

**Town of Cary, North Carolina
Rezoning Staff Report
13-REZ-25 Stitt Property South
Town Council Meeting
September 23, 2014**

REQUEST

To amend the Town of Cary Official Zoning Map by rezoning approximately 47.78 acres located on the south side of Green Hope School Road and east side of Sears Farm Road, about 1,500 feet west of NC 55 Highway, by rezoning from Residential 40 (R-40) to Transitional Residential Conditional Use (TR-CU) with zoning conditions related to residential use type, density, minimum lot size, buffers, and traffic mitigations.

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 Number(s) (10-digit)	Real Estate ID(s)	Deeded Acreage
Stitt Properties, LLC, Alma M. Stitt	0734661247 Portion	0067954 Portion	± 40.17
Ross E. Stitt Jr.	0734565910	0168310	± 3.64
Alma M. Stitt	0734569857	0414456	± 3.97
Total Area			± 47.78

BACKGROUND INFORMATION

Applicant	Stitt Properties, LLC, Alma M. Stitt, Ross E. Stitt Jr.		
Agent	Glenda Toppe, Glenda S. Toppe & Associates 4139 Gardenlake Drive, Raleigh NC 27612		
Acreage	± 47.78		
General Location	South side of Green Hope School Road and east side of Sears Farm Road		
Schedule	Town Council Public Hearing January 30, 2014	Planning & Zoning Board Public Hearing March 17, 2014	Town Council April 24, 2014 September 23, 2014
Land Use Plan Designation	Low-Density Residential to Medium-Density Residential (LDR to MDR)		
Existing Zoning District(s)	Residential 40 (R-40); Watershed Overlay District, Jordan Lake sub-area		
Existing Zoning Conditions	None		
Proposed Zoning District(s)	Transitional Residential Conditional Use (TR-CU); Watershed Overlay District, Jordan Lake sub-area		
Revised Zoning Conditions <i>(Changes since the April 24, 2014 Town Council meeting are shown in bold typeface: underline indicates text added, strike-through indicates text removed)</i>	<ol style="list-style-type: none"> 1. Land uses shall be limited to detached dwellings and neighborhood recreation 2. Residential density shall not exceed 3.6 2.99 dwelling units/acre. 3. <u>The average lot size shall exceed 7,000 square feet.</u> 4. <i>(Applicable to Area 1 shown on the attached Zoning Exhibit Map)</i> 		

A 30-foot streetscape shall be provided on the east side of Sears Farm Road from Green Hope School Road extending south for 750 feet. Said streetscape shall be replanted with plant material equivalent to a Type B Buffer.

5. *(Applicable to Area 2 shown on the attached **Zoning Exhibit Map**)*

The following shall apply to the portions of the site adjacent to the Reserve which are not adjacent to the southern stream buffers:

- a) Minimum ~~10,000~~ **11,000**-square-foot lot size
- b) 40-foot Common Area which shall include:
 - 1. 30-foot Type A buffer adjacent to the Reserve
 - 2. 6-foot-tall opaque fence located 30 feet to 40 feet from the Reserve
- c) 30-foot Rear Setback

6. *(Applicable to Area 3 shown on attached **Zoning Exhibit Map**)*

The minimum lot size for lots adjacent to the northern boundary of the stream buffer that is adjacent to the Reserve shall be ~~7,000~~ **8,000** square feet

7. *(Applicable to Area 4 shown on attached **Zoning Exhibit Map**)*

A 50-foot Common Area shall be provided adjacent to Highcroft Village, except where adjacent to the southern stream buffer. Said common area shall include the following:

- a) 40-foot-undisturbed buffer adjacent to Highcroft Village, except for Town approved disturbances allowed by the LDO.
- b) Evergreens planted five feet on center approximately 40 feet west of Highcroft Village.
- c) Fence located 40 to 50 feet from Highcroft Village
Evergreens and Fence shall be omitted within 30 feet of the Enfield Ridge Drive Right of way.

8. Prior to issuance of first Certificate of Occupancy for any lot except a sales center and up to four model home lots, the following improvements will be completed in accordance with a phasing plan approved by staff in accordance with the LDO and applicable Town policies.

- a) At the intersection of Green Hope School Road and Sears Farm Road installation of a westbound left-turn lane with a minimum of 100 feet of storage and an appropriate taper.
- b) At the intersection of Green Hope School Road and Cozy Oak Avenue (referred to as Full Access #1 in 14-TAR-378):
 - 1. Installation of a westbound left-turn lane with a minimum of 100 feet of storage and an appropriate taper;
 - 2. Installation of pavement markings for the southbound approach to have a left-turn lane and a shared right-turn/thru lane within the existing pavement width;;
 - 3. Installation of two egress lanes (one left-turn and one shared right-turn/thru) and one ingress lane for Full Access #1; and
 - 4. Installation of stop control for the northbound approach.
- c) At the intersection of Sears Farm Road and Full Access #2:
 - 1. Install one ingress and egress lane; and
 - 2. Install stop control for the westbound approach.
- d) At the intersection of Sears Farm Road and Full Access #3:
 - 1. Install one ingress and egress lane; and
 - 2. Install stop control for the westbound approach.

