

STAFF REPORT

Town Council, September 24, 2015

Kensington East Rezoning 15-REZ-01 (PL16-006b)

Consider action on a 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 by rezoning approximately 15.27 acres located at 6125 and 6209 Holly Springs Road from Residential 40 (R-40) to Mixed Use District (MXD), subject to a Preliminary Development Plan (PDP) to allow development of up to 53 townhomes and 7 detached dwellings.

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 and can be found at Land Development Ordinance.

SUBJECT PARCELS

Property Owner(s)	County Parcel Number(s) (10-digit)	Real Estate ID(s)	Deeded Acreage
The Sarah V O Jones Trust 6209 Holly Springs Road Raleigh, NC 27606-4310	0772649747	0037033	14.08 ±
Nancy A. Piper 6125 Holly Springs Road Raleigh, NC 27606-4308	0772657142	0164040	1.19 ±
TOTAL			15.27 ±

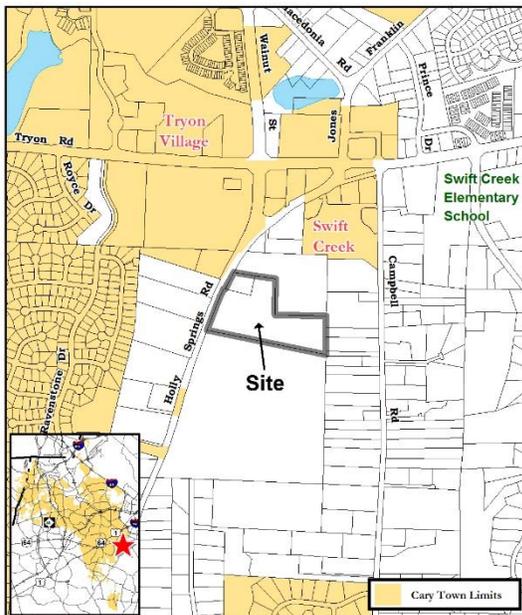
BACKGROUND INFORMATION

Applicant	Richard Ladd, Kensington Partners LLC 203 Rutherglen Drive Cary, NC 27511		
Acreage	15.27 ±		
Location	6125 and 6209 Holly Springs Road		
Schedule	Public Hearing July 23, 2015	Planning & Zoning Board August 17, 2015	Town Council September 24, 2015
Land Use Plan Designation	Medium Density Residential (MDR) in Swift Creek Community Activity Center		
Existing Zoning District(s)	Residential 40 (R-40); Mixed Use Overlay District; Watershed Protection Overlay District (Swift Creek sub-area)		
Existing Zoning Conditions	None		
Proposed Zoning District(s)	Mixed Use District (MXD); Mixed Use Overlay District;		

	Watershed Protection Overlay District (Swift Creek sub-area)
Proposed Zoning Conditions	See Preliminary Development Plan: Sheet 1 – Cover Sheet Sheet 2 – Plan Sheet
Town Limits	The subject property is located outside the corporate limits but inside the Town of Cary ETJ. Annexation will be required prior to site plan approval.
Valid Protest Petition	No
Staff Contact	Mary Beerman, Senior Planner (919) 469-4342 mary.beerman@townofcary.org

Vicinity Map

Kensington Place II
15-REZ-01



SITE CHARACTERISTICS

Streams: According to Town of Cary GIS Maps, the site is impacted by stream buffers. Field determination of such features will be required at the time of development plan review.

Adjacent Land Use and Zoning

North – R-40; agricultural

South – Residential 8 Conditional Use (R-8-CU) and Residential 12 Conditional Use (R-12-CU); Pritchett Farm Subdivision for 91 detached residential lots is currently in review.

East – R-40; detached residential

West (opposite side of Holly Springs Road) – R-40 and Transitional Residential Conditional Use (TR-CU); detached dwellings [Rezoning Case 14-REZ-11(Kensington Place), approved September 23, 2014, would allow development of townhomes at a density of up to six dwelling units per acre.]

CONSISTENCY WITH LAND DEVELOPMENT ORDINANCE

Land Use

Townhomes and detached dwellings are permitted uses in a Neighborhood Activity Center and corresponding Mixed Use Overlay District.

