

**Town of Cary, North Carolina
Rezoning Staff Report
13-REZ- 27 Pritchett Tract
Town Council Meeting
July 31, 2014**

REQUEST

To amend the Town of Cary Official Zoning Map by rezoning approximately 52.25 acres located at 6405 Holly Springs Road from Residential 40 (R-40) to Residential 12 Conditional Use (R-12-CU) and from Residential 8 Conditional Use (R8-CU).

The applicant has proposed to separate the subject property into two separate zoning areas with approximately 30.58 acres designated as Residential 8 Conditional Use (R-8-CU) with a proposed maximum density of 2.1 dwelling units per acre and approximately 21.66 acres designated as Residential 12-Conditional Use (R12-CU) with a maximum density of 1.5 dwelling units per acre. The applicant has also proposed conditions to address all traffic mitigations identified in a recent traffic study. Other conditions proposed by the applicant, related to preservation of historic features, increased buffers, setbacks and average lot sizes are included in this staff report.

NOTE: The purpose of the rezoning is to determine if 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
Rildia J. Pritchett 103 Richelieu Drive Cary, NC 27518-8634	0772638831	0037365	52.25 ±
Total Area			52.25 ±

BACKGROUND INFORMATION

Applicant & Agent	Rildia J. Pritchett 103 Richelieu Drive Cary, NC 27518-8634		
Applicant's Contact	Jeremy Medlin M/I Homes of Raleigh, LLC 1511 Sunday Drive Suite 100 Raleigh, NC 27607		
Acreage	52.25 ±		
Location	6405 Holly Springs Road		
Schedule	Town Council Public Hearing January 30, 2014	Planning & Zoning Board March 17, 2014	Town Council June 26, 2014 Tabled to July 31, 2014
Land Use Plan Designation	Western half of property: Low to Medium Density Residential ("LDR to MDR") with a maximum of 6 units/acre Eastern half of property: Very Low Density Residential to Low Density Residential (VLDR to LDR)		
Existing Zoning District(s)	Residential 40 (R-40) and Watershed Protection Overlay District (Swift Creek Watershed sub-area)		
Existing Zoning Conditions	None		

Proposed Zoning District(s)	Residential 8 Conditional Use (R-8 -CU) and Residential 12 Conditional Use (R-12-CU) and Watershed Protection Overlay District (Swift Creek Watershed sub-area)
Proposed Zoning Conditions	<p><u>Area 1 and 2 (As shown on Exhibit A)</u></p> <ul style="list-style-type: none"> • The maximum number of dwelling units in Area 1 (R-8-CU) and Area 2 (R-12-CU) combined shall be 93. • <u>Intersection of Holly Springs Road & SE Cary Parkway / Proposed Access #1 (Full Movement):</u> Prior to first Certificate of Occupancy for any building in Area 1 or Area 2, the Owner/Developer shall provide the following: <ul style="list-style-type: none"> • Westbound approach of proposed access #1 (as described in Traffic Impact Analysis 14-TAR -379 Dated December 2013) at least one ingress lane and two egress lanes. The egress lanes shall include a separate left turn lane with a minimum vehicular storage length of 100 feet and a shared through/right-turn lane. • Modifications to the existing traffic signal to account for the creation of a fourth leg at this intersection. • Restriping the eastbound approach of SE Cary Parkway to provide for separate left, through, and right turn lanes. • Northbound approach of Holly Springs Road to include a separate left turn lane with minimum vehicular storage of 150 feet. • <u>Preservation of Barn and Grain Silo</u> Prior to the issuance of the first certificate of occupancy for any residence constructed on the Property, the owner/developer shall submit to the Town an attorney's certification showing that an Architectural Façade Easement and Historical Preservation Agreement with Capital Area Preservation, Inc., encumbering the gambrel-roofed c. 1937 Jones Barn and the 40-foot tall grain silo located on the Property, has been recorded with the Wake County Register of Deeds. <p><u>Connectivity to Fordland Drive</u> Vehicular access to Fordland Drive shall not be provided unless (i) required by the Land Development Ordinance at the time of development plan approval by staff, or (ii) otherwise required as a condition of site, sketch or subdivision plan approval.</p> <p><u>Area 1</u></p> <ul style="list-style-type: none"> • Use shall be limited to detached dwelling, community garden, and/or private neighborhood recreation center. • Maximum density shall be 2.1 dwelling units per acre. • Lots located within 50 feet of the southern property line shall have a minimum lot size of 20,000 square feet. • Lots located within 600 feet of the southern property line shall have a minimum average lot size of 12,000 square feet. • A 30-foot Type-A (opaque) buffer shall be provided along the southern property line adjacent to the Campbell Woods Subdivision. • A minimum of 15,000 square feet of common open space will be provided adjacent to and/or surrounding the existing barn as shown on Exhibit A. A minimum of 3,000 square feet, inclusive of the 15,000 square feet, shall be used for playground and/or tot lot area. • A minimum of 10,000 square feet of common open space will be provided adjacent to and/or surrounding the existing cemetery as shown on Exhibit A. • Average lot size shall be a minimum of 10,000 square feet.