9. **Prior to plat approval and recordation of over 100 total lots, a**

	<p><u>right-turn lane shall be installed in accordance with Town and NCDOT requirements at the intersection of Green Hope School Road and NC 55. The right-turn lane shall be on Green Hope School Road to allow turns from eastbound Green Hope School Road onto southbound NC 55.</u></p> <p>10. <u>Prior to issuance of first Certificate of Occupancy for any lot, except a sales center and up to four model home lots, the structure historically known as the Sears House, and currently located at 6917 Green Hope School Road, will be moved to the location depicted on the attached Zoning Exhibit Map, and will be preserved through the use of a preservation easement held by a qualified holder of historic preservation agreements as defined by NCGS Chapter 121, Article 4. Such easement shall assure that the historic character of the property known as the Sears House will be preserved in perpetuity.</u></p>
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 (16 of the 21 protest petitions submitted have been withdrawn and the protest is no longer valid)
Staff Contact	Mary W. Beerman, Senior Planner (919) 469-4342 mary.beerman@townofcary.org

SITE CHARACTERISTICS

Streams: According to Town of Cary GIS maps, stream buffers impact the southern and central portions of the site. Field determination of such features will be required at the time of site plan review.

Adjacent Zoning and Land Use:

North (opposite side of Green Hope School Road) – Residential 40 (R-40), Planned Development District, Major (Highcroft Village PDD); cemetery, vacant, detached residential (Highcroft Reserve Ph 4A)
South and West – Residential 8 Conditional Use (R-8-CU); detached residential (The Reserve Ph 2)
East – Planned Development District, Major (Highcroft Village PDD); detached residential (Highcroft Village Ph 1)
West (opposite side of Sears Farm Road) – Planned Development District, Major (Highcroft PDD); detached residential (Highcroft Subdivision Ph 2)

CONSISTENCY WITH LAND DEVELOPMENT ORDINANCE

Land Use

The proposed zoning conditions will limit land uses to detached dwellings and neighborhood recreation, both of which are permitted uses in the Transitional Residential (TR) zoning district.

Density and Dimensional Standards

	Existing Zoning District (R-40)	Conventional TR Zoning District	Proposed Zoning District (TR-CU)
Max. Gross Density	1.08 du/acre	6.0 du/acre	2.99 du/acre

Min. Lot Size	40,000 square feet	5,000 square feet	11,000 sq. ft in the southwest corner of the site adjacent to The Reserve 8,000 sq. ft. adjacent to the stream buffer located along the southern boundary adjacent to The Reserve 5,000 square feet elsewhere See attached Zoning Exhibit Map
Minimum Lot Width	150 feet (160 feet for corner lots)	40 feet for detached dwellings	
Roadway Setback	From Green Hope School Road: 50 feet From internal streets: Minimum 18 feet if parking is provided between the roadway and the dwelling. Otherwise, minimum 3 feet, with combined front and rear setback of at least 40 feet		
Side Yard Setback	20 feet <i>(with septic tank/well)</i> 15 feet <i>(with public sewer)</i>	The combined setback for both side yards is 6 feet. A firewall is required where the setback on either side is less than 3 feet.	
Rear Yard Setback	30 feet	Minimum 3 feet, with combined front and rear setback of at least 40 feet	Minimum 30-foot rear setback adjacent to The Reserve; Otherwise, conventional TR district applies
Maximum 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>		

Landscape Buffer

A 20-foot Type B landscape buffer is required by Section 7.2.3 of the LDO between the subject property and the residential property to the east (Highcroft Village). The proposed zoning conditions offered by the applicant include a requirement for a 40-foot-wide undisturbed buffer within a 50-foot-wide strip of common area adjacent to residential lots in Highcroft Village.

A 30-foot Type B landscape buffer is required by Section 7.2.3 of the LDO adjacent to The Reserve. The proposed zoning conditions offered by the applicant include a requirement for a 30-foot-wide Type A buffer within a 40-foot wide strip of common area in the southwest corner of the site adjacent to The Reserve.

Streetscape

A 50-foot opaque streetscape is required adjacent to Green Hope School Road, which is designated as a Major Thoroughfare on the Comprehensive Transportation Plan (CTP).

Sears Farm Road is designated as a local street in the CTP. The LDO does not require a streetscape for local streets. The proposed zoning conditions offered by the applicant include a requirement for a 30-foot streetscape on the east side of Sears Farm Road, extending south from Green Hope School Road for a distance of 750 feet. The streetscape would be replanted with plant material equivalent to a Type B buffer.

