

**Town of Cary, North Carolina
Rezoning Staff Report
Case 14-REZ-25 Creech Property
Town Council Meeting
January 15, 2015**

REQUEST

To amend the Town of Cary Official Zoning Map by rezoning approximately 0.95 acres located at 1606 Kildaire Farm Road from Residential 40 (R-40) to Office and Institutional Conditional Use (OI-CU). Conditions proposed by the applicant include limiting the building size to a maximum of 6,500 square feet.

NOTE: The purpose of the rezoning is to determine whether or not the land uses and densities allowed in the proposed zoning district are appropriate for the site. Technical design standards of the Land Development Ordinance are addressed during review of the site or subdivision plan and can be found at <http://www.amlegal.com/library/nc/cary.shtml>.

SUBJECT PARCELS

Property Owner(s)	County Parcel Number (10-digit)	Real Estate ID	Deeded Acreage
Derward L. and Rose A. Creech 1606 Kildaire Farm Road Cary, NC 27511	0762465569	0094256	0.95±
Total Area			0.95±

BACKGROUND INFORMATION

Applicant	Derward L. and Rose A. Creech 1606 Kildaire Farm Road Cary, NC 27511		
Applicant's Contact	Glenda Toppe Glenda S. Toppe and Associates 4139 Gardenlake Drive Raleigh, NC 27612 (919) 605-7390 Glenda@gstplanning.com		
Acreage	0.95 ±		
Location	1606 Kildaire Farm Road		
Schedule	Town Council Public Hearing October 30, 2014	Planning & Zoning Board Public Hearing December 15, 2014	Town Council Meeting January 15, 2015
Land Use Plan Designation	Low Density Residential (LDR)		
Existing Zoning District(s)	Residential 40 (R-40); Watershed Protection Overlay District		
Existing Zoning Conditions	None		
Proposed Zoning District(s)	Office and Institutional Conditional Use (O&I-CU); Watershed Protection Overlay District		
Proposed Zoning Conditions	<ol style="list-style-type: none"> 1. The maximum size of the building shall not exceed 6,500 square feet 2. The use shall be limited to general office or medical office. 3. All light fixtures shall be of full cut-off design, and mounted at a height not to exceed 18 feet as measured from the surface elevation at the base of the light pole, or, in the case of lighting attached to the building, from the surface elevation at the base of the building directly below the light. 4. Any illuminated building signage shall be limited to the building surface facing Kildaire Farm Road. 5. Minimum building setbacks shall be 60 feet from the northern and western property lines. 		

Town Limits	Yes
Valid Protest Petition	No
Staff Contact	Debra Grannan Senior Planner (919) 460-4890 Debra.grannan@townofcary.org

SITE CHARACTERISTICS

Streams: According to Town of Cary GIS Maps, the site is not impacted by any stream buffers, floodplain areas or wetlands. Field determination of such features will be required at the time of development plan review.

Adjacent Property Uses and Zoning

North – Detached Residential (MacGregor Downs Subdivision);(R-12)

South – Private cemetery; (R-20 currently; subject of rezoning request 14-REZ-26 for O&I CU)

East – (Opposite Side of Kildaire Farm Road) Currently Vacant (PDD- Spring Arbor PDD; designated for detached residential and Institutional)

West – Detached Residential (MacGregor Downs Subdivision); (R-12)

CONSISTENCY WITH LAND DEVELOPMENT ORDINANCE

Density and Dimensional Standards

	Existing Zoning District Residential 40 (R-40)	Proposed Zoning District Office and Institutional Conditional Use (O&I-CU)
Max. Gross Density	1.08 du/acre	Not applicable
Min. Lot Size	40,000 square feet	Not applicable
Minimum Lot Width	150 feet (160 feet for corner lot)	Not required
Roadway Setback	50 feet (From Thoroughfare)	30 feet
Side Yard Setback	15 feet	A 10-foot building setback and a 5-foot vehicular use area setback is required from any perimeter buffers.
Rear Yard Setback	30 feet	
Maximum Building Height	35 feet	<u>Within 100 feet of a residential district:</u> 35 feet plus one foot for every foot provided in addition to minimum setback <u>More than 100 feet from a residential district:</u> 50 feet plus one foot for every foot provided in addition to minimum setback proposed

