

STAFF REPORT

Town Council, February 25, 2016

7711 Carpenter Fire Station Road 15-REZ-11 (PL16-014b)

Consider action on proposed rezoning request

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 by rezoning 6.8 acres located at 7711 Carpenter Fire Station Road from Residential 40 (R-40) to Office and Institutional Conditional Use (OI-CU) with zoning conditions that include limiting land use to day care and office. This rezoning request has an associated Consistency and Reasonableness Statement.

Proposed Council Action: Council may take action

A Comprehensive Plan Amendment request (15-CPA-04) associated with this case was approved on December 10, 2015.

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
William Mills 7711 Carpenter Fire Station Road Cary, NC 27519	0725844042	0179893	6.8 ±

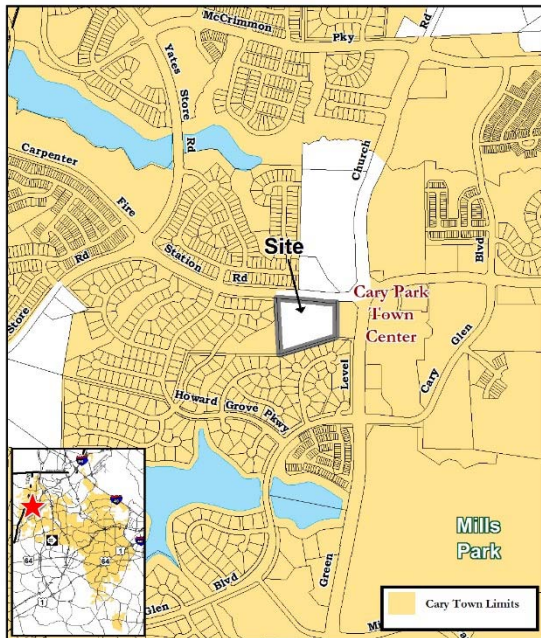
BACKGROUND INFORMATION

Applicant & Agent	Eli Zablud, Fire Station Investments, LLC 135 Parkway Office Court, Ste. 105 Cary, NC 27511		
Acreage	6.8 ±		
General Location	7711 Carpenter Fire Station Road		
Schedule	Public Hearing September 24, 2015	Planning & Zoning Board January 25, 2016	Town Council February 25, 2016
Land Use Plan Designation	Office/Institutional (OFC/INS) <i>An associated Comprehensive Plan Amendment (15-CPA-04) requesting that the land use designation be changed from Medium Density Residential (MDR) to Office & Institutional (OFC/INS) was approved by council on December 10, 2015.</i>		
Existing Zoning District(s)	Residential 40 (R-40)		
Existing Zoning Conditions	None		
Proposed Zoning District(s)	Office and Institutional Conditional Use (OI-CU)		

Proposed Zoning Conditions	<ol style="list-style-type: none"> 1. Land use shall be limited to daycare and office. 2. Day care use shall not exceed 186 students and 18,500 square feet of floor area. 3. Office use shall not exceed 27,500 square feet. 4. Within the Type A buffers adjacent to residential land uses, understory trees shall be planted in double staggered rows at a density of eighteen (18) trees for every 100 linear feet of buffer and shall be evergreen. The other standards of the Type A buffer shall apply
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.
Staff Contact	Mary Beerman, Senior Planner (919) 469-4342, mary.beerman@townofcary.org

Vicinity Map

7711 Carpenter Fire Station Road
15-REZ-11



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 site plan review.

Adjacent Zoning and Land Use:

North (opposite side of Carpenter Fire Station Road) – Amberly Planned Development District (Arlington Park Subdivision) and Residential 40 (R-40); detached dwellings

South – Cary Park Planned Development District (Cary Park Subdivision); open space (20 feet) and detached dwellings

East – Cary Park Planned Development District; Capital Bank

West – Amberly Planned Development District (Blackstone at Amberly Subdivision); open space and detached dwellings

CONSISTENCY WITH LAND DEVELOPMENT ORDINANCE

Land Use

Day care and office use are permitted uses in the Office & Institutional General Use District.

