

**Town of Cary, North Carolina  
Rezoning Staff Report  
14-REZ-12 Phillips Property at Indian Wells Road  
Town Council Meeting  
February 26, 2015**

**REQUEST**

To amend the Town of Cary Official Zoning Map by rezoning approximately 46.67 acres from Residential 40 (R-40) to Transitional Residential Conditional Use (TR-CU). Zoning conditions proposed by the applicant include limiting the density to a maximum of three (3) dwelling units per acre. Other conditions related to buffers, traffic mitigations and building materials are included within this report.

NOTE: The purpose of the rezoning is to determine if 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
Paul V. Phillips Heirs 6701 Good Hope Church Road Cary, NC 27511	0735720245	0020922	28.91
Paul V. Phillips Heirs 6701 Good Hope Church Road Cary, NC 27511	0735733336	0055290	0.38
Paul V. Phillips Heirs 6701 Good Hope Church Road Cary, NC 27511	0735730305	0094290	4.31
Teresa E. and Allen R. Phillips 1282 Hanks Chapel Road Pittsboro, NC 27312	0735624845	0270716	13.07
<b>Total Area</b>			46.67

**BACKGROUND INFORMATION**

Applicant	Alex Crow Capital Properties of Raleigh Raleigh, NC 27609 Alex.crow@icloud.com		
Applicant's Contact	Bob Zumwalt, RLA John R. McAdams Company Durham, NC 27713		
Acreage	46.67 ±		
General Location	Southwest corner of the Indian Wells Road and NC 55 Highway intersection		
Schedule	<b>Town Council Public Hearing</b> July 17, 2014	<b>Planning &amp; Zoning Board</b> September 15, 2014	<b>Town Council</b> October 16, 2014
Land Use Plan Designation	Medium Density Residential (MDR)		

Existing Zoning District(s)	Residential 40 (R-40) Watershed Protection Overlay District (Jordan Lake sub-district)
Existing Zoning Conditions	None
Proposed Zoning District(s)	Transitional Residential Conditional Use (TR-CU) Watershed Protection Overlay District (Jordan Lake sub-district)
Proposed Zoning Conditions	<ol style="list-style-type: none"> <li>1. The maximum gross density shall not exceed 3.0 dwelling units per acre.</li> <li>2. A 40-foot-wide Type B buffer will be provided along the eastern property line adjacent to the parcel identified as PIN 0735724045 consisting of both preserved and planted vegetation.</li> <li>3. The rear of any attached residential structures adjacent to Indian Wells Road or NC 55 requiring a site plan shall include a minimum of 40% masonry.</li> <li>4. Prior to approval of any subdivision plats for the property, the owner shall construct and install the following improvements as recommended by the TIA on file with the Town of Cary dated April 2014 (14-TAR-386): <ol style="list-style-type: none"> <li>a. Indian Wells Road Site Drive #1: <ol style="list-style-type: none"> <li>i. Provide one ingress lane and one egress lane for Site Drive #1; and</li> <li>ii. Provide stop control for the northbound approach.</li> </ol> </li> <li>b. Indian Wells Road Site Drive #2: <ol style="list-style-type: none"> <li>i. Provide one ingress lane and one egress lane for Site Drive #2; and</li> <li>ii. Provide stop control for the northbound approach.</li> </ol> </li> </ol> </li> <li>5. To address transportation impacts reasonably expected to be generated by the development, prior to approval of any subdivision plats for the property, the owner shall construct and install the following improvements to the NC HWY 55 and Morrisville Carpenter Road/Indian Wells Road intersection, as recommended by the TIA on file with the Town of Cary dated April 2014 (14-TAR-386): <ol style="list-style-type: none"> <li>a. Construct a separate eastbound right-turn lane along Indian Wells Road that provides at least 125 feet of full storage and an appropriate taper; and</li> <li>b. Develop and implement a traffic signal modification plan to accommodate the improvement described above (Paragraph 5.a.) including a revised signal phasing and timing plan.</li> </ol> </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 development plan approval.
Valid Protest Petition	Yes
Staff Contact	Debra Grannan Senior Planner (919) 460-4980 Debra.grannan@townofcary.org

**SITE CHARACTERISTICS**

**Streams:** According to Cary's GIS maps, the site is impacted by stream buffers. Field determination of such features shall be required at the time of development plan review.