	Existing Zoning District (R-40)	Proposed Zoning District (MXD) Proposed on Preliminary Development Plan
Max. Gross Density	1.08 du/acre	4.0 du/acre
Min. Lot Size	40,000 sq. ft.	Townhomes: 2800 sq. ft. Detached Dwellings: 22,000 sq. ft.
Minimum Lot Width	150 ft. (160 ft. for corner lot)	Townhomes: 20 ft. Detached Dwellings: 80 ft. (90 ft. for corner lots)
Roadway Setback	18 ft., or 10 ft. if no parking in front	Townhomes: 18 ft. Detached Dwellings: front 20 ft.; corner side 10 ft.
Side Yard Setback	20 ft. (<i>septic tank/well</i>), or 15 ft. (<i>public sewer</i>)	Townhomes: 0/3 ft. (<i>firewall required where setback on either side is less than 3 feet</i>) Detached Dwellings: 10 ft.
Building Separation	N/A	Townhomes: 16 ft. between building groupings
Rear Yard Setback	30 ft.	Townhomes: 3 ft. Detached Dwellings: 25 ft.
Maximum Building Height	35 ft. (<i>May be increased by one foot for every additional foot provided between the building footprint and the minimum required setback</i>).	

Landscape Buffer

At the time of site/subdivision plan review, a 40-foot Type A landscape buffer will be required along the portion of the southern property line west of the stream buffer. A 20-foot Type B landscape area will be required along the eastern property line, and the portion of the southern property line east of the stream buffer. A 30-foot Type B buffer will be required along the northern property line.

Streetscape

A 50-foot Type A (opaque) streetscape buffer is required along the frontage of Holly Springs Road.

Traffic

The proposed zoning would allow development of up to 53 townhomes and 7 detached dwellings. Based on the ITE Trip Generation Manual, 9th edition, Land Use Code 230 – Residential Condominium/Townhouse and Land Use Code 210 – Single-family Detached Housing, the proposed rezoning is anticipated to generate approximately 36 am and 43 pm peak hour trips. The threshold for a traffic study is 100 peak-hour trips; therefore, a traffic study is not required.

Note:

Per section 3.4.1.D.3 of Cary's Land Development Ordinance, a traffic study is required for rezoning applications when a development is anticipated to generate 100 or more peak hour trips. A residential subdivision with a total of 93 single family units has the potential of generating 100 peak- hour trips.

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

According to the applicant, a neighborhood meeting for the proposed rezoning was held on January 13, 2015. According to the information submitted by the applicant, nine residents attended the meeting. Questions and concerns expressed at the meeting are provided in the meeting minutes submitted by the applicant.

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.

Town Council Public Hearing (*July 23, 2015*)

One resident from the adjacent neighborhood along Campbell Road expressed continuing concern regarding the potential for a street connection to Fordham Drive from the adjacent subdivision to the south. There were questions and comments from council members regarding the number of access points, traffic impacts, and the existing telecommunications tower on the eastern portion of the site.

Planning and Zoning Board Meeting (*August 17, 2015*)

The Planning and Zoning Board recommended approval of the request by a vote of 8-1. There was extensive discussion regarding access and connectivity. Board members generally agreed that the use and density was appropriate. The board member casting the dissenting vote cited concern with traffic and access.

CRITERIA FOR CONSIDERATION IN REVIEWING ALL REZONING CASES

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.

CRITERIA FOR CONSIDERATION IN REVIEWING MXD ZONING CASES

LDO Section 4.5.2(E) Approval Criteria for Mixed Use District Rezoning

In addition to the criteria for a general rezoning specified in Section 3.4.1(E), rezoning requests to a MXD district shall be reviewed for compliance with the following criteria, as applicable [i.e., it may not be reasonable or practical to expect that some existing or partially-built mixed use districts (formerly activity center concept plans or mixed use sketch plans) to achieve certain design standards]:

(1) Intensity, Type, and Mix of Uses

The preliminary development plan includes an appropriate intensity, type, and mix of land uses, as outlined by the guidelines contained in the Land Use Plan. This shall be assessed in relation to the scale of the activity center and the mix and relationship of existing and planned uses in the activity center, including residential, commercial, office, and institutional uses;

Staff Comments: The applicant's proposal for up to 53 townhouses and seven single-family dwellings is in keeping with the recommendations of the Southeast Area Plan and the Swift Creek Land Management Plan, and meets the intent of the Community Activity Center designation.

