

**Town of Cary, North Carolina  
Rezoning Staff Report  
14-REZ-11 Kensington Place  
Town Council Meeting  
September 23, 2014**

**REQUEST**

To amend the Town of Cary Official Zoning Map by rezoning approximately 14.76 acres located at 6308, 6312 and a portion of 6200 Holly Springs Road from Residential 40 (R-40) to Transitional Residential Conditional Use (TR-CU), with a zoning condition that limits land use to townhomes, and additional zoning conditions related to the location of common open space and gathering space, pedestrian connectivity, and supplemental landscaping.

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
Robert & Virginia Maynard 6200 Holly Springs Road Raleigh, NC 27606	0772651169 <i>portion</i>	0229518 <i>portion</i>	3.37 ±
Annie Lee Wester 6308 Holly Springs Road Raleigh, NC 27606	0772650040	0075709	4.96 ±
Warren Wood Dewey Irrevocable Trust 3229 Huntleigh Drive Raleigh, NC 27604	0772549642	0087156	6.43 ±
<b>Total Area</b>			<b>14.76 ±</b>

**BACKGROUND INFORMATION**

Applicant & Agent	Richard Ladd, Manager Kensington Partners, LLC 203 Rutherglen Drive Cary, NC 27511		
Acreage	14.76 ±		
General Location	6200 (portion), 6308 and 6312 Holly Springs Road		
Schedule	<b>Public Hearing</b> July 31, 2014	<b>Planning &amp; Zoning Board</b> August 18, 2014	<b>Town Council</b> September 23, 2014
Land Use Plan	Low to Medium Density Residential (LDR to MDR), with Map Note #13, and with potential buffer areas shown as Parks and Open Space (PKS/OS)		
Existing Zoning District(s)	Residential 40 (R-40); Watershed Protection Overlay District (Swift Creek Sub-area)		
Existing Zoning Conditions	None		
Proposed Zoning District(s)	Transitional Residential Conditional Use (TR-CU); Watershed Protection Overlay District (Swift Creek Sub-area)		

Proposed Zoning Conditions  (NOTE: Condition #6 was added by the applicant after the Planning and Zoning Board Meeting on August 18, 2014)	<ol style="list-style-type: none"> <li>1. Land use shall be limited to townhomes</li> <li>2. Development of the property shall include additional open space located west of the stream buffer in the northwestern portion of the property as illustrated in Exhibit A.</li> <li>3. A pedestrian connection shall be provided to the open space on the west side of the stream buffer, as illustrated in Exhibit A.</li> <li>4. A minimum of 4,800 square feet of gathering space meeting Town of Cary standards shall be provided in the common open space on the west side of the stream buffer.</li> <li>5. Evergreen landscape material, consisting of Nelly Stevens Holly or similar, shall be planted along the western property boundary adjacent to the rear property lines of 117, 119, 121, 123, 125, 127 and 129 Longbridge Drive, as illustrated in Exhibit A. Such landscape material shall be a minimum height of six feet at installation, and spaced eight feet on center except where greater spacing is needed to minimize impact on existing vegetation and maximize long-term viability of both new and existing plant material.</li> <li>6. <b><u>Prior to issuance of the first CO for any lot, Holly Springs Road from point A to point B as shown on Exhibit A will be widened in accordance with the requirements of the Comprehensive Transportation Plan and Town of Cary and NCDOT standards, and any infrastructure required by Town ordinance or policy will be installed between points A and B.</u></b></li> </ol>
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.
Protest Petition	No
Staff Contact	Mary 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 stream buffers. Field determination of such features will be required at the time of development plan review.

**Adjacent Zoning and Land Use:**  
 North – Residential 40 (R-40); Colonial Baptist Church  
 South – Residential 40 (R-40); South Hills Baptist Church  
 East (opposite side of Holly Springs Road) – Residential 40 (R-40); detached dwelling (*Site of rezoning case 13-REZ-26 (Pritchett Tract) approved July 21, 2014*)  
 West – Residential 8 (R-8); Coventry Glen Subdivision

**CONSISTENCY WITH LAND DEVELOPMENT ORDINANCE**

**Land Use**  
 Zoning conditions are proposed that would limit land use to townhomes, which is a permitted use in the conventional TR zoning district.

