

**Town of Cary, North Carolina
Rezoning Staff Report
14-REZ-08 Wackena Road Properties
Town Council Meeting
October 16, 2014**

REQUEST

To amend the Town of Cary Official Zoning Map by rezoning approximately 58.1 acres located on Wackena Road from Residential 40 (R-40) to Residential 8 Conditional Use (R-8-CU) and Resource Recreation (RR). The applicant has proposed conditions to limit the use on the R-8-CU area to detached residential. The applicant has also proposed conditions to address various traffic mitigations.

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 Owners	County Parcel Numbers (10-digit)	Real Estate IDs	Deeded Acreage
Jeffery N. Lee and Clifton M. Lee M. 3010 Devonshire Drive Raleigh, NC 27607	0735310493	0121842	8.11
Benjamin L. and Fern L. Rainey 1501 Wackena Road Cary, NC 27519	0735317829	0084262	6.73
Carol B. Hill 1517 Wackena Road Cary, NC 27519	0735411855	0084263	3.04
Carol B. Hill 1517 Wackena Road Cary, NC 27519	0735413872	0084264	3.14
Esther M. & Larry E. Rigsbee 1525 Wackena Road Cary, NC 27519	0735415882	0084265	3.43
Vicky Ku & Jen Ching Lin 3101 Fox Shadow Drive Apex, NC 27502	0735418850	0084266	4.71
Scott W. & Nancy H. Brouthers 1621 Wackena Rd Cary, NC 27519	0735511802	0084267	3.55
Donald E. & Bonnie K. Skinner 1705 Wackena Road Cary, NC 27519	0735513804	0041207	3.88
Dann M. & Vickie W. Burns 1707 Wackena Road Cary, NC 27519	0735514560	0162537	2.06
Stephen R. & Pamela H. Reece 1721 Wackena Road Cary, NC 27519	0735517818	0162536	2.95

Peggy Schmidt-Edwards 1809 Wackena Road Cary, NC 27519	0735525318	0066728	5.84
Vaughn Wayne Wilhelm and Alissa W. Schleich 102 Chancellors Ridge CT Cary, NC 27513	0735415117	0084271	3.03
William Brian Eisner 318 Bridgegate Drive Cary, NC 27519	0735417056	0084272	4.39
William C. Boatright 1833 Wackena Road Cary, NC 27519	0735528909	0004602	3.24
Total Area			58.1±

BACKGROUND INFORMATION

Applicant	GB Development Consulting Company, LLC 100003 Derekwood Drive Ste 150 Lanham, MD 20706		
Applicant's Contact	J.W. Shearin Innovative Development Solutions 1251 NW Maynard Road Ste 324 Cary, NC 27513		
Acreage	58.1 ±		
Location	1350, 1501, 1509, 1517, 1524, 1525, 1533, 1616, 1621, 1705, 1707, 1721, 1809 and 1833 Wackena Road		
Schedule	Town Council Public Hearing July 17, 2014	Planning & Zoning Board September 15, 2014	Town Council Meeting October 16, 2014
Land Use Plan Designation	Medium Density Residential (MDR) and Parks and Open Space (PKS/OS), with Note #19 on the Northwest Area Plan		
Existing Zoning	Residential 40 (R-40) Watershed Protection Overlay District (Jordan Lake sub-district)		
Existing Zoning Conditions	None		
Proposed Zoning	Residential 8 Conditional Use (R-8-CU) Resource Recreation (RR) Watershed Protection Overlay District (Jordan Lake sub-district)		
Proposed Zoning Conditions	<ol style="list-style-type: none"> Development on the R-8-CU area shall be limited to detached residential. Prior to the first Certificate of Occupancy for any residential lot, the following improvements identified in 14-TAR-387 shall be constructed in accordance with and subject to NCDOT and Town of Cary approval. <ul style="list-style-type: none"> <u>NC 55 HWY and Morrisville Carpenter Road/Indian Wells Road</u> <ul style="list-style-type: none"> Construct an exclusive left-turn lane with a minimum storage of 150 feet and an appropriate taper for the east bound approach Develop and implement a traffic signal modification plan to accommodate the improvement described above including a revised signal phasing and timing plan. Prior to the issuance of the first Certificate of Occupancy for any lot, the following roadway improvements shall be completed in accordance with the phasing plan approved by Town staff in accordance with the LDO and applicable Town policies: 		

