

**Town of Cary, North Carolina
Rezoning Staff Report
13-REZ-21 Weldon Ridge PDD Amendment
Town Council Meeting
February 27, 2014**

REQUEST

To amend the Town of Cary Official Zoning Map by applying initial Town of Cary zoning to approximately 21.56 acres, currently located in Wake County, and adding the subject property to the existing Weldon Ridge Planned Development District (PDD). The subject property will be identified as Tract SF-10 of the PDD.

There is an Owner-Initiated Annexation Petition: 13-A-21, associated with this rezoning. Annexation is required prior to the application of Cary zoning.

If annexed into the Town of Cary, the subject property would also be subject to the Watershed Protection Overlay Zoning District (Jordan Lake sub-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
Leland A and Nancy M. Dixon 1028 Lazy Dee Drive Cary, NC 27519-6039	0724474667	0150610	8.25 ±
Leland A. Dixon Jr. 1009 Lazy Dee Drive Cary, NC 27519-6039	0724479126	0378134	0.99 ±
	0724473411	0025710	12.32 ±
Total Area			21.56±

PROJECT HISTORY

The Weldon Ridge PDD (originally know as Forest Oaks) was first approved in 2004. The current master plan covers an area of approximately 446 acres and allows for a maximum of 650 dwelling units with a gross density of 1.55 dwelling units per acre. The proposed amendment would add 43 detached residential units to the PD, increasing the maximum number of units to 693. The applicant has labeled the subject property as Tract SF-10 on the proposed PDD Master Plan.

BACKGROUND INFORMATION

Applicant	Leland A. Dixon Jr. and Leland A. and Nancy M. Dixon
Applicant's Representative	Glenda Toppe Glenda S. Toppe and Associates 4139 Gardenlake Drive

	Raleigh, NC 27612 (919) 605-7390		
Acreage	21.56 ±		
Location	1009, 1021 and 1028 Lazy Dee Drive		
Schedule	Town Council Public Hearing December 19, 2013	Planning & Zoning Board Meeting January 27, 2014	Town Council Meeting February 27, 2014
Land Use Plan Designation	Conservation Residential Low Density (LCR)		
Existing Zoning District(s)	Wake County R-40 Watershed (R-40W)		
Existing Zoning Conditions	None		
Proposed Zoning District(s)	Planned Development District (PDD) Major Conservation Residential Overlay District, LCR sub-district and Watershed Protection Overlay District (Jordan Lake sub-district)		
Proposed Zoning Conditions	As stated in the proposed amendment to the Weldon Ridge PDD Document (PDD)		
Town Limits	The subject property is located outside the corporate limits and the Town of Cary ETJ. An owner-initiated annexation petition, 13-A-21, has been submitted by the property owners in conjunction with this rezoning request.		
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	Debra Grannan Senior Planner (919) 460-4980 Debra.grannan@townofcary.org		

SITE CHARACTERISTICS

Streams: Cary's GIS maps show a stream buffer near the southwest corner of the subject property. Field determination of such features shall be required at the time of site plan review.

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

Adjacent Uses and (Zoning)

North – Detached Residential (PDD Major, Weldon Ridge)
South – Detached Residential (R-40)
East – Detached Residential (PDD Major, Weldon Ridge)
West – Detached Residential (PDD Major, Weldon Ridge)

CONSISTENCY WITH LAND DEVELOPMENT ORDINANCE

Density and Dimensional Standards

Regulations	Existing Zoning Wake County Residential 40 Watershed (R-40W)	Proposed Weldon Ridge PDD	LDO Standards for Residential 40 (R-40) Conservation Residential Low Density (LCR)
Maximum Gross Density (du/ac)	1.08	2.0	2.5

Minimum Lot Size (Sq. Ft.)	40,000	11,000	10,000 (If site contains less than 20% of the total area in regulatory open space)	8,000 (If site contains between 20 and less than 30% of the total area in regulatory open space)	6,000 (If site contains 30% or more of the total area in regulatory open space)
Minimum Width at Building Line (feet)	110	90	<i>Lots 12,000 Sq. Ft. or greater</i> 80 (90 for Corner Lot)	<i>Lots between 11,999 and 8,000 sq. ft</i> 60 (70 for Corner Lot)	<i>Lots less than 8,000 sq. ft.)</i> 60
Side Yard Setback (feet)	15	10	10	10	3 Minimum, 16 combined
Roadway Setback (Feet)	Front and corner: 30	20	From Thoroughfare: 50 From Collector: 30 From Other Streets: 20	From Thoroughfare: 50 From Collector: 30 From other streets: 18 (when parking is provided between dwelling and roadway) 10 (when no parking is provided between the road and the dwelling)	
Rear Yard Setback (feet)	30	20	25	20	Width of roadway & rear combined shall equal at least 40 feet with a minimum rear of 3
Maximum Building Height (feet)	35	35	35		
<i>Note: Height may be increased by one foot for every foot provided in addition to the minimum building setback.</i>					

