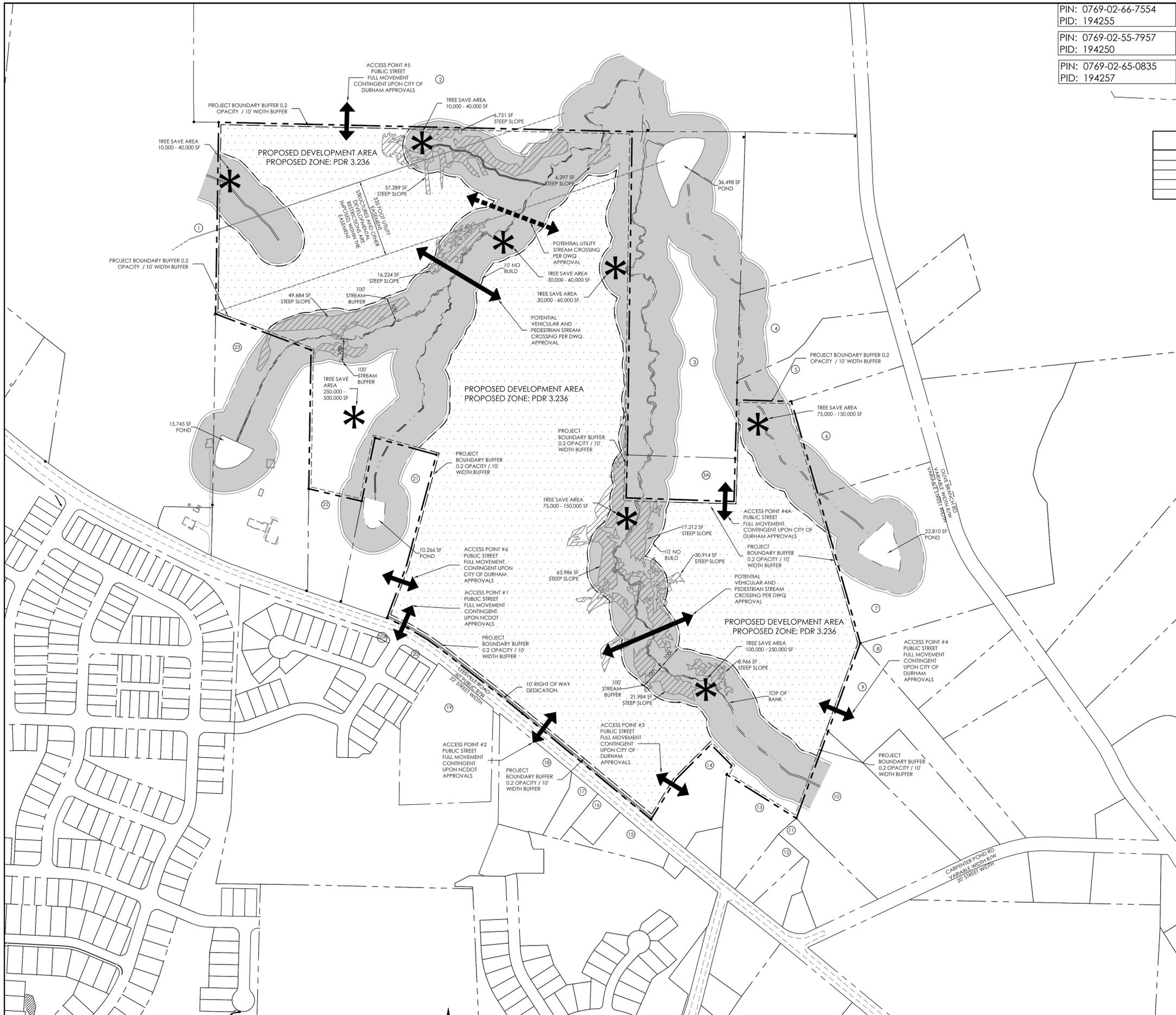
LEGEND

- - - - - TOTAL PROJECT AREA BOUNDARY
- - - - - ADJACENT PROPERTY BOUNDARY
- [Pattern] BUILDING AND PARKING ENVELOPE
- - - - - PROPOSED PROJECT BOUNDARY BUFFER
- *
- [Double Arrow] ACCESS POINT
- [Wavy Arrow] STREAM CROSSING
- [Dashed Arrow] UTILITY CROSSING



SITE ACCESS #1-2 ROAD IMPROVEMENTS
 SEE SHEET D000 FOR LIST OF ROAD IMPROVEMENTS

DEVELOPMENT SUMMARY		
SITE SUMMARY	ACRES	SQUARE FEET
GROSS LAND AREA	107.236	4,671,242
EXISTING USE:	VAC RES/ RURAL < 10 ACRES, RES/ 1-FAMILY, RES/ RURAL RES W/ ACREAGE, VAC RES/ LOT-SML TRACT, AG/ 1-FAMILY, VAC AG/ 10 ACRES OR>, PRESENT-USE/FORESTRY	
EXISTING ZONING:	RR	
PROPOSED ZONING:	PDR 3.236 F/J-B	
EXISTING IMPERVIOUS AREA:	27,167,96 SF	
WATERSHED OVERLAY:	F/J-B	
RIVER BASIN:	NEUSE	
CITY LIMIT:	OUTSIDE (ANNEXATION REQUIRED, CASE #: BDG1900013)	
TIER:	SUBURBAN TIER	
MAXIMUM NUMBER OF UNITS:	344	
NET LAND AREA:	106.315	
PROPOSED DENSITY:	3.236	
IMPERVIOUS SUMMARY	ACRES	PERCENTAGE
MAXIMUM IMPERVIOUS AREA:	75.065	70%
TREE COVERAGE SUMMARY	ACRES	PERCENTAGE
GROSS LAND AREA:	107.236	
TREE COVERAGE:	21.447	20%
OPEN SPACE SUMMARY	ACRES	PERCENTAGE
GROSS LAND AREA:	107.236	
OPEN SPACE (107.22 AC X 16%):	17.158	16%



1 DEVELOPMENT PLAN
 SCALE: 1"=200'



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 for consistency with all relevant policies of the Comprehensive Plan. That analysis is shown below.

2.1.2c Suburban Tier Defined. *The Suburban Tier is established to provide land for low to medium density residential development, employment centers, and commercial and industrial activity. Land located in the Suburban Tier is expected to accommodate a large proportion of Durham's growth through greenfield development, infill, and redevelopment. The Suburban Tier is expected to develop at traditional suburban densities and patterns.*

Staff Analysis: This proposal, if approved, will increase the density and commit to residential while still remaining consistent with the Future Land Use designation of Low Density Residential. The proposed development plan would allow for more units than the current zoning thus better accommodating Durham's growth in the Suburban Tier.

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: If approved, the request would allow for up to 344 townhouse and/or single family units. This proposal supports orderly development patterns in that the proposal would expand upon the existing residential development pattern to the south, aligning access point one with the Gardengate Drive, the entrance to the Courtyards at Andrews Chapel development. The proposed PDR development will be separated from the residential development located to the west of the site by a few parcels which currently include property own by a church, parcels identified for forestry, and single family residential lots. While seven site access points have been shown at this time only two connect to an existing road.

The site is located within the area that will be served by the Southeast Regional Lift Station and is in the response area for the recently constructed Fire Station #17, making it easy for this site to make use of planned municipal services. The existing road network in the immediate area is maintained by NCDOT and there are no funded projects in place to make improvements to the roads above-and-beyond any improvements a developer would be required to make through a Transportation Analysis (TIA).

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 water, and sewer capacity, is sufficient to accommodate potential impacts. The site is located within the area that will be served by the Southeast Regional Lift

Station and is in the response area for the recently constructed Fire Station #17, making it easy for this site to make use of planned municipal services. The existing road network in the immediate area is maintained by NCDOT and there are no funded projects in place to make improvements to the roads above-and -beyond any improvements a developer would be required to make through a Transportation Analysis (TIA). Additional detail is provided in the zoning map change report and attachment 8, Summary of Development Impacts.

Policy 11.1.1a School Level of Service Standard. *The level of service for public school facilities shall be established as a maximum enrollment of 110 percent of the system's maximum permanent building capacity, measured on a system-wide basis for each type of facility.*

Staff Analysis: The proposed development plan is consistent with this policy, as shown in Attachment 8, there is sufficient capacity within the school system to support the additional school aged children estimated as a result of the proposed zoning.



**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, utilities (water, sewer systems, and stormwater) and schools.

1. Transportation Impacts

Leesville Road is the major road impacted by the proposed zoning change. There are no scheduled City of Durham or NCDOT roadway improvement projects in the area.

Affected Segment	Leesville Road
Type of Roadway	2-lane undivided Class I roadway without left-turn lanes
Current Roadway Capacity (LOS D) (AADT)*	14,200
Latest Traffic Volume (AADT)**	4,900

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)*	*1,189
Traffic Generated by Proposed Designation (average 24 hour)**	**3,337 (103% of TIA)
Impact of Proposed Designation	+2,148

*Assumption- (Max Use of Existing Zoning) – RR: 126 single family lots
**Assumption- (Max Use of Proposed Zoning) – PDR 3.263 (Per TIA): 344 single family lots

Transit service is not currently provided within 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 improvements to the water and wastewater systems to serve the proposed use, see Attachment 10 for additional information.

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 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 Spring Valley Elementary, Neal Middle, and Southern 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	Middle School	High School
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, the proposed zoning will generate an additional 76 students compared to the existing zoning.

Table 4: Number of Projected Students Under Rezoning			
	Elementary School Students	Middle School Students	High School Students
Potential Students Generated – Current Zoning*	19	10	14
Potential Students Generated – Proposed Zoning**	52	28	39
Impact of Proposed Zoning	+33	+18	+25

*Assumption- (Max Use of Existing Zoning) – RR: 126 single family lots

**Assumption- (Max Use of Proposed Zoning) – PDR 3.263: 344 single family lots

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 compliance with the adopted DCHC MPO Comprehensive Transportation Plan, add the following text commitment to the cover sheet: "Prior to issuance of a certificate of occupancy, a min. of 5 feet additional asphalt will be provided for the frontages of the site along Leesville Road and any other roadway improvements. The additional asphalt widening will be provided to allow for bicycle lanes."
 - a. **Applicant Response: Text commitment provided.**
2. 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 per Policy 8.1.6m of the Durham Comprehensive Plan and to further the goals of Vision Zero Durham. 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.
 - a. **Applicant Response: Text commitment provided.**
3. Please add a text commitment to provide off-road trails in this new residential development, with connectivity, where feasible, to adjacent development and community facilities per Policy 8.1.4n of the Durham Comprehensive Plan and to further the goals of Vision Zero Durham.
 - a. **Applicant Response: Text commitment provided.**



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

www.durhamnc.gov

Date: 5/13/2019

PROJECT INFORMATION SUMMARY

Project Name: Leesville Rd Assemblage
Parcel ID(s) (not PINs): 194251, 194249, 223242, 194256, 194291, 194248, 194250, 194252, 194254, 194257
Project Description/Type, per RGD Section 5.0, and Unit Count:
320 townhome units

UTILITIES STATEMENT

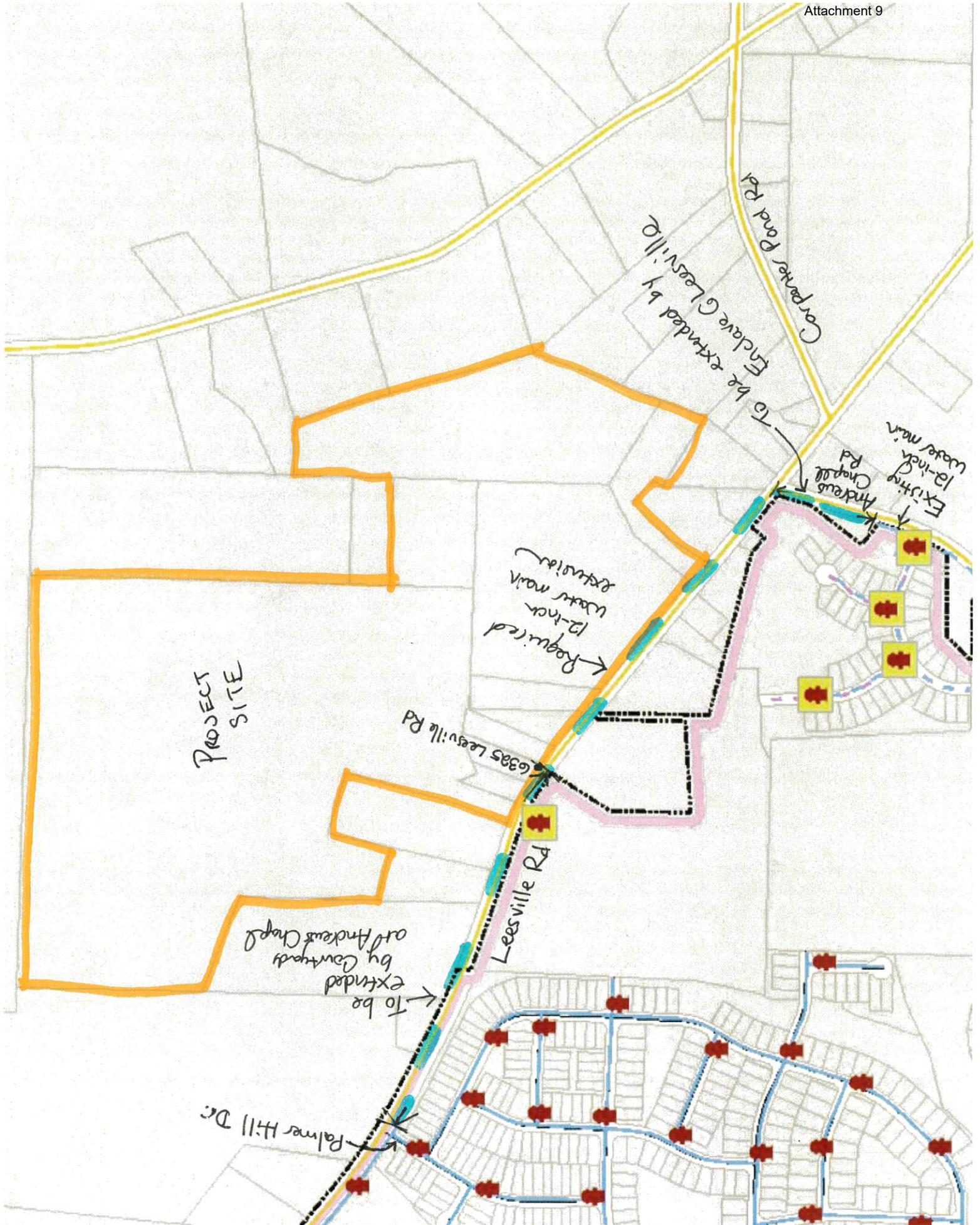
Per discussion with the applicant and review of the attached Utility Impact Analysis Questionnaire, the City of Durham Department of Water Management has determined the following utilities will be required to serve the proposed project:

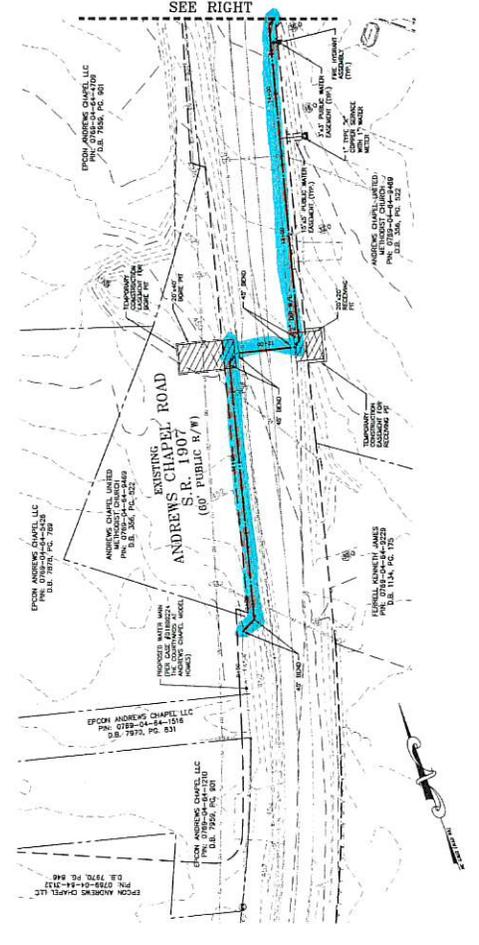
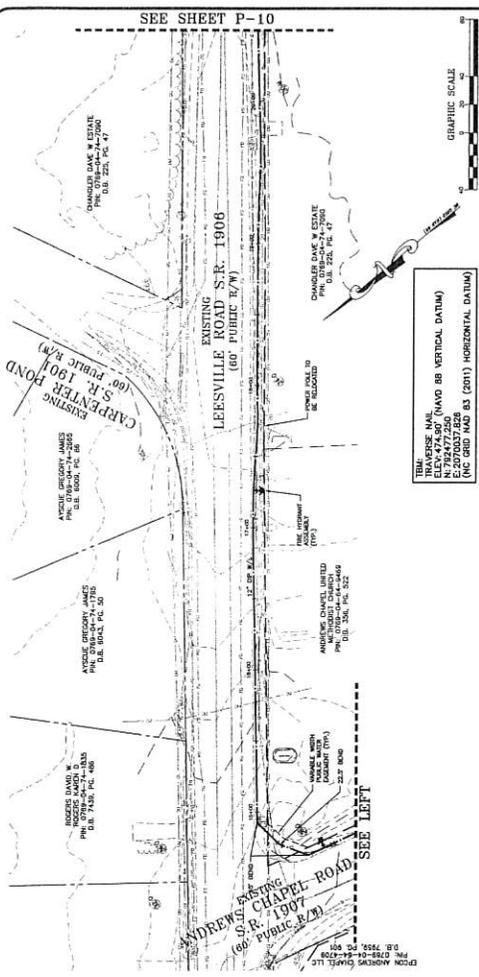
GENERAL: The applicant may increase or decrease the proposed unit count by 10% without triggering a new Summary Utility Development Statement. All utilities within private streets or public-access, private common areas shall be private utilities.
WATER: The proposed project site is within the 615' pressure zone and will require two waterline fees to serve the proposed 320 townhome unit development. Existing utility extension agreements for the Enclave at Leesville and the Courtyards at Andrews Chapel will extend 12-inch public water main along Andrews Chapel Rd to Leesville Rd and along Leesville Rd from Palmer Hill Dr to approximately 6325 Leesville Rd. The applicant will be required to connect these two extensions by extending a 12-inch public water main from 6325 Leesville Rd to Andrews Chapel Rd. The applicant must connect to the 12-inch proposed water main in Leesville at two locations to create two discrete waterline feeds. All public water mains must be constructed within public ROW - cross-country water mains will not be permitted. Water Management and/or Public Works will not sign off on a final plat that subdivides the property into 100 or more units until two waterline feeds are constructed and operational. PRVs at structures are the responsibility of the applicant.
SEWER: The proposed project site is within the SRLS sewer basin and will be subject to the SRLS basin fee. SRLS has a scheduled in-service date of mid-2021. The applicant was provided a copy of the SRLS Collection System Layout FINAL. The project will be served by the Martin Branch Outfall (formerly known as the Olive Branch Interceptor). This 10-inch/15-inch/18-inch gravity sewer outfall is not being constructed as part of the SRLS project and must be constructed by the applicant or in conjunction with another applicant. The applicant will also be required to construct the sewer outfall through the property as shown on provided sheet C-06 and dedicate public sanitary sewer easements to serve adjacent parcels. Capacity is formally reserved at the downstream lift station when a sewer extension permit is approved by Public Works.

ADDITIONAL REQUIREMENTS

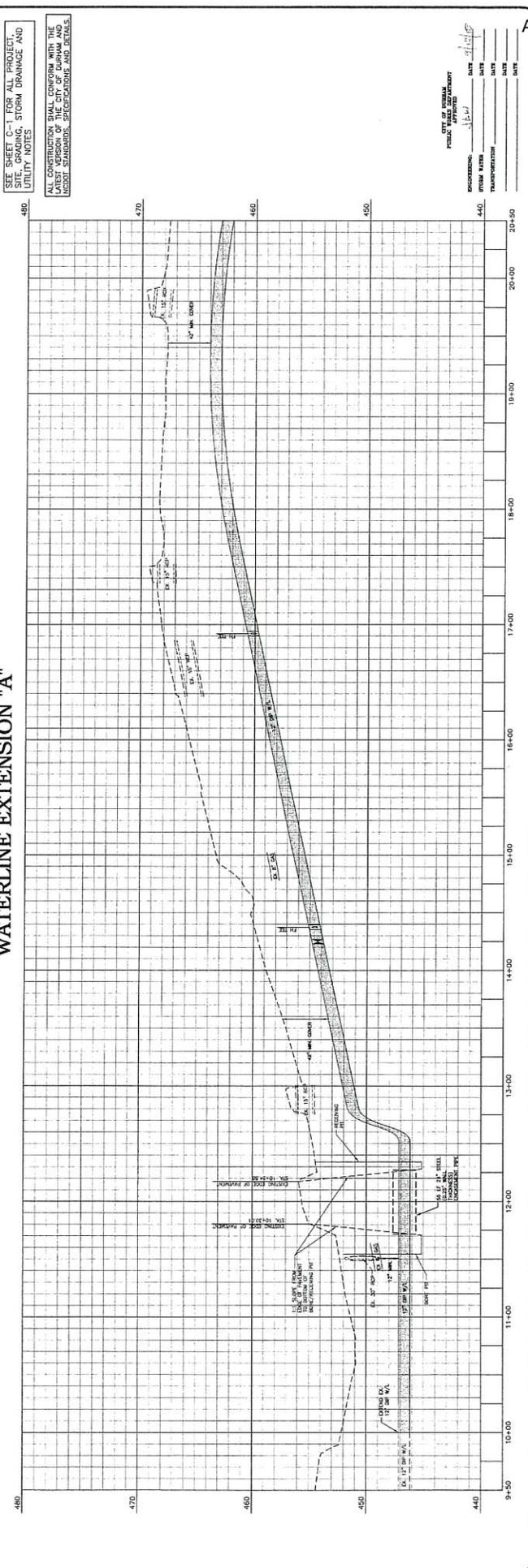
- Review and approval of a Lift Station PER is required before any lift station drawings will be reviewed
Flow calculations are required for water meters 3-inch or greater
Applicant is responsible for performing fire flow analyses to ensure that the required fire flow can be provided to each proposed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

Signed: [Signature]
Title: Engineering Supervisor





WATERLINE EXTENSION "A"



SEE SHEET C-1 FOR ALL PROJECT, UTILITY, GRADING, STORM DRAINAGE AND UTILITY NOTES.

ALL CONSTRUCTION SHALL CONFORM WITH THE LATEST VERSION OF THE CITY OF DURHAM AND GSEB'S STANDARDS, SPECIFICATIONS AND DETAILS.

TRIM SERVICE, INC.
ELEVATION: 474.60' (NAVD 88 VERTICAL DATUM)
N: 2090777.959
E: 2090777.959
(NC GRID NAD 83 (2011) HORIZONTAL DATUM)

CITY OF DURHAM
PUBLIC WORKS DEPARTMENT
PROJECT NO.: 15-001
DATE: 01/15/16
DRAWN BY: J. G. [Signature]
CHECKED BY: [Signature]
DATE: [Signature]
DATE: [Signature]

FINAL DRAWING - RELEASE FOR CONSTRUCTION

ENCLAVE AT LEESVILLE
PHASE I CONSTRUCTION DRAWINGS
DURHAM, NORTH CAROLINA

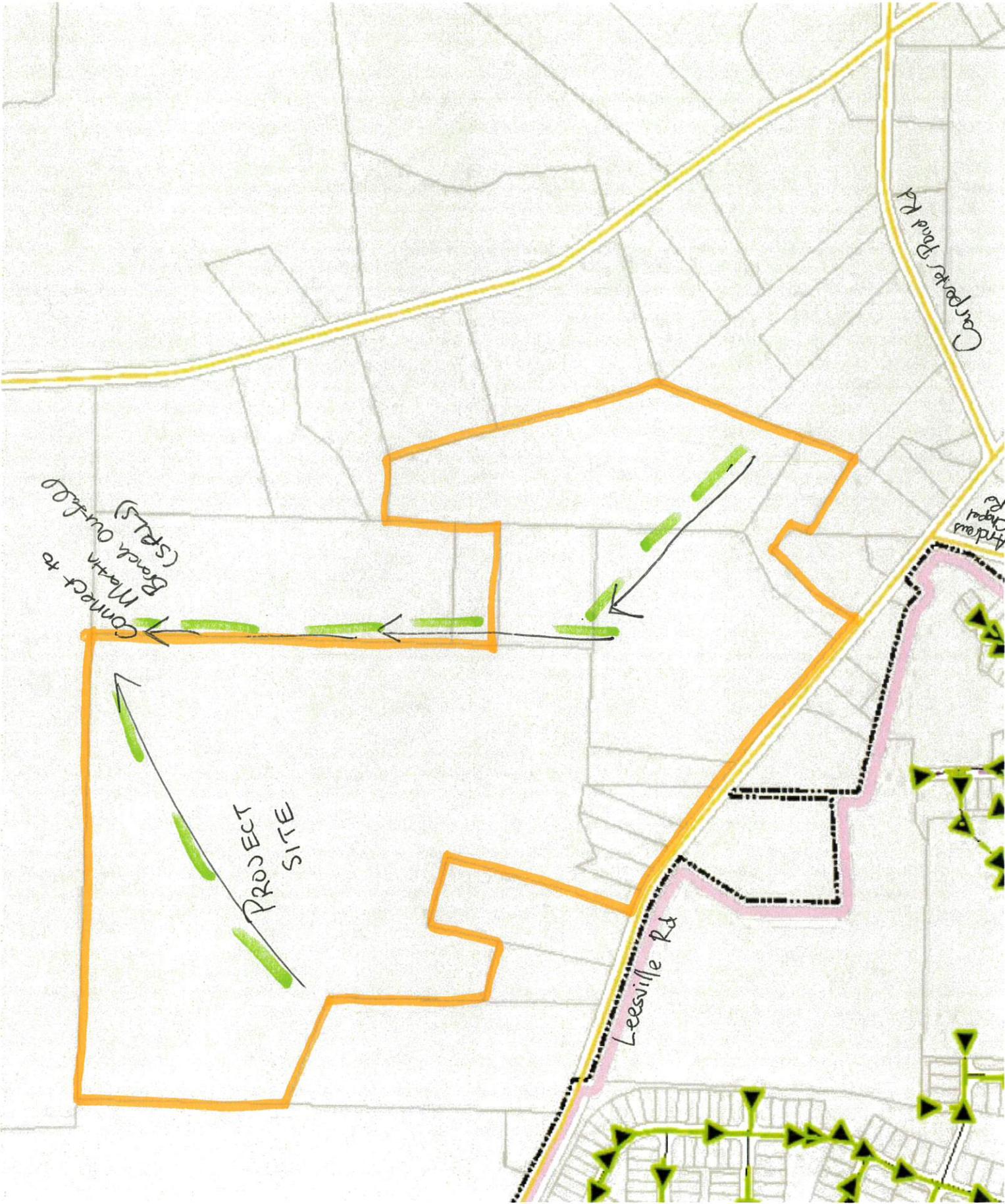
PLAN & PROFILE
WATERLINE EXTENSION "A", STA. 9+50 THRU STA. 20+00