(2) Site Design

The preliminary development plan shows how the proposed mixed use development will meet or exceed Town site design guidelines and other established Town standards, including connections and linkages to immediately adjacent properties;

Staff Comments: In addition to the sidewalks shown on the preliminary development plan, the plan provides pedestrian connections to the community gathering space in the townhome area, and to the greenway in the detached dwelling portion of the neighborhood.

(3) Expected Land Uses

The extent to which the proposed development provides the expected land uses, including medium- and higher-density housing, outlined by the numerical and other guidelines contained in the Land Use Plan;

Staff Comments: The applicant's proposal for up to 53 townhouses and seven single-family dwellings is in keeping with the recommendations of the Southeast Area Plan and meets the intent of the Community Activity Center designation. The governing land use plan for this property is the 2004 Southeast Area Plan, which designates the property for Medium Density Residential (MDR) with a maximum density of six dwelling units per acre. The Land Use Plan describes a community activity center as providing a mix of commercial, office and institutional uses that provide daily goods and services to adjacent neighborhoods, as well as goods and services demanded less frequently by the surrounding community, and moderate amounts of office space demanded by community businesses. Medium- and high-density residential uses should also be present in the center area.

(4) Public Spaces

The preliminary development plan includes some formal outdoor space(s) for public use, such as a park, village green, or plaza, with larger mixed use centers including more such space than smaller centers; and

Staff Comments: The preliminary development plan includes a community gathering space, centrally located within the townhome portion of the property consistent with requirements of the LDO.

(5) Scale and Context

The preliminary development plan demonstrates that the proposed development is appropriate for the context and location, responds to the unique conditions of the area, and provides reasonable transitions within and adjacent to the district.

Staff Comments: Transitions are created through land use and buffer/landscaping requirements. Adjacent land uses include a proposed subdivision of detached dwellings to the south, existing detached dwellings to the east, and undeveloped land within the Mixed Use Overlay District to the north.

APPLICABLE COMPREHENSIVE OR AREA PLAN REQUIREMENTS

Southeast Area Plan

The governing land use plan for this property is the 2004 Southeast Area Plan, which designates the property for Medium Density Residential (MDR) with a maximum density of six dwelling units per acre. This property falls within the Swift Creek Watershed, and the density cap reflects recommendations set forth by the 1988 Swift Creek Land Management Plan. This property is also located within the Swift Creek

Community Activity Center. The Land Use Plan describes a community activity center as providing a mix of commercial, office and institutional uses that provide daily goods and services to adjacent neighborhoods, as well as goods and services demanded less frequently by the surrounding community, and moderate amounts of office space demanded by community businesses. Medium- and high-density residential uses should also be present in the center area. The applicant's proposal for up to 53 townhouses and seven single-family dwellings is in keeping with the recommendations of the Southeast Area Plan and the Swift Creek Land Management Plan, and meets the intent of the Community Activity Center designation.

Planning History for the Subject Site:

1. 1988: Cary, Apex, Garner, Raleigh, and Wake County agree to prepare a land management plan for the Swift Creek Watershed west of Highway 50. The jurisdictions subsequently adopt the Swift Creek Land Management Plan, which designates the subject property's future land use as New Urban Residential. The plan recommends a maximum of six dwelling units per acre for New Urban Residential properties that fall on the east side of Holly Springs Road.
2. 1996: Town Council adopts the townwide Land Use Plan. The Plan recommends that the subject property be developed as Low Density Residential (LDR), defined as single-family, 1-3 dwellings per acre.
3. 1998: Town Council adopts the Southeast Gateway Area Plan to implement the land use recommendations of the 1996 townwide Land Use Plan. The Southeast Gateway Area Plan recommends Medium Density Residential for the subject property, with medium density defined by the plan as 3-6 units per acre.
4. 2004: Town Council adopts the Southeast Area Plan to replace the Southeast Gateway Area Plan. The Southeast Area Plan recommends Medium Density Residential for this property with a maximum density of six units per acre. The plan also recommends that the Swift Creek Neighborhood Activity Center be expanded to include this and other properties, and then be re-designated as a community activity center.
5. 2005: Town Council approves the expansion of the Swift Creek Activity Center Overlay (04-REZ-26 – Swift Creek Activity Center Expansion) onto properties (including the subject property) that were outlined for such change in the 2004 Southeast Area Plan.

