

**Town of Cary, North Carolina
Rezoning Staff Report
Case 14-REZ-06 Howard Property
Town Council Meeting
July 17, 2014**

REQUEST

To amend the Town of Cary Official Zoning Map by rezoning approximately 6.14 acres located on the north side of Carpenter Fire Station Road about 600 feet east of the Cameron Pond Drive and Carpenter Fire Station Road intersection from Residential 40 (R-40) to Transitional Residential Conditional Use (TR-CU), with zoning conditions that include limiting land use to detached dwellings with a maximum density of 2.9 dwelling units per acre and a minimum lot size of 6,000 square feet.

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 <http://www.amlegal.com/library/nc/cary.shtml>.

SUBJECT PARCELS

Property Owner(s)	County Parcel Number(s) (10-digit)	Real Estate ID(s)	Deeded Acreage
Jean and Allie Howard 4800 Louis Stephens Drive Morrisville, NC 27560	0735342893	0126599	6.14 ±

BACKGROUND INFORMATION

Applicant & Agent	Mark Miller, Elm Street Builders		
Acreage	6.14 ±		
General Location	7216 Carpenter Fire Station Road		
Schedule	Town Council Public Hearing May 8, 2014	Planning & Zoning Board Public Hearing June 16, 2014	Town Council Public Hearing July 17, 2014
Land Use Plan Designation	Medium Density Residential (MDR)		
Existing Zoning District	Residential 40 (R-40); Watershed Protection Overlay District, Jordan Lake Sub-area		
Existing Zoning Conditions	None		
Proposed Zoning District	Transitional Residential Conditional Use (TR-CU); Watershed Protection Overlay District, Jordan Lake Sub-area		
Proposed Zoning Conditions	<ol style="list-style-type: none"> 1. Land use shall be limited to detached dwellings. 2. Density shall not exceed 2.9 dwelling units per acre. 3. The minimum lot size shall be 6,000 square feet. 4. A 20-foot Type "B" buffer shall be provided along the portion of the western property line that is adjacent to the 30-foot strip of open space in the Cameron Pond subdivision that borders lots on Simbury Glen Court. This buffer may be disturbed and re-vegetated to facilitate the construction of stormwater management structures, yard drainage and the protection of future and existing homes. 		
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	Yes		
Staff Contact	Mary W. Beerman, Senior Planner (919) 469-4342 mary.beerman@townofcary.org		

SITE CHARACTERISTICS

Streams: According to Town of Cary GIS maps, the site is impacted by a stream buffer. Field determination of this feature will be required at the time of site plan review.

Floodplain: According to Town of Cary GIS maps, no floodplain area is present on the property. Field determination of these features will be required at the time of site plan review.

Adjacent Zoning and Land Use:

North – Residential 40 (R-40); detached residential

South (*opposite side of Carpenter Fire Station Road*) – Residential 40 (R-40) and Planned Development District, Major (Cameron Pond PDD); detached residential

East – Residential 40 (R-40); detached residential

West – Planned Development District, Major (Cameron Pond PDD); detached residential and open space

CONSISTENCY WITH LAND DEVELOPMENT ORDINANCE

Land Use

Detached dwellings are permitted in the Transitional Residential zoning district.

Density and Dimensional Standards

	Existing Zoning District (R-40)	Proposed Zoning District (TR-CU)
Max. Gross Density	1.08 du/acre	2.9 du/acre (maximum of 17 lots) <i>(6.0 du/ac allowed in conventional TR district)</i>
Min. Lot Size	40,000 square feet	6,000 square feet. <i>(5,000 sq. ft in conventional TR district)</i>
Minimum Lot Width	150 feet <i>(160 feet for corner lots)</i>	Minimum 40 feet for detached dwellings
Roadway Setback	From Carpenter Fire Station Road: 50 feet From internal subdivision streets: 18 feet when parking is provided between the dwelling and the roadway; otherwise 10 feet	
Side Yard Setback	20 feet	The minimum combined setback for both side yards is 6 feet. A firewall is required where the setback on either side is less than 3 feet.
Rear Yard Setback	30 feet	Minimum 3 feet, with combined front and rear setback of at least 40 feet
Maximum Building Height	35 feet <i>(May be increased by one foot for every additional foot provided between the building footprint and the minimum required setback).</i>	

Landscape Buffer

A 30-foot Type B landscape buffer is required along the north and east boundaries of the subject property.

