

**Town of Cary, North Carolina
Rezoning Staff Report
12-REZ-13 Collins Grove
Town Council Meeting
November 15, 2012**

REQUEST

To amend the Town of Cary Official Zoning Map to rezone approximately 15.54 acres located at 1021 Waldo Rood Boulevard and 6025 Collins Road from Residential 40 (R-40) to Residential Multi-Family Conditional Use (RMF-CU), with zoning conditions to limit development on the site to 114 townhome units, require that each dwelling unit include a two-car garage, and other conditions related to buffers.

NOTE: The purpose of the rezoning is to determine whether or not the land uses and densities allowed in the proposed zoning district are appropriate for the site. Technical design standards of the Land Development Ordinance are addressed during review of the site or subdivision plan and can be found at <http://www.amlegal.com/library/nc/cary.shtml>.

SUBJECT PARCELS

Property Owner(s)	County Parcel Number(s) (10-digit)	Real Estate ID(s)	Calculated Acreage
6101 Collins LLC	0743396761	0077009	14.57
Richard T. Wilkinson, Jr.	0743492520	0111088	0.97
Total Area			15.54

BACKGROUND INFORMATION

Applicant & Agent	Glenda S. Toppe & Associates		
Acreage	15.54 ±		
General Location	1021 Waldo Rood Blvd. and 6025 Collins Road		
Schedule	Public Hearing August 9, 2012	Planning & Zoning Board September 10, 2012 October 15, 2012	Town Council November 15, 2012
Land Use Plan Designation	Medium Density Residential (MDR)		
Existing Zoning District	Residential 40 (R-40)		
Existing Zoning Conditions	None		
Proposed Zoning District	Residential Multi-family Conditional Use (RMF-CU)		
Proposed Zoning Conditions	<ol style="list-style-type: none"> 1. Development on the site shall be limited to 114 townhome units. 2. Each dwelling unit shall include a 2-car garage. 3. Along the western property line, a 30-foot Type A buffer shall be provided which shall begin transitioning to a 50-foot Type A buffer at a point 450 feet south of the Waldo Rood Blvd. right-of-way, and achieve its full 50-foot width at a point 580 feet south of the right-of-way ("Transition Area"). A 10-foot landscape area, dedicated to the homeowner's association, shall be provided adjacent to the 50-foot portion of the Type A buffer and the "Transition Area". The landscape area will be planted to meet a Type B buffer standard, utilizing evergreen plant material only. 4. At the southwest corner, provide an additional 100-foot stream buffer from the required 50-foot stream buffer. 5. Along the southern property boundary adjacent to Upchurch Farms, 		

	provide a 50-foot Type A buffer. A 10-foot landscape area, dedicated to the homeowner's association, shall be provided adjacent to the 50-foot Type A buffer. The landscape area will be planted to meet a Type B buffer standard, utilizing evergreen plant material only.
	No (located within Cary ETJ)
Valid Protest Petition	No
Staff Contact	Mary Beerman, AICP - Senior Planner (919) 469-4342 mary.beerman@townofcary.org

SITE CHARACTERISTICS

Streams: According to Cary's most current GIS maps, the southeast corner of the site and a portion of the western boundary of the site are impacted by a stream buffer. Field determination will be required at the time of site plan review.

Floodplains or Wetlands: Cary's most current GIS maps do not identify any floodplains or wetlands on the subject property. Field determination will be required at the time of site plan review.

Surrounding Zoning Districts/Land Use

- North - Residential 40 (R-40); vacant
- South - Residential 8 (R-8); Davis Drive Middle School
- East - Residential 40 (R-40); single-family residence
- West - Residential Multi-Family Conditional (RMF-C); Upchurch Farms Townhomes

CONSISTENCY WITH LAND DEVELOPMENT ORDINANCE

Land Use

The applicant has proposed zoning conditions that would limit development on the site to 114 townhome units, a density of 7.3 units per acre.

Density and Dimensional Standards

	Existing Zoning District (R-40)	Conventional Zoning (RMF)	Proposed Zoning (RMF-CU)
Max. Gross Residential Density	1.08 du/acre	12 du/acre	7.3 du/acre
Min. Lot Size	40,000 sq. ft.	N/A	
Minimum Lot Width	150' (160' for corner lots)	20'	
Front Yard Setback	Waldo Rood Blvd: 50' Collins Road: 20' Internal streets: 20'	Waldo Rood Blvd: 50' Collins Road and internal streets: 18' where parking is provided between the dwelling and the street; otherwise 10'	
Side Yard Setback	15'	0/3' minimum, 16' combined; 16' between building groupings	
Rear Yard Setback	30'	3' minimum, 20' front and rear combined	
Maximum Bldg. Ht.	35'	35'	

Landscape Buffer

In accordance with Section 7.2.3 of the LDO, at the time of site or subdivision plan review a 10-foot Type B (semi-opaque) buffer will be required adjacent to the existing residential use to the south and southwest (Upchurch Farms). A 40-foot Type A buffer will be required adjacent to the existing school to the south (Davis Drive Elementary School).

