

**Town of Cary, North Carolina
Rezoning Staff Report
14-REZ-15 Barbee Tract
Town Council Meeting
September 11, 2014**

REQUEST

To amend the Town of Cary Official Zoning Map by rezoning an approximate 12.54-acre portion of the Barbee property and a 0.66-acre portion of the Preston Planned Development District (PDD) to Residential 12 Conditional Use (R-12-CU). The condition proposed by the applicant limits the density to a maximum of two (2) dwelling units per acre.

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
Ronald Barbee 5151 Glenwood Avenue Raleigh, NC 27612	0744567923 Portion	0003921 Portion	12.54±
Clabron Barbee Powell 200 New Londondale Drive Cary, NC 27513			
Carolyn B. Allen 1104 Gunnison Place Raleigh, NC 27609			
Flora Development, LLC PO Box 3557 Cary, NC 27519	0744575298	0199958	0.66±
Total Area			13.20±

PROJECT SUMMARY

The Barbee family owns a 21.26-acre parcel of land at 2836 Davis Drive. The property owners are asking to rezone 12.54 acres along the western portion of the property from Residential 40 (R-40) to Residential 12- Conditional Use (R-12-CU). As indicated on a preliminary **survey** provided by the applicant, no change is proposed to the Residential 40 (R-40) designation on the remaining 8.72 acres. In addition, Flora Development, LLC, owner of a 0.66-acre parcel of land at 100 Hogans Valley Way, adjacent to the Barbee property, is seeking to rezone the land from Planned Development District (PDD) to (R-12-CU.) This 0.66-acre parcel, which is currently part of the Preston PDD, is vacant and was not designated for a specific use on the Preston PDD Master Plan. It is residual land resulting from the installation of Hogans Valley Way.

BACKGROUND INFORMATION

Applicant	Thad Moore, Preston-Barbee, LLC PO Box 3557 Cary, NC 27519
Applicant's Contact	Chuck Smith, Withers & Ravenel, Inc. 115 MacKenan Drive

	Cary, NC 27511		
Acreage	13.2 ±		
Location	2836 Davis Drive and 100 Hogans Valley Way		
Schedule	Town Council Public Hearing June 26, 2014	Planning & Zoning Board Public Hearing August 18, 2014	Town Council Meeting September 11, 2014
Land Use Plan Designation	Low Density Residential (LDR)		
Existing Zoning District(s)	Planned Development District (PDD) Major and Residential 40 (R-40)		
Existing Zoning Conditions	None		
Proposed Zoning District(s)	Residential 12 Conditional Use (R12-CU)		
Proposed Zoning Conditions	<ol style="list-style-type: none"> 1. The maximum density shall not exceed two (2) dwelling units per acre 2. The minimum lot size shall be 13,000 square feet. 3. The average lot size shall be no less than 15,000 square feet. 		
Town Limits	<p>The 0.66-acre parcel owned by Flora Development, located at 100 Hogans Valley Way, is inside Cary's Corporate limits.</p> <p>The 21.26-acre parcel at 2836 Davis Drive is located within Cary's ETJ, but outside the corporate limits. The property owners have submitted an annexation petition (14-A-09) to request annexation of the 12.54 acre portion that is proposed for rezoning.</p>		
Valid Protest Petition	None		
Staff Contact	Debra Grannan Senior Planner (919) 460-4980 Debra.grannan@townofcary.org		

SITE CHARACTERISTICS

Streams and Wetlands: Cary's current GIS maps show that the eastern portion of the parcel addressed 2836 Davis Drive is impacted by a stream and wetland area; however, there are only minor impacts to the area proposed for rezoning. Field determination of such features shall be required at the time of site plan review.

Floodplain: Cary's current GIS maps do not indicate the presence of any floodplain areas on the subject properties. Field determination of such features shall be required at the time of site plan review.

