





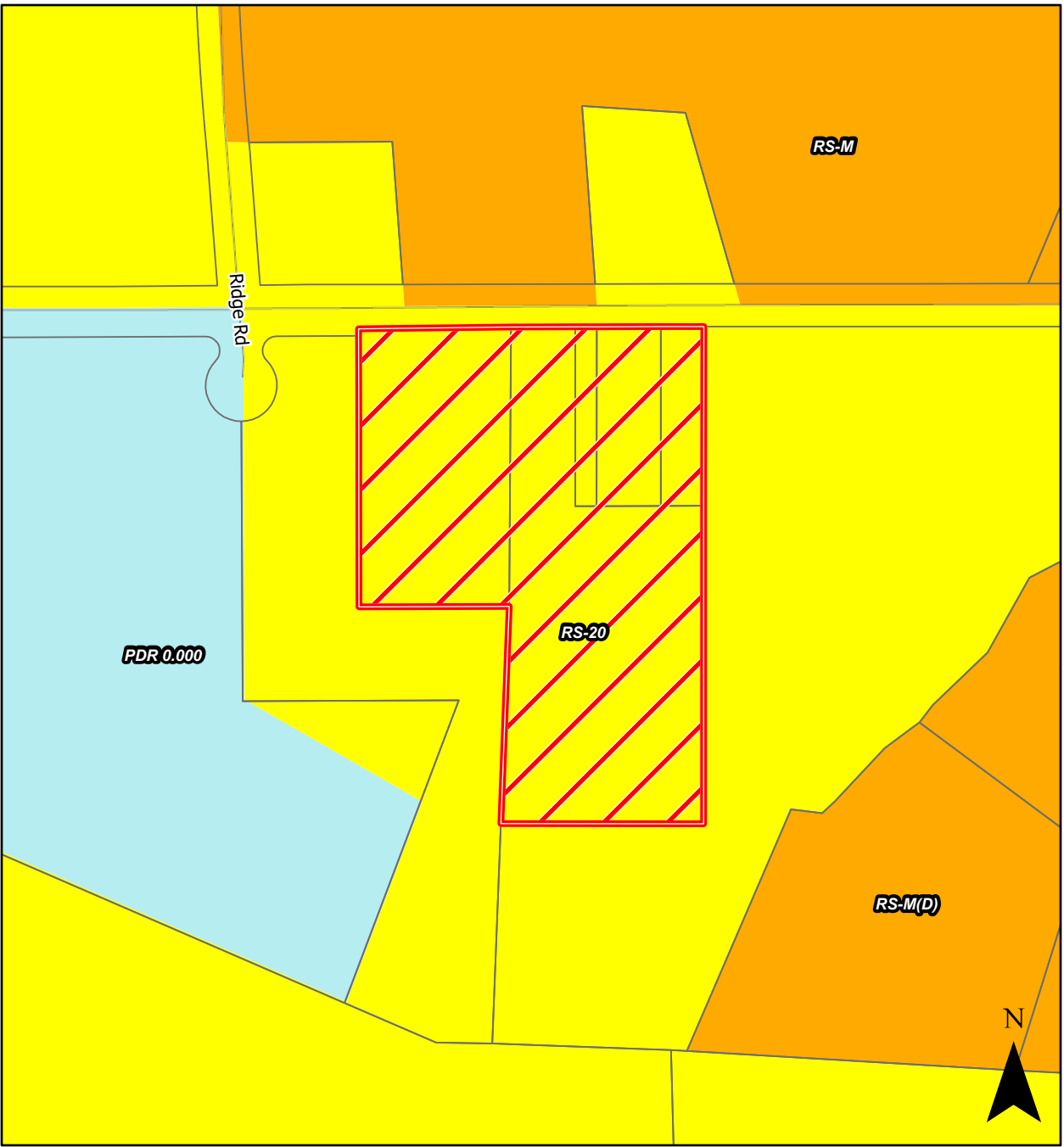


# Attachment A: Zoning Context Map

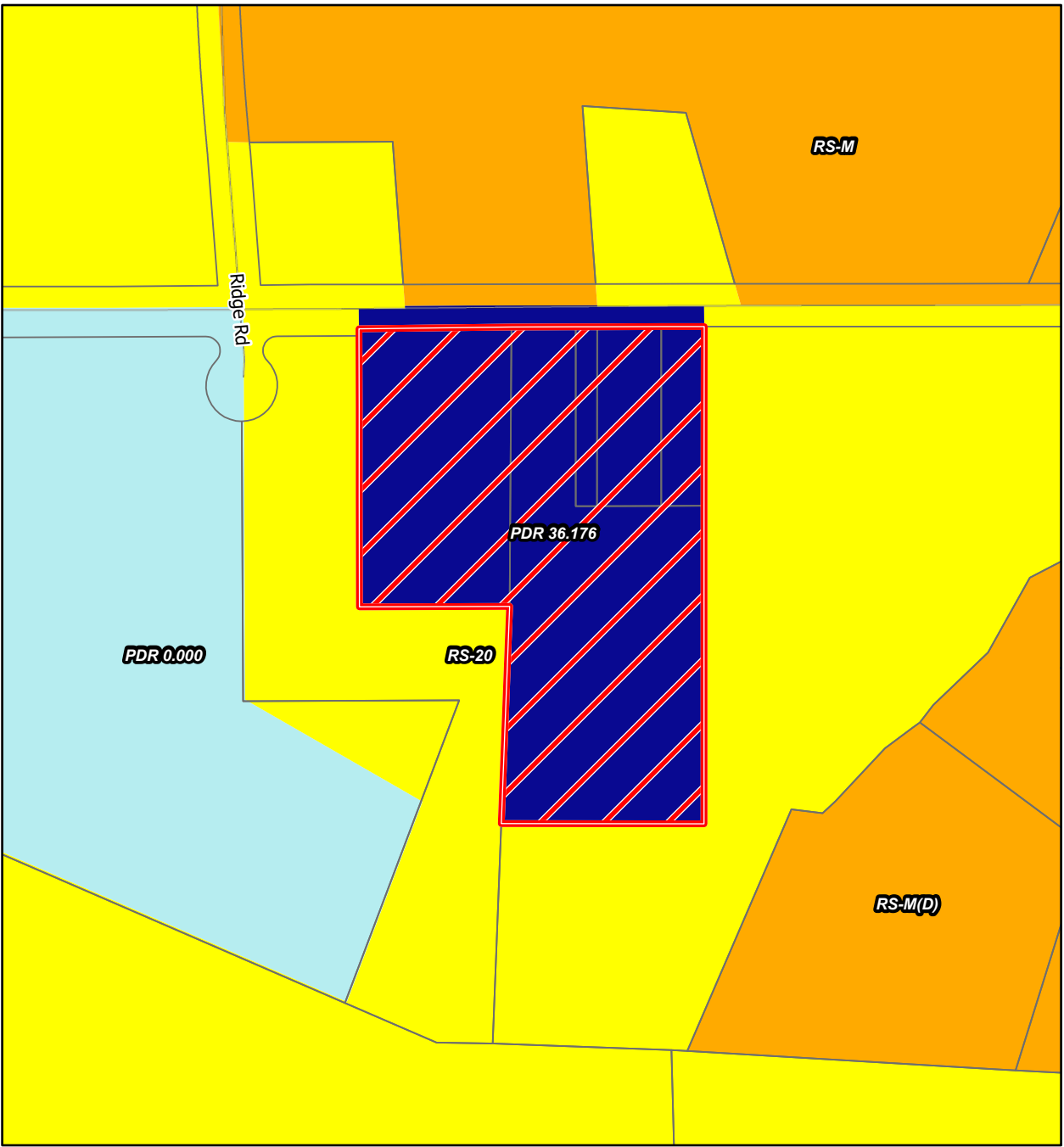
## Z2400001 - Pickett Apartments

- Legend:**
-  Z2400001
  -  Parcels
  - Durham Zoning**
  -  PDR-VLR (< 2 du/ac)
  -  PDR-VHR (> 12 du/ac)
  -  RS-20
  -  RS-M

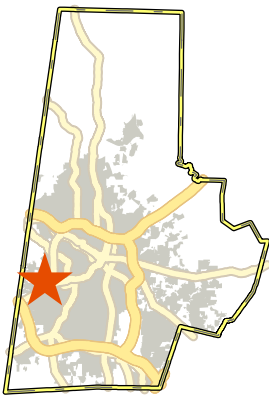
Existing: Residential Suburban 20 (RS - 20)



Proposed: Planned Development Residential 36.176 (PDR 36.176)



Durham City-County Planning Department  
January 27, 2025



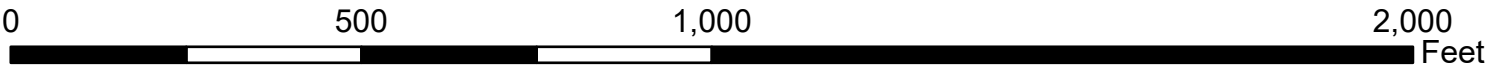
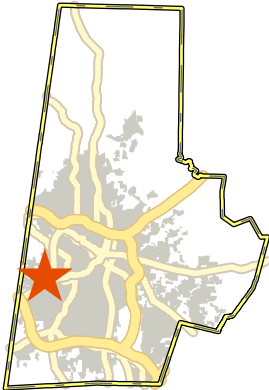
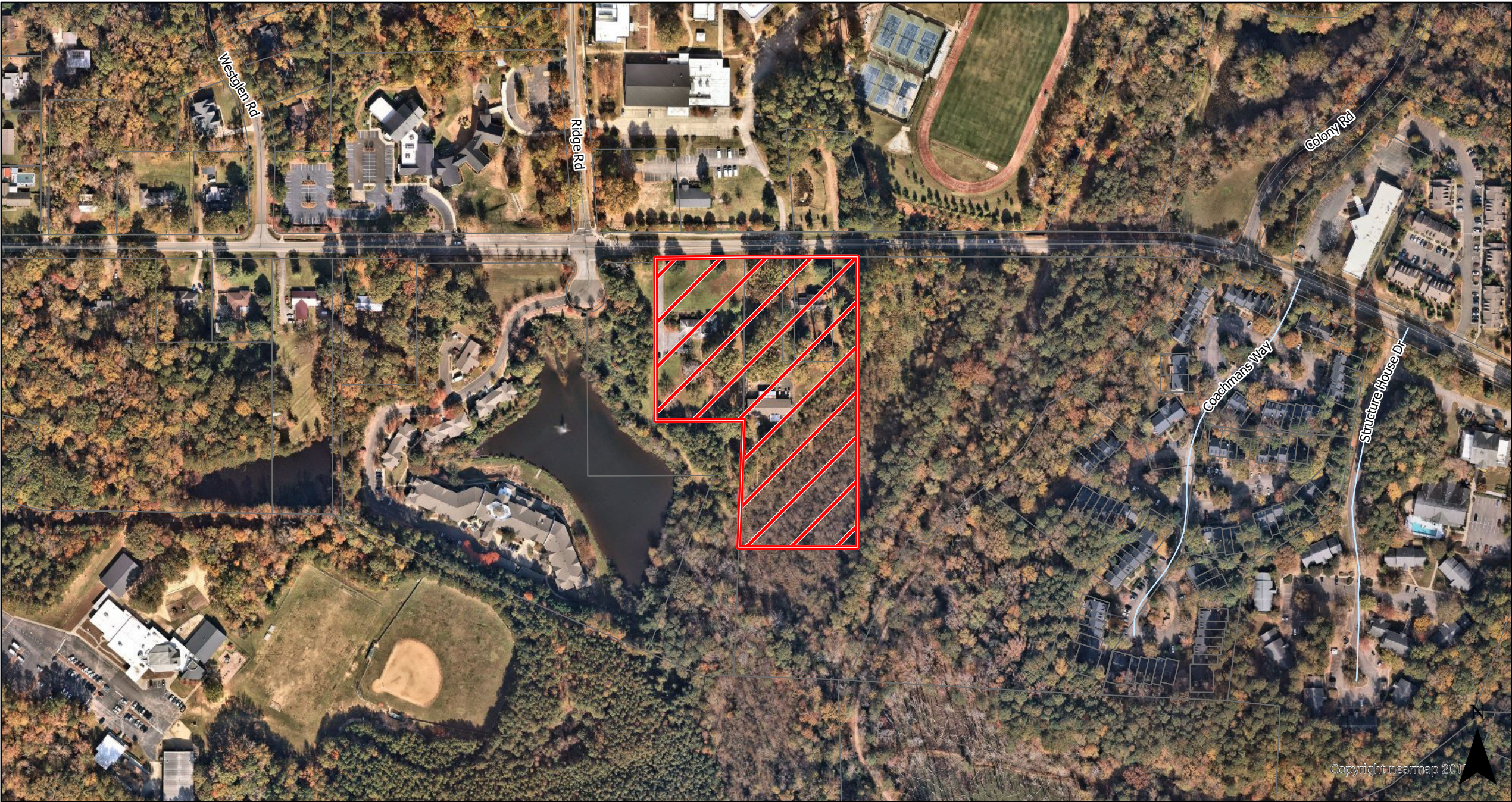
Maps, tabular data, and spatial information presented are developed from public records. While efforts have been made to use the most current and accurate public record data, no warranties as to the accuracy of the data provided are being made by the City of Durham, the County of Durham, and the mapping and software companies involved. Users of this content should consult public information sources to verify the accuracy of the data provided.



