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PLEASE PROVIDE THE FOLLOWING
(Type or clearly print)

Location (Address): New Middle School B, 923 Snow Hill Road, Durham NC
Jurisdiction: COUNTY

Zoning: PDR - 2.240 Current Use: vacant - forested

PIN: 0835-01-38-4685

OWNER(S):

Durham County

Mailing Address: 200 E. Main Street, Durham NC

Zip Code: 27701 Phone Number: 919-560-7905
(during business hours)

Email Address: chammett@co.durham.nc.us FAX Number: 919-560-0719

Owner's Signature(s):



APPLICANT: Durham Public Schools

Mailing Address: 2011 Hamlin Road, Durham NC

Zip Code: 27704 Phone Number: 919-560-2216
(during business hours)

Email Address: Tim.Carr@dpsnc.net FAX Number: 919-560-9119

Applicant's Signature: _____

Agent's Name: Wendi Ramsden, Coulter Jewell Thames, PA

Mailing Address: 111 West Main Street, Durham

Zip Code: 27701 Phone Number: 682-0368
(during business hours)

Email Address: wramsden@citpa.com FAX Number: 688-5646

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PLEASE PROVIDE THE FOLLOWING
(Type or clearly print)

Location (Address): 619 Snow Hill Road and 800 Vintage Hill Parkway, Durham
Jurisdiction: COUNTY COUNTY and CITY

Zoning: PDR - 2.240 Current Use: vacant - forested

PIN: 0835-01-29-3261 and 0835-02-57-2763.SPL

OWNER(S):

City of Durham

Mailing Address: 101 City Hall Plaza, Durham NC

Zip Code: 27701 Phone Number: 919-560-4222
(during business hours)

Email Address: Wanda.Page@durhamnc.gov FAX Number: 919-4949

Owner's Signature(s):

Wanda Page, Deputy City Manager

APPLICANT: Durham Public Schools

Mailing Address: 2011 Hamlin Road, Durham NC

Zip Code: 27704 Phone Number: 919-560-2216
(during business hours)

Email Address: Tim.Carr@dpsnc.net FAX Number: 919-560-9119

Applicant's Signature: see previous page

Agent's Name: Dan Jewell, Coulter Jewell Thames, PA

Mailing Address: 111 West Main Street, Durham

Zip Code: 27701 Phone Number: 682-0368
(during business hours)

Email Address: djewell@cjtpe.com FAX Number: 688-5646

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1/11/10

Applicant's Name: I, Tim Carr, do hereby petition the City of Durham/County of Durham for a Major Special Use Permit to allow the following:

Construction of a middle school facility on this residentially zoned property. The facility will include a school building plus outdoor sports fields. The project will also include construction of playfields on adjacent City of Durham owned property to the west, and an access driveway through City of Durham owned property to the east.

Relevant Sections of the Unified Development Ordinance:
3.7, 3.9, 5.3.3 j, 6.9, Articles 7, 8, 9, 10

Note: Before any Major Special Use Permit shall be granted, the Governing Body must find that satisfactory evidence has been provided for the following. Your site plan, application, and testimony at the hearing must provide sufficient evidence for the Governing Body to determine that these general findings and review factors have been adequately and appropriately addressed.

Please respond to the following in the space provided, or with an attachment.

Section 3.9.8: Criteria for Approval of Major Special Use Permits

A. General Findings

Applications for major special use permits shall be approved only if the Governing Body finds that the use as proposed, or the use as proposed with conditions, is:

1. In harmony with the area and not substantially injurious to the value of properties in the general vicinity;

The property is currently vacant and forested. It is zoned for single family residential development but was gifted by the original developer to Durham Public Schools for a middle school to serve the growing northern community. We proposed to rezone the parcel to a lower density RR zoning. This project proposes to build the school itself as well as recreation fields that would be available for use by the general community. Some of the sports fields would be built on adjacent City of Durham park property. The site is set well back and much higher than Snow Hill Road and the building itself will not be visible from the street. The second access driveway will be built on and through City of Durham park property to the east. It is not expected that the addition of the school will have any negative effect on the value of the surrounding properties.

