

STAFF REPORT

Town Council, June 11, 2015

Wackena Road South Rezoning 14-REZ-28 (PL15-034b)

Consider action on a proposed rezoning request

Speaker: Ms. Debra Grannan

From: Jeffery G. Ulma, AICP, Planning Director

Prepared by: Debra Grannan, 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 by rezoning approximately 14.58 acres located on the south side of Wackena Road from Residential 40 (R-40) to Residential 8 Conditional Use (R-8-CU).

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
Michael W. and Adele Sommerville 1404 Wackena Road Cary, NC 27519	0735315492	0084268	4.4 ±
Alfred and Jeanellen Newkirk 1704 Wackena Road Cary, NC 27519	0735511148	0227774	5.03 ±
Ronald A. Lewis and Lynette J. Lewis 1624 Wackena Road Cary, NC 27519	0735514004	0227775	2.99 ±
James A. Duke, Jr. 135 Cofield Circle Durham, NC 27707	0735516019	0086936	2.16 ±
Total Area			14.58 ±

BACKGROUND INFORMATION

Applicants	Michael W. and Adele Sommerville Alfred and Jeanellen Newkirk Ronald A. Lewis and Lynette J. Lewis James A. Duke, Jr.		
Schedule	Town Council Public Hearing October 30, 2014	Planning & Zoning Board February 16, 2015	Town Council Meeting April 21, 2015 Tabled June 11, 2015
Location	1404, 1624, 1704 and 0 Wackena Road		
Land Use Plan Designation	Medium Density Residential (MDR) with Note #19 on the Northwest Area		

	Plan
Existing Zoning District(s)	Residential 40 (R-40) and Watershed Protection Overlay District (Jordan Lake sub-district)
Existing Zoning Conditions	None
Proposed Zoning District(s)	Residential 8 Conditional Use (R8-CU) and Watershed Protection Overlay District (Jordan Lake sub-district)
Proposed Zoning Conditions	<ol style="list-style-type: none"> 1. Use shall be limited to detached residential 2. Density shall be limited to 3.1 dwelling units per acre. 3. The developer or property owners shall not submit any development plans or real estate plats for further subdivision of the subject property to the Town of Cary prior to October 1, 2016.
Town Limits	The subject property 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	Debra Grannan Senior Planner Debra.grannan@townofcary.org (919) 460-4980

SITE CHARACTERISTICS

Streams: According to Cary's GIS maps, a portion of the parcel located at 1704 Wackena Road is impacted by a stream buffer. No floodplain or wetland areas are identified on Cary's GIS maps of any of the subject properties. Field determination of such features will be required at the time of development plan review.

Adjacent Use and Zoning

1404 Wackena Road

North: (Opposite side of Wackena Road) Detached residential (Currently R-40; Subject to a rezoning request for R-8-CU, case 14-REZ-08).

South: Vacant (R-40)

East: Detached residential (R-40)

West: Detached residential (R-40; subject to a rezoning request for R8-CU, case 14-REZ-08)

Other Parcels

North – (Opposite side of Wackena Road) Detached residential (Currently R-40; Subject to a current rezoning request for R-8-CU)

South – Vacant (R-40 and PDD; Highcroft Village PDD)

East: Open Space (PDD; Highcroft Village PDD)

West: Detached residential (R-40; subject to a rezoning request for R-8-CU)

CONSISTENCY WITH LAND DEVELOPMENT ORDINANCE

Density and Dimensional Standards

	Existing Zoning District Residential 40 (R-40)	Proposed Zoning District Residential 8 Conditional Use (R-8-CU)
Max. Gross Density (du/ac)	1.08	5.44 du/ac. (Typical LDO Standard for R-8) 3.1 du/ac. Proposed by applicant
Min. Lot Size (sq. ft.)	40,000	8,000
Minimum Lot Width (feet)	With Septic Tank/Well: 150 (160 for corner Lots)	60 (70 for Corner Lot)

	With public sewer: 125 (135 for corner lots)	
Minimum Roadway Setback (feet)	From thoroughfare: 50 From collector: 30 From other streets: 20	From thoroughfare: 50 From collector: 30 From other streets: 20
Side Yard Setback (feet)	With septic tank/well: 20 With public sewer: 15	Minimum: 5 Combined: 20
Rear Yard Setback (feet)	30	20
Maximum Building Height (feet)	35	35
The applicant has proposed to comply with the setbacks and dimensional standards that are typical for an R-8 zoning district.		