	<p><u>Wackena Road and Site Drive #1</u> Provide one ingress lane and one egress lane for site Drive #1 Provide stop control for the eastbound approach</p> <p><u>Wackena Road and Site Drive #2</u> Provide one ingress lane and one egress lane for Site Drive #2 Provide stop control for the eastbound approach</p> <p><u>Wackena Road and Site Drive #3</u> Provide one ingress lane and one egress lane for Site Drive #3 Provide stop control for the eastbound approach</p> <p><u>Wackena Road and Site Drive #4</u> Provide one ingress lane and one egress lane for Site Drive #4 Provide stop control for the southbound approach</p> <p><u>Wackena Road and Site Drive #5</u> Provide one ingress lane and one egress lane for Site Drive #5 Provide stop control for the northbound approach</p> <p><u>Wackena Road and Site Drive #6</u> Provide one ingress lane and one egress lane for Site Drive #6 Provide stop control for the southbound approach</p> <p><u>Wackena Road and Site Drive #7</u> Provide one ingress lane and one egress lane for Site Drive #7 Provide stop control for the northbound approach</p>
Town Limits	The subject properties are located outside the corporate limits but inside the Town of Cary ETJ. Annexation will be required prior to development plan approval.
Valid Protest Petition	No
Staff Contact	Debra Grannan Senior Planner Town of Cary Debra.Grannan@townofcary.org (919) 460-4980

SITE CHARACTERISTICS

Streams: According to Cary's GIS maps, several of the parcels are impacted by a stream buffer. Field determination of these features shall be required at the time of development plan review.

Floodplain and Wetlands: Cary's GIS maps do not indicate the presence of wetland areas on any of the subject properties. A floodplain area is indicated on the western portion of the 8.11-acre parcel located at 1350 Wackena Road. The applicant has proposed a zoning district of RR for this area. Field determination and verification of these features shall be required at the time of development plan review.

Adjacent Uses and (Zoning)

North: Detached Residential, open space (R-40 and PDD Major; Cameron Pond PDD)

South: Detached Residential (R-40)

East: Detached Residential (R-40)

West: Detached Residential (R-40 and PDD Major; Cameron Pond PDD)

CONSISTENCY WITH LAND DEVELOPMENT ORDINANCE

A 15.01-acre portion of the subject property is proposed to be designated as Resource/Recreation (R/R) zoning. The purpose of the RR district is to protect and preserve parks, scenic area and open spaces and to protect watershed and water supplies and to allow public recreation uses. In considering the appropriateness of classifying any property into this district, the Town Shall consider the physical pattern of the development in the area, topography and proximity to important natural resources deemed worthy of protection.

For the 41.66-acre area proposed for residential development the Density and Dimensional Standards are as follows:

	Existing Zoning District Residential 40 (R-40)	Proposed Zoning District Residential 8 Conditional Use (R-8-CU)
Max. Gross Density (du/ac)	1.08	5.44 du/ac.
Min. Lot Size (sq. ft.)	40,000	8,000
Minimum Lot Width (feet)	With Septic Tank/Well: 150 (160 for corner Lots) With public sewer: 125 (135 for corner lots)	60 (70 for Corner Lot)
Minimum Roadway Setback (feet)	From thoroughfare: 50 From collector: 30 From other streets: 20	From thoroughfare: 50 From collector: 30 From other streets: 20
Side Yard Setback (feet)	With septic tank/well: 20 With public sewer: 15	Minimum: 5 Combined: 20
Rear Yard Setback (feet)	30	20
Maximum Building Height (feet)	35	35
The applicant has proposed to comply with the density and dimensional standards that are typical for an R-8 zoning district.		

Landscape Buffer: In accordance with Chapter 7 of Cary's LDO, a 20-foot-wide landscape area planted to a Type B (semi-opaque) standard is required between two residential developments with lots 8,000 square feet or greater in size. The landscape area may be located on individual lots.

Streetscape: Cary's Comprehensive Transportation Plan identifies a future collector road (Highcroft Drive Extension) bisecting the subject properties. A 30-foot-wide streetscape planted to a Type-A (opaque) standard shall be required along this road. Wackena Road is designated as a collector road and a 30-foot Type A streetscape shall be required there as well. No streetscape is required along local residential roads.