2. In conformance with all special requirements applicable to the use;

The use of this site for a school is allowed in this zone with a Special Use Permit. The school facility will meet the applicable requirements of the

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Unified Development Ordinance. There are no supplementary requirements for this school facility. This project is in one overlay district – the F/J-B watershed. The adjacent City of Durham park property where the school will build recreation fields is in the M/LR-A watershed. Stormwater treatment will meet the City of Durham and Durham County standards.

3. Will not adversely affect the health or safety of the public; and

No health or safety threats are associated with the construction of a new middle school. The use will not be detrimental to adjacent properties or persons.

4. Will adequately address the review factors identified below.

The project will address all the review factors are indicated below.

5. For MTC buffer adjustments only, these additional issues must be considered for a request to reduce buffer width and the amount of landscape material:

1. Topography of the area
2. The size of the parcel

This issue is not applicable. We are not asking for an MTC buffer adjustment.

B. Review Factors

The applicant shall demonstrate that the review factors listed below have been adequately addressed.

1. Circulation

Number and location of access points to the property and the proposed structures and uses, with particular reference to automotive, bicycle, mass transit and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.

The project site will be accessed from two points off Snow Hill Road. The school system and design consultants worked with the neighborhood residents and a traffic engineer to determine the access points that were most acceptable to the community. Bus and service vehicle access will be from a point west of the school, separated from teacher access and parent drop off which will be from the west. The school has found this separation of vehicular traffic to provide the safest situation for students as they are dropped off and picked up.

The eastern driveway follows an unimproved right of way just east of the Duke Energy power line corridor. The access road will travel through the unimproved City of Durham park parcel east of the school site. It will be used to access teacher parking, and for student drop off and parent and visitor traffic. The Traffic Impact Analysis (TIA) recommends 1,425 linear feet of stacking for parent drop off and pick up of students. The eastern access

driveway accommodates 3,900 linear feet of stacking, over 2.5 times the recommended amount. So there is sufficient on-site stacking space so traffic does not back up onto Snow Hill Road. This driveway will also provide access to future park users when the park is developed. Some grading will be done to provide fill dirt for the road and at the same time to prepare grades for future park fields. This will be done in accordance with UDO regulations and erosion control permits will be in place prior to any work being done. There will be underground water and sanitary sewer utility lines run through existing utility easements on this parcel.

The western driveway follows an unimproved right of way opposite Novaglen Road. The right of way will be improved as a two lane road ending with a roundabout. This driveway will be used for bus and service vehicle access and for access to the park just west of the school. Students who arrive by bus will access the school through an entry on the western side of the building. The western drive will be used by service vehicles for trash collection, deliveries, and access to the stage area of the auditorium and bandroom. This driveway will also access the parking lot close to the football field and bleachers, the park, and recreational facilities. The small western parking lot, bus lot/parking and driveway can be gated off from the rest of the school driveways for use during non-school hours when the community would be able to use the recreation fields. Property lines will be reconfigured and re-recorded to extend the County owned school site property to the right of way and to provide sufficient right of way frontage for the remaining City of Durham park parcels.

Pedestrian circulation is accommodated by sidewalks from Snow Hill Road to the school along both the western bus drive and along the eastern car access driveway. Within the school property there are sidewalks and courtyards throughout the site allowing access between the building and all recreational facilities, including the adjacent park facilities. All parking and play areas will be ADA accessible. Bicycle racks are provided at the school building and also at the football field. There is a DATA bus route that travels along Snow Hill Road. The nearest stop is $\frac{3}{4}$ mile to the east at Snow Hill Drive.

