

**Town of Cary, North Carolina
Rezoning Staff Report
12-REZ-14 The Park at West Lake Commons - Phase 9
Town Council Meeting
October 25, 2012**

REQUEST

To amend the Town of Cary Official Zoning Map to apply initial zoning to property currently located outside Cary's ETJ. There is a citizen-initiated Annexation Petition, case number 12-A-10, associated with the rezoning. Annexation must be approved prior to application of a Cary zoning district.

The owners of the subject property have submitted an annexation petition for approximately 2.83 acres in The Park at West Lake Commons, Phase 9. The subject property consists of eighteen (18) single-family lots with frontage on Maple Chase Lane and Hinman Lane. Rezoning to establish an appropriate Town of Cary zoning district is required prior to the effective date of the annexation. The zoning district proposed by staff is Transitional Residential (TR). This is the district that most closely corresponds to the existing and proposed uses for the subject parcels.

SUBJECT PARCELS

Property Owners	County Parcel Numbers (10-digit)	Real Estate IDs	Calculated Acreage
Standard Pacific of the Carolinas, LLC 1600 Perimeter Park Drive, Ste 125 Morrisville, NC 27560	0669939563	0380067	0.17
	0669939503	0380068	0.16
	0669938554	0380069	0.15
	0669938504	0380070	0.14
	0669937544	0380071	0.15
	0669936585	0380072	0.14
	0669936527	0380073	0.14
	0669935640	0380074	0.17
	0679030538	0380066	0.17
	0679031597	0380080	0.18
	0679030531	0380065	0.14
	0679031591	0380079	0.14
	0679031496	0380078	0.15
	0679030435	0380064	0.14
	0679032400	0380077	0.18
	0679031394	0380076	0.22
	0679030319	0380063	0.14
	0679031350	0380075	0.15
Total Area			2.83 ±

PROJECT SUMMARY

Historic Background:

In 2002, a developer, John Brown, requested that the Cary Town Council allow a 363-acre parcel to be served with Town of Cary utilities, but developed under Wake County's zoning and development regulations. At the time, the Town of Holly Springs was receiving and approving annexation petitions for properties within the Town of Cary's land use planning area (outside of the Town's zoning jurisdiction and ETJ). This 363-acre parcel was closer to Holly Springs' town limits than Cary's, therefore, by state law Cary was unable to annex this property in 2002. In addition, the Town had not been successful at negotiating with Holly Springs representatives to establish a Holly Springs/Cary Utility Service and Annexation Boundary Agreement. This agreement would have established which properties each town could annex. In 2003, both municipalities executed this agreement which allowed Cary to annex development within the Park at West Lake development.

At the time, the options before council were to allow the property:

- 1) To be developed as a Wake County subdivision using well and septic systems. This option would have resulted in property owners benefiting from being near Cary without contributing financially for the benefits received. In addition, the well and septic systems within the cluster subdivision may have proved environmentally harmful in the long run.
- 2) To be developed and annexed into the Town of Holly Springs. This option would have allowed Holly Springs to further encroach into Cary's planning area and reduce the future tax base of Cary while increasing theirs.
- 3) To be developed through Wake County using Cary utilities and have sections of the subdivision annexed into the Town prior to any lot being transferred from the builder to a resident (developer's request).

In 2002, the council chose option 3. This option would eventually allow for the citizen-initiated annexation of all the property into the Town. The annexation has occurred in a piece-meal fashion as development has occurred and a limited amount of the original property remains to be annexed.

Current Request:

