

PLANNING STAFF REPORT

Town Council, August 27, 2015

2495 O'Kelly Chapel Road Rezoning 15-REZ-09 (PL15-071b)

Consider action on proposed rezoning request

Speaker: Mary Beerman

From: Jeff Ulma, Planning Director

Prepared by: Mary Beerman, Senior Planner

Approved by: Benjamin T. Shivar, Town Manager

Approved by: Russ Overton, Assistant Town Manager

Executive Summary: To amend the Town of Cary Official Zoning Map to apply initial Town of Cary Zoning to 2.60 acres located at 2495 O'Kelly Chapel Road. In association with a petition for an owner-initiated annexation filed by the property owner, Kenneth W. Maynor, the Town is requesting to rezone the property from Chatham County Residential 1 (R-1) to Residential-40 (R-40) and Watershed Protection Overlay District. The Town plans to purchase the property; at this time, it is projected to be used as a fire station and/or for public safety purposes. There is an associated Owner-Initiated Annexation Petition - 15-A-11.

This rezoning has an associated Consistency Statement.

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	Chatham County Parcel Identification Number	Parcel Reference Number	Deeded Acreage
Kenneth W. Maynor	0726 00 52 4731	0064893	2.60

BACKGROUND INFORMATION

Applicant	Town of Cary Mike Bajorek, Deputy Town Manager		
Acreage	2.60 ±		
General Location	2495 O'Kelly Chapel Road		
Schedule	Public Hearing June 25, 2015	Planning & Zoning Board July 20, 2015	Town Council August 27, 2015
Land Use Plan Designation	Low Density Residential (LDR)		
Existing Zoning District(s)	Chatham County R-1 (R-1)		
Existing Zoning Conditions	None		
Proposed Zoning District(s)	Residential 40 (R-40); Watershed Protection Overlay District (Jordan Lake Sub-area)		
Proposed Zoning Conditions	None		
Town Limits	The subject property is located outside the corporate limits and the Town of Cary ETJ. An owner-initiated annexation petition, 15-A-11, has been submitted by the property owner in conjunction with this rezoning request.		
Valid Protest Petition	Protest petitions are not applicable to a map amendment (rezoning) that initially zones property being added to the Town's jurisdiction by annexation.		

Staff Contact	Mary Beerman, Senior Planner (919) 469-4342 mary.beerman@townofcary.org
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SITE CHARACTERISTICS

Streams: According to Chatham County GIS Maps, the site is not impacted by stream buffers. Field determination of such features will be made at the time of development plan review.

Adjacent Zoning and Land Use:

North – Planned Development District, Major (Stonewater PDD); vacant
 South (*opposite side of O’Kelly Chapel Road*) – Planned Development District, Major (Amberly PDD); open space and detached dwellings (Carolina Preserve)
 East – Residential 40 (R-40); detached dwelling
 West – Planned Development District, Major (Amberly PDD); vacant

CONSISTENCY WITH LAND DEVELOPMENT ORDINANCE

Land Use:

Land uses allowed in the R-40 zoning district are listed below. The Town plans to purchase the property; at this time, it is projected to be used as a fire station and/or for public safety purposes.

15-REZ-09 2495 O’KELLY CHAPEL ROAD			
COMPARISON OF USES ALLOWED IN PROPOSED R-40 DISTRICT			
P=PERMITTED USE S= SPECIAL USE			
P/Z= PERMITTED USE REQUIRING ZONING COMPLIANCE PERMIT			
Uses Allowed in R-40 Zoning District			
Bed and Breakfast	S	Neighborhood recreation center, public	P
Boarding house	S/P	Resource conservation facility	P
Detached dwelling	P	Religious Assembly	S/P
Family Care Home	P/Z	Pre-school	S
Group Home	P/Z	School	S/P
Manufactured home	P	Utility facility, major	S
Cemetery	S	Utility substation, minor	P
Library	S	Agri-Tourism	P
Museum	S	Farming, general	P
Day care center	S	Forestry	P
Day care home, large	S	Produce stand	P
Day care home, small	P	Kennel, indoor only	S
Governmental office	S	Kennel, indoor/outdoor	S
Public safety station	P	Neighborhood recreation center, private	P
Public utility facility	P	Athletic field, private	P
Town owned/operated facilities and services	P	Golf course, privately-owned	S
Athletic field, public	P	Antenna co-location on existing tower	P
Community garden	P	Concealed (stealth) antennae and towers	S/P
Outdoor amphitheater, public	S		
Park, public	P		

Density and Dimensional Standards

	Proposed Zoning District (R-40) <i>(applicable to non-residential uses allowed in R-40 district)</i>	
Max. Gross Density	N/A	No change
Min. Lot Size	None	No change
Minimum Lot Width	None	No change
Roadway Setback	30 Feet	No change
Side Yard Setback	None	No change
Rear Yard Setback	None	No change
Maximum Building Height	<ul style="list-style-type: none"> • Within 100' of residential zoning district – 35 feet • More than 100' from residential zoning district –50 feet May be increased by one foot for every additional foot provided between the building footprint and the minimum required setback	

Landscape Buffer

A 40-foot Type A perimeter buffer is required adjacent to vacant land proposed for residential use. No buffer is required adjacent to permanent open space.

Streetscape

A 30-foot Type A streetscape is required along O'Kelly Chapel Road.