Growth Management Plan

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

- Guiding Principle L1: Concentrate growth near existing and planned employment centers and available and planned infrastructure to minimize costly service-area extensions.
Analysis: The site is located in the Swift Creek Community Activity Center and is immediately adjacent to existing and planned infrastructure and utilities, as well as employment opportunities in the nearby Crossroads Regional Activity Center.
- Guiding Principle R1: Ensure that adequate infrastructure and services are available concurrently with new development.
Analysis: Utilities are available at this site.
- Guiding Principle A1: Increase permitted densities in preferred growth areas to encourage desired forms of development.
Analysis: The site is located within the Swift Creek Community Activity Center, and one-half mile from the Crossroads Regional Activity Center. Activity centers are preferred growth areas.
- Guiding Principle L2: Ensure that future growth protects sensitive natural resources and protects open space.
Analysis: The subject property appears to be bisected by streams, which if field-verified, will require stream buffers to help protect sensitive riparian vegetation and habitat. The Southeast Area Plan also recommends a residential density cap of six units per acre for this property, reflecting the recommendation of the Swift Creek Land Management Plan.

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.
3. 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.

Comments:

The subject request for a combination of townhomes and single-family houses supports Goal 1, and has the potential to support Goal 3. The site is located within the Swift Creek Community Activity Center, which at build-out is envisioned as a concentrated, mixed-use area containing commercial, office, institutional, and medium- and high-density residential arranged in a walkable, pedestrian- and transit-friendly manner. Therefore, the subject request supports Goal 2.

Comprehensive Transportation Plan

Holly Springs Road is designated as 4-lane Median-divided Thoroughfare

Existing Section: 25 feet to 33 feet back-of-curb to back-of curb in 60 feet to 100 feet of right-of-way

Future Section: 78-foot, 4-lane roadway with 18-foot median in 100 feet of right of way

Sidewalks: Required on both sides

Bicycle Lanes: 14-foot-wide outside lanes in each direction

Transit: No transit requirements

Status of Planned Improvements: None

Parks, Recreation & Cultural Resources Master Plan

According to the Parks, Recreation and Cultural Resources Master Plan the Campbell Greenway is proposed to run north/south along the west side of the stream that bisects the property.

A recreation fund payment or park land dedication will be required for residential development in accordance with the Land Development Ordinance. Staff has recommended that a recreation fund payment be made for this site in lieu of a park land dedication.

These recommendations were approved by the Town's Greenways Committee at its March 2015 meeting, and by the Town's Parks, Recreation & Cultural Resources Advisory Board at its May 2015 meeting.

Open Space Plan

According to the Open Space Plan, the majority of the parcels (except for about three acres along Holly Springs Road) are covered with mixed upland hardwood and mixed hardwood/conifer forest.

Historic Preservation Master Plan

There are no identified historic resources on the subject site.

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	7-21
	Middle School	3-13
	High School	2-11

Total Projected range of additional students ²	12-45
¹ Information regarding specific Wake County Public School assignment options may be found by visiting the following: http://assignment.wcpss.net/preview/myplan.html	
² The <i>Projected Range of Additional Students</i> is an 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 12 three-bedroom homes could yield six additional students, while 12 homes with greater than three bedroom units could yield 10 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-01 Kensington East

AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE TOWN OF CARY TO CHANGE THE ZONING OF 15.27 ACRES LOCATED AT 6125 AND 6209 HOLLY SPRINGS ROAD BY REZONING FROM RESIDENTIAL 40 (R-40) TO MIXED USE DISTRICT (MXD)

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)	County Parcel Number(s) (10-digit)	Real Estate ID(s)	Deeded Acreage
The Sarah V O Jones Trust 6209 Holly Springs Road Raleigh, NC 27606-4310	0772649747	0037033	14.08 ±
Nancy A. Piper 6125 Holly Springs Road Raleigh, NC 27606-4308	0772657142	0164040	1.19 ±
TOTAL			15.27 ±

Section 2:

That this Property is rezoned from R-40 to MXD subject to the individualized development conditions set forth in the “Kensington East Preliminary Development Plan” on file in the Planning Department, 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 set forth in the "Kensington East Preliminary Development Plan" approved by the Town Council as of this date and on file in the Planning Department.

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

Adopted and effective: September 24, 2015

Harold Weinbrecht, Jr.
Mayor

Date