Traffic:

Traffic Analysis Report 14-TAR-387 was prepared by the Town's on-call traffic engineering consultant, Ramey Kemp & Associates, Inc., and was finalized in June 2014. In accordance with the LDO, the study has a 5-year build-out period, which is year 2019. Findings of the study are as follows:

Project Description (assumed for purposes of the traffic study)

- Single Family Homes – 130 dwelling units

Trip Generation Expected

Trip generation for the proposed 130 single-family homes was based on the Institute of Transportation Engineers (ITE) Trip Generation Manual, 9th edition equations/rates as appropriate. The trip generation estimates are as follows:

- 1,340 daily site trips
- 101 a.m. peak hour trips (25 entering, 76 exiting)
- 133 p.m. peak hour trips (84 entering, 49 exiting)

Intersections Studied

- NC 55 and Carpenter Fire Station Road (signalized)
- NC 55 and Indian Wells Road / Morrisville-Carpenter Road (signalized)
- NC 55 and Green Hope School Road (signalized)
- NC 55 and Morrisville Parkway (signalized)
- Green Hope School Road and Cozy Oak Avenue
- Indian Wells Road and Wackena Road
- Morrisville Parkway and Sedgefield Park Avenue (future intersection)
- Morrisville Parkway and Cozy Oak Lane (future intersection)
- Wackena Road and Highgate Oak Drive (future intersection)
- Wackena Road and Site Drive #1
- Wackena Road and Site Drive #2
- Wackena Road and Site Drive #3
- Wackena Road and Site Drive #4
- Wackena Road and Site Drive #5
- Wackena Road and Site Drive #6
- Wackena Road and Site Drive #7

The study evaluated A.M. and P.M. peak hour operations at each of the intersections studied for three analysis year scenarios: Existing (2014) Conditions; Background Traffic (2019) Conditions; and Combined Traffic (2019) Conditions.

For Background Traffic (2019) Conditions, there were (19) 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 (2019) Condition. Those background developments include:

1. Sedgefield Development
2. Phillips Property Rezoning (14-TAR-386)
3. Crosspointe Church YMCA and Office Expansion (13-TAR-385)
4. Daycare at McCrimmon Parkway at Green Level Church Road (14-TAR-380)
5. Stitt Property (14-TAR-378)
6. Carpenter ACCP (13-TAR-372) **
7. Williams Tract Development (13-TAR-369)
8. Holland Tract Development (12-TAR-352)
9. Mills Tract Development (12-TAR-353)
10. Highcroft Village Update (11-TAR-323)
11. Fryar Tract Development (11-TAR-331)
12. Parkside Town Commons (13-TAR-350)
13. Panther Creek High School Expansion (13-TAR-366)
14. Green Hope High School Expansion (13-TAR-365)
15. RKM Development (13-TAR-364)
16. Cary Park Tract MR-8 Apartments (13-TAR-363)
17. Cary Park Office Parcel TC-3A (12-TAR-349)
18. Cary Glen Townhomes (12-TAR-346)

** The rezoning case associated with this traffic study (13-REZ-02) was recently withdrawn.

The executive summary of the Traffic Analysis Report is attached that includes information on level of service reported at each intersection studied and recommendations for improvements at these intersections. The traffic study also provides the inclusion of traffic generated by developments that have been approved, but not yet constructed in the area. The methodology of the report was developed on the assumption that the CSX Rail Road crossing at Carpenter Fire Station Road will be closed, as a requirement of the Parkside Town Commons project by the railroad, and traffic will be diverted to Morrisville-Carpenter Road.

Intersection Improvement Recommendations

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

Roadway improvements voluntarily offered by the applicant as zoning conditions

- **NC 55 & Indian Wells Road / Morrisville-Carpenter Road**
 - Construct an exclusive left-turn lane with a minimum storage of 150 feet and an appropriate taper for the eastbound approach
 - Develop and implement a traffic signal modification plan to accommodate the improvement described above including a revised signal phasing and timing plan.

- **Wackena Road and Site Drive #1:**
 - Provide one ingress lane and one egress lane for Site Drive #1; and
 - Provide stop control for the eastbound approach.

- **Wackena Road and Site Drive #2:**
 - Provide one ingress lane and one egress lane for Site Drive #2; and
 - Provide stop control for the eastbound approach.

- **Wackena Road and Site Drive #3:**
 - Provide one ingress lane and one egress lane for Site Drive #3; and
 - Provide stop control for the eastbound approach.

- **Wackena Road and Site Drive #4:**
 - Provide one ingress lane and one egress lane for Site Drive #4; and
 - Provide stop control for the southbound approach.