Landscape Buffer

Chapter 7 of the LDO requires a 40-foot-wide Type-A (opaque) buffer between the proposed office use and the existing detached residential use to the north and west of the subject property. Because the homes in the MacGregor Downs neighborhood were already developed without a buffer, the responsibility for providing the entire buffer width lies with the subject property. The property to the south is proposed to be rezoned to OI-CU. If the property to the south is rezoned and developed with an Office or Institutional use, each parcel will be required to provide half of a 20-foot-wide Type B (semi opaque) buffer.

Streetscape

Pursuant to Chapter 7 of the LDO, a 30-foot streetscape shall be required along Kildaire Farm Road at the time of development plan approval.

Traffic

Per section 3.4.1.D.3 of Cary's Land Development Ordinance, a traffic study is required for rezoning applications when a development is anticipated to generate 100 or more peak hour trips. The proposed use, which is limited to a maximum building size of 6,500 square feet, did not exceed the 100-peak hour trip threshold; therefore, a traffic study is not required.

Note:

Per section 3.4.1.D.3 of Cary's Land Development Ordinance, a traffic study is required for rezoning applications when a development is anticipated to generate 100 or more peak hour trips. A residential subdivision with a total of 93 single-family units has the potential of generating 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

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 August 19, 2014. According to the information submitted by the applicant, seven (7) residents attended the meeting. Questions and concerns expressed at the meeting focused on traffic and buffers. Details regarding the discussion at the meeting are provided in the meeting minutes submitted by the applicant.

Town Council Public Hearing (October 30, 2014)

Staff presented an overview of the case. The property owner described the changing conditions in the vicinity and stated that the property was no longer appropriate for residential use. During the public hearing, an adjacent property owner expressed concern regarding site-lighting and buffer preservation if the property is developed for non residential use. Staff provided clarification regarding the LDO standards for perimeter buffers and site lighting.

Changes since the Town Council Public Hearing

The applicant has offered new conditions to increase the limit on the height of sight lighting from 25 to 18 feet, restrict illuminated signage to the building surface facing Kildaire Farm Road and to provide a 60-foot minimum building setback from the Northern and Western property lines.

Planning and Zoning Board Public Hearing (December 15, 2015)

Staff presented the case and summarized the revised zoning conditions proposed by the applicant. The applicant spoke in support of the request and noted the changing conditions on Kildaire Farm Road. Two adjacent property owners expressed concern about the potential impacts future development could have on their property. They asked if the proposed buffers could be required prior to submittal of a development plan. Bill Daniel, the engineer for the property owner stated that landscaping requirements are evaluated and established at the time of development plan review and that establishing a buffer now would impact the existing dwelling on the subject property. The board felt that the proposed conditions would provide adequate protection to adjacent property owners.

The Planning and Zoning Board voted 8-0 to forward the case to Town Council with a recommendation for approval.

Changes since the Planning and Zoning Board Meeting

None

CRITERIA FOR CONSIDERATION IN REVIEWING REZONINGS

1. The proposed rezoning corrects an error or meets the challenge of some changing condition, trend or fact;
2. The proposed rezoning is consistent with the Comprehensive Plan and the purposes set forth in Section 1.3 (LDO);
3. The Town and other service providers will be able to provide sufficient public safety, educational, recreational, transportation and utility facilities and services to the subject property while maintaining sufficient levels of service to existing development;
4. The proposed rezoning is unlikely to have significant adverse impacts on the natural environment, including air, water, noise, stormwater management, wildlife and vegetation;
5. The proposed rezoning will not have significant adverse impacts on other property in the vicinity of the subject tract; and
6. The proposed zoning classification is suitable for the subject property.

