

STAFF REPORT

Town Council, October 22, 2015

MS Holding Property at Wilson Road Rezoning 15-REZ-04 (PL15-064b)

Consider action on proposed rezoning

Speaker: Debra Grannan

From: Jeff Ulma, Planning Director

Prepared by: Debra Grannan, Senior Planner

Approved by: Mike Bajorek, Interim Town Manager

Approved by: Russ Overton, Assistant Town Manager

Executive Summary: A request to amend the Town of Cary Official Zoning map by rezoning approximately 5.07 acres located on the north side of Chapel Hill Road, east of the Chapel Hill Road and Wilson Road intersection, from Residential 40 (R-40) to Transitional Residential Conditional Use (TR-CU).

This rezoning has an associated Consistency and Reasonableness Statement.

An associated Comprehensive Plan Amendment was approved on August 27, 2015 to change the Land Use Plan designation for the property from Low Density Residential to Medium Density Residential

NOTE: The purpose of the rezoning is to determine whether or not the land uses and densities allowed in the proposed zoning district are appropriate for the site. Technical design standards of the Land Development Ordinance are addressed during review of the site or subdivision plan.

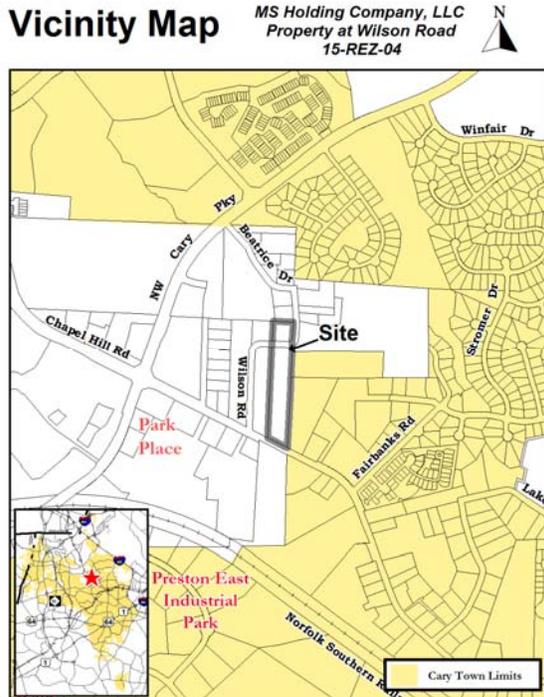
SUBJECT PARCELS

Property Owner(s)	County Parcel Number(s) (10-digit)	Real Estate ID(s)	Deeded Acreage
MS Holding Company, LLC 2801 Sandia Drive Raleigh, NC 27607-3171	0754780651	0051914	5.07
Total Area			5.07

BACKGROUND INFORMATION

Applicant	MS Holding Company, LLC 2801 Sandia Drive Raleigh, NC 27607		
Applicant's Contact Person	Glenda Toppe, Glenda S. Toppe & Associates 4139 Gardenlake Drive Raleigh, NC 27612 glenda@gstplanning.com		
Acreage	5.07 ±		
General Location	North side of Chapel Hill Road, approximately 200 feet east of the Chapel Hill Road and Wilson Road intersection (subject property is located north and south of Wilson Road).		
Schedule	Town Council Public Hearing May 21, 2015	Planning & Zoning Board Meeting September 21, 2015	Town Council October 22, 2015
Land Use Designation	Medium Density Residential (MDR) <i>(Comprehensive Plan Amendment 15-CPA-02 approved August 27, 2015)</i>		
Existing Zoning District(s)	Residential 40 (R-40)		
Existing Zoning Conditions	None		

Proposed Zoning District(s)	Transitional Residential Conditional Use (TR-CU)
Proposed Zoning Conditions	Uses shall be limited to detached residential and neighborhood recreation
Valid Protest Petition	No. A previously filed petition was withdrawn.
Town Limits	The subject property is located inside Cary's ETJ but outside the Town's corporate limits. Annexation shall be required prior to development plan approval.
Staff Contact, Town of Cary Planning Department	Debra Grannan, Senior Planner 919-460-4980 Debra.grannan@townofcary.org



SITE CHARACTERISTICS

Streams: According to Cary's most current GIS maps, a small portion of the site is impacted by a stream buffer. Field determination of such features shall be required at the time of development plan review.