The requirement for a 20-foot Type B landscape buffer between the subject property and the Cameron Pond subdivision to the west was met and exceeded by the development of the Cameron Pond subdivision, which includes a 30-foot Type B buffer adjacent to the subject property. The proposed zoning conditions offered by the applicant include an additional 20-foot Type B buffer on the subject property adjacent to residential lots in Cameron Pond.

Streetscape

A 50-foot opaque streetscape is required adjacent to Carpenter Fire Station Road.

Traffic

The proposed zoning of 2.9 units per acre generates a maximum of 17 dwelling units. Using ITE Single Family Dwelling Units (210) from the ITE Trip Generation Manual, the development would generate 22 am

and 22 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

Consistent with NC General Statutes, notice of the public hearing on the proposed rezoning was mailed to property owners within 400 feet of the subject property, published on the Town's website and posted on the subject property.

Neighborhood Meeting

According to the applicant, a neighborhood meeting for the proposed rezoning was held on February 18, 2014. According to the information submitted by the applicant, eight residents attended the meeting. According to the meeting minutes, resident questions and concerns were related to stormwater and traffic.

Town Council Public Hearing (May 8, 2014)

A resident of Cameron Pond expressed concerns regarding pedestrian safety and the potential for cars to speed on the extension of Russo Valley Drive through the subject property to Sanger Drive to the east. He noted that there was no identified crosswalk or light for residents on the north side of Carpenter Fire Station Road to walk to the community pool on the south side of Carpenter Fire Station Road, and that the opening of Sanger Drive would make the situation worse. Other concerns included grading and the potential impact of additional run-off flowing to the Cameron Pond stormwater pond. He asked council to consider providing a traffic light at Cameron Pond Drive, minimizing tree removal and requiring additional tree buffers.

Council members suggested that the applicant consider traffic calming measures in designing the subdivision, such as a circuitous route through the subject property or use of a traffic circle. Staff was asked to consider options for some type of yellow flashing light for pedestrians crossing the street.

There was discussion of process and issues regarding plan consistency when an applicant's rezoning request is for a lower density than is shown in the Comprehensive Plan. Several council members stated a preference for lower density development at this location, even where the land use plan designation is medium density residential. Staff was asked to encourage submittal of a comprehensive plan amendment for such requests in the future.

A council member asked if the road at Russo Valley is stubbed off or gives the impression that there will be a future connection. *(Since the council meeting, staff has confirmed that the road and sidewalk are stubbed to the property line, and a barricade is present).*

One council member suggested the applicant consider council's concerns regarding mass grading. The applicant stated his willingness to reduce the density to less than three units per acre so that mass grading of the site would not be allowed.

Changes Since the Town Council Public Hearing

The applicant has submitted revised conditions to reduce the maximum density from 3.5 to 2.9 units per acre, provide a minimum lot size of 6,000 square feet, and provide a 20-foot Type B buffer adjacent to lots in the Cameron Pond Subdivision to the west.

Planning and Zoning Board Public Hearing (June 16, 2014)

Two residents of the adjacent Cameron Pond subdivision spoke at the public hearing with questions and concerns related to the proposed perimeter buffer along the western boundary, access and connectivity, and impact on pedestrian access to the Cameron Pond recreation area on the opposite side of Carpenter Fire Station Road. Questions and issues discussed by the Planning and Zoning Board included perimeter

buffers, street connectivity, traffic, and pedestrian access across Carpenter Fire Station Road. The board recommended approval of the request by a vote of 8-1.

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 property in the vicinity of the subject tract;
- 6 The proposed zoning classification is suitable for the subject property.