	<ul style="list-style-type: none"> • Minimum side yard setback shall be 10 feet. • Minimum rear yard setback shall be 25 feet. <p>Area 2</p> <ul style="list-style-type: none"> • Use shall be limited to detached dwelling, community garden, and/or private neighborhood recreation center. • Maximum density shall be one and one-half (1.5) dwelling units per acre. • Lots located within 50 feet of the southern and eastern property line shall have a minimum lot size of 20,000 square feet. • Average lot size shall be a minimum of 15,000 square feet. • Intersection of Holly Springs Road & Proposed Access #2: Prior to first Certificate of Occupancy for any building in Area 2, the Owner/Developer shall provide proposed access #2 (as described in Traffic Impact Analysis 14-TAR-379 Dated December 2013) with right-in, right-out only access.
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	Yes
Staff Contact	Debra Grannan Senior Planner Debra.grannan@townofcary.org (919) 460-4980

SITE CHARACTERISTICS

Streams: According to Cary’s GIS maps, the subject property is bisected by a stream buffer. Field verification of such features will be required at the time of site plan review.

Floodplains and Wetlands: Cary’s GIS maps do not indicate the presence of any floodplain or wetland areas on the subject property. Field verification of such features will be required at the time of site plan review.

Topography: According to Cary’s GIS Maps, the elevation near the center of the subject property is approximately 30 to 50 feet below the elevation along the western and eastern property lines.

Adjacent Uses and (Zoning)

- North – Detached Residential (R-40)
- South – Detached Residential (R40)
- East – Detached residential (R-40)
- West – (Opposite Side of Holly Springs Road) Detached Residential (R-40)

CONSISTENCY WITH LAND DEVELOPMENT ORDINANCE

Density and Dimensional Standards

	Existing Zoning District (R-40)	Tract 1 (30.58 Acres) Proposed Zoning Residential 8 Conditional Use (R-8-CU)	Tract 2 (21.66 Acres) Proposed Zoning District Residential 12 Conditional Use (R-12-CU)
Max. Gross Density (du/ac)	1.08 du/ac	2.1 *	1.5*

Min. Lot Size (square feet)	40,000	8,000 20,000 (Within 50 feet of southern property line)**	12,000 20,000 (Within 50 feet of the eastern property line)**
Minimum Lot Width (feet)	With Septic Tank/Well 150 (160 - corner Lots); With public sewer 125 (135 - corner lots)	60 (70 for corner lot)	80 (90 for corner lot)
Streetscape Width along Thoroughfares (feet)	50	50	50
Streetscape Width along Collector Avenues (feet)	30	30	30
Roadway Setback (feet)	With Septic Tank/Well 150 (160 for corner Lots) With public sewer 125 (135 for corner lots)	From thoroughfare: 50 From collector: 30 From other streets: 20	From thoroughfare: 50 From collector: 30 From other streets: 20
Side Setback (feet)	With septic tank/well: 20 With public sewer: 15	LDO Standard: 5 Minimum 20 combined Per Zoning Condition: 10 Minimum	10
Rear Yard Setback (feet)	30	LDO Standard: 20 Per Zoning Condition: 25	25
Maximum Building Height (feet)***	35	35	35
<p>*Per the LDO, the maximum gross density for a Residential 8 (R-8) district is 5.44 du/ac and the maximum gross density for a Residential 12 (R-12) district is 3.63 du/ac. The applicant has proposed zoning conditions that would limit density to a maximum of 2.1 du/ac in the R-8 area and a maximum of 1.5 for the R-12 area. (Based on the condition that limits the overall maximum number of dwelling units to 93, the overall density for both sites is 1.77 du/ac.)</p> <p>**Per the LDO, the minimum lot size for detached residential in the R8 district is 8,000 square feet and the minimum lot size for detached residential in the R-12 district is 12,000 square feet.</p> <p>***Height may be increased one foot for every foot provided in addition to the minimum setbacks.</p>			

Landscape Buffer: In accordance with Chapter 7 of Cary's LDO, a 30-foot-wide Type-B (semi-opaque) buffer is required between residential development when one development has lots 8,000 square feet or smaller in size and the adjacent development has lots that are greater than 8,000 square feet. If both neighborhoods have lots greater than 8,000 square feet, a 20-foot-wide landscape area is required rather than a buffer.

In regard to area one, the applicant has offered to exceed the LDO standard by offering a condition to provide a 30-foot-wide Type- A (opaque) buffer along the southern property line adjacent to the Campbell Woods subdivision.