Adjacent uses and (Zoning):

North – Opposite side of Hogans Valley Way; Detached Residential, Open Space and Privately Owned Golf Course (PDD)
 South – Detached Residential (PDD-Preston)
 East – Detached Residential (R-40) (Remaining portion of Barbee property)
 West – Opposite side of Davis Drive; Detached Residential (R-20)

CONSISTENCY WITH LAND DEVELOPMENT ORDINANCE

Density and Dimensional Standards

	Existing Zoning District Residential 40 (R-40)	Proposed Zoning District Residential 12 Conditional Use (R-12-CU)
Max. Gross Density (du/ac)	1.08	Per LDO 3.63 Proposed: 2.00
Minimum Lot Size (square feet)	40,000	Per LDO: 12,000 Proposed: 13,000

Minimum Lot Width <i>(feet)</i>	150 (160 for corner lot) With public sewer 125 (135 for corner lot)	80 (90 for corner lot)
Roadway setback <i>(feet)</i>	From thoroughfare: 50 From collector: 30 From other streets: 20	From thoroughfare: 50 From collector: 30 From other streets: 20
Side Yard <i>(feet)</i>	With septic tank/well: 20 With public sewer: 15	10
Rear Yard <i>(feet)</i>	30	25
Maximum Building Height <i>(feet)</i>	35	35
*Typical R-12 zoning districts allow a maximum gross density of 3.63 du/ac. The applicant has offered a zoning condition to limit the maximum density to no more than two (2) du/ac.		

Landscape Buffer: According to Chapter 7 of the LDO, a landscaped area planted to a Type –B (semi-opaque) standard is required between lots that are over 8,000 square feet or greater in size. This area is not subject to the ownership restrictions applied to other buffers and may be located within the platted portion of a lot.

Streetscape: According to Chapter 7 of the LDO, a 50-foot Type-A (opaque) streetscape shall be required adjacent to Davis Drive and a 30-foot Type-A (opaque) streetscape shall be required along Hogans Valley Way.

Traffic: The applicant has offered a zoning condition proposing a limit of two (2) dwelling units per acre. This would yield 26 dwelling units on 13.2 acres. The ITE Trip generation manual code 210 Single Family Dwelling Units would indicate the potential for 28 am and 32 pm peak hour trips for 26 single family dwelling units. A Traffic Analysis Report is not required since the threshold for a study is 100 peak hour trips.

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 April 17, 2014. According to the information submitted by the applicant, approximately 75 people attended the meeting. Questions and concerns expressed at the meeting are provided in the meeting minutes submitted by the applicant.

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 (June 26, 2014)

Staff presented an overview of the case and reported that there was not a valid protest. The property owner spoke in support of the request and noted that the property owners did not intend to save the existing house on the property. The applicant’s representative noted the compatibility of the request to adjacent property in terms of lot size and density. Two adjacent property owners expressed concern regarding potential cut-thru traffic.

Changes Since the Town Council Public Hearing

The applicant has offered new zoning conditions to require a minimum lot size of 13,000 square feet and a minimum average lot size of 15,000 square feet.

Planning and Zoning Board Meeting (August 18, 2014)

Staff presented the case and summarized issues that had been raised at the Town Council public hearing, including concerns from adjacent neighbors about potential cut-through and construction traffic.

The applicant spoke in support of the request and described the compatibility of the proposed zoning with adjacent development. The applicant indicated that the property owners had evaluated the existing dwelling on the subject property and at this time do not have plans to preserve the structure. One board member indicated that he did not support the request for that reason. Most of the board members stated that they felt the proposed density and lot size were appropriate for the location and traffic impacts would be minor based on the size of the development.

The Planning and Zoning Board recommended approval by a vote of 7 -1.

Changes Since the Planning and Zoning Board Public Hearing

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

Land Use Plan

The town-wide Land Use Plan provides future land use guidance for the subject parcel. The Land Use Plan recommends Low Density Residential (LDR), defined as one to three dwelling units per acre, as the future land use. The applicant is requesting Residential 12 Conditional Use (R-12-CU) with density limited to a maximum of two dwelling units per acre. This request meets the intent of the Land Use Plan.

