

PLANNING STAFF REPORT
Town Council, October 22, 2015

532 Walnut Street 15-REZ-10 (PL16-018b)
Consider of a proposed rezoning request
Speaker: Debra Grannan

From: Jeff Ulma, Planning Director
Prepared by: Debra Grannan, 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 1.27 acres owned by Carolina Custom Homes from Residential 12 (R-12) to Residential 8 Conditional Use (R-8-CU). Conditions proposed by the applicant would limit the use to detached residential, limit the maximum number of dwelling units to three, and require a minimum lot size of 13,000 square feet. Proposed building setbacks would be consistent with the requirements for the R-12 zoning district.

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
Carolina Custom Homes, Inc 123 N. Salem Street Apex, NC 27502	0763872850	0012228	1.27±
Total Area			1.27±

REQUEST SUMMARY

The applicant is seeking to create three (3) lots from the existing property which is currently zoned Residential 12 (R-12). The subject property is approximately 1.27 acres in size and has sufficient land area to create three lots that meet the minimum lot area (12,000 square feet) requirement for the current zoning. The property does not, however, have sufficient width to accommodate three lots that each meet the minimum lot width (80 feet) for the R-12 zoning. The applicant proposes to rezone the property to Residential 8 (R-8), which requires a minimum lot width of 60 feet, and is proposing zoning conditions that would result in a minimum lot size and building setbacks that meet or exceed the requirements for R-12 zoning.

BACKGROUND INFORMATION

Applicant & Agent	Carolina Custom Homes, Inc. Markmangrum@aol.com (919) 369-0058
Applicants Contact Person	Mary Elizabeth Smith Sullivan Surveying

	1143 D Executive Circle Cary, NC 27511 (919) 469-4738 sullivansurveying@yahoo.com		
Acreage	1.27±		
Property Location	532 Walnut Street		
Schedule	Town Council Public Hearing August 27, 2015	Planning & Zoning Board September 21, 2015	Town Council October 22, 2015
Land Use Plan Designation	Low Density Residential (LDR)		
Existing Zoning District	Residential 12 (R-12)		
Existing Zoning Conditions	None		
Proposed Zoning District(s)	Residential 8 Conditional Use (R-8-CU)		
Proposed Zoning Conditions	<ol style="list-style-type: none"> 1. Use shall be limited to detached residential. 2. There shall be a maximum of three (3) dwelling units. 3. Minimum lot size shall be 13,000 square feet. 4. Minimum side yard setbacks shall be 10 feet. 5. Minimum rear yard setbacks shall be 25 feet. 		
Town Limits	Yes		
Staff Contact	Debra Grannan Senior Planner (919) 460-4980 Debra.grannan@townofcary.org		

SITE CHARACTERISTICS

Streams: According to Cary's GIS maps, the subject property is not impacted by any stream buffers. Field determination of such features shall be required at the time of development plan review.

Floodplain or Wetlands: Cary's GIS maps do not indicate the presence of any floodplain or wetlands on the subject property. Field verification of such features is required at the time of development plan review.

Adjacent Uses and Zoning:

North: (Opposite side of Walnut Street) Office and Commercial (O&I and GC)
 South: Detached Residential (R-12)
 East: Detached Residential (R-12)
 West: Detached Residential (R-12)

CONSISTENCY WITH LAND DEVELOPMENT ORDINANCE

Density and Dimensional Standards

	Existing Zoning District Residential 12	Proposed Zoning District Residential 8 Conditional Use (R8-CU)
Max. Gross Density (du/ac)	3.63	Per LDO: 5.44
		Result of Proposed Zoning Condition limiting number of lots to three: 2.36
Min. Lot Size (Sq. Ft.)	12,000	Per LDO: 8,000

		Per Zoning Condition: 13,000
Minimum Lot Width (Ft.)	80 (90 for corner lot)	60 (70 for corner lot)
Roadway Setback (Ft.)	From thoroughfare: 50 From collector: 30 From other streets: 20	From thoroughfare: 50 From collector: 30 From other streets: 20
Side Yard Setback (Ft.)	10	Per LDO: 5 minimum, 20 combined Per Zoning Condition: 10
Rear Yard Setback (Ft.)	25	Per LDO: 20 Per Zoning Condition: 25
Maximum Building Height (Ft.)	35	35

Open Space, Landscape and Streetscape Buffers: If developed as part of an exempt subdivision, dedication of common open space areas shall not be required.