Streetscape: Holly Springs Road is classified on the Town's Comprehensive Transportation Plan as a major thoroughfare. In accordance with Section 7.2.4 of the LDO, a 50-foot Type-A (opaque) streetscape is required along this roadway.

Stormwater

At the time of site plan review, development must meet all stormwater management and detention requirements. Peak flow from the one-, two-, five- and 10-year storm events must be determined and be attenuated back to pre-development conditions from the discharge point leaving the development.

Traffic

The applicant is proposing to rezone the property to Residential 8 Conditional Use (R-8-CU) and Residential 12 Conditional Use (R-12-CU). For purposes of this rezoning case, the residential development is expected to be built out by 2017. Traffic Analysis Report (TIA) 14-TAR-379 was prepared by the Town's on-call traffic engineering consultant Hatch Mott Mac Donald and was completed in December 2013. The study considered the applicant's initial request for Transitional Residential Conditional Use for Area 1. Findings of the study are as follows:

Project Description

- Single-Family Residential Home – 124 (According to the ITE Code)

Trip Generation

- 1,267 daily site trips
- 96 a.m. peak hour trips (24 entering, 72 exiting)
- 127 p.m. peak hour trips (47 entering, 127 exiting)

Intersections Studied

- Tryon Road and Holly Springs Road
- Tryon Road and Holly Springs Road / Walnut Street
- Holly Springs Road and Jones Franklin Road
- Tryon Road and Jones Franklin Road
- Holly Springs Road and Cary Parkway / Proposed Access #1 (full movement)
- Holly Springs Road and Proposed Access #2 (right-in, right-out only)

The executive summary of the Traffic Analysis Report (TIA) 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, as well as a possible connection of Fordland Drive to this development.

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 TIA. They include:

- Intersection of Holly Springs Road and Cary Parkway / Proposed Access #1 (full movement) (A zoning condition has been offered by the applicant to provide for this suggested improvement)
 - The westbound approach of Proposed Access #1 should include at least one ingress lane and two egress lanes. The egress lanes should include a separate left turn lane with a minimum vehicular storage length of 100 feet, and a shared through/right-turn lane.
 - Provide modifications to the existing traffic signal to account for the creation of a fourth leg at this intersection.
 - Restripe the eastbound approach of Cary Parkway to provide for separate left, through, and right-turn lanes.
 - The northbound approach of Holly Springs Road should include a separate left turn lane with a minimum vehicular storage of 150 feet.
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- Intersection of Holly Springs Road and Proposed Access #2 (A zoning condition has been offered by the applicant to construct this suggested improvement)
 - Proposed Access #2 is to be configured for a right-in, right-out only access point.

Fordland Drive

At the public hearing, many concerns were expressed by residents on Fordland Drive pertaining to street connectivity and other safety related concerns. The purpose of the Town's connectivity ordinance is to: support the creation of a highly connected transportation system within the town to provide choices for drivers, bicyclists, public transit passengers, and pedestrians; promote walking, bicycling and public transit; connect neighborhoods to each other and to local destinations such as schools, parks, and shopping centers; reduce vehicle miles of travel and travel times; improve air quality; reduce emergency response times; increase effectiveness of municipal service delivery; and free up arterial capacity to better serve regional long distance travel needs.

Fordland Drive is the main access road serving Campbell Woods subdivision, which is located in the Town's Extra Territorial Jurisdiction (ETJ.) The roadway has two lanes, is twenty (20) feet in width, and there is no curb and gutter or sidewalk. The length of the street is approximately 4,300 linear feet and there is currently only one access into the Campbell Woods subdivision from Campbell Road. The right-of-way for Fordland Drive terminates to the north at the subject rezoning case common property line; however, a temporary cul-de-sac was built to allow vehicles to turn-around at the end of the dead-end street until the roadway was extended in the future. The cul-de-sac stops short of the subject rezoning case property line by approximately 130 feet. There also exists a second right-of-way stub from Fordland Drive to the adjacent property to the east, which is located approximately 400 feet south of the dead-end cul-de-sac on Fordland Drive; however, the roadway pavement has not been built. The dead-end length of Fordland Drive exceeds the Town's maximum dead-end cul-de-sac length of 900 feet, as outlined in the Town's Standards and Specifications Manual; however, the stub roads provided within the Campbell Woods subdivision have been provided to help support the excessive dead-end length on a temporary basis, since there will be opportunities for the stub roads to be extended in the future as adjacent properties are developed.

When the property that is the subject of this case is developed, it is likely that a subdivision plan will need to provide for a stub road to the common property line with Campbell Woods subdivision where Fordland Drive right-of-way currently terminates, which is consistent with the connectivity ordinance; however, the decision as to the timing of making this connection will be contemplated during the site plan review.

SUMMARY OF PROCESS AND ACTIONS TO DATE

Notification

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 January 15, 2014.