Growth Management Plan

The Growth Management Plan includes the following two 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.

Comments: The proposed rezoning conforms to Guiding Principles R1 and L1, since at this infill location, infrastructure and services are available near the subject property.

Affordable Housing Plan

The Affordable Housing Plan is not applicable to this case.

Comprehensive Transportation Plan

Davis Drive is designated as a thoroughfare

Existing Section: 4-lane median-divided section in a 94-foot right-of-way

Future Section: 4-lane median-divided section in a 100-foot right-of-way

Sidewalks: Existing on both sides

Bicycle Lanes: Future sections are required to have a 14-foot-wide outside bike lanes

Transit: N/A

Hogans Valley Way is designated as a collector

Existing Section: 2-lane road in a 50- to 76-foot varying right-of-way

Future Section: 2-lane road in a 78-foot right-of-way

Sidewalks: No existing sidewalk, but 5-foot sidewalk required in the future

Bicycle Lanes: No existing bike lanes, but 4-foot bike lanes required in the future.

Transit: N/A

Parks, Recreation & Cultural Resources Facilities Master Plan

According to the Parks, Recreation and Cultural Resources Master Plan there are no public parks or greenways proposed on this site. There is an existing street side trail along the west side of Davis 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, value was assigned to the site for its agricultural use; the plan identified no other significant natural resources on site.

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 the historic Luther Barbee House, which is listed in the Cary/Wake County Architectural and Historic Inventory. The circa 1915 front section of the wood-framed house is two stories with a hip roof and built in the Queen Anne-style. It features interior brick chimneys with corbelled caps, a wrap-around porch supported by thin Doric columns, a cut-away bay window with gable returns, and 2/2 sash windows. The one-story, gabled rear section of the house pre-dates the front of the house, and according to the family, dates from the 1880s. With its intact structure and decorative details, this dwelling is a good example of early twentieth-century Victorian architecture in Wake County. The house is set back from the road and is approached by a long drive lined with cedar and fruit trees, with fenced pasture on either side. There are also fruit trees in the rear yard of the house as well as additional pasture, a modern horse barn, and a c. 1915 2-story front-gable frame barn with side sheds. The house is in its original location and is in good condition with a high level of material integrity.

Comments: In early May, Planning staff and a representative from Capital Area Preservation toured and photographed the house and grounds. Discussions with family members indicate there are no plans in place at this time to preserve the house.

REFERENCE INFORMATION

Schools	Type ¹	Projected Range of Additional Students ²
<i>This information is being provided for your review; however, the Wake County Board of Education controls capital projects for school capacities.</i>	Elementary School	7 - 11
	Middle School	1 - 4
	High School	2 - 5
Total Projected range of additional students ²		10 - 20

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

² The *Projected Range of Additional Students* is a rough approximation. The actual number of students will vary depending on variables, such as the number of bedrooms, dwelling size, and other factors. For example: a site with 26 three-bedroom homes could yield 10 additional students, while 26 homes with greater than three bedroom units could yield 20 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-15 BARBEE TRACT

AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE TOWN OF CARY TO CHANGE THE ZONING OF 100 HOGANS VALLEY WAY AND A PORTION OF THE PROPERTY AT 2836 DAVIS DRIVE, BY REZONING FROM PLANNED DEVELOPMENT DISTRICT (PDD) AND RESIDENTIAL 40 (R-40) TO RESIDENTIAL 12 CONDITIONAL USE (R-12-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
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Flora Development, LLC PO Box 3557 Cary, NC 27519	0744575298	0199958	0.66±
Total Area			13.20±

Section 2:

That this Property is rezoned from Residential 40 (R-40) and Planned Development District (PDD) to Residential 12 Conditional Use (R-12-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. Maximum density shall not exceed two (2) dwelling units per acre.
2. The minimum lot size shall be 13,000 square feet.
3. The average lot size shall be no less than 15,000 square feet.

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

Adopted and effective: *September 11, 2014*

Harold Weinbrecht, Jr.
Mayor

Date