Traffic

The applicant is proposing to rezone the property from Residential 40 (R-40) to Transitional Residential Conditional Use (TR-CU). For purposes of this rezoning case, the residential development is expected to be built out by 2016. Traffic Analysis Report 14-TAR-378 was prepared by the Town's on-call traffic engineering consultant Ramey Kemp & Associates and was completed in November 2013. Findings of the study are as follows:

Project Description

- Single-Family Residential Home – approximately 180 dwelling units

Trip Generation

- 1,800 daily site trips
- 136 a.m. peak hour trips (34 entering, 102 exiting)
- 178 p.m. peak hour trips (112 entering, 66 exiting)

Intersections Studied

- NC 55 and Green Hope School Road
- NC 55 and Morrisville Parkway
- NC 55 Green Level West / High House Road
- Morrisville Parkway and Cozy Oak Avenue
- Green Hope School Road and Warner Ridge Lane
- Green Hope School Road and Rockland Ridge Road
- Green Hope School Road and Sears Farm Road
- Green Hope School Road and Green Level Church Road
- Green Hope School Road and Proposed Access #1 / Cozy Oak Avenue
- Sears Farm Road and Proposed Access #2
- Sears Farm Road and Proposed Access #3
- Green Hope School Road and Proposed Access #4 (not part of this rezoning request, but anticipated in future development)

The executive summary of the Traffic Analysis Report is attached that includes information on level of service reported at each intersection studied and recommendations for improvements at these intersections. The traffic study also provides the inclusion of traffic generated by developments that have been approved, but not yet constructed in the area.

Intersection Improvement Recommendations

To mitigate the traffic impacts the proposed development may have on the adjacent roadway system, the following findings were reported in the traffic impact report. They include:

- Green Hope School Road and Sears Farm Road (***A zoning condition has been offered by the applicant to provide for this suggested improvement***)
 - Provide a westbound left-turn lane on Green Hope School Road with a minimum of 100 feet of storage and appropriate taper.
- Green Hope School Road and Proposed Access #1 / Cozy Oaks Avenue (***A zoning condition has been offered by the applicant to construct this suggested improvement***)
 - Provide a westbound left-turn lane on Green Hope School Road with a minimum of 100 feet of storage and appropriate taper.
 - Provide pavement marking for the southbound approach on Cozy Oaks Avenue to have a left-turn lane and a shared right-turn/thru lane within the existing street width.
 - Provide two egress lanes (one left-turn lane and one shared right-turn/thru lane) and one ingress lane for Proposed Access #1.
 - Installation of a stop sign control on northbound approach at Proposed Access #1
- Sears Farm Road and Proposed Access #2 (***A zoning condition has been offered by the applicant to construct this suggested improvement***)
 - Provide one ingress lane and one egress lane
 - Provide stop control for the westbound approach of Proposed Access #2
- Sears Farm Road and Proposed Access #3 (***A zoning condition has been offered by the applicant to construct this suggested improvement***)
 - Provide one ingress lane and one egress lane
 - Provide stop control for the westbound approach of Proposed Access #3

Other notable roadway improvements in the area that are committed and are to be completed by other approved developments that are outlined in the TAR include:

- **NC 55 and Green Hope School Road (To be completed by the Fryar Gate Subdivision (12-SP-024) and Green Hope Crossing Subdivision (13-SB-007)**
 - Extend northbound left-turn lane on NC 55.

- **Green Level Church Road at Green Hope School Road (Has recently been completed by the Fryar Gate Subdivision (12-SP-024))**
 - Provide a southbound left-turn lane on Green Level Church Road.
 - Provide a westbound left-lane on Green Hope School Road.

- **Green Level Church Road at Green Hope School Road (To be completed by the Bellwood Manor Subdivision (13-SB-002))**
 - Provide a northbound left-lane on Green Level Church Road.
 - Provide an eastbound left-turn lane and a shared right-turn/thru lane on Green Hope School Road.

- **NC 55 at Morrisville Parkway Extension (To be completed by the Oaks at Highcroft Subdivision (13-SB-002))**
 - Provide and eastbound cross section on the proposed fourth leg of Morrisville Parkway with on left-turn lane, on through lane, and one share right-turn/thru lane.
 - Restripe the westbound approach on Morrisville Parkway with one left-turn lane, one through lane, and one right-turn lane.
 - Provide a southbound right-turn lane on NC 55

- **Morrisville Parkway Extension at Cozy Oaks Avenue Extension (To be completed by the Oaks at Highcroft Subdivision (13-SB-002))**
 - Provide and eastbound u-turn on Morrisville Parkway
 - Provide a westbound left-turn lane on Morrisville Parkway
 - Provide one thru lane in each direction on Morrisville Parkway
 - Provide a two-lane cross section for Cozy Avenue Extension.