Emergency vehicles will access the facilities on-site from either of the two driveways off Snow Hill Road. Within the site the two parking areas and service areas are connected for emergency vehicular access. All driveways are 20' wide to accommodate emergency vehicles. A paved road for emergency vehicular access to the city park recreation fields and one field related van accessible ADA parking space is provided just west of the school football field. An asphalt-paved trail alongside this road also provides access to bike racks.

In order to make the access points abut school-owned property, and to ensure that all facilities built are either completely on school property or completely on City of Durham park property, there will be some land swap between the school site and the adjacent City of Durham park sites. The

square footage of land owned by the City of Durham for parks will remain exactly the same still on two parcels, just in a different configuration. The owner has been working with the City of Durham Parks Department to set the new property lines in a way which allows both owners to use their property most effectively. The access driveways as proposed and as built with the school will also provide the parks with paved access to their parcels. There is an unimproved right of way directly adjacent to the school parcel leading directly from the school to Snow Hill Road, but the steepness of the topography in that narrow 60' wide right of way would have meant clearing and grading into the adjacent residential properties. The owner has worked with the neighbors to choose access points that will not disrupt adjacent residential users.

2. Parking and Loading

Location of off-street parking and loading areas.

All parking for this school is off-street. The required school parking is located east of the building and accessed from the eastern driveway. There are a few parking spaces located west of the building and bus loop to accommodate kitchen and service staff who would be accessing the building from the west side. Additional parking spaces will also be provided west of the building for school overflow and to accommodate users of the recreational facilities on both the school and the adjacent City of Durham park property.

The bus staging area is accommodated on the western side of the school building and accesses the school interior on the upper level. That same paved area will be used for park use parking during non-school hours. Signage will be installed on the site to indicate the dual bus staging / vehicular parking uses.

The kitchen and cafeteria are located on the western side of the building and the loading dock and trash facilities are there also. The trash collection area will be formalized and screened but is far from the neighboring properties and will not be seen from off-site.

3. Service Entrances and Areas

Locations of refuse and service areas with particular reference to ingress and egress of service vehicles.

The refuse facility consists of dumpsters and a compactor. The trash will be collected by a private contractor. The trash collection area will be located off the kitchen and accessible by vehicles from the western driveway. The dumpster area will have recycling capacity and a separate compactor.

4. Lighting

Locations of exterior lighting with reference to glare, traffic safety, economic effect and compatibility with other property in the area.

Parking areas, sidewalks and courtyards will be lighted with pole mounted directional lighting. Additional internal sidewalk lighting will be provided with directional wallpacks, 15' pole-mounted directional lighting, and under-canopy lighting. This lighting will be internal to the site. The light fixtures and orientation are located to meet all the ordinance lighting requirements. There will also be pole-mounted lighting provided along the access driveways to provide lighting for park users and pedestrians on those sidewalks after dark. These lights will be cut-off shoebox style directional lights to prevent light spillage onto neighboring properties.

5. Signs

Appropriateness of signs considering location, color, height, size, and design within the context of other property in the area.

There will be a large entry sign at the eastern Snow Hill Road entrance. The signage will be on private property and will include landscaping. Signage will require a sign permit and will meet City of Durham Unified Development Ordinance restrictions. There will be a small sign at the school property entry near the cul-de-sac on the western side of the school. That sign will be a standard DOT size size and will indicate that the driveway is for access to the park and is a bus and service road for the school. This sign will not be visible from Snow Hill Road.

6. Utilities

Location and availability of utilities.

The owner will extend City water and sewer to the site. Public sanitary sewer will be extended approximately 3700 lf from the east along Snow Hill Road, then north through an easement to the northeast corner of the site. Public water will be extended along Snow Hill Road, from Snow Hill Drive Road, 3125 feet east of the site. Fire hydrants will be added as required by the Fire Department. Electricity is provided from Snow Hill Road.

7. Open Spaces

Location of required yards and other open spaces and preservation of existing trees and other natural features.

