



**Date:** March 2, 2026

**To:** Claudia Hager, County Manager  
**Through:** Maurice Jones, Deputy County Manager  
**From:** Sara M. Young, AICP, Planning & Development Director  
**Subject:** Commissioner Comments on an Annexation Request outside the Urban Growth Boundary (UGB) for 4802 Cheek Road

### **Executive Summary**

The Durham Planning & Development Department has received an annexation request outside of the Urban Growth Boundary (UGB) from Mike Foley, of Humabuilt, for one parcel of land totaling 69.16 acres, and located at 4802 Cheek Road. The current zoning is Residential Rural (RR), county jurisdiction. The applicant proposes to change this designation to Planned Development Residential 2.748 (PDR 2.748), city jurisdiction, to connect to city water and sewer and develop up to 190 townhouses, single-family detached, and single-family attached houses.

The properties are currently designated Rural and Agricultural Reserve (RAR) and Recreation and Open Space (ROS) on the Place Type Map (PTM) (see Attachment C) and is outside of the UGB of the Comprehensive Plan (see Attachment D). The annexation outside of the UGB is inconsistent with the Comprehensive Plan. If the proposed zoning is approved, staff recommend a change to the PTM to designate the Rural and Agricultural Reserve (RAR) portion of the property as Mixed Residential Neighborhood (MRN), but retain the Recreation and Open Space (ROS) designation. If the proposal is approved, the Comprehensive Plan would be automatically amended to extend the Urban Growth Boundary to incorporate the parcel. That extension of the Urban Growth Boundary would also include a portion of the Army Corps of Engineers' parcel ([REID 170508](#)) that is not part of the proposal.

The Planning Commission reviewed this item at its February 10, 2026, meeting and voted 10-0 to recommend denial. Their written comments can be found in Attachment J.

### **Recommendation**

Staff recommends that the Board review and provide comments to the City Council on the proposed annexation located outside of the Urban Growth Boundary. Commissioners' comments will be included in the agenda packet for the City Council public hearing item.

### **Background**

On September 4, 2024, the Joint City-County Planning Committee (JCCPC) directed staff to present annexation requests that are outside the Urban Growth Boundary to the Board of County Commissioners (BOCC) before the requests are acted upon by the City Council. The intent of the presentation is to inform the BOCC of such requests and receive their comments so that they will be incorporated into the staff report for City Council. The specific guidelines are below:

1. This presentation will be made after the case has been heard by the Planning Commission, so

- that the Board can see those comments.
2. Staff and the applicants will attend those meetings to share information about the proposal and answer Commissioner questions.
  3. These presentations will be informational only and will not be public hearings. Although the public may speak during the public comment portion of the work session, the Commissioners should not take case related comments during these informational presentations.
  4. The Board of County Commissioners will provide individual written comments summarizing their individual thoughts on the request but will not take a formal vote or make a recommendation as a group.
  5. Planning staff will include the written comments provided by Commissioners (compiled by the County Clerk) in the City Council agenda item and a link to the meeting recording with the timestamp for the item in the staff report so that Council members can review the full discussion.

Commissioners are requested to provide their written comments to the County Clerk no later than Monday, March 9, so that they can be included in the agenda materials sent to the City Council.

**Staff Contact**

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**Attachments**

- Attachment A:** Zoning Map
- Attachment B:** Aerial Map
- Attachment C:** Place Type Change Map
- Attachment D:** Annexation Map
- Attachment E:** Zoning Map Change Report
- Attachment F:** Textual Development Plan
- Attachment G:** Comprehensive Plan Consistency Review
- Attachment H:** Cost-Benefit Analysis
- Attachment I:** Operational Impact Analysis
- Attachment J:** Planning Commission Written Comments
- Attachment K:** Board of County Commissioners Presentation