# Attachment B: Aerial Map

## Z2400001 - Pickett Apartments

- Legend:
-  Z2400001
  -  Parcels



Durham City-County Planning Department  
January 27, 2025

Maps, tabular data, and spatial information presented are developed from public records. While efforts have been made to use the most current and accurate public record data, no warranties as to the accuracy of the data provided are being made by the City of Durham, the County of Durham, and the mapping and software companies involved. Users of this content should consult public information sources to verify the accuracy of the data provided.

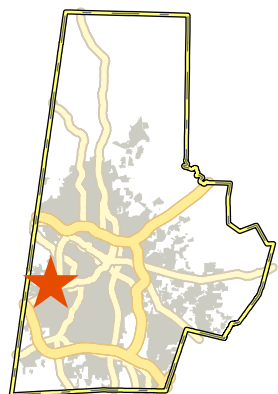


# Attachment C: Place Type Map

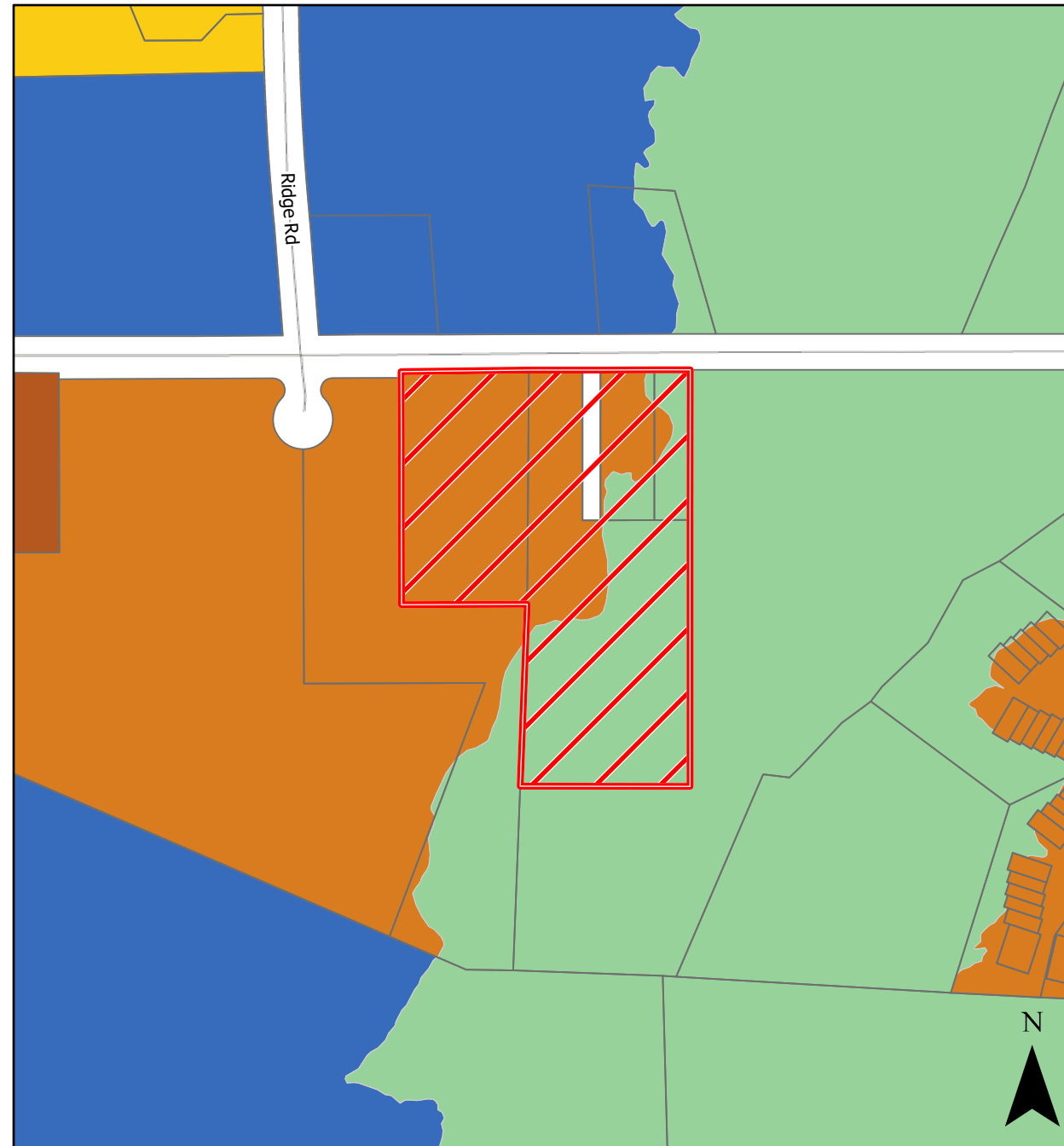
## Z2400001 - Pickett Apartments

### Legend:

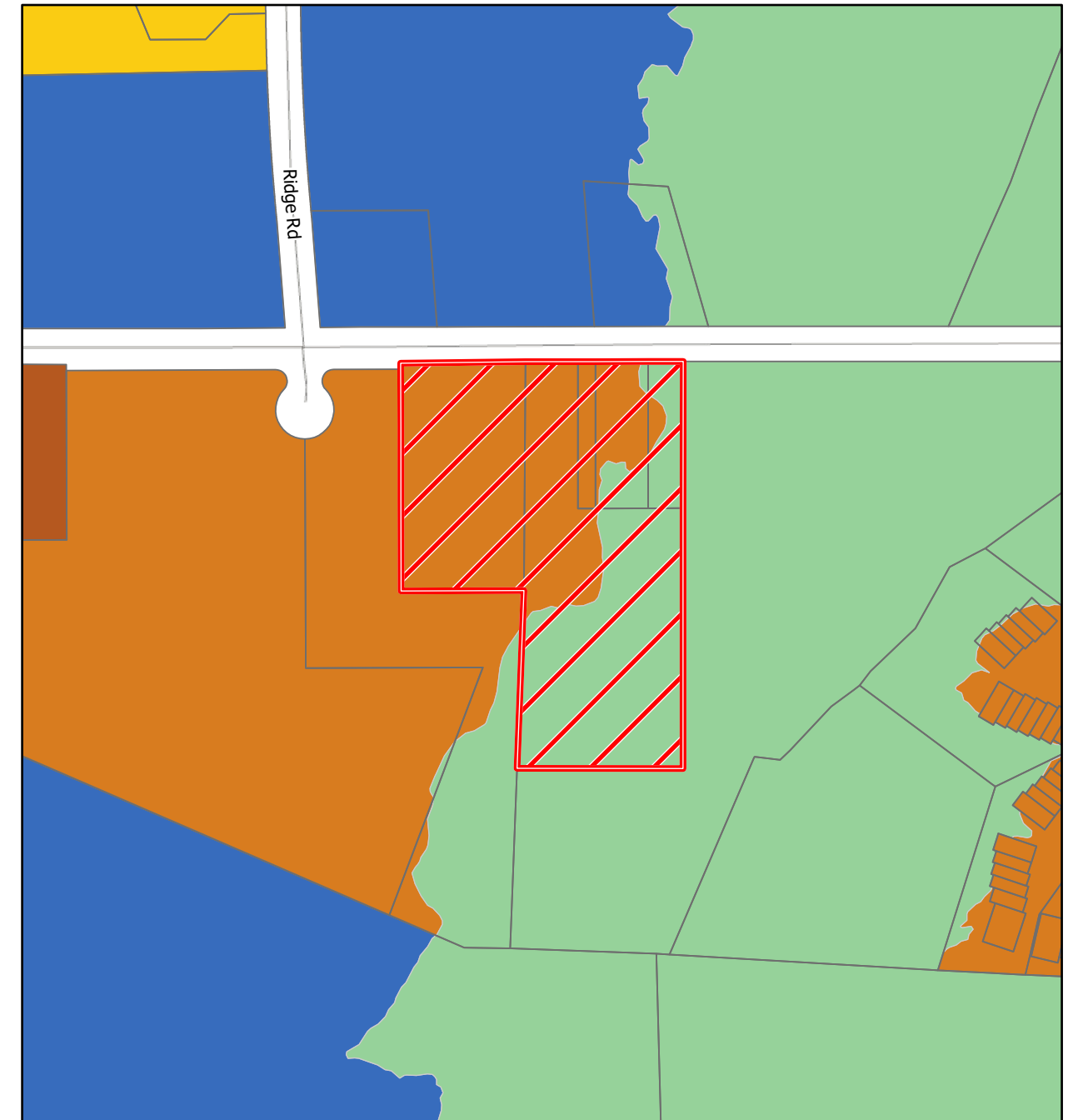
- Z2400001
- Parcels
- Place Types
- Apartment & Townhouse Neighborhood
- Community Institution
- Established Residential
- Mixed Residential Neighborhood
- Recreation & Open Space



Existing: Apartment & Townhouse Neighborhood and Recreation & Open Space



Proposed: Apartment & Townhouse Neighborhood and Recreation & Open Space



0 500 1,000 2,000 Feet

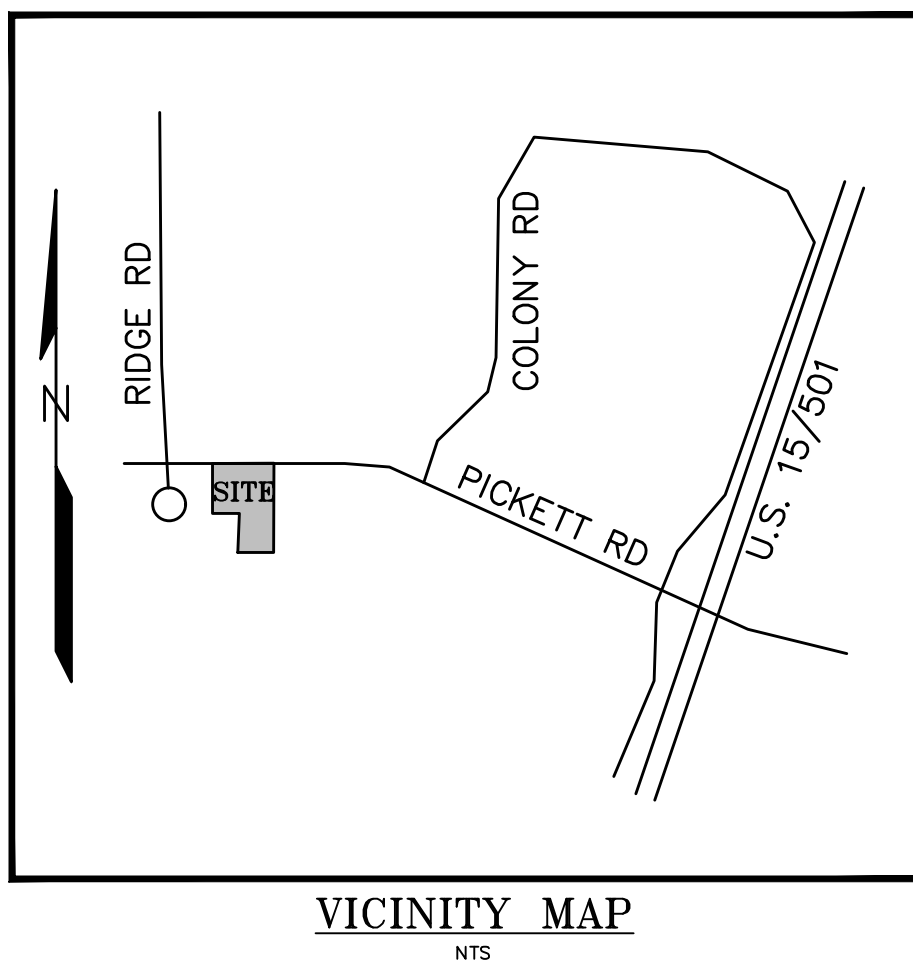
Durham City-County Planning Department  
January 27, 2025

Maps, tabular data, and spatial information presented are developed from public records. While efforts have been made to use the most current and accurate public record data, no warranties as to the accuracy of the data provided are being made by the City of Durham, the County of Durham, and the mapping and software companies involved. Users of this content should consult public information sources to verify the accuracy of the data provided.

