

**Town of Cary, North Carolina  
Rezoning Staff Report  
13-REZ-20 Pollard-Harris Property  
Town Council Meeting  
February 27, 2014**

**REQUEST**

To amend the Town of Cary Official Zoning Map by applying initial Town of Cary zoning to 19.39 acres located on the east side of Stephenson Road, about 400 feet east of the Smith Road and Stephenson Road intersection. The property is currently zoned Wake County Residential 30 (R-30). The proposed zoning district is Residential 8 Conditional Use (R-8-CU), with a zoning condition to establish a maximum residential density of 2.75 dwelling units per acre.

There is an Owner-Initiated Annexation Petition (13-A-22) associated with this case.

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 Owners	County Parcel Numbers (10-digit)	Real Estate IDs	Deeded Acreage
Blanche Harris	0751901438 (portion)	0090165 (portion)	5.96
Wilbert & Bobbie Pollard	0751903152 (portion)	0055992 (portion)	4.45
Wilbert Pollard & Michael McLean	0751903821	0090736	9.01
<b>Total Area</b>			19.39

**BACKGROUND INFORMATION**

Applicant	Matthew Danielson, K Houvanian Homes 3333 Regency Parkway Cary, NC 27518		
Agent	J.W. Shearin, Innovative Development Solutions 1252 NW Maynard Road, Suite 324 Cary, NC 27513		
Acreage	19.39 ±		
General Location	East side of Stephenson Road, about 400 feet east of the Smith Road and Stephenson Road intersection		
Schedule	<b>Public Hearing</b> January 9, 2014	<b>Planning &amp; Zoning Board</b> January 27, 2014	<b>Town Council</b> February 27, 2014
Land Use Plan Designation	Low Density Residential (LDR)		
Existing Zoning District	Wake County Residential 30 (R-30)		
Existing Zoning Conditions	None		
Proposed Zoning District	Residential 8 Conditional Use (R-8-CU)		
Proposed Zoning Conditions	Density shall not exceed 2.75 dwelling units per acre.		
Town Limits	The subject property is located outside the corporate limits and the Town of Cary ETJ. An owner-initiated annexation petition, 13-A-22, has been submitted by the property owners in conjunction with this rezoning request.		
Valid Protest Petition	Protest petitions are not applicable to a map amendment (rezoning) that initially zones property that is being added to the Town's jurisdiction by annexation.		
Staff Contact	Mary W. Beerman, Senior Planner (919) 469-4342 mary.beerman@townofcary.org		

**SITE CHARACTERISTICS**

**Streams:** According to Town of Cary GIS Maps, the site is impacted by a stream buffer. Field determination of such features will be required at the time of site plan review.

**Adjacent Zoning and Land Use:**

North – Wake County Residential 30 (R-30); single-family residential and agricultural  
 South – Wake County Residential 30 (R-30); single-family residential, vacant, and agricultural  
 East – Residential Multi-family (Conforming) (RMF-C);  
 West (*opposite side of Stephenson Road*) –Town of Apex Rural Residential (RR); vacant

**CONSISTENCY WITH LAND DEVELOPMENT ORDINANCE**

**Land Use**

A comparison of uses allowed in the existing and proposed zoning districts is provided in the table below.

COMPARISON OF USES ALLOWED IN (EXISTING) WAKE COUNTY R-30 DISTRICT AND (PROPOSED) R-8-CU DISTRICT			
P=PERMITTED USE    S= SPECIAL USE		P=PERMITTED USE    S= SPECIAL USE P/Z= PERMITTED USE REQUIRING ZONING COMPLIANCE PERMIT	
Uses Allowed in Wake County R-30 District*		Uses Allowed in Proposed R8-CU District	
Single-family detached	P	Detached dwelling	P
Single-family attached	P	Day care home, small	P
School	P	Public safety station	P
Library	P	Public utility facility	P
Museum	P	Town owned/operated facilities and services	P
Art gallery	P	Athletic field, public	P
Church	P	Community garden	P
Day care center	S	Park, public	P
Government buildings	S	Neighborhood recreation center, public	P
various outdoor recreation facilities	S	Utility substation, minor	P
Convenience stores	S	NH rec. center, indoor/outdoor, private	P
Automotive service and repair	S	Antenna co-location on existing tower	P
Banks	S	Resource conservation facility	P
Drugstores	S	Family Care Home	P/Z
Bookstores	S	Group Home	P/Z
Antique shops	S	Boarding house	S/P
Hardware stores	S	Religious Assembly	S/P
Other indoor retail and service establishments	S	School	S/P
Barbershops	S	Concealed (stealth) antennae & towers	S/P
Beauty salons	S	Cemetery	S
Shoe repair shops	S	Library	S
Self-service laundries	S	Museum	S
Cemeteries	S	Day care center	S
Mining	S	Day care home, large	S
Landfills	S	Governmental office	S
		Outdoor amphitheater, public	S
		Pre-school	S
		Utility facility, major	S
		Athletic field, private	S
		Golf course, privately-owned	S

