

Magnolia Place Homeowners' Association Statement on the Triangle Church of Christ's Application to Erect a Church on Page Road, Durham

The Board of Directors of the Magnolia Place HOA intends to oppose an application by the Triangle Church of Christ, application number B1600025, for a minor Special Use Permit for a large church at 2021, 2031 and 2103 Page Road, Durham 27703. The hearing of this application will take place on May 22, 2018, at 8:30am at Durham City Hall.

The application is for the erection of a large church and various outbuildings and facilities, the details of which are as follows:

1. A main church building of 45,675 sq. ft. of two stories that will contain a main worship area seating 1727 people; a dining hall for 225 people; a large kitchen; 5 nursery rooms; 13 classrooms on the second floor; plus offices and other spaces.
2. Parking for 504 cars.
3. An outdoor pavilion of 7,223 sq. ft.
4. An outdoor amphitheater (with stage) that will seat several hundred people.
5. A playground, and
6. A sports field immediately adjacent to Page Road.

In 2015, the Church purchased 3 parcels of land totaling 21.78 acres for \$1,845,500. The application was submitted in October 2016 and heard by the Durham Board of Adjustment (BoA) on January 24, 2017. The Church presented no evidence that the proposed development would not be substantially injurious to the values of nearby properties. Despite this, the BoA approved the application, inferring that the proposal would not have a negative impact on property prices because there are already two churches located in close proximity.

In April 2017, the HOA, through its attorney, filed a Petition for Writ of Certiorari against the Church and the City of Durham. In December, the parties agreed to a consent judgment returning the application to the BoA for a re-hearing.

The HOA intends to object to the application for the following reasons:

1. The proposed development is too large and intensive for the site and for the neighborhood. Further, the additional outbuildings do not qualify as "minor use and outbuildings," nor do all of these structures fit the definition of "places of worship." The church alone will easily be the largest building on the section of Page Road running from Page Road Extension to Angier Avenue, and will be approximately 25% larger than the Catch the Fire Worship Center, 800 yards away, and 50% bigger than the Victorious Praise Fellowship Church on Page Road just 300 yards away. The land has never been developed and is currently zoned for low density single family housing. The granting of the application would represent a significant divergence from the development intensity

permitted under the RR zoning designation and from the existing intensity of the surrounding area. It would also significantly change the character of the neighborhood by allowing the encroachment of non-residential development into a residential neighborhood.

2. The proposed development will increase traffic along Page Road, which is a two-lane road. The application contains no proposal to improve the road by inserting left turning lanes, and the church has declined the HOA's request to add turning lanes to its application. Traffic will back up on Page Road, leading to drivers using Magnolia Place as a cut-through to Lumley Road. This will put the residents of Magnolia Place at greater risk of injury from the additional traffic.
3. The application includes a planned sports field immediately adjacent to Page Road, meaning the field will be as near as 150 ft. to some houses in Magnolia Place. Also proposed are an outdoor amphitheater and a pavilion. These facilities are not necessary for a place of worship and their use – particularly the sports field due its nature and proximity to Magnolia Place – will generate noise that will interfere with residents' enjoyment of their properties.
4. There are already four churches in the immediate vicinity: 1) Page Road Baptist Church, which abuts Magnolia Place; 2) Victorious Praise Fellowship Church, 300 hundred yards from the development site; 3) Catch the Fire Worship Center, 800 hundred yards away; and 4) Church at the Park, about 600 yards away. In addition, Greater Life Christian Church owns land on Angier Avenue near the corner of South Miami Boulevard and plans to build a church there. The addition of yet another church, especially one so near and so large, will irrevocably diminish the character of the neighborhood.
5. Each of the above issues – the scale, intensity and type of development, the consequential increase in traffic and noise it will bring, and the resulting change to the character of the neighborhood – will combine to have a negative effect on house prices in Magnolia Place and elsewhere in the neighborhood. Potential buyers will see a large church and know there will be associated noise and traffic, thus reducing the marketability of properties in Magnolia Place.

As mentioned above in bullet point 2., the Church has refused the HOA's reasonable request for the addition of turning lanes on Page Road. The Board finds the Church's refusal surprising and disappointing, as it gives the impression that the Church does not care about the safety and well-being of its potential neighbors.

Finally, we would mention that in 2017, the Durham Board of Adjustment approved every single one of the 45 applications it heard. The Church and the City of Durham effectively admitted that the BoA had got it wrong when they agreed to a re-hearing of the Church's application. We are also aware of another legal challenge to a BoA decision, namely the approval of a school on Orange Factory Road. We are hopeful

that the Board of Adjustment has learned from these legal challenges and will do a better job of scrutinizing the Church's application at the hearing on May 22.

Link:

Durham Board of Adjustment agenda packet for January 24, 2017, containing application B1600025, Triangle Church of Christ, beginning at page 18.

<http://durhamnc.gov/AgendaCenter/ViewFile/Agenda/01242017-889?packet=true>