- **Wackena Road and Site Drive #5:**
 - Provide one ingress lane and one egress lane for Site Drive #5; and
 - Provide stop control for the northbound approach.

- **Wackena Road and Site Drive #6:**
 - Provide one ingress lane and one egress lane for Site Drive #6; and
 - Provide stop control for the southbound approach.

- **Wackena Road and Site Drive #7:**
 - Provide one ingress lane and one egress lane for Site Drive #7; and
 - Provide stop control for the northbound approach.

Roadway improvements that have not been voluntarily offered by the applicant as zoning conditions

- **Intersection of NC 55 and Carpenter Fire Station Road**
 - Construct an eastbound separate right-turn lane along Carpenter Fire Station Road that provides at least 150 feet of full storage with an appropriate taper
(Note that the Town of Cary received a payment-in-lieu in the amount of \$265,300 for the construction of this right-turn lane improvement associated with the Highcroft Village, Phases 4 & 5 development (10-SB-003 & 10-SB-004) and approved by the Town Council on October 27, 2010 (staff report EN12-026).

- **NC 55 & Indian Wells Road / Morrisville-Carpenter Road**
 - Construct an additional westbound right-turn lane along Morrisville Carpenter Road that provides at least 250 feet of full storage with an appropriate taper.
 - Develop and implement a traffic signal modification plan to accommodate the improvements described above including a revised signal phasing and timing plan.

- **NC 55 & Morrisville Parkway**
 - Construct an additional southbound left-turn on NC 55, forming dual left-turn lanes and provide an average storage length of 300 feet with appropriate tapers.
 - Develop and implement a traffic signal modification plan to accommodate the improvements described above including a revised signal phasing and timing plan. **(Note that these improvements were also identified and recommended in the Carpenter ACCP traffic study (13-TAR-372); however, the rezoning case associated with this traffic study (13-REZ-02) has recently been withdrawn.**

The applicant has provided a justification letter dated June 18, 2014 that describes their explanation for not offering zoning conditions for the three improvements outlined above.

Roadway improvements that have not been voluntarily offered by the applicant as zoning conditions, but have been offered as conditions of other rezoning cases, site plans, or subdivision plans. (Note that these improvements identified below may either be under construction or there is no time frame known at this time when or if the improvements will be completed.)

- **Intersection of NC 55 and Carpenter Fire Station Road**
 - On the westbound approach on Carpenter Fire Station Road, extend the left turn storage length to 250 feet. Also, an additional westbound receiving lane is to be constructed.
 - On the northbound approach, provide an additional exclusive northbound left-turn lane in order to provide dual left-turn lanes.
 - Additional storage length modifications will also be implemented on northbound right-turn lane on NC55.
 - In conjunction with these improvements, make signal modifications.

These improvements were a site plan improvement offered by the Parkside Town Commons Phase 2C development project (13-SP-033). These improvements have recently been completed.

- **NC 55 & Indian Wells Road / Morrisville-Carpenter Road**
 - Provide westbound right-turn lane on Morrisville-Carpenter Road.
 - Lengthen the southbound left-turn lane on NC 55.
 - In conjunction with these improvements, make signal modifications.

These improvements were a site plan improvement offered by the Parkside Town Commons Phase 2C development project (13-SP-033). These improvements have recently been completed.

- **NC 55 & Indian Wells Road / Morrisville-Carpenter Road**
 - Restripe the southbound exclusive right-turn lane on NC 55 to a shared through/right-turn lane and extend it to provide at least 200 feet of full storage and appropriate taper. Extend this lane approximately 1,200 feet south of the intersection and provide an appropriate taper to drop the lane.
 - Develop and implement a traffic signal modification plan to accommodate the improvements described above including a revised signal phasing and timing plan.

These improvements have been offered as zoning conditions of the Crosspointe Church YMCA Rezoning Case (14-REZ-13). This rezoning case is currently pending consideration by the Town.

- Construct an exclusive eastbound right-turn lane on Indian Wells Road that provides at least 125 feet of full storage and an appropriate taper. Develop and implement a traffic signal modification plan to accommodate the improvements described above including a revised signal phasing and timing plan.

This improvement has been offered as a zoning condition of the Phillips Property at Indian Wells Rezoning Case (14-REZ-12). This rezoning case is currently pending consideration by the Town.