Floodplain and Wetlands: Cary's most current GIS maps do not indicate the presence of either floodplains or wetlands on the subject property. Field verification of such features shall be required at the time of development plan review.

- Adjacent Land Uses and Zoning**
- North** - Detached residential (R-20)
 - South** - (opposite side of Chapel Hill Road) Detached residential (R-40); and Commercial (Morrisville - Community Activity Center)
 - East** - Detached residential (R-40); and approved subdivision under construction (TR-CU)
 - West** - Detached residential (Morrisville-Low Density Residential)

CONSISTENCY WITH LAND DEVELOPMENT ORDINANCE

Density and Dimensional Standards

	Existing Zoning District Residential 40 (R-40)	Proposed Zoning District Transitional Residential Conditional Use (TR-CU) *
Max. Gross Density (du/ac)	1.08	6
Min. Lot Size (sq. ft.)	40,000	5,000
Minimum Lot Width (feet)	With Septic Tank/Well 150 (160 for corner Lots) With public sewer 125 (135 for corner lots)	40
Minimum Roadway Setback (feet)	From thoroughfare: 50 From collector: 30 From other streets: 20	From thoroughfare: 50 From collector: 30 From other streets: The roadway setback between the front of the dwelling and the roadway shall be no less than 18 feet when parking is provided between the dwelling and the roadway or 10 feet when parking is not provided.
Side Yard Setback (feet)	With septic tank/well: 20 With public sewer: 15	3 minimum 6 aggregate
Rear Yard Setback (feet)	30	On thoroughfare, collector or other streets the width of the roadway and rear setbacks shall equal at least 35 feet and any individual setback shall be a least three feet.
Maximum Building Height (feet)	35	35
*A zoning condition, proposed by applicant, limits the use to detached residential dwellings		

Landscape Buffer

Based on Chapter 7 of the Land Development Ordinance (LDO), a 30-foot-wide Type B (semi-opaque) buffer is required between detached residential dwellings in residentially zoned districts on lots less than 8,000 square feet when adjacent to lots that are 8,000 square feet or larger.

Streetscape

Based on Chapter 7 of the LDO, a 30-foot-wide streetscape is required along collector roadways. A future collector roadway (Wilson Road) is planned in the immediate vicinity of the subject property. Road alignment shall be determined at the time of development plan review. A 50-foot-wide streetscape shall be required adjacent to Chapel Hill Road.

Community Gathering Spaces and Plazas

Section 7.10.4 (D) of the LDO requires sites that are two acres or greater in size to provide at least one public gathering space, such as a pedestrian park or park-like space, for new development and redevelopment sites. Based on the size of the subject property, a community gathering space of at least 1,200 square feet in size would be required.

Traffic: The proposed zoning of TR-CU on 5.07 acres would limit the density to six dwelling units per acre on approximately 5.07 acres. This would result in a maximum of 30 detached residential dwelling units. Since this would result in less than 100 peak-hour trips, a traffic study is not required.

Stormwater

At the time of site plan review, the future plan must meet all stormwater management and detention requirements. Peak flow from the one-, two-, five- and 10-year storm events must be determined and must be attenuated back to pre-development conditions from the discharge point leaving the development.

SUMMARY OF PROCESS AND ACTIONS TO DATE**Notification:**

Notice of the public hearing on the proposed rezoning was mailed to property owners within 800 feet of the subject property, published on the Town's website and posted on the subject property.

Neighborhood Meeting

A neighborhood meeting for the proposed rezoning was held on April 8, 2015 at the Cary Town Hall. The applicant and Town staff members were present. According to the information submitted by the applicant, four adjacent property owners attended the meeting. Questions and concerns expressed by the adjacent property owners at the meeting are provided in the meeting minutes submitted by the applicant.