**Density and Dimensional Standards**

	Existing Zoning District (R-40)	Conventional TR Zoning District	Proposed Zoning District (TR-CU)
Max. Gross Density	1.08 du/acre	6.0 du/acre	
Min. Lot Size	40,000 square feet	<i>(None specified for townhome development)</i>	
Minimum Lot Width	150 feet (160 feet for corner lot)	20 feet per dwelling unit	
Roadway Setback	From Holly Springs Road: 50 feet		

	From internal streets: 18' (10' if no parking in front)	
Side Yard Setback	20 feet <i>(with septic tank/well)</i> 15 feet <i>(with public sewer)</i>	<ul style="list-style-type: none"> <li>• combined setback for both side yards: 6 feet.</li> <li>• firewall required where setback on either side is less than 3 feet.</li> <li>• separation of 16 feet required between building groupings.</li> </ul>
Rear Yard Setback	30 feet	Minimum 3 feet, with combined front and rear setback of at least 20 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**

At the time of site/subdivision plan review, a 20-foot Type B (semi-opaque) landscape buffer will be required along the northern property line adjacent to the Colonial Baptist Church, and along the southern property line adjacent to the South Hills Baptist Church. A 30-foot Type B buffer will be required along the western property line adjacent to the Coventry Glen Subdivision.

### **Streetscape**

A 50-foot Type A (opaque) streetscape buffer is required along the frontage adjacent to Holly Springs Road.

### **Traffic**

The proposed zoning of 6.0 units per acre would result in a maximum of 89 dwelling units. Based on the ITE Trip Generation Manual, Land Use Code 230 - Townhome Dwelling Units, the proposed rezoning is anticipated to generate approximately 47 am and 55 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**

### **Neighborhood Meeting**

According to the applicant, a neighborhood meeting for the proposed rezoning was held on March 20, 2014. According to the information submitted by the applicant, the owners of 16 nearby properties attended the meeting. According to the meeting minutes prepared by the applicant, resident questions and concerns included tree preservation within the stream buffer, and the impact of tree removal associated with connection to the existing sewer line.

### **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.

### **Town Council Public Hearing (July 31, 2014)**

There were no speakers at the public hearing other than the applicant. Staff noted that when the request was initially submitted, there were concerns regarding the perimeter buffer expressed by neighboring property owners. In response to neighborhood concerns, the applicant had proposed additional zoning conditions related to landscaping and open space. A council member expressed concern that the proposed density was at the upper end of the range supported by the Southeast Area Plan.

### **Planning and Zoning Board Meeting (August 18, 2014)**

The Planning and Zoning Board recommended approval of the rezoning request by a vote of 8-0.

Board members had questions related to land use buffers and the Land Use Plan Notes applicable to the subject property. Staff clarified that the Land Use Plan designation of MDR was applicable if at least two of the existing lots were rezoned for development, and that the LDR designation would apply if only one lot was included in the request. Since the proposed request is an assemblage of two lots and a portion of a third lot, the applicable Plan Designation is MDR.

There was extensive discussion regarding road improvements along the frontage of the northernmost parcel, and concern with bottlenecks and pavement transitions caused by gaps in road improvements where properties remain undeveloped. Staff pointed out that since the portion of the parcel that includes the road frontage is not included in the rezoning request and would not be included in the site plan if the rezoning is approved, staff did not have the authority to require the developer to widen the frontage. Mr. Jason Barron, representing the applicant, stated that the portion of the parcel that is not included in the rezoning request would be included in the subdivision plan, and committed to work with staff and the town attorney to develop a zoning condition that could be offered to ensure construction of road improvements along the frontage.