APPLICABLE COMPREHENSIVE OR AREA PLAN REQUIREMENTS

Land Use Plan

As per the Town of Cary Land Use Plan, the subject property has a land use designation of Low Density Residential (LDR). This category is defined as single family housing at one to three units per acre. The subject property is immediately adjacent to and across the street from other properties with an Office/Institutional (OFC/INS) land use designation. Although the Land Use Plan map shows sharply delineated boundaries between land uses, these boundaries are envisioned as generally transitional.

Analysis: The location of the subject parcel on Kildaire Farm Road, about one-quarter mile from Wake Med Hospital, is a reasonable for Office/Institutional land uses that provide a transition between similar uses and the residential neighborhood west of the property. The conditions included as part of this rezoning request limit the size of the building to facilitate the creation of such a transition.

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. A2 Guiding Principle: Ensure that the overall amount of development in Cary is consistent with the Town's growth management goals.
3. Q1 Guiding Principle: Continue Cary's leadership role in quality growth and development.

Analysis: Adequate infrastructure and services appear to be available for this potential new development.

Affordable Housing Plan

The Affordable Housing Plan is not applicable to this case.

Comprehensive Transportation Plan

Kildaire Farm Road is designated as a Major Thoroughfare.

Existing Section: 5-lanes; approx. 100' ROW

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

Sidewalks: Required on both sides; currently only located on east side

Bicycle Lanes: 14-foot-wide outside lanes required

Transit: The subject property is located along an existing C-Tran route.

Status of Planned Improvements: None

Parks, Recreation & Cultural Resources

According to the Parks, Recreation and Cultural Resources Facilities Master Plan, there are no issues with the proposed rezoning.

Open Space Plan

According to the Open Space Plan, there are no significant natural resources on the subject property.

Historic Preservation Master Plan

According to the Historic Preservation Master Plan, there are no identified historic structures on the property.

Summary Observations

This rezoning request is generally consistent with the Town’s Comprehensive Plan.

- With frontage on a thoroughfare, close proximity to other office uses, the subject property is physically appropriate for an infill office development.
- The site is approximately one-quarter mile from Wake Med Hospital.
- The conditions offered by the applicant limit the size of any structure to 6,500 square feet; this building mass will create a transition between Kildaire Farm Road and the residential neighborhood west of the property.
- At the time of development plan review for the subject property, the site will be evaluated for opportunities for cross access with the adjacent property to the south. The design of driveway access to Kildaire Farm Road shall be subject to the NC Department of Transportation.

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-25 Creech Property

AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE TOWN OF CARY TO CHANGE THE ZONING OF APPROXIMATELY 0.95 ACRES LOCATED AT 1606 KILDAIRE FARM ROAD AND OWNED BY DERWARD L. AND ROSE A. CREECH BY REZONING FROM RESIDENTIAL 40 (R-40) TO OFFICE AND INSTITUTIONAL CONDNTIONAL USE (OI-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 (10-digit)	Real Estate ID	Deeded Acreage
Derward L. and Rose A. Creech 1606 Kildaire Farm Road Cary, NC 27511	0762465569	0094256	0.95±
Total Area			0.95±

Section 2:

That this Property is rezoned from Residential 40 (R-40) to Office and Institutional Conditional Use (O&I-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. The maximum size of the building shall not exceed 6,500 square feet
2. The use shall be limited to general office or medical office.
3. All light fixtures shall be of full cut-off design, and mounted at a height not to exceed 18 feet as measured from the surface elevation at the base of the light pole, or, in the case of lighting attached to the building, from the surface elevation at the base of the building directly below the light.
4. Any illuminated building signage shall be limited to the building surface facing Kildaire Farm Road
5. Minimum building setbacks shall be 60 feet from the northern and western property lines.

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

Adopted and effective: *January 15, 2015*

Harold Weinbrecht, Jr.
Mayor

Date