

**Town of Cary, North Carolina
Rezoning Staff Report
14-REZ-31 Cary Park PDD Amendment (Waterford II)
Town Council Meeting
January 15, 2015**

REQUEST

To amend the Town of Cary Official Zoning Map by amending previously approved zoning conditions associated with a portion of the MR-2B Tract of the existing Cary Park Planned Development District (PDD). The applicant has asked is requesting to decrease the minimum density from 10 to six (6) dwelling units per acre. The proposed use of the property remains limited to several residential use options and no changes to previously approved buffers or open space are proposed.

Proposed Cary Park PDD MR-2B Land Use Plan and Circulation Plan

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
Waterford II @ Cary Park Condominium Waterford @ Cary Park, LLC 190 Finley Golf Course Road Chapel Hill, NC 27517	0725800901	0340050	7.25±
Total Area			7.25±

PROJECT SUMMARY

The Cary Park Planned Development District (PDD) was initially established in 1996 as the Panther Creek Planned Unit Development. It was renamed to Cary Glen in 1997, and to Cary Park PDD in 2001.

PDD Tract MR-2B is an area of approximately 7.25 acres that is currently approved for residential use and approximately 2.73 acres of common open space. The PDD specified a maximum density of 15 dwelling units per acre and a minimum density of 10 dwelling units per acre. In 1996 the Town approved **The Waterford at Cary Park Phase 2 1996 Site Plan** for the subject property to allow 120 multi-family residential dwelling units. The plan proposed five (5) buildings with 24 units each. To date, only two of these buildings were constructed.

The current applicants are proposing a townhome project for the undeveloped portion of the property. When considering the overall area in the tract, approximately 10 acres, the density falls below the current minimum density of 10 dwelling units per acre established in the PDD. As a result the applicants are proposing to modify the previously approved conditions of the PDD to reduce the minimum density to 6 dwelling units per acre and to address other minor modifications to the previously approved PDD.

BACKGROUND INFORMATION

Applicant	Waterford II @ Cary Park Condominiums Waterford II @ Cary Park, LLC 190 Finley Golf Course Road Chapel Hill, NC 27517 and Dan Ryan Builders 3131 RDU Center Drive, Suite 120
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	Raleigh NC 27617		
Agent	Jerry Beckman, PE, PLS SEPI Engineering and Construction, Inc. 1025 Wade Ave. Raleigh, NC 27605 (919) 573-9950 jbeckman@sepiengineering.com		
Acreage	7.25±		
General Location	Off Portstewart Drive; West of the Cary Glen Boulevard and Courtland View Lane intersection		
Schedule	Town Council Public Hearing November 20, 2014	Planning & Zoning Board December 15, 2014	Town Council Meeting January 15, 2015
Land Use Plan Designation	High Density Residential (HDR)		
Existing Zoning District(s)	Planned Development District (PDD) Major – Cary Park PDD		
Existing Zoning Conditions	<ul style="list-style-type: none"> • Minimum Density of 10 dwelling units per acre • Maximum density of 15 dwelling units per acre • Other conditions as noted in the PDD Document 		
Proposed Zoning District(s)	Planned Development District (PDD) Major (amended)		
Proposed Zoning Conditions	<ul style="list-style-type: none"> • Minimum density of six (6) dwelling units per acre • Maximum density of 15 dwelling units per acre • Other conditions and design standards as noted in the PDD document 		
Town Limits	Yes		
Protest Petitions	None		
Staff Contact	Debra Grannan Senior Planner (919) 460-4980 Debra.grannan@townofcary.org		

SITE CHARACTERISTICS

Streams: According to Cary's most recent GIS maps, the subject property is impacted by a stream buffer along the southern and western property lines. There is no indication of floodplain or wetland areas. Field determination of such features shall be required at the time of development plan review.

Topography: The subject property was graded and infrastructure was placed on the site in 1996. There are no issues with topography.

Adjacent Use and (Zoning)

North: Opposite side of Cary Glen Blvd. detached residential (PDD Major; Cary Park PDD)

West: Common Open Space (PDD Major; Cary Park PDD)

East: (opposite side of Courtland View Lane) Attached Residential (PDD Major; Cary Park PDD)

South: Currently vacant; Site Plan in Review for a townhome development (TR-CU)

CONSISTENCY WITH LAND DEVELOPMENT ORDINANCE

	LDO Standard for RMF Development	Existing Cary Park PDD Tract MR-2B	Proposed Cary Park PDD Tract MR-2B Amendment
Density (<i>Dwelling Units/Acre</i>)	12 Max.	15 Max. 10 Min.	15 Max. 6 Min.
Lot Width (<i>feet</i>)	20	Not indicated	17 (If Townhomes are developed)
Roadway (<i>Front</i>)	18 feet when parking	18	8'

Setback (feet)	is provided between road and dwelling; 10 feet when no parking is provided		
Rear (feet)	Combined roadway and rear 20 feet; rear minimum 8 feet	8	8
Side (end units) (feet)	3	6	6

Open Space: No reductions have been proposed to the approximate 2.7 acres of open space previously approved in the Cary Park PDD.

