

**Town of Cary, North Carolina  
Rezoning Staff Report  
13-REZ-11 Cary Park SF-10 PDD Amendment  
Town Council Meeting  
December 19, 2013**

**REQUEST**

To amend the Town of Cary Official Zoning Map by revising the previously-approved Cary Park Planned Development District to expand the land uses allowed on Tract SF-10 to include day care.

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 (10-digit)	Real Estate ID	Deeded Acreage
Cary Park Assoc. LLC 1450 Environ Way Chapel Hill, NC 27517	0725969739	0324347	1.85 ±

**BACKGROUND INFORMATION**

Applicant & Agent	Scott Murray, Scott Murray Land Planning, Inc.		
Acreage	1.85 ±		
General Location	Northeast corner of Green Level Church Road and McCrimmon Parkway intersection		
Schedule	<b>Public Hearing</b> November 21, 2013	<b>Planning &amp; Zoning Board</b> December 16, 2013	<b>Town Council</b> December 19, 2013
Land Use Plan Designation	Medium Density Residential (MDR)		
Existing Zoning District(s)	Planned Development District, Major (PDD, Major) (Cary Park PDD)		
Existing Zoning Conditions	Land uses allowed in Tract SF-10: Single-family detached, maximum 2.2 du/acre (4 units)		
Proposed Zoning District(s)	Planned Development District, Major (PDD, Major) (Cary Park PDD)		
Proposed Zoning Conditions	<ol style="list-style-type: none"> <li>1. Land uses in Tract SF-10 shall be limited to: single-family-detached, with a maximum density of 2.2 du/acre (4 units); or 10,600 square-foot day care center.</li> <li>2. An eastbound left turn lane shall be constructed on McCrimmon Parkway at Cary Glen Blvd., with 100 feet of storage and appropriate tapers to accommodate "u-turns".</li> <li>3. One right-in/right out access point shall be provided for access to McCrimmon Parkway. Access shall include one ingress lane, and one egress lane with stop sign.</li> <li>4. The required 30-foot streetscape along McCrimmon Parkway may be averaged, with a minimum width of 20 feet.</li> </ol>		
Town Limits	Yes		
Valid Protest Petition	No protest petition was submitted.		
Staff Contact	Mary W. Beerman (919) 469-4342 mary.beerman@townofcary.org		

**SUMMARY OF REQUEST**

Currently, single-family residential use with a maximum density of 2.2 dwelling units per acre (four units) is allowed in Tract SF-10 of the Cary Park PDD. The proposed amendment would add day care (up to 10,600 square feet) as a permitted use.

## SITE CHARACTERISTICS

**Streams and Floodplains:** According to Cary's GIS maps, a negligible portion of the southeast corner of the site is impacted by a stream buffer. Field determination of such features will be made at the time of site plan review.

### Adjacent Zoning and Land Use:

North – Planned Development District (Major) (Cary Park PDD); open space

South – Planned Development District (Major) (Cary Park PDD); open space (*opposite side of McCrimmon Parkway*)

East – Planned Development District (Major) (Cary Park PDD); open space

West – Planned Development District (Major) (Amberly PDD) (*opposite side of Green Level Church Road*); vacant

## CONSISTENCY WITH LAND DEVELOPMENT ORDINANCE

### Land Use

The permitted land uses within the various tracts of a Planned Development District (PDD) are as specified in the PDD document. Currently, single-family residential use with a maximum density of 2.2 units per acre (four units) is allowed in Tract SF-10 of the Cary Park PDD. The proposed amendment would add day care (up to 10,600 square feet) as a permitted use.

### Density and Dimensional Standards

	Existing PDD District (Tract SF-10)	Proposed Revision to PDD District (Tract SF-10)
Min Lot Size for Detached Dwellings	3,000 square feet	No change
Number of Dwellings	4	No change
Gross Density	Max. 2.2 du/acre	No change
Min. Lot Size	3,000 square feet	No change
Min. Setback From Street	10 feet	No change
Min. Side Yard Setback	12 feet aggregate, no minimum	No change
Min. Rear Yard Setback	10 feet	No change

### Landscape Buffer

A 40-foot Type A opaque buffer is required between a day care use on the subject property, and a vacant parcel in the Ridgefield Subdivision located adjacent to the northern boundary of the Cary Park PDD. Since the residential parcel is vacant and wooded, the required 40-foot buffer width is divided between the two parcels, with each providing at least half of the required width. A 25-foot-wide strip of common open space is shown on the Cary Park PDD Master Plan between the subject property and the Ridgefield Subdivision. This permanent open space satisfies the landscape buffer width required for the subject property.

