

STAFF REPORT

Town Council Meeting, April 21, 2015

Orum Property Rezoning 14-REZ-29 (PL15-050a)

Consider action on a 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 by rezoning approximately 26.04 acres located at 1600 and 1720 High House Road from Residential 40 (R-40) to Transitional Residential Conditional Use (TR-CU) with zoning conditions that include limiting land use to detached dwellings with a maximum density of 2.6 dwelling units per acre, and removing the subject property from the Mixed Use Overlay District (Cornerstone Community Activity Center).

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
Kathy Orum, Trustee 1600 High House Road Cary, NC 27513	0744648136	0206402	21.08
John Edward Orum 1600 High House Road Cary, NC 27513	0744730917	0103896	4.96
Total Area			26.04

BACKGROUND INFORMATION

Applicant	Kathy Orum, Trustee, and John Edward Orum		
Agent	Glenda Toppe, Glenda S. Toppe & Associates 4139 Gardenlake Drive Raleigh, NC 27612		
Acreage	26.04 ±		
General Location	1600 and 1720 High House Road		
Schedule	Public Hearing October 30, 2014	Planning & Zoning Board Public Hearing March 16, 2015	Town Council April 21, 2015
Land Use Plan Designation	Low Density Residential (LDR) <i>An associated Comprehensive Plan Amendment (14-CPA-06) was approved by the Town Council on February 12, 2015</i>		
Existing Zoning District(s)	Residential 40 (R-40); Mixed Use Overlay District, Cornerstone sub-area		
Existing Zoning Conditions	None		
Proposed Zoning District(s)	Transitional Residential Conditional Use (TR-CU) and remove from the Mixed Use Overlay District		
Proposed Zoning Conditions	<ol style="list-style-type: none"> 1. Land use shall be limited to detached residential and neighborhood recreation. 2. The minimum lot size shall be 7,000 square feet. 		

<i>(Condition 4 was added after the Town Council public hearing).</i>	3. The maximum density shall be 2.6 dwelling units per acre. 4. The final plat shall include a note stating that all homes will be constructed on a crawl or basement foundation, or 12-inch elevated slab.
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	Mary Beerman, Senior Planner (919) 469-4342 mary.beerman@townofcary.org

SITE CHARACTERISTICS

Streams: The northern boundary of the site is delineated by a stream, subject to 100-foot buffers on each side of the stream bank.

Adjacent Zoning and Land Use:

North – Residential 12 Conditional Use (R12-CU); Georgetowne Subdivision (*Minimum lot size: 12,000 sq. ft.; Average lot size: 14,200 sq. ft.*)

South – Planned Development District, Major (Sears Farm PDD); detached dwelling

East – Planned Development District, Major (Preston PDD); open space

West – Residential 40 (R-40) in Cornerstone Mixed Use Overlay District; The Bradford mixed use development

CONSISTENCY WITH LAND DEVELOPMENT ORDINANCE

Land Use

Detached dwellings are a permitted use in the Transitional Residential Zoning District.

Density and Dimensional Standards

	Existing Zoning District (R-40)	Conventional TR Zoning District	Proposed Zoning District (TR-CU)
Max. Gross Density	1.08 du/acre	6.0 du/acre	2.6 du/acre
Min. Lot Size	40,000 square feet	5,000 square feet	7,000 square feet
Minimum Lot Width	150 feet (160 feet for corner lots)	40 feet for detached dwellings	
Roadway Setback	30 feet from High House Road		
Side Yard Setback	20 feet (<i>with septic tank/well</i>) 15 feet (<i>with public sewer</i>)	The combined setback for both side yards is 6 feet. A firewall is required where the setback on either side is less than 3 feet.	
Rear Yard Setback	50 feet	Minimum 3 feet, with combined front and rear setback of at least 35 feet	
Maximum Building Height	35 feet (<i>May be increased by one foot for every additional foot provided between the building footprint and the minimum required setback.</i>)		

Landscape Buffer

Location	Adjacent Use	Required Buffer
Northern Boundary	detached dwellings (Georgetowne Subdivision)	30' Type B (semi-opaque) buffer
Eastern Boundary	open space (Preston PDD)	20' Type B (semi-opaque) buffer
Western Boundary	multi-family residential	20' Type B (semi-opaque) buffer

	commercial	30' Type A (opaque) buffer
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Streetscape

A 50-foot-opaque streetscape is required adjacent to High House Road.

