

**Town of Cary, North Carolina  
Rezoning Staff Report  
13-REZ-13 An Zou Property  
Town Council Meeting  
November 21, 2013**

**REQUEST**

To amend the Town of Cary Official Zoning Map by rezoning 0.63 acres located at 6700 Carpenter Fire Station Road from the Office/Research and Development (ORD) zoning district to the Residential 20 (R-20) zoning district.

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
Zou, Mulun & Yan An Zou, Rufei	0735843186	0177715	0.63

**BACKGROUND INFORMATION**

Applicant & Agent	Keith Larson, Moonlite Electric and Construction, Inc.		
Acreage	0.63 ±		
General Location	6700 Carpenter Fire Station Road		
Schedule	<b>Public Hearing</b> September 26, 2013	<b>Planning &amp; Zoning Board</b> October 21, 2013	<b>Town Council</b> November 21, 2013
Land Use Plan Designation	Rural Village (Carpenter Community Plan)		
Existing Zoning District	Office/Research & Development (ORD); Watershed Overlay District (Jordan Lake sub-area)		
Existing Zoning Conditions	none		
Proposed Zoning District	Residential-20 (R-20); Watershed Overlay District (Jordan Lake sub-area)		
Proposed Zoning Conditions	none		
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 protest petition was submitted.		
Staff Contact	Mary Beerman (919) 469-4342 mary.beerman@townofcary.org		

**SITE CHARACTERISTICS**

**Stream Buffers:** According to Cary GIS maps, the northern and eastern portion of the site is impacted by a stream buffer. Field determination will be required at the time of site plan review.

**Adjacent Zoning and Land Use:**

North/East – Office/Research & Development (ORD); detached dwelling

South -- Office/Research & Development (ORD) - Ruritan Club; Residential 40 (R-40) – vacant;  
Residential 20 (R-20) – detached dwelling

West -- Office/Research & Development (ORD); vacant

**CONSISTENCY WITH LAND DEVELOPMENT ORDINANCE****Land Use**

A comparison of uses allowed in the existing ORD zoning district and the proposed R-20 zoning district is attached.

**Density and Dimensional Standards**

	<b>Existing Zoning District (ORD)</b>	<b>Proposed Zoning District (R-20)</b>
Max. Gross Density	N/A	2.17 du/acre
Min. Lot Size	None	20,000 square feet
Minimum Lot Width	None	90 feet (100 feet for corner lots)
Roadway Setback	30 feet	50 feet
Side Yard Setback	None	10 feet
Rear Yard Setback	none	25 feet
Maximum Building Height	<ul style="list-style-type: none"> <li>• Within 100' of residential zoning district – 35 feet</li> <li>• More than 100' from residential zoning district –50 feet</li> <li>• May be increased by one foot for every additional foot provided between the building footprint and the minimum required setback</li> </ul>	

**Landscape Buffer**

An 80-foot Type A buffer is required between the subject property and the vacant parcel zoned ORD to the west, one-half of which would be required on the subject property at the time of site or subdivision plan approval. Installation of plantings will not be required if the proposed development consists only of converting the existing building to residential use, and a site or subdivision plan is not required. When the adjacent parcel is developed, the full width of the buffer required at that time would be provided on the adjacent parcel.

**Streetscape**

A 50-foot opaque streetscape buffer is required along Morrisville Carpenter Road and Carpenter Fire Station Road for residential uses requiring site or subdivision plan approval. Installation of streetscape plantings will not be required if the proposed development consists of converting the existing building to residential use.

**Traffic**

The maximum number of units under this proposed use is one (1) single family unit. A single family home would generate 1 am and 2 pm peak hour trips. Since this request does not exceed the 100 peak hour threshold for rezoning cases, no traffic study is 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 June 14, 2013. According to the information submitted by the applicant, four residents attended the meeting. According to the meeting minutes, resident questions and concerns related to the appearance of the structure when renovated, and impacts on well and septic systems.

### Notification

On September 10, 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 September 11 and 18, 2013. Notice of the public hearing was posted on the property on September 11, 2013.

### Town Council Public Hearing (*September 26, 2013*)

There were no citizen speakers and no comments from council members at the public hearing. The Town attorney noted that this was a general use rezoning case, with no zoning conditions.

### Planning and Zoning Board Meeting (*October 24, 2013*)

There were questions and comments regarding the existing historic structure on the site and a proposed multi-use trail along the frontage of the property. The board recommended approval by a vote of 8-0.

## 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 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 **Carpenter Community Plan**, an element of the town-wide **Land Use Plan**, provides the future land use recommendation for the subject parcel. The subject property falls within the area designated as "Rural Village" on the Carpenter Community Plan map. The Plan recommends that the Rural Village contain a mix of residential, commercial, office and institutional uses built with a pattern, scale, and architecture that is compatible with existing historic structures and the rural tradition of the area. The property falls within the Carpenter National Register Historic District, and contains a circa 1900 one-story Victorian dwelling. The applicant's request to rezone to a residential land use at an R-20 density is in keeping with the historic use of the land, and meets the intent of the Plan.

