

STAFF REPORT

Town Council, April 21, 2015

Weldon Ridge PDD Amendment Rezoning (Tract SF-11) 14-REZ-30 (PL15-017b)

Consider action on proposed rezoning request

Speaker: Ms. Mary Beerman

From: Jeffery G. Ulma, AICP, Planning Director

Prepared by: Mary Beerman, Senior Planner

Approved by: Benjamin T. Shivar, Town Manager

Approved by: Russ Overton, Assistant Town Manager

REQUEST

To amend the Town of Cary Official Zoning Map to establish initial Town of Cary zoning by amending the previously-approved Weldon Ridge Planned Development District (PDD) to:

- 1) Add approximately 7.33 acres located at 1052 and 1100 Ferson Road, currently zoned Wake County Residential 40 (R-40), to the Weldon Ridge PDD; and
- 2) Amend land uses allowed on a 0.6-acre portion of a parcel located at 1056 Ferson Road that is currently within the existing Weldon Ridge PDD.

In addition, the Conservation Residential Overlay District (Low Density Conservation Residential Subdistrict) and Watershed Protection Overlay District (Jordan Lake sub-area) would be applied to the 7.33 acres located at 1052 and 1100 Ferson Road.

The rezoning request would allow development of up to 12 detached dwellings on the subject property, which would be identified as (new) Tract SF-11 of the Weldon Ridge Planned Development District.

There is an owner-Initiated annexation petition, case number **14-A-16**, associated with the rezoning.

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)	Existing Zoning District	Deeded Acreage
1100 Ferson Road LLC	0724256438	0021974	Wake County R-40W	5.00 ±
Harvey Allen & Melanie Beth Moore	0724259652	0125816	Wake County R-40W	2.33 ±
Glennjan LCC	0724268303 Portion	0143647 Portion	Planned Development District	0.6 ±
Total Area				7.93 ±

PROJECT HISTORY

The Weldon Ridge PDD (originally known as Forest Oaks PDD) was first approved in 2004. The current PDD master plan covers an area of approximately 446 acres and allows for a maximum of 693 dwelling units, with a maximum gross density of 1.55 dwelling units per acre. The proposed amendment would add 12 detached residential units to the PDD on 7.93 acres, increasing the maximum number of units to 705. The applicant has labeled the subject property as Tract SF-11 on the proposed PDD Master Plan.

BACKGROUND INFORMATION

Applicant	Property Owners		
Agent	Glenda Toppe, Glenda S. Toppe & Associates 4139 Gardenlake Drive Raleigh, NC 27612		
Acreage	7.93 ±		
General Location	1052 and 1100 Ferson Road, and a portion of 1056 Ferson Road		
Schedule	Public Hearing January 28, 2015	Planning & Zoning Board March 16, 2015	Town Council April 21, 2015
Land Use Plan Designation	Very Low Density Conservation Residential (VLCR)		
Existing Zoning District(s)	Wake County Residential 40 (R-40) (<i>1052 and 1100 Ferson Road</i>); Planned Development District (Major), (Weldon Ridge PDD) (<i>1056 Ferson Road</i>)		
Existing Zoning Conditions	Per previously-approved Weldon Ridge PDD document and Master Land Use Plan		
Proposed Zoning District	Planned Development District (PDD) Major, (Weldon Ridge PDD) Conservation Residential Overlay District, LCR sub-district and Watershed Protection Overlay District (Jordan Lake sub-district)		
Proposed Zoning Conditions	Maximum of 12 detached dwellings on new Tract SF-11, per amended Weldon Ridge PDD document and Master Land Use Plan		
Town Limits	A portion of the subject property (<i>1052 and 1100 Ferson Road</i>) is located outside the corporate limits and the Town of Cary ETJ. An owner-initiated annexation petition, 14-A-16, has been submitted by the property owners in conjunction with this rezoning request. The remainder of the subject property (<i>0.6-acre portion of 1056 Ferson Road</i>) 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 (Weldon Ridge PDD): vacant (Weldon Ridge Tract SF 9, *approved for detached residential use at a density of 1.8 dwelling units per acre*)