Density and Dimensional Standards

	Existing Zoning District (R-40) <i>(applicable to non-residential uses allowed in R-40 district)</i>	Proposed Zoning District (OI-CU)
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 feet of residential zoning district – 35 feet More than 100 feet 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 30-foot Type B buffer is required between office and daycare uses, and bank use. Development of the adjacent property to the east (Capital Bank) included a 30-foot undisturbed buffer adjacent to the subject property. No additional buffer width along the eastern property line will be required upon development of the subject property.

A 30-foot Type A buffer is required between office and daycare uses, and residential developments with lots 8,000 square feet or larger. Development of the adjacent property to the south (Cary Park Subdivision), which consists of residential lots larger than 8,000 square feet, included a 25-foot buffer adjacent to the subject property. A minimum of five feet of additional buffer width will be required upon development of the subject property. Supplemental evergreen vegetation may be required in order for the buffer to meet the required Type A buffer standard. Additional buffer width above the 5-foot minimum will be required if needed to accommodate any required supplemental vegetation.

A 40-foot Type A buffer is required between office and daycare uses, and residential developments which contain lots smaller than 8,000 square feet. Development of the adjacent property to the west, (Blackstone at Amberly Subdivision) which contains lots smaller than 8,000 square feet, included a 30-foot buffer along a portion of the common boundary with the subject property, and stream buffer area along the remainder of the common boundary. A minimum of 10 additional feet of buffer width will be required along the northern portion of the western property line upon development of the subject property, supplemented with additional vegetation if needed to meet Type A performance standards. Additional buffer width above the minimum will be required if needed to accommodate any required supplemental vegetation.

Streetscape

A 30-foot streetscape will be required along Carpenter Fire Station Road.

Traffic

Per section 3.4.1.D.3 of the LDO, a traffic study is required for rezoning applications when a development is anticipated to generate 100 or more peak hour trips. The proposed commercial uses required a traffic study. A final draft Traffic Analysis Report 15-TAR-397 was prepared by the Town's on-call traffic engineering consultant VHB, dated July 2, 2015. In accordance with the LDO, the study has a 5-year build-out period, which is year 2020. Findings of the study are as follows:

Project Description (assumed for purposes of the traffic study)

- Day Care Center – 18,160 square feet (SF)
- General Office Building – 27,780 SF

Trip Generation Expected

1. Day Care
 - o 1,345 daily site trips
 - o 221 a.m. peak hour trips (117 entering, 104 exiting)
 - o 224 p.m. peak hour trips (105 entering, 119 exiting)
2. General Office
 - o 496 daily site trips
 - o 69 a.m. peak hour trips (61 entering, 8 exiting)
 - o 110 p.m. peak hour trips (19 entering, 91 exiting)

Intersections Studied

The traffic study evaluated major intersections within one (1) mile of the site per LDO standards.

1. Green Level Church Road and Mills Park Drive/Courtland View (signalized)
2. Green Level Church Road and Cary Glen Boulevard (signalized)
3. Green Level Church Road and Carpenter Fire Station Road (signalized)
4. Green Level Church Road and McCrimmon Parkway (signalized)
5. McCrimmon Parkway and Yates Store Road (unsignalized)
6. McCrimmon Parkway and Cary Glen Boulevard (unsignalized)
7. Carpenter Fire Station Road and Yates Store Road (unsignalized)
8. Carpenter Fire Station Road and Cary Glen Boulevard (existing unsignalized; currently pending signalization by the Town of Cary)
9. Carpenter Fire Station Road and Access #1 (future unsignalized)

The study evaluated A.M. and P.M. peak hour operations at each of the intersections studied for four analysis year scenarios: Existing (2015) Conditions; Background (2020) Conditions; Build (2020) Conditions; and Build (2020) Conditions with Roadway Improvement Recommendations. The study also evaluated the proposed site driveway under two additional analysis year scenarios: Build (2035) Conditions and Build (2035) Conditions with Improvements.

