



Major Special Use Permit Report

Meeting Date: February 22, 2010

Reference Name	New Middle School – Treyburn (M0900005)	Jurisdiction	County
Request	A major special use permit for a 158,038 square foot public middle school		
Site Characteristics	Tier	Suburban	
	Zoning District	Rural Residential (RR)	
	Overlays	Falls-Jordan Watershed-District B (F/J-B), Lake Michie/Little river Watershed-District A (M/LR-A)	
	Site Acreage	148.89	
Applicant	Durham Public Schools	Submittal Date	November 24, 2009
Location	923 Snow Hill Road, located on the north side of Snow Hill Road, east of US 501, west of Snow Hill Drive, and south of Vintage Hill Parkway		
PINs	0835-01-38-4685, 0835-01-29-3261, 0835-02-57-2763		
Recommendations	Staff	Staff will make a final recommendation following the hearing.	
	Development Review Board (DRB)	Certification of technical compliance on January 8, 2010.	

A. Summary

Durham Public Schools requests approval of a major special use permit for an 850 student middle school with 169 parking spaces proposed on the north side of Snow Hill Road. Construction of playfields on the west side of the site are also proposed with this project and are intended for public use as park facilities. Access to the site is proposed via two drives from Snow Hill Road.

Public schools normally require a minor special use permit when proposed within the RR zoning district. However, the UDO permits multiple applications for the same project to be heard at one time by one approving authority. The Board of Commissioners directed the special use permit applications and zoning map change request from PDR 2.240 to RR (Z0800034) to be heard at the same meeting date; therefore, the special use permit request is a “major” instead of a “minor”. Separate motions are required for each application. A transportation special use permit (TSUP) (T0900003) is also required for this proposal.

The Development Review Board (DRB), on January 8, 2010, recommended approval of the overall site plan (attachment #10), and approved the proposed stream buffer intrusion and number of provided stacking spaces. The proposal has also been reviewed by the Durham Appearance Commission (attachment #5), as required by the Comprehensive Plan for all public buildings.

Approval of this request is dependent upon a zoning map change (Z08000034), and also requires transportation special use permit (T0900003) since the proposed school would generate more than 600 peak hour trips. The approval of the zoning map change is required prior to the consideration of the special use permits. Although the primary development site is located within the County jurisdiction, a section of the east driveway runs through property located within the City jurisdiction. Because the proposal is within the County and City jurisdictions, approval by both governing bodies is required.

B. Section 3.9.8: Criteria for Approval

1. Section 3.9.8A 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;
2. In conformance with all special requirements applicable to the use;
3. Will not adversely affect the health or safety of the public; and
4. Will adequately address the review factors identified below.

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

2. Section 3.9.8B Review Factors

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

a. 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.

Two access drives are proposed, both connected to right-of-way that extends from Snow Hill Road. The west side driveway is shown to connect to the northern extension of Novaglen Road, while the east side driveway is shown connecting to Glacier Avenue. Both existing rights-of-way are currently unimproved and are shown improved to accommodate the proposed

development. Additional roadway improvements to Snow Hill Road resulting from the traffic impact analysis are also shown provided.

The west side driveway extends to the proposed bus and general parking area consisting of 20 parking spaces, with another 35 parking spaces located along the driveway between the school and park sites. The driveway also provides access to a proposed concession stand for the track and field area and four proposed City park playfields to the west of the proposed school.

The east side driveway is shown connecting to the east side parking lot and connecting to a future park site to the east of the proposed school. Vehicular stacking is shown provided along the east side driveway. Both east and west parking areas are shown connected via a driveway running along the front of the proposed facility.

Internal walkways are shown provided throughout the proposed development site, connecting proposed driveways with parking areas, playfields, and school building. Public sidewalks are proposed along Novaglen Road and Glacier Avenue rights-of-way, and connecting to internal walkways.

