

**Town of Cary, North Carolina  
Rezoning Staff Report  
13-REZ-16 Spring Arbor Planned Development District  
Town Council Meeting  
June 26, 2014**

**REQUEST**

To amend the Town of Cary Official Zoning Map by rezoning approximately 32.68 acres located at 1695 Kildaire Farm Road from Residential 40 (R-40) to Planned Development District (PDD) Major. The proposed Spring Arbor PDD designates approximately 9.84 acres as Institutional Tract with a 1-story, life care community with up to 90,000 square feet and a maximum of 80 beds. The plan also proposes a residential tract on approximately 16.23 acres to allow up to 35 detached residential lots. The remaining land area is designated for open space and stream buffers.

PDD Master Plan  
PDD Document

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
Keisler Group LLC 1695 Kildaire Farm Road Cary, NC 27511	0762565508	0038475	32.68 ±
<b>Total Area</b>			32.68 ±

**BACKGROUND INFORMATION**

Applicant	Keisler Group LLC 3006 River Forks Road Sanford, NC 27511		
Applicant's Representative	Glenda Toppe Glenda S. Toppe & Associates (919) 605-7390 glenda@gstplanning.com		
Acreage	32.68 ±		
Location	1695 Kildaire Farm Road		
Schedule	<b>Town Council Public Hearing</b>  October 24, 2013	<b>Planning &amp; Zoning Board Public Hearing</b>  February 17, 2014	<b>Town Council</b>  TBD
Land Use Plan Designation	Low to Medium Density Residential and/or Office and Institutional (LDR to MDR and/or OFC/INS)		
Existing Zoning District(s)	Residential 40 (R-40)		
Existing Zoning Conditions	None		

Proposed Zoning District(s)	Planned Development District (PDD) Major
Proposed Zoning Conditions	As noted on the PDD Master Plan and within the PDD document
Town Limits	The subject property is located within Cary's corporate limits.
Valid Protest Petition	No
Staff Contact	Debra Grannan Senior Planner Debra.grannan@townofcary.org (919) 460-4980

**SITE CHARACTERISTICS**

**Streams:** Cary GIS maps indicate the presence of a stream buffer on the subject property. Field determination of such features will be required at the time of site plan review.

**Floodplain and Wetlands:** Cary GIS maps do not indicate the presence of any floodplain or wetlands on the subject property. Field determination of such features will be required at the time of site plan review.

**Current use:** Detached Residential and Agricultural

**Adjacent Uses and (Zoning)**

North – Detached Residential and vacant (PDD Major and R-12)

South – Detached Residential (R-40) –opposite side of US 1 & 64 HWYS

East – Life Care Community (O&I)

West – Detached Residential, Vacant and Religious Assembly (R20, R40, O&I-CU) – opposite side of Kildaire Farm Road

**CONSISTENCY WITH LAND DEVELOPMENT ORDINANCE**

**Land Use**

The Planned Development District submitted by the applicant would limit use to detached residential, assisted living facility and open space.

**Density and Dimensional Standards**

	Existing Zoning District (R-40)	Proposed Zoning District PDD (Institutional Tract)	Proposed Zoning District PDD (Detached Residential Tract)
Max. Gross Density/Rooms	1.08 du/ac	80 beds	2.15 du/ac
Min. Lot Size (square feet)	40,000	N/A	6,750 8,000 when located within 75 feet of the adjacent detached residential neighborhood to the north.
Minimum Lot Width (feet)	With Septic Tank/Well 150 (160 for corner Lots); With public sewer 125 (135 for corner lots)	N/A	60
Streetscape width (feet)	50	40 Average 20-Foot minimum	50 Average 30-foot minimum

Roadway Setback (feet)	With Septic Tank/Well 150 (160 for corner Lots) With public sewer 125 (135 for corner lots)	Not specified	18
Side Yard Setback (feet)	With septic tank/well: 20 With public sewer: 15	N/A	3 minimum 15 foot aggregate
Rear Yard Setback (feet)	30	N/A	20
Maximum Building Height* (feet)	35	35	35
*Height may be increased one foot for every foot provided in addition to the minimum setbacks.			

**Open Space:** Chapter 4 of the LDO requires PDDs that are between 10 to 49 acres in size to provide a minimum of 5% of the land area to be used for Open Space. For the subject 32.68-acre site, this would equate to 1.63 acres of required open space. The PDD proposes approximately 9.37 acres of open space in the form of stream buffer and perimeter buffer area, and an area of approximately 1.3 acres of non-regulated open space.

**Landscape Buffer:** Chapter 7 of the LDO requires a 30-foot-wide buffer planted to a Type-B (semi-opaque) standard between two residential developments when lot sizes are 8,000 square feet or greater in one development, and less than 8,000 square feet in the adjacent development.