For Background (2020) Conditions, a three percent (3%) growth rate was applied to the study area roadways and intersections to account for regional growth.

For Background Traffic (2020) Conditions, there were twelve (12) potential developments in the vicinity that may be approved and completed prior to, or at the same time as the build-out of the proposed development. Site traffic generated from those planned and/or developed projects were included in the Background Traffic (2020) Conditions. Those background developments include:

1. 6910 Carpenter Fire Station Road Rezoning (12-TAR-340)
2. Cary Glen Townhomes (12-TAR-346)
3. Cary Park Parcel TC – 3A (12-TAR-348)
4. Cary Park Tract MR-8 Apartments (13-TAR-363)
5. RKM Retail Center (13-TAR-364)
6. Peninsula at Amberly (13-TAR-375)
7. Daycare at McCrimmon Parkway and Green Level Church Road (14-TAR-380)
8. Ridgefield Farms Rezoning (15-TAR-389)
9. O'Kelly Chapel Road Daycare and Medical Office (15-TAR-391)
10. E-33 Elementary School and Retail Rezoning Request (15-TAR-392):
11. Alston Town Center (completed by Kimley-Horn dated September 18, 2013)
12. Evans Farm Townhomes (completed by Kimley-Horn dated March 7, 2014)

The executive summary of the Traffic Analysis Report includes information on level of service reported at each intersection studied and recommendations for improvements at these intersections. The traffic study also includes traffic generated by developments that have been approved, but not yet constructed in the area.

Intersection Improvement Recommendations

To mitigate the traffic impacts the proposed development may have on the adjacent roadway system, the Traffic Analysis Report provided recommendations for improvements consistent with LDO Section 3.4.1(D)(3) Traffic Impact Analysis (TIA).

1. Intersection of Carpenter Fire Station Road and Access #1 (unsignalized)

- Construct the northbound stop-controlled approach to provide one ingress lane and one egress (right-turn only) lane.
- Construct an exclusive westbound left-turn lane at the end of the median along Carpenter Fire Station Road that provides at least 100 feet of full storage and an appropriate taper. This turn lane would enhance safety, by moving u-turning vehicles out of the westbound traffic flow along Carpenter Fire Station Road.
- To accommodate the projected westbound u-turning and eastbound right-turning vehicles into the site, construct an exclusive eastbound right-turn lane along Carpenter Fire Station Road that extends back to the U-turn point (roughly 225 feet) and serves as both a bulb-out and storage lane into the site.

2. Intersection of Carpenter Fire Station Road and Green Level Church Road (signalized)

- If a median break is allowed along Carpenter Fire Station Road, to accommodate westbound left turning traffic into the site, the eastbound left-turn lane at this intersection should be extended 325 feet to accommodate the projected future queues.

3. Improvements required to meet Town's CTP requirements

- Provide roadway improvements along the site frontage on Carpenter Fire Station Road to meet the minimum one-half (½) of the ultimate cross-section and right-of-way as defined in the Town's CTP.

Roadway improvements voluntarily offered by the applicant as zoning conditions

- The applicant has not offered any roadway improvements to date.

Staff Comment Regarding Improvements Offered by Applicant

None

Stormwater

At the time of site plan review, the future plan must meet all stormwater management and detention requirements.

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 August 5, 2015. According to the information submitted by the applicant, 10 residents attended the meeting. Questions and concerns expressed at the meeting are provided in the meeting minutes submitted by the applicant.

Town Council Public Hearing (September 24, 2015)

The original conditions presented to council stated that daycare use would not exceed 186 students and 13,500 square feet; while office use would not exceed 49,560 square feet. Three area residents spoke at the public hearing. An on-line petition requesting a number of additional conditions to mitigate impacts was submitted (attached). One speaker summarized points discussed with the owners and applicant in the ongoing process of developing a private agreement. Other concerns expressed included stormwater management and erosion control. The applicant's representative noted that they would continue to work with neighbors to address concerns. Staff noted that the applicant had not offered any zoning conditions to include the items being discussed with the neighbors as part of a private agreement. Council members encouraged the applicant to continue to work with the neighborhood and noted that the Town could only enforce requirements of the LDO and zoning conditions offered in writing by the applicant.