- **Green Hope Church Road and Proposed Access #4 (This future intersection was studied as part of this rezoning case, but is not considered a valid commitment by any party).**
 - Provide an eastbound left-turn lane and appropriate taper.
 - Provide one ingress lane and one egress lane
 - Provide stop control for the westbound approach of Proposed Access #4

Other Traffic Considerations

The applicant is working with Town of Cary and NCDOT staff to design and construct an exclusive eastbound right-turn lane on Green Hope School Road at its intersection with NC 55. This exclusive right-turn lane would alleviate some of the existing queuing and improves the flow of traffic turning right onto southbound NC 55. The Town's planned Morrisville Parkway extension project to the north is anticipated to provide additional relief to the NC 55/Green Hope School Road intersection by providing an additional east-west thoroughfare route.

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 September 19, 2013. According to the information submitted by the applicant, 32 residents attended the meeting and expressed concerns related to: perimeter buffers and stream buffers, land use, construction

materials and methods, home prices, traffic and road improvements, street connections, and use of existing neighborhood recreation facilities.

Notification – January 30, 2014 Town Council Public Hearing

On January 14, 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 public hearing was posted on the property on January 15, 2014.

Town Council Public Hearing (January 30, 2014)

Applicant Comments (excerpt from draft minutes of meeting)

Mr. Chris Raughley, speaking on behalf of the applicant, stated they will formally commit to 10,000-square-foot lots to be consistent with the southwest area plan. He stated they have committed to all the traffic improvements recommended by the Town's traffic consultant, except for those already committed by others and under construction. He stated they held the required neighborhood meeting and several non-required meetings before submitting the rezoning request. He submitted the following conditions that Pulte requests to gain neighborhood support, although he has not vetted them with staff and understands that some of them may not be acceptable to staff. He added that they are willing to enter into private agreements with homeowners to address any of the following conditions that the staff will not accept as rezoning conditions.

1. Minimum square footage will be 2,400 square feet
2. Specific foundation types including a minimum of 18-inch masonry above grade across the front of the house, excluding the garage
3. Front entryway features
4. Rear home features to create offsets
5. Dwellings with a minimum of 1½ stories
6. Landscaping and material features on corner lots
7. Front elevation masonry requirements
8. Building materials limitations
9. Chimney style limitations
10. Flat roofs are not permitted
11. Garage door features
12. Anti-monotony to exceed the LDO
13. Minimum building setbacks
14. Additional front yard landscaping
15. Storage sheds prohibited
16. 50-foot common area adjacent to Highcroft Village
 - a. 40-foot buffer
 - b. 10-foot area with replanted shrubs and fence
17. 40-foot common area adjacent to six owners in the Reserve
 - a. 30-foot Type A buffer
 - b. 10-foot area with fence
18. 10,000-square-foot lots adjacent to six owners in the Reserve
19. 70-foot building setback from the Reserve
20. Funding for traffic calming in Reserve and Highcroft Village
21. Landscaping/monumentation at Highcroft Village and Stitt Road connection
22. Enfield Ridge Drive will not be a direct connection to Sears Farm Road or Green Hope School Road
23. No access to Highcroft Village pool

Staff Response:

- **Conditions 13 and 16-19:** Staff finds that these are acceptable zoning conditions that can be reasonably enforced. The applicant has offered these provisions in proposed Zoning Conditions 3-6, as listed on pages 2 and 3 of this report.
- **Condition 20:** It is not appropriate to recognize the offering of off-site traffic calming as a zoning condition. The Town has a policy (PS-124) and standard procedure (SP-111) in place that specifically outlines the process for requesting and implementing traffic calming, which requires 70% approval by neighborhood residents in the influence area where traffic calming is being considered. Also, 4-way stop signs at intersections are not considered an acceptable traffic calming solution and, if requested, would not generally be supported by Town staff. The

neighborhood can petition the Town at any time to request traffic calming on neighborhood streets.

- **Condition 22:** *Connectivity provisions of the LDO are implemented at the time of site/subdivision plan review. The Planning Director is authorized to waive connectivity requirements in certain limited situations. Otherwise, waiver of connectivity requirements may be granted only by Town Council after conducting a quasi-judicial hearing.*
- **Remaining Conditions:** *Not appropriate as zoning conditions.*

Citizen Comments (excerpt from draft minutes of Town Council meeting)

Mr. Phillip Armand, speaking on behalf of Highcroft Village homeowners, stated they are willing to withdraw the protest petitions if the 23 conditions (above) are finalized in acceptable fashions to which they agree.

Mr. Scott Hoyt wants to ensure that buffers are installed along Sears Farm Road to maintain the existing aesthetic quality. While not required by the Town's LDO, he requested this buffer to maintain the spirit of the LDO.