- **NC 55 at Morrisville Parkway Extension**

- Provide an eastbound cross section on the proposed fourth leg of Morrisville Parkway with one left-turn lane, one through lane, and one share right-turn/thru lane.
- Restripe the westbound approach on Morrisville Parkway with one left-turn lane, one through lane, and one right-turn lane.
- Provide a southbound right-turn lane on NC 55.

These improvements were a site plan requirement of the Oaks at Highcroft Subdivision (13-SB-002 &13-SB-003), per the Town’s repealed Adequate Public Facilities for Roads ordinance. These improvements are currently under construction.

- **Morrisville Parkway Extension at Cozy Oaks Avenue Extension**

- Provide an eastbound u-turn on Morrisville Parkway
- Provide a westbound left-turn lane on Morrisville Parkway
- Provide one thru lane in each direction on Morrisville Parkway
- Provide a 2-lane cross section for Cozy Avenue Extension.

These improvements were a site plan requirement of the Oaks at Highcroft Subdivision (13-SB-002 &13-SB-003), per the Town’s repealed Adequate Public Facilities for Roads ordinance. These improvements are currently under construction.

Improvements being considered by the Town of Cary

- Carpenter Fire Station Road Bridge and Intersection Improvements: NC 55 to Morrisville-Carpenter Road

This project consists of the realignment of Carpenter Fire Station Road from NC 55 Highway to Morrisville-Carpenter Road, west of Louis Stephens Drive. The project incorporates a new 4-lane median-divided roadway with paved shoulders for bicycles, as indicated on the Town’s Comprehensive Transportation Plan (CTP) and the Carpenter Community Plan. The project also includes a new underpass below the CSX railroad. Realignment and connection of several existing side streets in the project path, such as existing Morrisville-Carpenter Road, Good Hope Church Road, and Saunders Grove Lane, will be included in the project. The widening project will provide additional roadway capacity for Cary commuters, resulting in less traffic congestion and fuel emissions, and savings in time and fuel for motorists.

The project will provide immediate benefits to Cary residents in the area, which include: improved traffic flow by completing a strategically important east-west commuter thoroughfare link, reduced traffic congestion and delays at its intersection with NC 55 Highway, improved traffic circulation and connectivity in the Carpenter Community area, and traffic safety will be enhanced by eliminating the at-grade railroad crossing with the CSX railroad tracks. The roadway will have wide paved shoulders to accommodate experienced bike users, which allows residents to use alternative modes of travel other than the automobile.

The Town has hired an engineering consultant team to complete the design phase of the project, which is currently ongoing. The design includes traffic studies, environmental assessments, and development of alternates for the Carpenter Fire Station Road realignment, final plans, specifications, and cost estimates.

Project Facts

Morrisville-Carpenter Road west of Louis Stephens Road currently carries about 11,000 vehicles per day. Traffic forecasts for the realignment project predict that the roadway will carry over 20,000 vehicles per day in the year 2030.

Project Schedule

Planning & Design Spring 2012 – Winter 2016
Construction Spring 2016 – Spring 2018

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 800 feet of the subject property, published on the Town's website and posted on the subject property.

Neighborhood Meeting

According to the applicant, approximately 22 people attended a neighborhood meeting which was held on February 26, 2014. According to meeting minutes provided by the applicant questions and concerns included the proposed type of development, lot size, impacts on adjacent property, street improvements and connectivity and buffers.

Town Council Public Hearing (July 17, 2014)

Staff presented the case and reported that there were no protest petitions.

The applicant spoke in support of the request and noted the similarity of the proposed zoning to other recently approved cases. Council indicated that they did not agree to accept a zoning condition that pertained to a minimum density for the property.

Changes Since the Town Council Meeting

A proposed zoning condition related to minimum density has been removed.

Planning and Zoning Board Meeting (September 15, 2014)

Staff presented the case. The applicant described their efforts to work with other developers with rezoning requests in the general vicinity to address traffic mitigations identified in the Traffic Impact Analysis. The board discussed the fact that the proposed development did not include some parcels where the future Highcroft Avenue Collector is proposed, and verified that the Town could not mandate that these properties be included in the assemblage for this rezoning. The majority of the board members supported the request and felt that the density proposed was appropriate. Two board members did not support the request due to potential impacts on traffic and school capacity.

The board forwarded the request to Town Council with a recommendation for approval 6-2.