Planning and Zoning Board Meeting (January 25, 2016)

The Planning and Zoning Board recommended approval by a vote of 7-1. The applicant's representative stated that concerns of the adjacent neighborhood had been addressed through a private agreement. The board member casting the dissenting vote believed that there were sufficient day care uses in the area and would support the use if it was limited to office space only.

***Note:** The zoning conditions considered by the Planning and Zoning Board were identical to those considered at the Town Council Public Hearing, and included a maximum of 49,560 square feet of office space and 13,500 square feet of day care use with a maximum of 186 students. Due to a mis-communication between the applicant and staff, the applicant's request to change the proposed balance of uses (to a maximum of 27,500 square feet of office and 18,500 square feet of daycare with a maximum of 186 students) was not included in the presentation to the Planning and Zoning Board. These changes result in a net decrease of 17,060 square feet of floor area, and comparable traffic impact. Staff considers the changes to represent a decrease in the proposed intensity of use from that shown to the Board and to council at the first public hearing.*

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

Northwest Area Plan

As per the Northwest Area Plan, the future land use designation for the subject property is Office and Institutional (OFC/INS). A Comprehensive Plan Amendment, case 15-CPA-04, was recently approved to change the land use designation from Medium Density Residential (MDR) to Office and Institutional (OFC/INS).

Analysis: This rezoning request is in conformance with the Town's Northwest Area Plan.

Growth Management Plan

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

1. R1 Guiding Principle: Ensure that adequate infrastructure and services are available concurrently with new development.
2. L1 Guiding Principle: Concentrate growth near existing and planned employment centers and available and planned infrastructure to minimize costly service-area extensions.

Analysis: Adequate infrastructure and services appear to be available adjacent to the subject property. Research Triangle Park is approximately two miles from the site, and the Alston Regional Mixed Use Center is less than one mile from the site, putting this property near existing and planned employment centers.

Affordable Housing Plan

The Affordable Housing Plan includes no goals that may be relevant to this case.

Comprehensive Transportation Plan

Carpenter Fire Station is designated as a 4-lane thoroughfare

Existing Section: Approximately 30 feet back-of curb to back-of-curb, within a 100-foot right-of-way

Future Section: 78-foot roadway section within a 100-foot right-of-way

Sidewalks: 14-foot-wide outside lane

Bicycle Lanes: 14-foot-wide outside lane

Transit: No requirements

Status of Planned Improvements: NA

Parks, Recreation & Cultural Resources Master Plan

According to the Parks, Recreation and Cultural Resources Facilities Master Plan there are no parks or greenways proposed for this site.

Open Space Plan

According to the Open Space Plan there are no significant natural resources associated with this site.

Historic Preservation Master Plan

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

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-11 7711 CARPENTER FIRE STATION ROAD REZONING

AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE TOWN OF CARY TO CHANGE THE ZONING OF 6.8 ACRES LOCATED AT 7711 CARPENTER FIRE STATION ROAD OWNED BY WILLIAM MILLS BY REZONING FROM RESIDENTIAL 40 (R-40) TO OFFICE AND INSTITUTIONAL CONDITIONAL USE (OI-CU)

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
William Mills 7711 Carpenter Fire Station Road Cary, NC 27519	0725844042	0179893	6.8 ±

Section 2:

That this Property is rezoned from R-40 to OI-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. Land use shall be limited to daycare and office.
2. Day care use shall not exceed 186 students and 18,500 square feet of floor area.
3. Office use shall not exceed 27,500 square feet.
4. Within the Type A buffers adjacent to residential land uses, understory trees shall be planted in double staggered rows at a density of eighteen (18) trees for every 100 linear feet of buffer and shall be evergreen. The other standards of the Type A buffer shall apply

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

Adopted and effective: February 25, 2016

Harold Weinbrecht, Jr.
Mayor

Date