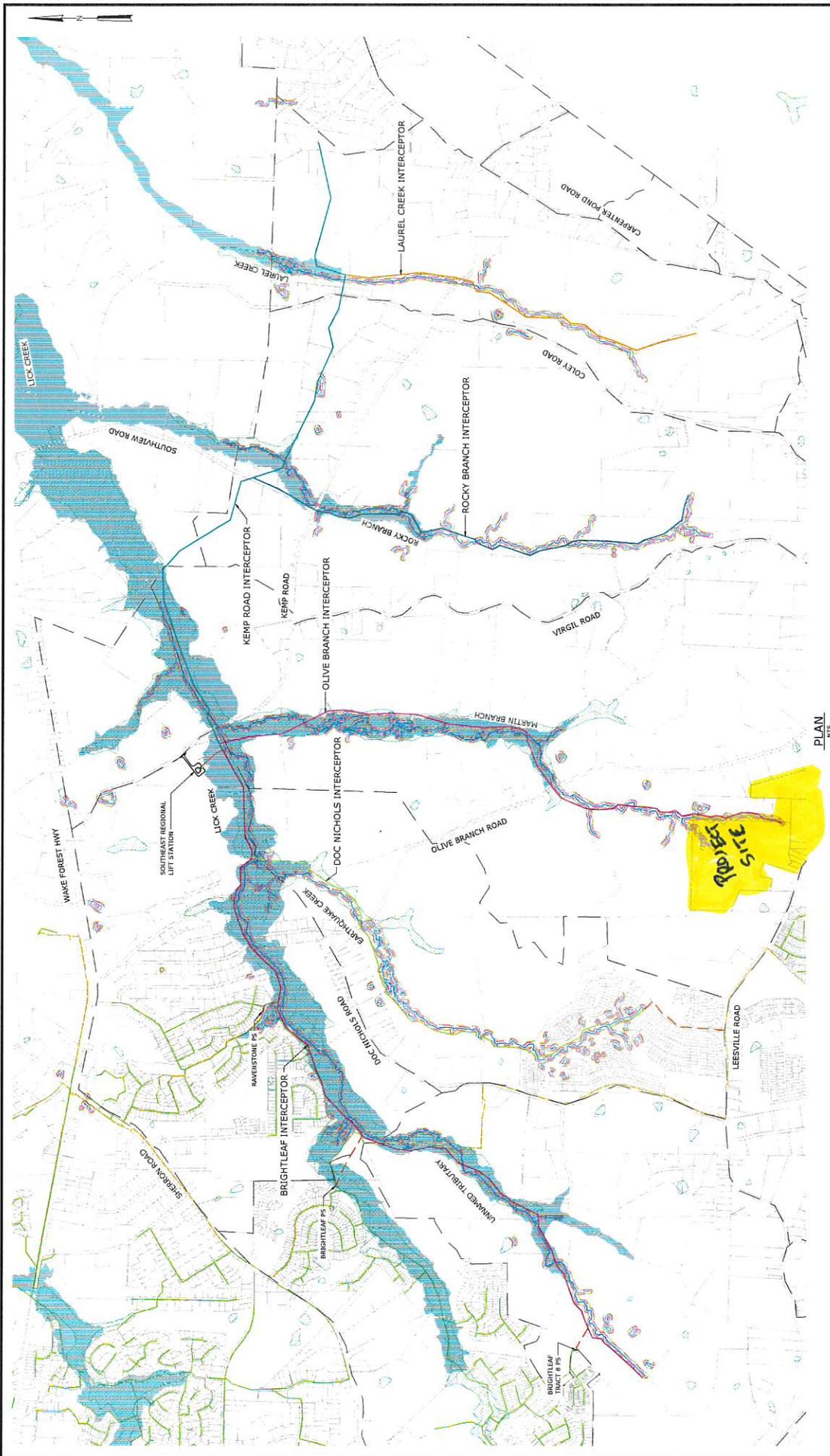
PROJECT NO.: TUC-17500
FUNDING: TUC17000-PB.DWG
DESIGNED BY: JDM
CHECKED BY: JRS
DATE: 08-24-2018

THE JOHN B. MCADAMS COMPANY, INC.
Durham, North Carolina 27713
919.381.5000 • www.mcadams.com

APPLICANT:
SBTD JOINT VENTURE, LLC
P.O. BOX 4208
SANFORD, NORTH CAROLINA
27331

REVISIONS:





PLAN
115

DATE: JANUARY 2017
HAZEN NO.: 32239-000
CONTRACT NO.: 1
DRAWING NUMBER: 002
G02

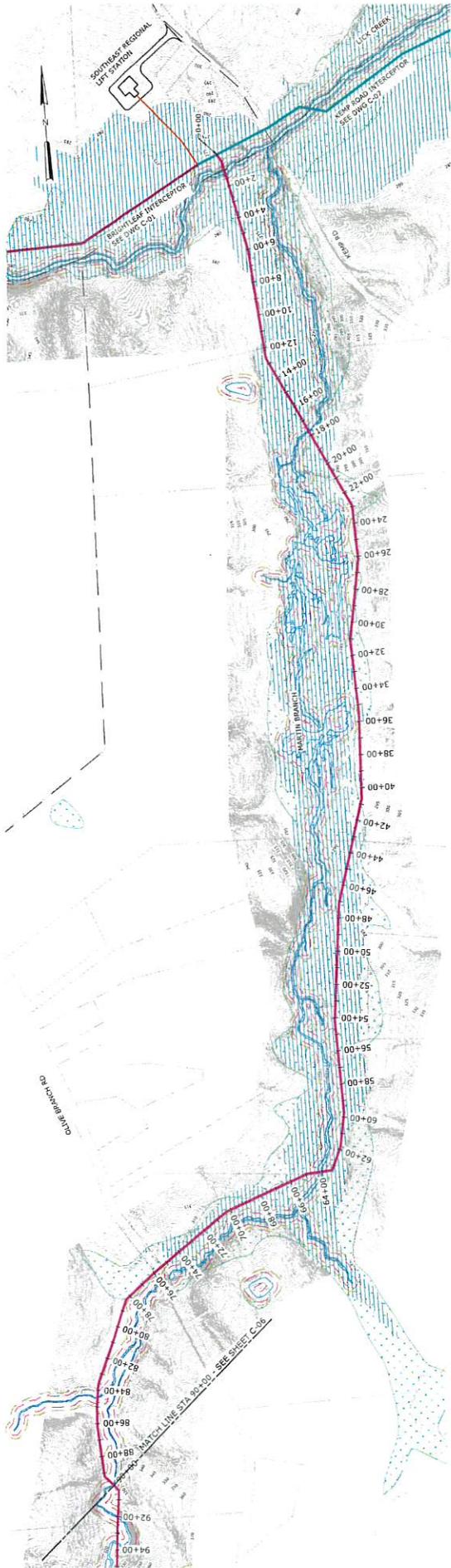
CIVIL
OVERALL PLAN

CITY OF DURHAM
NORTH CAROLINA
SOUTHEAST REGIONAL
LIFT STATION AND FORCE MAIN

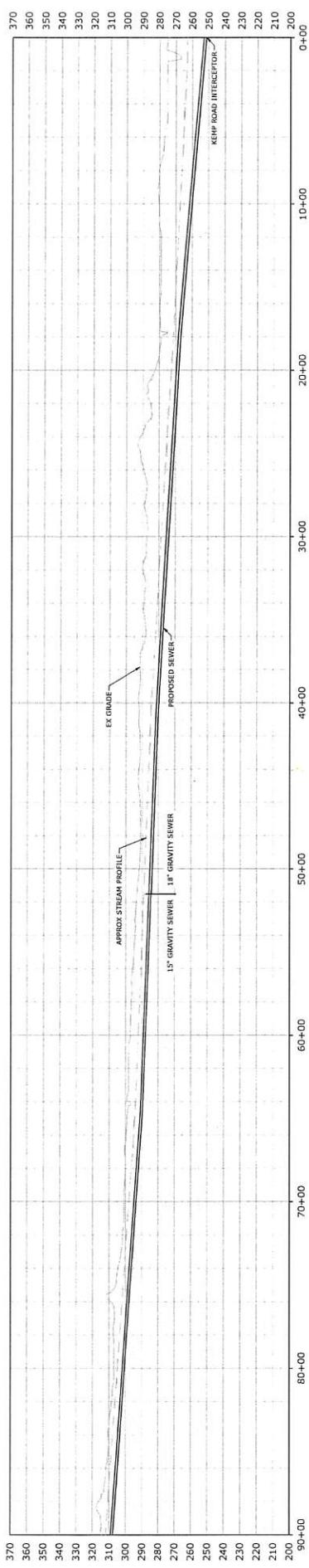
Hazen
HAZEN AND SAWYER
4011 WESTCHASE BOULEVARD, SUITE 500
RALEIGH, NC 27607
LICENSE NO.: C00384

LEGEND

	EX SEWER		SUBBASINS
	EX FORCE MAIN		WETLANDS
	EX STREAM BANK		FLOODWAY
	30 FT. ZONE 1		CONNECTION TO EX SEWER
	50 FT. ZONE 2		SRLS INFLUENT



PLAN
1" = 300'



PROFILE
HORIZ: 1" = 300' - VERT: 1" = 30'

NOTE:
SEE DWG C-06 FOR CONTINUATION OF PROFILE

HORIZONTAL SCALE: 1" = 300'
VERTICAL SCALE: 1" = 30'

LEGEND

	EX SEWER		SUBBASINS
	EX FORCE MAIN		WETLANDS
	EX STREAM BANK		FLOODWAY
	30 FT ZONE 1		CONNECTION TO EX SEWER
	50 FT ZONE 2		SRIS INFLUENT

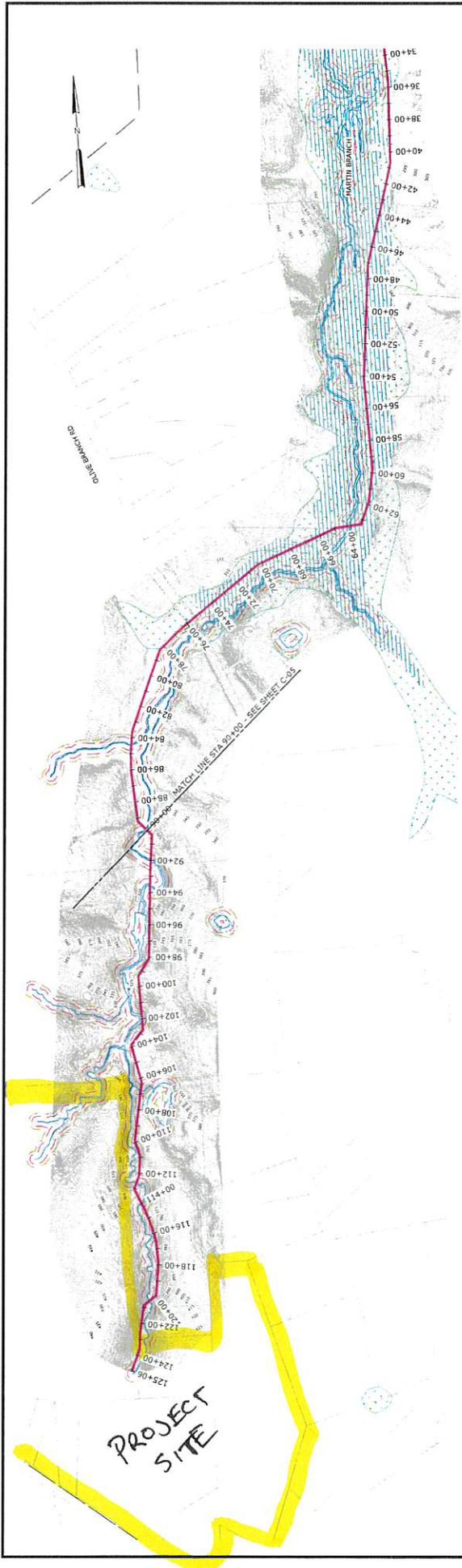
CITY OF DURHAM
NORTH CAROLINA

SOUTHEAST REGIONAL
LIFT STATION AND FORCE MAIN

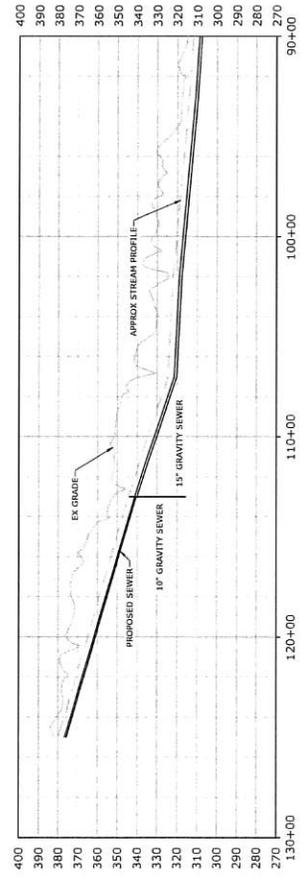
Hazen
HAZEN AND SAWYER
4011 WESTCHASE BOULEVARD, SUITE 500
RALEIGH, NORTH CAROLINA 27607
LICENSE NO.: C-6981

CIVIL
OLIVE BRANCH INTERCEPTOR - 1 OF 2

DATE: JANUARY 2017
HAZEN NO.: 32339-000
CONTRACT NO.: 16-0000
DRAWING NUMBER: C-065



PLAN
1" = 300'



PROFILE
HORIZ: 1" = 300' - VERT: 1" = 30'

HORIZONTAL SCALE: 1" = 300'
 300 150 0 150 300
 30 15 0 15 30
 VERTICAL SCALE: 1" = 30'

	LEGEND --- SUBBASINS --- WETLANDS --- FLOODWAY --- EX SEWER --- EX FORCE MAIN --- EX STREAM BANK --- 30 FT. ZONE 1 --- 50 FT. ZONE 2		CITY OF DURHAM NORTH CAROLINA SOUTHEAST REGIONAL LIFT STATION AND FORCE MAIN	CIVIL OLIVE BRANCH INTERCEPTOR - 2 OF 2	DATE: JANUARY 2017 HAZEN NO.: 323945000 CONTRACT NO.: 1 DRAWING NUMBER: C-19
			Attachment 6		



Date: October 14, 2019

To: Emily Struthers, Durham City County Planning Department

From: Earlene Thomas PE, City of Durham Department of Transportation

Subject: Leesville Road Assemblage (Z1900025) Traffic Impact Analysis

The Unified Development Ordinance (UDO) requires a Traffic Impact Analysis (TIA) to be provided with site plan submittals estimated to generate 150 or more peak-hour vehicle trips. The proposed residential development consists of 344 single family homes. The development is expected to generate 3,240 trips per day, with 249 a.m. peak-hour trips (62 entering and 187 exiting) and 333 p.m. peak-hour trips (210 entering and 123 exiting).

The proposed development is located on the north side of Leesville Road, west of Andrews Chapel Road. Access to the site will be provided via two proposed full movement driveway connections to Leesville Road. The expected completion year is 2022, and the TIA analysis year is 2023. The TIA was prepared by VHB Engineering NC, P.C. in June 2019 and revised in August 2019.

Study Area

The study area includes the following intersections:

- Leesville Road and Del Webb Arbors Drive/Fendol Farm Parkway (unsignalized);
- Leesville Road and Andrews Chapel Road (unsignalized);
- Leesville Road and Olive Branch Road (unsignalized);
- Carpenter Pond Road and Olive Branch Road (unsignalized);
- Leesville Road and Carpenter Pond Road (unsignalized);
- Andrews Chapel Road and Brier Creek Parkway (unsignalized);
- Leesville Road and Site Access #1 (future unsignalized); and,
- Leesville Road and Site Access #2 (future unsignalized).

Trip Generation

Trip generation numbers are based on the Institute of Transportation Engineers (ITE) *Trip Generation Manual*, 10th Edition, 2017. The residential development will generate an estimated 3,240 trips per day, with 249 a.m. peak-hour trips (62 entering and 187 exiting) and 333 p.m. peak-hour trips (210 entering and 123 exiting).

Traffic Data Collection

The a.m. and p.m. peak- hour turning movement counts for the intersections in the study area were collected in March and May 2019 during the hours of 7:00-9:00 a.m. and 4:00-6:00 p.m. on days when school was in session.

Trip Distribution and Assignment

The assignment of site traffic on the study area roadway network was based on the following trip distribution percentages:

- From/To the north/west via Doc Nichols Road – 5%;
- From/To the west via Leesville Road – 20%;
- From/To the south/west via Del Webb Arbor Drive – 5%;
- From/To the north/east via Olive Branch Road – 3%;
- From/To the east via Carpenter Pond Road – 7%;

- From/To the east via Leesville Road – 20%;
- From/To the south/east via Shady Grove Road – 5%;
- From/To the south/west via Brier Creek Parkway – 30%; and,
- From/To the south/west via Andrews Chapel Road – 5%.

Approved Developments and Background Growth

A uniform annual compounded growth rate of 3% was utilized to determine the background traffic projections. The TIA also used traffic volume projections from the following approved developments:

- Fendol Farms Fowler Assemblage – 1,200 senior adult detached housing units located on the east side of Doc Nichols Road, north of Leesville Road (TIA by Kimley-Horn, 2016);
- Sagewood – 62 single-family detached housing units located on the west side of Doc Nichols Road, north of Kinard Road;
- Nichols Farms – 80 single-family detached housing units located on the west side of Doc Nichols Road, north of Kinard Road;
- Pelican Property – 149 single-family detached housing units located on the west side of Doc Nichols Road, north of Kinard Road;
- Courtyards at Andrews Chapel – 117 single family dwelling units located on the south side of Leesville Road, west of Andrews Chapel Road;
- Enclave at Leesville (Yancey Parcel) – 149 single-family dwelling units located on the south side of Leesville Road, west of Shady Grove Road;
- Andrews Chapel (formerly called Brier Creek Assemblage) – 278 single-family detached housing units and 232 townhomes located on the east side of Andrews Chapel Road, south of Leesville Road (TIA by AMT, 2014);
- 1001 Olive Branch Road – 419 single family detached dwelling units and 143 townhomes/condos located on the east and west side of Olive Branch Road, south of Doc Nichols Road (TIA by Exult, 2018); and,
- 1101 Olive Branch Road – 288 single family detached dwelling units and 110 townhomes/condos located between Olive Branch Road and Virgil Road, south of Doc Nichols Road (TIA by VHB, 2019).

TIP Roadway Improvements

There are no significant scheduled transportation improvement projects in the study area vicinity.

Capacity Analysis

Capacity analyses were performed using the a.m. peak-hour and p.m. peak-hour for the following scenarios:

- Existing (2019) conditions;
- No-Build (2023) conditions (2019 Existing + Background growth traffic + Improvements by others);
- Build (2023) conditions (2019 Existing + Background growth traffic + Site traffic); and
- Build (2023) with Improvements conditions (2023 Build + Improvements).

This development and project study area are located within the Suburban Tier where the adopted LOS standard is LOS D. The following table summarizes the average delay for the various Levels of Service (LOS) for unsignalized and signalized intersections:

	Signalized Intersections	Unsignalized Intersections
Level of Service	Average Vehicle Delay (Seconds)	Average Vehicle Delay (Seconds)
A	0-10	0-10
B	10-20	10-15
C	20-35	15-25
D	35-55	25-35
E	55-80	35-50
F	>80	>50

Summary Level of Service Table

Intersection	Existing (2019)		No-Build (2023)		Build (2023)		Build (2023) with Improvements	
	a.m. LOS (delay)	p.m. LOS (delay)	a.m. LOS (delay)	p.m. LOS (delay)	a.m. LOS (delay)	p.m. LOS (delay)	a.m. LOS (delay)	p.m. LOS (delay)
Leesville Rd and Del Webb Arbors Dr/Fendol Farm Pkwy	B* (12.2)	C* (15.6)	C* (17.2)	D* (30.1)	C* (19.3)	E* (38.0)	-	-
Leesville Rd and Andrews Chapel Rd	B* (13.3)	F* (153.6)	A (9.8)	D (49.3)	B (13.0)	E (59.1)	B (10.8)	D (47.7)
Leesville Rd and Carpenter Pond Rd	C* (20.1)	A* (9.3)	F* (51.7)	B* (11.6)	F* (59.9)	B* (12.7)	-	-
Leesville Rd and Olive Branch Rd	B* (13.8)	C* (18.7)	D* (32.7)	F* (73.1)	E* (42.9)	F* (109.8)	-	-
Carpenter Pond Rd and Olive Branch Rd	C* (16.3)	F* (61.1)	B (16.7)	C (29.6)	B (16.8)	C (30.3)	-	-
Andrews Chapel Rd and Brier Creek Pkwy	A* (6.1)	A* (8.1)	A* (8.0)	B* (11.8)	A* (8.9)	B* (14.1)	-	-
Leesville Rd and Site Access #1	-	-	B* (11.7)	C* (16.3)	C* (23.2)	E* (37.5)	-	-
Leesville Rd and Site Access #2	-	-	-	-	C* (17.9)	C* (24.0)	-	-

* Unsignalized operation, with LOS reported for the worst approach

Improvements Required Of This Development:

The following improvements are not currently required of any other development. Per the TIA, to provide an acceptable Level of Service for the Build scenario, the following improvements are required.

Leesville Road and Andrews Chapel Road

This unsignalized intersection currently operates at a LOS B during the a.m. peak hour and a LOS F during the p.m. peak hour for the No-Build (2023) condition. The TIA recommended the following required improvement to address site traffic impacts:

- Construct an exclusive eastbound right-turn lane on Leesville Road at Andrews Chapel Road with a minimum of 100 feet of storage and appropriate tapers.

The following additional improvement is required to address site traffic impacts:

- Install a traffic signal with steel poles and mast arms (subject to MUTCD warrants and approval by NCDOT).

With the improvements listed above, the intersection will operate at an acceptable LOS D or better in both the a.m. and p.m. peak-hour for the Build (2023) condition.

Leesville Rd and Site Access #1

The TIA recommended the following required improvement to address site traffic impacts:

- Construct Site Access #1 with one ingress lane and two egress lanes (a shared through/left-turn lane and an exclusive right-turn lane with a minimum of 100 feet of storage) and 100 feet of internal protective stem.
- Construct an exclusive eastbound left-turn lane on Leesville Road at Site Access #1 with a minimum of 100 feet of storage and appropriate tapers.
- Construct an exclusive westbound right-turn lane on Leesville Road at Site Access #1 with a minimum of 100 feet of storage and appropriate tapers.
- Site Access #1 shall align with Gardengate Drive (Courtyards at Andrews Chapel driveway).
- Advisory Comment: Due to the spacing concerns with overlapping left-turn tapers, NCDOT may require Leesville Road to be widened to a continuous 3-lane section between Palmer Hill Drive and Site Access #1/Gardengate Drive at the construction drawings stage.

With the improvements listed above, the intersection will operate at an acceptable LOS D or better in both the a.m. and p.m. peak-hour for the Build (2023) condition.

Leesville Rd and Site Access #2

The TIA recommended the following required improvement to address site traffic impacts:

- Construct the Site Access #2 with one ingress lane and one egress lane and 100 feet of internal protective stem.
- Construct an exclusive eastbound left-turn lane on Leesville Road at Site Access #2 with a minimum of 100 feet of storage and appropriate tapers.

The following additional improvement is required to address site traffic impacts:

- Construct an exclusive westbound right-turn lane on Leesville Road at Site Access #2 with a minimum of 50 feet of storage and appropriate tapers.

- **Advisory Comment:** Due to the spacing concerns with overlapping left-turn tapers, NCDOT may require Leesville Road to be widened to a continuous 3-lane section between Site Access #1/Gardengate Drive and Site Access #2 at the construction drawings stage.

With the improvements listed above, the intersection will operate at an acceptable LOS C in both the a.m. and p.m. peak-hour for the Build (2023) condition. No additional roadway improvements are required to address site traffic impacts.

Intersections With No Required Improvements

With the additional site traffic, the following intersections are projected to operate at an acceptable LOS B or better during both the a.m. and p.m. peak-hour for the Build (2023) condition. No roadway improvements are required to address site traffic impacts.

- Andrews Chapel Road and Brier Creek Parkway.

With the additional site traffic, the following intersections are projected to operate at a LOS E or F during the a.m. and/or p.m. peak-hour for the Build (2023) condition. Although a LOS E and F is undesirable at signalized intersections, a LOS E or F is typical at many unsignalized intersections and driveways during the peak hours until such time a traffic signal is warranted since nearly all of the anticipated delay is confined to the side street approach.

- Leesville Road and Del Webb Arbors Drive/Fendol Farm Parkway: Exclusive east and westbound left turn lanes are currently present at this intersection and a signal is not anticipated to be warranted.
- Leesville Road and Carpenter Pond Road: A traffic signal would be required to address the LOS deficiency at this intersection. However, due to the limited spacing between this intersection and the proposed signal at Andrews Chapel Road and Leesville Road, a signal is not recommended or required at these intersections.
- Leesville Road and Olive Branch Road: A traffic signal would be required to address the LOS deficiency at this intersection. However, due to the limited spacing between this intersection and the proposed signal at Shady Grove Road and Leesville Road, a signal is not recommended or required at these intersections.
- Carpenter Pond Road and Olive Branch Road: A traffic signal and an exclusive southbound right-turn lane would be required to address the LOS deficiency at this intersection. However, the required improvements at this intersection were based on NCDOT requirements rather than City of Durham requirements since the city's published TIA guidelines did not require this intersection to be included in the study. NCDOT did not require any improvement at this intersection, therefore no roadway improvements are required of this development.

Summary Of Improvements Required Of This Development:

Leesville Road and Andrews Chapel Road

1. Install a traffic signal with steel poles and mast arms (subject to MUTCD warrants and approval by NCDOT).
2. Construct an exclusive eastbound right-turn lane on Leesville Road at Andrews Chapel Road with adequate storage and appropriate tapers.

Leesville Rd and Site Access #1

1. Construct Site Access #1 with one ingress lane and two egress lanes (a shared through/left-turn lane and an exclusive right-turn lane with adequate storage) and adequate internal protective stem.
2. Construct an exclusive eastbound left-turn lane on Leesville Road at Site Access #1 with adequate storage and appropriate tapers.
3. Construct an exclusive westbound right-turn lane on Leesville Road at Site Access #1 with adequate storage and appropriate tapers.
4. Site Access #1 shall align with Gardengate Drive (Courtyards at Andrews Chapel driveway).
5. Advisory Comment: Due to the spacing concerns with overlapping left-turn tapers, NCDOT may require Leesville Road to be widened to a continuous 3-lane section between Palmer Hill Drive and Site Access #1/Gardengate Drive at the construction drawings stage.

Leesville Rd and Site Access #2

The TIA recommended the following required improvement to address site traffic impacts:

1. Construct the Site Access #2 with one ingress lane and one egress lane and adequate internal protective stem.
2. Construct an exclusive eastbound left-turn lane on Leesville Road at Site Access #2 with adequate storage and appropriate tapers.
3. Construct an exclusive westbound right-turn lane on Leesville Road at Site Access #2 with adequate storage and appropriate tapers.
4. Advisory Comment: Due to the spacing concerns with overlapping left-turn tapers, NCDOT may require Leesville Road to be widened to a continuous 3-lane section between Site Access #1/Gardengate Drive and Site Access #2 at the construction drawings stage.



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

ROY COOPER
GOVERNOR

JAMES H. TROGDON, III
SECRETARY

July 15, 2019

Mr. Baohong Wan, PE
VHB Engineering NC
Venture I
940 Main Campus Drive, Suite 300
Raleigh, NC 27606

SUBJECT: Traffic Impact Analysis for Leesville Assemblage

Dear Mr. Wan:

The NCDOT has completed its review of the Traffic Impact Analysis for the Leesville Assemblage sealed on June 4, 2019. In order to accommodate the site-generated traffic safely and efficiently, while also attempting to protect the functional integrity and operational capacity of the adjacent roadway facilities, the below noted improvements and/or restrictions are required.

Leesville Rd at Driveway #1

- Site Drive # 1 shall consist of one ingress lane and two egress lanes. The egress lanes shall consist of a through-left lane with 100 Internal Protected Storage (IPS) before any parking or crossing maneuvers and a dedicated right turn lane with 100 feet of storage.
- Install a dedicated eastbound left turn lane on Leesville Rd with 100ft of storage and appropriate deceleration/tapers.
- Install a dedicated westbound right turn lane with 100 feet of storage and appropriate deceleration/tapers.
- Site Drive #1 shall align with Gardengate Drive (Courtyards at Andrews Chapel driveway).
- Advisory note: The proposed driveway is subject to meeting NCDOT sight distance requirements.

Leesville Rd at Driveway #2

- Site Driveway #2 shall consist of one ingress lane and one egress lane with 100 feet of Internal Protective Stem (IPS) before any parking or crossing maneuvers.
- Install a dedicated eastbound left-turn with 100 feet of storage and appropriate deceleration/taper.
- Install a dedicated westbound right turn lane on Leesville Rd with 100 feet of storage and appropriate deceleration/taper.

Mailing Address:
NC DEPARTMENT OF TRANSPORTATION
DIVISION 5/DISTRICT 2
815 STADIUM DRIVE
DURHAM, NC 27704

Telephone: 919-220-4750
Fax: 919-560-3357
Customer Service: 1-877-368-4968

Location:
815 STADIUM DRIVE
DURHAM, NC 27704

Website: www.ncdot.gov

- Advisory note: The proposed driveway is subject to meeting NCDOT sight distance requirements.

Leesville Rd at Andrews Chapel Rd (Unsignalized)

- Install a dedicated eastbound right turn lane on Leesville Rd with 100ft of storage and appropriate deceleration/tapers.
- Provide a signal warrant analysis for review by the Division Traffic Engineer and Regional Traffic Engineer.

If you have questions or need additional information, please feel free to contact me at (919) 220-4750.

Sincerely,

DocuSigned by:

A8A3F36AF75A4F7...