Staff analysis and conclusion. The County Engineer has approved the proposed stacking location and the County Fire Marshall has approved the proposed plan in regards to emergency access. The proposed development meets Ordinance requirements for access and circulation.

b. Parking and Loading - Location of off-street parking and loading areas.

A middle school requires one parking space per classroom and one space per 300 square feet of administrative space. Sixty-four classrooms with 10,207 square feet of administrative space are proposed, requiring 98 parking spaces. Fifty-five parking spaces are required for the west side City park playfields. The total required parking is 153 parking spaces.

The associated plan indicates 169 parking spaces including seven handicap accessible spaces. An additional 25 parking spaces are proposed in a future phase for the west side City park.

Thirty-five parking spaces plus 20 bus/general parking area spaces are immediately accessible from the west side driveway. An additional 25 parking spaces associated with the west side park are also shown accessible from this driveway. The remaining parking spaces are directly accessible from the east side driveway. Fifty-seven stacking spaces are provided along the east side driveway.

The proposed loading dock and refuse area are shown located on the southwest side of the facility, accessible from the west side driveway.

Fifteen bicycles spaces are required and 24 are proposed. Six spaces are located at the football field concession area, six at the upper level entry, eight at the main entry, and four at the west side park fields.

Staff analysis and conclusion. The DRB approved the number of stacking spaces and the County Engineer approved the design and location of the stacking spaces. The Planning Director, in consultation with the City Parks and Recreation Director, determined that 55 parking spaces were adequate to serve the four park playfields, with excess parking provided as part of the school site to serve the parking needs of the park with the conditions detailed within the attached parking determination (attachment #9) and summarized as follows:

1. That no more than two athletic fields at the park and school site will be used at the same time, or three once the additional 25 parking spaces are constructed; and
2. That there is striping and signage within the bus parking area that regulates usage for the school or park and that the bus parking area be striped for at least 20 spaces; and
3. That the two above conditions are indicated on the site plan and are conditions of an approved special use permit.

c. Service Entrances and Areas - Locations of refuse and service areas with particular reference to ingress and egress of service vehicles.

The application indicates an enclosed refuse area on the southwest side of the proposed building next to a loading dock, accessed primarily via the west side driveway.

Staff analysis and conclusion. Appropriate access and turn-around space has been provided for the refuse area. The proposal meets Ordinance requirements for refuse and service areas.

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

The proposed lighting plan indicates three types of pole-mounted directional lights, 77 in total, located throughout the proposed school campus, parking areas, walkways, and driveways. Forty-three wall-mounted fixtures are proposed on the perimeter of the school building and concession building.

Section 7.4 of the UDO allows a maximum of 0.5 foot-candles measured at the property line adjacent to residential zoning, and 5.0 foot-candles at the property line adjacent to a right-of-way. The lighting plan indicates site lighting will meet these requirements.

Staff analysis and conclusion. The application indicates school playfields are intended for daytime use and therefore no lighting is provided for nighttime use. No glare is anticipated from adjacent properties or right-of-way. Proposed lighting is indicated to meet requirements of Section 7.4.

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

Staff analysis and conclusion. One freestanding sign is proposed near the east side entrance, located outside of required sight-distance triangles. A second bus/service road sign for the school is proposed near the western entry near the proposed cul-de-sac. All signs are required to adhere to Section 11 of the UDO. The City/County Inspections Department reviews and approves all sign permits.

f. Utilities - Location and availability of utilities.

Staff analysis and conclusion. Public sewer and water service lines are proposed extending from Snow Hill Road along proposed driveways and within existing right-of-way.

g. Open Spaces - Location of required yards and other open spaces and preservation of existing trees and other natural features.

Staff analysis and conclusion. The proposed structure is designed beyond the minimum 25 foot street and rear yards, and beyond the minimum 10 foot side yards.

Ten percent of the school development site, or 3.15 acres, is required for open space. The proposed development indicates 10% is provided through natural, undisturbed open space and active recreation playfields. Ten percent of the overall development site, or 14.9 acres, is required for tree coverage. The plan indicates 15.1 acres provided.