Open Space:

PDD's with greater than 201 acres in development area are required to provide a minimum of 15% of the parcel to be used as open space. The existing Weldon Ridge PDD is approximately 439 acres in area and provides approximately 23% of the land area in open space as indicated below. The applicant has offered to provide a minimum of one (1) acre of additional open space within the proposed Tract SF-10 of Weldon Ridge PDD.

WELDON RIDGE OPEN SPACE SYSTEM	
Category	Acres
Ponds and Stream Buffers	64.79
Streetscapes	20.63
Landscape Strips	7.20
Neighborhood Recreation Center	2.09
American Tobacco Trail Conservation Easement	4.75
Primary Open Space	3.98
Total	103.44

Landscape Buffer: The proposed PDD Master Plan provides a 20-foot-wide Type- B (semi-opaque buffer between the proposed SF-10 tract (subject property) and all adjacent parcels. This area will count toward the open space area in the PDD.

Streetscape: This parcel does not have direct access on to a major thoroughfare or collector road; therefore, no streetscape requirements will apply.

Traffic: Since the proposed rezoning to allow up to 43 detached residential units did not exceed the 100 peak hour trip threshold, a traffic study was not 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

Notification (Town Council Public Hearing)

On December 3, 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 4 and 11, 2013. Notice of the public hearing was posted on the property December 4, 2013.

Neighborhood Meeting

According to the applicant, a neighborhood meeting for the proposed rezoning was held on September 23, 2013. According to the information submitted by the applicant, 19 residents attended the meeting. According to the meeting minutes provided by the applicant, resident questions and concerns included density, lot size, buffers, street connectivity and development impacts such as noise and traffic.

Town Council Public Hearing (December 19, 2013)

Staff presented the case and provided a summary of the proposed zoning conditions. During the public hearing, Glenda Toppe spoke on behalf of the applicant and noted the consistency of the request with the Comprehensive Land Use Plan and the standards of the Conservation Residential Overlay District. There were no other speakers during the public hearing. The Town Council did not have any questions for staff or the applicant.

Notification (Planning and Zoning Board Public Hearing)

On January 15, 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 published in the Cary News on January 15, and 22, 2014. Notice of the second public hearing was posted on the property January 16, 2014.

Changes Since the Town Council Public Hearing

The PDD document has been updated to include the condition to provide a minimum of one acre of additional open space and to state that future development shall comply with density and open space standards of the Conservation Residential Overlay District.

Planning and Zoning Board Public Hearing (January 27, 2014)

Staff presented an overview of the case. During the public hearing the applicant asked the board to support the request. There were no other speakers at the hearing. The Planning and Zoning Board voted 9-0 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.

APPLICABLE COMPREHENSIVE OR AREA PLAN REQUIREMENTS

Southwest Area Plan

As per the Southwest Area Plan, the subject property is designated for Conservation Residential, Low Density (LCR). Two types of residential development are appropriate within this area: (a) conventional single-family residential consistent with the existing R-40 zoning, on lots of at least 40,000 square feet, or (b) conservation subdivisions having lots smaller than 40,000 square feet but generally at least 10,000 square feet, up to a potential maximum of no more than about 2.5 dwellings per acre. The maximum density for conservation subdivisions is proportional to the amount of additional, non-regulatory open space provided. (See Chapter 2 of the plan document for details and exceptions.) The Southwest Area Plan's Note 16 also applies because the subject property is part of the Conservation Residential, Low Density (LCR) area located between Weldon Ridge Boulevard to the northeast, and the Indian Creek stream corridor to the southwest. Note 16 reads: *This LCR area represents a "transition" between the Medium Density Residential sections of Cary Park and the Very-Low-Density area to the south. While the overall density within this 226-acre section should conform with the LCR category, a medium-density 'mix' of residential types should occur along Yates Store Road (renamed Weldon Ridge Blvd.) across from Cary Park. Residential density would then decrease southward, where very-low density residential would occur along Green Level Church Road.*

Analysis: This rezoning request, with a maximum density of 2.0 single-family dwelling units per acre, is consistent with the Southwest Area Plan. This proposal complies with the Southwest Area Plan, which permits residential density up to 2.5 units to the acre.