APPLICANT SIGNATURE

1. THE MAXIMUM NUMBER OF RESIDENTIAL DWELLING UNITS WITHIN THIS PROJECT SHALL BE 140 UNITS.
2. HOUSING TYPES FOR THIS DEVELOPMENT WILL BE LIMITED TO APARTMENT TYPE AND ALLOWED ACCESSORY USES.
3. AT FULL BUILD-OUT, A MINIMUM OF 10% OF THE TOTAL RESIDENTIAL UNIT COUNT SHALL BE SET ASIDE AS INCOME-RESTRICTED UNITS SUCH THAT A THIRD OF THESE UNITS ARE PROVIDED AT A RENTAL RATE WHICH IS AFFORDABLE FOR HOUSEHOLDS EARNING BOX OF THE AREA MEDIAN INCOME, A THIRD OF THESE UNITS ARE PROVIDED AT A RENTAL RATE WHICH IS AFFORDABLE FOR HOUSEHOLDS EARNING BOX OF THE AREA MEDIAN INCOME OR LESS, AND A THIRD OF THESE UNITS ARE PROVIDED AT A RENTAL RATE WHICH IS AFFORDABLE FOR HOUSEHOLDS EARNING 100% OF THE AREA MEDIAN INCOME OR LESS.
4. a) THE INCOME-RESTRICTED UNITS SHALL MAINTAIN THE AFFORDABILITY LEVEL FOR A PERIOD OF NO LESS THAN THIRTY YEARS AFTER THE DATE OF ISSUANCE OF A CERTIFICATE OF COMPLIANCE ON THE SITE. ALL INCOME-RESTRICTED UNITS SHALL BE OCCUPIED PRIOR TO THE ISSUANCE OF A CERTIFICATE OF COMPLIANCE FOR THE 10<sup>TH</sup> UNIT.
5. b) DURING THE AFFORDABILITY TERM, AN ANNUAL REPORT SHALL BE PROVIDED BY THE OWNER OF SUCH INCOME-RESTRICTED UNITS TO THE DIRECTOR OF THE CITY OF DURHAM'S DEPARTMENT OF COMMUNITY DEVELOPMENT WHICH IDENTIFIES THE INCOMES OF PERSONS RESIDING WITHIN THE INCOME-RESTRICTED UNITS AND THE RENTS BEING CHARGED AND SHALL COMPLY WITH THE FOLLOWING SECTIONS OF THE CITY'S RULES AND PROCEDURES FOR THE AFFORDABLE HOUSING DENSITY BONUS IN EFFECT ON THE DATE OF SITE PLAN APPROVAL:
  - i) IV.D.1 – ANNUAL TENANT CERTIFICATION
  - ii) IV.D.4 – COMPLIANCE MONITORING
  - iii) IV.E – RECORD KEEPING AND RETENTION
  - iv) V.E – ENFORCEMENT
6. c) AN AFFORDABILITY DEED RESTRICTION TO PRESERVE AFFORDABILITY FOR A PERIOD OF THIRTY (30) YEARS, IN A FORM APPROVED BY THE CITY, SHALL BE FILED AND RECORDED IN THE PROPERTY'S CHAIN OF TITLE BY THE PROPERTY OWNER IN THE DURHAM COUNTY REGISTER OF DEEDS.
7. d) THE INCOME-RESTRICTED UNITS SHALL BE COMPARABLE IN SQUARE FOOTAGE, NUMBER OF BEDROOMS, AND EXTERNAL APPEARANCE TO THE MARKETPLACE UNITS AND BE LOCATED THROUGHOUT THE SITE AND NOT CONCENTRATED IN ONE AREA OF THE SITE OR BUILDING.
8. 9. PRIOR TO APPROVAL OF A PRELIMINARY PLAT OR SITE PLAN FOR THIS DEVELOPMENT, EXISTING INTERIOR LOTS ON THE SUBJECT PROPERTY WILL BE RECOMBINED INTO ONE LOT.
9. 10. PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY, CONSTRUCT AN EXCLUSIVE WESTBOUND LEFT-TURN LANE ON PICKETT ROAD AT THE WESTERN DRIVEWAY WITH ADEQUATE STORAGE AND APPROPRIATE TAPERS. A CONTINUOUS TWO-WAY LEFT-TURN LANE SHALL BE CONSTRUCTED ON PICKETT ROAD BETWEEN THE WESTERN DRIVEWAY AND THE DURHAM ACADEMY DRIVEWAY (RECD 138894).
10. 11. PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY, CONSTRUCT AN EXCLUSIVE EASTBOUND LEFT-TURN LANE ON PICKETT ROAD AT THE DURHAM ACADEMY DRIVEWAY WITH ADEQUATE STORAGE AND APPROPRIATE TAPERS. A CONTINUOUS TWO-WAY LEFT-TURN LANE SHALL BE CONSTRUCTED ON PICKETT ROAD BETWEEN THE WESTERN DRIVEWAY AND THE DURHAM ACADEMY DRIVEWAY (RECD 138894).
11. 12. PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY, CONSTRUCT A CONCRETE MEDIAN ON PICKETT ROAD AT THE EASTERN DRIVEWAY TO RESTRICT THE EASTERN DRIVEWAY TO RIGHT-IN/RIGHT-OUT ACCESS ONLY.
12. 13. PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY, CONSTRUCT A 10' CONCRETE SHARED PATH FOR THE FULL FRONTAGE OF THE SITE ALONG THE SOUTH SIDE OF PICKETT ROAD TO ACCOMMODATE BICYCLES AND PEDESTRIANS.
13. 14. PRIOR TO THE ISSUANCE OF A BUILDING PERMIT, DEDICATE 10' OF ADDITIONAL RIGHT-OF-WAY FOR THE FRONTAGE OF THE SITE ALONG PICKETT ROAD. A COPY OF THE RECORDED PLAT MUST BE SUBMITTED WITH THE FIRST BUILDING PERMIT APPLICATION.
14. 15. MASS GRADING WILL NOT BE EMPLOYED ON THE SITE.
15. 16. NEW TREES AND SHRUBS PLANTED ON THE PROJECT WILL CONSIST OF NATIVE SPECIES ONLY.
16. 17. BUILDINGS AND PARKING SHALL NOT ENROACH THE FLOODPLAIN.
17. 18. PRIOR TO ISSUANCE OF THE FIRST CERTIFICATE OF COMPLIANCE, DEVELOPER WILL PROVIDE A ONE-TIME DONATION IN THE AMOUNT OF \$22,000 TO DURHAM PUBLIC SCHOOLS.
18. 19. PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY AND SUBJECT TO NCDOT AND DURHAM TRANSPORTATION APPROVAL, A RECTANGULAR RAIL FLASHING BEACON (RFFB) AND CROSSWALK SHALL BE INSTALLED ACROSS PICKETT ROAD AT THE SANDY CREEK TRAIL HEAD.

1. BY REFERRING 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 ADEQUATE TRANSITION TAPERS, ADEQUATELY MARKED, AND ADEQUATELY SIGNED. THE APPLICANT'S RESPONSIBILITY INCLUDES (WHERE APPROPRIATE) BUT IS NOT LIMITED TO: ADEQUATE TRANSITION TAPERS, ALIGNMENT OF LINES THROUGH INTERSECTIONS, ASSOCIATED SIGNAL MODIFICATIONS, PAVEMENT MARKINGS, ASSOCIATED SIGNAGE, CURB AND GUTTER, COORDINATION WITH OTHER PROPOSED ROADWAY IMPROVEMENTS AND BIKE Lanes. THE APPLICANT ALSO SHALL BE RESPONSIBLE FOR PROVIDING THE NECESSARY OFF-RAMP NECESSARY TO ACCOMMODATE THESE IMPROVEMENTS, AND ANY REQUIRED SIDEWALK, CONSTRUCTION,



1 COVER SHEET  
2 EXISTING PARCELS PLAN  
3 DEVELOPMENT PLAN

ASCENSION CONSTRUCTION AND DEVELOPMENT, LLC  
841 E. FORT AVE #122  
BALTIMORE, MD 21230  
CONTACT: TIM KLEMPA  
PHONE: (508) 612-0094

## DEVELOPMENT SUMMARY

<b><u>SITE SUMMARY</u></b>	<b><u>ACRES</u></b>	<b><u>SQUARE FEET</u></b>
GROSS LAND AREA:	6.12	266,753
REID: 138788, 236561, 237387, 138786, 138783:	6.23	271,353
R/W DEDICATION:	-0.11	-4,780
EXISTING ZONING RS-20:	6.23	271,353
EXISTING USE:	SINGLE FAMILY & COMMERCIAL	
PROPOSED USE:	MULTI-FAMILY RESIDENTIAL, APARTMENTS	
PROPOSED ZONING:	PDR 36.176	
WATERSHED:	SANDY CREEK	
RIVER BASIN:	CAPE FEAR	
CITY LIMIT:	INSIDE	
TIER:	SUBURBAN	
MAXIMUM NUMBER OF UNITS:	140	
<b><u>DENSITY CALCULATION</u></b>	<b><u>ACRES</u></b>	<b><u>SQUARE FEET</u></b>
GROSS LAND AREA:	6.12	266,753
LESS 100-YEAR FLOODWAY @ 100% of 76,461 SF:	1.76	76,461
LESS 100-YEAR FLOOD FRINGE @ 50% of 43,156 SF:	0.50	21,578
LESS STEEP SLOPES @ 85% of 0 SF:	0	0
ADJUSTED AREA FOR DENSITY CALCULATION:	3.87	168,714
DENSITY CALCULATION:	140 UNITS / 3.87 ACRES	
MAXIMUM DENSITY:	36.176 UNITS/ACRE	
<b><u>BUILDING HEIGHT SUMMARY</u></b>		
MAXIMUM ALLOWED	9 STORIES OR 100 FEET	
PROPOSED BUILDING HEIGHT	50 FEET	
<b><u>IMPERVIOUS SUMMARY</u></b>	<b><u>ACRES</u></b>	<b><u>SQUARE FEET</u></b>
EXISTING IMPERVIOUS AREA:	0.80	35,000
MAXIMUM IMPERVIOUS AREA ALLOWED 100% of GLA:	6.12	266,753
IMPERVIOUS AREA PROPOSED 55% of GLA:	3.37	147,000
<b><u>TREE COVERAGE SUMMARY</u></b>	<b><u>ACRES</u></b>	<b><u>SQUARE FEET</u></b>
GROSS LAND AREA:	6.12	266,753
REQUIRED TREE COVERAGE 20% of GLA:	1.22	53,351
PROPOSED TREE PRESERVATION 24.5% of GLA:	1.50	65,350
<b><u>OPEN SPACE SUMMARY</u></b>	<b><u>ACRES</u></b>	<b><u>SQUARE FEET</u></b>
REQUIRED OPEN SPACE 20% of GLA:	1.22	53,351
PROPOSED OPEN SPACE 20% of GLA:	1.22	53,351
<b><u>PROPOSED BUILDING SETBACK SUMMARY:</u></b>		
PARCEL BOUNDARY LINES	NONE	
R/W BOUNDARY LINE	15 FEET	
<b><u>BOUNDARY BUFFER SUMMARY</u></b>	<b><u>ADJACENT ZONING</u></b>	<b><u>LINEAR FEET</u></b>
ADJACENT PARCELS ACROSS PICKETT ROAD 70' R/W	RS-20	NONE
ADJACENT PARCELS ACROSS PICKETT ROAD 70' R/W	RS-M	20'/0.4 OPACITY
ADJACENT PARCELS WEST, SOUTH AND EAST	RS-20	NONE