Streetscape

In accordance with Section 7.2.4 of the LDO, a 50-foot streetscape will be required adjacent to Waldo Rood Boulevard at the time of site or subdivision plan review.

Traffic

Residential development in accordance with the existing R-40 zoning district would generate 21 am and 20 pm peak hour trips. The proposed unit count of 114 townhomes generates 58 am and 67 pm peak hour trips, an increase of 37 am and 47 pm peak hour trips. Since the proposed use does not generate 50 or more new peak hour trips, a traffic study is not required at the time of rezoning. However, a traffic study will be required at the time of site plan review.

SUMMARY OF PROCESS AND ACTIONS TO DATE

Neighborhood Meeting

According to the applicant, a combined neighborhood meeting for the proposed rezoning was held on May 14, 2012. According to the information submitted by the applicant, 30 residents attended the meeting. According to the meeting minutes, resident questions and concerns included traffic on Waldo Rood Boulevard, the buffer adjacent to Upchurch Farms, drainage in the area of Hilda Grace Lane and Luke Meadow Lane, the effect of stormwater run-off on existing BMPs in Upchurch Farms, blasting during construction, quality and price of proposed townhomes, and proposed amenities. In addition, staff received a letter from nearby property owners expressing their concerns with the proposed rezoning request.

Notification

On July 24, 2012, 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 NC General Statutes was published in The Cary News on July 25 and August 1, 2012. Notice of the public hearing was posted on the property on July 25, 2012.

Town Council Public Hearing (August 9, 2012)

Glenda Toppe, the owner's representative, noted that proposed zoning conditions reflect increased buffers in response to concerns from nearby residents in the adjacent Upchurch Farms Subdivision.

Three neighboring property owners expressed opposition to the proposed rezoning. Each cited concerns with increased traffic, lack of sufficient road infrastructure to serve existing development, and safety. One expressed additional concern that property values in the area would decline.

One neighboring property owner indicated support for the request, expressing a belief that more diversity in housing type is needed.

There were questions from a council member about moving the existing historic structure on the property. The applicant responded that it would be destroyed if it is not purchased. Staff noted that the former residence is not in a regulated historic district and it is not Town-owned, and there was not an existing mechanism to ensure that it would not be demolished. The applicant and the property owner stated the house is not in good repair.

There were also questions from a council member regarding when a traffic study is required. Staff clarified provisions of the Adequate Public Facilities Ordinance related to the amount of potential trips generated that would trigger preparation of a traffic study at the time of rezoning or site plan review. In response to additional questions regarding potential road improvements, staff noted that road widening, and installation of curb, gutter and sidewalks would be required along the frontage of Waldo Rood Boulevard and Collins Road.

In response to questions about the impact of the development on the railroad and road improvements along Collins Road, staff responded that any road improvements would have to be outside the right-of-way of the railroad. Staff said road improvements will be discussed in more detail at the site plan process, and added that realignment of Collins Road to form a more perpendicular intersection with Waldo Rood Boulevard would be difficult as it could have a significant impact on the property.

A council member asked if the property immediately to the west included townhomes. Staff responded that there were existing townhomes, and confirmed that the designation of Medium Density Residential on the Land Use Plan for the subject property existed before the existing adjacent townhomes were built.

Planning and Zoning Board Meeting (September 10, 2012)

Staff summarized the background and history associated with the request, and suggested an alternative zoning condition to require a 30-foot Type A buffer along the northernmost 450 feet of the western property line, rather than a 20-foot Type A buffer adjacent to a 10-foot Type B buffer as proposed by the applicant.

There were questions and discussion regarding trip generation, and funding for future road improvements at the intersection of Jenks Carpenter Road and High House Road.

There was also considerable discussion regarding the historic house on the property and the potential for its preservation. The property owner indicated that the home had been vacant since 2005, and that structural issues would impact the ability to move the house. Several board members expressed concern that they did not have all the information about the historic house they needed to make a recommendation on the case. They requested that staff work with the property owners and the developer to get more complete information about the condition of the historic house to explore any possible options that may be used for preservation, and determine if it is in good enough condition to move.