Landscape Buffers: The subject parcel is bordered along its southern and western property lines by Common Open Space belonging to the Cary Park Property Owner's Association.

Streetscape: Chapter 7 of the LDO requires a 50-foot opaque streetscape adjacent to thoroughfares. The existing Cary Park PDD was approved with a 40-foot-wide area of common open space between the subject property and Cary Glen Blvd. No changes to this buffer are proposed with this amendment.

Traffic

The proposed maximum density of 15 dwelling units per acre would result in 109 dwelling units. Based on the ITE Trip Generation Manual, Land Use Code 230 – Residential Condominium/Townhouse units, the proposed rezoning is anticipated to generate approximately 55 am and 65 pm peak hour trips. The threshold for a traffic study is 100 peak hour trips, therefore a traffic study is not required. The PDD may need to be conditioned to specify the allowed use on the undeveloped partial.

Note:

Per section 3.4.1.D.3 of Cary's LDO, 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 detached residential 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 September 23, 2014. According to the information submitted by the applicant, seven (7) residents attended the meeting. The meeting minutes provided by the applicant reported support for the proposed townhome development and questions pertained only to the process and timing of the request. Details are provided in the meeting minutes submitted by the applicant.

Town Council Public Hearing (November 20, 2014)

Staff presented an overview of the case and noted there were no protest petitions submitted. The applicant provided additional details regarding the request and asked for council's support. There was one speaker during the public hearing, the president of the Waterford HOA, who spoke in favor of the request. During their discussion, the council indicated that they supported the proposed reduction in the minimum density for the project. There were no other issues or concerns raised during the meeting.

Planning and Zoning Board Meeting (December 15, 2014)

Staff presented the case and noted that there were no issues raised by Town Council and no protest petitions. The applicant spoke in support of the request. There were no questions raised by the board members.

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

The property is located within the Northwest Area Plan and the Cary Park Planned Development District. The existing Waterford II Condominium project consists of 48 dwelling units. If the undeveloped parcel is developed with 27 townhome units there will be a total of 75 dwelling units. When considering the overall land area in the MR-2B Land Area (approximately 10 acres) this yields a density of 7.5 dwelling units per acre. Considering only the 7.25-acre buildable portion of the property (area not designated as common open space) then the density is 10.34 dwelling units per acre. Staff finds that the proposed density is within close range of Cary's Land Use Plan's minimum density of eight (8) dwelling units per acre for High-density residential.

Growth Management Plan

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

L1 Guiding Principle: Concentrate growth near existing and planned employment centers and available and planned infrastructure to minimize costly service-area extensions.

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

A2 Guiding Principle: Ensure that the overall amount of development in Cary is consistent with the Town's growth management goals.

Affordable Housing Plan

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

1. Provide for a full range of housing choices for all income groups, families of various sizes, seniors, and persons with special challenges.
2. 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.

3. 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.

4. Assure a quality living environment and access to public amenities for all residents, present and future, of the Town of Cary, regardless of income.

Comprehensive Transportation Plan

Cary Glen Blvd. is designated as a Collector Avenue

Existing Section: 60 feet of ROW with two 11-foot-wide travel lanes

Future Section: Potential widening to accommodate 12-foot travel lane and 4-foot bike lane

Sidewalks: Required on both sides

Bicycle Lanes: 4-foot-wide

Transit: No current or proposed routes

Status of Planned Improvements: No Town of Cary capital projects proposed at this time

Parks, Recreation & Cultural Resources

According to the Parks, Recreation and Cultural Resources Master Plan there are no issues related to this site. A recreation fund payment or park land dedication 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

The subject property contains no documented historic resources.

Summary Observations

School Impacts: The proposed rezoning reduces the minimum density on the subject property and thereby reduces the potential number dwelling units; thereby reducing the number of potential students.

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-31 Cary Park PDD Amendment (Waterford II)

AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE TOWN OF CARY BY AMENDING A PORTION OF THE EXISTING CARY PARK PLANNED DEVELOPMENT DISTRICT IN TRACT MR-2B TO REDUCE THE MINIMUM DENSITY FROM 10 TO SIX (6) DEWLLING UNITS PER ACRE AND TO ALLOW TOWNHOMES WITH A MINIMUM LOT WIDTH OF 17 FEET.

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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Waterford II @ Cary Park Condominium Waterford @ Cary Park, LLC 190 Finley Golf Course Road Chapel Hill, NC 27517	0725800901	0340050	7.25
Total Area			7.25

Section 2:

PDD Amendment

That this Property is rezoned, subject to the individualized development conditions set forth in the "Cary Park PDD" document dated March 3, 2006 and on file in the Planning Department, amended as follows:

To allow a minimum density of six (6) dwelling units per acre, to allow a minimum lot width for townhomes of 17 feet, and subject 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.

Section3:

PDD Amendment

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 set forth in the Planned Development District document dated January 15, 2015 and on file in the Planning Department, amended as follows:

The minimum density shall be six (6) dwelling units per acre.
The maximum density shall be 15 dwelling units per acre.
The minimum lot with for townhome units shall be 17 feet.

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

Adopted and effective: *January 15, 2015*

Harold Weinbrecht, Jr.
Mayor

Date