### 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.

### **Comprehensive Transportation Plan**

**Morrisville Carpenter Rd. is designated as a Major Thoroughfare (Note: this road is being realigned north of the site and the major thoroughfare designation is on the new alignment, not the existing alignment.)**

**Existing Section:** 2-lane undivided in approximately 60-foot ROW

**Future Section:** Existing

**Sidewalks:** none existing; required on both sides

**Bicycle Lanes:** N/A

**Transit:** N/A

**Status of Planned Improvements:** There is an active Engineering project to design the realignment of Carpenter Fire Station Road and Morrisville Carpenter Road north of this parcel.

**Carpenter Fire Station Rd. is designated as a Major Thoroughfare (Note: this road is being realigned north of the site and the major thoroughfare designation is on the new alignment, not the existing alignment.)**

**Existing Section:** 2-lane undivided in approximately 60-foot ROW

**Future Section:** Existing (the realigned Carpenter Fire Station Road north of this site will be 4 lanes; median divided in 100-foot ROW).

**Sidewalks:** None existing; required on both sides

**Bicycle Lanes:** N/A

**Transit:** N/A

**Status of Planned Improvements:** There is an active Engineering project to design the realignment of Carpenter Fire Station Road and Morrisville Carpenter Road north of this parcel.

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

According to the Parks, Recreation and Cultural Resources Facilities Master Plan, a street-side trail is proposed along the subject parcel's Carpenter Fire Station Road frontage.

A recreation fund payment 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**

A goal of the Town's adopted 2010 Historic Preservation Master Plan is to "Preserve, protect and maintain Cary's historic resources." The subject site contains the circa 1900 Byrd-Ferrell House, a contributing building in the Carpenter National Register Historic District.

The house is representative of the simply-finished frame houses built and favored by Wake County farmers and townspeople alike in the late nineteenth and early twentieth centuries. The modest frame Victorian house has a side-gabled roof and a projecting cross-gabled pavilion centered on the façade. A shed-roofed porch with turned posts and sawn brackets wraps the façade. A later shed-roofed addition has been made on the rear. The house has several brick chimneys and German siding. The Carpenter National Register nomination states: "The Byrd-Ferrell House was probably built in two or more stages beginning around the turn of the century. The one-story, cruciform-shaped house is said to have been owned by the Byrd family until it was purchased around 1906 by C. F. Ferrell and his family. The Ferrells moved to Carpenter from a nearby farm to set up business when the Durham and Southern Railroad was being constructed through the community."

Recent visits to the property reveal that three 1920s-era outbuildings that used to be on the property are gone, some of the house's original trim and porch posts are missing, and most of the original two-over-two sash windows have been replaced with vinyl.

### **Summary Observations**

Despite some changes and some deterioration, the Byrd-Ferrell house remains an important historic and visual element in the collection of commercial, residential, and agricultural buildings that make up the

Carpenter Historic District. The house is located on a prominent corner in the heart of the District, and thus contributes visually to the village character. The house is also within view of the historic Ferrell General Store (now owned by the Town of Cary), reflecting the fact that C.F. Ferrell was also the builder and operator of the Ferrell General Store and of other businesses in Carpenter during its early 20<sup>th</sup> century heyday.

**OTHER REFERENCE INFORMATION**

<b>Schools</b> <i>This information is being provided for your review; however, the Wake County Board of Education controls capital projects for school capacities.</i>	Type <sup>1</sup>	Projected Range of Additional Students <sup>2</sup>
	Elementary School	0-1
	Middle School	0-1
	High School	0-1
Total Projected range of additional students <sup>2</sup>		0-1
<sup>1</sup> Information regarding specific Wake County Public School assignment options may be found by visiting the following: <a href="http://assignment.wcpss.net">http://assignment.wcpss.net</a>		
<sup>2</sup> 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**

**13-REZ-13 AN ZOU PROPERTY**

AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE TOWN OF CARY TO CHANGE THE ZONING OF 0.63 ACRES OWNED BY, RUFEI ZOU, MULUN ZOU & YAN AN BY REZONING FROM OFFICE/RESEARCH & DEVELOPMENT (ORD) to RESIDENTIAL 20 (R-20)

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
Zou, Mulun & Yan An Zou, Rufe	0735843186	0177715	0.63

**Section 2:** That this Property is rezoned from ORD to R-20 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:** This ordinance shall be effective on the date of adoption.

Adopted and effective: November 21, 2013

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Harold Weinbrecht, Jr.  
Mayor

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Date