### Streetscape

The Cary Park PDD specifies a 30-foot streetscape along McCrimmon Parkway. The proposed amendment includes a provision to provide an average streetscape width of 30 feet, with a minimum width of 20 feet, along the frontage of the subject property.

### Traffic

The applicant is proposing to rezone the property to O&I. To be conservative, the traffic consultant analyzed the most conservative use of daycare. The traffic study analyzed a 10,600 SF daycare and is expected to be built out by 2015. Traffic Analysis Report 13-TAR-380 was prepared by the Town's on-call traffic engineering consultant Ramey Kemp in October 2013. Findings of the study are as follows:

#### Project Description

- 10,600 square-foot daycare

#### Trip Generation

- 790 daily site trips
- 129 a.m. peak hour trips (68 entering, 61 exiting)

- 131 p.m. peak hour trips (61 entering, 70 exiting)

Intersections Studied

- McCrimmon Parkway and Green Level Church Road
- McCrimmon Parkway and Cary Glen Boulevard
- McCrimmon Parkway and Access #1 (Right-in/right-out)

**Level of Service Summary**

INTERSECTION		Existing 2013		Background 2015		Combined 2015		Combined 2015 w/ Improvements	
		AM	PM	AM	PM	AM	PM	AM	PM
McCrimmon Parkway & Green Level Church Road	EB	B	B	B	B	B/B*	B/B*	No Improvements Necessary	
	WB	B	B	B	C	B/B*	C/C*		
	NB	A	A	B	B	B/B*	B/B*		
	SB	A	B	A	B	B/A*	B/C*		
	<b>Overall</b>	<b>A</b>	<b>B</b>	<b>B</b>	<b>B</b>	<b>B/B*</b>	<b>B/C*</b>		
McCrimmon Parkway & Cary Glen Boulevard	EB	--	--	--	--	--	--	--**	--**
	WB	A <sup>1</sup>	A <sup>1</sup>	A <sup>1</sup>	A <sup>1</sup>	A <sup>1</sup>	A <sup>1</sup>	A <sup>1</sup>	A <sup>1</sup>
	NB	B <sup>2</sup>	B <sup>2</sup>	B <sup>2</sup>	B <sup>2</sup>	C <sup>2</sup>	C <sup>2</sup>	C <sup>2</sup>	C <sup>2</sup>
McCrimmon Parkway & Right-In/ Right-Out Access	EB	--	--	--	--	--	--	No Improvements Necessary	
	WB	--	--	--	--	--	--		
	SB	--	--	--	--	A <sup>2</sup>	B <sup>2</sup>		

1. Level of service for left turn movement on major approach.

2. Level of service for minor approach.

\* The intersection was analyzed under combined conditions with the signal timings from the signal plans, as well as with modified signal timings to allow for more capacity for the westbound left-turn movement. (Signal Plan Timings/Modified Timings)

\*\* While Synchro does not provide an output for a “u-turn” lane at an unsignalized intersection, it is not expected to have significant delay based on the SimTraffic models.

**Roadway Mitigation Findings**

To improve intersections and allow for safe circulation the following mitigation findings were developed.

- McCrimmon Parkway and Cary Glen Boulevard (***A zoning condition has been offered by the applicant to construct this suggested improvement***)
  - Provide an eastbound left turn lane with 100 feet of storage and appropriate tapers. This improvement will provide adequate storage for “u-turn” site traffic.
- McCrimmon Parkway and Access #1 (right-in/right-out) (***A zoning condition has been offered by the applicant to construct this suggested improvement***)
  - Provide a southbound right-turn lane for the site driveway
  - Provide stop control for the southbound approach
  - Provide one lane to enter the site

The executive summary of the Traffic Analysis Report for the rezoning is attached. The report is in a draft stage until action on the rezoning case is taken, at which time it will be finalized.

**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 July 16, 2013. According to the information submitted by the applicant, four residents attended the meeting. According to the meeting minutes, discussion focused on the potential development of Ridgefield Farms, located on the east side of Green Level Church Road north of the subject property.

## Notification

On November 5, 2013 the Planning Department mailed notification of a public hearing on the request to property owners within 400 feet of the subject property. Notification consistent with General Statutes was published in the Cary News on November 6 and 13, 2013. Notice of the public hearing was posted on the property on November 6, 2013.

## Town Council Public Hearing (November 21, 2013)

There were no speakers at the public hearing other than the applicant, and no discussion by council members

## Planning and Zoning Board Meeting (December 16, 2013)

*The Town Council public hearing for this case was delayed due to an advertising error. This request is included on the December 19 council agenda in order to maintain the original schedule. If the Planning and Zoning Board recommends unanimous approval at its meeting on December 16, then staff will request that the case be moved to the consent agenda for action. If the Planning and Zoning Board recommendation is not unanimous, then this rezoning request will remain as a discussion item.*

## 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 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 property in the vicinity of the subject tract;
6. The proposed zoning classification is suitable for the subject property.