Mr. Brad Reedstrom stated he speaks on behalf of the property owners along Bell Arbor Court and Edgemore Street in the Reserve Subdivision adjacent to the southwest edge of this property. They do not believe the request meets the spirit of the southwest plan. He stated it appears that about 23% of the rezoning area is designated Low Density Residential (LDR) on the southwest plan. He understands the proposal stipulates no Medium Density Residential (MDR) within 100 feet of the Reserve property lines, which will lead to a high percentage of the building acreage with the LDR designation developed with 5,000-square-foot lots. He believes the southwest plan intends to provide a buffer adjacent to the Reserve and a transition to MDR. Reedstrom stated the average lot size adjacent to the southwest property boundary is about 16,500 square feet. He stated the developer has submitted 9,000 square feet as the lot size adjacent to this property line. He does not think this is adequate transition to MDR. He believes the Talton Ridge Drive development provides a good transition, and serves as an example of appropriate development on this tract. He urged council to deny the request.

Mr. Tim Driscoll is concerned about traffic and safety on Edgemore Avenue. He stated the traffic impact analysis did not consider the traffic at NC 55 and Green Hope School Road, which will not be improved with this development. He stated they already experience a lot of cut-through and speeding traffic, because motorists want to avoid that intersection. He stated the developer has offered to install speed humps and stop signs, but he understands that the Town rules do not allow these conditions. He thinks the speed humps and stop signs would resolve the cut-through and speeding traffic and would push these motorists back to the collector road. He fears for the safety of pedestrians that use the greenway if the traffic problem is not resolved. Driscoll stated only one lot in the proposal meets the transition standards, and he does not think this is adequate transition.

(See **Staff Response** above).

Town Council Comments and Discussion

Council members asked specific questions about the 23 proposed conditions that Raughley submitted. Beerman stated staff needs time to evaluate the proposed conditions and determine which are appropriate conditions. (See **Staff Response** above)

Robinson expressed her thoughts and concerns:

- The land use plan designation of LDR must be honored
- Green Hope School Road intersection and impacts from the project should be considered
- Buffer along existing community, particularly Highcroft Village, should be adequate
- Concern about a Type B instead of Type A buffer
- View along Sears Farm Road should be aesthetically pleasing

Yerha stated transition is important. He stated there is an historic house on the property, and he hopes something can be done to preserve the home.

Notification – March 17, 2014 Planning and Zoning Board Public Hearing

On February 27, 2014, the Planning Department mailed notification of a public hearing on the request to

property owners within 400 feet of the subject property. Notification was duly published on the Town of Cary website on February 28, and March 7 and 14, 2014. Notice of the public hearing was posted on the property on March 5, 2014.

Planning and Zoning Board Public Hearing (March 17, 2014)

Three speakers at the public hearing expressed concern with the transition adjacent to The Reserve. The applicant noted that the minimum lot size adjacent to the Reserve would increase from 10,000 to 12,000 square feet if the 30-foot perimeter buffer (in common open space) was included in the lot area. A resident of Highcroft Village noted that the developer had reached an agreement with neighbors along the eastern property line and, as a result, most of the protest petitions had been withdrawn. Other concerns expressed related to traffic, school overcrowding, and insufficient streetscape along Sears Farm Road.

Board members discussed school overcrowding, traffic issues, and consistency with the land use plan. There were questions regarding the significance of the historic Sears House. Staff explained that the historic resources in the database have not yet been prioritized, though that is an upcoming step in implementing the Historic Preservation Master Plan. It was noted that this property is not on the National Register Study List and the applicant has not indicated that the structure would be preserved.

The Board recommended approval of the request by a vote of 7-1.

Town Council Meeting (April 24, 2014)

Council members expressed concern regarding cumulative development activity in western Cary, its impact on Cary's road network and schools, and the lack of capacity to accommodate growth in that area. It was noted by a council member that impacts could be mitigated by controlling density and the pace of development.

It was also noted that there was an historic house on the property, and that preservation of the structure was not addressed in the zoning conditions.

It was also noted that the protest petitions had been withdrawn primarily because the applicant had entered into a private agreement with adjacent homeowners to address items that were not appropriate for zoning conditions and therefore not enforceable by the town.

The applicant asked that the item be tabled to provide time to address the concerns expressed at this meeting.

Changes Since the Town Council Meeting

Since the April 24, 2014 Town Council meeting, the applicant has offered the following changes to the proposed zoning conditions:

- Reduce maximum density from 3.6 du/acre (172 dwellings) to 2.99 du/acre (142 dwellings);
- Add a requirement for an average lot size of more than 7,000 square feet;
- Increase minimum lot size adjacent to residential lots in The Reserve from 10,000 to 11,000 sq. ft.;
- Increase minimum lot size adjacent to the northern boundary of the stream buffer adjacent to The Reserve from 7,000 to 8,000 sq. ft.;
- Add a requirement for a right-turn lane on Green Hope School Road onto southbound NC 55; and
- Add a requirement to preserve the Sears House on the site through a preservation easement.

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.