The applicant has proposed a 20-foot-wide Type-A (opaque) buffer in common open space along the northern property line adjacent to the Wimbledon subdivision.

The LDO also requires a 40-foot-wide Type-A (opaque) buffer between detached residential lots and life care communities. The PDD process allows applicants to seek reductions to these standards. The PDD presented at the Town Council public hearing proposed a 20-foot-wide buffer between these two uses within the development. Since the public hearing, the applicant has increased this buffer width to 30 feet.

**Streetscape**

According to Chapter 7 of the LDO, a 50-foot, Type-A (opaque) streetscape is required along thoroughfares when residential use is proposed. The streetscape proposed along Kildaire Farm Road would have an average width of 40 feet when adjacent to the Office and Institutional tract and an average width of 50 feet when adjacent to the detached residential tract.

The southern boundary of the site is adjacent to US1/64 Highway, and is subject to the Thoroughfare Overlay district which requires a 100-foot undisturbed buffer. Consideration of reductions to the Thoroughfare Corridor buffer may only be considered at the time of site plan review, not during the rezoning process.

**Traffic**

The proposal is for an 80-bed assisted living facility and for 35 single-family homes which are not age-restricted. Using ITE (254) assisted living, 80 beds would generate 11 am and 18 pm peak hour trips. Using ITE (210) Single Family Units, 35 single-family homes would generate 35 am and 40 pm peak hour trips. The total trips from this project would be 46 am and 58 pm peak hour trips. Since this is under the 100 peak hour trip threshold, no traffic study is required.

New Traffic Information Since Town Council Public Hearing

During the public hearing, the Town Council inquired about the possibility of placing a traffic signal at the intersection of Kildaire Farm Road and Glasgow Road. The Town traffic engineering staff initiated collecting new traffic volume data after the public hearing at this intersection and performed a signal warrant analysis. The findings of the analysis indicate that a traffic signal is not recommended at this location currently since none of the nine signal warrants evaluated were satisfied. For informational purposes, signal warrant criteria are outlined in the Manual on Uniform Traffic Control Devices, which are followed by all local, state, and federal traffic and transportation agencies when evaluating the justification for a new traffic signal. A copy of the signal warrant analysis is attached.

Also, during the public hearing, the Town Council inquired about the current level of service at several signalized intersections along Kildaire Farm Road in the vicinity of this rezoning case. The information is provided in the table below.

Device Id	Locations	AM		PM	
		LOS	Delay	LOS	Delay
1762	Kildaire Farm Rd & Queensferry Rd / McEnroe Ct	A	7.0	A	3.2
950	Kildaire Farm Rd & Tryon Rd	D	36.4	E	72.7

**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 6, 2013. According to the information submitted by the applicant, seven (7) adjacent property owners attended the meeting. According to the meeting minutes the residents' concerns focused on building height, traffic impacts, stormwater management and vehicular access points on the property. Neighbors also sought specific information regarding the proposed design of the life care community building and the proposed detached residential homes.

**Notification of Town Council Public Hearing**

On October 8, 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 October 9 and 16, 2013. Notice of the public hearing was posted on the property October 11, 2013.

**Town Council Public Hearing (October 24, 2013)**

Staff presented an overview of the case. The applicant provided additional details on the proposed development and asked for council support. Several nearby property owners expressed concern regarding potential traffic impacts. One adjacent property owner in the Wimbledon neighborhood asked that consideration be given to relocating a proposed Stormwater Best Management Practice (BMP) so that it was not immediately adjacent to his property.

Following the public hearing, the council asked the Town's Engineering staff to review the traffic signal warrants on Kildaire Farm Road in the vicinity of the proposed PDD.

**Notification of Planning and Zoning Board Public Hearing**

On February 6, 2014 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 posted on the Town of Cary Web site. Notice of the public hearing was posted on the property February 7, 2014.

**Changes since the Town Council Public Hearing**

The PDD documents were revised to remove references to topics such as road design, which, under the requirements of the LDO, may only be addressed at the time of site plan review.

The landscape buffer between the proposed detached residential use and the proposed assisted living facility was increased from 20 to 30 feet.

**Planning and Zoning Board Public Hearing (February 17, 2014)**

Staff presented a summary of the request and the revisions.

During the public hearing, the applicant, Mr. Bo Cook, with HH Hunt and Keisler Group LLC, stated that he was the end user and that his organizations would be developing the subject property. He stated that the proposed zoning was consistent with the Comprehensive Plan that had been approved by the Town over one year ago. He noted that there had been several neighborhood meetings in recent months and that he addressed the neighbors concerns and gained their support. He asked for the board to recommend the request for approval. There were no other speakers.

The board asked if the existing home on the property was to be preserved. Staff noted that there were no plans to do so. The board also asked about the preservation and condition of potential champion trees of the subject property. Staff noted that there was a specific area designated for open space and that the classification and viability of specific trees would be determined at the time of site plan review.