**APPROVAL STAMP**

REV.	DATE	DESCRIPTION
1	04/19/2024	CITY REVIEW COMMENTS
2	05/02/2024	APPLICANT AND OWNER DATA UPDATE
3	07/03/2024	CITY REVIEW COMMENTS
4	12/04/2024	CROSSWALK CONDITION PER PC HEARING

DATE:
DECEMBER 21, 2023

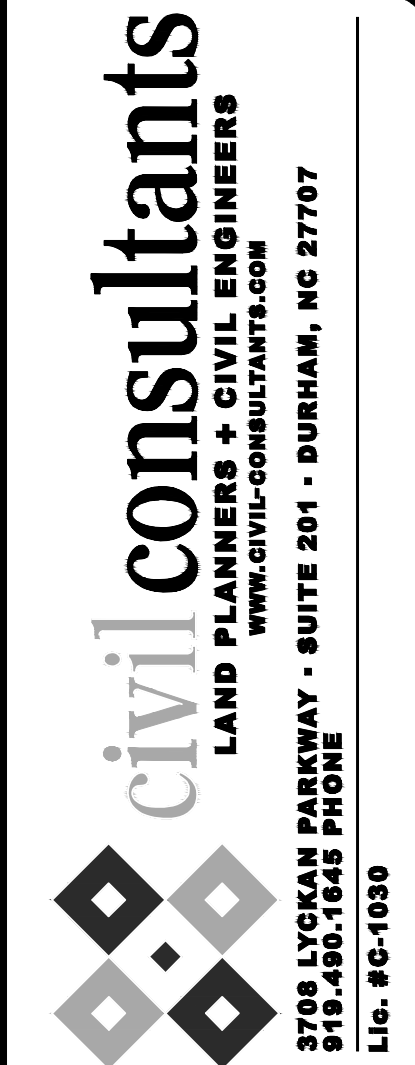
THIS DRAWING AND THE DESIGN HEREON ARE THE PROPERTY OF CIVIL CONSULTANTS, INC. THE INFORMATION ON THIS DRAWING IS NOT FOR USE ON ANY OTHER SITE OR PROJECT. THE REPRODUCTION OR OTHER USE OF THIS DRAWING IN WHOLE OR IN PART, WITHOUT WRITTEN CONSENT OF CIVIL CONSULTANTS, INC. IS PROHIBITED.

COPYRIGHT 2023 CIVIL CONSULTANTS, INC.

SHEET NO.

1





**PICKETT  
APARTMENTS  
DURHAM, NORTH CAROLINA  
EXISTING PARCELS  
PLAN**

[illegible]

DATE: DECEMBER 21, 2023

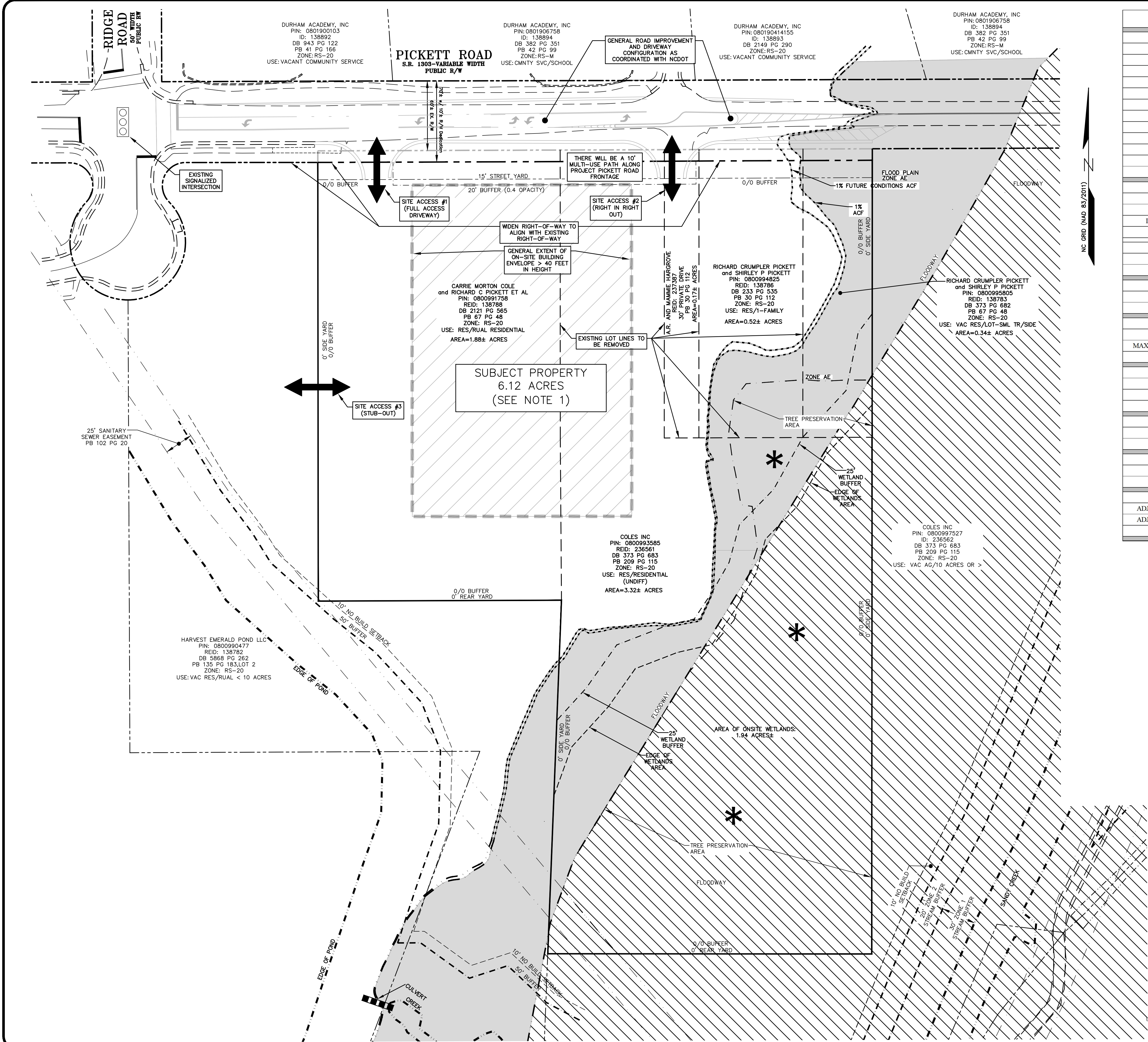
THIS DRAWING AND THE DESIGN HEREON ARE THE PROPERTY OF CIVIL CONSULTANTS, INC. THE INFORMATION ON THIS DRAWING IS NOT FOR USE ON ANY OTHER SITE OR PROJECT. THE REPRODUCTION OR OTHER USE OF THIS DRAWING IN WHOLE OR IN PART, WITHOUT WRITTEN CONSENT OF CIVIL CONSULTANTS, INC., IS PROHIBITED.

COPYRIGHT 2023 CIVIL CONSULTANTS, INC.

SHEET NO.

2

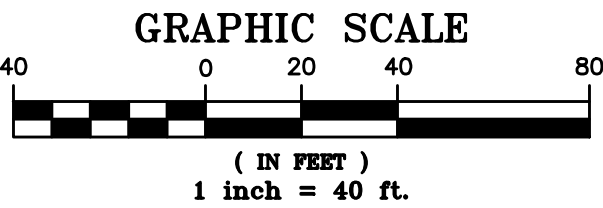




DEVELOPMENT SUMMARY		
SITE SUMMARY	ACRES	SQUARE FEET
GROSS LAND AREA:	6.12	266,753
REID: 138788, 236561, 237387, 138786, 138783:	6.23	271,353
R/W DEDICATION	-0.11	-4,780
EXISTING ZONING RS-20:	6.23	271,353
EXISTING USE:	SINGLE FAMILY & COMMERCIAL	
PROPOSED USE:	MULTI-FAMILY RESIDENTIAL, APARTMENTS	
PROPOSED ZONING:	PDR 36.176	
WATERSHED:	SANDY CREEK	
RIVER BASIN:	CAPE FEAR	
CITY LIMIT:	INSIDE	
TIER:	SUBURBAN	
MAXIMUM NUMBER OF UNITS:	140	
DENSITY CALCULATION	ACRES	SQUARE FEET
GROSS LAND AREA:	6.12	266,753
LESS 100-YEAR FLOODWAY @ 100% of 76,461 SF:	1.76	76,461
LESS 100-YEAR FLOOD FRINGE @ 50% of 43,156 SF:	0.50	21,578
LESS STEEP SLOPES @ 85% of 0 SF:	0	0
ADJUSTED AREA FOR DENSITY CALCULATION:	3.87	168,714
DENSITY CALCULATION:	140 UNITS / 3.87 ACRES	
MAXIMUM DENSITY:	36.176 UNITS/ACRE	
BUILDING HEIGHT SUMMARY		
MAXIMUM ALLOWED	9 STORIES OR 100 FEET	
PROPOSED BUILDING HEIGHT	50 FEET	
IMPERVIOUS SUMMARY	ACRES	SQUARE FEET
EXISTING IMPERVIOUS AREA:	0.80	35,000
MAXIMUM IMPERVIOUS AREA ALLOWED 100% of GLA:	6.12	266,753
IMPERVIOUS AREA PROPOSED 55% of GLA:	3.37	147,000
TREE COVERAGE SUMMARY	ACRES	SQUARE FEET
GROSS LAND AREA:	6.12	266,753
REQUIRED TREE COVERAGE 20% of GLA:	1.22	53,351
PROPOSED TREE PRESERVATION 24.5% of GLA:	1.50	65,350
OPEN SPACE SUMMARY	ACRES	SQUARE FEET
REQUIRED OPEN SPACE 20% of GLA:	1.22	53,351
PROPOSED OPEN SPACE 20% of GLA:	1.22	53,351
PROPOSED BUILDING SETBACK SUMMARY:		
PARCEL BOUNDARY LINES	NONE	
R/W BOUNDARY LINE	15 FEET	
BOUNDARY BUFFER SUMMARY	ADJACENT ZONING	LINEAR FEET
ADJACENT PARCELS ACROSS PICKETT ROAD 70' R/W	RS-20	NONE
ADJACENT PARCELS ACROSS PICKETT ROAD 70' R/W	RS-M	20'/0.4 OPACITY
ADJACENT PARCELS WEST, SOUTH AND EAST	RS-20	NONE

- NOTES**
- THIS ACREAGE INCLUDES REDUCTION OF THE AREA OF THE R/W DEDICATION. SEE DEVELOPMENT SUMMARY TABLE.
  - FINAL AMOUNTS AND LOCATION OF TREE COVERAGE AREA TO BE DETERMINED AT TIME OF SITE PLAN.
  - WETLANDS INFORMATION IS TAKEN FROM FIELD DETERMINATION BY SOIL & ENVIRONMENTAL CONSULTANTS, PA DATED 9-28-22 AND FIELD LOCATED BY SACKS SURVEYING & MAPPING, P.C. DATED: 11-16-22, REVISED 08-01-23.
  - FLOOD LIMITS SHOWN ARE TAKEN FROM FIRM PANEL 3720080000L DATED OCTOBER 19, 2018.
  - EXISTING TOPOGRAPHY, EXISTING TREES, AND ONSITE IMPERVIOUS SURFACE AREA INFORMATION IS TAKEN FROM A FIELD SURVEY PROVIDED BY SACKS SURVEYING & MAPPING, P.C. DATED: 11-16-22, REVISED: 08-01-23.
  - ADJOINING PROPERTY AND ROADWAY INFORMATION IS TAKEN FROM PUBLICLY AVAILABLE GIS MAPPING.
  - NO DURHAM HISTORIC INVENTORY SITES OR DURHAM NATURAL INVENTORY AREAS ARE LOCATED ON OR WITHIN 100 FEET OF THE SUBJECT PROPERTY.
  - FINAL AMOUNTS AND LOCATION OF OPEN SPACES TO BE DETERMINED AT TIME OF SITE PLAN.
  - SITE ACCESS #3 MAY BE EXEMPTED AT TIME OF SITE PLAN PER UDO SEC 12.3.1.F.2.C. OR D..