Landscape Buffer: In accordance with Chapter 7 of Cary's LDO, a 20-foot-wide landscape area planted to a Type B (semi-opaque) standard is required between two residential developments with lots 8,000 square feet or greater in size. The landscape area may be located on individual lots.

Streetscape: In accordance with Chapter 7 of Cary's LDO, Wackena Road is designated as a collector road and a 30-foot Type A streetscape shall be required. No streetscape is required along local residential roads.

Traffic

The proposed rezoning, which has the potential to yield 45 detached residential homes, did not exceed the threshold for 100 peak hour trips; therefore, no traffic study is required at the time of rezoning

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

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 27, 2014. According to the information submitted by the applicant, six residents attended the meeting. Questions and concerns expressed 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 request and noted that no protest petitions had been submitted. Adel Cunningham spoke on behalf of all the applicants and asked for support for the request. She stated that she and her neighbors were seeking a zoning designation that was similar to nearby, recently approved rezoning cases. She added that the request was consistent with the Northwest Area Plan and Comprehensive Land Use Plan designation of Medium Density Residential. During the public hearing a

second land owner, Lynette Lewis, spoke about the significant changes that were occurring adjacent to this property and asked council to support the request. No one else spoke during the public hearing.

One council member noted school overcrowding, especially middle schools, as a concern.

Changes Since the Town Council Public Hearing

None

Planning and Zoning Board Meeting (March 16, 2015)

Staff presented the case, noted that there was not a valid protest and pointed out the concerns regarding the extension of Highcroft Avenue as shown on the Town's Comprehensive Transportation Plan. Staff indicated that a fragmented approach to rezoning properties in this area leaves uncertainty as to who would build the future collector road. Michael Somerville, speaking on behalf of the subject property owners, described the consistency of the proposed zoning with the Town's Land Use Plan and stated the property owner's goal of obtaining a zoning designation that is similar to that being requested for adjacent parcels. The board discussed the request and recommended that the case be scheduled such that it is presented to Town Council for final action the same time as the adjacent Wackena Road Rezoning Case (14-REZ-08.)

The Planning and Zoning Board voted 7-2 to forward the case to Town Council with a recommendation for approval.

Changes Since the Planning and Zoning Board Meeting

None

Town Council Meeting (April 21, 2015)

The case was tabled to allow the applicants an opportunity to consider an additional zoning condition.

Changes Since the Town Council Meeting

The applicants have proposed a new condition restricting the timing on submitting development plans or subdivision plats.

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 and the Northwest Area Plan

For this site, the governing land use element of the Comprehensive Plan is the Northwest Area Plan which recommends this area be used for Medium Density Residential (MDR) development. MDR is defined as single-family attached or detached housing at three to eight units per acre. The Northwest Area Plan's Future Land Use Map includes Note #19 that applies to the subject site, as well as to a much larger surrounding area. Note 19 provides recommendations for most of the area between Morris Branch in the north, Panther Creek in the south, west of the Western Wake Expressway, and east of NC Highway 55. The note stipulates:

"Note 19. Housing within this area, taken as a whole, should have a substantial mix of at least two or more of the following residential use types: detached, duplex, or patio dwelling, semi-detached/attached dwelling, and/or townhouse. There should also be a variety of lot sizes, and an overall density of about three to eight dwellings/acre. In the event of single-family-detached housing, no mix shall be required."