South (*opposite side of Ferson Road*) – Wake County Residential 40 (R-40); detached residence

East– Residential 40 (R-40); open space (Copperleaf Glen Subdivision)

West (*opposite side of American Tobacco Trail and E. Ferrell Road*) – Wake County Residential 40 (R-40); detached residence

CONSISTENCY WITH LAND DEVELOPMENT ORDINANCE

Land Use

The Land Use Plan designation of Conservation Residential Low Density is implemented via application of the Conservation Residential Overlay District (CROD), Very Low Density Conservation Residential (VLCR) Subdistrict. The provisions of this district and subdistrict are given by Section 4.4.3 of the LDO. Those provisions allow development of detached residential uses, with the maximum gross density dependent on the conservation subdivision provisions of that Section. The proposed amendment to the

Weldon Ridge PDD Master Land Use Plan limits development on the subject property (7.93 acres) to a maximum of 12 detached dwellings.

Density and Dimensional Standards

	Existing and Proposed PDD District
Minimum Lot Size	15,000 square feet
Minimum Lot Width	None specified
Front Yard Setback	20' from public streets
Side Yard Setback	10'
Rear Yard Setback	20'

Landscape Buffer

Segment of Perimeter	Minimum Buffer Required by LDO	Applicant's Proposal
Eastern Boundary (<i>adjacent to Copperleaf Reserve open space</i>)	None required adjacent to permanent open space	Per LDO
Northern Boundary (<i>adjacent to Weldon Ridge Tract SF-9</i>)	20' Type B landscape area	Per LDO
Western Boundary (<i>adjacent to American Tobacco Trail</i>)	50' Type A landscape buffer	Per LDO

Streetscape

Ferson Road and E. Ferrell Road are designated as local streets on Cary's Comprehensive Transportation Plan. Streetscape provisions of the LDO do not apply to residential uses on local streets.

Traffic

The proposed PDD amendment would result in a maximum of 12 additional dwelling units. Based on the ITE Trip Generation Manual, Land Use Code 210 – Single Family Detached Housing Units, the proposed PDD amendment is anticipated to generate approximately 18 am and 16 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

Neighborhood Meeting

According to the applicant, a neighborhood meeting for the proposed rezoning was held on September 18, 2014. According to the information submitted by the applicant, nine residents 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 (January 28, 2015)

There were no speakers at the public hearing other than the applicant. A council member asked for clarification regarding potential improvements to Ferson Road. *(Staff responded that specific improvements would be determined during subdivision plan review. The portion of Ferson Road between the subject property and the existing end of pavement (at the entrance to the Copperleaf Glen Subdivision) would need to be improved to accommodate two-way traffic and emergency vehicles. This*

would require a paved width of approximately 22 feet. Additional width could be added as needed to meet requirements of the Comprehensive Transportation Plan as other properties along Ferson Road are developed. Ferson Road is currently located within a 60-foot NCDOT right-of-way.)

Planning and Zoning Board Meeting (March 16, 2015)

Board members asked several questions regarding potential improvements to Ferson Road. The Planning and Zoning Board recommended approval of the request by a vote of 9-0.

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

Land Use Plan

The subject property is located within the **Southwest Area Plan** where it is designated as appropriate for Very Low Density Conservation Residential (VLCR) development. A VLCR designation means the property is appropriate for single-family detached residential, and subdivisions can be designed either using (a) conventional subdivision design with lot sizes of at least 40,000 square feet, or (b) conservation subdivision design, which allows lot sizes to be reduced in proportion to the amount of additional permanent open space provided, with gross density capped at 1.5 dwellings per acre, and lot sizes not less than 15,000 square feet. The maximum density for conservation subdivisions is proportional to the amount of additional, non-regulatory open space provided. (See Chapter 2 of the plan document for details and exceptions.)