**Floodplain and Wetlands:** According to Cary's GIS maps, the site is not impacted by any floodplain or wetland areas. Field determination of such features shall be required at the time of development plan review.

**Adjacent Uses and Zoning:**

North - (opposite side of Indian Wells Road) Religious Assembly, Detached Residential and vacant (R-40 and ORD)

South - American Soil and Mulch (ORD)

East- Vacant (R-40)

West - Currently vacant, approved for detached residential (PDD and R-40)

**CONSISTENCY WITH LAND DEVELOPMENT ORDINANCE**

**Density and Dimensional Standards**

	<b>Existing Zoning District Residential 40 (R-40)</b>	<b>Proposed Zoning District Transitional Residential Conditional Use (TR-CU)</b>	
<b>Maximum Gross Density</b>	1.08 du/ac	6 du/ac (LDO Transitional Residential) 3.00 du/acre (Per Zoning Condition) **	
<b>Minimum Lot Size (Square Feet)</b>	40,000	Subdivided attached, semi-attached and townhome developments	Not specified
		Detached Residential	5,000
<b>Minimum Lot Width (Feet)</b>	With septic tank/well 150 (160 for corner lots) With public sewer: 125 (135 for corner lots)	Subdivided attached, semi-attached and townhome developments	20 per dwelling unit
		Detached Residential	40 per dwelling
<b>Roadway Setback (Feet)</b>	From thoroughfare: 50 From collector: 30 From other streets: 20	All Residential Uses	From thoroughfare: 50 From collector: 30 From other streets: 18 when parking is provided between the roadway and the dwelling; 10 when parking is not provided
<b>Rear Yard Setback and Aggregate Roadway &amp; Rear Yard Requirements (Feet)</b>	30	Detached Residential	On thoroughfare, collector or other streets, width of the roadway and rear setbacks combined shall equal at least 40 feet and any individual setback shall be at least three (3) feet

		Subdivided attached, semi-attached and townhome developments	Width of roadway and rear setbacks combined shall equal at least 20 feet and any individual rear setback shall be at least 3 feet
<b>Side Yard Setback (Feet)</b>	With septic tank/well 20 With public sewer: 15	Subdivided attached, semi-attached, and townhouse developments	3 minimum, 16 between building groupings
<b>Maximum Building Height (Feet)</b>	35 *		35 *
* Height may be increased one foot for every foot provided in addition to the minimum setbacks.			

**Landscape Buffers:** 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:**

A portion of Indian Wells Road is designated as a collector and in accordance with Chapter 7 of the LDO, a 30-foot-wide Type A opaque streetscape shall be required.

A small portion of the subject property is located adjacent to NC 55 Hwy. A 50-foot-wide streetscape planted to a Type A (opaque) standard will be required adjacent to NC 55 Hwy since it is classified as a thoroughfare. In accordance with Chapter 7 of the LDO, no streetscape is required along local streets for residential development.

**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.

**Traffic:**

Traffic Analysis Report 14-TAR-386 was prepared by the Town's on-call traffic engineering consultant Ramey Kemp & Associates, Inc. and was finalized in June of 2014. In accordance with the LDO, the study has a five-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 – 40 dwelling units
- Townhomes – 160 dwelling units

Trip Generation Expected

Trip generation for the proposed 40 single-family homes and 160 townhomes 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:

- 1,420 daily site trips
- 113 a.m. peak hour trips (23 entering, 90 exiting)
- 134 p.m. peak hour trips (88 entering, 46 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)
- Indian Wells Road and Wackena Road
- Indian Wells Road and Site Drive #1
- Indian Wells Road and Site Drive #2
- Morrisville Parkway and Sedgefield Park Avenue (future intersection)
- Morrisville Parkway and Cozy Oak Lane (future intersection)
- Wackena Road and Highgate Oak Drive (future intersection)