LEGEND		
PROPOSED SITE ACCESS		
TREE PRESERVATION AREA		
BUILDING ENVELOPE OF BUILDING HEIGHT >= 40'		
FLOODWAY		
FLOODPLAIN 1% ACF		



REV.	DATE	DESCRIPTION
1	04/19/2024	CITY REVIEW COMMENTS
3	06/20/2024	CITY REVIEW COMMENTS

DATE: DECEMBER 21, 2023

THIS DRAWING AND THE DESIGN HEREON ARE THE PROPERTY OF CIVIL CONSULTANTS, INC. THE INFORMATION ON THIS DRAWING IS NOT FOR USE ON ANY OTHER SITE OR PROJECT. THE REPRODUCTION OR OTHER USE OF THIS DRAWING IN WHOLE OR IN PART, WITHOUT WRITTEN CONSENT OF CIVIL CONSULTANTS, INC., IS PROHIBITED.

COPYRIGHT 2023 CIVIL CONSULTANTS, INC.





## ZONING MAP CHANGE REPORT

### PICKETT APARTMENTS (Z2400001)

Meeting Date: February 3, 2025

#### A. Executive Summary

Nil Ghosh, of Morningstar Law Group, proposes to change the zoning designation of five parcels of land totaling 6.12 acres, and located at 3117, 3121, 3123, and 3127 Pickett Road. The current zoning is Residential Suburban – 20 (RS-20). The applicant proposes to change this designation to Planned Development Residential 36.176 (PDR 36.176) with a graphic development plan to allow a multifamily development of up to 140 dwelling units.

The properties are currently designated Apartment and Townhouse Neighborhood (ATN) and Recreation and Open Space (ROS) on the Place Type Map (PTM) (Attachment C). The proposed Residential Suburban – 20 (RS-20) zoning is consistent with the designated Place Types.

#### B. Application Summary

Application Information			
Case Number	Z2400001	Submittal Date	January 11, 2024
Case Name	Pickett Apartments		
Case Type	Graphic Development Plan		
Proposal	Up to 140 apartments		
Applicant Contact	Nil Ghosh, <a href="mailto:nghosh@morningstarlawgroup.com">nghosh@morningstarlawgroup.com</a>		
Staff Contact	Aaron Cain, <a href="mailto:aaron.cain@durhamnc.gov">aaron.cain@durhamnc.gov</a>		
Site Information			
Location	3117, 3121, 3123, 3127 Pickett Road	Legacy Cases	None
Site Acreage	6.12 acres	Existing Use	Single-family Residential
REID(s)	<a href="#">138783</a> , <a href="#">138786</a> , <a href="#">236561</a> , <a href="#">138788</a> , <a href="#">237387</a>		
Request			
Designation	Existing	Proposed	
Jurisdiction	City	No Change	
Development Tier	Suburban	No Change	
Place Type Map	Apartment and Townhouse Neighborhood (ATN) and Recreation and Open Space (ROS)	No Change	
Zoning District(s)	Residential Suburban–20 (RS-20)	Planned Development Residential 36.176 (PDR 36.176)	
Zoning Overlay(s)	None	No Change	
Urban Growth Boundary	Within UGB	No Change	
Allowable Use(s)	12 single family units	140 apartment units	
Compliance with UDO and Adopted Plans			
UDO Compliance	The zoning map change request has been reviewed by staff and determined to be compliant with UDO requirements.		

### C. Commitments in Excess of the UDO

Commitments Exceeding UDO Requirements	
The maximum number of residential dwelling units within this project shall be 140 units.	
Housing types for this development will be limited to apartment type and allowed accessory uses.	
<p>At full build-out, a minimum of 10% of the total residential unit count shall be set aside as income-restricted units such that a third of these units are provided at a rental rate which is affordable for households earning 60% of the area median income or less, a third of these units are provided at a rental rate which is affordable for households earning 80% of the area median income or less, and a third of these units are provided at a rental rate which is affordable for households earning 100% of the area median income or less.</p> <p>A) the income-restricted units shall maintain the affordability level for a period of no less than thirty years after the date of issuance of a certificate of compliance on the site. All income-restricted units shall be occupied prior to the issuance of a certificate of compliance for the 101st unit.</p> <p>B) during the affordability term, an annual report shall be provided by the owner of such income-restricted units to the director of the city of Durham's department of community development which identifies the incomes of persons residing within the income-restricted units and the rents being charged and shall comply with the following sections of the city's rules and procedures for the affordable housing density bonus in effect on the date of site plan approval:</p> <ul style="list-style-type: none"> <li>i) iv.d.1 - annual tenant certification</li> <li>ii) iv.d.4 - compliance monitoring</li> <li>iii) iv.e - record keeping and retention</li> <li>iv) v - enforcement</li> </ul> <p>C) an affordability deed restriction to preserve affordability for a period of thirty (30) years, in a form approved by the city, shall be filed and recorded in the property's chain of title by the property owner in the Durham County register of deeds.</p> <p>D) the income-restricted units shall be comparable in square footage, number of bedrooms, and external appearance to the market-rate units and will be located throughout the site and not concentrated in one area of the site or building.</p>	
4.	Prior to approval of a preliminary plat or site plan for this development, existing interior lots on the subject property will be recombined into one lot.
5.	Prior to the issuance of a certificate of occupancy, construct an exclusive westbound left-turn lane on Pickett Road at the western driveway with adequate storage and appropriate tapers. A continuous two-way left-turn lane shall be constructed on Pickett Road between the western driveway and the Durham academy driveway (REID 138894).
6.	Prior to the issuance of a certificate of occupancy, construct an exclusive eastbound left-turn lane on Pickett Road at the Durham academy driveway (REID 138894) with adequate storage and appropriate tapers. A continuous two-way left-turn lane shall be constructed on Pickett Road between the western driveway and the Durham academy driveway (REID 138894).
7.	Prior to the issuance of a certificate of occupancy, construct a concrete median on Pickett Road at the eastern driveway to restrict the eastern driveway to right-in/right-out access only.
8.	Prior to the issuance of a certificate of occupancy, construct a 10' concrete shared path for the full frontage of the site along the south side of Pickett Road to accommodate bicycles and pedestrians.
9.	Prior to issuance of a building permit, dedicate 10' of additional right-of-way for the frontage of the site along Pickett Road. A copy of the recorded plat must be submitted with the first building permit application.
10.	Mass grading will not be employed on the site.
11.	New trees and shrubs planted on the project will consist of native species only.
12.	Buildings and parking shall not encroach the floodplain.
13.	Prior to issuance of the first certificate of compliance, developer will provide a one-time donation in the amount of \$22,000 to Durham Public Schools.
14.	Prior to the issuance of a certificate of occupancy and subject to NCDOT and Durham Transportation approval, a rectangular rapid flashing beacon (RRFB) and crosswalk shall be installed across Pickett Road at the Sandy Creek trailhead.

### D. Environmental Summary

Environmental Data	
<b>Watershed Overlay</b>	The site is not within a watershed overlay.



<a href="#">NC Natural Heritage Inventory</a>	The NCNHI does not identify any unique, endangered, or sensitive species or vegetation on the site.			
<a href="#">Wildlife Corridor</a>	The site is not within a wildlife corridor.			
UDO Compliance	Does Not Apply	Meets UDO	Exceeds UDO	UDO Reference
Impervious Surface			There is no maximum impervious surface limit; the plan proposes an impervious area of 55 percent.	<a href="#">Section 8.7, Watershed Protection Overlay Standards</a>
Regulated Floodplain			Building and parking shall not encroach the floodplain.	<a href="#">Section 8.4, Floodplain and Flood Damage Protection Standards</a>
Steep Slopes UDO	None on site			<a href="#">Section 8.8, Steep Slope Protection Standards</a>
Stream Buffers	None on site			<a href="#">Section 8.5, Riparian Buffer Protection Standards</a>
Stream Buffer or Floodplain Intrusion		Possible encroachment into 100-year floodplain with stormwater management and utilities.		<a href="#">Section 8.5, Riparian Buffer Protection Standards</a>
Project Boundary Buffers		If mass graded: a minimum of 0.6 opacity is required along adjacent parcels across Pickett Road.		<a href="#">Section 9.4, Project Boundary Buffers</a>
Wetlands		There is a one-acre wetland on the site. There is a 25-ft buffer along the edge of this wetland.		<a href="#">Section 8.9, Wetlands Protection Standards</a>
Open Space		The minimum required amount of open space is 20 percent. The plan depicts 20 percent open space, which meets UDO requirements. One-third of the open space will be required to be active recreational open space as defined by the UDO.		<a href="#">Article 6, District Intensity Standards</a> <a href="#">Section 7.2, Open Space</a>
Tree Coverage			A minimum of 20 percent tree coverage is required. The plan commits to 24.5 percent tree coverage.	<a href="#">Sec. 8.3, Tree Protection and Tree Coverage</a>

## E. Housing and Income Impact Summary

Proposed Housing Conditions Information	
Number of Units	140
Density of Units	36.176 units per acre
Number/Percent Units	Ten percent (14) are committed to be income-restricted; of those, one-third affordable at



Affordable (AMI)	60% AMI, one-third at 80% AMI, and one-third at 100% AMI for 30 years.		
Unit Types (UDO Category)	Apartments		
Does the proposal add to or subtract from the housing supply?	This proposal adds to the inventory of market-rate and income-restricted housing available in Durham.		
Current Housing Costs (for Durham County)			
<a href="#">Median Sales Price</a>	\$420,000 (as of October 2024)	<a href="#">Median Rental Rate</a>	\$1,534 (as of October 2024)
Median Household Income			
<a href="#">Census Tract (Site)</a>	\$74,983	<a href="#">HUD Income Limits for 2024 for Durham-Chapel Hill MSA</a>	
City Overall	\$78,105	County Overall	\$80,089

## F. Social and Built Infrastructure Summary

Current Conditions			
Intensity of Current Zoning	Planning staff has estimated that the most intense use under the current zoning designation would be 13 single family homes.		
Potential Impacts			
Durham Public Schools			
<a href="#">Region</a>	Southwest		
	Elementary (PreK-5)	Middle (6-8)	High (9-12)
Base School Impacted	Forest View	Githens	Jordan
Potential Students Generated – Current Zoning	2	1	1
Potential Students Generated – Proposed Zoning	15	6	9
Potential Impact of Proposed Zoning	+13	+5	+8
Durham County Per Pupil Costs	\$5,374 per pupil estimated annual operating costs \$100,000 per pupil estimated capital costs for new construction		
School Capacity			
Percent of Existing Capacity	96.3%	98.1%	121.5%
Infrastructure Impacts			
Water Connection and Capacity	The proposed project site is within the 567-foot pressure zone and will require two waterline connections. Two waterline feeds off of the 12-inch waterline in Pickett Road with a valve between the two connection points shall be acceptable as two waterline feeds. Water Management will not approve a plat that establishes more than 100 units without a second waterline feed in service.		
Sewer Connection and Capacity	The proposed project site is within the South Durham Wastewater Reclamation Facility sewer basin. The development may connect to the existing eight-inch gravity sewer in the southern end of the development.		

## G. Transportation Impact Summary

Current Conditions
--------------------



Intensity of Current Zoning	Transportation staff has estimated that the most intense use under the current Residential Suburban–20 (RS-20) zoning designation for transportation-related impacts would be 13 single family units.		
Transportation Impacts			
Infrastructure Impacts	Pickett 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.		
Transit Service	Transit service is not currently provided within one-quarter mile of the site.		
Existing Roadway Characteristics			
Affected Roadway	Pickett Road		
Type of Roadway	Two-lane undivided city/county class II arterial without left-turn lanes		
Current Roadway Capacity (LOS D) (AADT)	12,500		
Latest Traffic Volume (AADT)	7,000		
Traffic Generation			
	Traffic Generated by Present Designation (average 24 hour)	Traffic Generated by Proposed Designation (average 24 hour)	Potential Impact of Proposed Designation
Number of Trips	154	973	+819
Assumptions	Maximum Use of Existing Zoning – RS-20: 13 single family homes Maximum Use of Proposed Zoning – PDR 36.176: 140 multi-family units		
Improvements			
Roadway Improvements	Exclusive westbound left-turn lane on Pickett Road at the western driveway with adequate storage and appropriate tapers. A continuous two-way left-turn lane shall be constructed on Pickett Road between the western driveway and the Durham academy driveway (REID 138894).  Exclusive eastbound left-turn lane on Pickett Road at the Durham academy driveway (REID 138894) with adequate storage and appropriate tapers. A continuous two-way left-turn lane shall be constructed on Pickett Road between the western driveway and the Durham academy driveway (REID 138894).		
Site Access Points and Stub Outs	A concrete median on Pickett Road at the eastern driveway to restrict the eastern driveway to right-in/right-out access only.		
Right-Of-Way Dedication or Reservation	None		
Sidewalks	A 10-foot concrete shared path for the full frontage of the site along the south side of Pickett Road to accommodate bicycles and pedestrians.		
Bicycle Lanes	A 10-foot concrete shared path for the full frontage of the site along the south side of Pickett Road to accommodate bicycles and pedestrians.		