The applicant is proposing to form the site into a new Tract SF-11 as part of the Weldon Ridge PDD. The proposed Weldon Ridge PDD text amendment includes the following relevant stipulations for the site:

- The site will have a maximum density of 1.5 dwellings per gross acre, and no more than 12 dwellings total. (Section 1.3.2 of PDD Amendment)
- The site will meet the recommendations of the Southwest Area Plan for the VLCR land use category. (Section 1.3.3 of PDD Amendment)
- Open space will be provided per the requirements of the Southwest Area Plan, with a minimum of one acre of bonus open space. (Section 1.3.5 of PDD Amendment)

Analysis: Staff offers the following observations:

- In general, most subdivisions within the VLCR and LCR areas of the Southwest Area Plan have occurred using the pre-existing R-40 base zoning, with the Conservation Overlay District. However, at the time of creation of the overlay district, two PDD's were already in existence in the VLCR and LCR plan areas: Weldon Ridge PDD and Copperleaf PDD. Past practice has been to allow properties adjacent to those pre-existing PDD's to develop either by using the base R-40 zoning and the conservation district overlay, or by combining with the adjacent PDD. In the latter case, such PDD amendments have in turn reflected the Southwest Plan's recommendations for the VLCR areas. The subject rezoning is therefore consistent with this practice.

- If the subject parcels were not incorporated into the Weldon Ridge PDD, they would not meet the minimum size requirements under ordinance to use the Conservation Residential Overlay Zoning District (CROD). The CROD requires a minimum assemblage of 10 acres, while the site is 8 acres. (Note: While the overlay zoning district specifies a minimum assemblage size, the Southwest Plan does not.)
- The proposed type of housing, single-family-detached, conforms to the area plan.
- The proposed maximum density conforms to the area plan.
- The proposed rezoning stipulates that the amount of bonus open space that will be provided will conform to the amount necessary to achieve the requested housing unit count, per Southwest Area Plan and CROD requirements.

Planning History

- 1996. At the time of adoption of Cary's townwide Land Use Plan in 1996, the site was recommended for either Low Density Residential (LDR) at 1-3 dwellings per acre, or for Traditional Neighborhood Development (TND).
- 2004. With adoption of the Southwest Area Plan, the site's land use designation was changed to Very Low Density Conservation Residential (VLCR), with a maximum potential density of one dwelling per acre.
- 2009. The Southwest Area Plan was amended in 2009 to reflect revisions made to the Conservation Residential Overlay District in the LDO. The site remained designated as VLCR, but the maximum potential density was increased to 1.5 dwellings per acre.

Growth Management Plan

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

- Guiding Principle L1: Concentrate growth near existing and planned employment centers and available and planned infrastructure to minimize costly service-area extensions.
Analysis: Development within the Very Low Density Conservation Residential portion of Cary's planning area is not intended to be an area where intense development is concentrated. Rather, through the plan and the Conservation Residential Overlay District, the intent is foster lower-intensity development. The requested rezoning conforms to that intent.
- Guiding Principle L2: Ensure that future growth protects sensitive natural resources and protects open space.
Analysis: Residential development within the Conservation Residential Overlay District provides deliberate incentives to encourage the preservation of additional open space, and to conserve significant natural resources.
- Guiding Principle R1: Ensure that adequate infrastructure and services are available concurrently with new development.
Analysis: Utilities are available in close proximity north and northeast of the site.

Affordable Housing Plan

The Affordable Housing Plan includes the following goals:

1. Provide for a full range of housing choices for all income groups, families of various sizes, seniors, and persons with special challenges.
2. 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.
3. 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 and affordable apartments for individuals and families earning up to 60% of the area median income.

Observations: Based on the proposed rezoning request, the goals of the adopted Affordable Housing Plan are not applicable to, or likely to be supported by, this case.

Comprehensive Transportation Plan

Ferson Road

Road Classification: Local

Existing Section: Gravel road (with exception of frontage along Copperleaf Glen, which is 20 feet paved section), narrowing to one lane at terminus, in 60-foot variable-width right of way (*Ferson Road begins at its intersection with Morrisville Parkway, and terminates at the subject property*).