## APPLICABLE COMPREHENSIVE OR AREA PLAN REQUIREMENTS

### Land Use Plan

The future land use designation of the subject property is Medium Density Residential (MDR). Use of the property for day care is consistent with this land use category.

### Growth Management Plan

The Growth Management Plan includes the following Guiding Principle which is relevant to this case:

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

### Affordable Housing Plan

Based on the proposed land use, the Affordable Housing Plan is not applicable to this case.

### Comprehensive Transportation Plan

#### Green Level Church Road is designated as a Major Thoroughfare

**Existing Section:** 2-3 lanes in approximately 150-foot ROW

**Future Section:** 6 lanes with landscaped median and turn lanes in 124-foot ROW (not including turn lanes)

**Sidewalks:** Partial sidewalks existing on both sides at intersection; required on both sides of future road

**Bicycle Lanes:** 1-foot- wide outside lanes required

**Transit:** No planned route at this time.

**Status of Planned Improvements:** N/A

### McCrimmon Parkway is designated as a Major Thoroughfare

**Existing Section:** 4-lane median-divided with turn lanes in 110-foot ROW

**Future Section:** Existing

**Sidewalks:** Existing on both sides  
**Bicycle Lanes:** 14-foot-wide outside lanes  
**Transit:** No planned route at this time.  
**Status of Planned Improvements:** N/A

**Parks, Recreation & Cultural Resources Facilities Master Plan**

According to the Parks, Recreation and Cultural Resources Master Plan a street-side trail is proposed, and will be required to be constructed, along the property's Green Level Church Road frontage. A recreation payment-in-lieu will be required for residential development in accordance with the Land Development Ordinance. These comments were reviewed and approved by the Town's Greenway Committee at its September 19, 2013 meeting.

**Open Space Plan**

According to the Open Space Plan, there is mixed hardwood/conifer forest on the eastern half of the parcel.

**Historic Preservation Master Plan**

There are no known historic structures on the site.

**Summary Observations**

<b>SUMMARY OF STAFF OBSERVATIONS REGARDING PLAN CONSISTENCY</b>	
<b>Comprehensive Plan Element</b>	<b>Staff Observation</b>
Growth Management Plan	No issues or concerns.
Affordable Housing Plan	The rezoning does not compromise the Affordable Housing Plan, but neither does it advance the goals of the plan.
Comprehensive Transportation Plan	No issues or concerns.
PRCR Master Plan	No issues or concerns.
Open Space Plan	No issues or concerns.
Historic Preservation Master Plan	No issues or concerns.

**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**

**13-REZ-11 Cary Park SF-10 PDD Amendment**

AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE TOWN OF CARY TO CHANGE THE ZONING OF APPROXIMATELY 1.85 ACRES LOCATED AT THE NORTHEAST CORNER OF THE GREEN LEVEL CHURCH ROAD AND MCCRIMMON PARKWAY INTERSECTION OWNED BY CARY PARK ASSOC. LLC BY AMENDING CERTAIN PROVISIONS OF THE CARY PARK PLANNED DEVELOPMENT DISTRICT (PDD) DOCUMENT APPLICABLE TO TRACT SF-10 OF THE PDD.

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**

<b>Property Owner(s)</b>	<b>County Parcel Number (10-digit)</b>	<b>Real Estate ID</b>	<b>Deeded Acreage</b>
Cary Park Assoc. LLC 1450 Environ Way Chapel Hill, NC 27517	0725969739	0324347	1.85 ±

**Section 2:** That this Property is rezoned, subject to the individualized development conditions set forth in the "Cary Park Planned Development District document dated March 9, 2006 and on file in the Planning Department, amended to include the following conditions:

1. Land uses in Tract SF-10 shall be limited to: single-family-detached, with a maximum density of 2.2 du/acre (4 units);or 10,600 square-foot day care center.
2. An eastbound left turn lane shall be constructed on McCrimmon Parkway at Cary Glen Blvd., with 100 feet of storage and appropriate tapers to accommodate "u-turns".
3. One right-in/right out access point shall be provided for access to McCrimmon Parkway. Access shall include one ingress lane, and one egress lane with stop sign.
4. The required 30-foot streetscape along McCrimmon Parkway may be averaged, with a minimum width of 20 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.

**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 Planned Development District document dated March 9, 2006 and on file in the Planning Department, amended to include the specific conditions listed in Section 2 above.

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

Adopted and effective: December 19, 2013

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Harold Weinbrecht, Jr.  
Mayor

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Date