

STAFF REPORT

Town Council, July 25, 2016

Repair of Zoning Map Error for 11635 Green Level Church Road (16-REZ-19) (PL16-123)

Conduct a public hearing and consider action on repair of zoning map error

From: Jeff Ulma, Planning Director
Prepared by: Mary Beerman, Senior Planner
Approved by: Mike Bajorek, Interim Town Manager
Approved by: Russ Overton, Assistant Town Manager

Speaker: Mary Beerman

Executive Summary: To amend the Town of Cary Official Zoning Map to repair a zoning map error for approximately 2.23 acres located at the northwest corner of the Green Level Church Road and Kit Creek Road intersection, by correcting the zoning from Mixed Use District (MXD) to the previously approved zoning district of Office/Research and Development (ORD).

Proposed Council Action: Council may take action.

Background: The subject property is a 2.23-acre parcel located at 11635 Green Level Church Road. The current zoning designation shown on the Town of Cary Official Base Zoning Map is Mixed Use District (MXD). The designation of the property on the Zoning Map was erroneously changed from Office/Research and Development (ORD) to MXD when the property was inadvertently included in the boundary of a rezoning request (Case 12-REZ-31) that applied to adjacent property.

Acreage	± 2.23	
Location	11635 Green Level Church Road (northwest corner of the Green Level Church Road and Kit Creek Road intersection)	
Real Estate ID Number	0415047	
Schedule	Town Council Public Hearing and Final Action July 25, 2016	Planning & Zoning Board Not required per LDO
Land Use Plan Designation	Office and Institutional (OFC/INS)	
Existing Zoning District(s) (as labeled on Town of Cary Official Base Zoning Map)	Mixed Use District (MXD)	
Corrected Zoning District	Office/Research and Development (ORD)	
Town Limits	No	

Discussion:

At the time rezoning case 12-REZ-31 (*Village Subdivision and Townes*) was initially submitted to the Town, it included three separate properties totaling approximately 39 acres. The proposed zoning designation for these three properties was Mixed Use (MXD), and the application included an associated preliminary development plan (PDP) (attached) as required by the Land Development Ordinance (LDO). The PDP depicted a mix of detached dwellings, townhomes and a building for commercial/office use. The 2.23-acre subject property, located at the northwest corner of the Green Level Church Road and Kit Creek Road intersection, was originally part of a larger parcel that was included in this 39-acre area proposed for MXD zoning.

Subsequent to the initial application submittal and prior to the public hearing on the rezoning request, the three properties that comprised the rezoning were reconfigured and the subject 2.23-acre parcel was created. The associated PDP was also revised to specify that the adjacent commercial/office layout (shown on the 2.23-acre subject property) was being provided for planning purposes only and was not included with the current preliminary development plan project. As required by the LDO, the PDP

included a conceptual layout of the subject 2.23-acre parcel for the purpose of illustrating how streets could be connected into the overall area that was the subject of the PDP. There was no commitment to a specific land use or layout for this 2.23-acre parcel, and the conceptual layout was not evaluated as part of the rezoning other than to ensure that access points to the parcel were provided. By showing this subject property as “conceptual” on the PDP, it removed the need for it to be included in the MXD zoning district and the overall area to be rezoned was reduced to approximately 37 acres.

Since the overall area of development proposed by the PDP was reduced to exclude the commercial/office use on the subject 2.23-acre property, the boundary of the proposed MXD zoning should have been revised accordingly. However, the boundary of the initial 39-acre area was inadvertently used as the boundary of the rezoning request. This resulted in the subject property being designated as MXD after case 12-REZ-31 was approved (final staff report attached), but without the required accompanying preliminary development plan component. It is recommended that this map error be corrected by restoring the previous zoning designation of Office/Research and Development (ORD) to the 2.23-acre parcel located at 11635 Green Level Church Road.

Section 3.4.1(I) of the LDO allows the council to correct map errors such as this through a single public hearing, which only requires published notice. Following the public hearing, Town Council will not need to refer this to the Planning and Zoning Board, but may take action to correct the Town of Cary Official Base Zoning Map in accordance with the official records.

Fiscal Impact: None

Staff Recommendation: Adopt the attached Resolution authorizing staff to correct the Town of Cary Official Base Zoning Map to reflect the zoning designation of Office/Research and Development (ORD) for the subject property.