Traffic

The applicant has offered a zoning condition proposing a maximum of three (3) dwelling units on the subject property. Based on the ITE Trip Generation Manual, 9th edition, Land Use Code 210 – Single-Family Detached Housing Units, the proposed rezoning is anticipated to generate approximately 12 am and 4 pm peak hour trips. The threshold for a traffic study is 100 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

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 publicized and conducted by Planning staff at Cary Town Hall on July 8, 2015. According to the information submitted by the applicant, 11 nearby property owners attended the meeting. Questions and concerns expressed at the meeting are provided in the meeting minutes submitted by the applicant.

Town Council Public Hearing (August 27, 2015)

Staff presented an overview of the request and summarized comments and concerns from adjacent property owners that had been expressed at the neighborhood meeting. A representative for the applicant stated that the proposed use and density were consistent with the Land Use Plan, and noted that the only difference between the proposed zoning and the adjacent R-12 zoning would be the lot width.

There were no speakers during the public hearing. One council member asked the applicant to confirm that, if approved, the lots would be subdivided fronting Walnut Street. There were questions from the council as to how the proposed lot width would compare to other lots in the vicinity.

Changes Since the Town Council Public Hearing

None

Planning and Zoning Board Meeting (September 21, 2015)

Staff presented the request. The applicant explained that the purpose of the rezoning was due to insufficient property frontage to meet the minimum 90-foot lot-width requirement in the R-12 zoning district for three lots. There were no questions from the board.

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

The townwide Land Use Plan recommends Low Density Residential (LDR) as the future land use for the subject property. Low Density Residential is defined as detached single-family dwellings at densities ranging from one to three units per acre. The proposed rezoning of Residential-8-CU includes a condition that limits the use of the 1.27-acre property to a maximum gross density of three dwelling units per acre. The proposed rezoning, therefore, conforms to the land-use recommendation of the Land Use Plan.

Growth Management Plan

The Growth Management Plan includes the following two 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.

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. Assure a quality living environment and access to public amenities for all residents, present and future, of the Town of Cary, regardless of income.

Comprehensive Transportation Plan

Walnut Street is designated as a Major Thoroughfare.

Existing Section: 91-foot right-of-way in approximately 60-foot back to back (b-b) section

Future Section: 5-lane Roadway section with 91-foot of right of way in a 69-foot b-b section.

Sidewalks: Required on both sides and exists along the frontage of this parcel

Bicycle Lanes: 14-foot-wide outside lanes

Transit: There is no current transit service along this portion of Walnut Street. Approximately 1,750 feet away, there is a bus stop at the corner of Cary Towne Boulevard and Maynard Road intersection for Town of Cary Buses #2 and #6.

Status of Planned Improvements: None

Parks, Recreation and 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. Dunham Park and Lion’s Park are within approximately 550 feet of the subject property.

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

Open Space Plan

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

Historic Preservation Master Plan

There are no documented historic resources on this site.

Summary Observations

The proposed minimum lot size of 13,000 square feet serves to provide a transition to the adjacent R-12 zoned lots.

OTHER REFERENCE INFORMATION

Schools	Type ¹	Projected Range of Additional Students ²
<i>This information is being provided for your review; however, the Wake County Board of Education controls capital projects for school capacities.</i>	Elementary School	1-1
	Middle School	1-1
	High School	0-1
Total Projected range of additional students ²		2- 3

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

² The *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 three, three-bedroom homes could yield two additional students, while three homes with greater than three bedroom units could yield three 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-10 532 WALNUT STREET REZONING

AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE TOWN OF CARY TO CHANGE THE ZONING OF APPROXIMATELY 1.27 ACRES LOCATED AT 532 WALNUT STREET, OWNED BY CAROLINA CUSTOM HOMES, BY REZONING FROM RESIDENTIAL 12 (R-12) TO RESIDENTIAL 8 CONDITIONAL USE (R-8-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

Section 2:

That this Property is rezoned from Residential 12 (R-12) to Residential 8 Conditional Use (R8-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.
- 2. There shall be a maximum of three (3) dwelling units.
- 3. Minimum lot size shall be 13,000 square feet.
- 4. Minimum side yard setbacks shall be 10 feet.
- 5. Minimum rear yard setbacks shall be 25 feet.

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

Adopted and effective: *October 22, 2015*

Harold Weinbrecht, Jr.
Mayor

Date