John Sandor, PE
District Engineer

Ec: Earlene W. Thomas, PE, City of Durham Transportation
Clarence Bunting, PE, Congestion Management
Jason Watson, Senior Assistant District Engineer



Memo

Planning

Date: March 10, 2020
To: Durham Planning Commission
Through: Patrick O. Young, AICP, Planning Director
From: Jamie Sunyak, AICP, Senior Planner
Subject: Z19000046 – 1900 Hillandale – Committed Element Modification

The 1900 Hillandale application is for a 1.31 acre tract of land located at the corner of Fawn Avenue and Hillandale Road. The Durham City Council approved a zoning map change and development plan for this site on August 20, 2018 (Legacy Case Z1700049). The approval changed the zoning to allow up to 15 townhouse units, as stated in Attachment 5. Attachment 7 provides photos of the site as well as some of the surrounding uses. Their locations are shown on Attachment 2.

The applicant, Katie Hamilton from Stewart, Inc., has submitted an application to remove a text commitment from the legacy case that requires one, single car-width garage per unit. According to the site plan (D19000379) which is currently under review, the UDO requires a minimum of 28 parking spaces for the development, and the applicant is proposing 48. There are no other proposed modifications to the previously approved development plan.

Per subsection 3.5.12.A.11 of the Unified Development Ordinance (UDO), a change in the architectural design or architectural guidelines unless explicitly indicated as “conceptual” or “illustrative” are considered a significant deviation and require the entire plan be resubmitted for a zoning map change.

The application has been reviewed by staff and determined to be consistent with the UDO requirements. Staff determines that this request is consistent with the Comprehensive Plan and other adopted ordinances and policies, and the parking requirements will be met with the removal of the garage text commitment.

Attachments

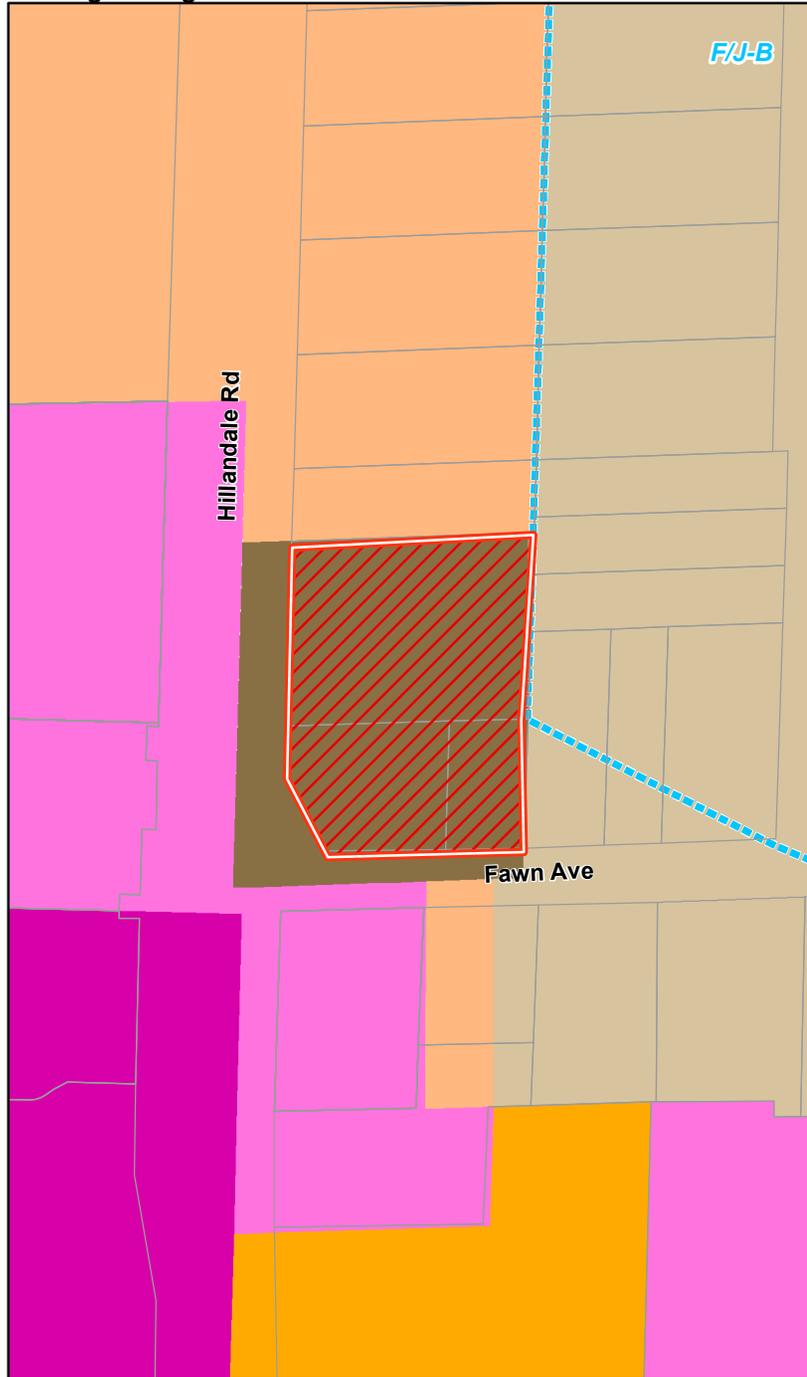
1. Context Map
2. Aerial Map
3. Future Land Use Map
4. Application Material
5. Legacy Development Plan
6. Z1900046 Development Plan
7. Photos



Attachment 1 - Context Map

1900 Hillandale

Existing Zoning:

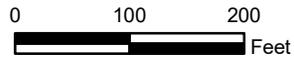


Legend:

-  Case Area
-  Parcel Lines
-  F/J-B Overlay

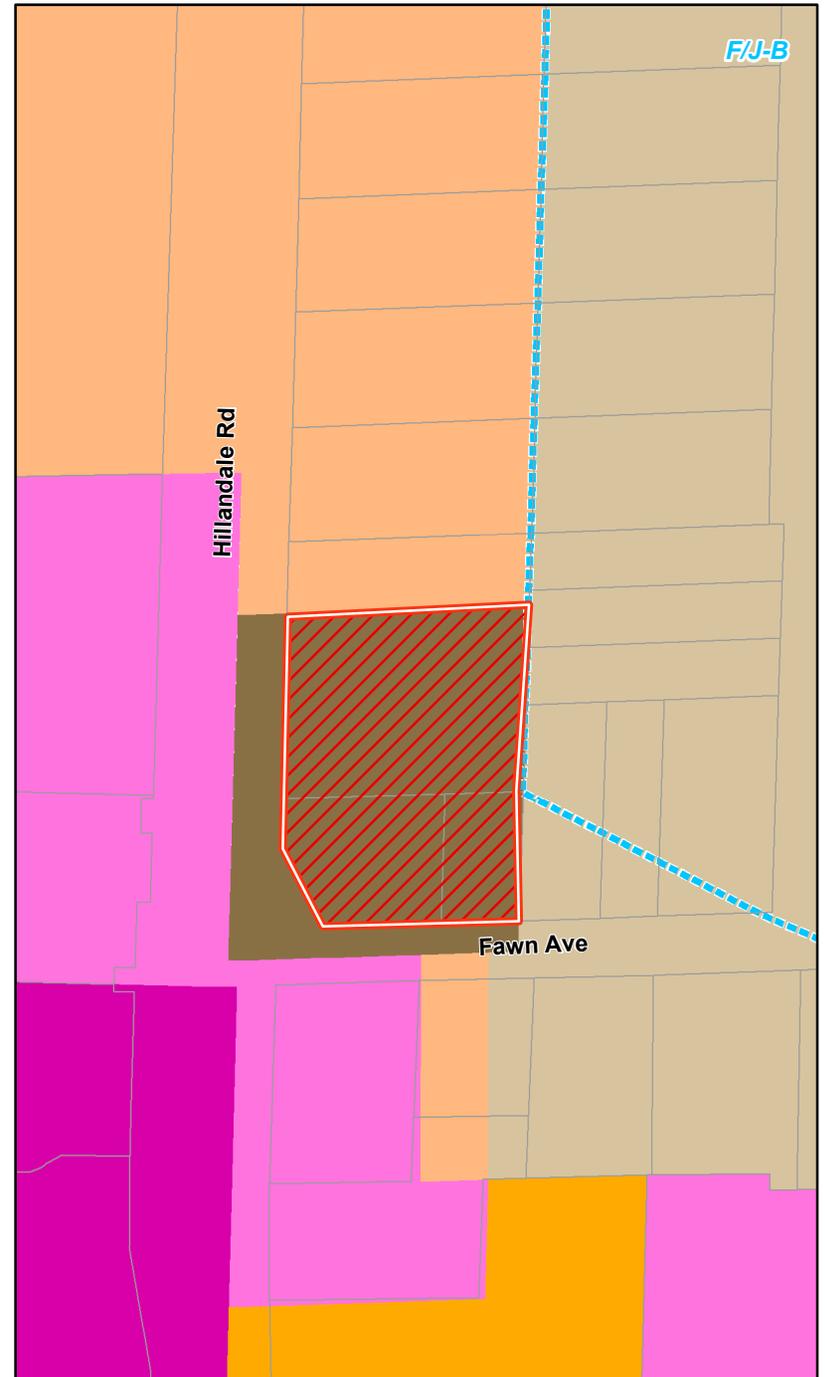
Zoning Districts

-  RS-8
-  RS-M
-  RU-5
-  RU-M
-  OI
-  CG

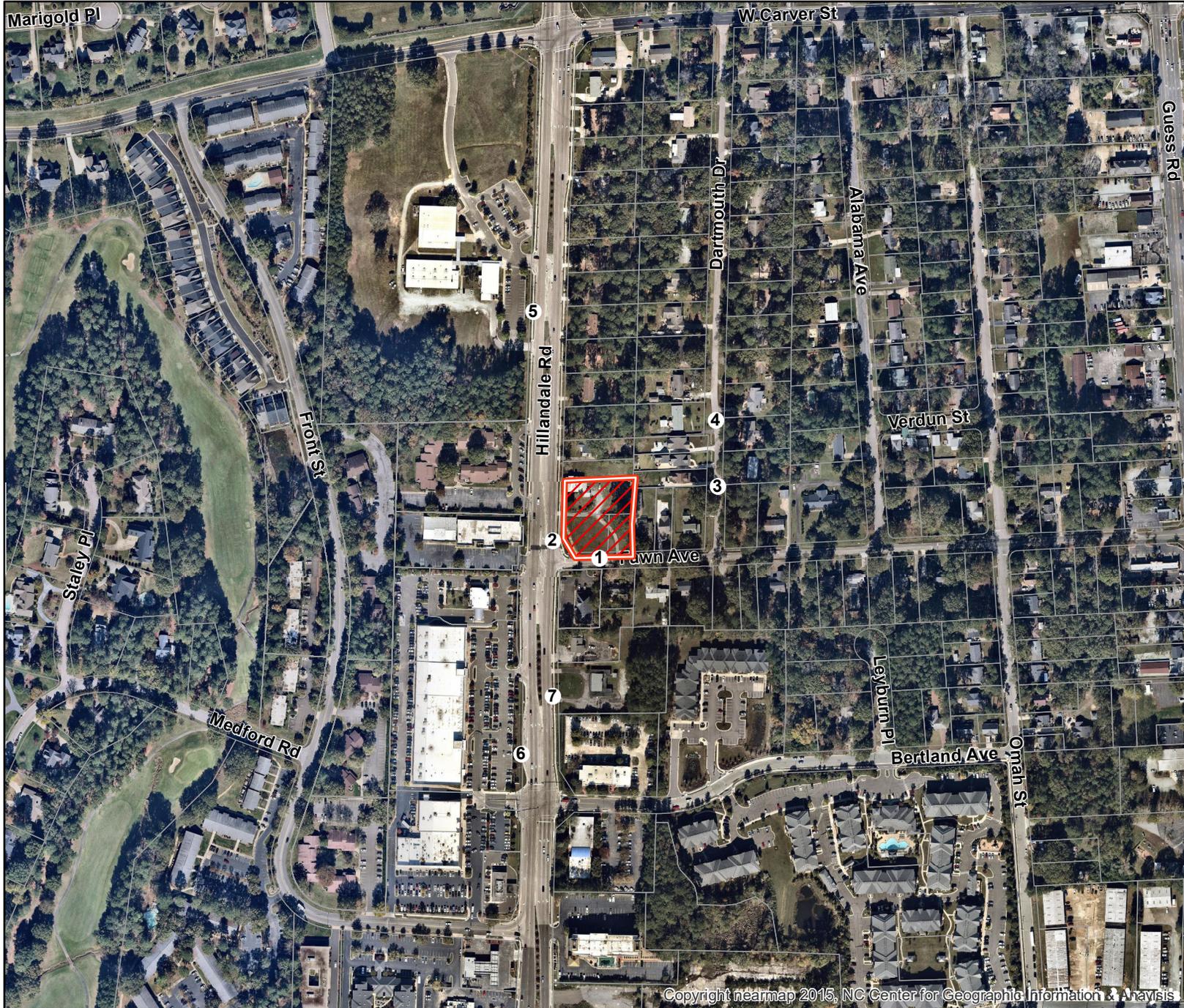


Planning

Proposed Zoning:



Attachment 2: Aerial Map 1900 Hillandale



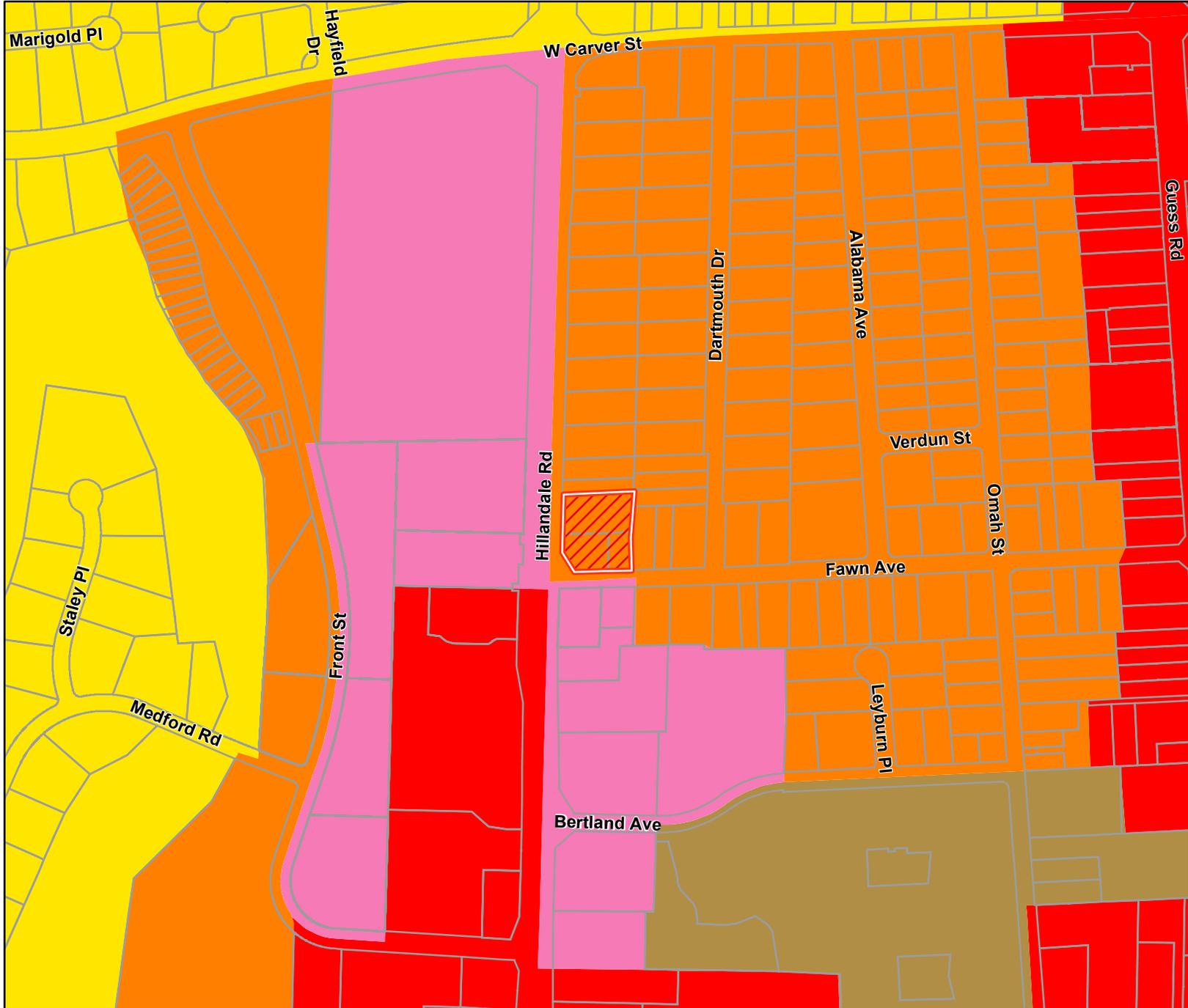
Legend:

-  Case Area
-  Parcel Lines



Copyright nearmap 2015, NC Center for Geographic Information & Analysis

Attachment 3: Future Land Use Map 1900 Hillandale

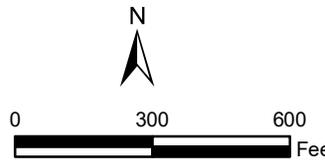


Legend:

-  Case Area
-  Parcel Lines

FLUM Designations:

-  Low Density Residential (4 DU/Acre or less)
-  Medium Density Residential (6 - 12 DU/Acre)
-  Medium-High Density Residential (8 - 20 DU/Acre)
-  Commercial
-  Office





Durham City-County Planning Department

ZONING MAP CHANGE APPLICATION FOR TEXT COMMITMENTS ONLY

Planning

Date:	Case #:
Project Information:	
Type of Request:	<input checked="" type="checkbox"/> New Text-Only Development Plan <input checked="" type="checkbox"/> Changes to Text on Approved Development Plan <small>(This can only be used for changing text, changing or adding graphics is considered a full zoning map change.)</small>
Current Zoning District(s) Including any Overlay District: RU-M(D)	Proposed Zoning District(s) Including any Overlay District: RU-M(D)
Current Future Land Use Map Designation: MDR	Jurisdiction: <input checked="" type="checkbox"/> City <input type="checkbox"/> County <input type="checkbox"/> Both <small>(Check as appropriate. If also requesting annexation, check 'City')</small>
Total Site Area: 1.31 AC.	Development Tier: URBAN
Project Location: 1900 HILLANDALE	
Proposed Project Name: 1900 HILLANDALE	
Property Identification Number(s) (six-digit PID #): 125633, 125634, 125635 <small>(Attach additional sheet(s) if necessary)</small>	
Summary of Proposed Development: TOWNHOMES - 15 MAX.	
Proposed Text Commitments or Changes: REMOVAL OF COMMITMENT FOR 1 CAR GARAGE <small>(Attach additional sheet(s) if necessary)</small>	
Applicant Information:	
Name: ED HALLBERG	Firm: ANTHONY PROPERTY GROUP
Phone: 919.832.1110	Email: EHALLBERG@AACRE.COM
Mailing Address: 1201 Edwards Mill Rd Suite 300, Raleigh, NC 27607	
Signature:	
Agent Information (if applicable):	
Name: KATIE HAMILTON	Firm: STEWART
Phone: 919.866.48155	Email: KHAMILTON@STEWARTINC.COM
Mailing Address: 101 W MAIN ST. DURHAM, NC 27701	
Signature:	
Owner Information: <small>(For multiple owners, attach additional sheet(s))</small>	
Name: JAMES L. ANTHONY	Firm: VA DURHAM CLINICS LLC
Firm:	Email:
Mailing Address: 702 Oberlin Rd #400, Raleigh, NC 27605 (201 EDWARDS MILL ROAD #300 RALEIGH NC 27607)	
Signature:	

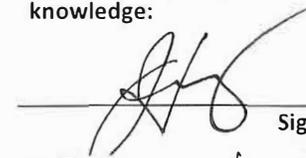
Application Checklist:

Application Item:	Applicant/Agent Initial	Staff Initial
Application	KMH	JS
Owners Acknowledgment <i>(Original Signatures Only)</i>	KMH	JS
Text Amendment Acknowledgement	KMH	JS
Boundary Map and Legal Description	KMH	JS
Stormwater Checklist	KMH	JS
Utilities Statement Application	KMH	JS
Pre-Submittal Conference Record	KMH	JS
Digital Copy of All Submitted Materials (Required)	KMH	JS
Traffic Impact and/or Phasing Analysis (if required), Three Copies and One Digital Copy	N/A	
Application Fee	KMH	JS
Additional Materials/Applications (if applicable):		
Neighborhood Meeting Materials		/
Annexation Petition		/
Comprehensive Plan Amendment		/

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. *Resubmittal documents shall be provided in digital format along with one hard copy.*

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



 Signature


 Printed Name

10/5/19

 Date

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), VA DURHAM CLINICS, LLC, owner(s) of the 1.31 -acre property having

Property Identification Number(s):

125633

125634

125635

am(are) aware of the application for the RU-M(D) 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.

[Signature]
Owner's Signature

10/5/19
Date

Owner's Signature

Date

JAMES L. ANTHONY
Owner's Printed Name

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

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 asses 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, VA Durham Curias, LLC, applicant or agent of the 1.31 -acre property having

Property Identification Number(s):

<u>125633</u>	_____
<u>125634</u>	_____
<u>125635</u>	_____
_____	_____

am authorized by the property owner(s) associated with this application for the RU-M(D) zone.

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


Authorized Signature

10/5/19
Date

James L. Anthony
Printed Name

1900 Hillandale

Development Plan & Zoning Map Change

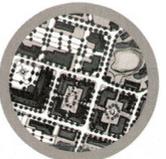
1900 Hillandale Road
Durham, North Carolina
Case # : Z1700049

DEVELOPER/AGENT:
VA DURHAM CLINICS, LLC
702 OBERLIN ROAD, SUITE 400
RALEIGH, NC 27605
PHONE:(919)582-3100

LANDSCAPE ARCHITECT/APPLICANT:
TONY M. TATE LANDSCAPE
ARCHITECTURE
5011 SOUTHPARK DRIVE, STE. 200
DURHAM, NC 27713
PHONE: (919) 484-8880
FAX: (919) 484-8881

LAND SURVEYING:
THOMPSON AND ASSOCIATES, P.A.
1149 EXECUTIVE CIRCLE, SUITE D, UNIT 2
CARY, NC 27544
PHONE: (919)465-1566

OWNERS:
PINS: 0813-20-91-1261, 0813-20-91-1037, 0813-20-91-2037
VA DURHAM CLINICS, LLC
702 OBERLIN ROAD, SUITE 400
RALEIGH, NC 27605
PHONE:(919)582-3100



TONY M. TATE LANDSCAPE ARCHITECTURE, PA
5011 SOUTHPARK DRIVE, STE. 200 - DURHAM, NC 27713
p: (919) 484-8880 f: (919) 484-8881 e: tony@tmflla.com



GENERAL NOTES

- BOUNDARY INFORMATION IS BASED UPON FILE FROM THOMPSON & ASSOCIATES.
- TOPOGRAPHIC INFORMATION AND STREAM INFORMATION TAKEN FROM FILE FROM THOMPSON & ASSOCIATES.
- By referencing any 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.

TEXT COMMITMENTS

- Development shall be:
- Townhouse units only, 15 Units Maximum
 - One, single-car width garage per unit
 - Building Exteriors will be limited to a maximum of 50% brick coverage, with no faux stucco materials allowed
 - No exterior wood fencing on the boundary of the project
 - Developer agrees to limit the height of any units within 40' of the Eastern property boundary to a building height of 40 (forty) feet as measured by the City of Durham UDO.
 - Townhouse units may be organized in buildings of multiple units. If the number of units in a single building exceeds four, the building facade shall contain at least one articulation of (18) eighteen inches at the jointer of two units.
 - The 20' Wide, 0.6 Opacity buffer along the eastern boundary of the property will utilize the urban evergreen buffer option. Developer shall plant, at minimum, twenty-five (25) 48" tall evergreens per 100 linear feet on the eastern boundary of the property as part of the required 20' Wide, 0.6 Opacity buffer required per the City of Durham UDO. Sixteen (16) of these twenty-five (25) shrubs per 100 linear feet will be above and beyond the buffer requirement.
 - Developer will not put in additional street lighting beyond what is required by the City of Durham

PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY

- A. SUBJECT TO DETERMINATION BY GoDURHAM AND GoTRIANGLE ON THE NEED FOR TRANSIT RELATED IMPROVEMENTS AT THE TIME OF SITE PLAN SUBMITTAL, CONSTRUCT A BUS PULL-OUT AND CONCRETE PAD/BUS SHELTER TO GoDURHAM/GoTRIANGLE SPECIFICATIONS ALONG EAST SIDE OF HILLANDALE ROAD ADJACENT TO THE SITE.

DESIGN COMMITMENTS

ARCHITECTURAL STYLE:

The developer agrees to a preference of craftsman style architecture for the project and will promote craftsman style architecture throughout as described and illustrated in *A Field Guide to American Houses*, 2nd Edition, Virginia Savage McAlester, (Knopf, 2015), *The Visual Dictionary of American Domestic Architecture*, Rachel Carley et al, (Henry Holt, 1994), *Get Your House Right-Architectural Elements to Use & Avoid*, Marianne Cusato et al, (Sterling, 2007), and in *Traditional Construction Patterns*, Steven Mouzon and Susan M. Henderson, (McGraw-Hill, 2004).

Further architectural styles will be limited to:

- Craftsman
- Folk Victorian
- Colonial Revival
- Neoclassical
- American Vernacular
- Row House
- Georgian Revival
- Federal
- Transitional

ROOFLINES:

Rooflines shall either be pitched, flat, or a combination thereof.

BUILDING MATERIALS:

Each building will incorporate at least two of the following materials: masonry, brick, real or synthetic stone, metal, wood, stucco, and/or cementitious siding.

DISTINCTIVE ARCHITECTURAL FEATURES:

The proposed buildings will not have a specific architectural feature but will use elements of the styles listed above.

CONTEXT:

The Multifamily development will serve as a transition from the suburban development pattern (the single family homes to the east) to the Commercial development to the west of our property.

SITE SUMMARY

PIDs:	125633, 125634, 125635
TOTAL TRACT AREA:	1.31 AC.
EXISTING ZONING:	RS-8
PROPOSED ZONING:	RU-M
EXISTING FLU:	MDR (MEDIUM DENSITY RESIDENTIAL)
TIER:	URBAN
RIVER BASIN:	FALLS BASIN
CITY LIMITS:	YES
WATERSHED OVERLAY DISTRICT:	N/A



VICINITY MAP

SCALE 1"=200'



First Submittal	11/30/17
Second Submittal	1/5/2018
Third Submittal	04/11/2018
Fourth Submittal	04/30/2018

DEVELOPMENT PLAN CITY OF DURHAM LIST OF DRAWINGS:

COVER SHEET	
EXISTING CONDITIONS/TREE SURVEY	D-1
SITE IMPROVEMENTS PLAN	D-2

APPROVAL STAMP (Z1700049)

2949
Recommended for APPROVAL by the Durham Planning Commission on
JUNE 12, 2018
Clerk of Committee: *Tracey Smith*
Approved by Durham City Council on 8/30/2018
Zone: *RU-M* Ordinance No. *15363*
City Clerk: *Sharon*



Received in City Clerk's Office
NOV 29 2018

REVISIONS:

- 1-3-18 City of Durham Comments
- 2-6-18 City of Durham Comments
- 4-11-18 Planning Commission Comments
- 4-25-18 City of Durham Comments

COVER SHEET
1900 HILLANDALE ROAD
DURHAM, NC

SCALE:
AS NOTED
DRAWN BY:
CDR
PROJECT #
16077
DATE:
9/25/17

SHEET
COVER
OF 3

0813-20-91-1261, PARCEL ID: 125633
 0813-20-91-1037, PARCEL ID: 125634
 0813-20-91-2037, PARCEL ID: 125635

- NOTES:
1. THIS SITE IS NOT LOCATED WITHIN A 100 YEAR FLOOD FRINGE AREA PER FIRM PANEL MAP #3720081300J, DATED MAY 2, 2006.
 2. THERE ARE NO STEEP SLOPES, OR 100 YEAR FLOOD FRINGE AREAS WITHIN THIS SITE.
 3. THERE ARE NO HISTORIC SITES IDENTIFIED ON OR ADJACENT TO THESE PROPERTIES AS PER DURHAM HISTORIC RESOURCE MAPS.
 4. THERE ARE NO DURHAM COUNTY NATURAL INVENTORY AREAS WITHIN THESE PROPERTIES.
 5. ALL EXISTING STRUCTURES AND DRIVEWAYS TO BE REMOVED.
 6. BOUNDARY INFORMATION IS BASED UPON FILE FROM THOMPSON & ASSOCIATES..
 7. A BICYCLE LANE IS PROPOSED ALONG HILLDALE ROAD PER THE DURHAM LONG RANGE BIKE PLAN.
 8. TOPOGRAPHY SHOWN WITHIN PROJECT BOUNDARY TAKEN FROM FILE BY THOMPSON & ASSOCIATES.
 9. TOPOGRAPHY SHOWN BETWEEN PROJECT BOUNDARY AND 100' CONTEXT AREA BOUNDARY FROM NCDOT LIDAR.