## H. Equity and Engagement Summary

Neighborhood Meeting Information			
<b>Required Meeting Dates &amp; Additional Meeting(s)</b>	1 <sup>st</sup> - <a href="#">November 28, 2023</a> 2 <sup>nd</sup> - <a href="#">October 29, 2024</a>	<b>Number of Attendees</b>	1 <sup>st</sup> - 44 2 <sup>nd</sup> - 69



Durham Rezoning Explorer			
Community comments from the <a href="#">Durham Rezoning Explorer</a>	There are 15 comments for this proposal as of December 27, 2024, all stating that they are against the proposal. Please refer to the Durham Rezoning Explorer for additional details.		
Equity: Potential Displacement			
	Tax Value Increase in Area	Evictions in Area	Cost-Burdened Renters
Potential Displacement Risk ( <a href="#">Source</a> )	7.2% (Census Block Group) 26.6% (County)	7 per square mile (Census Tract) 21 per square mile County	42% (Census Tract) 49.5% (County)
Demographics			
( <a href="#">Source</a> )	Census Tract	County	
People of Color	39.9%	57.4%	
Median Age	36.4	35.7	
Equity: Geography			
Is the area identified as “Disadvantaged” by the <a href="#">Climate and Economic Justice Screening Tool</a> ?	This area is not identified as “disadvantaged” by the Climate and Economic Justic Screening Tool.		
Is this in a formerly redlined area, as found in the <a href="#">Durham redline map</a> ?	The proposal is not within a formerly redlined area as seen in the redlined map.		
Is this area in an opportunity area as identified in the <a href="#">Green Infrastructure Program</a> ?	This area is not located in one of the priority areas identified by the Green Infrastructure Program.		

## I. Adjacent and Surrounding Development

Active Cases (within a half-mile)		
Active Site Plans	None	
Active Zoning Map Changes	None	
Active Annexations	None	
Proximity to Essential Services		
	Distance from Site	Amenity
Proximity to Grocery/Food	1.2 Miles	Target Grocery
	1.4 Miles	Li Ming’s Global Mart
	1.6 Miles	The Fresh Market
Proximity to Retail/Commercial	1.2 Miles	Target, Sam’s Club, and other retail
Proximity to a Park/Public Space	0.2 Miles	Sandy Creek Park trail
	1.2 Miles	Sandy Creek Park parking lot
Proximity to Healthcare	4.6 Miles	FastMed Urgent Care
	6.7 miles	Duke Urgent Care
	8.4 Miles	UNC Hospital
	8.8 Miles	Duke Hospital
Proximity to a School	2.4 Miles	Forest View Elementary
	3.2 Miles	Githens Middle
	4.2 Miles	Jordan High School

Proximity to a Transit Stop	0.9 Miles 1.3 Miles	Tower Boulevard at Durham Chapel Hill Boulevard Westgate Drive at South Square (SB)
-----------------------------	------------------------	--

## J. Comprehensive Plan Policies

Comprehensive Plan Policy Consistency		
Generally consistent with the following number of applicable policies of the Comprehensive Plan	Consistent by Exceeding UDO	15
	Consistent by Meeting UDO	7
	Policy Not Met	3
	Policy Not Applicable	8
Comprehensive Plan Policy Consistency Analysis		Attachment E

## K. Case Timeline Summary

Timeline of Activity on the Case	
Date of Presubmittal Meeting	November 9, 2023
Date Completed Application Submitted	January 11, 2024
Date All Comments Addressed	August 14, 2024
Date of Planning Commission Public Hearing	November 12, 2024
Date of City Council or BOCC Public Hearing	February 3, 2025

## L. Advisory Body Recommendations

Bicycle and Pedestrian Advisory Commission (BPAC)	
Bicycle Pedestrian Advisory Commission (BPAC) Comments	<p>In order to comply with the DCHC MPO Comprehensive Transportation Plan and to enhance connectivity:</p> <ol style="list-style-type: none"> <li>Construct a 12-foot paved multi use path (MUP) with a 10-foot buffer from the road, with trees planted in the buffer along the project frontage with Pickett Road. <b><i>Applicant is providing a 10-ft multi-use pathway, with street trees included.</i></b></li> <li>Extend the MUP to the Sandy Creek Trailhead at Pickett Road (just east of the development). <b><i>The applicant is not extending the MUP but are willing to provide an easement for future connection.</i></b></li> <li>Build raised crosswalks across any car access points to keep pedestrians at the level of the MUP while crossing. This ensures safer car speeds at points where pedestrians will be crossing and provides better accessibility for those in wheelchairs. <b><i>The applicant responded, "We believe this would introduce delays in movements in and out of the driveway by creating a 'speed bump.' While that may be the intent, we believe the City's Commercial Driveway standards adequately accommodates both vehicular and pedestrian movements, including ADA accessibility."</i></b></li> </ol>
Planning Commission	
Planning Commission Vote	The Planning Commission recommended denial on an 8-2 vote at its November 12, 2024, meeting.



## **M. Conclusion**

The proposal would allow the development of 140 multifamily apartment units on four parcels with single family homes. Ten percent of the 140 units are committed to being income-restricted; one-third of the income restricted units to be affordable at 60% AM, one-third at 80% AMI, and one-third at 100% AMI. The site for the proposed apartment units is located off of Pickett Road, just north of Sandy Creek Park. The location of the proposal is a generally car-centric area; however, there is access to a public park and connecting trail and a transit stop located within one mile of the site.

The proposal is generally consistent with the Apartment and Townhouse Neighborhood Place Type with respect to the zoning intensity, committed shared use path, and provision of green space. The proposal is generally consistent with the Recreation and Open Space Place Type though a commitment of tree preservation within the floodway and fringe, and the commitment to locating building and parking outside of the floodplain.

This proposal is consistent with 22 of 25 of applicable policies of the Comprehensive Plan, as found in Attachment E – Comprehensive Plan Consistency.

## **N. Notification**

Staff certifies that newspaper advertisements, letters to property owners, and the posting of the property have been carried out in accordance with paragraph 3.2.5 of the UDO. In addition, email notice was provided per the Durham Planning Public Notification Service.



## COMPREHENSIVE PLAN CONSISTENCY REVIEW

### PICKETT APARTMENTS (Z2400001)

Comprehensive Plan Development Applicable Policies		
Applicability	Consistency	Staff Analysis
Neighborhoods Policy Topics		
Historic Resources		
<b>Policy 32:</b> Preserve and protect historic resources in the design of new developments and neighborhoods and design them to respect Durham's unique identity and reflect the nearby historical context. Promote new developments that are compatible with the architectural elements of significant historic resources.		
<p>All projects are evaluated against this policy. There are no Unified Development Ordinance (UDO) requirements for historic structures identified on the North Carolina State Historic Preservation Office (NCSHPO) maps. If the site is in a local historic district and/or is designated a local landmark, the proposal must meet local historic standards and/or complete the Certificate of Appropriateness process. For projects outside of local historic districts and/or a local landmark, but have historic structures listed on the NCSHPO map, additional standards should be included to preserve and protect historic structures. Commitments could include voluntary inclusion into the Certificate of Appropriateness (COA) process, reuse of the structure, and/or preservation of the structure. If structures cannot be preserved due to poor structural integrity, documentation should be provided to staff.</p>	<p>Not applicable as there are no historic structures on site</p>	
Developments in Neighborhoods		
<b>Policy 33:</b> Discourage development patterns, such as exclusively single-family neighborhoods, that segregate and concentrate high-wealth communities.		
<p>All projects are evaluated against this policy. New developments should either provide a mix of housing within the project or create a mix by introducing a new housing type in an area that is predominantly uniform.</p>	<p>Consistent by exceeding UDO standards</p>	<p>Provides a new housing type in an area that is predominantly uniform</p>
Neighborhood Design		
<b>Policy 37:</b> Design new developments to prioritize pedestrians in ways compatible with existing neighborhoods, such as by placing buildings close to the street, oriented toward sidewalks, green spaces, or community areas where people gather; locating vehicle access and parking to the side or rear of buildings and lots; maintaining connected streets and frequent intersections; and designing buildings to engage with the street through stoops, porches, or other welcoming entranceways.		
<p>All projects are evaluated against this policy. Developments will always be required to meet this policy and can do so by meeting UDO standards for pedestrian facilities and connectivity. Any commitments in excess of UDO standards will be consistent by exceeding.</p>	<p>Consistent by meeting UDO standards</p>	<p>The proposal will meet UDO requirements for pedestrian and bicycle facilities at the site plan stage.</p>
<b>Policy 39:</b> Preserve and create natural areas, open spaces, community gardens, and trees within new housing developments or redevelopments—particularly for affordable housing—to improve the physical and mental health of residents.		



This policy applies when residential development is allowed in the proposal. The Unified Development Ordinance requires tree coverage areas and open space as part of residential development. Any residential proposal will meet this policy by meeting UDO standards. Exceeding UDO standards by committing to cluster or conservation subdivisions, exceeding minimum tree coverage or open space standards, community gardens, and/or pocket parks would be consistent with this policy by exceeding UDO standards.	Consistent by exceeding UDO requirements	Commitments to 25 percent open space and tree preservation exceed UDO standards.
<b>Housing Policy Topics</b>		
<b>Affordable Housing</b>		
<b>Policy 40:</b> Affordable housing should be included in new development proposals. Encourage and incentivize housing that meets the needs of Durham residents in terms of cost, unit size, housing type, ADA accessibility, and location. Tenures for housing affordability should run, where feasible, with the land in perpetuity. When this is not possible, affordability tenures should last for a minimum of 30 years and have an associated deed restriction.		
This policy applies when residential development is allowed in the proposal. New development should include affordable dwelling units and meet the tenure requirement of 30 years.	Consistent by exceeding UDO standards	The proposal commits to 14 (ten percent) income-restricted units for 30 years; one-third at 60% AMI, one-third at 80% AMI, and one-third at 100% AMI.
<b>Accessible Housing</b>		
<b>Policy 48:</b> Encourage, incentivize, and require a variety of housing types in new developments that allow for a mix of age groups, and discourage developer commitments that isolate seniors by restricting housing based on age.		
This policy applies when residential development is allowed in the proposal. To accommodate a variety of age groups, the development plan may make commitments that create a variety of unit sizes, include first floor bedrooms, units accessible to persons with disabilities, and/or “universal design” elements. Commitments that restrict residents based on age are discouraged. This policy can only be met by exceeding UDO standards and requires a text commitment to include design standards.	Policy not met	No commitments that provide for a mix of age groups are provided.
<b>Policy 49:</b> Work towards healthier housing and lower utility costs for residents by using green building techniques and technologies (such as solar panels, passive solar design, low VOC materials), particularly in affordable housing units. Use durable, environmentally sustainable materials in publicly and privately funded affordable housing to create healthier homes.		
This policy applies when residential development is allowed in the proposal and can only be met by exceeding UDO Standards. There are no UDO standards that require green building techniques or certification. Through the development plan process, this policy can be achieved through commitments to green building standards or certification, installation of solar panels, or publicly accessible and/or level 2 or higher electronic vehicle charging stations.	Policy not met	The proposal does not commit to green building techniques or technologies.
<b>Policy 50:</b> Encourage the location of new residential development such that homes are within a safe ten-minute walking distance (approximately one-half mile) of public parkland.		
This policy applies when residential development is allowed in the proposal. A proposal will be considered consistent with the policy if the proposed development is located within a ten-minute walk and there are adequate pedestrian	Consistent by exceeding UDO standards	The development is site within a half-mile of Sandy Creek Park; however, the applicant does not commit to a direct pedestrian connection to the park.