Traffic

The proposed conditions limit this development to 2.6 dwelling units per acre, so a maximum of 68 single-family dwelling units could be proposed. The ITE Single Family Dwelling Units (210) from the ITE Trip Generation Manual would generate 57 am and 74 pm peak hour trips. The threshold for a traffic study is 100 peak hour trips, therefore no study is required. The applicant proposed a zoning condition that there would be no access to Bridle Creek Drive. This condition cannot be accepted by the Town, as connectivity to adjacent streets is a LDO requirement. Zoning conditions that are less restrictive than LDO requirements cannot be legally accepted. Road layout and connectivity will be evaluated during Site Plan review in accordance with the LDO.

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 August 20, 2014. According to the information submitted by the applicant, 22 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 (October 30, 2014)

Two citizens spoke in support of the request. One speaker expressed concern with traffic and any future connection to Bridle Creek Drive (*see staff comments related to this issue under “Consistency with Land Development Ordinance – Traffic” above*).

Changes After the Town Council Public Hearing

The applicant submitted the following zoning condition after the October 30, 2014 public hearing:

- 5. *The final plat shall include a note stating that all homes will be constructed on a crawl or basement foundation, or 12-inch elevated slab.*

Planning and Zoning Board Public Hearing (March 16, 2015)

There were no speakers at the public hearing other than the applicant. A board member noted that the associated request to amend the Land Use Plan had been recently presented. The Planning and Zoning Board recommended approval of the request by a vote of 9-0.

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

A. Townwide Land Use Plan

Land Use Recommendations

For this site, the governing land use element of the Comprehensive Plan is the townwide Land Use Plan. That plan currently designates the site as Low Density Residential (LDR). LDR is defined as including single-family housing at densities of 1 to 3 dwellings per acre, and with lot sizes typically ranging from 12,000 to 40,000 square feet. In addition, neighborhood-supportive institutional uses may be considered, such as schools, daycares, and places of worship.

Planning History for the Site

- 1996. At the time Cary's townwide Land Use Plan was adopted in 1996, the Plan Map designated the subject parcels as "Low Density Residential or Traditional Neighborhood Development." The parcels were also identified as being on a quadrant of a Neighborhood Activity Center. However, in 1996 the Plan Map did not specify precise boundaries for activity centers.
- 2003. The town-wide Land Use Plan Map was amended (case 02-LPA-12) in conjunction with rezoning approval for the Riggsbee PDD (Stone Creek Village). This amendment changed the classification of the mixed-use activity center from a Neighborhood Activity Center (NAC) to a Community Activity Center (CAC).
- 2006. The Land Use Plan Map was updated to show delineated boundaries for each of the activity centers, corresponding to the boundaries of the associated Mixed Use Overlay Districts.
- 2009. The Land Use Plan document, Chapter 6, Section 6.2, was fully amended and updated to provide new metrics and guidelines for mixed-use activity centers. In particular, the Land Use Plan document now specifies that if a site is located in an activity center, and is not within an area plan, then a site is designated as LDR should be governed by the metrics table and uses given in Sections 6.2.5 through 6.2.7 of the plan document. (LDR in such cases effectively serves as a "holding zone" for future activity center development.)
- 2015. The Land Use Plan Map was amended on Feb. 12, 2015, to redesignate the parcels as Low Density Residential (LDR), and to remove them from the Community Activity Center.

B. Parks, Recreation & Cultural Resources

The Parks, Recreation and Cultural Resources Master Plan contains no recommendations related to greenways, or parkland that affect this site. In terms of access to nearby parks facilities, Bond Park is approximately 1 mile southeast of the site, and both Davis Drive Park and the Cary Tennis Park are within 1 ½ miles of the subject property.