Future Section: 27-foot back-of-curb to back-of-curb in 50-foot right-of-way

Sidewalks: Required on one side of a local road

Bicycle Lanes: N/A

Transit: N/A

Status of Planned Improvements: N/A

Parks, Recreation & Cultural Resources

According to the Parks, Recreation and Cultural Resources Facilities Master Plan, the property is located adjacent to the American Tobacco Trail, and in accordance with the LDO pedestrian connections to the ATT will be required.

A recreation fund payment or park land dedication will be required in accordance with the Land Development Ordinance. Staff has recommended that a recreation fund payment be made for this site in lieu of a land dedication.

These comments were reviewed and approved by the PRCR Advisory Board at its December 1, 2014 meeting.

Open Space Plan

According to the Open Space Plan and its priority inventory, a large amount of the site was identified as having agricultural uses and mixed hardwood and conifer forests, especially on the western half of the site.

Historic Preservation Master Plan

According to the Wake County real estate database, the house located on one of the subject parcels (1100 Ferson Road) was built circa 1938. Alterations have changed the historic character of the house, therefore, it was not included in the Cary Architectural and Historic Inventory and is not a priority for preservation.

Summary Observations

SUMMARY OF STAFF OBSERVATIONS REGARDING PLAN CONSISTENCY	
Comprehensive Plan Element	Staff Observation
Southwest Area Plan	The requested zoning conforms to this plan.
Growth Management Plan	The requested zoning supports several guiding principles from this plan.
Affordable Housing Plan	The requested rezoning is unlikely to advance the goals of this plan.
Comprehensive Transportation Plan	The requested rezoning is consistent with this plan.
PRCR Master Plan	The requested rezoning is consistent with this plan.
Open Space Plan	The requested rezoning may help to advance some of the goals of this plan. The bonus open space provisions are used to preserve additional open space.
Historic Preservation Master Plan	While the site contains a ca. 1938 home, the house has not been included in Cary's new inventory of historic resources.

OTHER REFERENCE INFORMATION

Schools <i>This information is being provided for your review; however, the Wake County Board of Education controls capital projects for school capacities.</i>	Type ¹	Projected Range of Additional Students ²
	Elementary School	3-5
	Middle School	1-2
Total Projected range of additional students ²		5-9
¹ Information regarding specific Wake County Public School assignment options may be found by visiting the following: http://assignment.wcpss.net/preview/myplan.html		
² The <i>Projected Range of Additional Students</i> 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-30 Weldon Ridge PDD Amendment (Tract SF-11)

AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE TOWN OF CARY BY ADDING APPROXIMATELY 7.93 ACRES TO THE PREVIOUSLY APPROVED WELDON RIDGE PLANNED DEVELOPMENT DISTRICT TO ALLOW UP TO 12 DETACHED RESIDENTIAL UNITS, AND APPLYING THE CONSERVATION RESIDENTIAL OVERLAY DISTRICT AND WATERSHED PROTECTION OVERLAY DISTRICT (JORDAN LAKE SUB-DISTRICT).

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)	Existing Zoning District	Deeded Acreage
1100 Ferson Road LLC	0724256438	0021974	Wake County R-40W	5.00 ±
Harvey Allen & Melanie Beth Moore	0724259652	0125816	Wake County R-40W	2.33 ±
Glennjan LCC	0724268303 Portion	0143647 Portion	Planned Development District	0.6 ±
Total Area				7.93 ±

Section 2:

That this Property is rezoned to PDD, CROD, Watershed Protection Overlay District (Jordan Lake Sub-district) and subject to the individualized development conditions set forth in the "Weldon Ridge Planned Development District" document dated June 22, 2006 and on file in the Planning Department, as amended by the "Weldon Ridge Planned Development District Amendment" document approved by the Town Council as of this date and on file in the Planning Department, 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.

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 set forth in the Weldon Ridge Planned Development District document dated June 22, 2006, and on file in the Planning Department, as amended by the "Weldon Ridge Planned Development District Amendment" document approved by the Town Council as of this date and on file in the Planning Department.

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

Adopted and effective: April 21, 2015

Harold Weinbrecht, Jr.
Mayor

Date