Planning History for the Site

- 1996. At the time Cary's town wide Land Use Plan was adopted in 1996, the Plan Map recommended that the Wackena and Indian Wells Road area be developed as Low Density Residential (LDR). LDR was defined as single-family, 1-3 dwellings per acre. Traditional Neighborhood Development (TND) was also identified as an option.
- 2002. The future land use recommendations were updated in September 2002, with adoption of the Northwest Area Plan. The Northwest Area Plan changed the future land use recommendations for the area from LDR to Very Low Density Residential (VLDR). VLDR was defined as single-family, with lots of 2-3 acres or more. This change reflected the wishes of the Wackena and Indian Wells Roads neighborhood to maintain their existing large-lot rural neighborhood that had been in place since the 1970's.
- 2007. By 2007, the wishes of the neighborhood had changed, and the neighborhood collectively submitted a Comprehensive Plan Amendment request (case 07-CPA-04) to change that land use designation from VLDR to MDR (Medium Density Residential). That amendment was approved by Town Council on October 25, 2007.

Analysis: The following analysis evaluates the conformance of the proposed rezoning with the Northwest Area Plan:

1. Housing Type. The proposed zoning district, R-8-CU, allows for single-family-detached housing. This housing type fully conforms to the MDR land use category, and to Note 19 of the Northwest Area Plan.
2. Transitions. As described under Planning History above, the entire Wackena and Indian Wells neighborhood expressed a desire to redevelop at MDR densities in 2007. This rezoning case is the fourth recent case submitted by neighborhood owners to redevelop at densities higher than that of the original neighborhood (the first three cases being 12-REZ-06, 13-REZ-23, and 14-REZ-08). Until such time as the entire original neighborhood redevelops according to the new plan, there will be some original lots exceeding one acre in size, adjacent to the new sites that have been rezoned for lots of significantly smaller R-8 size. Transitions to locations adjacent to the overall neighborhood are well-defined and adequate, since they are formed by stream buffers north, south, and west of the neighborhood. Areas immediately east of the neighborhood should be compatible, since they are also recommended for MDR.

Growth Management Plan

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

- Guiding Principle R1: Ensure that adequate infrastructure and services are available concurrently with new development.

Analysis: The site is in an infill location, and public services (water, sewer) are available in close proximity.

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

Analysis: The site is located less than three miles from the southern entrance to Research Triangle Park. The provision of housing in this location will help to support short commute trip lengths.

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

Analysis: The site is located in the northwest area, the entirety of which has been identified as a preferred growth area. In addition, the site is close to a major employment center (RTP).

- Guiding Principle L2: Ensure that future growth protects sensitive natural resources and protects open space.

Analysis: The properties do not appear to contain sensitive riparian areas. Additional analysis is provided under the “Open Space Plan” section, below.

Affordable Housing Plan

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

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

Comments: A single-family-detached residential neighborhood may or may not support the goals of the Affordable Housing Plan.

Comprehensive Transportation Plan

Wackena Road

Road Classification: Collector Street

Existing Section: +/-18-foot, 2-lane roadway on 60-foot ROW

Future Section: 3-foot, 2-lane roadway on 60-foot ROW

Sidewalks: Required on both sides

Bicycle Lanes: Required 4-foot-striped bike lanes

Transit: No existing or proposed routes at this time

Future Highcroft Drive *(In the general vicinity of the site, but the current CTP does not show this roadway traversing any of the subject parcels.)*

Road Classification: Collector Avenue

Existing Section: N/A

Future Section: Collector Avenue 58- to 70-foot ROW required depending on cross-section (2 options)

Sidewalks: Required on both sides

Bicycle Lanes: Required 4-foot-striped bike lanes

Transit: No existing or proposed routes at this time

Staff has noted concerns that the configuration of parcels which are part of this case, along with the Wackena Road case 14-REZ-08, will leave three (3) separate segments of future Highcroft Drive unconstructed. During the public hearings staff noted that, based on the limited amount of developable land adjacent to the three segments, it is unlikely that the three segments would be constructed by development and they would likely become Town projects.

Since the Planning and Zoning Board meeting for the subject property, the applicants for Wackena Road case 14-REZ-08 have proposed a zoning condition to provide road improvements on an approximate 460 foot portion of one of these segments. (The applicants for the subject property, The Wackena Road South case have not offered any traffic-related zoning conditions.)

