

**STAFF REPORT**

Town Council, December 10, 2015

**917 Waldo Rood Boulevard Rezoning 15-REZ-12 (PL16-024b)**

Consider action on proposed rezoning request

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:** To amend the Town of Cary Official Zoning Map by rezoning approximately 4.27 acres located at 917 Waldo Rood Boulevard from Residential 40 (R-40) to Office and Institutional Conditional Use (O&I-CU). The conditions proposed by the applicant would limit the uses to veterinary office or hospital, kennel and general or professional office. The applicant has also proposed to limit the maximum building size to 18,000 square feet.

This rezoning has an associated Consistency and Reasonableness 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.

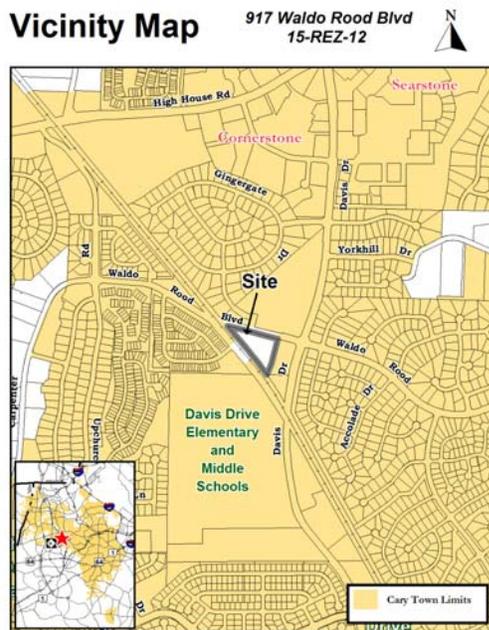
**SUBJECT PARCELS**

Property Owner(s)	County Parcel Number(s) (10-digit)	Real Estate ID(s)	Deeded Acreage
Geneva Lloyd Baker Heirs 3025 Pleasant Pines Road Apex, NC 27502	0743495627	0003452	4.27±
<b>Total Area</b>			4.27±

**BACKGROUND INFORMATION**

Applicant	Randal Dunn 2232 Old Reedy Creek Road Cary, NC 27513 (919) 677-1783 randydunn@yahoo.com		
Acreage	4.27 ±		
Address	917 Waldo Rood Boulevard		
Schedule	<b>Town Council Public Hearing</b>  September 24, 2015	<b>Planning &amp; Zoning Board</b>  November 16, 2015	<b>Town Council Meeting</b>  December 10, 2015
Land Use Plan Designation	Office and Institutional (OFC/INS)		
Existing Zoning District(s)	Residential 40 (R-40)		
Existing Zoning Conditions	None		
Proposed Zoning District(s)	Office and Institutional Conditional Use (O&I-CU)		
Proposed Zoning Conditions	1. Uses shall be limited to: Animal Service uses including (1) Veterinary hospital/office with indoor kennel (2) Kennel, indoor only, and (3) Kennel indoor/outdoor (subject to Special Use		

	approval) and Office (Office, Business or Professional) 2. Building size shall be limited to a maximum of 18,000 square feet.
Town Limits	The subject property is located outside the corporate limits but inside the Town of Cary ETJ. Annexation will be required prior to development plan approval.
Staff Contact	Debra Grannan Senior Planner (919) 460-4980 Debra.grannan@townofcary.org



**SITE CHARACTERISTICS**

**Streams:** Cary’s most current GIS maps show a potential stream buffer on a small portion of the subject property. 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 any floodplain or wetland areas on the subject property. Field determination of such features shall be required at the time of development plan review.

**Adjacent Uses and (Zoning)**

North: (Opposite side of Waldo Road Blvd.) Vacant; townhome development under construction (TR-CU)  
East – Day Care (O&I)  
South and West: Railroad right of way and Collins Road

**CONSISTENCY WITH LAND DEVELOPMENT ORDINANCE**

**Landscape Buffer:** In accordance with Chapter 7 of the LDO, a 30-foot-wide Type B (semi-opaque) buffer shall be required adjacent to railroad right of way to the south and west, and to the existing day care center to the east.

**Streetscape:** In accordance with Chapter 7 of the LDO, a 30-foot streetscape shall be required adjacent to Waldo Rood Boulevard.

**Traffic:** The proposed rezoning on approximately 4.27 acres would result in a potential maximum of 18,000 square feet of office uses. Based on the ITE Trip Generation Manual, 9<sup>th</sup> edition, Land Use Code 710 – General Office, the proposed rezoning is anticipated to generate approximately 49 am and 99 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 of the Land Development Ordinance.

#### **Use-Specific Standards**

At the time of this report, the following use-specific standards apply if the subject site is developed with a veterinary hospital/office:

- (1) *No kennel shall be maintained outside of the principal building.*
- (2) *The facility shall include a minimum of 200 square feet of outdoor enclosed yard for every 1,000 square feet contained within the principal structure. Such yard area shall be enclosed by a solid, decorative fence or masonry wall at least eight feet in height.\**
- (3) *The animal hospital structures shall be insulated and soundproofed in order to minimize all loud and disturbing noises that might disturb those persons in adjoining structures or in the nearby vicinity.*

In the event an outdoor kennel is proposed, such use cannot be established without approval from the Town Council of a Special Use Permit.