Neighborhood Meeting

According to the applicant, a neighborhood meeting for the proposed rezoning was held on September 5, 2013. According to the information submitted by the applicant, 70 residents attended the meeting. According to the meeting minutes provided by the applicant, resident questions and concerns included road connectivity, school capacity, lot size, protection of endangered species and environmental concerns.

Town Council Public Hearing (January 30, 2014)

Staff provided an overview of the request and the proposed zoning conditions. Staff reported there was a valid protest petition. Staff summarized the issues and noted that the predominant concerns related to lot size and possible road connectivity from the site to Fordland Drive in the Campbell Woods neighborhood.

The applicant described their meetings with adjacent property owners, proposed traffic mitigations and other conditions. Mr. Shearin noted the location of the existing utility lines located on the subject property. He references a report that concluded that there were no threatened or endangered species or their habitats on the subject property. (Pritchett T&E survey)

During the public hearing, the property owner, Dr. Pritchett, emphasized the consistency of the request with Cary's Land Use Plan. She emphasized her efforts to restrict use to detached residential and to work with Capital Area Preservation regarding historic structures on the property. Jeremy Medlin with MI

Homes noted the compatibility of the proposed development with other nearby properties that were connected to public utilities.

Several owners of nearby properties voiced opposition to the proposed lot size and expressed concern about traffic and safety impacts if Fordland Drive were to connect to the Campbell Woods subdivision as part of future development on the subject property. Two nearby residents spoke in support of the request. One described the safety benefits of a second access point to Campbell Woods and indicated a preference for a residential development rather than a school

Two council members felt that larger lots would be more appropriate adjacent to the Campbell Woods neighborhood. One council member stated that the minimum rear setback of three feet allowed in the TR district was inadequate. Another council member asked if the request addressed all aspects of the Land Use Plan.

Notification of 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.

Changes Since the Town Council Public Hearing

The applicant offered revised zoning conditions to:

- Increase the lot size from 10,000 to 15,000 square feet for lots within 50 feet of the Campbell Woods Subdivision
- Require a minimum lot size of 15,000 square feet for lots within 50 feet of the eastern property line in the proposed R-12-CU zoning area
- Increase the minimum rear setback from three feet to 20 feet and increase the minimum side setback from three (3) feet to six (6) feet within the proposed TR area
- Limit the total number of dwellings for the overall property to 100 units
- More clearly specify common open space areas on the western portion of the subject property
- Remove language related to restoration and preservation of the existing barn on the subject property and focus on preservation of common open space areas that would allow such features

The staff report was revised to:

- Reduce the school enrollment predictions
- Include information regarding Cary's connectivity ordinance and Fordland Drive
- Re-evaluate summary observations on the request
- Report on the status of the historic Jones-Franklin house

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

Staff presented the request and the proposed zoning conditions.

The applicant spoke in support of the request and described the significant road improvements and utility connections required if the property were to develop. The property owner asked for support for the request and described her efforts to preserve historic structures on the property. Three nearby residents spoke in opposition to the rezoning. Concerns expressed were regarding lot size, density and road connectivity. One adjacent property owner spoke in support of the request.

Following the public hearing, the board had several questions regarding road connectivity requirements. Several board members stated that the request was consistent with the Land Use Plan. One board member expressed concern about traffic conditions on Holly Springs Road.

The Planning and Zoning Board voted 6 - 2 to forward the case to Town Council with a recommendation for approval.

Changes Since the Planning and Zoning Board Public Hearing

The applicant has revised the request to seek Residential 8 Conditional Use on Area One rather than Transitional Residential Conditional Use as previously proposed. Since the minimum lot size for the R-8 district is 8,000 square feet, the previously offered condition for a minimum 7,000 square-foot lot size has been removed as well as setbacks that were less restrictive than the R-8 district standards.

A 30-foot-wide Type- A buffer has been offered along the southern property line adjacent to the Campbell Woods subdivision.

The overall unit count has been reduced from 100 to 95 units and the density for Area One has been reduced from three (3) dwelling units per acre to 2.5 dwelling units per acre.

The applicant has also offered a condition related to a preservation easement for the barn on the subject property.

Town Council Meeting (May 22, 2014)

During the public speaks out portion of the meeting, the applicant asked Town Council for feedback on the request and to table action on the item until June 26, 2014 to allow them time to respond to any issues raised at the meeting.

Several council members expressed concerns regarding the minimum lot size adjacent to existing neighborhoods. One council member stated that they would like to see an effort to preserve the Franklin-Jones Farm House on the subject property.

Changes Since the May 22, 2014 Town Council Meeting

The applicant has increased the minimum lot size from 15,000 square feet to 20,000 square feet for lots in area two adjacent to the southern and eastern property lines.

Town Council Meeting (June 26, 2014)

The applicant offered additional conditions the day of the meeting to increase the minimum lot size from 15,000 square feet to 20,000 square feet for the lots in area one, adjacent to the southern property line.