### **Changes Since the Planning and Zoning Board Meeting**

The applicant added the following proposed zoning condition to the request:

6. *Prior to issuance of the first CO for any lot, Holly Springs Road from point A to point B as shown on Exhibit A will be widened in accordance with the requirements of the Comprehensive Transportation Plan and Town of Cary and NCDOT standards, and any infrastructure required by Town ordinance or policy will be installed between points A and B.*

### **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**

#### **Southeast Area Plan**

Land Use: For this site, the governing land use element of the Comprehensive Plan is the Southeast Area Plan. That plan recommends this area be used for future “Low to Medium Density Residential” development (“LDR to MDR”). LDR and MDR are defined in Appendix A of the Southeast Area Plan document as follows:

- LDR is defined as single-family detached housing at one to three units per acre, with lot sizes typically ranging from approximately 10,000 square feet to one acre. The plan also notes that “*smaller lot sizes and perhaps even single-family-attached housing are possible when using clustered/conservation development designs that preserve large portions of the site as permanent open space.*”
- MDR consists of residential development at three to eight dwellings per acre, with potential housing types including single-family detached, patio homes, duplexes, triplexes, and townhouses. The plan document also notes that in MDR areas “*multifamily housing is possible*”

*when using clustered/conservation development design that preserves large portions of the site as permanent open space.”*

In addition, for both LDR and MDR, the Southeast Area Plan states that a variety of neighborhood-compatible and complimentary institutional uses may also be considered, such as churches, schools, and daycare facilities.

In the case of the subject parcels, the Southeast Area Plan’s *Map 1* (Future Land Use Map) does include a special note – Note #13. Note #13 applies to the subject site, as well as to several adjacent parcels on the west side of Holly Springs Road, south of Colonial Baptist Church and north of SE Cary Parkway. The note stipulates:

*“Note 13. Land should only be redeveloped as Medium Density Residential if at least 2-3 adjacent lots (existing as of 2003) are consolidated for that purpose. However, once some initial redevelopment has occurred, subsequent redevelopment may occur in single lots, provided they are contiguous to redeveloped parcels...”*

### Planning History for the Site

- 1996. At the time Cary’s townwide Land Use Plan was adopted in 1996, the Plan Map recommended that the subject parcels be developed as Low Density Residential (LDR). LDR was defined as single-family, 1-3 dwellings per acre.
- 1998. The future land use recommendations were updated in March 1998, with adoption of the Southeast Gateway Area Plan. That plan changed the future land use recommendations to “LDR or MDR”, without any special Map Note.
- 2004. The future land use recommendations were again updated in September 2004, with adoption of the Southeast Area Plan, which wholly replaced the 1998 Southeast Gateway Area Plan. The new plan retained the future land use recommendation of “LDR to MDR”, but added the special Map Note #13, cited above.

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

1. Housing Type. The requested rezoning is limited to townhomes, a housing type that is consistent with the Southeast Area Plan’s recommendations.
2. Housing Density. The requested rezoning type allows a maximum of six dwellings per acre, which is within the upper quarter of the plan’s recommended density range of 1-8 dwellings per acre.
3. Conformance with Map Note #13. The proposed rezoning includes three adjacent lots, which satisfies the Note’s recommendation for lot consolidation for medium density redevelopment.
4. Transitions. The Coventry Glen subdivision is located immediately west of the subject parcels. There is a USGS perennial stream indicated along the western side of the subject parcels, and the buffers associated with that stream should provide significant buffering and aid in providing a reasonable transition. The proposed zoning conditions also provide for buffering.

### **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 or will be 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 immediately adjacent to the Swift Creek/Tryon Village Community Activity Center, and ¼ mile from the Crossroads Regional Activity Center. In addition, access to

highways US 1/64 and I-40/440 is available within 1.3 miles. Both activity centers provide or will provide both office/employment and retail and services within a close distance.

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

Analysis: The subject parcels constitute an infill or redevelopment site. Infill sites are considered to be preferred growth areas.

- 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 western side of the assemblage, 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.
- 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: Townhome development at this location will provide an increase in the diversity of housing stock type in this area, since there are currently limited numbers of townhomes south of Tryon Road, and east of Kildaire Farm Road.