Traffic

As a result of the proposed rezoning, none of the permitted uses on the approximate 2.6-acre property are anticipated to generate 100 or more peak hour trips. Therefore, 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

Neighborhood Meeting

A neighborhood meeting for the proposed rezoning was held on June 10, 2015.

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.

In addition, notification of the rezoning request and associated annexation was sent to the Chatham County Manager. No comments were received.

Town Council Public Hearing (*June 25, 2015*)

At the public hearing there was one speaker, from a nearby subdivision in Chatham County, requesting provision for fire protection and other emergency services to nearby residents outside of Cary's boundary. Several council members expressed support for coordinating with Chatham County regarding provision of such emergency services. (*The Town of Cary Fire Department actively participates in mutual aid agreements with multiple surrounding agencies and jurisdictions. When the Town elects to open a fire station on O'Kelly Chapel Road the department could support or supplement fire and first responder activities in the vicinity by arriving in a quickest-unit manner or supplementing units already on the scene.*)

Planning and Zoning Board Meeting (July 20, 2015)

The Planning and Zoning Board recommended approval by a vote of 7-0. There were general questions regarding the purpose of the request and the provision of emergency services in the vicinity.

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

For the subject property, the governing land use element of the Comprehensive Plan is the Chatham-Cary Joint Land Use Plan. That plan recommends the parcel be used for Low Density Residential development (LDR). The Joint Plan defines LDR as single-family detached housing at up to two dwellings per acre, maximum. However, the definition for the LDR land use category, as given in Chapter 3 of the Joint Plan Document, also states that:

“Institutional, civic, and utility uses that are compatible and complimentary to the surrounding neighborhood may also be considered within any LDR area, such as churches, parks, schools, libraries, daycare facilities, telecommunication towers, utility pump stations, and electric utilities.”

Analysis

The requested R-40 District zoning clearly conforms to the residential density recommendations of the Joint Plan. In addition, a future fire station may be considered as an institutional or civic use within a residential area, and as such also conforms to the Plan’s recommendations for LDR.

Growth Management Plan

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

- Guiding Principle R1: Ensure that adequate infrastructure and services are available concurrently with new development.

Analysis: Public utilities are available proximate to the site.

- Guiding Principle L1: Concentrate growth near existing and planned employment centers and available and planned infrastructure to minimize costly service-area extensions.

Analysis: The area is located close to the large employment centers at Cary’s Alston Regional Activity Center, and at Research Triangle Park, both sites being accessible within 1-2 miles.

Affordable Housing Plan

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

- Provide for a full range of housing choices for all income groups, families of various sizes, seniors, and persons with special challenges.
- Facilitate the creation of a reasonable proportion of the Town of Cary's housing as affordable units through additional homeownership opportunities for individuals and families earning between 60% and 80% of area median income and affordable apartments for individuals and families earning up to 60% of the area median income.
- 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 proposed rezoning is unlikely to advance the Town's affordable housing goals.

Comprehensive Transportation Plan

OKelly Chapel Road is designated as a 4-lane Arterial with an 18-foot Median

Existing Section: approximately 2 lanes, 22 feet back of curb to back of curb, in approximately 85 feet of right-of-way

Future Section: 4 lanes, 78 feet back of curb to back of curb, in 100 feet of right-of-way

Sidewalks: Required on both sides

Bicycle Lanes: 14-foot-wide outside lanes

Status of Planned Improvements: N/A

Transit: The nearest bus service is provided by Triangle Transit Route 311, along NC 55 Hwy, approximately 1.4 miles east of the site. While there is no C-Tran fixed route service within several miles of the site at present, current long-range expansion plans envision a potential future route along Green Level Church Road, approximately 0.8 miles east of the site. However, the timing and funding of such a future route is uncertain at this point.

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.

Open Space Plan

According to the Priority Open Space Inventory developed for Cary's Open Space Plan, there are no priority open space resources identified for this property.

Historic Preservation Master Plan

There are no historic resources associated with this site.

Summary Observations

- The requested rezoning conforms to the Chatham-Cary Joint Land Use Plan.
- The rezoning request modestly conforms to the Growth Management Plan.
- The rezoning request is unlikely to advance affordable housing goals.
- The rezoning request presents no conflicts with either the Open Space Plan, the Historic Preservation Master Plan, or the Parks, Recreation, and Cultural Resources Master Plan.

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-09 2495 O'Kelly Chapel Road

AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE TOWN OF CARY TO CHANGE THE ZONING OF 2.60 ACRES LOCATED AT 2495 O'KELLY CHAPEL ROAD OWNED BY KENNETH W. MAYNOR BY REZONING FROM CHATHAM COUNTY RESIDENTIAL 1 (R-1) TO TOWN OF CARY RESIDENTIAL 40 (R-40) AND WATERSHED PROTECTION OVERLAY DISTRICT

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:

PARCEL & OWNER INFORMATION

Property Owner(s)	Chatham County Parcel Identification Number	Parcel Reference Number	Deeded Acreage
Kenneth W. Maynor	0726 00 52 4731	0064893	2.60

Section 2: That this Property is rezoned from Chatham County R-1 to Town of Cary R-40 and Watershed Protection Overlay District, Jordan Lake sub-area, subject 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: This ordinance shall be effective on the date of adoption.

Adopted and effective: *August 27, 2015*

Harold Weinbrecht, Jr.
Mayor

Date