Even with this proposed improvement, future development associated with the rezoning cases in the vicinity will leave three segments of approximately 650, 600, and 290 feet missing to complete the Highcroft Drive corridor between Morrisville Parkway and Carpenter Fire Station Road. The corridor is the only north-south connection to those thoroughfares from Green Level Church Road to NC 55. Highcroft Drive will serve as an important link for neighbors in the area between neighborhoods, local parks, shopping centers, and schools. The collector street will be the local alternative to NC 55 and

Green Level Church Roads for residents to reach these amenities by car, bike, and foot. It will also be an important link for the provision of Town municipal and emergency services, particularly fire department service from Stations 7 and 8.

It should be noted that development as proposed may require the Town to complete these links, including design, right-of-way acquisition, permitting, and construction. Planning level estimates are that the three projects would cost approximately \$3.5-4.5 million. Depending on the timing of the project, there may be public opposition to connecting the roadway sections to stubs of Highcroft Drive that are acting as cul-de-sacs without the connections.

Future Highcroft Drive Extension through the site

Road Classification: Collector Avenue
Existing Section: N/A
Future Section: Collector Avenue 58- to 70-foot ROW required depending on cross-section (2 options)
Sidewalks: Will be required on both sides
Bicycle Lanes: 4-foot-striped bike lane will be required
Transit: No existing or proposed routes at this time

Availability of Transit Service: The nearest existing fixed-route transit service is provided by Triangle Transit Route No. 311 along NC 55 Highway, about 0.6 miles east of the site. The long-range expansion plan for C-Tran does anticipate future fixed-route service along Green Level Church Road, approximately one mile west of the site, on the opposite side of the I-540 Western Wake Expressway. Access would be via the planned Panther Creek Greenway extension, linking the site via a greenway tunnel under the Western Wake Freeway to the Mills Park schools and Green Level Church Road. Neither the date of such service, nor its funding, has been established.

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.

These comments were reviewed and approved by the Town’s PRCR Advisory Board at its November 2014 meeting.

Open Space Plan

According to the Open Space Plan the western most parcel was covered in mixed hardwood and conifer forest; however, it appears that since the plan was completed, the majority of that parcel was cleared for residential development.

Historic Preservation Master Plan

According to the Historic Preservation Master Plan, there are no historic structures on the subject properties.

Summary Observations

This rezoning request is generally consistent with the Land Use, Growth Management, Transportation, Parks, Open Space, and Historic Preservation elements of Cary’s Comprehensive Plan, while it is unclear whether or not the proposal furthers the goals of the Affordable Housing Plan. There is a concern in regard to the piecemeal development pattern of the subject properties as it relates to the building of a transportation network in the area.

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	13-19
	Middle School	3 - 7

	High School	3 – 8
Total Projected range of additional students ²		19 - 34
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 an 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 45 three-bedroom homes could yield 19 additional students, while 45 homes with greater than three bedroom units could yield 34 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 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-28 WACKENA ROAD SOUTH

AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE TOWN OF CARY TO CHANGE THE ZONING OF APPROXIMATELY 14.58 ACRES LOCATED ON WACKENA ROAD, BY REZONING FROM RESIDENTIAL 40 TO RESIDENTIAL 8 CONDITIONAL USE (R-8-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
Michael W. and Adele Somerville 1404 Wackena Road Cary, NC 27519	0735315492	0084268	4.4 ±
Alfred and Jeanellen Newkirk 1704 Wackena Road Cary, NC 27519	0735511148	0227774	5.03 ±
Ronald A. Lewis and Lynette J. Lewis 1624 Wackena Road Cary, NC 27519	0735514004	0227775	2.99 ±
James A. Duke, Jr. 135 Cofield Circle Durham, NC 27707	0735516019	0086936	2.16 ±
Total Area			14.58 ±

Section 2:

That this Property is rezoned from Residential 40 (R-40) to Residential 8 Conditional Use (R-8-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. Use shall be limited to detached residential
2. Density shall be limited to 3.1 dwelling units per acre.
3. The developer or property owners shall not submit any development plans or real estate plats for further subdivision of the subject property to the Town of Cary prior to October 1, 2016.

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

Adopted and effective: *June 11, 2015*

Harold Weinbrecht, Jr.
Mayor

Date