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 (17) 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. Crosspointe Church YMCA and Office Expansion (13-TAR-385)
3. Daycare at McCrimmon Parkway at Green Level Church Road (14-TAR-380)
4. Stitt Property (14-TAR-378)
5. Carpenter ACCP (13-TAR-372) \*\*
6. Williams Tract Development (13-TAR-369)
7. Holland Tract Development (12-TAR-352)
8. Mills Tract Development (12-TAR-353)
9. Highcroft Village Update (11-TAR-323)
10. Fryar Tract Development (11-TAR-331)
11. Parkside Town Commons (13-TAR-350)
12. Panther Creek High School Expansion (13-TAR-366)
13. Green Hope High School Expansion (13-TAR-365)
14. RKM Development (13-TAR-364)
15. Cary Park Tract MR-8 Apartments (13-TAR-363)
16. Cary Park Office Parcel TC-3A (12-TAR-349)
17. 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 a separate eastbound right-turn lane along Indian Wells Road that provides at least 125 feet of full storage and an appropriate taper; and
  - Develop and implement a traffic signal modification plan to accommodate the improvement described above including a revised signal phasing and timing plan.
- **Indian Wells Road Site Drive #1:**
  - Provide one ingress lane and one egress lane for Site Drive #1; and

- Provide stop control for the northbound approach.
- **Indian Wells Road Site Drive #2:**
  - Provide one ingress lane and one egress lane for Site Drive #2; 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 lane 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 zoning 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 zoning 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 if or when 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.
- Length 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 zoning case is currently pending consideration by the Town.**

- Construct an exclusive eastbound left-turn lane on Indian Wells Road that provides at least 150 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 Wackena Road Rezoning Case (14-REZ-08). 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/through 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 and 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**

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- 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.

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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 rail road 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

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## **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, a neighborhood meeting for the proposed rezoning was held on March 13, 2014. According to the information submitted by the applicant, two nearby property owners attended the meeting. According to the meeting minutes, provided by the applicant, questions and concerns focused on roadway improvements.

### ***Town Council Public Hearing (July 17, 2014)***

Staff provided a summary of the request the case and reported that there was a valid protest petition. The protest indicated that the adjacent property would be difficult to develop unless they were included as part of the future development.

The applicant spoke in support of the request, noted their participation in off-site traffic mitigations and stated that acquisition of the adjacent parcel between the subject property and NC 55 Hwy. was not practical.

### **Changes Since the Town Council Meeting**

None

### **Planning and Zoning Board Meeting (September 15, 2014)**

Staff presented the case and noted that there is a valid protest petition. 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 applicant also provided information from the Wake County School Board on school construction plans in the general vicinity of the proposed rezoning.



Most of the Planning Board members stated that they felt the proposed density was appropriate for the location. One board member did not support the request due to potential impacts on traffic and school capacity. The Planning and Zoning Board recommended approval by a vote of 7-1.

### **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**

The governing land use document for the subject properties is the Northwest Area Plan. The land use designation for these properties is Medium Density Residential (MDR), which is defined as single-family attached or detached housing between three to eight units per acre. The lower southeastern corner of the site is covered by Northwest Area Plan Note 14: If intersection of Morrisville Parkway and NC Highway 55 becomes grade-separated, then a limited amount of OFC/INS at the northwest intersection quadrant may be appropriate. Otherwise, Medium Density Residential (MDR) should be maintained.

**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 at the transition point between low density and medium density residential, and the request is generally consistent with the 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.
2. L1 Guiding Principle: Concentrate growth near existing and planned employment centers and available and planned infrastructure to minimize costly service-area extensions.
3. L2 Guiding Principle: Ensure that future growth protects sensitive natural resources and protects open space.

**Analysis:** The subject properties are located one-half mile south of the Alston Regional Mixed Use Center and less than three miles from Research Triangle Park. Infrastructure and services as well as protection of natural resources are required by the Town of Cary Land Development Ordinance (LDO).

### **Affordable Housing Plan**

The Affordable Housing Plan is not applicable to this case.