The applicant also offered to add an historic grain silo to the preservation easement and to provide language addressing connectivity requirements. Because the conditions had not been submitted 10 working days before the meeting, as required by the Land Development Ordinance, action could not be taken on those revisions.

In their discussion one council member noted that it would be beneficial for an area to be considered for a neighborhood playground or tot lot. Two council members indicated they wanted to see more attention directed to the lot size concerns of adjacent property owners. One council member noted that the proposed zoning should be evaluated based on Cary's Land Use Plan criteria rather than county standards.

The council voted unanimously to table the case so that any new conditions could be incorporated in the request.

Changes Since the June 26, 2014 Town Council Meeting

The applicant submitted an updated affidavit to include the conditions that had been offered at the last council meeting and offered additional conditions to:

- Increase the open space area adjacent to the barn from 10,000 square feet to 15,000 square feet and designated a minimum of 3,000 square feet for a playground or tot lot area
- Increase the minimum side yard setback from five (five) feet to 10 feet in the R-8 area
- Increase the minimum rear yard setback from 20 feet to 25 feet in the R-8 area
- Reduce the total number of proposed lots on the property to 93
- Require a minimum average lot size of 12,000 square feet along the southern property line.
- Establish an average lot size of 10,000 square feet in the R-8 Area and 15,000 square feet in the R-12 area

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

Southeast Area Plan

The governing land use element for this property is given by the Southeast Area Plan, adopted in 2004. That plan has different future land use recommendations for the western and eastern halves of the property (as split along a north-south stream).

Western Portion of Site: The area plan recommends that the western half of the property be developed as Low to Medium Density Residential (“LDR to MDR”) with “a maximum of 6 units/acre.” Typical housing types could include single-family-detached, single-family-attached, patio homes, or townhomes, at densities ranging between 1 and 6 dwellings per acre. The limit of 6 units/acre reflects a density cap imposed by the Swift Creek Land Management Plan, an interlocal plan adopted into state statutes.

In addition, the area plan’s Future Land Use Map includes a special Note #4 that applies additional recommendations to the western portion of the site, as follows:

- **Note 4.** *“This area includes some natural features that have been previously identified by the Town (through its Open Space & Historic Resources Plan) as being a high priority for preservation. In particular, it is suggested that future development consider using a clustered development design in order to preserve some of the rural views along Holly Springs Road.”*

Background: Note 4 was created during development of the Southeast Area Plan in 2004 in order to address public concerns about retaining some of the rural character along Holly Springs Road, and the historic landscape nature of this farm in particular.

Eastern Portion of Site: The plan recommends that the eastern half of the site be developed as Very Low to Low Density Residential (“VLDR to LDR”). Typical housing types would be limited, therefore, to single-family-detached, and at densities no greater than 3 units per acre. (VLDR is typically defined as lots of 1 acre or more, and LDR defined as 1-3 dwellings per acre.) The area plan’s Future Land Use Map also includes Note #5 that applies to the eastern part of the site, as follows:

- **Note 5.** *“Single family detached only. Residential infill development and redevelopment using public utilities (water, sewer) should generally have lots of at least ¼ acre, with larger lots of about 1/3 to 1/2 acre or more adjacent to existing large-lot (VLDR) homes, in order to create a reasonable transition to the large-lot homes. Without public utilities (water, sewer), lot sizes should be 1 acre or more.”*

Background: Note #5 was created during development of the Southeast Area Plan in 2004 in order to address concerns about future land use transitions raised by property owners along Campbell Road. The note is intended to help provide appropriate transitions in lot sizes next to the existing Campbell Road lots.

Analysis: The following analysis evaluates the conformance of the proposed rezoning with the Southeast Area Plan:

Conformance with the plan recommendations for the western portion of the site: The rezoning conditions proposed for the western half of the site cap the density at three dwellings per acre, and limit the housing type to detached residential. This puts the proposed density limit in the middle of the area plan’s recommended density range for that area (i.e., 1-6 dwellings per acre).

Note 4 on the Southeast Area Plan Map, recommends preserving some of that site's rural views and character, and/or using clustered development design to preserve open space. A 50-foot-wide Type-A (opaque) streetscape will be required along the property frontage on Holly Springs Road in an area that is currently devoid of trees. The applicant has offered open space areas offered around the existing barn and cemetery; however, there is no proposal for a clustered development.

Compatibility with the adjacent Campbell Woods subdivision: The Southeast Area Plan does not contain recommendations regarding a density transition between the subject parcel and the Campbell Woods subdivision on Fordland Drive. At the time of plan adoption in 2004, a future eastward extension of Cary Parkway was planned that would separate Campbell Woods from the subject parcel. In 2013 the extension of the parkway was removed from the plan. Existing lots within the portion of Campbell Woods located within Cary's ETJ average about 1.1 acres in size, consistent with the Southeast Plan's "Very Low Density Residential" (VLDR) land use category.

