

**Town of Cary, North Carolina  
Rezoning Staff Report  
13-REZ-26 Weston PDD Amendment – Tract PEC-PUD-2  
Town Council Meeting  
April 10, 2014**

**REQUEST**

To amend the Town of Cary Official Zoning Map by amending the previously-approved Weston Planned Development District to allow up to 100 townhomes as an additional permitted use on Tract PEC-PUD-2.

An associated Comprehensive Plan Amendment request (13-CPA-05) request to change the Land Use Plan Designation from Office and Industrial (OFC/IND to Office/Industrial or Medium Density Residential (OFC/IND or MDR) was approved by Town Council on February 27, 2014.

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 PARCEL**

Property Owner	County Parcel Number (10-digit)	Real Estate ID	Calculated Acreage
Highwoods Realty Limited Partnership	0755502824 <i>Subject property identified in previous staff report as 0755503815 and a portion of 0755404955</i>	0223877 <i>Subject property identified in previous staff report as 0223877 and a portion of 0271880</i>	25.24 ±

**BACKGROUND INFORMATION**

Applicant	Jeremy Medlin, MI Homes 1511 Sunday Drive, Suite 100 Raleigh, NC 27607		
Agent	Bob Zumwalt, McAdams Company 2905 Meridian Parkway, Durham, NC 27713		
Acreage	25.24 ±		
General Location	South side of Weston Parkway approx. 1,000 feet east of Chapel Hill Road		
Schedule	<b>Public Hearing</b> January 9, 2014	<b>Planning &amp; Zoning Board</b> March 17, 2014	<b>Town Council</b> April 10, 2014
Land Use Plan Designation	Office/Industrial or Medium Density Residential (OFC/IND or MDR) <i>(Associated Comprehensive Plan Amendment (13-CPA-05) was approved by Town Council on February 27, 2014)</i>		
Existing Zoning District	Planned Development District (Major) [PDD (Major)]		
Existing Zoning Conditions	Per PDD Document		
Proposed Zoning District	Planned Development District (Major) [PDD (Major)]		
Proposed Zoning Conditions	PDD amendment to allow up to 100 townhomes as alternate use on Tract PEC-PUD- 2		
Town Limits	Yes		
Valid Protest Petition	Yes		
Staff Contact	Mary W. Beerman, AICP (919) 469-4342 mary.beerman@townofcary.org		

**SITE CHARACTERISTICS**

**Streams:** According to Cary GIS maps, a portion of the site is impacted by a stream buffer. Final determination regarding the presence of a stream and applicability of a stream buffer will be made at the time of site plan review.

**Floodplain:** According to Cary GIS maps, there is no floodplain area on the subject property. Final determination regarding the presence of floodplain area will be made at the time of site plan review.

**Wetlands:** Determination regarding wetlands will be made at the time of site plan review.

**Adjacent Zoning and Land Use:**

North (*opposite side of Weston Parkway*) -- Planned Development District, Major (Weston PDD); office

South -- Town of Morrisville Residential Multi-family (RMF); multi-family development

East -- Planned Development District, Major (Weston PDD); office

West -- Planned Development District, Major (Weston PDD) and Town of Morrisville Residential 6 (R-6); office and townhomes

**CONSISTENCY WITH LAND DEVELOPMENT ORDINANCE**

WESTON PLANNED DEVELOPMENT DISTRICT Land Uses Allowed in Tract PEC-PUD-2	
Existing PDD	Proposed PDD Amendment
Retail stores	All uses allowed in existing PDD  PLUS  Townhomes
Convenience stores	
Personal service establishments	
Hotels and motels	
Guest houses	
Clinics	
Restaurants	
Offices	
Amusement Establishments	
Automobile Service stations	
Car Washes	
Vehicle Sales and Rental	
Funeral home	
Radio and television broadcasting studios	
Libraries	
Museums	
Churches	
Animal hospitals	
Colleges	
Clubs and Lodges	
Commercial Outdoor recreation	
Outdoor amphitheatre, government	
Nightclubs and bars	
Farm markets	
Post Offices	
Public Utility Facilities	
Public safety stations	
Utility substations	
Wellness Center	
Accessory Uses	

## Density and Dimensional Standards

	Existing and Proposed PDD District
Min. Lot Size	None specified
Minimum Lot Width	None specified
Front Yard Setback	100' from public streets
Side Yard Setback	25'
Rear Yard Setback	25'
Maximum Building Height	None specified
Streetscape	50' Type B along Weston Parkway (required by LDO)
Perimeter Buffers	20' Type B (required by LDO)

**Traffic:** The applicant is requesting a PDD amendment to allow up to 100 townhomes as an alternate use on Tract PEC-PED-2. The trip generation (trips) based on this residential intensity and use is as follows:

Avg. Weekday 2-Way Volume	643
7-9 AM Peak Hour Enter	9
7-9 AM Peak Hour Exit	43
7-9 AM Peak Hour Total	52
4-6 PM Peak Hour Enter	40
4-6 PM Peak Hour Exit	20
4-6 PM Peak Hour Total	60

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 October 16, 2013. According to the information submitted by the applicant, four residents attended the meeting. According to the meeting minutes, resident questions and concerns pertained to: the location and configuration of the access point on Weston Parkway; potential amenities; stormwater control features; and timing of construction.