### **Comprehensive Transportation Plan**

**Holly Springs Road is designated as a major thoroughfare.**

**Existing Section:** 2-lane undivided in approximately 60-80-foot ROW with no curb and gutter

**Future Section:** 4-lane, median-divided in 100-foot ROW

**Sidewalks:** Do not currently exist on either side; required on both

**Bicycle Lanes:** Do not currently exist; 14-foot-wide outside lane is required in both directions

**Transit Service:** The nearest existing fixed-route transit service is provided by Triangle Transit Route No. 305, which at its closest stop is about one mile from the site. Existing service also exists via C-Tran Routes 1 and 2, serving the Crossroads area, with the nearest stops also located about one mile from the site. Long-term service expansion plans for C-Tran envision a future route that will run along Tryon Road, approximately 1/4 mile north of the site. However, the future service year for such a route has not yet been set, and the final routing may change.

### **Parks, Recreation & Cultural Resources Facilities Master Plan**

According to the Parks, Recreation and Cultural Resources Facilities Master Plan there are no issues related to this site. A recreation fund payment will be required for residential development in accordance with the Land Development Ordinance. These comments were approved by the Town's Parks, Recreation & Cultural Resources Advisory Board at its July 2014 meeting.

### **Open Space Plan**

According to the Open Space 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 property.

### **Summary Observations**

This rezoning request is generally consistent with the Town of Cary's Comprehensive Plan.

- The housing type is consistent with the Southeast Area Plan;
- Stream buffers between the site and Coventry Glen should provide for a reasonable transition;
- The site fronts on Holly Springs Road, which is planned as an eventual 4-lane, median-divided facility. The provision of townhomes between this thoroughfare and Coventry Glen may make for a reasonable transition in intensity;

- The rezoning request conforms to Map Note #13 on the Southeast Area Plan;
- The request appears consistent with the Growth Management Plan;
- The request may help to further housing stock diversity goals of the Housing Plan; and
- There are no conflicts with the Historic Preservation Master Plan.

**OTHER REFERENCE INFORMATION**

<b>Schools</b> <i>This information is being provided for your review; however, the Wake County Board of Education controls capital projects for school capacities.</i>	Type <sup>1</sup>	Projected Range of Additional Students <sup>2</sup>
	Elementary School	9-31
	Middle School	5-20
	High School	3-16
Total Projected range of additional students <sup>2</sup>		17-67
<sup>1</sup> Information regarding specific Wake County Public School assignment options may be found by visiting the following: <a href="http://assignment.wcpss.net/preview/myplan.html">http://assignment.wcpss.net/preview/myplan.html</a>		
<sup>2</sup> 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 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-11 Kensington Place**

AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE TOWN OF CARY TO CHANGE THE ZONING OF 14.76 ACRES LOCATED AT 6200, 6308 AND 6312 HOLLY SPRINGS ROAD 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
Robert & Virginia Maynard 6200 Holly Springs Road Raleigh, NC 27606	0772651169 portion	0229518 portion	3.37 ±
Annie Lee Wester 6308 Holly Springs Road Raleigh, NC 27606	0772650040	0075709	4.96 ±
Warren Wood Dewey Irrevocable Trust 3229 Huntleigh Drive Raleigh, NC 27604	0772549642	0087156	6.43 ±
<b>Total Area</b>			<b>14.76 ±</b>

**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 townhomes
2. Development of the property shall include additional open space located west of the stream buffer in the northwestern portion of the property as illustrated in Exhibit A.
3. A pedestrian connection shall be provided to the open space on the west side of the stream buffer, as illustrated in Exhibit A.
4. A minimum of 4,800 square feet of gathering space meeting Town of Cary standards shall be provided in the common open space on the west side of the stream buffer.
5. Evergreen landscape material, consisting of Nelly Stevens Holly or similar, shall be planted along the western property boundary adjacent to the rear property lines of 117, 119, 121, 123, 125, 127 and 129 Longbridge Drive, as illustrated in Exhibit A. Such landscape material shall be a minimum height of six feet at installation, and spaced eight feet on center except where greater spacing is needed to minimize impact on existing vegetation and maximize long-term viability of both new and existing plant material.
6. Prior to issuance of the first CO for any lot, Holly Springs Road from point A to point B as shown on Exhibit A will be widened in accordance with the requirements of the Comprehensive Transportation Plan and Town of Cary and NCDOT standards, and any infrastructure required by Town ordinance or policy will be installed between points A and B.

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

Adopted and effective: September 23, 2014

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Harold Weinbrecht, Jr.  
Mayor

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Date