Planning History

The Land Use Plan designation for this site is unchanged since it was designated for Conservation Residential, Low Density with the adoption of the Southwest Area Plan in August 2004.

Land Use Recommendations for Adjacent Parcels

Properties to the north and west of the subject property are already developed as low-density residential as a part of the existing Weldon Ridge PDD. The undeveloped properties located directly east and south of the subject property have the same Conservation Residential Low Density (LCR) land use designation as the subject site. Properties beyond the adjacent properties, south to Green Level Church Road and southwest to the Chatham County line, are designated for Conservation Residential, Very Low Density (VLCR) development.

Growth Management Plan

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

1. R1 Guiding Principle: Ensure that adequate infrastructure and services are available concurrently with new development.
2. L1 Guiding Principle: Concentrate growth near existing and planned employment centers and available and planned infrastructure to minimize costly service-area extensions.

Analysis: Infrastructure and services are available near the subject property.

Affordable Housing Plan

The proposed rezoning does not further the goals of the Affordable Housing Plan.

Comprehensive Transportation Plan

This parcel does not have direct access on to a major thoroughfare or collector road. Connectivity requirements will be required to ensure access between adjacent parcels.

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 there are no significant natural resources associated with this site.

Historic Preservation Master Plan

The site contains no documented historic resources.

Summary Observations

SUMMARY OF STAFF OBSERVATIONS REGARDING PLAN CONSISTENCY	
Comprehensive Plan Element	Staff Observation
Southwest Area Plan	The requested zoning, with a proposed density of 2.0 units per acre, is consistent with the recommendations of the Southwest Area Plan.
Growth Management Plan	The requested zoning supports two of the guiding principles of the Growth Management Plan.
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	The site does not have direct access onto a major road; internal connectivity is required.
PRCR Master Plan	No issues

Open Space Plan	No issues
Historic Preservation Master Plan	No issues

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	12-18
	Middle School	3-7
	High School	3-8
Total Projected range of additional students ²		18-32

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

²The *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 43 three-bedroom homes could yield 18 additional students, while 43 homes with greater than three bedroom units could yield 32 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-21 WELDON RIDGE PDD AMENDMENT

AN ORDINANCE TO APPLY INITIAL TOWN OF CARY ZONING TO APPROXIMATELY 21.56 ACRES LOCATED IN WAKE COUNTY AND OWNED BY LELAND A. AND NANCY M. DIXON AND LELAND A DIXON JR., BY ADDING THE SUBJECT PROPERTY TO THE EXISTING WELDON RIDGE PLANNED DEVELOPMENT DISTRICT (PDD) TO ALLOW UP TO 43 DETACHED RESIDENTIAL UNITS. THE SUBJECT PROPERTY WOULD ALSO BE SUBJECT TO THE WATERSHED PROTECTION OVERLAY DISTRICT (JORDAN LAKE SUB-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 INFORMATION

Property Owner(s)	County Parcel Number(s) (10-digit)	Real Estate ID(s)	Deeded Acreage
-------------------	---------------------------------------	-------------------	----------------

Leland A and Nancy M. Dixon 1028 Lazy Dee Drive Cary, NC 27519-6039	0724474667	0150610	8.25 ±
Leland A. Dixon Jr. 1009 Lazy Dee Drive Cary, NC 27519-6039	0724479126	0378134	0.99 ±
	0724473411	0025710	12.32 ±
Total Area			21.56±

Section 2:

That this Property is rezoned to PDD, CROD, Watershed Protection District (Jordan Lake Sub-district) and subject to the individualized development conditions set forth in the "Weldon Ridge Planned Development District" document dated July 10, 2008 and on file in the Planning Department, as amended by the "Weldon Ridge Planned Development District Amendment" document approved by the Town Council as of this date and on file in the Planning Department, 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 Weldon Ridge Planned Development District document dated July 10, 2008 and on file in the Planning Department, as amended by the "Weldon Ridge Planned Development District Amendment" 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: February 13, 2014

Harold Weinbrecht, Jr.
Mayor

Date