### 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 other than the applicant at the public hearing. Council noted a need to accommodate pedestrian traffic to and from this site and the West Park shopping center. The applicant was asked to explore the possibility of pedestrian access to Cary Parkway through the adjacent apartment development in Morrisville.

### Planning Board Public Hearing (*March 17, 2014*)

There were no speakers at the public hearing other than the applicant. There were questions and comments from board members regarding pedestrian connectivity and consistency with the recently-approved associated Comprehensive Plan Amendment. The board recommended approval by a vote of 8-0.

## CRITERIA FOR CONSIDERATION IN REVIEWING REZONINGS

Section 3.4.1(E) of the Land Development Ordinance sets forth the following criteria that should be considered in reviewing rezonings:

1. The proposed rezoning corrects an error or meets the challenge of some changing condition, trend or fact;
2. The proposed rezoning is consistent with the Comprehensive Plan 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's Land Use Plan, the future land use designation for the subject property is Office/Industrial or Medium Density Residential (OFC/IND or MDR). A Comprehensive Plan Amendment, case (13-CPA-05 - Weston PDD Amendment) was approved on February 27, 2014. This plan amendment added Medium Density Residential as a future land use designation. The 1996 Land Use Plan describes office parks and office/industrial parks as planned concentrations of office and industrial development. Over the past decade, this model has transitioned from a traditional office park to a mixed use setting, especially for the Weston PDD. Medium Density Residential (MDR) development includes single-family, attached or detached, housing between three to eight units per acre. Either an office use or a medium density residential use could provide an appropriate transition to immediately adjacent development as well as to the larger Weston Planned Development District.

**Analysis:** This rezoning request is consistent with the Town's Land Use Plan.

### Growth Management Plan

The Growth Management Plan includes the following 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.
3. A1 Guiding Principle: Increase permitted densities in preferred growth areas to encourage desired forms of development.

**Analysis:** The Weston Planned Development District is an existing office/industrial park; infrastructure and services are generally available in this area.

### 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.
3. 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.
4. Assure a quality living environment and access to public amenities for all residents, present and future, of the Town of Cary, regardless of income.

**Comments:** A medium or high density residential development, in proximity to services and employment, has the potential to support the goals of the Affordable Housing Plan.

**Comprehensive Transportation Plan**

**Weston Parkway is designated as a Major Thoroughfare.**

**Existing Section:** 4-lane median-divided in approximately 130-foot ROW

**Future Section:** 4-lane median-divided in 130-foot ROW

**Sidewalks:** The original Weston PDD had a sidewalk waiver in lieu of a greenway system that was to be built. That system was never completely installed. As a result, sidewalks are required on both sides.

**Bicycle Lanes:** Do not currently exist; 14-foot-wide outside lanes required

**Transit:** At the time of site plan review, dedication of an 8' x 18' easement will be required adjacent to the public ROW – 18 feet being the length along the public ROW facing Weston Parkway, beginning 80 feet southwest from the intersection of the site entrance and Weston Parkway. This easement is for a transit stop amenity expansion. A sidewalk connecting the concrete pad, shelter, bench and associated passenger amenities (trash can, bike rack) will also be required in accordance with LDO 7.10.6.

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

**Parks, Recreation & Cultural Resources 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 pockets of bottomland hardwood forest associated with the stream on the northern half of the site, and larger areas of mixed hardwood forest in the southwestern quarter of the site, and along the stream in the southeast corner of the site.

**Historic Preservation Master Plan**

According to the Historic Preservation Master Plan, there are no historic structures 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	10-35
	Middle School	6-22
	High School	3-18
Total Projected range of additional students <sup>2</sup>		19-75

<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 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-26 Weston PDD Amendment – Tract PEC-PUD-2**

AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE TOWN OF CARY TO CHANGE THE ZONING OF APPROXIMATELY 25.24 ACRES OWNED BY PAPEC WESTON I LLC AND HIGHWOODS REALTY LIMITED PARTNERSHIP BY AMENDING THE WESTON PLANNED DEVELOPMENT DISTRICT TO ALLOW DEVELOPMENT OF UP TO 100 TOWNHOMES AS AN ADDITIONAL PERMITTED USE ON TRACT PEC-PUD-2

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 Owner</b>	<b>County Parcel Number (10-digit)</b>	<b>Real Estate ID</b>	<b>Calculated Acreage</b>
Highwoods Realty Limited Partnership	0755502824	0223877	25.24 ±

**Section 2:**

That this Property is rezoned, subject to the individualized development conditions set forth in the “Weston Planned Development District” document dated January 5, 1998, and on file in the Planning Department, as amended by the “Weston Planned Development District Amendment - Tract PEC-PUD-2” document approved by the Town Council as of this date to allow up to 100 townhomes as an additional permitted use on Tract PEC-PUD-2, 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 “Weston Planned Development District” document dated January 5, 1998, and on file in the Planning Department, as amended by the “Weston Planned Development District Amendment - Tract PEC-PUD-2” document approved by the Town Council as of this date to allow up to 100 townhomes as an additional permitted use on Tract PEC-PUD-2, on file in the Planning Department.

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

Adopted and effective: *April 10, 2014*

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Harold Weinbrecht, Jr.  
Mayor

\_\_\_\_\_  
Date