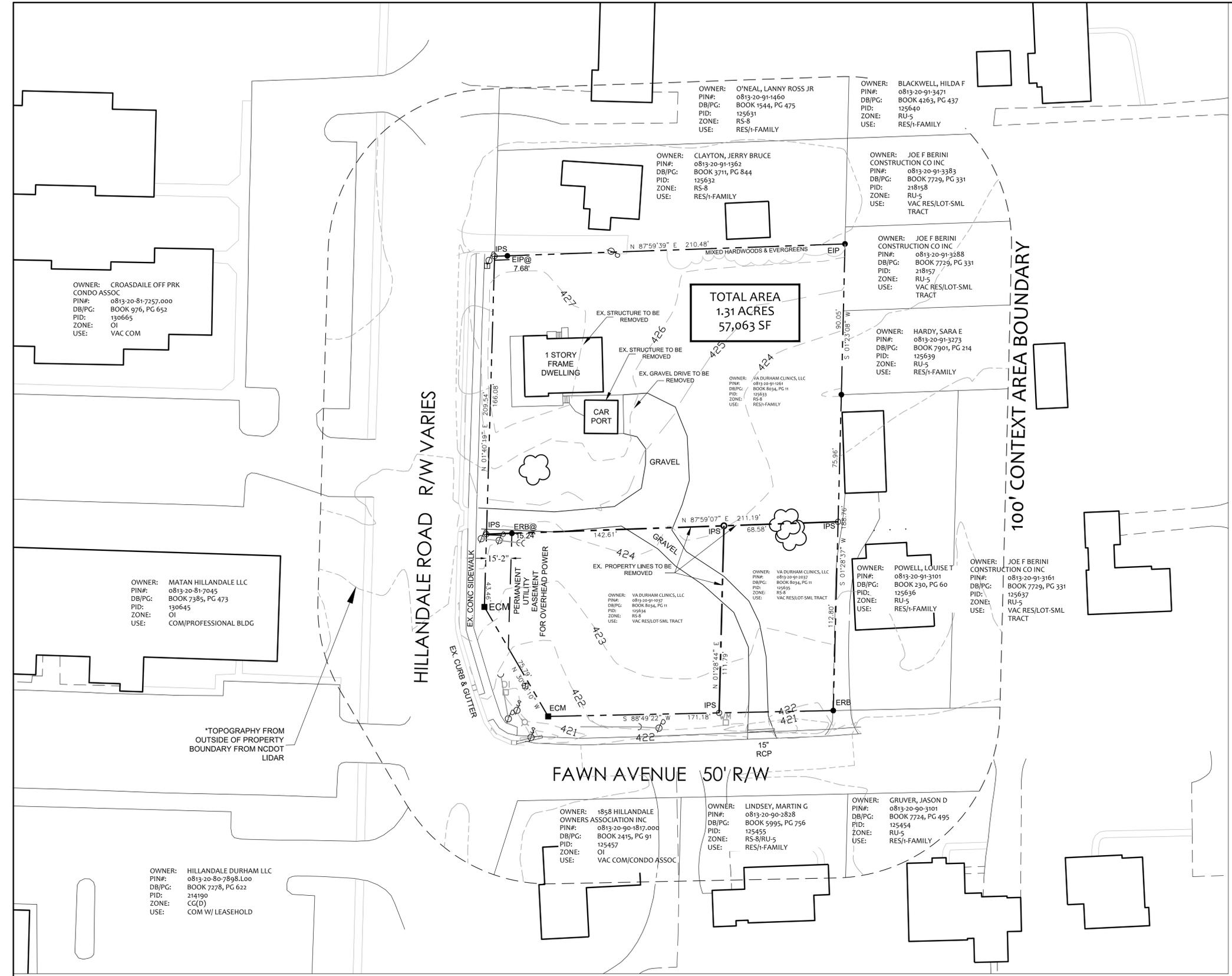
TONY M. TATE LANDSCAPE ARCHITECTURE, PA
 5011 SOUTH PARK DRIVE, STE. 200 - DURHAM, NC 27713
 P: (919) 484-8880 F: (919) 484-8881 E: tony@tmlla.com



- REVISIONS:
- 1-3-18 City of Durham Comments
 - 4-25-18 City of Durham Comments

EXISTING CONDITIONS
 1900 HILLDALE ROAD
 DURHAM, NC

SCALE: 1"=30'
 DRAWN BY: CDR
 PROJECT #: 16077
 DATE: 9/25/17
 SHEET D-1 OF 3



TOTAL AREA
 1.31 ACRES
 57,063 SF

100' CONTEXT AREA BOUNDARY

HILLDALE ROAD R/W VARIES

FAWN AVENUE 50' R/W

OWNER: CROASDALE OFF PRK CONDO ASSOC
 PIN#: 0813-20-81-7257.000
 DB/PG: BOOK 976, PG 652
 PID: 130665
 ZONE: OI
 USE: VAC COM

OWNER: MATAN HILLDALE LLC
 PIN#: 0813-20-81-7045
 DB/PG: BOOK 7385, PG 473
 PID: 130645
 ZONE: OI
 USE: COM/PROFESSIONAL BLDG

OWNER: HILLDALE DURHAM LLC
 PIN#: 0813-20-80-7898.L00
 DB/PG: BOOK 7278, PG 622
 PID: 214190
 ZONE: CG(D)
 USE: COM W/ LEASEHOLD

OWNER: O'NEAL, LANNY ROSS JR
 PIN#: 0813-20-91-1460
 DB/PG: BOOK 1544, PG 475
 PID: 125631
 ZONE: RS-8
 USE: RES/H-FAMILY

OWNER: CLAYTON, JERRY BRUCE
 PIN#: 0813-20-91-1362
 DB/PG: BOOK 3711, PG 844
 PID: 125632
 ZONE: RS-8
 USE: RES/H-FAMILY

OWNER: BLACKWELL, HILDA F
 PIN#: 0813-20-91-3471
 DB/PG: BOOK 4263, PG 437
 PID: 125640
 ZONE: RU-5
 USE: RES/H-FAMILY

OWNER: JOE F BERINI CONSTRUCTION CO INC
 PIN#: 0813-20-91-3383
 DB/PG: BOOK 7729, PG 331
 PID: 218158
 ZONE: RU-5
 USE: VAC RES/LOT-SML TRACT

OWNER: JOE F BERINI CONSTRUCTION CO INC
 PIN#: 0813-20-91-3288
 DB/PG: BOOK 7729, PG 331
 PID: 218157
 ZONE: RU-5
 USE: VAC RES/LOT-SML TRACT

OWNER: HARDY, SARA E
 PIN#: 0813-20-91-3273
 DB/PG: BOOK 7901, PG 214
 PID: 125639
 ZONE: RU-5
 USE: RES/H-FAMILY

OWNER: VA DURHAM CLINICS, LLC
 PIN#: 0813-20-91-1061
 DB/PG: BOOK 8034, PG 11
 PID: 125635
 ZONE: RS-8
 USE: RES/H-FAMILY

OWNER: POWELL, LOUISE T
 PIN#: 0813-20-91-3101
 DB/PG: BOOK 230, PG 60
 PID: 125636
 ZONE: RU-5
 USE: RES/H-FAMILY

OWNER: JOE F BERINI CONSTRUCTION CO INC
 PIN#: 0813-20-91-3161
 DB/PG: BOOK 7729, PG 331
 PID: 125637
 ZONE: RU-5
 USE: VAC RES/LOT-SML TRACT

OWNER: VA DURHAM CLINICS, LLC
 PIN#: 0813-20-91-1061
 DB/PG: BOOK 8034, PG 11
 PID: 125635
 ZONE: RS-8
 USE: VAC RES/LOT-SML TRACT

OWNER: 1858 HILLDALE OWNERS ASSOCIATION INC
 PIN#: 0813-20-90-1817.000
 DB/PG: BOOK 2415, PG 91
 PID: 125457
 ZONE: OI
 USE: VAC COM/CONDO ASSOC

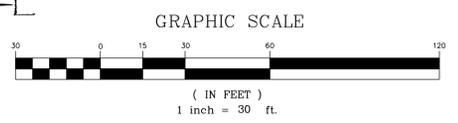
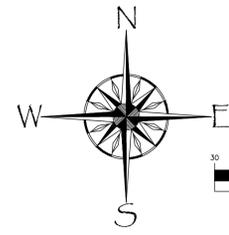
OWNER: LINDSEY, MARTIN G
 PIN#: 0813-20-90-2828
 DB/PG: BOOK 5995, PG 756
 PID: 125455
 ZONE: RS-8/RU-5
 USE: RES/H-FAMILY

OWNER: GRUVER, JASON D
 PIN#: 0813-20-90-3101
 DB/PG: BOOK 7724, PG 495
 PID: 125454
 ZONE: RU-5
 USE: RES/H-FAMILY

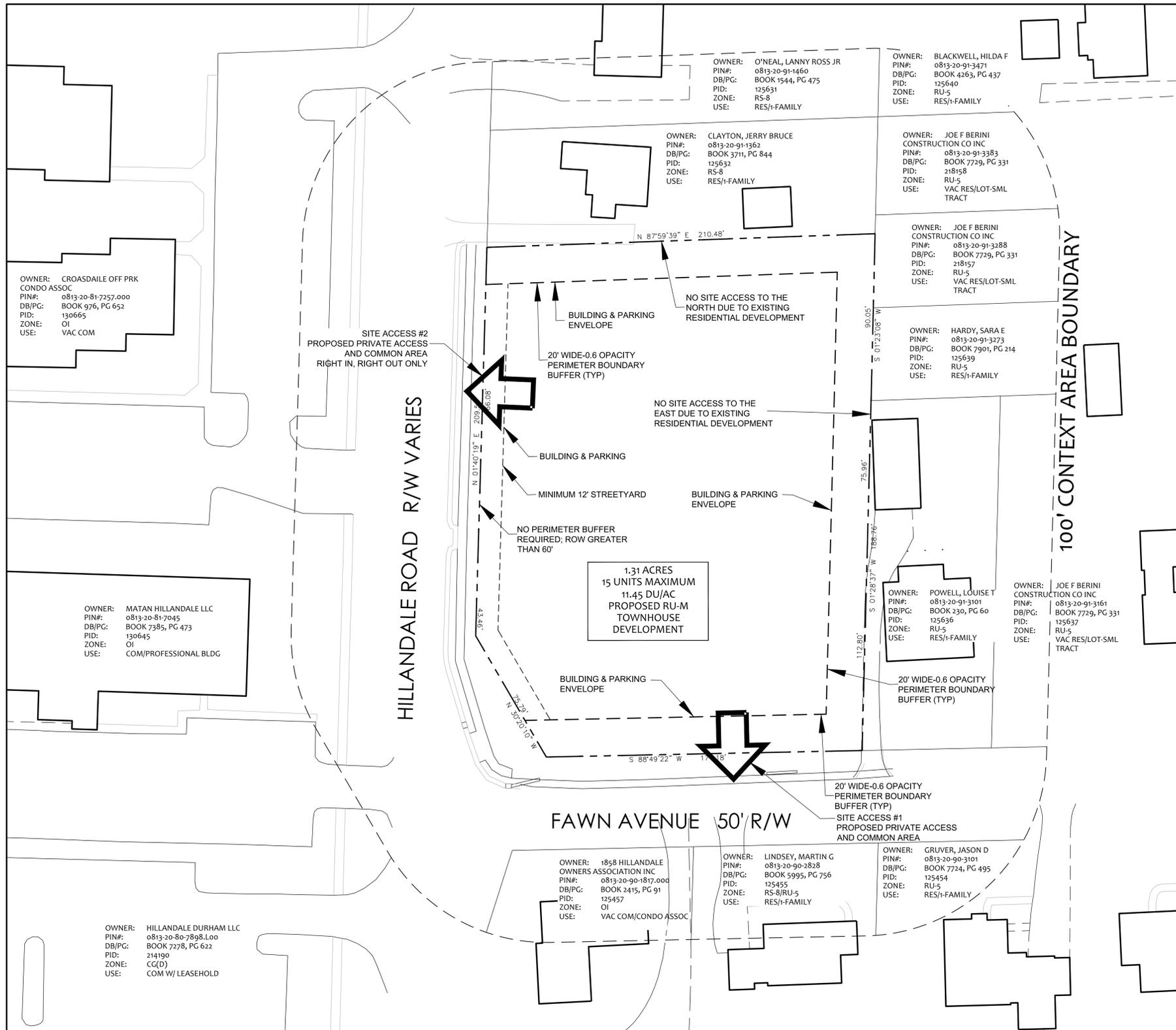
EXISTING IMPERVIOUS	
TOTAL SITE AREA:	57,603 SF
EXISTING IMPERVIOUS:	8,087 SF
IMPERVIOUS %:	14%

SITE SUMMARY	
TOTAL TRACT AREA:	1.31 AC.
EXISTING ZONING:	RS-8
PROPOSED ZONING:	RS-M
EXISTING FLU:	MDR (MEDIUM DENSITY RESIDENTIAL)
TIER:	URBAN
RIVER BASIN:	FALLS BASIN
CITY LIMITS:	YES
WATERSHED OVERLAY DISTRICT:	N/A

PROJECT PIN	AREA
0813-20-91-1261	0.80 ACRES
0813-20-91-1037	0.33 ACRES
0813-20-91-2037	0.18 ACRES
TOTAL AREA	1.31 ACRES



0813-20-91-1261, PARCEL ID: 125633
 0813-20-91-1037, PARCEL ID: 125634
 0813-20-91-2037, PARCEL ID: 125635



OWNER: CROASDALE OFF PRK CONDO ASSOC
 PIN#: 0813-20-81-7257.000
 DB/PG: BOOK 976, PG 652
 PID: 130665
 ZONE: OI
 USE: VAC COM

OWNER: MATAN HILLDALE LLC
 PIN#: 0813-20-81-7045
 DB/PG: BOOK 7385, PG 473
 PID: 130645
 ZONE: OI
 USE: COM/PROFESSIONAL BLDG

OWNER: HILLDALE DURHAM LLC
 PIN#: 0813-20-80-7898.L00
 DB/PG: BOOK 7278, PG 622
 PID: 214190
 ZONE: CC(D)
 USE: COM W/ LEASEHOLD

OWNER: O'NEAL, LANNY ROSS JR
 PIN#: 0813-20-91-1460
 DB/PG: BOOK 1544, PG 475
 PID: 125631
 ZONE: RS-8
 USE: RES/H-FAMILY

OWNER: CLAYTON, JERRY BRUCE
 PIN#: 0813-20-91-1362
 DB/PG: BOOK 3711, PG 844
 PID: 125632
 ZONE: RS-8
 USE: RES/H-FAMILY

OWNER: BLACKWELL, HILDA F
 PIN#: 0813-20-91-3471
 DB/PG: BOOK 4263, PG 437
 PID: 125640
 ZONE: RU-5
 USE: RES/H-FAMILY

OWNER: JOE F BERINI CONSTRUCTION CO INC
 PIN#: 0813-20-91-3383
 DB/PG: BOOK 7729, PG 331
 PID: 218158
 ZONE: RU-5
 USE: VAC RES/LOT-SML TRACT

OWNER: JOE F BERINI CONSTRUCTION CO INC
 PIN#: 0813-20-91-3288
 DB/PG: BOOK 7729, PG 331
 PID: 218157
 ZONE: RU-5
 USE: VAC RES/LOT-SML TRACT

OWNER: HARDY, SARA E
 PIN#: 0813-20-91-3273
 DB/PG: BOOK 7901, PG 214
 PID: 125639
 ZONE: RU-5
 USE: RES/H-FAMILY

OWNER: POWELL, LOUISE T
 PIN#: 0813-20-91-3101
 DB/PG: BOOK 230, PG 60
 PID: 125636
 ZONE: RU-5
 USE: RES/H-FAMILY

OWNER: JOE F BERINI CONSTRUCTION CO INC
 PIN#: 0813-20-91-3161
 DB/PG: BOOK 7729, PG 331
 PID: 125637
 ZONE: RU-5
 USE: VAC RES/LOT-SML TRACT

OWNER: 1858 HILLDALE OWNERS ASSOCIATION INC
 PIN#: 0813-20-90-1817.000
 DB/PG: BOOK 2415, PG 91
 PID: 125457
 ZONE: OI
 USE: VAC COM/CONDO ASSOC

OWNER: LINDSEY, MARTIN G
 PIN#: 0813-20-90-2828
 DB/PG: BOOK 5995, PG 756
 PID: 125455
 ZONE: RS-8/RU-5
 USE: RES/H-FAMILY

OWNER: GRUVER, JASON D
 PIN#: 0813-20-90-3101
 DB/PG: BOOK 7724, PG 495
 PID: 125454
 ZONE: RU-5
 USE: RES/H-FAMILY

SITE SUMMARY

TOTAL TRACT AREA:	1.31 AC.
EXISTING ZONING:	RS-8
PROPOSED ZONING:	RU-M
EXISTING FLU:	MDR (MEDIUM DENSITY RESIDENTIAL)
TIER:	URBAN
RIVER BASIN:	FALLS BASIN
CITY LIMITS:	YES
WATERSHED OVERLAY DISTRICT:	N/A
RESIDENTIAL DENSITY CALCS:	N/A
TREE COVERAGE AREA CALCS:	N/A (SITE LESS THAN 4 AC.)
OPEN SPACE AREA CALCS:	6% OF GROSS AREA (57,063 SF) 3,424 SF MINIMUM REQUIRED OPEN SPACE

IMPERVIOUS

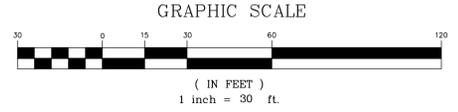
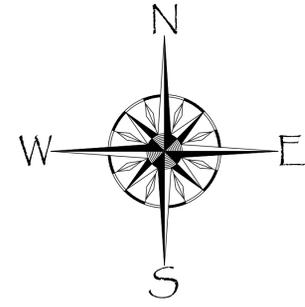
TOTAL TRACT AREA:	1.31 ACRES,	57,063 SF
PROPOSED MAX. IMPERVIOUS:	39,944 SF	70%

RESIDENTIAL DENSITY CALCULATIONS

ENTIRE SITE - GROSS	1.31 AC
DENSITY	11.45 DU/AC
MAXIMUM RESIDENTIAL UNITS	15 UNITS

LEGEND

- ACCESS POINTS
- PROPERTY LINES
- SETBACK LINE
- LANDSCAPE BUFFER



REVISIONS:
 1-3-18 City of Durham Comments
 2-6-18 City of Durham Comments
 4-11-18 Planning Commission Comments
 4-25-18 City of Durham Comments

PROPOSED CONDITIONS
 1900 HILLDALE ROAD
 DURHAM, NC

SCALE: 1"=30'
 DRAWN BY: CDR
 PROJECT # 16077
 DATE: 9/25/17

SHEET
D-2
 OF 3

TONY M. TATE LANDSCAPE ARCHITECTURE, PA
 5011 SOUTH PARK DRIVE, STE. 200 - DURHAM, NC 27713
 p: (919) 464-8880 f: (919) 464-8881 e: tony@m.tata.com

1900 HILLANDALE

CONSULTANT:



KATIE HAMILTON - 919.866.4815

DEVELOPMENT PLAN AMENDMENT SUBMITTED BY STEWART
LEGACY CASE Z1700049 SUBMITTED BY TONY TATE LANDSCAPE ARCHITECTS

CHANGES TO TEXT ON APPROVED DEVELOPMENT PLAN

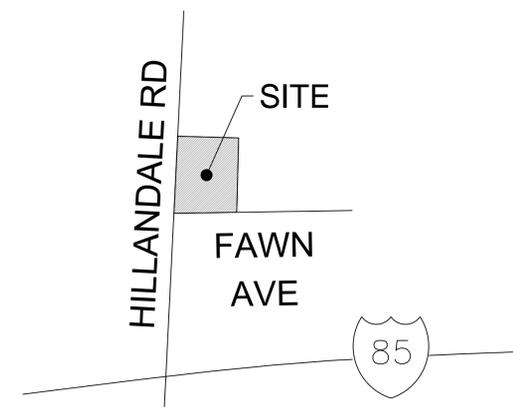
11.15.2019

CASE #Z1900046

Legacy Case # : Z1700049

1900 HILLANDALE RD
Durham, North Carolina

VICINITY MAP



APPLICANT & OWNER:

VA DURHAM CLINICS, LLC

702 OBERLIN ROAD, SUITE 400
RALEIGH, NC 27605
PHONE:(919)582-3100

PARCEL INFORMATION:

PIDs:	125633, 125634, 125635
TOTAL TRACT AREA:	1.31 AC.
EXISTING ZONING:	RU-M (D)
PROPOSED ZONING:	RU-M (D)
EXISTING FLU:	MDR (MEDIUM DENSITY RESIDENTIAL)
TIER:	URBAN
RIVER BASIN:	FALLS BASIN
CITY LIMITS:	YES
WATERSHED OVERLAY DISTRICT:	N/A

First Submittal _____ 10/14/2019

LIST OF DRAWINGS:

COVER SHEET	
EXISTING CONDITIONS/TREE SURVEY	D-1 (z1700049)
SITE IMPROVEMENTS PLAN	D-2 (z1700049)

GENERAL NOTES:

- BOUNDARY INFORMATION IS BASED UPON FILE FROM THOMPSON & ASSOCIATES.
- TOPOGRAPHIC INFORMATION AND STREAM INFORMATION TAKEN FROM FILE FROM THOMPSON & ASSOCIATES.
- BY REFERENCING ANY 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.

TEXT COMMITMENTS:

DEVELOPMENT SHALL BE:

- TOWNHOUSE UNITS ONLY, 15 UNITS MAXIMUM
- ~~ONE SINGLE CAR WIDTH GARAGE PER UNIT~~
- BUILDING EXTERIORS WILL BE LIMITED TO A MAXIMUM OF 50% BRICK COVERAGE, WITH NO FAUX STUCCO MATERIALS ALLOWED
- NO EXTERIOR WOOD FENCING ON THE BOUNDARY OF THE PROJECT
- DEVELOPER AGREES TO LIMIT THE HEIGHT OF ANY UNITS WITHIN 40' OF THE EASTERN PROPERTY BOUNDARY TO A BUILDING HEIGHT OF 40 (FORTY) FEET AS MEASURED BY THE CITY OF DURHAM UDO.
- TOWNHOUSE UNITS MAY BE ORGANIZED IN BUILDINGS OF MULTIPLE UNITS. IF THE NUMBER OF UNITS IN A SINGLE BUILDING EXCEEDS FOUR, THE BUILDING FACADE SHALL CONTAIN AT LEAST ONE ARTICULATION OF (18) EIGHTEEN INCHES AT THE JOINTER OF TWO UNITS.
- THE 20' WIDE, 0.6 OPACITY BUFFER ALONG THE EASTERN BOUNDARY OF THE PROPERTY WILL UTILIZE THE URBAN EVERGREEN BUFFER OPTION. DEVELOPER SHALL PLANT, AT MINIMUM, TWENTY-FIVE (25) 48" TALL EVERGREENS PER 100 LINEAR FEET ON THE EASTERN BOUNDARY OF THE PROPERTY AS PART OF THE REQUIRED 20' WIDE, 0.6 OPACITY BUFFER REQUIRED PER THE CITY OF DURHAM UDO. SIXTEEN (16) OF THESE TWENTY-FIVE (25) SHRUBS PER 100 LINEAR FEET WILL BE ABOVE AND BEYOND THE BUFFER REQUIREMENT.
- DEVELOPER WILL NOT PUT IN ADDITIONAL STREET LIGHTING BEYOND WHAT IS REQUIRED BY THE CITY OF DURHAM

PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY:

- SUBJECT TO DETERMINATION BY GoDURHAM AND GoTRIANGLE ON THE NEED FOR TRANSIT RELATED IMPROVEMENTS AT THE TIME OF SITE PLAN SUBMITTAL, CONSTRUCT A BUS PULL-OUT AND CONCRETE PAD/BUS SHELTER TO GoDURHAM/GoTRIANGLE SPECIFICATIONS ALONG EAST SIDE OF HILLANDALE ROAD ADJACENT TO THE SITE.

DESIGN COMMITMENTS:

ARCHITECTURAL STYLE:

THE DEVELOPER AGREES TO A PREFERENCE OF CRAFTSMAN STYLE ARCHITECTURE FOR THE PROJECT AND WILL PROMOTE CRAFTSMAN STYLE ARCHITECTURE THROUGHOUT AS DESCRIBED AND ILLUSTRATED IN A FIELD GUIDE TO AMERICAN HOUSES, 2ND EDITION, VIRGINIA SAVAGE MCALESTER, (KNOPF, 2015), THE VISUAL DICTIONARY OF AMERICAN DOMESTIC ARCHITECTURE, RACHEL CARLEY ET AL, (HENRY HOLT, 1994), GET YOUR HOUSE RIGHT-ARCHITECTURAL ELEMENTS TO USE & AVOID, MARIANNE CUSATO ET AL, (STERLING, 2007), AND IN TRADITIONAL CONSTRUCTION PATTERNS, STEVEN MOUZON AND SUSAN M. HENDERSON, (MCGRAW-HILL, 2004).

FURTHER ARCHITECTURAL STYLES WILL BE LIMITED TO:

CRAFTSMAN
FOLK VICTORIAN
COLONIAL REVIVAL
NEOCLASSICAL
AMERICAN VERNACULAR
ROW HOUSE
GEORGIAN REVIVAL
FEDERAL
TRANSITIONAL

ROOFLINES:

ROOFLINES SHALL EITHER BE PITCHED, FLAT, OR A COMBINATION THEREOF.

BUILDING MATERIALS:

EACH BUILDING WILL INCORPORATE AT LEAST TWO OF THE FOLLOWING MATERIALS: MASONRY, BRICK, REAL OR SYNTHETIC STONE, METAL, WOOD, STUCCO, AND/OR CEMENTITIOUS SIDING.

DISTINCTIVE ARCHITECTURAL FEATURES:

THE PROPOSED BUILDINGS WILL NOT HAVE A SPECIFIC ARCHITECTURAL FEATURE BUT WILL USE ELEMENTS OF THE STYLES LISTED ABOVE.

CONTEXT:

THE MULTIFAMILY DEVELOPMENT WILL SERVE AS A TRANSITION FROM THE SUBURBAN DEVELOPMENT PATTERN (THE SINGLE FAMILY HOMES TO THE EAST) TO THE COMMERCIAL DEVELOPMENT TO THE WEST OF OUR PROPERTY.





ATTACHMENT 7 PHOTOS



Photo 1
Facing north on Fawn Avenue



Photo 2
Facing northeast on Hillandale Road



Photo 3
Facing north on Dartmouth Drive



Photo 4
Facing southwest on Dartmouth Drive



Photo 5
Facing west on Hillandale Road



Photo 6
Facing west on Hillandale Road



Photo 7
Facing northwest on Hillandale Road



ZONING MAP CHANGE REPORT

505 WEST CHAPEL HILL STREET
Z2000006

Meeting Date: March 10, 2020

Application Summary			
Application Information			
Reference Name	505 W Chapel Hill Street	Submittal Date	January 28, 2020
Application Type(s) (Case#)	Zoning Map Change (Z2000006)		
Proposal	280+ Residential Units and 250-450,000 SF Commercial/Office		
Applicant	Zac Vuncannon, The Fallon Company; Katie Hamilton, Stewart		
Staff Contact	Emily Struthers, Senior Planner (Emily.Struthers@durhamnc.gov)		
Site Information			
Location	505 W Chapel Hill Street	Legacy Cases	N/A
Site Acreage	4.103	Existing Use	Former Police Headquarters
Request			
Designations	Existing	Proposed	
Jurisdiction	City	No change	
Development Tier	Downtown	No change	
Future Land Use	Design District	No change	
Zoning	Downtown Design District Support-1 (DD-S1)	Downtown Design District – Core with a development plan (DD-C(D))	
Overlay Zoning District(s)	N/A	No change	
TIA Required	Not required. NCDOT will require a TIA at site plan.		
Recommendations and Determinations			
Staff	Staff determines that this request is consistent with the <i>Comprehensive Plan</i> and other adopted ordinances and policies.		
Planning Commission	TBD		
BPAC	See Attachment 9		

A. Summary

Zac Vuncannon, of The Fallon Company, proposes to change the zoning designation of one parcel located at 505 West Chapel Hill Street. The site is presently zoned Downtown Design District Support 1 (DD-S1) and the applicant proposes to change this designation to Downtown Design District Core with a development plan (DD-C(D)). The development plan associated with this request commits to a minimum of 280 residential units and 250-450,000 square feet of Commercial/Office. The property is designated Design District on the Future Land Use Map (FLUM) which is consistent with the rezoning request for Downtown Design District - Core.