The applicant has proposed a minimum lot size of 15,000 square feet (i.e., 0.34 acres) adjacent to Campbell Woods, which would make the adjacent lots typical of the Low Density Residential (LDR) land use category in the Southeast Plan. Generally, placing LDR adjacent to VLDR constitutes a reasonable density transition. In addition, a 30-foot-wide, Type B (semi-opaque) landscape buffer will be required between the two developments. The Planning and Zoning Board may determine if the specific proposed minimum lot size and buffer provide an adequate transition.

Conformance with plan recommendations for the eastern portion of the site: The rezoning conditions proposed for the eastern half of the site cap the density at 1.5 dwellings per acre, which puts the proposed density limit in the middle of the area plan's recommended range. Since the initial Town Council public hearing, the applicant has offered a zoning condition to require a minimum lot size of 15,000 square feet for lots within 50 feet of the eastern property line to address Note 5 on the Southeast Area Plan, which recommends certain minimum lot sizes "*of at least ¼ acre, with larger lots of about 1/3 to ½ acre or more adjacent to existing large-lot (VLDR) homes*" (i.e., particularly those existing homes/lots along the eastern side of Campbell Road).

Planning History:

1. At the time of area plan adoption in 2004, the plan anticipated that Cary Parkway would be continued eastward across the corner of the subject parcel, to an eventual connection with I-40 in Raleigh. In 2013, the Comprehensive Transportation Plan was amended to remove the eastward extension of Cary Parkway.
2. Prior to adoption of the Southeast Area Plan in 2004, the site was governed by the 1998 Southeast Gateway Area Plan. The 1998 plan's land use recommendations were similar to those of the current plan, except that: (a) Plan Notes 4 and 5 did not exist; (b) the western half of the site did not include an option to consider MDR, but rather recommended LDR only. The 1998 plan also noted that the western half of the site could be appropriate for a public park or a school.

Growth Management Plan

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

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

Analysis: The site is immediately adjacent to existing and planned infrastructure and utilities. The site is within about a mile of the Crossroads Regional Activity Center and employment areas. The site is about 1.5 miles from the Dillard Drive Elementary and Middle Schools.

- Guiding Principle R1: Ensure that adequate infrastructure and services are available concurrently with new development.

Analysis: Utilities are available at this site.

- Guiding Principle A1: Increase permitted densities in preferred growth areas to encourage desired forms of development.

Analysis: The site may be considered as a preferred growth area, since it is in an infill area, immediately adjacent to existing Town limits, close to services, and located along a major transportation corridor.

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. 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.
3. 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.

Observations:

Given the proposed rezoning conditions, there is insufficient information to know if the proposed rezoning may further the first and third goals cited above. The site is within 1/4 to 1/2 mile of Swift Creek Shopping Center, and approximately 1/2 to 3/4 mile from Tryon Village shopping center, and may therefore help to support the second goal cited above.

Comprehensive Transportation Plan

Holly Springs Road is designated as a Major Thoroughfare.

Existing Section: 2-3 lanes in approximately 70-foot ROW

Future Section: 4-lanes, median-divided in 100-foot ROW

Sidewalks: No sidewalk currently exists; sidewalk is required along both sides of Holly Springs Road

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

Status of Planned Improvements: N/A

Transit: The nearest available C-Tran bus service is located one mile north of the northern edge of the site, via C-Tran Routes 1 and 2, and Triangle Transit Route 305, both serving the Crossroads area, at the intersection of Walnut Street and Dillard Drive. Future service expansion is contemplated to extend a route to the intersection of Walnut Street and Tryon Road, approximately 1/3 mile north of the northern edge of the subject parcel. Locations of future routes are not yet determined or budgeted.

Parks, Recreation & Cultural Resources Facilities Master Plan

According to the Parks, Recreation and Cultural Resources Facilities Master Plan, a greenway is proposed along the north/south creek that runs through the property, and that greenway is to be connected to a street-side trail proposed along the north side of the street extending into the site from SE Cary Parkway. 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 Greenway Committee at its December 2013 meeting, and the PRCR Advisory Board at its February 2014 meeting.

Open Space Plan

According to the Open Space Plan, approximately 1/3 of the site is covered in mixed hardwood and conifer forest, located primarily along the northern end of the property, the southwestern corner, and along the west side of the creek.

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 parcel contains two historic houses and a barn that are listed in the Cary/Wake County Architectural and Historical Inventory. The Franklin-Jones House, a c.1917 frame farm house located closest to Holly Springs Road. The house was built by A.P.P. Jones on land formerly owned by the Franklin family. Survey notes for the farmhouse state that it is in good condition with a high level of intact original material. It is a pyramidal cottage-style house featuring front and side gables with lunette windows, patterned brick chimneys, 2/2 windows, a wrap-around porch supported by square posts, an L-shaped rear addition, and asbestos siding.