There were several regarding the level of service of several roads in the vicinity. Mr. Jensen reported that traffic study was not required and that impacts to intersections that were some distance away were very minor.

Several board members stated that they felt the plan was well designed and was a good use for the area.

The board voted 7-0 to forward the request to Town Council with a recommendation for approval.

**Changes since the Planning and Zoning Board Public Hearing**

None

**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.

**With regard to Planned Development Districts, Section 4.2.3 PDD; Planned Development Districts of the LDO reads as follows:**

**General Intent/Purposes of the PDD Districts**

The PDD zoning districts allow projects of innovative design and layout that would not otherwise be permitted under the LDO because of the strict application of zoning district or general development standards. The PDD district encourage innovate land planning and design concepts by:

- (1) Reducing or eliminating the inflexibility that sometimes results from strict application of zoning and development standards that were designed primarily for individual lots;
- (2) Allowing greater freedom in selecting means to provide access, light, open space and design amenities;
- (3) Allowing greater freedom in providing a mix of land uses in the same development including a mix of housing types, lot sizes, densities and non-residential uses in a planned development;
- (4) Promoting quality urban design and environmentally sensitive developments by allowing development to take advantage of special site characteristics, locations and land uses and
- (5) Encouraging quality urban design and environmentally sensitive development by allowing increases in base densities when such increases can be justified by superior design or the provision of additional amenities such as public and or private space.

In return for greater flexibility in site design requirements, PDDs are expected to deliver exceptional quality community designs that preserve critical environmental resources, provide above-average open space amenities, incorporate creative design in the layout of buildings, open space and circulation; assure compatibility with the surrounding land uses and neighborhood character; and provide greater efficiency with the layout and provision of roads, utilities and other infrastructure, The PDD districts shall not be used as a means of circumventing the Town's adopted land development regulations for routine developments.

**APPLICABLE COMPREHENSIVE OR AREA PLAN REQUIREMENTS**

**Land Use Plan**

The future land use recommendation for the subject parcel is given by the townwide Land Use Plan. The Land Use Plan Map recommends that this property be developed as either Low to Medium Density Residential **and/or** Office and Institutional (LDR to MDR and/or OFC/INS). Low density is defined by the Plan as one to three units per acre, and medium density is defined at three to eight units per acre. The future land use recommendation of LDR to MDR dates from adoption of the townwide Land Use Plan in 1996, and does not mean to imply that both LDR and MDR densities are recommended for the site, or that there must be a range of densities, although both are certainly possible. Rather, the LDR to MDR designation recognizes that an appropriate housing type and density can be found somewhere within the overall density range of one to eight units per acre, single-family detached or attached, but the specific density and/or housing type that might be appropriate for the subject site should also depend on context and transitions to adjacent residential properties. The future land use recommendation of OFC/INS was approved by Town Council in March 2013 (Comprehensive Plan Amendment case #12-CPA-06). This amendment added office and institutional uses as an additional category of potential uses, either in conjunction with residential uses or as a sole use of the site.

**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.

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

Comments: Utilities are readily available to this site, and the site is located within approximately 1500 feet of Wake Medical Center, numerous medical offices, and varied services and shopping opportunities including Waverly Place shopping center and the Crescent Commons shopping center.

### **Affordable Housing Plan**

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

Goal #1. Provide for a full range of housing choices for all income groups, families of various sizes, seniors, and persons with special challenges.

Goal #6. 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 subject request appears to support goal #1 because the development proposal includes housing for seniors (assisted living). The request also somewhat supports goal #6 because, though the proposed development is not high density, the development proposal is for a mix of single-family residential and institutional development that will both benefit from being located along an existing C-Tran route with a future transit stop, and near medical facilities, offices, and other services and shopping.

### **Comprehensive Transportation Plan**

**Kildaire Farm Road is designated as a Major Thoroughfare.**

**Existing Section:** 5 lanes in approximately 100-foot ROW

**Future Section:** 4 lanes with a median; 100-foot ROW

**Sidewalks:** Existing on the east side; required on both

**Bicycle Lanes:** 14-foot-wide outside lanes required

**Transit:** Provide an easement for a public transit stop according to LDO 7.10.6, including the provision by the developer of all passenger amenities in accordance with the Town's standard 'Bus Detail' drawing details. Easement should preferably be between the entrance to the SF-1 entrance and I-1 entrance and connecting to a pedestrian network along the current public ROW as well as the I-1 internal pedestrian network.

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

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

According to the Parks, Recreation and Cultural Resources Facilities Master Plan there are no issues related to this site.

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 over 70% of the subject parcel has mixed hardwood and conifer forest, streams/creeks and associated riparian buffers are located on the eastern end of the property, and the site was formerly used for agricultural purposes.