B. Site History

This site most recently housed the Durham Police Department headquarters and is currently owned by the City of Durham. On November 4, 2019, the Durham City Council voted 6-0 to select The Fallon

Company as the preferred developer for the redevelopment of 505 W. Chapel Hill Street. The resolution authorized the City Manager to begin negotiations with The Fallon Company in order to reach a development agreement for 505 W. Chapel Hill Street. This development agreement is under way. On January 21, 2020, City Council approved (7-0) a resolution granting the expedited hearing request of this rezoning to allow the applicant to potentially meet North Carolina Housing Finance Agency deadlines. The City is exploring restrictive covenants for the parcel that would require affordable housing. These restrictive covenants are anticipated to be considered during the April 20, 2020 City Council meeting. Other than these items, there have been no recent development approvals for this site.

C. Existing Site Characteristics

Site Conditions. The 4.103 acre site proposed for rezoning comprises one parcel. As shown on the Existing Conditions Sheet of the development plan, the site is largely paved with surface parking and contains site improvements and an existing building. The building, which the applicant commits to retaining, was constructed in the late 1950s. This site has frontages on West Chapel Hill Street, South Duke Street, Jackson Street, and Gregson Street. The following photos provide a visual context of the site. Their locations have been identified on the Aerial Map (Attachment 2).



Photo 1



Photo 2



Photo 3

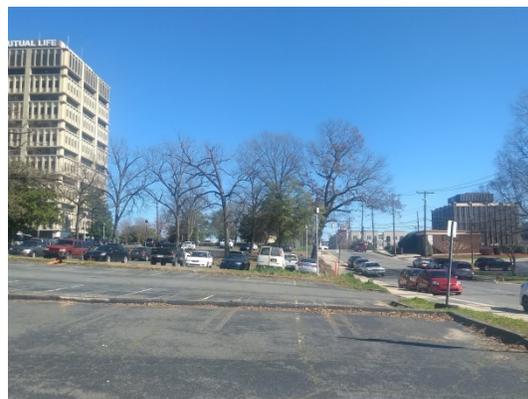


Photo 4

Area Characteristics. The site is located in the Downtown Development Tier. The site is adjacent to Downtown Design District – Core zoned property to the east including the NC Mutual Building, undeveloped property, and a BB&T bank building. The remaining adjacent properties are designated Downtown Design District – Support 1. These properties include under-construction townhouses, a small office building, a converted residential small office building, apartments, and Duke Memorial

United Methodist Church. The following photos provide a visual context of the area. Their locations have been identified on the Aerial Map (Attachment 2).



Photo 5



Photo 6



Photo 7



Photo 8



Photo 9



Photo 10

D. 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 6 provides the associated *Comprehensive Plan* policies which are applicable to the proposal.

Staff Analysis. The requested Downtown Design District - Core zoning district meets the policy requirements in relation to the Comprehensive Plan and other adopted plans and policies including the Downtown Durham Master Plan and Downtown Open Space Plan.

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 can be found in Attachment 5, Development Plan. Summaries of the commitments in excess of UDO requirements are below.

- **Text Commitments.** Text commitments include retaining the existing building, providing open areas, identifying build-to-zone calculations with the conditions of the site, identifying horizontal building expression, and providing outdoor space with pedestrian connections.
- **Graphic Commitments.** Graphic commitments include site access points, building and parking envelopes. A minimum of 280 residential units and a range of 250,000 – 450,000 square feet of commercial/office use.
- **Design Commitments.** Design commitments identify a variety of permissible rooflines and exterior building materials. Primary residential buildings will be located adjacent to South Gregson Street and primarily commercial/office buildings will be located adjacent to South Duke Street. The tallest buildings will be contiguous with adjacent DD-C zoning and shorter buildings will be located on the western portion of the site adjacent DD-S1 zoning.

Staff Analysis. The code that applies to Downtown Design District zoning regulates form more so than use and most standards are consistent between DD-C and DD-S1. Standards within the Downtown Design District that vary based on sub-district include minimum percentage of the build-to zone occupied by the building podium (DD-C 80%, DD-S1 70%), maximum building height (DD-C 300 feet or unlimited with provisions; DD-S1 100 feet or 175 feet with provisions), and amount of required streetscape amenities (DD-C one foot of seating per 15 feet of street frontage, DD-S1 one foot of seating per 20 feet of street frontage). The requested zoning district and associated development plan exceeds 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

As the permissible density (residential units) and intensity (square feet of non-residential uses) does not change between Downtown Design Sub Districts, a development impact assessment typical of rezoning requests where the maximum use of the existing zoning is compared with the maximum use of the proposed zoning is not applicable for the proposed rezoning from DD-S1 to DD-C(D).

While there are no minimum or maximum density requirements within DD Districts, the applicant has committed on their development plan to a minimum of 280 residential units. Likewise, while there are no commercial or office minimum or maximum requirements within DD Districts, the applicant has committed to a range of 250,000 to 450,000 square feet of commercial/office.

In the Downtown Tier, the Unified Development Ordinance does not require a Traffic Impact Analysis (TIA). NCDOT, however, has requested a TIA be completed at the site plan stage. Existing capacity issues on the adjacent roadways could be identified in a TIA and result in transportation improvements to be required by NCDOT at the time of site plan. While the current Level of Service (LOS) on some of the adjacent roadways is not optimal, they are based on traditional LOS measures for vehicular congestion

and do not take into account other modes of transportation that are available in this highly urbanized area such walking, bike, and transit. In addition, and as noted on the development plan, the location and number of access points could change and are subject to approval of NCDOT.

Water and sewer capacity for the proposed redevelopment of this parcel will be made possible by the American Tobacco Phase II and Lakewood Sewer projects currently in design. These projects will be in construction or complete before needed by the proposed redevelopment.

The Durham Stormwater Engineering Division of the Public Works Department reviewed the rezoning and has no comments. There are no riparian features, floodplains or impervious limitations identified on this site. All other 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.

Both the existing DD-S1 and proposed DD-C(D) zoning have no maximum number of residential units. As such, no projected number of students has been calculated. Additional details are available in Attachment 7.

Staff Analysis. The proposed DD-C(D) 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 *Durham Comprehensive Plan*.

Staff Analysis. The applicant proposes to change the zoning designation to DD-C with a development plan. This development plan is intended to ensure, in conjunction with the forthcoming development agreement between the City and developer, that the design presented through the 505 West Chapel Hill Street re-development selection process can be realized in terms of maximum building height, preservation and renovation of the existing building, and provided outdoor open spaces. The proposed zoning is consistent with the goals and policies of the *Comprehensive Plan* and Downtown Tier designation. Staff finds the requested designation reasonable as it is compatible with the present Future Land Use Map. This proposal would allow an increase in building height but commit to building form that is respectful of the existing gradient of intensity between Downtown Design Core and Downtown Design Support-1. The development plan commits to retaining the existing building and through any expansions, respecting the existing building’s form. The development plan also commits to providing outdoor areas open to the public that exceed the ordinance standards and providing additional pedestrian site access. Staff believes this request is reasonable and in the public interest.

H. Staff Recommendation and Determination

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

I. Contacts

Staff Contact		
Emily Struthers, Senior Planner	919.560.4137 ext. 28263	Emily.Struthers@durhamnc.gov
Applicant Contact		
Zac Vuncannon, The Fallon Company	202.441.6331	zvuncannon@falloncompany.com
Katie Hamilton, Stewart	919.866.4815	khamilton@stewartinc.com

J. 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.

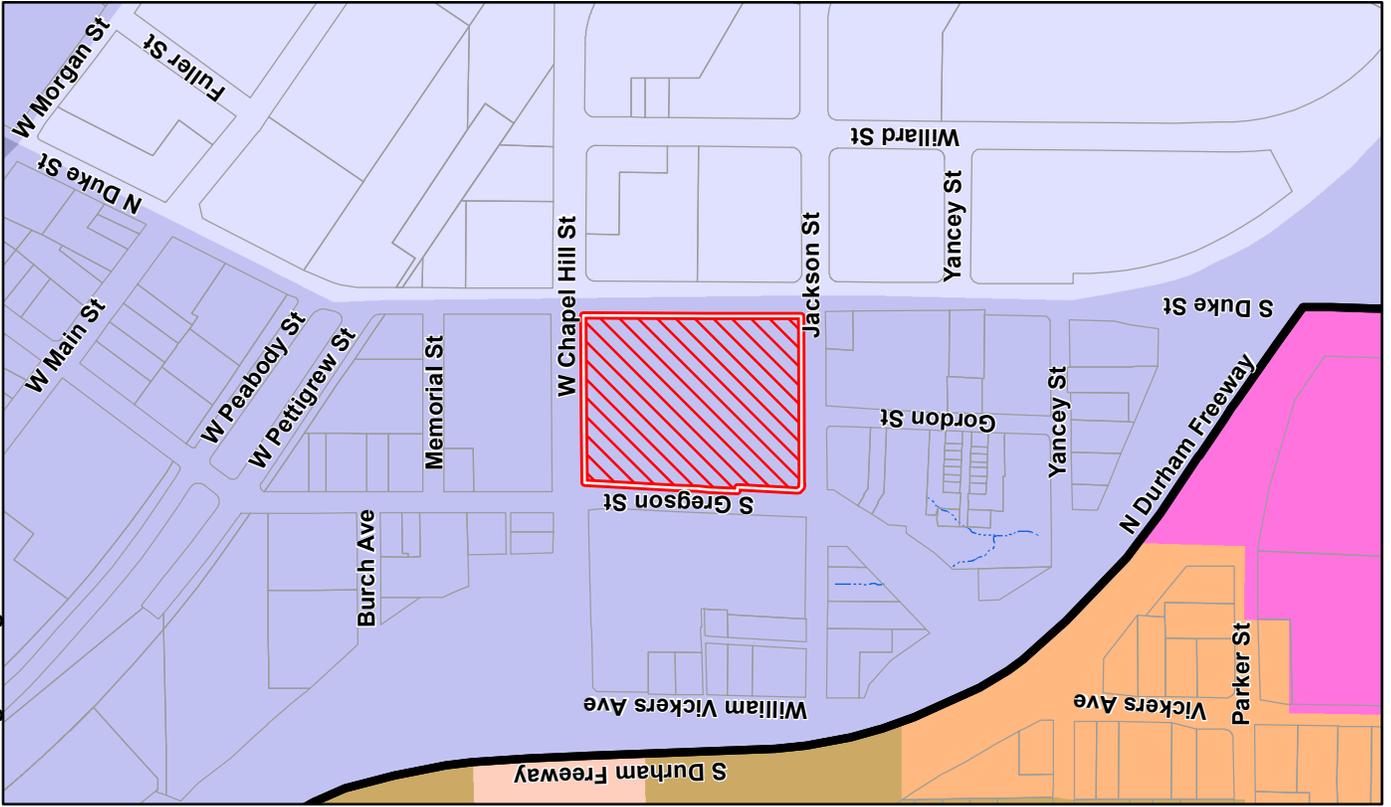
K. Attachments

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 Comments

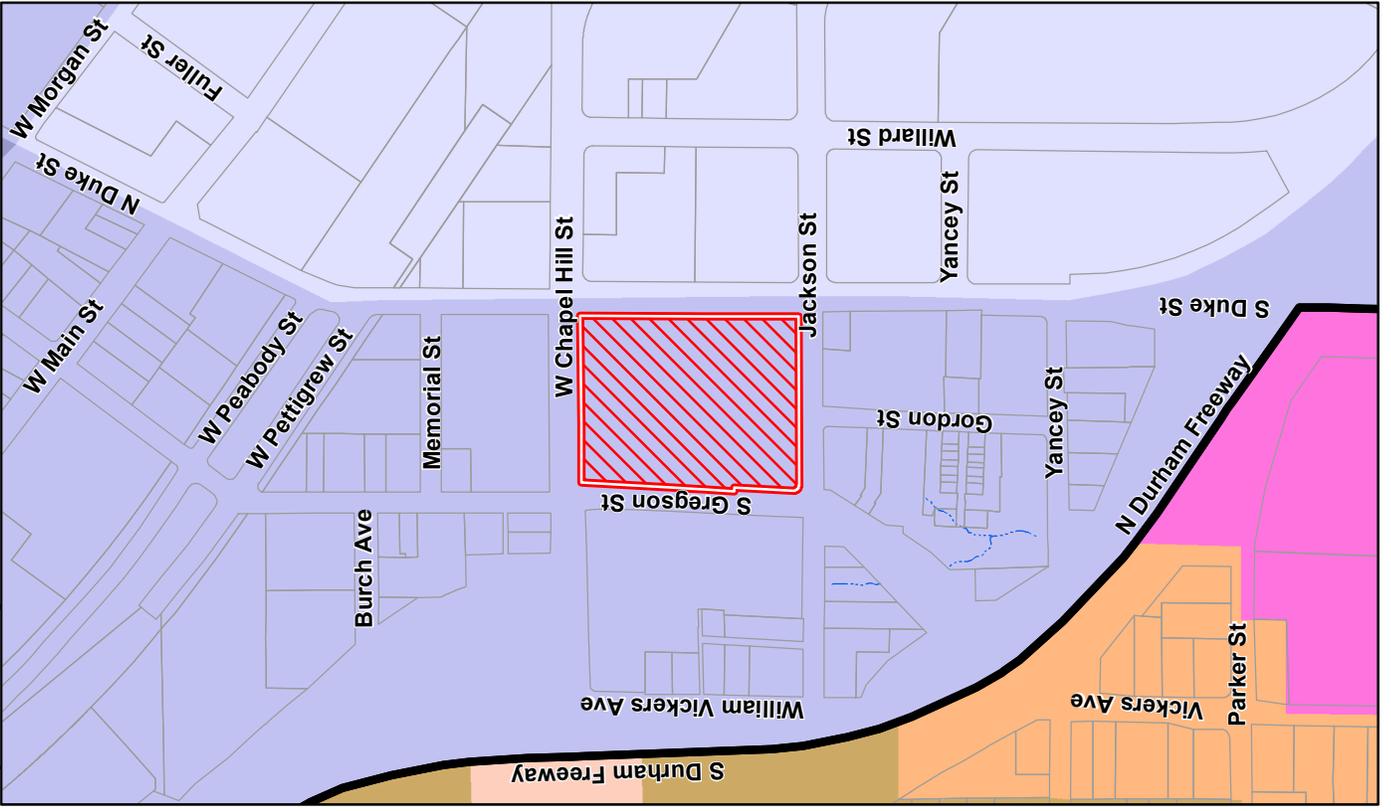
Attachment 1 - Context Map

505 W Chapel Hill Street

Existing Zoning:



Proposed Zoning:

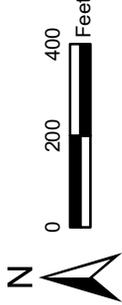


Legend:

-  Case Area
-  Parcel Lines
-  Streams
-  Development Tiers

Zoning Districts:

-  RS-8
-  RU-5(2)
-  DD-C
-  DD-S1
-  DD-S2
-  CN
-  OI



**Attachment 2: Aerial Map
505 W Chapel Hill Street**

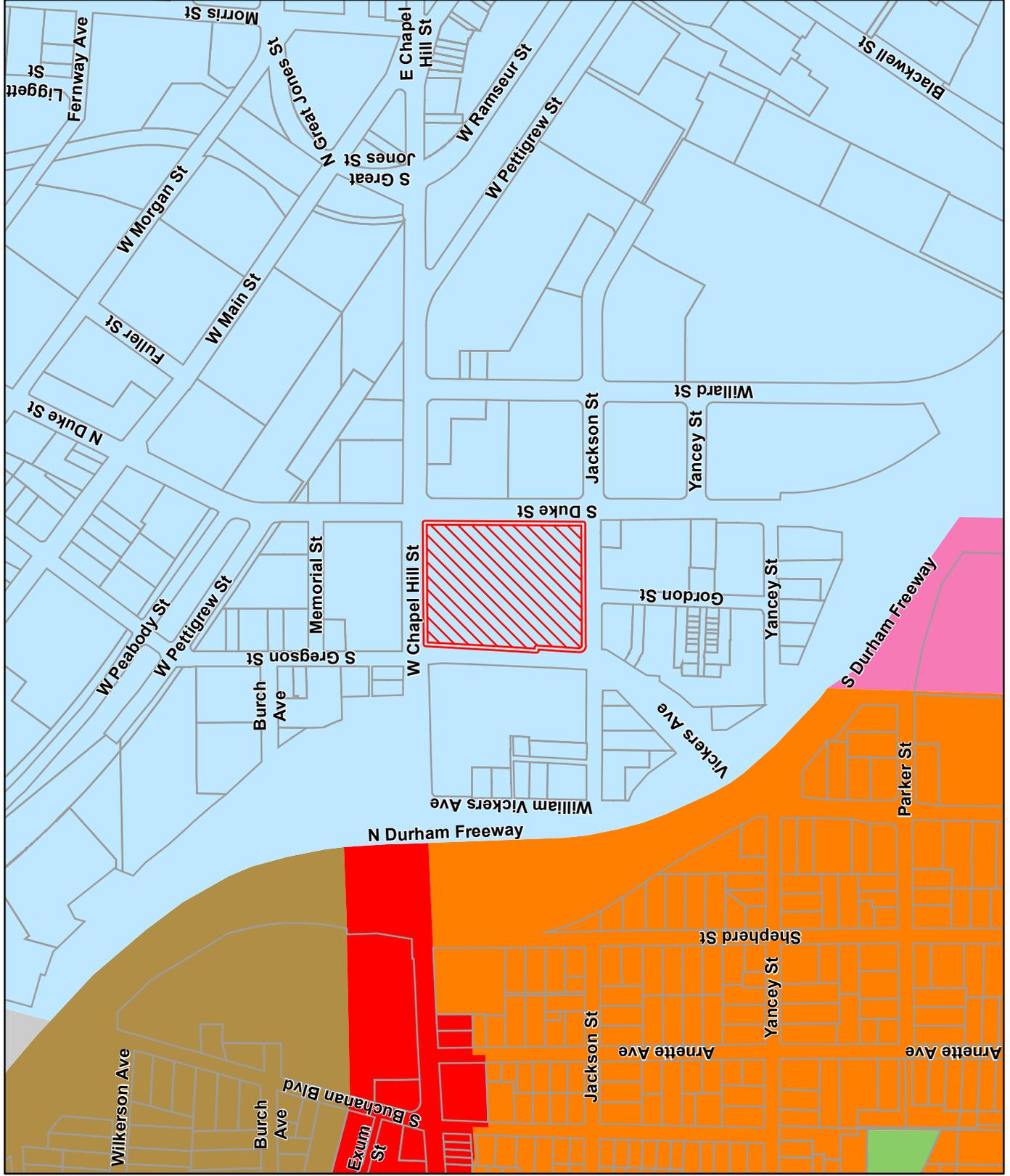


- Legend:**
-  Case Area
 -  Parcel Lines



Future Land Use Map - Attachment 3

505 W Chapel Hill Street

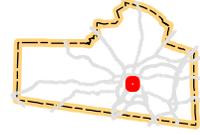


Legend:

-  Case Area
-  Parcel Lines

FLUM Designations:

-  Design District
-  Medium Density Residential (6 - 12 DU/Acre)
-  Medium-High Density Residential (8 - 20 DU/Acre)
-  Commercial
-  Institutional
-  Office
-  Recreation / Open Space





Durham City-County Planning Department

ZONING MAP CHANGE APPLICATION

Planning

Date: 1/29/20		Case #: 22000006	
Project Information:			
Current Zoning District(s)	DD-S1	Proposed Zoning District(s)	DD-C (D)
Existing Overlay District(s):	N/A	Jurisdiction: <i>(Check as appropriate. If also requesting annexation, check 'City')</i>	<input checked="" type="checkbox"/> City <input type="checkbox"/> County <input type="checkbox"/> Both
Current Future Land Use Map Designation:	DESIGN DISTRICT	Proposed Future Land Use Map Designation:	DESIGN DISTRICT
Total Site Area:	4.103	Development Tier:	DOWNTOWN
Project Location:	505 W CHAPEL HILL STREET, DURHAM NC 27701		
Proposed Project Name:	505 W CHAPEL HILL STREET		
Property Identification Number(s) (PID- six digit #):	114577	<i>(Attach additional sheet(s) if necessary)</i>	
Summary of Proposed Development:	280+ RESIDENTIAL UNITS + 250-450,000 SF COMMERCIAL/OFFICE		
Applicant Information:			
Name: Zac Vuncannon		Firm: The Fallon Company	
Phone: 202.441.6331		Email: zvuncannon@falloncompany.com	
Mailing Address: 327 HILLSBOROUGH ST, RALEIGH, NC 27603			
Signature:			
Agent Information (if applicable):			
Name: Katie Hamilton		Firm: Stewart	
Phone: 919.866.4815		Email: khamilton@stewartinc.com	
Mailing Address: 101 W Main St., Durham, NC 27701			
Signature:			
Owner Information: <i>(For multiple owners, attach additional sheet(s))</i>			
Name: Thomas J. Bonfield, City Manager		Firm:	
Firm: City of Durham		Email: tom.bonfield@durhamnc.gov	
Mailing Address: 101 City Hall Plaza, 2nd FL, Durham, NC 27701			
Signature:			

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

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. *Resubmittal documents shall be provided in digital format along with one hard copy.*

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


Signature

1.28.2020
Date

Katie Hamilton
Printed Name

505 W Chapel Hill Street

CONSULTANT:



Katie Hamilton
khamilton@stewartinc.com
919.866.4815

APPLICANT:



Zac Vuncannon
zvuncannon@falloncompany.com
919.521.4500 / 617.737.4100

327 Hillsborough Street
Raleigh, NC 27603

Development Plan

Jan. 28, 2020

CASE #Z2000006

505 W Chapel Hill Street
Durham, North Carolina

02.12.2020 - RESUBMITTAL
02.19.2020 - FOR PUBLIC HEARING

VICINITY MAP



TEXT COMMITMENTS:

- THE EXISTING BUILDING SHALL BE RETAINED ON SITE AND RENOVATED. FOR THE PURPOSES OF BUILD-TO-ZONE, PODIUM HEIGHT, AND BUILDING PLACEMENT STANDARDS, THE EXISTING BUILDING (ALONG WITH ANY RENOVATIONS OR ADDITIONS) SHALL BE DEEMED COMPLIANT PROVIDED THAT:
 - IF AND WHERE THERE IS ANY EXPANSION OF THE GROUND FLOOR OF THE EXISTING BUILDING TOWARDS WEST CHAPEL HILL STREET, SUCH EXPANSION SHALL BE AT LEAST THE HEIGHT OF THE EXISTING RECESSED PODIUM AND MAY INCLUDE A POTENTIAL EXPANSION OF THE SECOND FLOOR ABOVE.
 - ANY OTHER EXPANSION OF THE EXISTING BUILDING SHALL NOT EXCEED THE HEIGHT OF THE EXISTING BUILDING EXCEPT FOR ROOF MOUNTED MECHANICAL EQUIPMENT, WITH THE FAÇADE OF ANY SUCH EXPANSION NOT EXTENDING PAST THE EASTERNMOST FAÇADE OF THE EXISTING BUILDING.
- AT FULL BUILD OUT OF THE PROJECT, AN AREA OPEN TO THE PUBLIC WITH A MINIMUM FRONTAGE WIDTH OF 30' AND A MAXIMUM FRONTAGE WIDTH OF 60' SHALL BE PROVIDED ALONG WEST CHAPEL HILL STREET BETWEEN THE EXISTING BUILDING AND ANY NEW BUILDING. FOR THE PURPOSES OF BUILD-TO-ZONE FRONTAGE COMPLIANCE CALCULATIONS, THE WIDTH OF SUCH SPACE SHALL BE EXCLUDED FROM SUCH CALCULATIONS.
- IN ORDER TO PROVIDE ADDITIONAL SITE ACCESS WHILE MAINTAINING AN URBAN FORM, CALCULATION FOR BUILDING PERCENT PLACEMENT STANDARDS SHALL EXCLUDE THE WIDTH OF ANY ACCESS POINTS PROVIDED.
- ANY NEW COMMERCIAL BUILDING SHALL INCLUDE A HORIZONTAL EXPRESSION BETWEEN 30' - 75' ABOVE AVERAGE GRADE ON THE FAÇADE FACING SOUTH DUKE STREET AND FAÇADE FACING JACKSON STREET. ABOVE SUCH HORIZONTAL EXPRESSION, THE APPLICABLE FAÇADE MAY REMAIN IN THE SAME VERTICAL PLANE AS THE PODIUM BELOW IF:
 - SUCH HORIZONTAL EXPRESSION IS ACHIEVED THROUGH A MINIMUM 10' STEP-BACK OF THE FAÇADE (SUCH STEP-BACK EXCLUDING STRUCTURAL ELEMENTS); AND
 - SUCH HORIZONTAL EXPRESSION EXTENDS VERTICALLY FOR AT LEAST 10'.
- A MINIMUM OF 0.33 ACRES OF THE SITE WILL BE PROVIDED AS PRIVATELY-MAINTAINED OUTDOOR SPACE WITH PEDESTRIAN CONNECTIONS TO ALL PUBLIC FRONTAGES. PUBLIC ACCESS SHALL BE PROVIDED FOR PEDESTRIAN CONNECTIONS THAT ARE NOT WITHIN THE FOOTPRINT OF A BUILDING.

DESIGN COMMITMENTS:

- GENERAL ARCHITECTURAL STYLE:
THERE WILL BE NO GENERAL ARCHITECTURAL STYLES CHOSEN AT THIS TIME
- PROPOSED ROOF LINES:
THE ROOF LINES WILL BE PITCHED AND/OR FLAT AND/OR CURVED AND/OR SPIRED AND WILL HAVE ASPHALT SHINGLES, AND/OR METAL ROOFING, AND/OR GREEN ROOFING, AND/OR TILED ROOFING, AND/OR CONCRETE ROOFING, AND/OR GLASS ROOFING, AND/OR PLASTIC SHEATHING
- PROPOSED BUILDING(S) MATERIALS:
THE PRIMARY EXTERIOR SIDING MATERIALS SHALL CONSIST OF MASONRY (BRICK AND/OR CULTURED STONE OR REAL STONE) AND/OR METAL AND/OR CEMENT-FIBER SIDING AND/OR GLASS AND/OR WOOD AND/OR GLASS CURTAIN WALLS AND/OR ARCHITECTURAL CMU AND/OR METAL PANEL (PERFORATED OR SOLID) AND/OR ARCHITECTURAL PRECAST CONCRETE.
- DISTINCTIVE ARCHITECTURAL FEATURES:
THERE WILL BE NO DISTINCTIVE ARCHITECTURAL FEATURES DESIGNED AT THIS TIME
- HOW THE PROPOSED DESIGN TRANSITION TO THE CONTEXT AREA:
THE DEVELOPMENT WILL SERVE AS A TRANSITION FROM THE EXISTING RESIDENTIAL TO THE WEST TO THE COMMERCIAL DEVELOPMENT TO THE EAST BY HAVING PRIMARILY RESIDENTIAL BUILDING(S) ADJACENT TO SOUTH GREGSON STREET, AND PRIMARILY COMMERCIAL/OFFICE BUILDING(S) ADJACENT TO S DUKE STREET. FURTHERMORE THE TALLEST BUILDING(S) IN THE DEVELOPMENT WILL BE CONTIGUOUS WITH ADJACENT DD-C ZONING, WHILE SHORTER BUILDING(S) WILL BE LOCATED ON THE WESTERN PORTION OF THE SITE ADJACENT TO DD-S1 ZONING.