Behind the Franklin-Jones farmhouse is the Old Franklin House. Some architectural historians estimate that the Old Franklin House was built c. 1840-1860; others think it may have been as early as the 1820s. Family member Mr. Russell Jones believes the Old Franklin House was built in 1822 because that date is carved on an interior wall near the ceiling. The house is a vernacular coastal cottage with Greek Revival detailing. Surveyors noted it is in deteriorated, but remarkably intact condition. The house has three rooms, one-and-one-half stories, and exhibits early building techniques including timber-frame construction, mortise-and-tenon joinery, shallow eaves and L-headed and machine-cut nails. Greek Revival details include the two-panel doors on the façade, six-over-six windows in the façade window openings, and beaded stair treads. The house has a steeply-pitched side-gable roof with flush eaves and a side stair that is accessible from both the interior and the porch. The Old Franklin House is an excellent, and now rare, example of early coastal cottages and vernacular Greek Revival design.

In 2007, the Restoration Services Branch of the State Historic Preservation Office assessed the Old Franklin House and offered the following comments: "The structural members are thick and stable, and with some bracing, the building could be moved in one piece for storage. Some siding and structural members on north and east sides have some termite damage and deterioration from spills of agricultural chemicals being stored in the building. However, the extent of the damage is not severe, and these structural members are still functional. The building has solid construction."

The subject site also contains a handsome gambrel-roofed frame barn built c. 1937, a family cemetery and several additional deteriorated or ruinous outbuildings, including a silo.

Observations: As indicated at the Town Council public hearing, the applicants are planning to protect the existing cemetery and also to incorporate land around the barn into their development plan as a neighborhood amenity. Since the Town Council public hearing, the property owner, Dr. Pritchett, has also agreed to donate the c. 1822 Old Franklin House, and Capital Area Preservation, Inc. has found a Wake County landowner/preservationist who is willing to move it to his property.

Furthermore, the applicant has granted an Architectural Façade Easement and Historical Preservation Agreement with Capital Area Preservation, Inc., encumbering the gambrel-roofed c. 1937 Jones Barn located on the Property. This easement was amended in June 2014 to include a 40-foot-tall grain silo.

Summary Observations

1. The rezoning conditions proposed for the western half of the site cap the density at 2.1 dwellings per acre, and limit the housing type to detached residential. This puts the proposed density limit below the middle of the area plan's recommended density range for that area.
2. The 2004 Southeast Area Plan does not contain specific recommendations for a density transition between the subject parcel and the Campbell Woods subdivision, because in 2004 it was anticipated that an eastward extension of Cary Parkway would provide separation and transition. Subsequent to the Town Council public hearing, the applicant proposed that minimum 20,000 square-foot lots (0.34 acre) be situated at the boundary with Campbell Woods. Lots in Campbell Woods average approximately 1.1 acres in size. The combination of a 20,000 square foot lot size on the southern perimeter and a 30-foot wide opaque buffer enhance the transition between the existing subdivision and the proposed Area One of the future development.
3. A minimum 8,000 square foot lot size for the remaining portion of the tract with an average minimum lot size of 10,000 square feet makes an appropriate transition adjacent to the Mixed Use Overlay District to the north of Area One.
4. The applicant has offered a condition to provide common open space in the vicinity of the existing barn and cemetery. A preservation easement has also been offered for the barn and a grain silo. These zoning conditions address Note 4 on the Southeast Area Plan, which recommends preserving some of that site's rural views and historic character, and/or using clustered subdivision design to preserve open space. A 50-foot wide streetscape, planted to an opaque standard, is required along Holly Spring Road. This area is currently devoid of vegetation.
5. The rezoning conditions proposed for the eastern half of the site cap the density at 1.5 dwellings per acre, which also puts the proposed density limit in the middle of the area plan's recommended density range for that area.

6. At the Town Council public hearing, there were no proposed zoning conditions for the eastern half of the site that address Note 5 on the Southeast Area Plan, which recommends certain minimum lot sizes “of at least ¼ acre, with larger lots of about 1/3 to ½ acre or more adjacent to existing large-lot (VLDR) homes” (i.e., especially the existing homes/lots along the eastern side of Campbell Road). Since then, the applicant has offered a zoning condition to require a minimum lot size of 20,000 square feet for lots within 50 feet of the eastern property line. A 20,000-square-foot lot is 0.46 acres, which conforms to the lower end of Note 5’s recommendation for “larger lots of about 1/3 to ½ acre...” (A ½-acre lot is 21,780 square feet.)