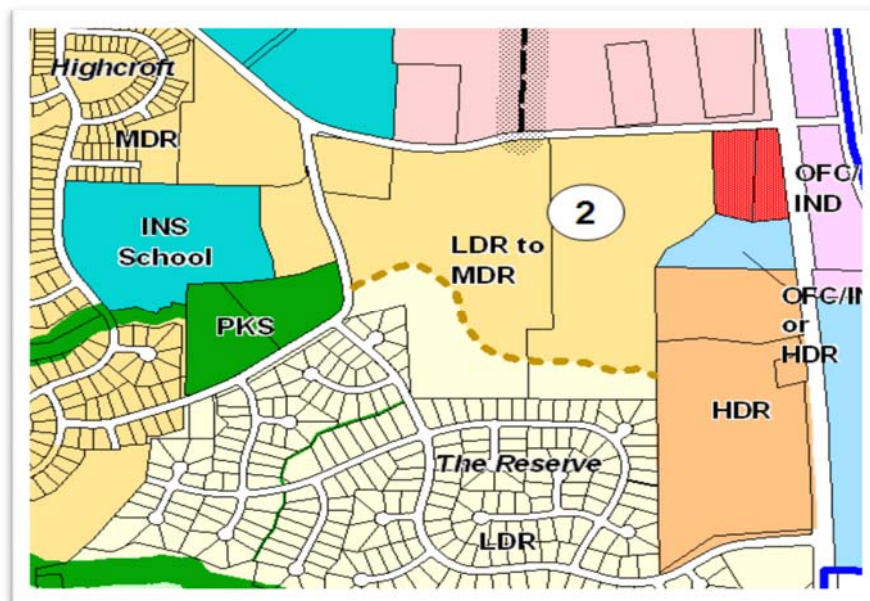
APPLICABLE COMPREHENSIVE OR AREA PLAN REQUIREMENTS

Land Use Plan

The **Southwest Area Plan** currently recommends that the subject site be developed as Low Density to Medium Density Residential. In the Southwest Plan, Low Density Residential (LDR) typically refers to single-family-detached housing at densities from one to three dwellings per acre, "with lot sizes typically ranging from approximately 10,000 square feet to 1 acre." Medium Density Residential (MDR) is typically defined as single-family housing at three to eight dwellings per acre, with housing that typically includes types such as single-family-detached, semi-detached/attached homes, townhomes, patio homes, and/or duplexes.

The Southwest Area Plan's Note 2 also applies to the subject site (as well as to the area immediately east of the site, now developed as part of Highcroft Village). Note 2 reads: *Within this 84-acre area, Medium Density Residential should be the predominant use, with Low Density Residential located adjacent to the single-family homes of The Reserve subdivision. A transition toward higher density should occur adjacent to the existing HDR and near the NC 55 corridor. MDR development shall be at least 100 feet from the existing single-family neighborhood.*

At the time of Plan adoption, the intent of Note 2 was to (a) provide an appropriate transition to the then-existing single-family homes in The Reserve subdivision, south of the site, and (b) to encourage that residential densities would transition from lower densities in the south and southwest portion of the subject area, to higher (medium) densities in the northern and western parts of the subject area. As a point of clarification, Note 2 does not recommend a 100-foot buffer between future development and The Reserve, or any other adjacent property. It only recommends that any future Medium Density Residential development should be sited at least 100 feet from The Reserve. This recommendation does not apply to LDR development placed next to The Reserve. The figure below illustrates how the Southwest Area Plan's future land use map looked at the time of plan adoption in 2004:



Analysis: The following analysis evaluates the conformance of the proposed rezoning with the Southwest Area Plan for three separate criteria:

Conformance with the overall density recommendations of the Southwest Area Plan: The rezoning request proposes an overall maximum density of 2.99 units per acre. The overall proposed zoning density is within the recommended “LDR to MDR” density range (e.g., 1-8 dwellings per acre) recommended by the Southwest Area Plan. Thus, the proposed overall density conforms to the plan.

Conformance with the housing type recommendations of the Southwest Area Plan: This rezoning request includes a condition limiting future development to single-family-detached. This proposed housing type is consistent with the definitions for both the LDR and MDR land use categories, as given in the area plan.

Conformance with transition adjacent to The Reserve subdivision, per Map Note #2 of the Southwest Area Plan: For the portion of the subject site that is adjacent to The Reserve subdivision, Note 2 on the Southwest Plan’s Future Land Use Map recommends one or both of the following approaches:

- a) Place LDR uses immediately adjacent to The Reserve subdivision (LDR being defined as 1-3 dwellings/acre, with a minimum lot size of about 10,000 sq. ft.), and/or
- b) Place MDR development no closer than 100 ft. to The Reserve subdivision.

For the western half of the subject property’s common boundary with The Reserve, the applicant proposes single-family development with a minimum lot size of 11,000 square feet which conforms to the minimum lot size recommended by Note 2 in the Southwest Area Plan.