\* Information provided in this table is a summary of information available on Wake County's website at the following link:  
<http://www.wakegov.com/planning/zoning/Pages/districts.aspx#r30>

## Density and Dimensional Standards

	Min. Requirements of R-8 District	Proposed R-8-CU District
Max. Density	5.44 du/acre	2.75 du/acre <i>(maximum 53 dwelling units)</i>
Min. Lot Size	8,000 square feet	Same as R-8 District
Min. Lot Width	60 feet (70 feet for corner lot)	Same as R-8 District
Min. Roadway Setback	30 feet from Stephenson Road 20 feet from local internal streets	Same as R-8 District
Min. Side Yard Setback	10 feet	Same as R-8 District
Min. Rear Yard Setback	20 feet	Same as R-8 District
Max. 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>	Same as R-8 District

### Landscape Buffer

Assuming the site is developed for residential use with lots containing 8,000 square feet or more, a 20-foot Type B (semi-opaque) landscape area will be required along the perimeter to the north, south and west, and a 40-foot Type A (opaque) buffer will be required along the east side.

### Streetscape

A 50-foot Type A streetscape buffer will be required along Stephenson Road.

### Traffic

The applicant is requesting to place R-8-CU zoning on the property and has voluntarily placed a density restriction on the property to 2.75 dwellings/acre. The density restriction on the property would support up to fifty-three (53) single-family homes. The trip generation (trips) based on this residential intensity is as follows:

Avg. Weekday 2-Way Volume:	580
7-9 AM Peak Hour	12
7-9 AM Peak Hour Exit	35
7-9 AM Peak Hour Total	47
4-6 PM Peak Hour Enter	37
4-6 PM Peak Hour	22
4-6 PM Peak Hour Total	59

The threshold to require a traffic study for rezoning cases is 100 peak hour trips; therefore, 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 August 20, 2013. According to the information submitted by the applicant, seven residents attended the meeting. According to the meeting minutes, resident questions and concerns included buffers, street connections, access points, housing type, average lot size, and water pressure.

### **Notification**

On December 23, 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 December 25, 2013, and January 1, 2014. Notice of the public hearing was posted on the property on December 23, 2013.

### **Town Council Public Hearing (January 9, 2014)**

There were no speakers at the public hearing other than the applicant, and no discussion by Town Council.

### **Planning and Zoning Board Meeting (January 27, 2014)**

There were questions and comments from board members regarding connectivity and road improvements. The board recommended approval by a vote of 9-0.

## **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 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 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**

As per the Town of Cary Land Use Plan, the future land use designation for the subject property is Low-Density Residential (LDR). Low-density residential ranges from one to three dwelling units per acre. The proposed rezoning of R-8 Conditional Use (R-8-CU), with a maximum of 2.75 dwelling units per acre is in compliance with the Town's Land Use Plan.

### **Growth Management Plan**

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

1. A1 Guiding Principle: Increase permitted densities in preferred growth areas to encourage desired forms of development.
2. A2 Guiding Principle: Ensure that the overall amount of development in Cary is consistent with the Town's growth management goals.

### **Affordable Housing Plan**

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

### **Comprehensive Transportation Plan**

**Stephenson Road is designated as a Minor Thoroughfare.**

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

**Future Section:** 3 lanes in 70-foot ROW

**Sidewalks:** Do not currently exist; will be required on both sides

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

Transit: N/A

Status of Planned Improvements: N/A

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

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**

There are no documented historic resources on this site.

**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	15-22
	Middle School	3-8
	High School	4-10
Total Projected range of additional students <sup>2</sup>		22-40
<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/preview/myplan.html">http://assignment.wcpss.net/preview/myplan.html</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 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-20 Pollard-Harris Property**

AN ORDINANCE TO ESTABLISH INITIAL TOWN OF CARY ZONING FOR APPROXIMATELY 19.39 ACRES ON THE EAST SIDE OF STEPHENSON ROAD ABOUT 400 FEET EAST OF THE STEPHENSON ROAD AND SMITH ROAD INTERSECTION BY APPLYING RESIDENTIAL 8 CONDITIONAL USE (R-8-CU) ZONING TO PROPERTY CURRENTLY ZONED WAKE COUNTY RESIDENTIAL 30 (R-30).

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 Owners</b>	<b>County Parcel Numbers (10-digit)</b>	<b>Real Estate IDs</b>	<b>Deeded Acreage</b>
Blanche Harris	0751901438 (portion)	0090165 (portion)	5.96
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<b>Total Area</b>			19.39

**Section 2:** That this Property is rezoned from Wake County R-30 to 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. Density shall not exceed 2.75 dwelling units per acre.

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

Adopted and effective: February 13, 2014

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Harold Weinbrecht, Jr.  
Mayor

\_\_\_\_\_  
Date