facilities to allow safe movement from the site to the public parkland. If there is no safe route to the parkland, the proposal could commit to offsite sidewalk improvements to further safely connect the two sites. If there is no public parkland within a ten-minute walk, the proposal could proffer to dedicate land for a public park, subject to approval by Parks and Recreation Department, to be consistent with this policy. There is no current UDO standard that requires new residential development to be located within a half mile of public parkland.		
<b>Tenants' Rights</b>		
<b>Policy 52:</b> Encourage the preservation of existing mobile home parks. Provide a re-housing plan for residents when mobile home parks are redeveloped, prioritizing locations near existing parks or with similar access to amenities.		
This policy only applies to proposed rezoning that includes existing mobile home parks. Rezoning of existing mobile home parks should be discouraged; however, if a proposed rezoning should remove the PDR MH zoning or change the zoning district, in order to meet this policy a rehousing plan for the existing residents would be required.	Not applicable as the site is not currently a mobile home park	
<b>Transportation Policy Topics</b>		
<b>Sidewalks</b>		
<b>Policy 55:</b> Fill in gaps in the existing sidewalk, bicycle, and transit infrastructure to create an accessible, safe, and direct transportation network for all residents. Focus on improving residents' access to needed resources, including healthcare services, grocery stores, employment areas, and schools.		
All projects are evaluated against this policy. The Unified Development Ordinance (UDO) requires sidewalks to be provided along both sides of public or private right-of-way in all tiers except the Rural Tier. In addition, per UDO 12.4.3C, pedestrian and bicycle connections shall be made to any existing or proposed off-site pedestrian, bicycle, and transit facilities. Due to these existing standards, all projects should be found consistent with this policy by meeting UDO standards.	Consistent by exceeding UDO requirements	The proposal will meet UDO requirements for pedestrian infrastructure at the site plan stage. In addition, a crosswalk is committed at the Sandy Creek Trail entrance on Pickett Road.
<b>Transportation Investments</b>		
<b>Policy 57:</b> Encourage new developments to fill in gaps or upgrade transportation infrastructure by building or dedicating rights-of-way within and adjacent to the project site.		
All projects are evaluated against this policy. The Unified Development Ordinance (UDO) requires sidewalks to be provided along both sides of public or private right-of-way in all tiers except the Rural Tier. In addition, per UDO 12.4.3.C, pedestrian and bicycle connections shall be made to any existing or proposed off-site pedestrian, bicycle, and transit facilities. Due to these existing standards, all projects should be found consistent with this policy by meeting UDO standards.	Consistent by meeting UDO standards	Any necessary right-of-way dedication required for the committed transportation improvements will take place at a later stage.
<b>Accessible Transportation</b>		
<b>Policy 63:</b> Improve ADA accessibility at crosswalks, sidewalks, and bus stops for all people, regardless of ability or age. Improve pedestrian infrastructure, including street crossings, intersections, signals, wayfinding, and sidewalks prioritizing the safety of people with disabilities, senior citizens, students, and families with young children.		



All projects are evaluated against this policy. ADA accessibility is required by the UDO; therefore, all projects will be considered to meet this policy since they will be required to meet UDO standards. Projects can exceed standards for this policy by improving off-site facilities to meet ADA standards, provide wayfinding, etc.	Consistent by meeting UDO standards	UDO requirements for ADA accessibility will be met at the site plan stage.
<b>Land Use and Transportation Coordination</b>		
<b>Policy 70:</b> Reduce the amount of land used for automobile travel and parking and encourage pedestrian- and transit-friendly design. Discourage conversion of land into uses primarily or exclusively supportive of automobiles, such as gas stations and car washes.		
All projects are evaluated against this policy. Non-residential land uses that are auto dependent, such as gas stations, car washes, and vehicle sales and service cannot meet this policy. Ways to exceed UDO standards and meet this policy include limiting parking, committing to pedestrian friendly design, installation of transit facilities, etc.	Not applicable as this is not a commercial development	
<b>Policy 72:</b> Ensure new development is connected to adjacent neighborhoods and commercial areas with walking and biking infrastructure. This can include building, improving, or dedicating right-of-way for sidewalks, and constructing bicycle paths, greenways, off-street bicycle and pedestrian connections, bus stop infrastructure, and collector streets, as called for in locally adopted transportation plans.		
This policy applies to all proposed projects except industrial development or zoning districts without adjacent commercial or residential uses. The Unified Development Ordinance (UDO) requires sidewalks to be provided along both sides of public or private right-of-way in all tiers except the Rural Tier. In addition, per UDO 12.4.3C, pedestrian and bicycle connections shall be made to any existing or proposed off-site pedestrian, bicycle, and transit facilities. Due to these existing standards, all projects should be found consistent with this policy by meeting UDO standards.	Consistent by meeting UDO requirements	The required western stub out is shown on the development plan.
<b>Environment and Public Spaces Policy Topics</b>		
<b>Protecting Sensitive Land</b>		
<b>Policy 79:</b> Protect Durham's most sensitive natural areas (including floodplains, wetlands, wildlife habitats, hillsides, drinking water sources, critical watersheds, and natural heritage areas) from the impacts of development.		
All projects are evaluated against this policy. The Unified Development Ordinance (UDO) requires protection of sensitive natural areas including floodplains, wetlands, steep slopes, drinking water sources, and critical watersheds. However, wildlife corridors and natural heritage areas are not protected within the UDO. Commitments that restrict development in natural areas, such as wildlife corridors, natural heritage areas, and floodplains, would exceed UDO standards.	Consistent by meeting UDO standards	UDO requirements for protection of environmental lands is shown on the development plan.
<b>Policy 81:</b> Locate open space in new development so that it protects the most environmentally sensitive portions of the site and creates large and contiguous habitat areas, rather than narrow and disconnected strips of open space.		

All projects are evaluated against this policy. There are no UDO standards regarding the location of open space within a development, only a minimum percentage when applicable. To exceed UDO standards and meet this policy, a commitment must be made regarding the location of open space to ensure areas are connected and protect the most sensitive areas onsite.	Consistent by exceeding UDO standards	Proposed tree preservation areas are identified within the floodway and floodway fringe. The proposed building and parking envelope does not encroach in the floodway or wetlands.
<b>Policy 83:</b> Existing habitat areas and wildlife movement corridors should be left largely undisturbed to remain in their natural, vegetated state and to avoid fragmentation and disruption. These areas include Wildlife Habitat Areas or Natural Corridors in adopted open space plans or identified NC Natural Heritage Areas. Some disturbance may be allowed for road crossings, utilities, and stormwater infrastructure, if minimized. Staff will recommend against proposed structures or parking in these areas.		
This policy is only applicable for proposals that have wildlife corridors and/or natural heritage areas onsite. As there are no Unified Development Ordinance (UDO) requirements for wildlife corridors or natural heritage areas, commitments in excess of the UDO that would restrict activity within wildlife corridors and/or natural heritage areas would be required to meet this policy.	Not applicable as no habitat area or wildlife movement corridors are identified on site	
<b>Policy 84:</b> Discourage development that contributes to a loss of biodiversity, particularly through disruptive clear-cutting and mass grading. Mass grading should be discouraged for new residential projects. When mass grading of new development sites is proposed, it should occur in phases rather than across the entire area at once, to reduce on-site stormwater runoff and erosion, and to retain tree cover between the phases of construction.		
All projects are evaluated against this policy which are at least four acres in size. New UDO standards for phasing and mass grading provide policy consistency for applicable projects. Committing to no mass grading at all or a phasing plan for projects under the phasing threshold (50 acres) is considered exceeding UDO standards for this policy.	Consistent by exceeding UDO standards	The applicant has committed to not employing mass grading.
<b>Policy 85:</b> New developments should include tree coverage beyond that required by development regulations. Tree canopy should be distributed throughout new developments to maintain a consistent mature tree canopy wherever possible.		
All projects are evaluated against this policy above two acres in size and in the Urban or Suburban tiers, or zoned or proposed to be Design District in the Compact Neighborhood tier. To meet this policy, proposals must exceed current tree coverage standards. Where tree coverage is not required, any commitment to tree coverage would exceed policy.	Consistent by exceeding UDO standards	The proposal commits to 24.5 percent tree coverage, in excess of the 20 percent required by the UDO.
<b>Environmental Justice</b>		
<b>Policy 94:</b> Increase Durham's urban tree canopy, prioritizing neighborhoods and communities with comparably less canopy. Prioritize native trees in replanting efforts.		
All projects are evaluated against this policy, except those in the Rural Tier. Meeting current UDO standards will meet this policy. Exceeding UDO standards for tree coverage and/or committing to the use of native plantings in landscaping, which includes trees, shrubs, and other native plant life, will exceed UDO standards for this policy.	Consistent by exceeding UDO standards	The proposal commits to 24.5 percent tree coverage, in excess of the 20 percent required by the UDO, and commits to only using native species.
<b>Policy 95:</b> Strongly discourage new development in floodplains. For existing development in floodplains, support and encourage retrofits to increase flood resilience.		

All projects are evaluated against this policy with floodplain on site. Development, as it pertains to this policy, refers to structures or impervious surface areas; greenways, trails, recreation and open space uses in floodplain areas do not violate this policy. Committing to protection beyond UDO standards would exceed for this policy; meeting UDO standards would not meet this policy.	Consistent by exceeding UDO standards	The parking and building envelope is entirely outside the floodplain.
<b>Policy 96:</b> Implement strategies to reduce the heat island effect and its impact on residents. Ensure that new developments mitigate the urban heat island effect in areas currently experiencing it. Encourage new developments that minimize impervious surfaces and include green infrastructure, reflective materials, and plentiful tree canopy.		
All projects are evaluated against this policy. For projects in watershed protection overlay districts, meeting impervious surface limits meets this policy. To exceed UDO standards for this policy, examples include a further limitation of impervious surface limits, provision of tree coverage above UDO standards, green infrastructure measures, and inclusion of reflective materials. Projects in the Urban and Suburban Tiers should provide additional tree coverage/impervious surface limitations to exceed standards for this policy. Projects in the Downtown and Compact Neighborhood Tiers should include green infrastructure to exceed UDO standards for this policy. For projects not in a watershed protection overlay district, a commitment to one of the above measures, or a comparable action, is required to meet this policy.	Consistent by exceeding UDO standards	The proposal commits to a maximum impervious surface of 55 percent in an area outside of any watershed protection overlay.
<b>Policy 101:</b> Encourage new development that incorporates native plants, wildlife habitats, natural landscaping, and that discourages invasive exotic species.		
UDO prohibits invasive exotics for use in required plantings. Committing to planting only native species would meet this policy by exceeding UDO standards, not making such a commitment would mean this policy is not met. Exceeds: the native plantings proposed for the site will be selected in accordance with the associated natural history of the site, per the Classification of the Natural Communities of North Carolina - 4th Approximation (or another source which can speak to the ecology/native plant communities of Durham).	Consistent by exceeding UDO standards	The proposal commits to only using native species for plantings.
<b>Access to Parks, Open Space, Trails, and Recreation</b>		
<b>Policy 104:</b> In new development, dedicate parks, recreation facilities, and other amenities for public use rather than as private space.		
This policy applies to all proposed projects that include recreational amenities. To meet this policy, those amenities should be publicly accessible.	Not applicable as no parks and recreation facilities are proposed	
<b>Policy 105:</b> New developments should build or dedicate right-of-way for trails and greenways as per adopted trails and greenway plans. The trails and greenways system should link residential areas, schools, parks, institutions, shopping centers, and other greenway corridors.		