Town Council Public Hearing May 21, 2015

Staff presented an overview of the request and noted that there was one protest petition filed and it constituted an overall valid protest. The applicant noted the associated proposed Comprehensive Plan Amendment and described the changing conditions in the vicinity of the site that they believed justified higher density.

During the public hearing, a representative for an adjacent property owner noted concerns about future road alignments in the area and expressed concern about the small lot size allowed in the Transitional Residential zoning district.

Changes Since the Town Council Public Hearing

The associated Comprehensive Plan Amendment request was approved. The previously filed protest petition was withdrawn by the adjacent property owner.

There have been no changes to the previously proposed zoning conditions.

Planning and Zoning Board Meeting (September 21, 2015)

Staff presented the request. The applicant explained that the request was consistent with the recently amended Land Use Plan designation of Medium Density Residential. The board discussed the future roadway network in the vicinity of the subject property and indicated support for the proposed zoning.

The Planning and Zoning Board forwarded the request to Town Council with a recommendation for approval by a vote of 6-0.

Changes Since the Planning and Zoning Board Meeting

None

CRITERIA FOR CONSIDERATION IN REVIEWING REZONINGS

Section 3.4.1(E) of the Land Development Ordinance sets forth the following criteria that should be considered in reviewing rezonings:

1. The proposed rezoning corrects an error or meets the challenge of some changing condition, trend or fact;
2. The proposed rezoning is consistent with the Comprehensive Plan and the purposes set forth in Section 1.3 (LDO);
3. The Town and other service providers will be able to provide sufficient public safety, educational,

- recreational, transportation and utility facilities and services to the subject property while maintaining sufficient levels of service to existing development;
4. The proposed rezoning is unlikely to have significant adverse impacts on the natural environment, including air, water, noise, stormwater management, wildlife and vegetation;
 5. The proposed rezoning will not have significant adverse impacts on other property in the vicinity of the subject tract; and
 6. The proposed zoning classification is suitable for the subject property.

APPLICABLE COMPREHENSIVE OR AREA PLAN REQUIREMENTS

Land Use Plan

According to the Town of Cary Land Use Plan, the land use designation for the subject property is Medium Density Residential (MDR) which includes single-family detached housing ranging from 3 to 8 dwelling units per acre. The Comprehensive Plan was amended on August 27, 2015 via case 15-CPA-02.

Analysis: The requested rezoning is consistent with the Medium Density Residential (MDR) land use classification.

Growth Management Plan

The Growth Management Plan includes the following Guiding Principles which are relevant to this case:

- Guiding Principle R1: Ensure that adequate infrastructure and services are available concurrently with new development.
- Guiding Principle L1: Concentrate growth near existing and planned employment centers and available and planned infrastructure to minimize costly service-area extensions.
- Guiding Principle A1: Increase permitted densities in preferred growth areas to encourage desired forms of development.

Analysis: Adequate infrastructure and services appear to be available for any new development that may occur on the subject property. Increased residential densities at this location will provide support to neighboring non-residential developments including the Town of Morrisville's Southern Activity Center, also known as Park West Village.

Affordable Housing Plan

The Affordable Housing Plan includes the following goals that may be relevant to this case:

1. Provide for a full range of housing choices for all income groups, families of various sizes, seniors, and persons with special challenges.
2. Encourage the location of high density housing within walking and convenient commuting distance of employment, shopping, and other activities, or within a short walk of a bus or transit stop, through "mixed use" developments, residences created on the upper floors of nonresidential downtown buildings, and other creative strategies.

Comments: The request has the potential to increase the diversity of housing stock in this area of Cary and Morrisville. A diversity of housing stock in turn has the potential to include a variety of price points and other options for different groups of citizens.

Comprehensive Transportation Plan

Chapel Hill Road is designated as a Major Thoroughfare.