For the eastern half of the subject property’s common boundary with The Reserve, the applicant proposes single-family development with a minimum lot size of 8,000 square feet (see attached **Zoning Exhibit Map**). This lot size is consistent with the MDR land use category. However, on this portion of the subject parcel, there is a stream with a 100-foot stream buffer that will separate these future lots from The Reserve by a minimum distance of about 180-380 feet. This separation clearly satisfies recommendation (b) above. Thus, the proposed rezoning along this portion of the boundary with The Reserve is in conformance with the area plan.

Planning History

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

Growth Management Plan

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

1. Provide for a full range of housing choices for all income groups, families of various sizes, seniors, and persons with special challenges.
2. Facilitate the creation of a reasonable proportion of the Town of Cary’s housing as affordable units through additional homeownership opportunities for individuals and families earning between 60% and 80% of area median income and affordable apartments for individuals and families earning up to 60% of the area median income.

Comments: It is unlikely that the proposed rezoning will advance the affordability goals of the Affordable Housing Plan.

Comprehensive Transportation Plan

Green Hope School Rd. is designated as a Major Thoroughfare.

Existing Section: 2-lane undivided section in approximately 65-foot ROW

Future Section: 3-lanes in 70-foot ROW

Sidewalks: Partial sidewalk exists on the north side of Green Hope School Rd. Sidewalk is required on both sides.

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

Transit: There are currently no existing or proposed bus routes along Green Hope School Road.

Status of Planned Improvements: N/A

Parks, Recreation & Cultural Resources

According to the Parks, Recreation and Cultural Resources Facilities Master Plan the Highcroft Village Greenway is proposed to cross the southern end of the property, along the north side of the creek. The developer's construction of this approximate .2 miles of greenway will complete a missing gap in the Highcroft Village Greenway.

A recreation fund payment will be required for residential development in accordance with the Land Development Ordinance.

These comments were reviewed and approved by the Town's Greenways Committee at its November 2013 meeting, and by the Parks, Recreation & Cultural Resources Advisory Board at its December 2013 meeting.

Open Space Plan

According to the Open Space Plan, this property has value due to its existence as an agricultural site, riparian buffers associated with a creek and pond on site, mixed upland hardwood forests in the northeastern corner and along the southern end of the property, and a small area of bottomland forest / hardwood swamp in the southern end of the site near a stream.

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 historic Sears House (circa 1900-1910), which is listed in the Cary/Wake County Architectural and Historic Inventory. This two-story, frame house with hip roof, short front hip-roof wing, and rear ell is referred to as the "Sears House" because the Sears family is believed to have been the first owner. The dwelling features three corbelled brick chimneys (two interior and one exterior end), finials at the peaks of the original patterned metal shingle roof, one-over-one sash windows (which may be replacements), and a partially enclosed wrap-around porch. The front porch posts and decorative brackets were replaced in the 1990s. The Sears family is said to have boarded teachers from (the then) nearby Green Hope School in their home until the teacherage for the school was constructed in the 1930s.

Comments: Planning staff, Capital Area Preservation staff, and Cary's representative on the Wake County Historic Preservation Commission have toured the house. The interior of the house is in good condition and retains many original features such as original floors, moldings, doors, Craftsman-style fireplace surrounds, and newel posts. The applicant is offering a zoning condition that stipulates that the Sears House will be moved to a location on the west side of the property into a position facing Sears Farm Road (see attached **Zoning Exhibit Map**), and that the historic character of the house will be protected in perpetuity with a preservation easement. Planning staff believes that keeping the house on site will help maintain its historic context, and based on discussions with the applicant and Capital Area Preservation (the entity that will hold the preservation easement), the planned future location of the Sears House will provide an appropriate setting.

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 2.99 units per acre, is generally consistent with the recommendations of the Southwest Area Plan. The proposed minimum lot size of 11,000 square feet for lots in the southwest corner of the site adjacent to The Reserve is consistent with recommendations of the Plan for low-density development.
Growth Management Plan	The requested zoning supports two of the guiding principles of the Growth Management Plan.
Affordable Housing Plan	The requested rezoning does not compromise the Affordable Housing Plan, but neither does it advance the goals of the plan.
Comprehensive Transportation Plan	Future development will require Green Hope School Road to be improved to a major thoroughfare standard.
PRCR Master Plan	The Plan proposes a greenway to cross the southern end of the property.
Open Space Plan	The Plan notes a wide range of natural features on the site.
Historic Preservation Master Plan	The site contains a c. 1910 house. The rezoning proposal includes a condition to move the house on site and protect it with a preservation easement, therefore meeting the goals of the Historic Preservation Master Plan.