Results of Inspection (September 20, 2012)

On September 20, 2012, Planning staff members Anna Readling and Philip Smith along with Bob Myers, Cary's representative on the Wake County Historic Preservation Commission and a member of the Friends of Page-Walker, and Gary Roth, president and CEO of Capital Area Preservation, performed a walk-through and visual inspection of the house. The group's consensus was the house has numerous architectural features in good and original condition, and the overall condition and historic integrity of the house is good enough to warrant rehabilitation and re-use. The group did observe structural deterioration in the downstairs bathroom walls and floor, as well as a sagging floor in the adjacent living room. The group also observed signs of general settling, but it was unclear whether this has been caused by normal settling of the 117-year-old house, deteriorated or insufficient floor joists, or a combination of these factors. The group agreed that an in-depth structural and termite inspection was necessary to determine the feasibility of moving the house. Thus, with the owners' permission, Planning staff arranged for a professional structural inspection. The inspection report is in progress and updated information will be provided at the October 15 Planning and Zoning Board Meeting.

Planning and Zoning Board Meeting (October 15, 2012)

The applicant (Tom Beebe) reported that he had met with planning staff and Gary Roth with Capital Area Preservation (CAP). He reported that the applicant had agreed to donate the historic house and the property on the opposite side of Waldo Rood Blvd. to CAP, and that CAP had expressed interest in moving forward. Board members also supported the revision to the condition regarding a 30-foot Type A buffer along a portion of the western property boundary (as described in the "Staff Observation" section of this report).

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 townwide Land Use Plan currently designates the subject site as appropriate for Medium Density Residential (MDR), which is defined as three to eight dwelling units per acre (detached or attached). The applicant's request for a zoning of Residential Multi-Family-Conditional Use (RMF-CU) with density capped at eight dwelling units per acre is in conformance with the Land Use Plan.

Growth Management Plan

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

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

Affordable Housing Plan

Based on the proposed rezoning request, the following goals of the Affordable Housing Plan are applicable:

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 80% of area median income and affordable apartments for individuals and families earning up to 60% of the 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.

Comprehensive Transportation Plan

Waldo Road Blvd. is designated as a minor thoroughfare

Existing Section: 2 lanes, approximately 60-foot ROW

Future Section: 3 lanes, 70-foot ROW

Sidewalks: required on both sides

Bicycle Lanes: 14-foot-wide outside lanes required

Transit: None

Status of Planned Improvements: None

Collins Road is designated as a local road

Existing Section: 2 lanes, approximately 60-foot ROW

Future Section: 2 lanes

Sidewalks: required on one side

Bicycle Lanes: None

Transit: None

Status of Planned Improvements: None

Parks, Recreation & Cultural Resources Facilities Master Plan

According to the Parks, Recreation and Cultural Resources Facilities Master Plan there are no issues related to this site.

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

Open Space Plan

According to the Open Space Plan there are no issues related to this site; it was not designated as priority open space.

Historic Preservation Master Plan

A goal of the Historic Preservation Master Plan is to preserve, protect, and maintain Cary’s historic resources. The subject property at 1021 Waldo Road Boulevard contains a house and outbuildings listed in Cary’s historic resources inventory and known as the George Upchurch Farm. George Upchurch bought more than 64 acres at this location in 1894 (a year after his marriage), and built the house on the property around 1900, perhaps as early as 1896. George and his brother Merrimon, who owned an adjacent farm, both grew the lucrative bright leaf tobacco which was becoming popular at the time in Wake County. George also managed his father’s mercantile business which was located in Apex. The house features a triple-A roof, exterior rear brick chimneys, and Victorian details such as a wraparound porch, fishscale shingles in the gables and a front door with rounded glazed panels. There are three surviving domestic outbuildings and two barns (one of which is located across the road) associated with the house. All are believed to have been built sometime in the 1920s. The George Upchurch Farm was first surveyed and placed on the Wake County Architectural and Historic Inventory in 1989. As that time, the North Carolina National Register Advisory Committee (NRAC) placed the house and outbuildings on North Carolina’s National Register Study List. The Study List identifies properties that are likely to be eligible for the National Register, and gives owners and sponsors a “green light” to proceed with a formal nomination to the National Register with reasonable assurance the nomination will be successful. The 2011-2012 Cary Historic Resources Survey and Inventory Update found the house to be in good condition, still in its original location, and with medium material integrity because of the addition of vinyl siding. The outbuildings were noted as being in fair to good condition.

OTHER REFERENCE INFORMATION

Schools <i>This information is being provided for your review; however, the Wake County Bd of Education controls capital projects for school capacities.</i>	Assigned Schools	20th Day Enrollment¹	Permanent Seating Capacity	Average Percent Occupied	Projected Range of Additional Students²
	Davis Dr. ES	847	876	97%	12-40
	Davis Dr. MS	1189	1127	106%	7-26
	Green Hope HS	2047	2101	97%	4-21
Total Projected range of additional students ²					
¹ <i>Current Enrollment and Building Capacity</i> is based on the 20 th day of the school year for 2011-2012 as supplied by the Wake County Public School System. School assignment will be determined at the time of development.					
² The <i>Projected Number 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 ten students. The basis for making this calculation is based on multipliers provide from 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.