Existing Section: 2-lanes in approximately 60-foot ROW

Future Section: 6-lane in 124-foot ROW, landscaped median

Sidewalks: Both sides

Bicycle Lanes: Wide outside lanes

Transit: A future C-TRAN route is planned nearby along NW Cary Parkway and a portion of Chapel Hill Road.

Status of Planned Improvements: N/A

Future Wilson Road Collector Avenue

Existing Section: N/A

Future Section: Collector Avenue 2 options: 58-foot to 70-foot ROW depending on typical section

Sidewalks: Both sides

Bicycle Lanes: 4-foot-striped bike lane

Transit: N/A

Status of Planned Improvements: N/A

Parks, Recreation and Cultural Resources Master Plan

According to the Parks, Recreation and Cultural Resources Facilities Master Plan, there are no issues related to this site. A recreation fund payment or park land dedication will be required for residential development in accordance with the Land Development Ordinance.

Open Space Plan

The Open Space Plan is not applicable to the subject property.

Historic Preservation Master Plan

According to the Historic Preservation Master Plan, there are no identified historic resources on the subject property.

OTHER REFERENCE INFORMATION

Schools <i>This information is being provided for your review; however, the Wake County Board of Education controls capital projects for school capacities.</i>	Type ¹	Projected Range of Additional Students ²
	Elementary School	8 - 13
	Middle School	2 - 4
	High School	2 - 5
Total Projected range of additional students ²		12 - 22

¹Information regarding specific Wake County Public School assignment options may be found by visiting the following: <http://assignment.wcpss.net/preview/myplan.html>

²The *Projected Range of Additional Students* is a rough approximation. The actual number of students will vary depending on variables, such as the number of bedrooms, dwelling size, and other factors. For example: a site with 30 three-bedroom homes could yield 12 additional students, while 30 homes with greater than three bedroom units could yield 22 students. The basis for making this calculation is based on multipliers provided by the Wake County Schools Office of Student Assignment. At rezoning, student yield cannot be accurately determined due to unknown variables.

APPLICANT'S JUSTIFICATION STATEMENT

Attached are the applicant's responses to the justification questions contained in the application form. Please note that these statements are that of the applicant and do not necessarily represent the views or opinions of the Town of Cary.

ORDINANCE FOR CONSIDERATION

15-REZ-04 MS HOLDING PROPERTY AT WILSON ROAD

AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE TOWN OF CARY TO CHANGE THE ZONING OF APPROXIMATELY 5.07 ACRES, OWNED BY MS HOLDING COMPANY, LLC, BY REZONING FROM RESIDENTIAL 40 (R-40) TO TRANSITIONAL RESIDENTIAL CONDITIONAL USE (TR-CU). THE CONDITION PROPOSED BY THE APPLICANT WOULD LIMIT THE USE TO DETACHED RESIDENTIAL AND NEIGHBORHOOD RECREATION.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CARY:

Section 1: The Official Zoning Map is hereby amended by rezoning the area described as follows:

Property Owner(s)	County Parcel Number(s) (10-digit)	Real Estate ID(s)	Deeded Acreage
MS Holding Company, LLC 2801 Sandia Drive Raleigh, NC 27607-3171	0754780651	0051914	5.07
Total Area			5.07

Section 2:

That this Property is rezoned from Residential 40 (R-40) to Transitional Residential Conditional Use (TR-CU) subject to the individualized development conditions set forth herein, and to all the requirements of the Cary Land Development Ordinance (LDO) and other applicable laws, standards, policies and guidelines, all of which shall constitute the zoning regulations for the approved district and are binding on the Property.

Section 3:

The conditions proposed by the applicant to address conformance of the development and use of the Property to ordinances and officially adopted plans, to address impacts reasonably expected to be generated by the rezoning, and to promote the public health, safety and general welfare, and accepted and approved by the Town are:

- 1) Use shall be limited to detached residential and neighborhood recreation.

Section 4: This ordinance shall be effective on the date of adoption.

Adopted and effective: *October 22, 2015*

Harold Weinbrecht, Jr.
Mayor

Date