

**Town of Cary, North Carolina
Rezoning Staff Report
14-REZ-34 Pittard Farms
Town Council Meeting
January 15, 2015**

REQUEST

To amend the Town of Cary Official Zoning Map by rezoning approximately 20.88 acres, located approximately 1,300 feet east of the Good Hope Church Road and NC 55 Highway intersection from Office/Research & Development (ORD) to Residential 40 Conditional Use (R-40-CU), with zoning conditions that prohibit school and religious assembly use.

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)	Wake County Parcel Identification (PIN) (10-digit)	Real Estate ID	Deeded Acreage
Pittard Farms I LP 6820 Good Hope Church Road Cary, NC 27519-8870	0735871182	0089550	±19.70
	0735767464	0211717	±1.18
Total Area			±20.88

BACKGROUND INFORMATION

Applicant	Pittard Farms I, LP		
Agent	Lee Phillips 6701 Good Hope Church Road Cary, NC 27519		
Acreage	20.88 ±		
General Location	Approximately 1,300 feet east of the Good Hope Church Road and NC 55 Highway intersection		
Schedule	Public Hearing November 20, 2014	Planning & Zoning Board December 15, 2014	Town Council January 15, 2015
Land Use Plan Designation	Low Density Residential (LDR)		
Existing Zoning District(s)	Office/Research & Development (ORD); Watershed Protection Overlay District (Jordan Lake sub-area)		
Existing Zoning Conditions	None		
Proposed Zoning District(s)	Residential 40 Conditional Use (R-40-CU); Watershed Protection Overlay District (Jordan Lake sub-area)		
Proposed Zoning Conditions	1. School and Religious Assembly uses shall be prohibited.		
Town Limits	Wake County PIN 0735871182 is located outside the corporate limits but inside the Town of Cary ETJ. Annexation will be required prior to site plan approval.		
Valid Protest Petition	No		
Staff Contact	Mary Beerman, AICP (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 – Planned Development District, Major (Phillips Place); detached residential
 South (*opposite side of Good Hope Church Road*) – Office/Research & Development; agricultural
 East – Residential 40 (R-40); agricultural
 West – Office/Research & Development; agricultural

CONSISTENCY WITH LAND DEVELOPMENT ORDINANCE

Land Use

The table below compares uses allowed in the existing ORD district and the proposed R-40-CU district.

COMPARISON OF USES ALLOWED IN (EXISTING) ORD DISTRICT AND (PROPOSED) R-40-CU DISTRICT					
P=PERMITTED USE S= SPECIAL USE					
P/Z= PERMITTED USE REQUIRING ZONING COMPLIANCE PERMIT					
Uses Allowed in Both Existing and Proposed Zoning Districts	ORD	R-40-CU	Uses Currently Allowed that Would No Longer Be Allowed if Request is Approved	ORD	R-40-CU
Family Care Home*	P/Z	P/Z	Dormitory	P	
Group Home*	P/Z	P/Z	Life care community	S	
Cemetery	S	S	Nursing home	S	
Library	P	S	Caretaker's residence	P	
Museum	P	S	Residential use in non-residential bldg	P	
Day care center	P	S	School	S	
Governmental office	P	S	Religious Assembly	P	
Public safety station	P	P	Hospital	P	
Public utility facility	P	P	College	P	
Town facilities and services	P	P	Transportation facility	P	
Athletic field, public	P	P	Vet. hosp./office, w/ indoor kennel	P	
Community garden	P	P	Vet. hosp./office, w/ outdoor kennel	S	
Outdoor amphitheater, public	S	S	Club, lodge, or hall	P	
Park, public	P	P	Bank, with drive-through service	P	
Neighborhood rec.center, public	P	P	Bank, without drive-through service	P	
Resource conservation facility	S	P	Restaurant, indoor operation	P	
Pre-school	P	S	Office, business or professional	P	
Utility facility, major	S	S	Radio or TV broadcasting studio	P	
Utility substation, minor	P	P	Wellness Center	P	
Antenna co-location	P	P	Hotel or motel	P	
Stealth antennae and towers	P	S/P	Amusement establishment	S	
Other freestanding towers	S/P	S	Commercial indoor rec. facility	S	
Kennel, indoor only	P	S	Retail store	P	
Kennel, indoor/outdoor	P	S	Adult business	S/P	
Athletic field, private	S	P	Trade school	P	
			Parking lot	P	
			Parking structure	P	
			Motor vehicle sales/rental	P	
			Moped sales/rental	P	
New Uses Allowed if Request is Approved	ORD	R-40-CU	Private Transportation Service	P	
Bed and Breakfast		S	Towing and vehicle storage	S	
Boarding house		S/P	Vehicle repair, heavy	S	
Detached dwelling		P	Vehicle service, light	S	
Manufactured home		P	Research laboratory	P	
Day care home, large		S	Manufacturing, light	P	
Day care home, small		P	Prototype process & production	P	
Agri-Tourism		P	Other bldg-mounted antennae/towers	P	

Farming, general		P	Mini-storage	S
Forestry		P	Warehousing and distribution	P
Produce stand		P	Wholesale establishment	P
Neighborhood rec., private		P	Golf driving range	S
Golf course, privately-owned		S	Outdoor amphitheater, commercial	S
			Convenience store	P
			Farm market	P
			Moped sales/rental	P
			Postal center, private	P
			Personal service establishment	P