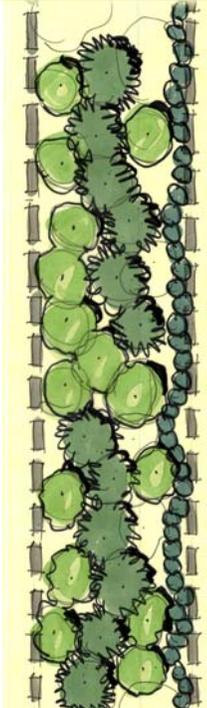
STAFF OBSERVATION

Staff had concern with implementation of a portion of an earlier version of proposed zoning condition #3, which would have required a 10-foot Type B buffer adjacent to a 20-foot Type A buffer along a 450-foot segment of the western property line.

1. ***A 20-foot Type A buffer shall be provided along the western property line which shall begin transitioning to a 50-foot Type A buffer at a point 450 feet south of the Waldo Road Blvd. right-of-way, and achieve its full 50-foot width at a point 580 feet south of the right-of-way ("Transitions Area"). An additional 10-foot Type B buffer shall be located on the inner edge of the 20-foot Type A buffer until it terminates into the Transition Area previously described. At that point, a 10-foot landscape strip, dedicated to the Homeowner's association, shall be provided along the remaining length of the Type A buffer. The landscape easement will be planted with evergreen plant material.***

Staff believed a 30-foot Type A buffer (as compared to the proposed 20-foot Type A and 10-foot Type B) would be a better alternative that would promote healthier plant growth, resulting in a more effective buffer. As proposed, evergreen shrubs required along the inner edge of the Type A buffer would be adjacent to trees required for the adjacent Type B buffer, and these shrubs would not receive adequate sunlight. In addition, the more compressed spacing of required plant material would likely compromise plant growth. A 30-foot Type A buffer would accomplish the same performance standard while providing conditions more favorable for plant growth.

The applicant revised condition #3 to address staff's concerns.

<p>Illustrative Planting of 20-Type A Buffer Adjacent to 10-Foot Type B Buffer <i>Condition #3 as initially proposed by applicant.</i></p>	<p>Illustrative Planting of 30-Type A Buffer <i>Comparable alternative, recommended by staff and agreed to by the applicant, to promote more healthy plant growth.</i></p>
	

ORDINANCE FOR CONSIDERATION

12-REZ-13 Collins Grove

AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE TOWN OF CARY TO CHANGE THE ZONING OF APPROXIMATELY 15.54 ACRES LOCATED AT 1021 WALDO ROOD BOULEVARD AND 6025 COLLINS ROAD, OWNED BY 6101 COLLINS, LLC, BY REZONING FROM RESIDENTIAL 40 (R-40) TO RESIDENTIAL MULTI-FAMILY CONDITIONAL USE (RMF-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 Owner(s)	County Parcel Number(s) (10-digit)	Real Estate ID(s)	Calculated Acreage
6101 Collins LLC	0743396761	0077009	14.57
Richard T. Wilkinson, Jr.	0743492520	0111088	0.97
Total Area			15.54

Section 2: That this Property is rezoned from Residential 40 (R-40) to Residential Multi-Family Conditional Use (RMF-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. Development on the site shall be limited to 114 townhome units.
2. Each dwelling unit shall include a 2-car garage.
3. Along the western property line, a 30-foot Type A buffer shall be provided which shall begin transitioning to a 50-foot Type A buffer at a point 450 feet south of the Waldo Rood Blvd. right-of-way, and achieve its full 50-foot width at a point 580 feet south of the right-of-way ("Transition Area"). A 10-foot landscape area, dedicated to the homeowner's association, shall be provided adjacent to the 50-foot portion of the Type A buffer and the "Transition Area". The landscape area will be planted to meet a Type B buffer standard, utilizing evergreen plant material only.
4. At the southwest corner, provide an additional 100-foot stream buffer from the required 50-foot stream buffer.
5. Along the southern property boundary adjacent to Upchurch Farms, provide a 50-foot Type A buffer. A 10-foot landscape area, dedicated to the homeowner's association, shall be provided adjacent to the 50-foot Type A buffer. The landscape area will be planted to meet a Type B buffer standard, utilizing evergreen plant material only.

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

Harold Weinbrecht, Jr.
Mayor

Date