A non-residential development in the RR zone has a minimum open space requirement of 10%. The requirement is being met by noting on the plan a combination of 5% of the site in usable open space (football field) and 5% of the land in natural open space (existing forest to remain). In fact the proposed development will provide approximately 50% of its site in open space. This school is sited in a forest setting. Approximately 35 % of the school parcel will remain forested after the school facilities are developed. Other open space is provided through a combination of courtyards, playgrounds, and playing fields comprising another 12% of the site. The plan meets and exceeds all required setbacks and yards. There is no open

space requirement for the park parcels. Both park parcels will remain entirely open space.

8. Environmental Protection

Preservation of tree cover, Durham Inventory Sites, floodplain, stream buffers, wetlands, steep slopes, open space and other natural features, and protection of water quality.

There is no mapped floodplain on the site. There is one jurisdictional stream buffer, in the northwest corner of the property. This stream buffer will be left undisturbed. There are no steep slopes on the site. There are additional stream buffers on the two adjacent park parcels. All stream buffers are shown on the site plans and are being respected. There is one allowable stream crossing with a driveway. The water line will cross the stream buffer at this same location. There are two allowable buffer intrusions for sanitary sewer main installation that will impact the stream buffer in an existing easement.

The tree coverage requirement for a non-residential development on a site in the suburban zone is 10% treesave. Approximately 35% of the school site will remain forested, far exceeding the minimum requirement. Even small stands of trees are being left within the development where possible. Trees are being cleared on adjacent City of Durham park parcels for recreation field development but tree coverage will far exceed minimums specified in the UDO. Tree save areas totaling 10% of the site's pre-development area are shown and called out on the plans.

9. Screening, Buffering and Landscaping

Installation of screening, buffering, fencing and landscaping where necessary to protect adjacent property.

The development on this site will occur as far from developed property lines as possible with wide buffers of existing vegetation to remain. The one property line where clearing will occur is along the western portion of the property where the site adjoins a City of Durham park site. This property line is being cleared in order to provide for a sharing of recreational facilities and a sharing of the parking facility. There will be a project buffer around the entire school and city park project area. Much of the buffer will be existing forest. Some buffer will be replanted between the school facility and the northern property in the area already cleared for the power transmission line.

New parking lot landscaping, street trees along the newly constructed streets in the two existing rights of way, and street trees on Snow Hill Road at the east driveway will be provided which will meet the City of Durham Unified Development Ordinance requirements.

10. Effect on Adjacent Property

Effects of the proposed use on nearby properties, including, but not limited to the effects of noise, odor, lighting and traffic.

Schools are a necessary part of the infrastructure to serve a city, and the proposed school use is compatible with the general surrounding residential neighborhood. The development of this school is not expected to have negative affects on the adjacent properties. Traffic will increase on Snow Hill Road but with improvements built as part of the project, all road levels of service will remain as good as they would be without the school. As part of the school construction public road improvements will be built including: improvement of the public rights of way across from Novaglen and east of the Duke Energy transmission lines, turn lane improvements at Roxboro Road and Snow Hill Road, and road widenings and left turn lanes at each access driveway. All improvements will be provided as determined by Traffic Engineers and NCDOT. Additionally the speed limit will be reduced along this section of Snow Hill Road because it will become a school zone. So the slowing down of traffic here should increase safety along this stretch and make it easier for all traffic to turn onto and off of Snow Hill Road.

Nothing associated with the school use is anticipated to cause any noticeable odor or increase in noise to the surrounding neighborhood. Outdoor facilities are set well back from property lines. Outdoor facilities are intended for daytime use only and will not be lit for evening or night-time use. Access driveways and sidewalks will be lit for safety.

11. Compatibility

The level of general compatibility with nearby properties and impacted neighborhoods, including but not limited to the appropriateness of scale, design, and use in relationship to other properties.