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 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

Land Use. For this site, the governing land use element of the Comprehensive Plan is the Northwest Area Plan which recommends this area be used for Medium Density Residential (MDR) development. MDR is defined as single-family attached or detached housing at three to eight units per acre. A small portion of the west end of the subject property has a future land use designation of Parks or Open Space (PKS/OS), reflecting a planned open space corridor along Panther Creek.

Plan Note 19. The Northwest Area Plan's Future Land Use Map includes Note #19 that applies to the subject site, as well as to a much larger surrounding area. Note 19 provides recommendations for most of the area between Morris Branch in the north, Panther Creek in the south, west of the Western Wake Expressway, and east of NC Highway 55. The note stipulates:

"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 about three to eight dwellings/acre. In the event of single-family-detached housing, no mix shall be required."

Open Space Corridor. The Northwest Area Plan also recommends the creation of four linear "open space corridors" along four key streams in the northwest planning area. One of those recommended open space corridors, the one along Panther Creek, runs across the western end of the site. This is the portion of the site designated as Parks or Open Space (PKS/OS) and the Northwest Plan Map. The Plan recommends this open space corridor to be approximately 400 feet wide on average -- equivalent to an average 200-foot buffer on each side of the stream. The additional buffer width was intended to offset water quality impacts associated with high intensity development, as well as to provide a linear open space amenity.

Since the Plan's adoption in 2002, staff has re-evaluated the Plan's buffer width recommendation and concluded that buffers less than 200 feet wide can still meet Plan goals provided that greenway trails are located outside of the buffer, and BMP's are not allowed to encroach in the outer 50 feet of the buffer. A future greenway trail is planned along this open space corridor, but on the west side of the stream, and not on the subject site. The applicant has not proposed any additional open space along the stream corridor, beyond the regulatory buffer width.

Planning History for the Site

- 1996. At the time Cary's town wide Land Use Plan was adopted in 1996, the Plan Map recommended that the Wackena and Indian Wells Road area be developed as Low Density Residential (LDR). LDR was defined as single-family, 1-3 dwellings per acre. Traditional Neighborhood Development (TND) was also identified as an option.
- 2002. The future land use recommendations were updated in September 2002, with adoption of the Northwest Area Plan. The Northwest Area Plan changed the future land use recommendations for the area from LDR to Very Low Density Residential (VLDR). VLDR was defined as single-family, with lots of 2-3 acres or more. This change reflected the wishes of the Wackena and Indian Wells Roads neighborhood to maintain their existing large-lot rural neighborhood that had been in place since the 1970's.
- 2007. By 2007, the wishes of the neighborhood had changed, and the neighborhood collectively submitted a Comprehensive Plan Amendment request (case 07-CPA-04) to change that land use designation from VLDR to MDR (Medium Density Residential). That amendment was approved by Town Council on October 25, 2007.

Analysis: The following analysis evaluates the conformance of the proposed rezoning with the Northwest Area Plan:

1. Housing Type. The proposed zoning district, R-8-CU, allows for single-family-detached housing. This housing type fully conforms to the MDR land use category, and to Note 19 of the Northwest Area Plan.
2. Transitions. As described under Planning History above, the entire Wackena and Indian Wells neighborhood expressed a desire to redevelop at MDR densities in 2007. This rezoning case is the third recent case submitted by neighborhood owners to redevelop at densities higher than that of the original neighborhood (the first two cases being 12-REZ-06 and 13-REZ-23). Until such time as the entire original neighborhood redevelops according to the new plan, there will be some original lots exceeding one acre in size, adjacent to the new sites that have been rezoned for lots of significantly smaller size. Transitions to locations adjacent to the neighborhood are well-defined and adequate, since they are formed by stream buffers north, south, and west of the neighborhood. Areas immediately east of the neighborhood should be compatible, since they are also recommended for MDR.

Growth Management Plan

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

- Guiding Principle R1: Ensure that adequate infrastructure and services are available concurrently with new development.

Analysis: The site is in an infill location, and public services (water, sewer) are available in close proximity.

- 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 less than three miles from the southern entrance to Research Triangle Park. The provision of housing in this location will help to support short commute trip lengths.

- Guiding Principle A1: Increase permitted densities in preferred growth areas to encourage desired forms of development.

Analysis: The site is located in the northwest area, the entirety of which has been identified as a preferred growth area. In addition, the site is close to a major employment center (RTP).

- Guiding Principle L2: Ensure that future growth protects sensitive natural resources and protects open space.