SITE DATA

SITE ADDRESS:	505 W CHAPEL HILL STREET, DURHAM NC 27701
PID:	114577
DEVELOPMENT TIER	DOWNTOWN
PARCEL OWNER:	CITY OF DURHAM
OWNER ADDRESS:	101 CITY HALL PLZ; DURHAM, NC 27701
PARCEL AREA:	4.103 AC/ 178,739 SF
CURRENT ZONING:	DD-S1
PROPOSED ZONING:	DD-C (D)
FUTURE LAND USE:	DESIGN DISTRICT
PROPOSED INTENSITY:	MIN. 280 RESIDENTIAL UNITS; 250,000-450,000 SF COMMERCIAL/OFFICE
OVERLAY ZONING:	N/A
RIVER BASIN:	CAPE FEAR

INDEX OF DRAWINGS

Sheet #	SHEET NAME
C0.00	COVER SHEET
C1.00	EXISTING CONDITIONS PLAN
C2.00	DEVELOPMENT PLAN

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



Sheet #
C0.00

Z2000006 - 505 W CHAPEL HILL STREET



STEWART

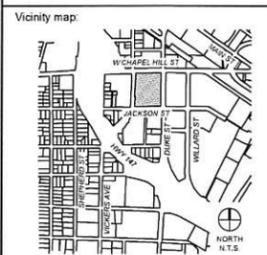
101 WEST MAIN ST. DURHAM, NC 27701 T 919.380.8750
 FIRM LICENSE # C-1051 www.stewartinc.com PROJECT # L19077

Client:
 THE FALLON COMPANY
 327 HILLSBOROUGH ST
 RALEIGH, NC 27603
 617.737.4100 / 919.521.4500

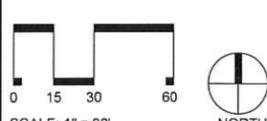
Consultants:
 DUDA PAINE
 333 LIGGETT ST
 DURHAM, NC 27701
 919.688.5133

WEINSTEIN FRIEDLEIN ARCHITECTS
 302 E PETTIGREW ST
 DURHAM, NC 27701
 919.688.8333

STEWART - GEOMATICS
 5410 OLD POOLE RD
 RALEIGH, NC 27850
 919.380.8750



Seal: PRELIMINARY - DO NOT USE FOR CONSTRUCTION



Project:
505 W CHAPEL HILL STREET

Issued for:
DEVELOPMENT PLAN

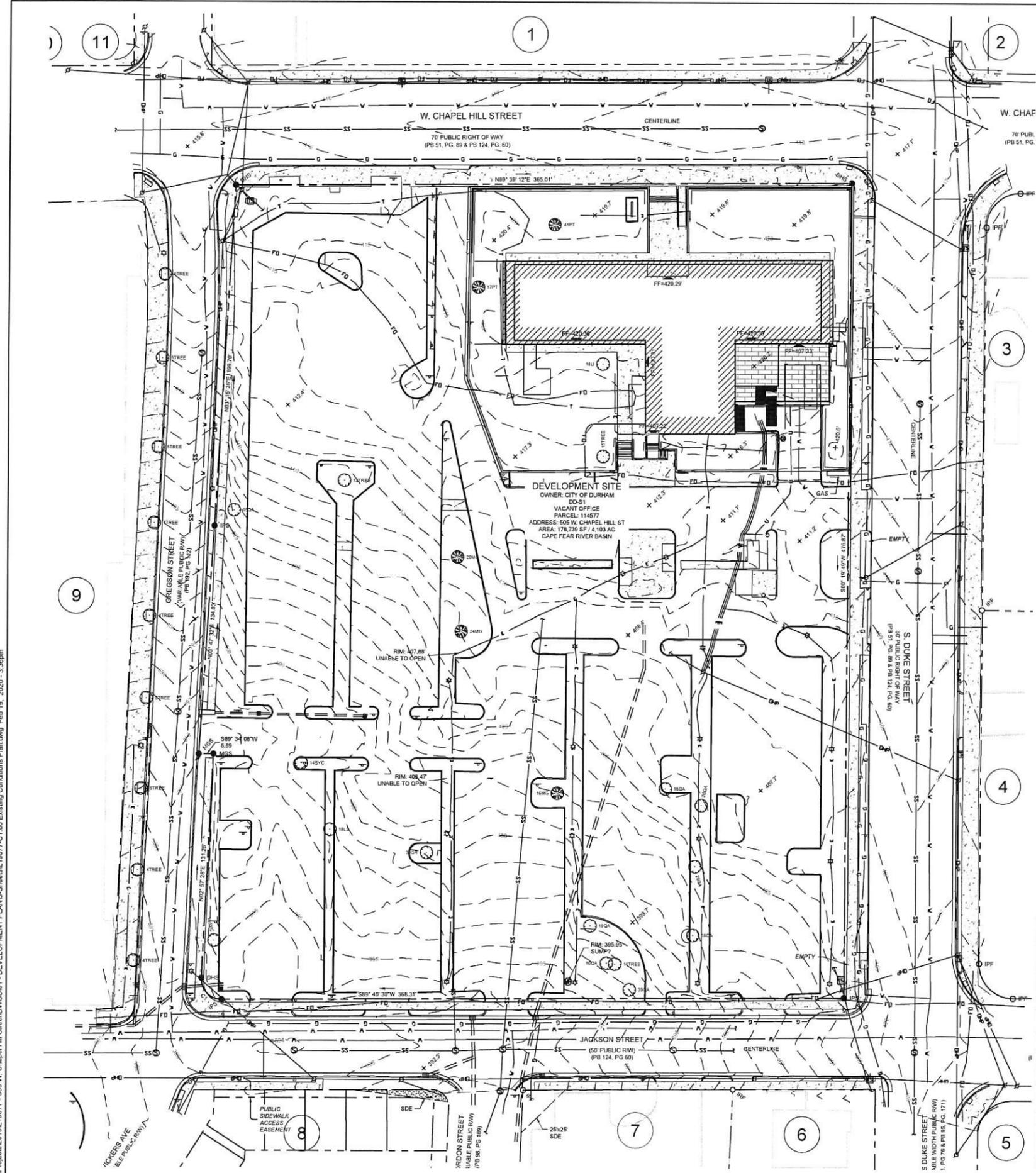
No.	Date	Description
1	2.12.2020	PER COD COMMENTS
2	2.19.2020	FOR PUBLIC HEARING

Title:
EXISTING CONDITIONS PLAN

Project number: L19077 Sheet #:
 Issued Date: 01.27.2020
 Drawn by: KH
 Approved by: GS **C1.00**

LEGEND

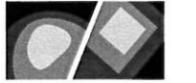
- △ CONTROL POINT
- IPF IRON PIPE FOUND
- IRF IRON ROD FOUND
- IPS IRON PIPE SET
- DHS DRILL HOLE SET
- MGS MAGNAIL SET
- ▲ CALCULATED POINT
- STORM YARD INLET
- CURB INLET
- SMH STORM MANHOLE
- SCW SEWER CLEANOUT
- SSM SEWER MANHOLE
- BFP BACKFLOW PREVENTOR
- FDC FIRE DEPT. CONNECTION
- FH FIRE HYDRANT
- WM WATER MANHOLE
- WM WATER METER
- WV WATER VALVE
- GV GAS VALVE
- TPD TEL-COM PEDESTAL
- TM TELEPHONE MANHOLE
- FIB FIBER OPTIC BOX
- CW CROSS WALK POST
- PBM POWER BOX/METER
- TSB TRAFFIC SIGNAL BOX
- TR TRANSFORMER
- GP GUY POLE
- GW GUY WIRE
- LP LIGHT POLE
- LL LANDSCAPE LIGHT
- UP UTILITY POLE
- AC AIR CONDITIONER
- BOLLARD
- FFE FINISH FLOOR ELEV.
- SIGN
- FP FLAG POLE
- SGM SOUTHERN MAGNOLIA
- SYC SYCAMORE
- OAK
- TREE UNKNOWN
- CLF CHAIN LINK FENCE
- UTL UNDERGROUND TELEPHONE LINE
- UFF UNDERGROUND FIBER OPTIC LINE
- UGL UNDERGROUND GAS LINE
- UEL UNDERGROUND ELECTRIC LINE
- UWL UNDERGROUND WATER LINE
- SSL SANITARY SEWER LINE
- SDR STORM DRAIN LINE
- OHW OVERHEAD WIRES
- UL UNIDENTIFIED LINE
- UDN UNKNOWN DESTINATION



ADJACENT OWNER INFORMATION

NO	PID	OWNER	SITE ADDRESS	LAND USE	ACREAGE	ZONING
1	103293	DUKE MEMORIAL UNITED METHODIST CHURCH INC	504 W CHAPEL HILL ST	CHURCH	1.95	DD-S1
2	103336	RESEARCH TRIANGLE REGIONAL PUBLIC TRANSPORTATION AUTHORITY	410 W CHAPEL HILL ST	PARKING LOT	0.82	DD-C
3	103343	LEGACY TOWER LLC	411 W CHAPEL HILL ST	OFFICE	1.19	DD-C*
4	226600	LEGACY TOWER LLC	450 JACKSON ST	PARKING	1.52	DD-C
5	103353	MJ DUKE LLC	505 S DUKE ST	BANK/OFFICE	1.66	DD-C
6	114853	HOLLAND MICHAEL V	502 S DUKE ST	COMMERCIAL	0.11	DD-S1
7	114654	STATE EMPLOYEES' CREDIT UNION DURHAM	504 S DUKE ST	BANK	1.21	DD-S1
8	226687	512 GORDON STREET LLC	511 JACKSON ST	RESIDENTIAL	0.32	DD-S1
9	114576	BELL FUND V 605 WEST LP	601 W CHAPEL HILL ST	APARTMENTS	3.10	DD-S1
10	103286	FIELDS WILLIAM B FIELDS PATRICE G	604 W CHAPEL HILL ST	COMMERCIAL	0.10	DD-S1
11	103287	FIELDS WILLIAM B FIELDS PATRICE G	602 W CHAPEL HILL ST	APARTMENTS	0.09	DD-S1

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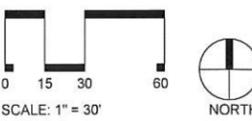
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Project:
 505 W CHAPEL HILL STREET

Issued for:
 DEVELOPMENT PLAN

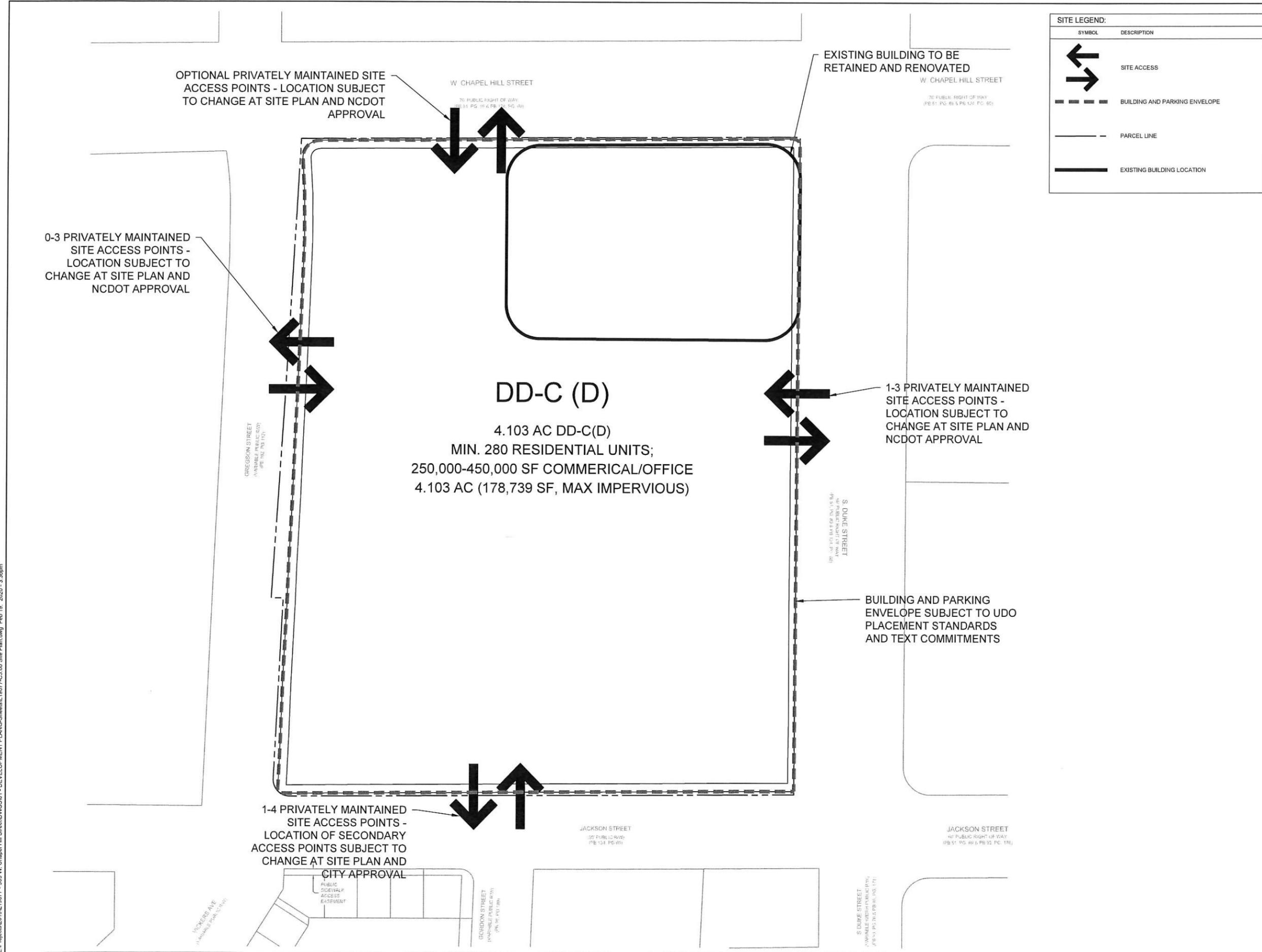
No.	Date	Description
1	2.12.2020	PER COD COMMENTS
2	2.19.2020	FOR PUBLIC HEARING

Title:
 DEVELOPMENT PLAN

Project number: L19077 Sheet #:
 Issued Date: 01.27.2020
 Drawn by: KH
 Approved by: GS **C2.00**

SITE LEGEND:

SYMBOL	DESCRIPTION
	SITE ACCESS
	BUILDING AND PARKING ENVELOPE
	PARCEL LINE
	EXISTING BUILDING LOCATION



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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 for consistency with all relevant policies of the Comprehensive Plan. That analysis is shown below. In addition, an analysis of consistency with other relevant adopted plans is also included.

Comprehensive Plan Policies

2.1.2f Downtown Tier Defined. *The Downtown Tier is the historic downtown core and support areas where intense development and pedestrian activity is encouraged. The Downtown Tier should be transit and pedestrian oriented in order to enhance the street level experience and provide a mixture of goods and services near transit. Auto-oriented and low intensity uses are discouraged. The creation of a high quality public realm is encouraged to enhance Downtown Durham's position as a commercial, cultural and entertainment hub of the region.*

Staff Analysis: The proposed Downtown Design District – Core with a development plan (DD-C(D)) zoning is consistent with the downtown tier definition and intent. The proposed change in sub district will further enhance the public realm through the implementation of core standards and commitments made on the development plan.

2.2.5c Downtown Tier Development Areas. *The Downtown Tier shall utilize the Downtown Design zoning district and its sub-districts to provide for areas of high intensity development and a transition between Downtown and nearby neighborhoods.*

Staff Analysis: The proposed Downtown Design District – Core development plan zoning is consistent with the appropriate zoning identified for the Downtown Tier. The UDO further outlines the sub-districts of the Downtown Design District zoning, where -Core is the portion of a design district where the highest, densest urban development is expected and encouraged and the -S1 sub district is the portion of the design district where moderate development intensity creates a mixed use urban environment at a lesser scale than the -Core sub district. The proposed -Core sub district is appropriate for the 505 West Chapel Hill site due to its central location with high visibility, sitting at a key gateway into Downtown Durham.

2.4.1a Downtown and Compact Neighborhood Tiers for Transit Support. *Plan for and reinforce the Downtown and Compact Neighborhood Tiers as supportive of multi-modal transportation through increased density, reduced parking requirements, high quality pedestrian and bicycle facilities, and supportive infrastructure and design requirements. (See Policy 8.1.6a.)*

Staff Analysis: This policy is primarily carried out through the Unified Development Ordinance requirements applicable to Downtown Design District zoning such as streetscape and parking standards.

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: As the permissible density (residential units) and intensity (square feet of non-residential uses) does not change between Downtown Design Sub Districts, the impact on infrastructure and services by the maximum use of the existing zoning compared to the maximum use of the proposed zoning has not been assessed. The latest traffic volume along West Chapel Hill Street and South Duke Street exceeds roadway capacity (level of service D). The Unified Development Ordinance does not require a Traffic Impact Analysis (TIA) in the downtown tier. NCDOT, however, has requested that a TIA be completed at the site plan stage. Transit service is currently provided by multiple routes adjacent to the site. Existing infrastructure, such as water and sewer capacity, is sufficient to accommodate potential impacts. Additional detail is provided in the zoning map change report and attachment 7, Summary of Development Impacts.

Policy 11.1.1a School Level of Service Standard. *The level of service for public school facilities shall be established as a maximum enrollment of 110 percent of the system's maximum permanent building capacity, measured on a system-wide basis for each type of facility.*

Staff Analysis: The proposed development plan is consistent with this policy. As shown in Attachment 7, there is available capacity at each school level. Both the existing DD-S1 and proposed DD-C(D) zoning have no set maximum number of residential units. As such, no projected number of students has been calculated.

Other Adopted Plans' Policies

Downtown Open Space Plan. The Downtown Open Space Plan recommends enhanced streetscapes and on-site open space. The proposed DD-C(D) zoning requires more streetscape amenities than the existing DD-S1. Additionally, the proposed development plan commits to areas of open space along West Chapel Hill Street and additional public access pedestrian connections to committed outdoor space.

Downtown Durham Master Plan. The Downtown Durham Master Plan identified this site as a prime redevelopment site with the potential to better connect Downtown to the western neighborhoods. The proposed development plan, through design commitments, specifies how, by way of form, the proposed development will transition between the downtown core and more residential areas to the west. The plan further identifies views from Highway 147 as an opportunity to establish a formal gateway into Downtown by improving views with landmark buildings and other improvements. The proposed rezoning would permit a higher building to be built in a location with visibility from Highway 147 and along prominent street corridors.



**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, utilities (water, sewer systems, and stormwater) and schools. As the permissible density (residential units) and intensity (square feet of non-residential uses) does not change between Downtown Design Sub Districts, amount of traffic and students generated by the maximum use of the existing zoning compared to the maximum use of the proposed zoning has not been assessed.

1. Transportation Impacts

W Chapel Hill Street, S Duke Street, and S Gregson Street are the major roads impacted by the proposed zoning change. There are no scheduled City of Durham or NCDOT roadway improvement projects in the area.

Affected Segments	W Chapel Hill Street	S Duke Street	S Gregson Street
Roadway Capacity (LOS D) (AADT)	13,300	12,600	8,900
Latest Traffic Volume (AADT)	15,000	13,000	8,400
Traffic Generated by Present Designation	*N/A		
Traffic Generated by Proposed Designation	**N/A		

Source of LOS Capacity: FDOT Generalized Level of Service Volume Table 4-1 (2012)
 W Chapel Hill Street: 2-lane undivided city/county class II arterial with left-turn lanes
 S Duke Street: 3-lane one-way city/county class II arterial with right-turn lanes
 S Gregson Street: 2-lane one-way city/county class II arterial without turn lanes
 Source of Latest Traffic Volume: 2017 NCDOT Traffic Count Map
 *Assumption- (Max Use of Existing Zoning) – DD-S1: N/A
 **Assumption- (Max Use of Existing Zoning) – DD-C(D): N/A

Transit service is currently provided adjacent to the site along W Chapel Hill Street via GoDurham Routes 1, 6, 11 and 11B and GoTriangle Route 400. Service is also provided along Jackson Street and S Duke Street via GoDurham Route 7 and GoTriangle Route 700.

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.

Water and sewer capacity for the proposed redevelopment of this parcel will be made possible by the American Tobacco Phase II and Lakewood Sewer projects currently in design. These projects will be in construction or complete before needed by the proposed redevelopment.

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 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 C.C. Spaulding Elementary, Githens Middle, and Jordan 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	Middle School	High School
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 there is no maximum number of residential units in DD-S1 or DD-C(D), the number of projected students under the rezoning has not been calculated.

5. Summary

The proposed DD-C(D) 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

- Provide protected bicycle lanes along W. Chapel Hill Street, allowing min. 3 foot buffers on either side of the bicycle lane as necessary (i.e., a buffer between the bike lanes and motor vehicle travel lanes, and between the bike lanes and any on-street parking that is to be provided on the site).

Applicant Response: Existing bike lanes on W Chapel Hill Street are 6' wide. This is in excess of the sections called out in the Bike+Walk plan for this street. A Transportation Impact Analysis will be submitted at site plan

- Provide a minimum of 11 feet of right of way along South Duke Street, and South Gregson for future bicycle infrastructure (separate from sidewalk or parking lanes).

Applicant Response: South Duke Street is currently an 80' wide right of way and South Gregson is approximately 45' in width. Our belief is that a road diet is the more appropriate way of handling this infrastructure. A 90' + wide right of way seems excessively large for downtown.

- There is language in the adopted Bike+Walk Plan that gives credence to providing protected bike lanes on Chapel Hill Street. This section of West Chapel Hill Street has a speed limit of 25 mph and the most recent traffic count shows 12,000 vehicles per day. For this level of speed and traffic, the chart on page 63 of the adopted Bike+Walk Plan supports the BPAC recommendation for protected bike lanes on Chapel Hill Street.

Applicant Response: We reviewed the Bike+Walk Plan, and it calls out a cross section for W Chapel Hill Street specifically on page 65, which has 5' bike lanes. The existing bike lanes are 6' in width.

- While the Move Durham plan has not been released yet, please contact project manager Ellen Beckmann in the Transportation Department to ask if there are any proposed recommendations in the Move Durham plan that are relevant to Chapel Hill Street, Duke Street, and Gregson Street. Specifically, there were many comments received from the public on making Chapel Hill Street a safer corridor for bicycling.

Applicant Response: We will reach out to Ellen prior to site plan.



Date: March 10, 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, Omnibus Changes 14 (TC1900006)

Summary

This text amendment proposes technical revisions and minor policy changes to various provisions of the Unified Development Ordinance (UDO). The amendments are identified as necessary corrections, clarifications, re-organization, or other minor changes to clarify the intent of the regulations or codify interpretations of regulations, or reflect minor policy changes, some of which are not solely technical in nature. Additionally, amendments are proposed to specifically address recent state legislation enacted during the 2019 General Assembly session.

Recommendation

The staff recommends approval.

Background

Thirteen comprehensive technical and minor policy change text amendments since the UDO took effect on January 1, 2006. In each case, both governing bodies adopted the proposed text amendment. This text amendment would continue the practice of making comprehensive technical and other minor policy revisions to the UDO as necessary.

The Joint City-County Planning Committee (JCCPC) was presented with a draft for review and comment on February 5, 2020. Concurrent with JCCPC review, other city and county departments, including respective Attorney's offices, reviewed proposed text changes prior to initiating the public hearing process.

Issues

The proposed amendments are listed in Attachment A to this document, with a summary as follows:

Part 1: Amendments to Sec. 12.11, Performance Guarantees, due to Session Law 2019-79.

As described in the ordinance, a performance guarantee is a surety or other financial guarantee provided by an applicant to the city or county to cover the costs of certain required development improvements and infrastructure. Provisions for such guarantees are regulated by state law. Session law 2019-79 included amendments to such state laws. The proposed text amendments reflect these changes, including allowances for projects requiring multiple guarantees; and

technical changes regarding the amount of guarantees, timing of a guarantee, and extensions for a guarantee.

Part 2: Amendments due to Session Law 2019-111.

Session law 2019-111 contains two sets, or sections, of amendments to state statutes. The first section includes numerous regulatory reform changes to a variety of different statutes related to land use. The second section implements, effective January 1, 2021, the consolidation of the numerous separate city and county land use, housing, and building regulatory statutes into one, new consolidated legislative chapter- *“Chapter 160D – Local Planning and Development Regulation.”*

The proposed amendments are related to the first section of the session law. Once the 160D statute is reconciled with any necessary legislative changes next spring (as the legislation anticipates), staff will review and submit necessary amendments to comply with the 160D legislation.

The following amendments are proposed:

- Revise the time period for applications to remain active without a response to comments, from 90 days to six months. The 30-day time period is maintained for applications responding to a notice of violation.
- Added text regarding the authority to initiate a “downzoning” zoning map change.
- Added text regarding appeals of an administrative decision and special use permits.

Part 3: Amendments due to Session Laws 2019-131 and 2019-174.

- Session law 2019-131 prohibits municipalities from regulating the use of off-site wastewater systems or other similar systems approved by the state. The proposed amendments clarify that any regulation of such systems apply only to the county.
- Session law 2019-174 specifies when electric transmission lines are not required to be placed underground. The proposed amendments to paragraph 12.9.1, Installation, reflect this limitation.

Part 4: Additional proposed amendments not specifically related to state legislative changes.

- Article 2, Review Authority
 - Technical correction the governing bodies powers and duties, deleting the reference to the Evaluation and Assessment Report, and replacing it with the “Rectification Report.”
- Article 3, Applications and Permits
 - Revise notification requirements for “initial zonings” to be consistent with other zoning map changes (increasing notification distance to 600 feet)
 - Add clarification text indicating properties are “adjacent” even if separated by intervening streets and other transportation corridors. This is consistent for new statutory requirements for zoning map changes due to the 160D enabling legislation approved in SL2019-111.

- Clarify coordination of the Future Land Use Map with zoning map changes, and removal of the requirement of a separate, concurrent future land use map amendment.
- Remove the strict prohibition on approving zoning map changes inconsistent with the Comprehensive Plan with text requiring consideration of how the Plan is consistent with a zoning map change request.
- Remove an erroneous standard for expedited review related to text amendments.
- Article 4, Zoning Districts
 - Add references to Compact Suburban Design districts to the zoning district table
- Article 5, Use Regulations.
 - Add references to use limitations to residential uses in the use table. Some of the references are for recently enacted expansions of different housing types through Expanding Housing Choices. These references do not add any additional allowances.
 - Add a limited allowance for places of worship that have a special use permit to expand, consistent with allowances already in place for schools and government facilities.
 - Correction of a diagram for accessory dwelling units. This correction does not modify any allowance.
- Article 6, District Intensity Standards.
 - Correct the dimensional standards table to remove a density reference for Small Lots in RS-20, and to add additional text clarifying the prohibition of the Small Lot option in RS-20. This aligns with the current prohibition in RS-20, enacted with Expanding Housing Choices.
 - Revise “site area” to “lot area” for height standards for the SRP, IL, and I districts, for consistency of terminology used throughout the section.
 - Add an allowance for non-enclosed, covered porches to encroachment into street and rear yards.
 - Clarify the calculation of density, which was recently adopted through Expanding Housing Choices. This removes ambiguity and is consistent the intent of the standard.
- Article 7, Design Standards.
 - Remove erroneous text (*Note: “*” denotes (Suburban Tier/Urban Tier)*) in the zero lot line development standards table.
 - Add clarifying text regarding the allowance of the Small Lot Option for certain housing types, enacted through Expanding Housing Choices. This does not change any allowance, and reinforces the additional requirements for the small lot option.
 - Remove an erroneous diagram for the Attached House housing type.
 - Add “*” for RS-20 development standards in tables for Attached House and Duplex housing types. The “*” indicates a difference between the suburban and urban tier standard in the table.
 - Clarify the distinction between the Multiplex and Apartment housing types by specifying that apartments contain five or more units, whereas a multiplex is three or four units.
 - Clarify minimum dimensional standards for open space. The JCCPC asked about allowing instances of smaller dimensions, but since open space is generally amorphous it would be difficult to regulate on a consistent basis. Additionally, the minimum requirement is already nominal.

- Modify stormwater management and associated features that qualify as open space.
- Article 8, Environmental Protection
 - Clarify text regarding construction in tree coverage areas and specimen tree surveys.
 - Clarify references to the CSD district in steep slope protection standards.
- Article 9, Landscaping and Buffering
 - Remove the allowance for a minor special use permit for additional fence height, and add additional height allowance for fences along street sides yards on corner lots. Requests for additional fence height along the street side of a corner lot are the most common and are generally granted for six feet. Allowing this height for street side yards addresses this common request and approval, and thus a use permit would not be a needed option. A variance to the height allowances can still be sought.
 - Clarify diagram regarding fences in sight distance triangles.
- Article 10, Parking and Loading, and Article 12, Infrastructure and Public Improvements
 - Add text expanding the “change of use” exemption for required parking. This allows more flexibility for reusing existing buildings.
 - Add text allowing for additional reduced parking through specific by-right provisions, and adding a new parking reduction allowance for tree preservation or planting. This allows more trade-off opportunities for parking reductions.
 - Remove redundant handicap accessible parking standards with Building Code, and add specific on-site handicap accessible parking requirement.
 - Add clarifying text related to ingress/egress access to lots, recognizing that in certain ordinance provisions require access easements such as the Attached House housing type and the Small Lot option.
- Article 14, Nonconformities
 - Add a limited grandfathering provision for existing buildings or uses that normally would require a special use permit, allowing for a limited amount of by-right expansion. This is adapted from the previous Merged Zoning Ordinance.
 - Re-organize nonconforming lot requirements, and clarify the prohibition for structures in the regulated floodplain.
- Article 15, Enforcement
 - Technical corrections to Sedimentation and Erosion Control standards.
- Article 16, Design Districts
 - Add no rear yard requirement subdivisions in CSD-S2.
 - Re-organize and clarify Required open space standards.
 - Add reference to other utility poles for streetscape construction specifications.
- Article 17, Definitions
 - Add abbreviation references for the Compact Suburban Design District.
 - Revise definition for “Agricultural Uses”; add a definition for “campground.” The JCCPC inquired about the temporary occupancy provision and the ability to regulate tenure. This was deemed not an issue since campgrounds are a commercial use (Outdoor Activity), not a residential use.