OTHER REFERENCE INFORMATION

Schools	Type ¹	Projected Range of Additional Students ²
<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	41-59
	Middle School	8-22
	High School	10-26
Total Projected range of additional students ²		59-107
¹ Information regarding specific Wake County Public School assignment options may be found by visiting the following: http://assignment.wcpsps.net/preview/myplan.html		
² 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-25 Stitt Property South

AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE TOWN OF CARY TO CHANGE THE ZONING OF APPROXIMATELY 47.78 ACRES OWNED BY STITT PROPERTIES, LLC, ALMA STITT AND ROSS STITT BY REZONING FROM RESIDENTIAL 40 (R-40) TO TRANSITIONAL RESIDENTIAL CONDITIONAL USE (TR-CU)

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 Owners	County Parcel Number(s) (10-digit)	Real Estate ID(s)	Deeded Acreage
Stitt Properties, LLC, Alma M. Stitt	0734661247 Portion	0067954 Portion	± 40.17
Ross E. Stitt Jr.	0734565910	0168310	± 3.64
Alma M. Stitt	0734569857	0414456	± 3.97
Total Area			± 47.78

Section 2: That this Property is rezoned from R-40 to TR-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. Land uses shall be limited to detached dwellings and neighborhood recreation
2. Residential density shall not exceed 2.99 dwelling units/acre.
3. The average lot size shall exceed 7,000 square feet.
4. *(Applicable to Area 1 shown on the attached Zoning Exhibit Map)*
A 30-foot streetscape shall be provided on the east side of Sears Farm Road from Green Hope School Road extending south for 750 feet. Said streetscape shall be replanted with plant material equivalent to a Type B Buffer.
5. *(Applicable to Area 2 shown on the attached Zoning Exhibit Map)*
The following shall apply to the portions of the site adjacent to the Reserve which are not adjacent to the southern stream buffers:
 - a) Minimum 11,000-square-foot lot size
 - b) 40-foot Common Area which shall include:
 - ii. 30-foot Type A buffer adjacent to the Reserve
 - iii. 6-foot-tall opaque fence located 30 feet to 40 feet from the Reserve
 - c) 30-foot Rear Setback
6. *(Applicable to Area 3 shown on attached Zoning Exhibit Map)*
The minimum lot size for lots adjacent to the northern boundary of the stream buffer that is adjacent to the Reserve shall be 8,000 square feet

7. *(Applicable to Area 4 shown on attached Zoning Exhibit Map)*
 A 50-foot Common Area shall be provided adjacent to Highcroft Village, except where adjacent to the southern stream buffer. Said common area shall include the following:
- a) 40-foot-undisturbed buffer adjacent to Highcroft Village, except for Town approved disturbances allowed by the LDO.
 - b) Evergreens planted five feet on center approximately 40 feet west of Highcroft Village.
 - c) Fence located 40 to 50 feet from Highcroft Village
 Evergreens and Fence shall be omitted within 30 feet of the Enfield Ridge Drive Right of way.
8. Prior to issuance of first Certificate of Occupancy for any lot except a sales center and up to four model home lots, the following improvements will be completed in accordance with a phasing plan approved by staff in accordance with the LDO and applicable Town policies.
- a) the intersection of Green Hope School Road and Sears Farm Road installation of a westbound left-turn lane with a minimum of 100 feet of storage and an appropriate taper.
 - b) At the intersection of Green Hope School Road and Cozy Oak Avenue (referred to as Full Access #1 in 14-TAR-378):
 1. Installation of a westbound left-turn lane with a minimum of 100 feet of storage and an appropriate taper;
 2. Installation of pavement markings for the southbound approach to have a left-turn lane and a shared right-turn/thru lane within the existing pavement width;,
 3. Installation of two egress lanes (one left-turn and one shared right-turn/thru) and one ingress lane for Full Access #1; and
 4. Installation of stop control for the northbound approach.
 - c) At the intersection of Sears Farm Road and Full Access #2:
 1. Install one ingress and egress lane; and
 2. Install stop control for the westbound approach.
 - d) At the intersection of Sears Farm Road and Full Access #3:
 1. Install one ingress and egress lane; and
 2. Install stop control for the westbound approach.
9. Prior to plat approval and recordation of over 100 total lots, a right-turn lane shall be installed in accordance with Town and NCDOT requirements at the intersection of Green Hope School Road and NC55. The right-turn lane shall be on Green Hope School Road to allow turns from eastbound Green Hope School Road onto southbound NC55.
10. Prior to issuance of first Certificate of Occupancy for any lot, except a sales center and up to four model home lots, the structure historically known as the Sears House, and currently located at 6917 Green Hope School Road, will be moved to the location depicted on the attached Zoning Exhibit map, and will be preserved through the use of a preservation easement held by a qualified holder of historic preservation agreements as defined by NCGS Chapter 121, Article 4. Such easement shall assure that the historic character of the property known as the Sears House will be preserved in perpetuity.

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

Adopted and effective: *September 23, 2014*

Harold Weinbrecht, Jr.
 Mayor

Date