Analysis: A USGS perennial stream and associated stream buffer appears to traverse the northern boundary of the rezoning case, which will help to protect sensitive riparian vegetation and habitat.

Affordable Housing Plan

The Affordable Housing Plan includes the following goals that may be relevant to this case:

- Provide for a full range of housing choices for all income groups, families of various sizes, seniors, and persons with special challenges.
- 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.
- 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: A single-family-detached residential neighborhood may or may not support the goals of the Affordable Housing Plan.

Comprehensive Transportation Plan

Wackena Road is designated a collector street.

Existing Section: +/-18-foot, 2-lane roadway on 60-foot ROW

Future Section: 3-foot, 2-lane roadway on 60-foot ROW

Sidewalks: Required on both sides

Bicycle Lanes: Required 4-foot-striped bike lanes

Transit: No existing or proposed routes at this time

Indian Wells Road is designated as a local street.

Existing Section: Two lanes in 60-foot ROW

Future Section: Existing

Sidewalks: Required on one side

Bicycle Lanes: N/A

Transit: No existing or proposed routes at this time

Future Highcroft Drive is designated a collector avenue through the site.

Existing Section: N/A

Future Section: Collector Avenue 58- to 70-foot ROW required depending on cross-section (2 options)

Sidewalks: Required on both sides

Bicycle Lanes: Required 4-foot-striped bike lanes

Transit: No existing or proposed routes at this time

Note: The configuration of the proposed rezoning is problematic. Staff has concerns that it will leave three (3) separate segments of future Highcroft Drive unconstructed. Based on the amount of developable land adjacent to the three segments, it is unlikely that the three segments would be constructed by development and they would likely become Town projects.

As shown on the attached map, the future development associated with this rezoning will leave three segments of 450, 600, and 750 feet (including two stream crossings) missing to complete the Highcroft Drive corridor between Morrisville Parkway and Carpenter Fire Station Road. The corridor is the only north-south connection to those thoroughfares from Green Level Church Road to NC 55. Highcroft Drive will serve as an important link for neighbors in the area between neighborhoods, local parks, shopping centers, and schools. The collector street will be the local alternative to NC 55 and Green Level Church Roads for residents to reach these amenities by car, bike, and foot. It will also be an important link for the provision of Town municipal and emergency services, particularly fire department service from Stations 7 & 8.

It should be noted that development as proposed will likely require the Town to complete all three of these links, including design, right-of-way acquisition, permitting, and construction. Planning level estimates are that the three projects would cost approximately \$3.5-4.5 million. Depending on the timing of the project, there may be public opposition to connecting the roadway sections to stubs of Highcroft Drive that are acting as cul-de-sacs without the connections.

Future Highcroft Drive Extension through the site

Road Classification: Collector Avenue

Existing Section: N/A

Future Section: Collector Avenue 58- to 70-foot ROW required depending on cross-section (2 options)

Sidewalks: Will be required on both sides

Bicycle Lanes: 4-foot-striped bike lane will be required

Transit: No existing or proposed routes at this time

Availability of Transit Service: The nearest existing fixed-route transit service is provided by Triangle Transit Route No. 311 along NC 55 Highway, about 1/3 of a mile east of the site. The long-range expansion plan for C-Tran does anticipate future fixed-route service along Green Level Church Road, approximately 0.8 miles west of the site. Access would be via the planned Panther Creek Greenway extension, linking the site via a greenway tunnel under the Western Wake Freeway to the Mills Park schools and Green Level Church Road. Neither the date of such service, nor its funding, has been established.

Parks, Recreation & Cultural Resources:

According to the Parks, Recreation and Cultural Resources Facilities Master Plan a street-side trail is proposed along the east side of the future Highcroft Drive extension through the subject properties, and

the Panther Creek Greenway is proposed along the western edge of the property with a grade-separated crossing proposed at Highcroft Drive.

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

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 historic structures on the subject properties.

Summary Observations

This rezoning request is generally consistent with the Land Use, Growth Management, Transportation, Parks, Open Space, and Historic Preservation elements of Cary’s Comprehensive Plan, while it is unclear whether or not the proposal furthers the goals of the Affordable Housing Plan.