### **Historic Preservation Master Plan**

A goal of the Historic Preservation Master Plan is to "Preserve, protect and maintain Cary's historic resources." The subject parcel contains a circa 1927 house listed in the Cary/Wake County Architectural and Historical Inventory.

The house is a brick-veneered, one-and-one-half-story, colonial revival-style bungalow with shed dormers on the façade and on the east elevation. The brick front porch roof is supported by Doric columns. Paired six-over-one windows flank the central entrance which has six-light sidelights. The house was moved in 1972 to this location from its original spot on the grounds of Kildaire Farm, a dairy farm owned by the Kilgore family of Raleigh. The Kilgores were owners and operators of Raleigh-based Pine State Creamery from its establishment in 1919 until its closure in 1996. The Kilgores built the house on Kildaire

Farm property to serve as their farm manager’s residence. The farm manager oversaw the 1,000-acre farm’s operations, reported to include 550 cattle and 10,000 chickens at the time the farm was sold in 1972 for development of the Kildaire Farm PUD. When the farm was sold, Farm Manager Clyde Keisler moved the house his family had occupied since 1959, along with his office (a free-standing building) and a bull barn, from Kildaire Farm to property he owned at 1695 Kildaire Farm Road, where all still stand today along with a two-story garage and a few additional outbuildings. The property has remained in the Keisler family since that time. The house and the outbuildings are in very good condition.

**Staff Summary Observations**

- The density and uses requested by the developer and illustrated in the associated PDD Master land Use Plan comply with the land uses designated by the Town’s Land Use Plan. As noted previously, while the LDR to MDR designation on the Plan Map indicates a potential density range of anywhere from 1 to 8 dwellings per acre, the specific density and/or housing type that might be appropriate for the subject parcel can also depend on context and transitions to adjacent residential properties.
- The requested rezoning meets two of the Guiding Principles from the Growth Management Plan, and the proposed development appears to support two of the goals of the Affordable Housing Plan.
- The site is presently served by bus transit, and there are plans for a transit stop at this location.
- Reductions to perimeter buffers between uses may be considered when evaluating the merits of a PDD and when “tree save areas” and additional open space are provided elsewhere on the site, such reductions may be justified. **Staff notes that a 30-foot buffer between the proposed detached residential use and the life care community is a reduction to the 40-foot width required by the LDO and may be considered worthy of consideration if established as part of a community with variety of uses.**
- Setbacks in the detached residential tract are similar to a small lot Transitional Residential (TR) zoning district. **A modification to the proposed PDD will be needed to ensure roadway setbacks are provided that are consistent with LDO standards.**
- The requested rezoning does not at present address the issue of preservation of the circa 1927 Keisler House, 1960s-era office, and bull barn, and therefore does not further the goals of the Historic Preservation Master Plan.

**OTHER REFERENCE INFORMATION**

<b>Schools</b>	Type <sup>1</sup>	Projected Range of Additional Students <sup>2</sup>
<i>This information is being provided for your review; however, the Wake County Board of Education controls capital projects for school capacities.</i>	Elementary School	10 to 15
	Middle School	2 to 6
	High School	3 to 7
Total Projected range of additional students <sup>2</sup>		15 to 28

<sup>1</sup>Information regarding specific Wake County Public School assignment options may be found by visiting the following: <http://assignment.wcpss.net/preview/myplan.html>

<sup>2</sup>The *Projected Range of Additional Students* 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 35 three-bedroom homes could yield 15 additional students, while 35 homes with greater than three bedroom units could yield 28 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 can not 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-16

**SPRING ARBOR PLANNED DEVELOPMENT DISTRICT (PDD)**

AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE TOWN OF CARY BY REZONING APPROXIMATELY 32.68 ACRES OWNED BY KEISLER GROUP, LLC, FROM RESIDENTIAL 40 (R-40) TO PLANNED DEVELOPMENT DISTRICT (PDD) MAJOR TO ALLOW UP TO 35 DETACHED RESIDENTIAL LOTS, A LIFE CARE COMMUNITY WITH UP TO 90,000 SQUARE FEET AND A MAXIMUM OF 80 BEDS, AND OPEN SPACE.

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
Keisler Group LLC 3006 River Forks Road Sanford, NC 27511	0762565508	0038475	32.68 ±
<b>Total Area</b>			32.68 ±

**Section 2:**

That this Property is rezoned from Residential 40 (R-40) to PDD (Major) subject to the individualized development conditions set forth in the "Spring Arbor Planned Development District" document on file in the Planning Department, 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 set forth in the "Spring Arbor Planned Development District" 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: *DATE*

\_\_\_\_\_  
Harold Weinbrecht, Jr.  
Mayor

\_\_\_\_\_  
Date