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	27- 39
	Middle School	5- 14
	High School	6-17
Total Projected range of additional students²		38 - 70
¹ Information regarding specific Wake County Public School assignment options may be found by visiting the following: http://assignment.wcpss.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 93 three-bedroom homes could yield 38 additional students, while 93 homes with greater than three bedroom units could yield 70 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-27 PRICHETT TRACT

AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE TOWN OF CARY BY REZONING APPROXIMATELY 52.25 ACRES OWNED BY RILDIA PRITCHETT AND LOCATED AT 6405 HOLLY SPRINGS ROAD FROM RESIDENTIAL 40 TO RESIDENTIAL 8 CONDITONAL USE AND RESIDENTIAL 12 CONDITIONAL USE. THE APPLICANT HAS PROPOSED TWO SEPARATE ZONING AREAS WITH 30.58 ACRES DESIGNATED FOR RESIDENTIAL 8 CONDITIONAL USE (R-8-CU) AND APPROXIMATELY 21.66 ACRES TO RESIDENTIAL 12 CONDITIONAL USE (R-12-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:

Property Owner(s)	County Parcel Number(s) (10-digit)	Real Estate ID(s)	Deeded Acreage
Rildia J. Pritchett 103 Richelieu Drive Cary, NC 27518-8634	0772638831	0037365	52.25 ±

Total Area	52.25 ±
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Section 2:

That Area 1 of this Property as shown on Exhibit A is rezoned from Residential 40 (R-40) to Residential 8 Conditional Use (R-8-CU) subject to the individualized development conditions set forth herein, if any, 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

That Area 2 of this Property as shown on Exhibit A is rezoned from Residential 40 (R-40) to Residential 12 Conditional Use R-12-CU subject to the individualized development conditions set forth herein if any, 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 4

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:

Area 1 and 2

- The maximum number of dwelling units in Area 1 (R-8-CU) and Area 2 (R-12-CU) combined shall be 93.
- **Intersection of Holly Springs Road & SE Cary Parkway / Proposed Access #1 (Full Movement):** Prior to first Certificate of Occupancy for any building in Area 1 or Area 2, the Owner/Developer shall provide the following:
 - Westbound approach of proposed access #1 (as described in Traffic Impact Analysis 14-TAR -379 Dated December 2013) at least one ingress lane and two egress lanes. The egress lanes shall include a separate left turn lane with a minimum vehicular storage length of 100 feet and a shared through/right-turn lane.
 - Modifications to the existing traffic signal to account for the creation of a fourth leg at this intersection.
 - Restriping the eastbound approach of SE Cary Parkway to provide for separate left, through, and right turn lanes.
 - Northbound approach of Holly Springs Road to include a separate left turn lane with minimum vehicular storage of 150 feet.
- **Preservation of Barn and Grain Silo**
Prior to the issuance of the first certificate of occupancy for any residence constructed on the Property, the owner/developer shall submit to the Town an attorney’s certification showing that an Architectural Façade Easement and Historical Preservation Agreement with Capital Area Preservation, Inc., encumbering the gambrel-roofed c. 1937 Jones Barn and the grain silo located on the Property, has been recorded with the Wake County Register of Deeds.
- **Connectivity to Fordland Drive**
Vehicular access to Fordland Drive shall not be provided unless (i) required by the Land Development Ordinance at the time of development plan approval by staff, or (ii) otherwise required as a condition of site, sketch or subdivision plan approval.

Area 1

- Use shall be limited to detached dwelling, community garden, and/or private neighborhood recreation center.
- Maximum density shall be 2.1 dwelling units per acre.
- Lots located within 50 feet of the southern property line shall have a minimum lot size of 20,000 square feet.
- Lots located within 600 feet of the southern property line shall have a minimum average lot size of 12,000 square feet.

- A 30-foot Type-A (opaque) buffer shall be provided along the southern property line adjacent to the Campbell Woods Subdivision.
- A minimum of 15,000 square feet of common open space will be provided adjacent to and/or surrounding the existing barn as shown on Exhibit A. A minimum of 3,000 square feet, inclusive of the 15,000 square feet shall be used for playground and/or tot lot area.
- A minimum of 10,000 square feet of common open space will be provided adjacent to and/or surrounding the existing cemetery as shown on Exhibit A.
- Average lot size shall be a minimum of 10,000 square feet.
- Minimum side yard setback shall be 10 feet.
- Minimum rear yard setback shall be 25 feet.

Area 2

- Use shall be limited to detached dwelling, community garden, and/or private neighborhood recreation center.
- Maximum density shall be one and one-half (1.5) dwelling units per acre.
- Lots located within 50 feet of the southern and eastern property line shall have a minimum lot size of 20,000 square feet.
- Average lot size shall be a minimum of 15,000 square feet.

Intersection of Holly Springs Road & Proposed Access #2: Prior to first Certificate of Occupancy for any building in Area 2, the Owner/Developer shall provide proposed access #2 (as described in Traffic Impact Analysis 14-TAR-379 Dated December 2013) with right-in, right-out only access

Section 5: This ordinance shall be effective on the date of adoption.

Adopted and effective: July 31, 2014

Harold Weinbrecht, Jr.
Mayor

Date