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 January 1, 2014 meeting.

C. Growth Management Plan

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

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

Analysis: The site is adjacent to the Cornerstone Community Activity Center, which is by definition a preferred growth area.

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

Analysis: The area is served by utilities and bus transit. The site is located about 1½ miles from Green Hope Elementary School, 2 ¼ miles from Green Hope High School, and 1¼ miles from Davis Drive Middle and Elementary Schools.

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

Analysis: The area is served by utilities, and is adjacent to a large employment area – the Cornerstone Community Activity Center, which will include employment associated with approximately ¾ million square feet of nonresidential floor space. The proposed rezoning focuses growth into an infill site, thereby minimizing “costly service area extensions.”

D. 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.
- 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.
- 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.

Comments: The proposed rezoning would be unlikely to further any of the above-listed housing goals.

E. Comprehensive Transportation Plan

High House Road

Road Classification: Major Thoroughfare

Existing Section: Approximately 58 feet of roadway width in a varying 92-foot right-of-way

Future Section: 4-lane section with 18-foot median in a 78-foot back-to-back section within a 100-foot right-of-way

Sidewalks: 5-foot sidewalk required

Bicycle Lanes: 14-foot-wide outside lane

Status of Planned Improvements: N/A

Transit Service: The site is served by C-Tran Route 4, with service along High House Road. The future long-range service expansion plans for C-Tran also envision a future route along Davis Drive, approximately 1,400 feet west of the site. However, the future timing and funding of such a service expansion has not yet been determined

F. Open Space Plan

According to the Open Space Plan there are no significant natural resources on this site, other than some bottomland hardwood forest associated with the buffers along the stream on the site's northern boundary.

G. Historic Preservation Master Plan

This site has no identified historic resources.

Summary of Comprehensive Plan Analysis

- The rezoning is consistent with the Land Use Plan's designation for the property.

- On balance, the proposed rezoning could be considered consistent with the Growth Management Plan.
- The rezoning is unlikely to further the goals of the Affordable Housing Plan.
- The proposed rezoning presents no issues related to either the Open Space Plan or Historic Preservation Master Plan.
- The site will develop in conformance with the Comprehensive Transportation Plan and Parks, Recreation, and Cultural Resources Master Plans via the development plan review process.

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	19--59
	Middle School	4-22
	High School	5-26
Total Projected range of additional students ²		28-107
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-29 Orum Property

AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE TOWN OF CARY TO CHANGE THE ZONING OF 26.04 ACRES LOCATED AT 1600 AND 1720 HIGH HOUSE ROAD OWNED BY KATHY ORUM, TRUSTEE, AND JOHN EDWARD ORUM, BY REZONING FROM RESIDENTIAL 40 (R-40) TO TRANSITIONAL RESIDENTIAL CONDITIONAL USE (TR-CU) AND REMOVING THE SUBJECT PROPERTY FROM THE CORNERSTONE MIXED USE OVERLAY 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

Property Owner(s)	County Parcel Number(s) (10-digit)	Real Estate ID(s)	Deeded Acreage
Kathy Orum, Trustee 1600 High House Road Cary, NC 27513	0744648136	0206402	21.08

John Edward Orum 1600 High House Road Cary, NC 27513	0744730917	0103896	4.96
Total Area			26.04

Section 2: That this Property is rezoned from R-40 to TR-CU, and removed from the Cornerstone Mixed Use Overlay District, 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. Land use shall be limited to detached residential and neighborhood recreation.
2. The minimum lot size shall be 7,000 square feet.
3. The maximum density shall be 2.6 dwelling units per acre.
4. The final plat shall include a note stating that all homes will be constructed on a crawl or basement foundation, or 12-inch elevated slab.

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

Adopted and effective: *April 21, 2015*

Harold Weinbrecht, Jr.
Mayor

Date