Density and Dimensional Standards

	Existing Zoning District (ORD)	Proposed Zoning District (R-40-CU)
Max. Gross Density	N/A	1.08 du/acre
Min. Lot Size	None	40,000 square feet
Minimum Lot Width	N/A	150 feet (160 feet for corner lot)
Roadway Setback	30 feet	From Good Hope Church Road: 50 feet From internal subdivision streets: 18 feet when parking is provided between the dwelling and the roadway; otherwise 10 feet
Side Yard Setback	None	20 feet (with septic tank/well) 15 feet (with public sewer)
Rear Yard Setback	None	30 feet
Maximum Building Height	35 feet within 100 feet of residential district, else 50 feet	35 feet
	<i>May be increased by one foot for every additional foot provided between the building footprint and the minimum required setback.</i>	

Perimeter Buffer

Segment of Perimeter	Buffer Type Required by LDO	Applicant's Proposal
Eastern Boundary	20-foot Type B (semi-opaque)	Per LDO
Western Boundary	20-foot Type B (semi-opaque)	Per LDO

Streetscape

Road Frontage	Buffer Type Required by LDO	Applicant's Proposal
Good Hope Church Road	None	Per LDO
Future Extension of McCrimmon Parkway	50' Type A (opaque)	Per LDO
Extension of Collector Road to north	30' Type A (opaque)	Per LDO

Traffic

The proposed R-40 zoning with a maximum allowable density of 1.08 dwelling units per acre would result in the potential for 22 dwelling units. Based on the ITE Trip Generation Manual, Land Use Code 210 – Single Family Detached Housing Units, the proposed rezoning is anticipated to generate approximately 25 am and 27 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

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 22, 2014. According to the information submitted by the applicant, three residents attended the meeting and expressed no opposition to the request.

Town Council Public Hearing (November 20, 2014)

(A protest petition was submitted by the owner of a residential lot in the adjacent Phillips Place Subdivision, expressing opposition to any potential extension of Pilot Hill Drive. The protest is not valid for purposes of triggering the requirement for a ¾ affirmative vote by Town Council, due to insufficient land area covered by the protest petition).

There were no speakers at the public hearing other than the applicant. There were questions from council members regarding the future extension of McCrimmon Parkway and realignment of Good Hope Church Road. A council member asked staff to contact the resident who filed a protest petition to ensure understanding of future road connection possibilities reflected in the Comprehensive Transportation Plan. *(Letter from staff to protester mailed 12/01/14.)*

Planning and Zoning Board Meeting (December 15, 2014)

The Planning and Zoning Board recommended approval of the rezoning request by a vote of 8-0. There were questions from a board member regarding the reason for conditions that prohibit school and religious assembly use. Staff explained that the conditions were proposed so that a traffic study would not be required.

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 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

Carpenter Community Plan

The governing land use element of Cary's Comprehensive Plan for the subject parcel is the Carpenter Community Plan, originally adopted in September 2005. Per the Carpenter Community Plan, the future land use designation for this site is Low-Density Residential (LDR), defined as 1 to 3 single-family-detached dwelling units per acre. The proposed rezoning to Residential 40 (R-40) is consistent with the Carpenter Community Plan, though the density allowed in R-40 (1.08 du/acre) is on the low end of the density envisioned in the Carpenter Community Plan (1-3 du/acre.)

Growth Management Plan

The Growth Management Plan includes the following two 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.

Analysis: Public infrastructure is located reasonably proximate to the site, and the site is located within five miles of major employment centers, including RTP, Centre Green Office Park on Aviation Parkway, and Weston Office Park on Weston Parkway.

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

Comment: The degree to which future development may or may not help meet this goal cannot be determined with this rezoning request, but may be determined at site plan review.

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

Comment: Residents at this location will have ready access to nearby parks and trails.

Comprehensive Transportation Plan

Good Hope School Road is designated as a Rural Collector

Existing Section: No existing section

Future Section: 60-foot right-of-way with a 36-foot roadway section (two lanes with 4 feet of paved shoulder and 2 feet of unpaved shoulder)

Sidewalks: 5-foot sidewalks required outside of the right-of-way with Town of Cary maintenance easements

Bicycle Lanes: Not specified – will be addressed at site plan

Transit: N/A

Status of Planned Improvements: N/A

McCrimmon Parkway Extension is designated as a Rural Thoroughfare

Existing Section: No existing section

Future Section: 100 feet of right-of-way with a 78-foot roadway section (four lanes with 18-foot median, including 14-foot-wide outside lanes)

Sidewalks: 5-foot sidewalks required

Bicycle Lanes: 14-foot-wide outside lanes accommodate bicycles

Transit: N/A

Status of Planned Improvements: N/A

Parks, Recreation & Cultural Resources

According to the Parks, Recreation and Cultural Resources Facilities 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

There are no documented historic resources on the subject property.

Summary Observations

This rezoning meets the Comprehensive Plan and other applicable, adopted plans, policies and documents, though the density allowed in R-40 (1.08 du/acre) is on the low end of the density envisioned in the Carpenter Community Plan (1-3 du/acre.)

OTHER 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	6-9
	Middle School	1-3
	High School	2-4
Total Projected range of additional students ²		9-16

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 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-34 Pittard Farms

AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE TOWN OF CARY TO CHANGE THE ZONING OF 20.88 ACRES OWNED BY PITTARD FARMS I LP, BY REZONING FROM OFFICE/RESEARCH & DEVELOPMENT (ORD) TO RESIDENTIAL 40 CONDITIONAL USE (R-40-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
Pittard Farms I LP 6820 Good Hope Church Road Cary, NC 27519-8870	0735871182	0089550	19.70
	0735767464	0211717	1.18
Total Area			20.88

Section 2:

That this Property is rezoned from ORD to R-40-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. School and Religious Assembly uses shall be prohibited.

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

Adopted and effective: January 15, 2015

Harold Weinbrecht, Jr.
Mayor

Date