Intermittent and perennial streams are located on-site and remain undisturbed with 50 or 100 foot buffers where required. Intrusions into the stream buffer for driveway or utility crossings are permitted with DRB approval. The DRB approved such intrusions on January 8, 2010. The 100-year floodplain is located on the eastern-most portion of the site, with no development proposed on or near that area.

The proposal meets Ordinance requirements for required yards, open space and preservation of trees and other natural features.

h. 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.

	Required	Proposed
Tree preservation (Min.)	10%: 14.9 acres	10.16%: 15.1 acres
Stream buffer (Min.)	Intermittent: 50 feet Perennial: 100 feet	50 or 100 feet, based upon type of stream
Impervious surface (Max.)	F/J-B: Low density option- 24% (29.25 acres) M/LR-A: 6% (1.62 acres)	F/J-B: 8.3% (10.088 acres) M/LR-A: 1.02% (0.275 acres)

The site is located within the Neuse River Basin and partially within the F/J-B and M/LR-A watershed overlay districts. Perennial and intermittent streams are located on various portions of the overall school and park site. No wetlands have been identified, and the 100-year floodplain has been identified on the easternmost portion of the site. The site is not located within a Durham Inventory Site, and is located south of the Little River Reservoir.

Staff analysis and conclusion. The DRB approved intrusions into the stream buffer for utility and driveway crossings. No other intrusions into the stream buffers or floodplain are proposed. The proposed development meets Ordinance requirements for environmental protection.

i. Screening, Buffering and Landscaping - Installation of screening, buffering, fencing and landscaping where necessary to protect adjacent property.

Property Boundary Buffers		
	Minimum Required	Proposed
North	0.4 opacity/20 feet	25 foot Natural
South	0.6 opacity/30 feet, 0.4 opacity/20 feet	30 foot Natural, 25 foot Natural
East	0.4 opacity/20 feet	25 foot Natural
West	0.4 opacity/20 feet	25 foot Natural

The area along Vintage Hill Parkway does not require project boundary buffers; however, stream buffers are located generally parallel to the south of the right-of-way, providing a natural undisturbed area along the property line adjacent to that right-of-way. Natural buffers at the width proposed are permitted in lieu of required constructed buffers. Street trees are required and shown along Novaglen Road and Glacier Avenue, with all trees within 30 feet of the right-of-way and spaced at a minimum of

one tree per 100 feet of street frontage. Vehicular use area landscaping is also shown provided within the proposed parking areas.

Staff analysis and conclusion. Although the plan indicates the minimum buffer requirements, the facility is sited interior to the subject parcels and the plan indicates large areas of undisturbed woodlands remaining between the development site and neighboring residential properties. The proposed development meets Ordinance requirements for screening, landscaping and buffering.

j. Effect on Adjacent Property - Effects of the proposed use on nearby property, including, but not limited to, the effects of noise, odor, lighting, and traffic.

Staff analysis and conclusion. The impacts of odor and lighting generated from the proposed development are not anticipated to have adverse impacts on the surrounding properties. The site is buffered from surrounding properties by either natural vegetation that is shown left undisturbed, or by new vegetation where natural vegetation either does not exist or is insufficient. New vegetation is shown to consist of a mix of canopy trees, evergreen trees, deciduous understory trees, and shrubs. Noise generated from the site is expected to be typical of a school or park use. No nighttime use of the playfields is proposed, and therefore no lighting for the playfields is proposed.

The traffic analysis provided by the City Transportation Department (attachment #4) indicates a decrease in average daily trips from what would be generated if the site were developed for single-family residential as permitted in the RR zoning district or the PDR zoning district. However, peak hour trips in the morning are expected to be over 600 and therefore approval of a TSUP is required along with associated roadway improvements per NCDOT and City Transportation review memos (attachments #7 and #8). The estimated average daily trips are within the current capacity of Snow Hill Road, a major thoroughfare.