Consistency with the *Comprehensive Plan*; Reasonableness and in the Public Interest. The purpose of this and similar text amendments that have preceded this one is to update, clarify, and implement minor changes to a significant regulatory tool (the UDO) that implements various development policies found within the *Comprehensive Plan*; a reasonable undertaking and in the

public interest. Additionally, certain proposed amendments maintain compliance with state enabling legislation, also reasonable and within the public interest. Ultimately, the amendments are intended to further the *Durham Comprehensive Plan Vision*, which states:

- “Promote the creation, enhancement and sustainability of a healthy, livable, safe and beautiful community for all Durham citizens.
- Promote a range of choices in transportation, education, housing and economic opportunities to effectively serve a diverse community.
- Promote the identity of our distinct neighborhoods by encouraging design elements and public facilities appropriate to the character of each area.
- Protect our historic heritage, open spaces and natural resources.
- Provide opportunities for high quality growth and development.”

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

Attachment:

Attachment A: An Ordinance to Amend the *Unified Development Ordinance* Regarding Various Provisions of the Unified Development Ordinance (TC1900006)- PC Draft

**AN ORDINANCE TO AMEND VARIOUS PROVISIONS
OF THE *UNIFIED DEVELOPMENT ORDINANCE*
(TC1900006)**

WHEREAS, the [Durham Board of County Commissioners/Durham City Council] wishes to amend certain provisions in the *Unified Development Ordinance* by making various technical and minor policy revisions, and technical revisions to comply with various state legislation; and

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

NOW, THEREFORE, be it ordained that Article 3, Applications and Permits; Article 4, Zoning Districts; Article 5, Use Regulations; Article 6, District Intensity Standards; Article 7, Design standards; Article 8, Environmental Protection; Article 9, Landscaping and Buffering; Article 10, Parking and Loading;; Article 12, Infrastructure and Public Improvements; Article 14, Nonconformities; Article 16, Design Districts, and Article 17, Definitions, of the *Unified Development Ordinance* are amended to make the following changes set forth in the deletions (strikethroughs) and additions (underlining) below:

PART 1

[Amendments to Sec. 12.11, Performance Guarantees, due to Session Law 2019-79.]

Sec. 12.11 Performance Guarantees

[Paragraphs not listed remain unchanged]

12.11.1 Filing of Performance Guarantees

A. Applicability

1. A performance guarantee, as described below, shall be for the completion of required if landscaping, recreational facilities, committed elements, or required infrastructure including but not limited to storm water, streets, sidewalks, or water and sewer improvements, has not been completed in accordance with the approved construction drawings, site plan, or plat as applicable.

2. For a project requiring multiple guarantees, a single guarantee may be posted in lieu of multiple guarantees. This allowance shall not apply to guarantees required for erosion control and stormwater control measures.

B. Amount

1. The responsible department shall require a performance guarantee in the amount of 125% of the reasonable estimated cost, ~~as determined by the applicable director or designee,~~ to complete the infrastructure or other improvement calculated as of the time the performance guarantee is issued, as determined by the applicable director or designee. ~~Administrative costs, inflation, and other contingencies shall be allowed for estimating the cost.~~

2. Any extension of the performance guarantee necessary to complete required improvements shall not exceed 125% of the reasonably estimated cost, ~~as determined by the applicable director~~

~~or designee~~, of completion of the remaining incomplete improvements still outstanding at the time the extension is obtained, as determined by the applicable director or designee.

C. Timing

~~Where the improvements have not been completed before final plat approval or issuance of a certificate of compliance for a building within the approved project, the responsible department director(s) or designee(s) shall specify the time period within which such improvements must be completed.~~The applicable department director or designee shall specify when a performance guarantee shall be submitted.

12.11.2 Form and Conditions of Performance Guarantee

A. Form

A performance guarantee may be in the form of a surety bond, letter of credit, or other form of guarantee that provides equivalent security to a surety bond or letter of credit.

B. Conditions

A performance guarantee shall be conditioned upon the performance of all work necessary to complete the specified improvements and the delivery of all necessary encroachment agreements, with said performance and delivery to be done ~~within a stipulated time period~~by a specified completion date as allowed per NCGS 160A-372(g)(1a).

C. Release of Guarantee

The performance guarantee shall be returned or released, as appropriate, in a timely manner upon the acknowledgment by the City or County that the improvements and conditions for which the performance guarantee is being required are complete.

D. Extension

If the improvements are not complete and the current performance guarantee is expiring, the performance guarantee shall be extended, or a new performance guarantee issued, for an additional period ~~until such required improvements are complete~~limited to the duration necessary to complete required improvements. A developer shall demonstrate reasonable, good faith progress toward completion of the required improvements that are the subject of the performance guarantee or any extension.

12.11.3 Issuance of Certificate of Compliance

For required improvements other than infrastructure, if the responsible department director or designee determines the completion of the improvement prior to issuance of a certificate of compliance is not practicable, and sufficient justification for the delay has been shown, certificates of compliance may be issued if an adequate performance guarantee is provided. In such event, the requirements for performance guarantees within this section shall apply.

PART 2

[Amendments due to Session Law 2019-111]

3.2 Common Review Procedures

[Paragraphs not listed remain unchanged]

3.2.4 Application Requirements

G. Active Application Time Period

1. Requests for additional information, corrections, or other modifications shall be returned to the Planning Director or designee within six months from the date comments on the application are officially issued. Failure to meet this deadline shall result in application

withdrawal and a new application shall be required, including all requirements associated with a new application.

2. Requests for additional information, corrections, or other modifications for applications submitted to address a Notice of Violation shall be returned to the Planning Director or designee within 30 days from the date comments on the application are officially issued. Failure to meet this deadline shall result in application withdrawal and a new application shall be required, including all requirements associated with a new application.

3.6 Subdivision Review

[Paragraphs not listed remain unchanged]

3.6.7 Preliminary Plat Approval

C. Action by the Planning Director

~~1. Staff review agencies shall complete review and transmit comments back to the Planning Director or designee.~~

~~2. If the applicant fails to submit revised plats in response to the comments of the staff review agencies within 90 days of receiving such comments from the Planning Director, or designee, the Planning Director shall consider the application to have been withdrawn by the applicant. An extension period may be granted by the Planning Director or designee.~~

3.7 Site Plan Review

[Paragraphs not listed remain unchanged]

~~3.7.6 Submittal of Corrections~~

~~A. Corrections or modifications for site plans shall be returned to the Planning Director or designee within 90 days from the date comments are officially issued or the site plan application shall be considered withdrawn.~~

~~B. Corrections or modifications for site plans submitted to address a Notice of Violation shall be returned to the Planning Director or designee within 30 days from the date comments are officially issued or the site plan application shall be considered withdrawn.~~

~~C. An extension period may be granted by the Planning Director or designee.~~

~~3.7.8-7 Issuance of Building Permits~~

~~3.7.9-8 Inspections of Required Improvements~~

~~3.7.10-9 Issuance of Certificate of Compliance~~

~~3.7.11-10 Coordination with Major Special Use Permits~~

~~3.7.12-11 Coordination with Construction Drawings~~

~~3.7.13-12 Continuing Validity of Site Plans~~

Sec. 3.5 Zoning Map Change

[Paragraphs not listed remain unchanged]

3.5.1 Description

B. Initiation

A zoning map change may be initiated by the governing body, the Planning Commission, the Board of Adjustment, the Planning Director or designee, a citizen or the property owner or their agent, except as follows:

1. that a petition for a zoning map change with a development plan may only be initiated by the property owner or their agent.

2. A petition for a zoning map change that is considered a “down-zoning”, as defined per NCGS 160A-384 and 153A-343, as applicable, shall only be initiated by the applicable governing body, unless written consent is provided by all owners of property subject to the zoning request.

3.15 Appeal of Administrative Decision

[Paragraphs not listed remain unchanged]

3.15.1 Applicability

An appeal by any person aggrieved by a final order, interpretation, or decision of any administrative official authorized to make decisions in regard to the provisions of this Ordinance ~~may~~ shall be taken to the Board of Adjustment, except as otherwise provided in this Ordinance or state statute.

3.15.7 Effect of Appeal

A. An appeal of a notice of violation or other enforcement order stays enforcement of the action appealed from, including any accumulation of fines, during the pendency of the appeal to the Board of Adjustment and any subsequent appeal in accordance with NCGS 160A-393 or during pendency of any civil proceeding authorized by law, including NCGS 160A-393.1, or appeals therefrom, unless the official who made the decision certifies to the Board of Adjustment after notice of appeal has been filed that because of the facts stated in an affidavit, a stay would cause imminent peril to life or property; or because the violation is transitory in nature, a stay would seriously interfere with enforcement of the Ordinance. In that case, enforcement proceedings shall not be stayed except by a restraining order, which may be granted by a court.

B. If enforcement proceedings are not stayed, the appellant may file a request for an expedited hearing of the appeal, and the Board of adjustment shall meet to hear the appeal within 15 days after such a request is filed.

C. Notwithstanding the foregoing, appeals of decisions granting a permit or otherwise affirming that a proposed use of property is consistent with the Ordinance shall not stay the further review of an application for permits or permissions to use such property; in these situations the appellant may request and the Board may grant a stay of a final decision of permit applications or building permits affected by the issue being appealed.

3.9 Special Use Permit

[Paragraphs not listed remain unchanged]

3.9.6 Approval of a Minor Special Use Permit

D. Conditions may be incorporated as part of the approval of the special use permit to assure that adequate mitigation measures are associated with the use or design pursuant to NCGS 160A-381 and 153A-340, as applicable. The conditions shall become a part of the minor special use permit approval. Violations of any of the conditions shall be treated in the same manner as other violations of this Ordinance.

PART 3

[Amendments due to SL2019-131 and SL2019-174]

Sec. 6.2 Residential Rural (RR) Development Intensity

[Paragraphs not listed remain unchanged]

6.2.4 Conservation Subdivision

B. Applicability of Regulations

3. In the County jurisdiction, ~~Spray-spray~~ irrigation for the treatment of wastewater within a conservation subdivision shall require a major special use permit under Sec. 3.9, Special Use Permit, unless the area to be irrigated is a primary conservation area that is farmland or agricultural land. This requirement shall also apply within the City jurisdiction unless the system has been approved by the State.

Sec. 8.7 Watershed Protection Overlay Standards

[Paragraphs not listed remain unchanged]

8.7.2 General Requirements

F. Wastewater Treatment and Facilities

d. In the County jurisdiction, ~~Wastewater-wastewater~~ treatment facilities may be permitted in the F/J-A overlay through the issuance of a Major Special Use Permit pursuant to Sec. 3.9, Special Use Permit, subject to the restrictions described in Sec. 12.7, Water and Sanitary Sewer Systems. This requirement shall also apply within the City jurisdiction unless the system has been approved by the State.

Sec. 12.7 Water and Sanitary Sewer Systems

[Paragraphs not listed remain unchanged]

12.7.1 Water and Sanitary Sewer Systems

B. Public

Installation of improvements which are extensions to existing public systems shall be approved by the public utility providing the services. Sanitary sewer systems may be extended into the Rural Tier in the following instances:

1. In the County jurisdiction, and within the City jurisdiction where no State approval has been issued, ~~Through the issuance of approval of~~ a major special use permit pursuant to Sec. 3.9, Special Use Permit, provided that:
 - a. Pump stations are equipped with battery-backed alarm systems connected to an automatic dialer to a 24-hour maintenance service; and
 - b. Provision is made for connection to a portable generator.
2. To serve an existing use or structure for which a health hazard has been documented by the County health department or the State of North Carolina.

The additional requirements of paragraph 8.7.2, General Requirements shall apply in watershed protection overlays.

C. Community

1. In the County jurisdiction, ~~Community-community~~ systems designed to serve more than one user independent of public systems, may be approved through the issuance of a Major Special Use Permit pursuant to Sec. 3.9, provided that:

- ~~1a.~~ The system will serve a development that is approved as a Conservation Subdivision pursuant to paragraph 6.2.4, Conservation Subdivision, or that satisfies the design requirements for such subdivisions;
- ~~2b.~~ The facilities are licensed or permitted by the State of North Carolina, and the system operator is licensed by the State of North Carolina. The licensed operator shall inspect the plant daily with the exception of weekends and holidays to determine that the plant is operating adequately. All monthly reports that are sent to the State of North Carolina shall be copied to the Durham Environmental Health Director;
- ~~3c.~~ The facilities shall be non-discharge, meet North Carolina reuse standards, including, but not limited to, separating liquids and solids, and have permanent standby power sufficient to ensure normal operation in the event of a power failure;
- ~~4d.~~ The developer of the system (if a private system) provides a performance bond equal to at least 50% of the cost of the replacement of the system or \$100,000, whichever is greater, in the event that the operator of the system ceases to provide service or maintenance; and
- ~~5e.~~ The developer (or his/her successor) shall provide and maintain catastrophic property insurance to cover 100% of the replacement cost of the system; and,
- ~~6f.~~ The approving authority makes a finding that the wastewater system proposed by the developer provides improved treatment over what would be provided through the use of an on-site ground absorption or spray irrigation wastewater treatment system.
- ~~7g.~~ To assist the approving authority in making this finding, the applicant shall provide the approving authority with certifications from the state regarding the performance of the proposed facility relative to on-site systems. If such certification is not available or cannot be provided in a timely fashion, the applicant shall pay for a third party expert technical review of the proposed system to ensure that it will meet this standard.

2. Within the city jurisdiction, community systems as described in paragraph 1, above, shall be allowed if approved by the State of North Carolina.

Sec. 12.9 Other Utilities

[Paragraphs not listed remain unchanged]

12.9.1 Installation

- A.** The applicant shall arrange for the coordinated installation of all other proposed utilities, including gas, electricity, and communications improvements, and shall ensure that site plans, preliminary plats, and final plats clearly show all related easements and right-of-way.
- B.** ~~Except for electric transmission lines that cannot be installed underground, utilities-Utilities~~ shall be installed underground for any subdivision requiring preliminary plat approval, except as follows:

1. Where electric transmission lines cannot be installed underground.
2. Electric transmission lines are located outside of the boundary of the development site and are existing above ground at time of application, even if subsequently relocated as part of the development.

PART 4

[Technical and minor policy amendments to various sections]

Sec. 2.1 Governing bodies

[Paragraphs not listed remain unchanged]

2.1.2 Powers and Duties

The governing bodies shall be responsible for final action regarding the following:

- A. Amendments to the adopted Comprehensive Plan, including the annual ~~Evaluation and Assessment~~Rectification Report;

Sec. 2.7 Durham City-County Planning Department

2.7.4 Powers and Duties

- C. The Planning Director or designee shall be responsible for final action regarding the following:

- ~~9. Applications for limited agriculture permits;~~
- ~~109.~~ Applications for architectural review; and
- ~~1110.~~ Applications for temporary use permits.

Sec. 3.2 Common Review Procedures

[Paragraphs and portions of tables not listed remain unchanged]

3.2.1 Applicability

The review procedures described below apply to the types of applications listed below, as may be limited by the individual subsections that follow.

~~P. Limited Agriculture Permit (City Only)~~

~~QP.~~ Architectural Review

~~RQ.~~ Reasonable Accommodation

3.2.2 Pre-Application Conference

- B. A mandatory pre-application conference with the Planning Director or designee shall be required for the following development reviews:
 1. Comprehensive Plan amendments (text or ~~future land use~~ map) not initiated by the City or County;

3.2.3 Neighborhood Meeting

- A. All applicants shall hold a neighborhood meeting prior to submitting an application, but after a pre-application conference, for the following development reviews:
 1. Comprehensive Plan amendment;
 2. Zoning map change, including initial zoning map change that requires a TIA pursuant to Sec. 3.3, Traffic Impact Analysis;
 3. Conservation subdivision; and
 4. Other applications as may be specified elsewhere in this Ordinance.

3.2.5 Notice and Public Hearings

A. Summary of Notice Required

1. Notice shall be required for applications for development approval as shown in the table below.

Procedure	Published	Mailed	Posted
Comprehensive Plan Future Land Use Map Amendment	✓	✓	✓
Zoning Map Change, <u>including an initial zoning map change</u>	✓	✓	✓

2. Exceptions to the table above are as follows:

- a. Mailed notice for site plans shall be required only for major site plans pursuant to paragraph 3.7.3B, Major Site Plans.
- b. Posting and mailing for comprehensive plan amendments shall be required only for amendments that change a Tier designation or future land use map designation without an associated zoning map change.
- ~~c. For initial zonings where the City proposes adopting the existing County zoning designation, no posting is required as long as the property owner is notified by mailed notice. (see City of Durham Code of Ordinances: Part I, Chapter VI, Article 9, Sec. 94, Notice of public hearings).~~
- ~~d.~~ For Appeal of Administrative Decision, posting is not required when the appeal is not site specific.

2. Mailed Notice

a. Mailed Notice Table

The director of the appropriate department or designee shall provide notification as indicated in the notification table below:

Procedure	Property Owner	
	Subject Property, if applicable	Distance of Property from Subject Property, <u>including adjacent properties</u> ² (ft.)
Comprehensive Plan Future Land Use Map <u>or Tier Map</u> Amendment	✓	600
Zoning Map Change, <u>including an initial zoning map change</u>	✓	600
Initial Zoning	✓	100
Site Plans ¹	✓	600
Board of Adjustment	✓	600
Governing Body Quasi-Judicial Hearings	✓	600
Historic District Designation; Neighborhood Protection Overlay	✓	100
Historic Landmark Designation and Certificate of Appropriateness (Major Works)	✓	All adjacent properties ²
Historic District Preservation Plan Text Amendment	✓	All adjacent properties ²
Vested Rights Determination	✓	All adjacent properties ²

¹ Mailed notice shall be required only for major site plans pursuant to paragraph 3.7.3B, Major Site Plans.

2 Adjacent properties shall include properties directly across the street from the subject property (where applicable). Properties are “adjacent” even if separated by a street, railroad, or other transportation corridor.

Sec. 3.4 Comprehensive Plan Adoption/Amendment

[Paragraphs not listed remain unchanged]

3.4.1 Applicability

- A.** The governing bodies shall consider adoption of or amendments to the Comprehensive Plan, as may be required from time to time.
- ~~**B.** The governing bodies shall also consider adoption of or amendments to the Comprehensive Plan when zoning map change proposals are in conflict with the Plan, as determined by the Planning Director or designee.~~
- CB.** Adoption of or amendments to the Comprehensive Plan shall only apply to the jurisdiction in which the subject property is located unless the property is the subject of an annexation petition, or the amendment is pursuant to paragraph 3.4.10, Rectification Report.
- DC.** Amendments to the Comprehensive Plan can take the form of text and/or map amendments ~~or amendments to the Future Land Use Map.~~
- D.** No separate application shall be required to amended a Future Land Use Map designation that is inconsistent with a zoning map change request. If the zoning map change is approved, the Future Land Use Map shall be considered amended to the applicable land use designation. A recommendation on the land use designation shall be provided by the Planning Director or designee.

3.4.2 Coordination with Applications for Zoning Map Change

When a zoning map change request requires an amendment to a Tier boundary, an application for amending the Tier shall be submitted concurrently with the zoning map change application. The public hearings for both applications may be heard at the same time; however, decisions shall be rendered with separate motions.

~~**A.** When required to ensure consistency between the Comprehensive Plan and proposed zoning map changes, an application for a plan amendment shall be submitted concurrently with a map change may be heard at the same meeting; however, decisions shall be rendered with separate motions.~~

~~**B.** A *Comprehensive Plan* Amendment shall not be required for Initial Zoning Map Changes, as defined in Sec. 17.3, Defined Terms.~~

C. Administrative Withdrawal

~~— The Planning Director or designee may withdraw applications for a *Comprehensive Plan* amendment under the following circumstances:~~

- ~~— 1. The applicant has failed to submit required information within 90 days of a request for such information; or~~
- ~~— 2. The associated zoning map change is administratively withdrawn pursuant to paragraph 3.5.7C, Administrative Withdrawal.~~

Sec. 3.5 Zoning Map Change

[Paragraphs not listed remain unchanged]

3.5.4 ~~Coordination~~ Consistency with the Comprehensive Plan

~~A. All petitions for zoning map change shall be consistent with the Comprehensive Plan. A petition for zoning map change shall not be approved by the governing body when there is a conflict with the Comprehensive Plan, as determined by the Planning Director or designee (see Sec. 3.4, Comprehensive Plan Amendment).~~

~~B. When required, an application for a plan amendment shall be submitted and reviewed concurrently with an application for zoning map change. The public hearings on both the plan amendment and zoning map change may be heard at the same meeting. The decisions, however, shall be rendered with separate motions.~~

A. Consistency with the Comprehensive Plan shall be considered with all petitions for a zoning map change.

B. If a zoning map change request is approved, but determined inconsistent with the Future Land Use Map (FLUM) of the Comprehensive Plan, the FLUM shall be considered amended to the applicable land use designation. A recommendation on the land use designation shall be provided by the Planning Director or designee.

C. When a zoning map change request requires an amendment to a Tier boundary, an application for amending the Tier boundary shall be submitted concurrently with the zoning map change application. The public hearings for both applications may be heard at the same time; however, decisions shall be rendered with separate motions.

Sec. 3.19 Text Amendment

[Paragraphs not listed remain unchanged]

3.19.4 Action by the Planning Commission

C. Expedited Hearing

1. If the governing body has set an expedited hearing concerning a request, in accordance with paragraph 3.19.5B, Expedited Hearing, a public hearing before the Commission shall be held at the first available hearing date or prior to the hearing before the governing body.

~~2. The Commission shall make a recommendation based on the approval criteria in paragraph 3.5.10, Review Criteria, as appropriate.~~

~~3.~~ 2. The Planning Commission may not continue, nor may a deferral be granted for, a request that is subject to an expedited public hearing.

Sec. 4.1 General

[Paragraphs and portions of tables not listed remain unchanged]

4.1.1 Establishment of Districts

A. The following zoning districts are hereby established, and are intended to implement the Comprehensive Plan. Each district is only appropriate in development tiers where it effectively implements the plan, as set forth below.

Symbol	District	Development Tier					Former Districts
		Rural	Suburban	Urban	Compact Neighborhood	Downtown	
Design Districts							
CD-C	Compact Design – Core				✓		- NEW -
CD-S1	Compact Design – Support 1				✓		- NEW -
CD-S2	Compact Design – Support 2				✓		- NEW -
CD-P(N)	Compact Design – Pedestrian Business Sub-district (Ninth Street)				✓		- NEW -
CSD-C	Compact Suburban Design- Core				✓		- NEW -
CSD-S1	Compact Suburban Design- Support 1				✓		- NEW -
CSD-S2	Compact Suburban Design- Support 2				✓		- NEW -
DD-C	Downtown Design – Core					✓	- NEW -
DD-S1	Downtown Design – Support 1					✓	- NEW -
DD-S2	Downtown Design – Support 2					✓	- NEW -

Sec. 5.1 Use Table

[Paragraphs and portions of tables not listed remain unchanged]

5.1.2 Use Table

USE CATEGORY	SPECIFIC USE	RESIDENTIAL						NONRESIDENTIAL						PLANNED				DESIGN			NOTES:			
		RR	RS	RS-M	RU	RU-M	RC	CI	CN	OI	CG	SRP	SRP-C ³	IL	I	PDR	UC	CC	IP	MU		DD	CD	CSD
AGRICULTURAL USES (City Only)																								
RESIDENTIAL USES																								
Household Living	Single-family	L	L	L	L	L	L									‡								6.2.1, 6.3.2, 6.4.2, 6.5.2, 6.10.2, 6.11.3, 6.11.7,

USE CATEGORY	SPECIFIC USE	RESIDENTIAL						NONRESIDENTIAL						PLANNED			DESIGN			NOTES:				
		RR	RS	RS-M	RU	RU-M	RC	CI	CN	OI	CG	SRP	SRP-C ³	IL	I	PDR	UC	CC	IP		MU	DD	CD	CSD
																								7.1.2, 7.1.3, 7.1.4, 7.1.5, 7.1.6, Art. 16
	Two-family	L	L	L	L	L		L							‡				‡	L	L	L		6.2.2, 6.3.2, 6.4.2, 6.5.2, 6.10.2, 6.11.3, 6.11.5, 6.11.7, Art. 16, 7.1.7
	Multifamily	L	L	L	L	L	L	L	L	L	L	L			‡		‡L		‡	L	L	L		6.2.2, 6.3.2, 6.4.2, 6.5.2, 6.10.2, 6.11.3, 6.11.5, 6.11.7, 7.1.8, 7.1.9, 7.1.10, Art. 16

Sec. 5.3 Limited Use Standards

[Paragraphs not listed remain unchanged]

5.3.3 Public and Civic Use Standards

F. Government Facilities

Government facilities shall be permitted in accordance with the use table in Sec. 5.1, Use Table, subject to the following:

1. Following the initial approval of government facilities through the special use permit process, expansions of up to ~~35%~~20% of the area originally approved through the special use permit process pursuant to Sec. 3.9, Special Use Permit, ~~may~~can be approved administratively, unless such administrative approval is explicitly prohibited as a condition of the special use permit.
2. Administrative approvals of expansions of government facilities shall not waive any conditions of approval of the special use permit.
3. In residential districts, parking located between the structure and the street shall be set back from the right-of-way beyond the minimum or maximum street yard, as applicable.

J. Places of Worship

Places of worship shall be permitted in accordance with the use table in Sec. 5.1, Use Table, subject to the following:

1. Following the initial approval of a place of worship through the special use permit process, expansions of up to 20% of the area originally approved through the special use permit process pursuant to Sec. 3.9, Special Use Permit, can be approved administratively, unless such administrative approval is explicitly prohibited as a condition of the special use permit.
2. Administrative approvals of expansions shall not waive any conditions of approval of the special use permit.
13. In residential districts, parking located between the structure and the street shall be set back from the right-of-way beyond the minimum or maximum street yard, as applicable.

K. Schools – Elementary, Middle, or High

Schools shall be permitted in accordance with the use table in Sec. 5.1, Use Table, subject to the following:

1. Use permits for public schools shall not be limited as to number of students. Notwithstanding any conditions on existing use permits, public schools may enroll the number of students that they are legally entitled to enroll under State building codes and other applicable State laws.
2. Following the initial approval of schools through the special use permit process, expansions of up to 20% of the area originally approved through the special use permit process pursuant to Sec. 3.9, Special Use Permit, ~~may~~can be approved administratively, unless such administrative approval is explicitly prohibited as a condition of the special use permit.
3. Administrative approvals of expansions of schools shall not waive any conditions of approval of the special use permit.
4. In residential districts, parking located between the structure and the street shall be set back from the right-of-way beyond the minimum or maximum street yard, as applicable.

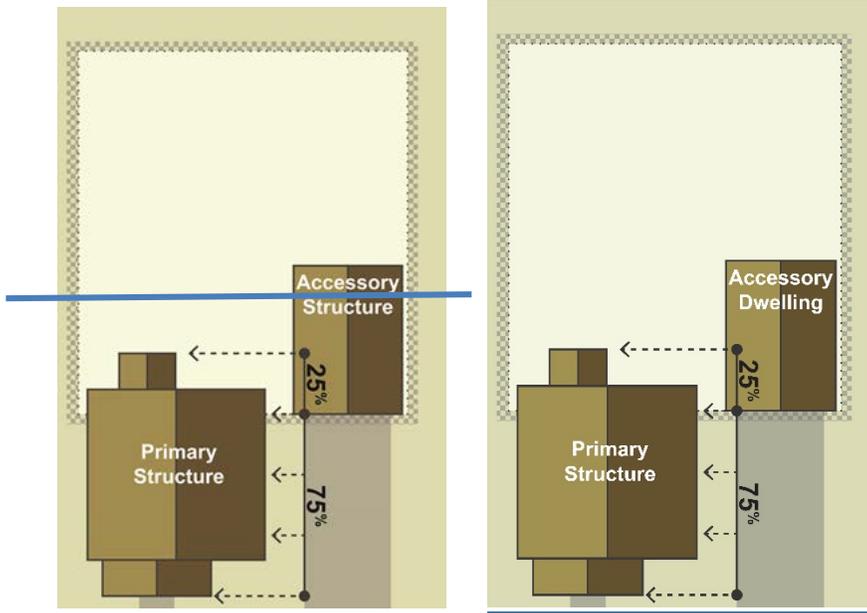
Sec. 5.4 Accessory Uses and Structures

[Paragraphs not listed remain unchanged]

5.4.2 Accessory Dwellings

B. General

7. In addition to the accessory structure location requirements in paragraph 5.4.1B.1, an accessory structure containing an accessory dwelling unit can be located to the side of the primary structure, provided that:
 - a. The structure shall not extend forward of the rear 25% of the primary structure; and
 - b. The minimum side yard of the zoning district shall apply.