APPLICABLE COMPREHENSIVE OR AREA PLAN REQUIREMENTS

Northwest Area Plan

As per the Town of Cary's Northwest Area Plan, the land use designation for the subject property is Medium Density Residential (MDR). Medium Density Residential housing is defined as single-family, attached or detached dwellings, at three to eight units per acre. The subject property is also covered by Northwest Area Plan Note 19: "Housing within this area, taken as a whole should have a substantial mix of at least two or more of the following residential use types: detached, duplex, or patio dwelling, semi-detached/attached dwelling, and/or townhouse. There should also be a variety of lot sizes, and an overall density of 3-8 dwellings/acre. In the event of single family detached housing no mix shall be required". The area covered by Northwest Area Plan Note 19 is about 400 acres, 40 percent of which is developed at low to medium density residential with lot sizes ranging from 6,000 to 20,000 square feet.

Analysis: The applicant requests a rezoning to Transitional Residential Conditional Use (TR-CU). This zoning district is appropriate for areas identified for medium density residential uses within the Town's Land Use Plan. The proposed residential density for the subject property is slightly lower than the defined range of three to eight units per acre for medium density residential; however, this property is a small portion of the area covered by Note 19. With the area covered by Note 19 is taken in its entirety, this rezoning request is consistent with 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.

Analysis: Infrastructure and services are available immediately adjacent to the subject property. In addition, the subject property is located between Interstate 540 and NC Highway 55.

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

Analysis: The subject property is located 1,000 feet from the Alston Regional Activity Center, via a future road, Highcroft Drive, as well as the future Highcroft Drive street-side trail. The subject property is also less than three miles from RTP.

Affordable Housing Plan

Based on the proposed use, single-family detached dwellings, the Affordable Housing Plan is not applicable to this case.

Comprehensive Transportation Plan

Carpenter Fire Station Road is designated as a Major Thoroughfare

Existing Section: 2-lane section in 60 feet to 85 feet of varying right of way

Future Section: 4-lane section with 18-foot median and 78-foot back-of-curb to back-of-curb in 100 feet of right of way

Sidewalks: No existing sidewalks, but 5-foot sidewalks required along the property frontage

Bicycle Lanes: 14-foot-wide outside lane required

Transit: N/A

Status of Planned Improvements: N/A

Parks, Recreation & Cultural Resources

According to the Parks, Recreation and Cultural Resources Facilities Master Plan there are no issues related to this site.

A recreation payment-in-lieu will be required for residential development in accordance with the Land Development Ordinance.

These comments were reviewed and approved by the Parks, Recreation & Cultural Resources Advisory Board at its April 7, 2014 meeting.

Open Space Plan

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

Historic Preservation Master Plan

The Historic Preservation Master Plan is not applicable to this rezoning request.

Summary Observations

This rezoning request for TR-CU appears to be consistent with applicable volumes of the Town of Cary's Comprehensive Plan. The subject property is located within the Northwest Area Plan, just south of the Alston Regional Activity Center, between Interstate 540 and NC Highway 55.

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	5-7
	Middle School	1-3
	High School	1-3
Total Projected range of additional students ²		7-13

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

²The *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 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

14-REZ-06 Howard Property

AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE TOWN OF CARY TO CHANGE THE ZONING OF 6.14 ACRES LOCATED AT 7216 CARPENTER FIRE STATION ROAD OWNED BY JEAN AND ALLIE HOWARD BY REZONING FROM RESIDENTIAL 40 (R-40) TO TRANSITIONAL RESIDENTIAL CONDITIONAL USE (TR-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
Jean and Allie Howard 4800 Louis Stephens Drive Morrisville, NC 27560	0735342893	0126599	6.14 ±

Section 2: That this Property is rezoned from R-40 to TR-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 detached dwellings.
2. Density shall not exceed 2.9 dwelling units per acre.
3. The minimum lot size shall be 6,000 square feet.
4. A 20-foot Type "B" buffer shall be provided along the portion of the western property line that is adjacent to the 30-foot strip of open space in the Cameron Pond subdivision that borders lots on Simbury Glen Court. This buffer may be disturbed and re-vegetated to facilitate the construction of stormwater management structures, yard drainage and the protection of future and existing homes.

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

Adopted and effective: *July 17, 2014*

Harold Weinbrecht, Jr.
Mayor

Date