The proposed school building and outdoor facilities will sit well back from Snow Hill Road and will not be visible from the street. The site will retain existing forest vegetation along property lines adjoining existing residential development. Schools are a compatible activity with residential development and provide a service to the surrounding residential neighborhoods. There will be no negative impact on the immediate adjacent properties. Additionally, as part of this project the school system is building recreation fields on the adjacent City of Durham park property, and those fields will be available for public use and will therefore serve a large portion of the community.

12. Consistency with Policy

Consistency with the Comprehensive Plan and applicable development tier guidelines, overlay purposes, and zoning district intent statements in Article 4, Zoning Districts.

The proposed school development property was originally part of the Treyburn development and was gifted to Durham Public Schools by the

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original developer specifically for an elementary or middle school to serve this growing part of Durham.

The Comprehensive Plan addresses the siting of schools as seeking to co-locate school facilities with parks, libraries and other complementary uses, and not being located on sites with severe environmental constraints. NC DENR has been out to the site for a field inspection, and there has been an environmental impact study done on this site. The site does not pose major environmental constraints. Although this property and surrounding parcels were originally zoned to accommodate residential development, the surrounding properties are now held by the City of Durham for park development and also by the Triangle Land Conservancy as long term protected land. The school has submitted a rezoning application to allow for the development of a school on this site. As part of the school construction, some of the outdoor recreational facilities will be built on adjacent park property and will be available for community use.

The school will be built to satisfy LEED Certification levels. LEED requirements are more stringent than the Triangle J Council of Governments High Performance Building Standards. The LEED certification will specifically address: building siting and solar orientation, daylighting, alternative transportation, minimization of impervious surfaces, heat island effects, water efficient landscaping, optimization of energy performance, and indoor environmental quality.

The project has already been reviewed and recommended by the Durham City-County Appearance Commission (September 2008 and a re-review and approval in December 2009).

13. Other Factors

Any other review factors which the approving authority considers to be appropriate to the property in question.

NOTE: Please address the requirements of any applicable "Limited Use Standards" or other special requirements of the use as an attachment of the application.

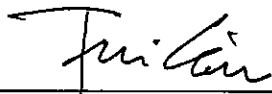
Limited use standards for the proposed middle school are attached to this application.

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In granting a Major Special Use Permit, the Governing Body may place conditions on the use to assure that adequate mitigation measures are associated with the use. The applicant must follow all special requirements and conditions in order to maintain the validity of the use permit. Major Special Use Permits are revocable at any time for failure to adhere to the terms of the Unified Development Ordinance or any imposed requirements or conditions. All conditions imposed by the Governing Body shall be completed prior to issuance of a Certificate of Compliance.

Furthermore, Major Special Use Permits shall become null and void in any of the following cases (Section 3.9.13):

- A. If a site plan is not approved within 12 months of the date of permit approval.
- B. If an approved site plan or building permit expires.
- C. If a building permit is not issued within two years of the date of approval, in cases where a site plan is not required.
- D. If a substantial violation of the conditions of the permit, as determined by the Planning Director or designee occurs. The addition of language to the special use permit regarding such voiding shall not be required.



Applicant Signature

20 Nov 09

Date

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Limited Use Standards

5.3.3J 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 be approved administratively.
3. Administrative approvals of expansions of schools shall not waive any conditions of approval of the special use permit.

Area Of:

Lot: 31.833 acres

Existing Building: 0 sf

Proposed Building: 158,038 SF

Addition/Expansion: N/A

Grades Provided: 6 through 8

Hours of Operation: 7.30 am – 6 pm

Days of Operation: Mon-Fri

Number Of:

Proposed Students (Total): 850

Proposed Admin. Offices (area): 10,207 sf

Proposed Classrooms (Classrooms consist of any room a class can be held, including a gym):

Elementary: none

Middle: 64

High School: none

Will a pre-school program be offered as part of the school program (not to operate beyond school hours and year)? If yes, how many students and classrooms?

No