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

Surrounding Uses and Zoning Districts				
	Existing Uses	Zoning Districts	Overlay	Tier
North	Single-family residential, vacant, Little River Reservoir	Planned Development Residential (PDR 2.240)	F/J-B, M/LR-A	Suburban, Rural
South	Single-family residential, vacant	RR, Residential Suburban-20 (RS-20)	F/J-B, M/LR-A	Suburban
East	Single-family residential, vacant	PDR 2.240, RS-20	F/J-B	Suburban
West	Single-family residential, vacant (Triangle Land Conservancy)	PDR 2.240, RR	M/LR-A	Suburban

Staff analysis and conclusion. The request involves a new middle school that the Durham Public School system has determined necessary to maintain adequate capacity levels. In addition, City park playfield facilities are also shown provided.

The design of the school has been reviewed and approved by the Appearance Commission as required for new public facilities. Four of the neighboring playfields are proposed for public use and not specifically school facilities. The development site itself is shown located interior to a 148 acre site and maintains natural woodlands between the proposed facility and residential properties. The facility is shown approximately 430 feet from the nearest neighboring residential property to the south. Access driveways are shown to connect to existing rights-of-way that extend from Snow Hill Drive; however, vehicular stacking is shown interior to the site extending from the east side of the school building.

Snow Hill Road is a major thoroughfare and is indicated to have available capacity for the estimated increased traffic. The site is located behind suburban residential properties along Snow Hill Road, and also bound by vacant or large-lot residential property.

I. 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.

Residential Rural District Intent Statement (Sec. 4.2.1): The RR District is established to provide for agricultural activities and residential and residential development on lots of one acre or greater and in conservation subdivisions. Commercial and industrial development is generally prohibited.

Plan Requirements		
Policy	Requirement(s)	Consistent
4.2.5a	Design of Public Buildings	Yes
7.1.5b	Energy Saving Designs	Yes
11.2.3d	Appearance Commission Review of Proposed Public Facilities	Yes

Staff analysis and conclusion. The Appearance Commission reviewed the proposal on December 3, 2009. The LEED checklist indicating the project can meet certification standards has been provided (attachment #2).

The site is located within the Little River Open Space Plan; however, no environmentally sensitive areas have been identified for the subject parcels. A future City park is also identified within the open space plan, but within an area indicated as more environmentally sensitive than the one proposed within the associated site plan.

The Comprehensive Plan discusses the intent of the Suburban Tier, stating that, per Policy 2.3.2a, it should "... accommodate anticipated population growth and its attendant demands for housing, employment, and goods and services..." This is further reiterated in Section 4.1.2 of the UDO. Furthermore, the UDO recognizes that a school is a potential use within the RR zoning district, even though the primary intent of the RR district is for agricultural and large lot single-family development. Parks are also anticipated uses within the RR district and are permitted by-right. Schools are common uses found not only in the RR district but also within the Suburban Tier. The location of the use appears consistent with the intent of the RR district and Suburban Tier.

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

Staff analysis and conclusion. Approval of a TSUP (T0900003) is required if the major special use permit is approved.

C. Notification

Staff certifies that newspaper advertisements, letters to property owners within 600 feet of the site and the posting of a sign on the property has been carried out in accordance with the Unified Development Ordinance. In addition, the following neighborhood organizations were mailed notices:

- Partners Against Crime- District 2
- Friends of Durham
- Inter-neighborhood Council
- Unity in the Community for Progress

D. Staff Contact

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E. Attachments

1. Application
2. LEED documents
3. Context/vicinity map
4. Aerial photo
5. Appearance Commission memo
6. Traffic Analysis
7. TIA Memo- City
8. TIA Memo- NCDOT
9. Parking determination for park/school
10. Site plan reductions with floorplans/elevations (D08000219)