This policy is only applicable when a proposed trail or greenway is on site for a proposed development, per the <a href="#">Durham's Trails &amp; Greenways Master Plan (2011)</a> . Should that be the case, the development plan should demonstrate compliance with the plan through dedication of easements consistent with the UDO Section 12.1.4.B. Should a proposal commit to constructing the trail or greenway, this policy would be determined to exceed the UDO.	Consistent by exceeding UDO standards	The proposal commits to providing a crosswalk and beacon for the Sandy Creek Trail across Pickett Road.
<b>Green Infrastructure and Sustainability</b>		
<b>Policy 108:</b> Encourage green infrastructure, such as native trees and vegetation, protected green spaces, green roofs and walls, bioswales, rain gardens, and permeable pavement. Green infrastructure should be prioritized in low-income and BIPOC communities if desired by those communities.		
All projects are evaluated against this policy. Provision of green infrastructure, as listed in the policy, and/or use of native trees in planting, is required to meet this policy.	Consistent by exceeding UDO standards	The proposal commits to using only native trees and shrubs in plantings.
<b>Policy 111:</b> Encourage innovative stormwater management practices that will preserve and enhance water quality and will not increase the quantity of water discharged downstream of new developments. Encourage innovative stormwater management practices that will prepare our community and its infrastructure for increasingly heavy precipitation events.		
All projects are evaluated against this policy. Durham has one of the most stringent stormwater regulations in the state. Therefore, meeting City Code standards is considered meeting this policy. Commitments that go above and beyond City Code standards regarding stormwater are considered in excess of City Code standards for this policy.	Consistent by meeting UDO standards	The proposal will meet UDO standards for stormwater at the site plan stage.
<b>Policy 114:</b> Encourage reuse of existing buildings, infrastructure, and construction materials, rather than their new creation from scratch. (Ensure that existing infrastructure is adequate for infill development, upgrade if not).		
This policy applies to infill development or sites with significant existing buildings, substantial structures, and/or infrastructure; it is not applicable to greenfield sites.	Not applicable as there are not substantial materials for reuse	
<b>Jobs and Training Policy Topic</b>		
<b>Access to Childcare</b>		
<b>Policy 145:</b> Co-locate childcare facilities within or adjacent to employment centers, education and medical institutions, and community and civic places.		
This policy applies to non-residential sites that meet the uses listed in the policy or are adjacent to those uses. This policy can be met if childcare centers are a permitted use in the zoning district requested (and in the development plan, if applicable). The proposal will be considered to exceed UDO standards if a childcare facility is committed to in the development plan.	Not applicable as this is not a commercial proposal	
<b>Education Policy Topic</b>		
<b>School Site Development</b>		
<b>Policy 152:</b> Coordinate school planning and land use planning to proactively prepare for increased student growth from new development. When a proposed residential development causes any school level (ex: elementary, middle, and high school) within a region to be over-capacity, Durham Public Schools, the Durham City-County Planning Department, and the development team should consider mitigation measures for the school system (ex: land dedication, payments in-lieu-of improvements, or other proffers). Coordinate with Durham Public Schools to calculate what mitigation is necessary based on the best available estimates.		

All residential projects are evaluated against this policy. There is no UDO standard for school impact mitigation. Residential proposals that provide a monetary contribution to Durham Public Schools will be considered to meet this policy in excess of UDO standards.	Consistent by exceeding UDO standards	The proposal proffers a one-time donation of \$22,000 to Durham Public Schools.
<b>Policy 155:</b> When a proffer of land dedication for school sites is made, review of acreage and feasibility should be assessed in coordination with Durham Public Schools and Durham City-County Planning.		
This policy is only applicable when an applicant proposes land dedication towards school sites. Representatives from Durham Public Schools (DPS) are included in the distribution of all rezoning cases. As part of the review, DPS should confirm if the proffer is suitable to their needs or plans. If DPS does not approve of the proffer, staff will require the proposed proffer to be removed from the development plan.	Not applicable as there is not a land donation to Durham Public Schools	
<b>Place Type Policies</b>		
<b>Applicable Policy</b>	<b>Consistency</b>	<b>Analysis</b>
<b>Apartment and Townhouse Neighborhood</b>		
<b>Policy 46</b> At least 20 percent of housing in the Transit Opportunity Areas Place Type should be affordable to households making 30-80 percent of Area Median Income (AMI), with half of those units being affordable for households making 30-50 percent of AMI. At least 15 percent of housing in all other residential and mixed-use place types should be affordable to households making 30-80 percent of AMI		
In order to be consistent with this policy, the amount of affordable housing should be provided at the income levels provided for at least 30 years.	Not consistent	While the proposal provides for affordable housing, it does not provide it at the amounts and AMI levels as described in this policy.
<b>Policy 173</b> Encourage more residential units on smaller site in the Apartment and Townhouse Place Type. Larger sites should include a mix of densities and housing types.		
Densities in the Apartment and Townhouse Place Type should be high enough to provide for a significant increase in housing stock in the area. Sites of more than 20 developable acres should provide at least two housing types.	Consistent	The density proposed is significantly higher than that in the surrounding area. The site is less than 20 developable acres, so only one housing type is expected and provided.

## **An Ordinance Amending the Durham Unified Development Ordinance and Zoning Atlas**

**Be it Ordained by the Durham City Council:**

**Section 1.** That the Durham City Council held a Public Hearing on Zoning Case Z2400001 and voted on February 3, 2025, to approve the Zoning Map Change described herein.

**Section 2.** That the Durham Zoning Atlas and Unified Development Ordinance are hereby amended by taking the following described property out of Residential Suburban-20, and establishing the same as Planned Development Residential 36.176.

**Section 3.** All property within the following Real Estate Identification Number (REID) as follows, and to the centerlines of any adjoining public rights-of way: 138788, 236561, 237387, 138786, and 138783.

**Section 4.** That, pursuant to N.C.G.S. Sec. 160D-605, the Place Type Map of the Comprehensive Plan for parcel 237387 is designated as Apartment and Townhouse Neighborhood.

**Section 5.** This Ordinance shall be in full force and effect from and after February 3, 2025.

**Section 6.** All ordinances in conflict with this Ordinance are hereby repealed.



## **Unified Development Ordinance Zoning Map Change Consistency Statement Regarding Z2400001, Pickett Apartments**

**Whereas** the Durham City Council, upon acting upon a zoning map change to the Unified Development Ordinance and pursuant to state statute N.C.G.S. Sec. 160D-605, is required to approve a statement describing how the action is consistent with the Durham Comprehensive Plan; and

**Whereas** the Durham City Council, upon acting upon a zoning map change to the Unified Development Ordinance and pursuant to state statute N.C.G.S. Sec. 160D-605, is required to provide a brief statement indicating how the action is reasonable and in the public interest.

**Now therefore, be it adopted by the Durham City Council as appropriate:**

**In the event that the motion to approve the ordinance is adopted,**

That final action regarding zoning map change Z2400001, Pickett Apartments, is based upon review of consistency with the *Durham Comprehensive Plan* and any other officially adopted plan that is applicable, as provided in the 'Consistency with Adopted Plans' and 'Reasonable and in the Public Interest' sections of the staff report; regarding the subject 'Z2400001, Pickett Apartments' along with additional agenda information provided to the City Council and information provided at the public hearing; and

That the proposed zoning map change designation is consistent with the Place Type Designation as provided on the Place Type designation of the Comprehensive Plan in Attachment C; and

It is the objective of the Durham City Council to have the *Unified Development Ordinance* promote regulatory efficiency and consistency and the health, safety, and general welfare of the community. This request promotes this by offering fair and reasonable development regulations supported by the 'Consistency with Adopted Plans' and 'Reasonable and in the Public Interest' sections of the staff report; regarding the subject 'Z2400001, Pickett Apartments' along with additional agenda information provided to the City Council and information provided at the public hearing. Therefore, the request is reasonable and in the public interest.

**In the event that the motion to approve the ordinance fails,**

That final action regarding zoning map change Z2400001, Pickett Apartments, is based upon review of, and consistency with, the Durham Comprehensive Plan and any other officially adopted plan that is applicable; and

The proposed zoning map change is neither reasonable nor in the public interest based upon the information provided within the report and associated documents submitted to the City Council, and the information provided through the public hearing.



## PLANNING COMMISSION WRITTEN COMMENTS

## PICKETT APARTMENTS (Z2400001)

Item heard on November 12, 2024

Comments received as of November 20, 2024

CHAIR CAMERON	Vote: Yes
	Comments: Voted yes despite the environmental concerns and traffic concerns. The community needs to solicit the state and city leaders to improve the streets, address the traffic and the issues with the flood plain at the park.
VICE-CHAIR CHAGARIS	Vote: No
	Comments: Significant concerns over this proposal .... there are current flooding concerns as pertains to the Sandy Creek trail which is ADA accessible. More up to date flooding maps need to be used to evaluate the negative impact this proposal would have on the ability of ADA citizens to use the park. Concerns over the traffic impact with 140 apts proposed with only 154 parking spaces provided .... Durham recently removed the "parking requirement" and I'm not sure this was the intended consequence ...perhaps a lower density project (townhouses instead of apts) would work better. Additionally, there seem to be some discrepancies between the sensitive nature of the Sandy Creek park and the wildlife the concerned citizens observe there vs the Natural Heritage Inventory that is used to evaluate sites ... I would like to see the specific date on the most recent Natural Heritage Inventory that the planning department uses on all of its cases to ensure relevant and up to date information is being used.
CUTRIGHT	Vote: Yes
	Comments: I voted yes, but this case could be improved. This is a complicated case in that it does exactly what's needed in Durham, but at the expense of some environmentally sensitive areas. I think that there are opportunities to improve the project and would highly recommend taking a harder look at CP Policies 95, 108, & 111, which are not currently met, but impact the environment. If significant improvements can be made to these items, specifically efforts to go beyond the UDO requirements, and work with the community to show how the changes will limit the impact to the environmentally sensitive area I would strongly recommend.
CZAJKOWSKI	Vote: No
	Comments: The environmental concerns of the community are legitimate and real. The proposal is not consistent with several environmental goals of the UDO. The traffic and walkability concerns should be further addressed as well. The commitment to provide a crosswalk is a step in the right direction, but more needs to be done for this project to be more consistent with environmental policies of the UDO.
GREGORY	Vote: No
	Comments: It's misleading for the applicant's representative to assert that this project fully aligns with the community's needs and Durham's PTM. While half of the site is indeed classified as Apartment & Townhouse Neighborhood, nearly half of the land is also designated as Recreation and Open Space (ROS) on the PTM—and these ROS-designated acres lie directly within a large floodplain.

	<p>Given this context, my primary concern is the appropriateness of concentrating such extensive development in an area so vulnerable to flooding. We only need to look at the recent, catastrophic flooding in Swannanoa, Black Mountain, and Asheville this past September to understand the severe risks posed by development in flood-prone zones such as this.</p> <p>I won't enumerate the many environmental concerns I have; I trust that the public will provide Council with their insights and feedback on the risks this project poses to greenspace and water quality. However, I must emphasize that this proposed development is in a floodplain—on land designated for open space and recreation—and could compromise the ecological character of the area and increase flooding risks.</p>
KOPAC	<p>Vote: No</p> <p>Comments: This project proposes apartments with 140 units adjacent to the Sandy Creek Trailhead.</p> <p>I did not believe the developer sufficiently addressed concerns highlighted by failures to comply with Comp Plan policies to protect highly sensitive environmental area and promote creative green infrastructure to address runoff and flooding. The development would also put pressure on schools.</p> <p>There were also strong community concerns about safety and cyclists and pedestrians that would be exacerbated.</p> <p>On the positive side, the applicant committed to 5% affordable housing, a partial bike-ped improvement (10' MUP shared path), a commitment for a crossing (conditional on DOT), native species and a DPS contribution. It also exceeds tree and impervious surface requirements.</p>
JOHNSON	<p>Vote: No</p> <p>Comments: Unresolved environment, traffic, parking, stormwater, adjacent park impacts, and school impact/costs, with related UDOs not met per application. Moreover, per presentation from community many current apartments in the area with unused space, thus needed given choices that exist recognizing the proffered for affordable housing.</p>
MACIVER	<p>Vote: No</p> <p>Comments: No written comments provided.</p>
WILLIAMS	<p>Vote: No</p> <p>Comments: The community is very concerned with the potential traffic generated by the development project. There is also an overwhelming concern for the impact that construction will have on sandy creek. I'd like to see the developer work closer with the community to find a solution and development that is appropriate for this environmentally sensitive site.</p>
WOUK	<p>Vote: No</p> <p>Comments: This project is incompatible with this land. This lot is adjacent to Sandy Creek and Sandy Creek Park. This area is sensitive wildlife habitat and in a floodplain. There is overwhelming public dismay over this project, both over the environmental issues and the traffic/safety issues. In addition to the large environmental/safety issues, the applicant has proffered \$22K to DPS. The one-year impact of adding 26 students (elementary and middle almost at capacity and high 121.4% over) is \$139,724. There is no transit in this area, so the development will be auto-dependent. Neighbors have expressed concern that there will not be enough parking for the residents of the potential development. The Comprehensive Plan policies that are not met are many. This development does not prioritize the pedestrian experience (it will be dangerous to</p>



	<p>be a pedestrian around this development), there is no intentional mix of age groups, there are no green building techniques, green infrastructure or reuse of existing materials (again, dismaying for a development proposed in an ecologically-sensitive area), it is proposed to be built in a floodplain (as someone else noted; we should be very cognizant about this considering what people are suffering in the Western part of the state), and there is no innovative stormwater management (again, in a floodplain). My recommendation is for the City to procure this land to add to the existing Sandy Creek Park to preserve the fragile ecosystem of park and its wildlife.</p>
--	---