*\*The requirement for 200 square feet of outdoor enclosed yard area is currently being evaluated for a possible ordinance amendment, and may not apply at the time a future development plan is submitted.*

#### **Separation Requirements**

The following information is provided in response to concerns expressed at the Town Council meeting on September 24, 2015.

With the exception of the 20-foot-wide Type-C landscape buffer requirement, Cary's LDO does not require any additional separation distances between daycare centers and animal hospitals or indoor kennels. There are examples of veterinary offices and animal hospitals in close proximity to residential areas. There are also examples of child care centers and veterinary offices being in close proximity, including:

- Children's Academy Day Care at 101 Oceana Place and Chatham Animal Hospital at 105 Oceana Place
- Kinder Care Learning Center at Laura Duncan Road and Parkway Animal Hospital at 1610 Old Apex Road
- Colors and Sounds Day Care at 201 High House Road and Animal Emergency Clinic of Cary at 220 High House Road

### **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 facilitated by Planning staff at Cary Town Hall on August 5, 2015. According to the information submitted by the applicant, no one other than the applicant attended the meeting. The following meeting minutes were submitted by the applicant.

**Town Council Meeting (September 24, 2015)**

Staff presented an overview of the request. The applicant's representative described the compatibility of the proposed request with the Comprehensive Land Use Plan and the appropriateness of the site for the proposed use. During the public hearing, the owner of the adjacent day care center stated that he did not oppose the request but expressed concern for the health and well-being of children who attended the day care center. Council acknowledged those concerns and asked for more information from staff. There were no other speakers during the public hearing.

**Changes since the Town Council Public Hearing**

No changes to the proposed use or zoning conditions.

The staff report has been updated to include the LDO use regulations for veterinary hospitals and to provide information regarding use separation requirements. (See "Consistency with Land Development Ordinance" section.)

**Planning and Zoning Board Meeting (November 16, 2015)**

Staff presented an overview of the request and noted the concerns that had been expressed by the adjacent day care owner at the Town Council public hearing. The applicant spoke in support of the request and reported that there had been dialogue between the property owners and there was no opposition to the proposed use. Several board members stated that they felt the proposed use was appropriate for the subject property. The board forwarded the request to Town Council with a recommendation for approval by a vote of 8-0.

**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**

A veterinary hospital/office and general or professional office are consistent within the existing Land Use Plan designation of Office and Institutional for this site.

**Growth Management Plan**

The Growth Management Plan includes the following Guiding Principle which is relevant to this case:

- 1. A2 Guiding Principle: Ensure that the overall amount of development in Cary is consistent with the Town's growth management goals.

**Affordable Housing Plan**

The Affordable Housing Plan is not relevant to this case:

**Comprehensive Transportation Plan**

**Waldo Road Blvd. is designated as a 3-lane Minor Arterial**

**Existing Section:** Varying 22-30 feet of back to back road section within varying 60- to 80-foot right of way

**Future Section:** 70-foot right-of-way with a 45-foot back to back roadway section with two lanes and a center turn lane

**Sidewalks:** Required on both sides

**Bicycle Lanes:** 14-foot-wide lanes

**Transit:** There are no existing or proposed transit routes in the vicinity of the subject property

**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 issues related to 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**

This site has no documented historic resources.

**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-12**

**917 WALDO ROOD BOULEVARD REZONING**

AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE TOWN OF CARY TO CHANGE THE ZONING OF APPROXIMATELY 4.27 ACRES OWNED BY GENEVA LLOYD BAKER HEIRS, BY REZONING FROM RESIDENTIAL 40 (R-40) TO OFFICE AND INSTITUTIONAL CONDITIONAL USE (O&I-CU). CONDITIONS PROPOSED BY THE APPLICANT WOULD LIMIT USE TO ANIMAL SERVICE USES AND OFFICE USE AND LIMIT THE MAXIMUM BUILDING AREA TO 18,000 SQUARE FEET.

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**

<b>Property Owner(s)</b>	<b>County Parcel Number(s) (10-digit)</b>	<b>Real Estate ID(s)</b>	<b>Deeded Acreage</b>
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**Section 2:**

That this Property is rezoned from Residential 40 (R-40) to Office and Institutional Conditional Use (O&I-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. Uses shall be limited to: Animal Service uses including (1) Veterinary hospital/office with indoor kennel (2) Kennel, indoor only and (3) Kennel indoor/outdoor (subject to Special Use approval) and Office (Office, Business or Professional).
2. Building size shall be limited to a maximum of 18,000 square feet.

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

Adopted and effective: *December 10, 2015*

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Harold Weinbrecht, Jr.  
Mayor

\_\_\_\_\_  
Date