### **Comprehensive Transportation Plan**

**Indian Wells Road is designated as a collector street.**

**Existing Section:** Two lanes in 40 to 60-foot varying ROW

**Future Section:** 35-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

**NC 55 is designated as a thoroughfare.**

**Existing Section:** Four through lanes, plus a turn lane with median in 100-foot roadway, back of curb to back of curb within 160 to 180 feet of varying ROW

**Future Section:** Four lanes with 23-foot-wide median in a 78-foot back of curb to back of curb in 100-foot ROW

**Sidewalks:** Required on both sides

**Bicycle Lanes:** Required 14-foot-wide outside lane to accommodate bikes

**Transit:** No existing or proposed routes at this time

**Availability of Transit Service:** At present the nearest existing fixed-route transit service is provided by Triangle Transit Route No. 311 along NC 55 Highway, about a third of a mile east of the site at the closest point. The long-range expansion plan for C-Tran does anticipate future fixed-route service along Green Level Church Road, approximately 1.0 mile west of the site at the closest point. 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. However, neither the date of such service, nor its funding, has yet been established.

#### **Parks, Recreation & Cultural Resources**

According to the Parks, Recreation and Cultural Resources Facilities Master Plan the NC Hwy 55 Street-Side Trail is proposed along the property frontage.

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

These comments were reviewed and approved by the Town's Greenway Committee at its June 19, 2014 meeting. The PRCR Advisory Board will review these comments at its July 7, 2014 meeting.

#### **Open Space Plan**

According to the Open Space Plan, the western portion of the site includes mixed upland hardwoods.

#### **Historic Preservation Master Plan**

A goal of the Town's adopted 2010 Historic Preservation Master Plan is to "Preserve, protect and maintain Cary's historic resources." The subject property contains a circa 1935 Craftsman bungalow which is listed in the Cary/Wake County Architectural and Historic Inventory. The house is in good condition with medium material integrity, and appears to be in its original location. The 1-story, wood-framed house features a front gable and a partially-engaged, wrap-around corner porch supported by posts on brick piers. The porch section has a stone foundation and stone steps. The house has vinyl siding and replacement windows; windows are found singly, paired and banded. An attic window with three vertical lights remains in the front gable.

#### **OTHER REFERENCE INFORMATION**

<b>Schools</b>	<b>Type<sup>1</sup></b>	<b>Projected Range of Additional Students<sup>2</sup></b>
<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	14 - 58
	Middle School	8 - 31
	High School	5 - 26
Total Projected range of additional students <sup>2</sup>		27 -115

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

<sup>2</sup> The *Projected Range of Additional Students* is an 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 140 two-bedroom attached residential dwellings may yield 27 additional students while 140 detached residential homes with greater than three bedroom units could yield 115 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-12 PHILLIPS PROPERTY AT INDIAN WELLS ROAD**

AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE TOWN OF CARY TO CHANGE THE ZONING OF APPROXIMATELY 46.67 ACRES 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**

<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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<b>Total Area</b>			<b>46.67±</b>

**Section 2:**

That this Property is rezoned from Residential 40 (R-40) to Transitional Residential Conditional Use (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 guide 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 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. The maximum gross density shall not exceed 3.0 dwelling units per acre.
2. A 40-foot-wide Type B buffer will be provided along the eastern property line adjacent to the parcel identified as PIN 0735724045 consisting of both preserved and planted vegetation.
3. The rear of any attached residential structures adjacent to Indian Wells Road or NC 55 requiring a site plan shall include a minimum of 40% masonry.
4. Prior to approval of any subdivision plats for the property, the owner shall construct and install the following improvements as recommended by the TIA on file with the Town of Cary dated April 2014 (14-TAR-386):
  - a. Indian Wells Road Site Drive #1:
    - i. Provide one ingress lane and one egress lane for Site Drive #1; and
    - ii. Provide stop control for the northbound approach.
  - b. Indian Wells Road Site Drive #2:
    - i. Provide one ingress lane and one egress lane for Site Drive #2; and
    - ii. Provide stop control for the northbound approach.
5. To address transportation impacts reasonably expected to be generated by the development, prior to the approval of any subdivision plats for the property, the owner shall construct and install the following improvements to the NC HWY 55 and Morrisville Carpenter Road/Indian Wells Road intersection, as recommended by the TIA on file with the Town of Cary dated April 2014 (14-TAR-386):
  - a. Construct a separate eastbound right-turn lane along Indian Wells Road that provides at least 125 feet of full storage and an appropriate taper; and
  - b. Develop and implement a traffic signal modification plan to accommodate the improvement described above (Paragraph 5.a.) including a revised signal phasing and timing plan.

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

Adopted and effective: October 16, 2014

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Harold Weinbrecht, Jr.  
Mayor

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Date