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	37 - 54
	Middle School	7 - 20
	High School	9 - 24
Total Projected range of additional students ²		53 - 98
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 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 129 three-bedroom homes could yield 53 additional students, while 129 homes with greater than three bedroom units could yield 98 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 can not 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-08 WACKENA ROAD PROPERTIES

AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE TOWN OF CARY TO REZONE APPROXIMATELY 58.1 ACRES LOCATED ON WACKENA ROAD FROM RESIDENTIAL 40 (R-40) TO RESIDENTIAL 8 CONDITIONAL USE (R-8-CU) AND RESOURCE RECREATION (RR). THE CONDITIONS PROPOSED BY THE APPLICANT INCLUDE LIMITING USE TO DETACHED RESIDENTIAL AND ADDRESSING VARIOUS TRAFFIC MITIGATIONS.

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:

Property Owners	County Parcel Numbers (10-digit)	Real Estate IDs	Deeded Acreage

Jeffery N. Lee and Clifton M. Lee M. 3010 Devonshire Drive Raleigh, NC 27607	0735310493	0121842	8.11
Benjamin L. and Fern L. Rainey 1501 Wackena Road Cary, NC 27519	0735317829	0084262	6.73
Carol B. Hill 1517 Wackena Road Cary, NC 27519	0735411855	0084263	3.04
Carol B. Hill 1517 Wackena Road Cary, NC 27519	0735413872	0084264	3.14
Esther M. & Larry E. Rigsbee 1525 Wackena Road Cary, NC 27519	0735415882	0084265	3.43
Vicky Ku & Jen Ching Lin 3101 Fox Shadow Drive Apex, NC 27502	0735418850	0084266	4.71
Scott W. & Nancy H. Brouthers 1621 Wackena Rd Cary, NC 27519	0735511802	0084267	3.55
Donald E. & Bonnie K. Skinner 1705 Wackena Road Cary, NC 27519	0735513804	0041207	3.88
Dann M. & Vickie W. Burns 1707 Wackena Road Cary, NC 27519	0735514560	0162537	2.06
Stephen R. & Pamela H. Reece 1721 Wackena Road Cary, NC 27519	0735517818	0162536	2.95
Peggy Schmidt-Edwards 1809 Wackena Road Cary, NC 27519	0735525318	0066728	5.84
Vaughn Wayne Wilhelm and Alissa W. Schleich 102 Chancellors Ridge CT Cary, NC 27513	0735415117	0084271	3.03
William Brian Eisner 318 Bridgegate Drive Cary, NC 27519	0735417056	0084272	4.39
William C. Boatright 1833 Wackena Road Cary, NC 27519	0735528909	0004602	3.24
Total Area			58.1 ±

Section 2:

That this Property is rezoned from Residential 40 (R-40) to Residential 8 Conditional Use (R-8-CU) and Resource Recreation (RR), as shown on the attached map and subject to the individualized development conditions set forth herein, if any, 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. The subject property shall remain in the Watershed Protection Overlay District (Jordan Lake sub-district).

Section 3:

The conditions for the R-8-CU are, as shown in the applicant's map, 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. Development shall be limited to detached residential
2. **NC 55 HWY and Morrisville Carpenter Road/Indian Wells Road**
 - Construct an exclusive left-turn lane with a minimum storage of 150 feet and an appropriate taper for the east bound approach
 - Develop and implement a traffic signal modification plan to accommodate the improvement described above including a revised signal phasing and timing plan.

Prior to the issuance of the first certificate of Occupancy for any lot, the following roadway improvements shall be completed in accordance with the phasing plan approved by Town staff in accordance with the LDO and applicable Town policies:

Wackena Road and Site Drive #1

Provide one ingress lane and one egress lane for site Drive #1
Provide stop control for the eastbound approach

Wackena Road and Site Drive #2

Provide one ingress lane and one egress lane for Site Drive #2
Provide stop control for the eastbound approach

Wackena Road and Site Drive #3

Provide one ingress lane and one egress lane for Site Drive #3
Provide stop control for the eastbound approach

Wackena Road and Site Drive #4

Provide one ingress lane and one egress lane for Site Drive #4
Provide stop control for the southbound approach

Wackena Road and Site Drive #5

Provide one ingress lane and one egress lane for Site Drive #5
Provide stop control for the northbound approach

Wackena Road and Site Drive #6

Provide one ingress lane and one egress lane for Site Drive #6
Provide stop control for the southbound approach

Wackena Road and Site Drive #7

Provide one ingress lane and one egress lane for Site Drive #7
Provide stop control for the northbound approach

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

Adopted and effective: October 16, 2014

Harold Weinbrecht, Jr.
Mayor

Date