Sec. 6.3 Residential Suburban (RS) Development Intensity

[Paragraphs and portions of tables not listed remain unchanged]

6.3.1 Development Standards

A. Dimensional Standards

1. All residential development in the RS districts shall meet the standards in the table below. For illustrations, lot dimensions, and required yards for each housing type, see Sec. 7.1, Housing Types.

Dimensional Standard	RS-20		RS-10		RS-8		RS-M		Max. without Development Plan	Max. with Development Plan (see paragraph 3.5.6)
	Min.	Max.	Min.	Max.	Min.	Max.	Min.	Max.		
Residential Density (units per acre)	—	2.0	—	4.0	—	5.0	—	8.0		18.0
Small Lot Option ³	---	2.0	---	12.0	---	12.0	---	12.0		18.0

³Per paragraph 7.1.2C.1, Applicability, the small lot option is not allowed in the RS-20 district. Refer to that paragraph for further limits on the other RS districts.

Sec. 6.10 Nonresidential District and Group Living Development Intensity

[Paragraphs not listed remain unchanged]

6.10.1 Nonresidential and Group Living Development Standards

B. Suburban Tier

2. Standards for the SRP, IL, and I Districts

d. Additional Height

- (1) IL District

On sites with a minimum three-acre [site-lot](#) area, the maximum height can be increased as follows:

- (a) Maximum 90 feet with a 50-foot street yard.
 - (b) Maximum 120 feet with a 75-foot street yard.
 - (c) Over 120 feet to a maximum 145 feet with a 75-foot street yard and issuance of a minor special use permit pursuant to Sec. 3.9, Special Use Permit.
- (2) In the IL with [site-lot](#) acreage less than three acres, SRP, and I Districts, additional height, up to 145 feet, is allowed if approved through the issuance of a minor special use permit pursuant to Sec. 3.9, Special Use Permit.

Sec. 6.12 Measurement and computation

[Paragraphs not listed remain unchanged]

6.12.3 Required Yards

B. Encroachments into Required Yards

- 7. Decks, uncovered terraces, and at-grade patios can extend up to four feet into any required side yard, or up to eight feet into any required street yard, or within four feet of a rear property line. [Non-enclosed covered decks or porches can extend six feet into required street and rear yards.](#)

6.12.4 Density

A. Calculation of Density

Density calculations may result in a fraction [of a unit](#). If the fraction is less than one-half, the fraction shall be deleted. If the fraction is one-half or greater, the number shall be rounded up to the next whole number.

Sec. 7.1 Housing Types

[Paragraphs and portions of tables not listed remain unchanged]

7.1.3 Zero Lot Line House

B. Development Standards

Zero Lot Line House Standards	RS-10	RS-8	RS-M	RU-5, RU-5(2)	RU-M	RC
Cluster Subdivision						
Lot Dimensions (min.)						
Note: "*" denotes (Suburban Tier/Urban Tier)						

G. Small Lot Option

Paragraph 7.1.2C, Small Lot Option, can apply [and the provisions within that paragraph shall apply](#). The following shall also apply:

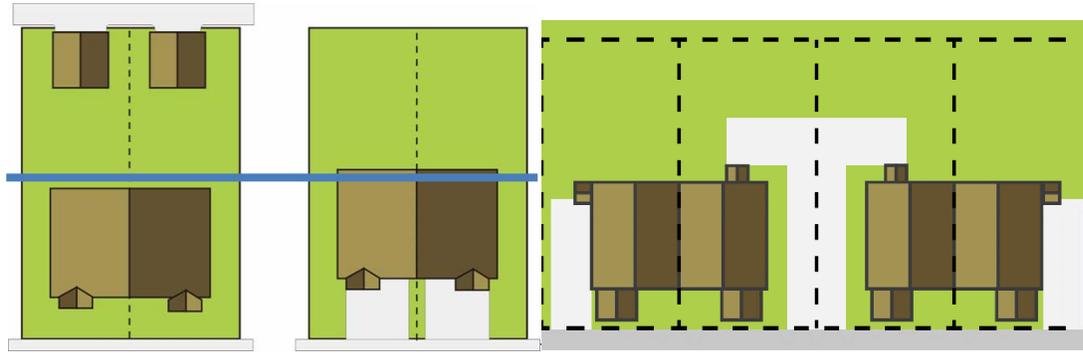
- 1. If a lot in a new zero lot line subdivision is adjacent to the side of an existing, developed residential lot that is not zero lot line, then:
 - a. The new lot shall not be zero lot line; or
 - b. The required side yard shall be adjacent to the existing lot.
- 2. The minimum side yard shall be nine feet.

7.1.4 Traditional House

D. Small Lot Option

Paragraph 7.1.2C, Small Lot Option, can apply and the provisions within that paragraph shall apply.

7.1.5 Attached House



B. Development Standards

Attached House Standards	RS-20	RS-10	RS-8	RS-M	RU-5, RU-5(2)	RU-M	RC
Conventional Subdivision							
Lot Dimensions (min. square feet) Note: "*" denotes (Suburban Tier/Urban Tier) "Per Pair" denotes that the minimum number required applies to the pair of units. For example in RU-M, the lot area means the sum of the two lots necessary for the pair of units must be at least 3,500 square feet.							
Lot Area per Pair (w/o averaging.)	---/20,000*	---/10,000*	---/8,000*	5,000	5,000	3,500	3500
Lot Area Per Pair (with averaging) ¹	---/17,000*	---/8,500*	---/6,800*	4,250	4,250	2,975	2,975
Lot Width per pair (feet)	---/100*	---/75*	---/60*	35	45	35	35

7.1.6 Duplex

B. Development Standards

Duplex Standards	RS-20	RS-10	RS-8	RS-M	RU-5, RU-5(2)	RU-M	RC
Conventional Subdivision							
Lot Dimensions (min. square feet) Note: "*" denotes (Suburban Tier/Urban Tier)							
Lot Area (w/o averaging.)	---/20,000*	---/10,000*	---/8,000*	5,000	5,000	3,500	3500

Duplex Standards	RS-20	RS-10	RS-8	RS-M	RU-5, RU-5(2)	RU-M	RC
Lot Area (with averaging) ¹	---/17,000*	---/8,500*	---/6,800*	4,250	4,250	2,975	2,975
Lot Width (feet)	---/100*	---/75*	---/60*	35	45	35	35

D. Small Lot Option

Paragraph 7.1.2C, Small Lot Option, can apply [and the provisions within that paragraph shall apply.](#)

7.1.10 Apartment

A. Description

An apartment is a multifamily housing type on a single tract or parcel of land containing ~~three~~ [five](#) or more units. Apartments can vary in height; the individual units can be located on separate floors or side-by-side. Parking is often shared in a consolidated area, even when garages and carports are used.

Sec. 7.2 Open Space

[Paragraphs not listed remain unchanged]

7.2.3 Design and Use of Required Open Space

A. Recreational Open Space

Where open space is required, at least one-third shall consist of recreational open space.

1. Table of Recreational Open Space

Recreational open space shall be provided by the type and percentages indicated in the following table:

Types of Recreational Open Space	Maximum Percent by Tier		
	Suburban	Urban	Compact
Property developed for active recreational purposes with fixed improvements (ballfields with fixed improvements (e.g., goals, backstops, bleachers, etc.), tennis or basketball courts, golf courses, swim clubs, etc.); all-weather trails; playgrounds	100%	100%	100%
Benches, picnic tables, shelters, gazebos, multi-use fields	30%	30%	30%
Publicly accessible plazas and courtyards	–	100%	100%

B. The remaining required open space, and 100% of required open space where recreational open space is not required as indicated in paragraph 7.2.3A.2, shall consist of the type and percentages indicated in the following table:

Open Space Use	Maximum Percent by Tier			
	Rural	Suburban	Urban	Compact
Natural or Vegetated				
Agriculture, horticulture, silviculture or pasture uses	100%	50%	—	—
Naturally vegetated or revegetated to appear naturally vegetated.	100%	100%	100%	100%
Severe development constraints or other conditions that affect their usability by residents of the development, including properties in the flood fringe, floodway, water bodies, exceptionally low or wet soils, or steep slopes.	100%	50%	100%	100%
Durham Inventory Sites	100%	100%	100%	100%
Tree protection areas, project boundary buffers	100%	100%	100%	100%
Recreational				
Property developed for active recreational purposes <u>with fixed improvements</u> (ballfields with fixed improvements (e.g., Goals, backstops, bleachers, etc.), tennis or basketball courts, golf courses, swim clubs, etc.); all-weather trails; playgrounds).	100%	50%	50%	50%
Benches, picnic tables, shelters, gazebos, multi-use playfields	100%	50%	50%	50%
Publicly accessible plazas and courtyards	—	—	100%	100%
Other				
Stormwater management and community wastewater disposal systems <u>if active recreational uses are incorporated</u> . Easements for drainage, access and underground utilities	25%	25%	50%	50%
Land dedicated per Sec. 12.5, Recreation Land	100%	100%	100%	100%

7.2.4 Open Space Calculation

B. Minimum Dimension

1. Within the Compact Neighborhood Tier other than Design Districts, a horizontal dimension of at least ten feet in all directions shall be the minimum required to be considered open space.
2. Within the Rural, Suburban, and Urban Tiers, a horizontal dimension of at least 25 feet in all directions shall be the minimum required to be considered open space.

Sec. 8.3 Tree Protection and Tree Coverage

[Paragraphs not listed remain unchanged]

8.3.1 Tree Coverage Standards

D. Preserved Tree Coverage

5. Construction in Preserved Tree Coverage Area

- a. Preserved tree coverage areas shall not be ~~used for active recreational purposes~~ ~~disturbed~~, except the following:

- ~~(i)~~(1) Unpaved walking paths and foot trails constructed with minimal disturbance of tree roots and existing vegetation. No tree ~~eight-six~~ inches dbh or greater shall be removed for the construction of the trail.

- ~~(ii)~~(2) Paved trails that are public trails and are shown on the most recent version of the Durham Trails and Greenways Master Plan. In no case shall the clearing of the trail corridor exceed 16 feet in width.

- ~~(iii)~~(3) Amenity areas containing such items as picnic tables and benches provided that such areas are unpaved and no larger than 200 square feet or 10% of the tree coverage area, whichever is smaller. No tree ~~eight-six~~ inches dbh or greater shall be removed for the construction of an amenity area.

8.3.5 Specimen Trees

- C. In order to receive additional credit for major specimen trees, a major specimen tree survey shall be required showing specific location, species, size, and root protection zone of all major specimen trees to be saved. This survey shall be included on all site, landscape, grading, utility, demolition, and erosion control plans.

Sec. 8.8 Steep Slope Protection Standards

[Paragraphs not listed remain unchanged]

8.8.3 Steep Slope Areas

A. Applicability

Slope is the relationship of vertical rise to horizontal run, expressed as a percentage.

- a. Except in the ~~Patterson Place Compact Neighborhood Tier~~ CSD District, steep slope areas shall be defined as land areas that:

- (1) Have a grade of 25% or more;

- (2) Have an area of 5,000 square feet or greater; and

- (3) Are located within 200 feet of any floodway fringe or perennial stream or within 100 feet of an intermittent stream.

- b. In the ~~Patterson Place Compact Neighborhood Tier~~ CSD District, steep slope areas shall be defined as land areas that:

- (1) Have a grade of 15% or more;

- (2) Have an area of 2,500 square feet or greater; and

- (3) Are located within 200 feet of any floodway fringe or perennial stream or within 100 feet of an intermittent stream.

8.8.4 Steep Slope Development Limitations

B. Grading and Uses

1. Except in the CSD District ~~Patterson Place Compact Neighborhood Tier~~, on any tract proposed for construction, no more than 15% of the steep slope area on the tract shall

be graded. For purposes of this calculation, the land areas of individual steep slope areas on the tract shall be added together to establish the total steep slope area for the tract.

2. In the ~~CSD District Patterson Place Compact Neighborhood Tier~~, on any tract proposed for construction, ~~0% of the~~ steep slope area ~~on the tract~~ shall be graded. The only allowed disturbance shall be:
 - a. ~~The only allowed disturbance shall be unpaved~~ Unpaved walking paths and foot trails constructed with minimal disturbance of tree roots and existing vegetation; ~~and-~~
 - b. No tree ~~eight-six~~ inches dbh or greater shall be removed for the construction of the trail.

Sec. 9.4 Project Boundary Buffers

[Paragraphs not listed remain unchanged]

9.4.7 Interactive Buffer Model

A. Alternative Buffers Permitted

2. In the Rural and Suburban Tiers, the interactive buffer model can be used under the following conditions:
 - a. ~~shall not be used, except where~~ Where the slope of the buffer exceeds 15%; ~~or~~
 - b. Where an existing condition prevents applying the minimum required width, and limited to the particular section where the condition exists. ~~Buffer width shall not be reduced through use of the model.~~

Sec. 9.9 Fences and Walls

[Paragraphs not listed remain unchanged]

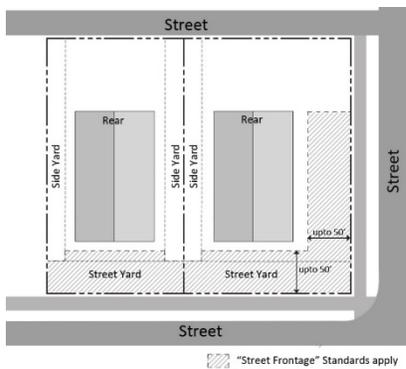
9.9.1 Height

- A. The maximum height of a fence or wall shall be as shown in the table below, unless:
 1. A higher fence or wall is allowed by other provisions of this Ordinance; or
 2. The fence is associated with a recreational facility, such as a tennis court; or
 3. The fence is associated with an electrical substation; or
 4. As required by the state or federal government.

Fence or Wall Location	Maximum Height, in Feet	
	Rural	Other Tiers
Street Frontage		
By Right, Non-Electric	8	4
Street Frontage- Corner Lot Side Street		
<u>By-right, frontage along building side starting at front building line</u>	8	6
With a Minor Special Use Permit:		
<u>Non-Electric</u>	—	8
Electric	10	10
No Street Frontage		

Fence or Wall Location	Maximum Height, in Feet	
	Rural	Other Tiers
By Right, Non-Electric	8	8
By Right, Electric	10	10

- B. Fences or walls located between the structure and the public or private street, and located up to 50 feet from the street, shall use the “street frontage” standards, except for the following which shall utilize the “no street frontage” standards:
1. Fences or walls located ~~to the rear~~ behind the rear building line of a primary structure.
 2. Fences or walls that are non-electric and are located along a side yard located beyond the minimum or maximum street yard, as applicable.



Sec. 10.3 Required Parking

[Paragraphs not listed remain unchanged]

10.3.1 Required Motorized Vehicle and Bicycle Parking

B. Required Parking

6. Change of Use

A change of use of an existing building shall not be required to provide additional parking in the following instances. New buildings or expansion areas of existing buildings within these districts shall be required to meet all off-street motor vehicle parking requirements.

a. Any change of use within an existing building in In the Pedestrian Business sub-district of a CD District, or within a CI District, shall not be required to provide additional parking spaces. New buildings or expansion areas of existing buildings within these districts shall be required to meet all off-street motor vehicle parking requirements.

b. In any other district where an increase of no more than 20% additional parking would be required.

9. Parking Reduction Allowed By-Right

The minimum amount of motor vehicle parking can be reduced using the following methods, individually or in combination, for an overall maximum reduction of ~~20~~30%. For reductions applicable to Compact Neighborhood Tiers, see paragraph ~~ee~~, below.

a. Shared Parking

Proposed developments or change of use with two or more uses can reduce the total minimum parking requirements by a maximum of ~~20~~30% if the following factors are

demonstrated through a parking generation analysis, prepared and sealed by a registered engineer with transportation expertise, documenting the following:

- (1) The peak hours for each use do not overlap; and
- (2) The proposed amount of parking is sufficient to accommodate the anticipated demands for each of the uses at peak hour.

b. ~~Additional Bicycle Parking and Public Transit~~

A maximum ~~5~~10% reduction is permitted ~~for if either of the following is met, and a maximum of 10% if both are met:~~

~~(1) Proposed development sites or change of use sites where public transit stops exist or will be provided at a location approved by the transit provider as part of the site plan submittal.~~

- ~~(a1)~~ The stop ~~is~~shall be within one-quarter mile walking distance; and
- ~~(b2)~~ The stop and development site ~~are~~shall be connected via an existing or proposed paved and handicap-accessible walkway or sidewalk.
- ~~(c3)~~ Crossings ~~must~~shall be be at-grade and at appropriate intersections. No mid-block crossings shall satisfy this option.

~~(2) An additional six bicycle parking spaces are provided for every one motor vehicle parking space reduced.~~

c. Additional Bicycle Parking

A maximum of 5% reduction is permitted if an additional six bicycle parking spaces are provided for every one motor vehicle parking space reduced.

d. Additional Tree Coverage

A maximum of 15% reduction is permitted if the following additional tree coverage is provided per one parking space:

- (1) An additional canopy tree is preserved and protected; or
- (2) One canopy tree and two understory trees are planted.
- (3) The following shall also apply:
 - (a) An appropriate species per the Landscape Manual shall be used for planting.
 - (b) A minimum dbh of six inches shall qualify as a preserved tree.
 - (c) Root zone protection standards of this Ordinance shall apply.
 - (d) The additional planted or protected tree(s) shall not count towards any other Ordinance requirement.

ee. Reductions Applicable in Compact Neighborhood Tiers [Text remains unchanged]

10. Parking Reductions Allowed with a Minor Special Use Permit

Except for the Compact Neighborhood Tiers, reductions of more than ~~20~~30% of required motor vehicle parking shall require the approval of a minor special use permit pursuant to Sec. 3.9, Special Use Permit. In addition to the findings within paragraph 3.9.8A, General Findings, the following findings shall be made:

- a. Current industry standards and parking rate methodologies were utilized;
- b. Comparable developments that serve similar population densities or development intensities were studied; and
- c. The reduction will protect local, state, or federal designated historic resources, if applicable to the site.

10.3.2 Handicapped Accessible Parking

A. Handicapped accessible parking spaces shall be provided in the amount required by the North Carolina State Building Code, as amended. ~~Parking spaces in accordance with the following table shall be provided to accommodate the needs of handicapped individuals.~~

Off-Street Parking Spaces Provided	Minimum Handicapped Accessible Spaces Required
1-25	1
26-50	2
51-75	3
76-100	4
101-150	5
151-200	6
201-300	7
301-400	8
401-500	9
501-1,000	2% of the total spaces provided
1,001 or more	20 spaces, plus one space for every 100 spaces over the first 1,000 spaces provided

B. Where standard parking spaces are provided on-site, handicapped accessible spaces shall be provided on-site. Otherwise, they shall be located according to the North Carolina State Building Code, as amended.

Sec. 12.2 Ingress and Egress Requirements

[Paragraphs not listed remain unchanged]

12.2.2 Other Forms of Access

Unless otherwise allowed in this Ordinance, ~~ingress/egress~~/egress easements not involving construction of a private street shall be permitted in the following circumstances:

B. Ingress/Egress/Regress Easements Other than Private Streets

1. ~~Single-family Residence In the Rural Tier~~

Easements shall be allowed for ~~the construction of~~ one single-family residence on an existing lot of record as of September 16, 1996. The parcel shall not be further subdivided.

2. ~~Other than in the Rural Tier~~All Other Instances

a. Ingress/Egress/Regress Easements of Record

Ingress/egress/regress easements of record that were recorded as of September 16, 1996, can continue to serve as access.

b. Driveways

A driveway shall be allowed for vehicular access to multiple parcels or lots within a townhouse development or shopping center, even if those parcels or lots are individually owned. Any such driveway within a townhouse development shall be located entirely in a common area.

Sec. 14.1 General

[Paragraphs not listed remain unchanged]

14.1.3 Continuation of Nonconformities

A. Legal nonconformities may continue subject to the limitations of this Article. Continuation, reconstruction, alteration, and/or expansion of such nonconformities shall be subject to the provisions of this Article.

B. Uses Requiring a Major or Minor Special Use Permit

Buildings or uses which lawfully existed at the time of the initial effective date of this Ordinance which would require the issuance of a special use permit may continue as a conforming use without the special use permit. However, any future expansion of the building or use in excess of 15% of the gross floor area or site size (measured from the size of the building or use at the time of ordinance adoption) requires the application for a special use permit in conformance with procedures found in this Ordinance.

14.4.1 Nonconforming Buildings or Structures

A. Special Flood Hazard Areas or Future Conditions Flood Hazard Areas

1. Reconstruction of buildings, including single family homes, that are located in Special Flood Hazard Areas or Future Conditions Flood Hazard Areas, shall not be permitted if the structure has experienced substantial damage or repetitive loss.

2. Any construction or development in such areas shall be subject to ~~paragraph 8.4.4, Development in Special Flood Hazard Areas and Future Conditions Flood Hazard Areas~~Sec. 8.4, Floodplain and Flood Damage Protection Standards, in addition to the requirements of this section.

B. General

~~Additions or improvements to, or reconstruction of, nonconforming buildings and structures not located within Special Flood Hazard Areas or Future Conditions Flood Hazard Areas shall require approval of a minor special use permit pursuant to Sec. 3.9, Special Use Permit, unless exempted pursuant to paragraph 3, below.~~

1. No enlargement or reconstruction shall have the effect of increasing the degree or extent of a nonconforming feature.

a. Additions that are proposed between the minimum yard requirement and the existing building line, or are consistent with the existing height, shall not be considered to increase the degree or extent of the nonconformity.

b. An addition shall be considered to increase the nonconformity if it extends further into required yards than the existing encroachment.

2. No enlargement or reconstruction shall create new nonconformities or encroachments, unless a variance is approved pursuant to Sec. 3.14, Variance.

C. Approval

Additions or improvements to, or reconstruction of, nonconforming buildings and structures shall require approval of a minor special use permit pursuant to Sec. 3.9, Special Use Permit, unless exempted as follows:

~~3. The following are exempt from a minor special use permit requirement:~~

- ~~a~~1. Improvements, or additions of any size, that:
 - ~~(1a)~~ Comply with all current ordinance requirements, and proposed height is consistent with or less than the existing height of the structure; or
 - ~~(2b)~~ Brings the structure into greater conformity with current ordinance requirements.
- ~~b~~2. Projects that allow existing buildings to meet local health, sanitary, or safety code requirements or that are necessary to ensure safe living or occupancy conditions;
- ~~c~~3. Projects that require a certificate of appropriateness pursuant to Sec. 3.17, Certificate of Appropriateness;
- ~~d~~4. Additions, with a maximum increase in square footage of 10%, that are proposed between the minimum yard requirement and the existing building encroachment line;
- ~~e~~5. Reconstruction of the nonconforming structure that is within the original building footprint and is consistent with the height of the original structure. Proposed additional square footage shall meet the parameters of paragraphs c or d above, as applicable, to be exempt from the requirement of a minor special use permit;
- ~~f~~6. Reconstruction, enlargement of, or improvements to a nonconforming structure that is part of a housing program initiated by or supervised by the City, County, or an entity created by the City, County, or State of North Carolina, as long as the degree or extent of the nonconforming feature is not increased.

CD. Time-Period Limitations for Reconstruction of Nonconforming Structures [text remains unchanged]

Sec. 15.5 Sedimentation and Erosion Control Enforcement and Penalties

[Paragraphs not listed remain unchanged]

15.5.1 Inspections and Investigations

A. Inspection

Agents, officials, or other qualified persons authorized by the Sedimentation and Erosion Control Officer or designee will periodically inspect land-disturbing activities to ensure compliance with the North Carolina Sedimentation Pollution Control Act of 1973, as amended, and all rules and orders adopted pursuant to it, Sec. 3.8, Sedimentation and Erosion Control, Sec. 12.10, Sedimentation and Erosion Control, rules or orders adopted or issued pursuant to those sections or ~~(the Act)~~the Act, or an approved sedimentation and erosion control plan, and to determine whether the measures required in the plan are effective in controlling erosion and sedimentation resulting from land-disturbing activity. Notice of the right to inspect shall be included in the certificate of approval of each plan.

15.5.3 Civil Penalties

A. Civil Penalty for a Violation

Any person who violates any of the provisions of the Act, this section, Sec. 3.8, Sedimentation and Erosion Control, Sec. 12.10, Sedimentation and Erosion Control, or rules or orders adopted or issued pursuant to those sections or the Act, or rule or order adopted or issued

pursuant to this Ordinance, or who initiates or continues a land-disturbing activity for which a plan is required except in accordance with the terms, conditions, and provisions of an approved plan, is subject to a civil penalty. The maximum civil penalty amount that the ~~(city)(town)(county)~~County may assess per violation is \$5,000. A civil penalty may be assessed from the date of the violation. Each day of a continuing violation shall constitute a separate violation. When the person has not been assessed any civil penalty under this subsection for any previous violation, and that person abated continuing environmental damage resulting from the violation within 180 days from the date of the notice of violation, the maximum cumulative total civil penalty assessed under this subsection for all violations associated with the land-disturbing activity for which the erosion and sedimentation control plan is required is \$25,000.

D. Collection

If payment is not received within 60 days after it is due, Durham County may institute a civil action to recover the amount of the assessment. The civil action may be brought in the Superior Court of the county where the violation occurred, or where the violator's residence or principal place of business is located. Such civil actions must be filed within three years of the date the assessment was due. An assessment that is not contested is due when the violator is served with a notice of assessment. An assessment that is contested is due at the conclusion of the administrative and judicial review of the assessment.

Sec. 16.1 Purpose, Applicability, and Use Regulations

[Paragraphs not listed remain unchanged]

16.1.3 Uses and Density

D. Single-family and Two-family Subdivisions in CSD-S2

Single-family and two-family subdivisions within the CSD-S2 shall meet the following standards:

1. The development shall comply with the density standards pursuant to paragraph 16.1.3E.3, CSD District Density Requirements.
2. No minimum lot size shall apply.
3. No minimum side or rear yard shall apply.
4. No frontage types shall apply.
5. Vehicular access shall be provided to the rear of each lot.
6. Each lot shall maintain a minimum street yard of five feet or comply with the forecourt frontage type build-to zone requirements.
7. **Required Open Space**
Open space shall be provided as follows:
 - a. ~~Shall be a~~ A minimum of 5% of gross area shall be provided;
 - b. All open space areas shall have a minimum dimensional standard of 25 feeta horizontal dimension of at least 25 feet in all directions; and
 - c. All open space areas shall shall meet the open space requirements ~~of requirements of~~ Sec. 7.2, Open Space.

Sec. 16.4 Streetscape, Right-of-Way, and Block/Lot Standards

[Paragraphs not listed remain unchanged]

16.4.2 Streetscape

F. Construction Specifications

5. Street Lights, ~~and~~ Mast Arms, and Other Utility Poles

a. Downtown Design District

- (1) Street lights shall be Memphis teardrop luminaire on the davit-arm, mounted on the North Yorkshire pole all by Holophane or equal, shall be utilized. The City of Durham's installation specifications shall be utilized.
- (2) Mast arms shall consist of a smooth signal arm mounted on a 16-fluted pole with the Huntington base by Valmont or equal. The Memphis teardrop luminaire on the Atlanta cross-arm, both by Holophane or equal, shall be used atop the mast arm's pole. The mast arm specification, including pole and luminaire height and arm length, should be confirmed through the City of Durham's Transportation Department.

(3) Other utility poles shall be a consistent design and material with street lights.

b. Compact Design and Compact Suburban Design Districts

Street lights ~~and~~, mast arms, and other utility poles shall use a metal product approved by the City Transportation Department or NCDOT, as applicable.

Sec. 17.2 Abbreviations

CSD: Compact Suburban Design

CSD-C: Compact Suburban Design-Core

CSD-S1: Compact Suburban Design-Support 1

CSD-S2: Compact Suburban Design-Support 2

Sec. 17.3 Defined Terms

Agricultural Uses: Land used as pasture or in the commercial production of crops, forestry, horticultural products, fish hatcheries or aquaculture, and the keeping of livestock for commercial or noncommercial purposes. Also included in this definition of agricultural uses are agricultural accessory buildings and sales of farm products grown or produced on the premises. This definition does not include ~~any use conducted pursuant to a valid permit issued under Sec. 3.23, Limited Agriculture Permit,~~ the commercial slaughtering of animals for marketing, and farm tenant dwellings.

Campground: A commercial recreational facility developed to accommodate the use of travel trailers, motorized homes, tents, cabins, or other similar device or facility used for temporary occupancy, with or without facilities for the exclusive use of its occupants. This definition shall not include manufactured homes, manufactured home parks or subdivisions, or the storage of recreational equipment or vehicles.

PART

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

PART

That this amendment of the Unified Development Ordinance shall become effective upon *[insert date]*.