BACKGROUND INFORMATION

Applicant & Agent	Standard Pacific of the Carolinas, LLC		
Acreage	2.83±		
General Location	South of Optimist Farm Road on Maple Chase Lane and Hinman Lane		
Street Addresses	5313, 5317, 5321, 5325, 5329, 5333, 5337, 5341 Maple Chase Lane; 7100, 7101, 7104, 7105, 7109, 7112, 7113, 7117, 7120, 7121 Hinman Lane		
Schedule	Public Hearing August 23, 2012	Planning & Zoning Board September 10, 2012	Town Council October 25, 2012
Land Use Plan Designation	Very Low Density Residential (VLDR)		
Existing Zoning	Wake County Residential 30 (R-30W)		
Proposed Zoning	Transitional Residential (TR)		
Town Limits	The subject property is located outside the corporate limits and the Town of Cary ETJ. A voluntary annexation petition, 12-A-10, was submitted by the property owner in conjunction with this rezoning request.		
Valid Protest	Protest petitions are not applicable to a map amendment (rezoning) that initially zones property that is being added to the Town's jurisdiction by annexation.		
Existing Use	Eighteen vacant single-family residential lots		
Proposed Use	Single-family residential		
Staff Contact	Mary Beerman, Senior Planner P.O. Box 8005 Cary, NC 27512 (919) 469-4342 mary.beerman@townofcary.org		

SUMMARY OF PROCESS AND ACTIONS TO DATE

Neighborhood Meeting

Not required for requests that apply initial Town of Cary zoning.

Notification

On August 7, 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 General Statutes was

published in The Cary News on August 8 and 15, 2012. Notice of the public hearing was posted on the property on August 8, 2012.

Town Council Public Hearing (August 23, 2012)

There were no comments from citizens or council members at the public hearing.

Planning and Zoning Board Meeting (September 10, 2012)

The Planning and Zoning Board considered the proposed rezoning and recommended approval by a vote of 9-0.

CONSISTENCY WITH LAND DEVELOPMENT ORDINANCE

Design Standards and Permits

Compliance with subdivision-related design regulations such as those pertaining to drainage, stream buffers and other environmental features, landscape buffers, roads and streetscapes was through Wake County at the time of subdivision plan approval. Building permits for the individual lots will be reviewed and issued through the Town of Cary in conformance with applicable standards.

Traffic

This phase of the subdivision has eighteen single-family lots and is being annexed into Cary. These lots are currently vacant. The ITE Trip Generation Guide indicates that 23 trips during the a.m. peak-hour and 23 trips during the p.m. peak-hour will be generated by eighteen single-family homes. The Adequate Public Facilities Ordinance requires a traffic study if 50 or more peak-hour trips are generated, therefore, no traffic study is required.

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; and
6. The proposed zoning classification is suitable for the subject property.

APPLICABLE COMPREHENSIVE OR AREA PLAN REQUIREMENTS

Comprehensive Plan Element	Consistent	Not Consistent	Not Applicable
Land Use Plan	X		
Parks, Recreation, and Cultural Resources Facility Master Plan	X		
Growth Management Plan	X		
Affordable Housing Plan			X
Comprehensive Transportation Plan	X		
Open Space and Historic Resources Plan	X		

A. Land Use Plan

The land use designation for the subject parcels is Very Low Density Residential (VLDR) with an alternate land use of Low Density Residential Cluster (LDR Cluster). Very Low Density Residential (VLDR) refers to

densities of less than one dwelling unit per acre, with uses typically restricted to single-family-detached units. Low Density Residential Cluster (LDR Cluster) refers to residential development in a clustered manner that preserves rural and forest land. A significant portion of the tract will remain undeveloped, preserving natural areas and providing common open space, with development occurring only on the remainder of the site. The total number of dwellings that could have been built, had the entire site been used for residential development, are still permitted, and the overall development density remains the same. The residential lots included in the subject property were laid out under Wake County regulations using the cluster option.

B. Parks, Recreation & Cultural Resources Facilities Master Plan

According to the Parks, Recreation & Cultural Resources Facilities Master Plan a greenway is proposed to wrap around the Park at Westlake on the western, southern and eastern sides, connecting to Optimist Farm Road on both sides of the development. The developer has agreed to dedicate a 30-foot-wide greenway easement to the Town for this future greenway. The easement dedication has not yet been completed.

C. Growth Management Plan

The Growth Management Plan includes the following Guiding Principles which may be relevant to this case:

1. R1 Guiding Principle: Ensure that adequate infrastructure and services are available concurrently with new development.
2. L2 Guiding Principle: Ensure that future growth protects sensitive natural resources and protects open space.
3. A2 Guiding Principle: Ensure that the overall amount of development in Cary is consistent with the Town's growth management goals.

D. Affordable Housing Plan

The Affordable Housing Plan is not applicable to this case.

E. Comprehensive Transportation Plan

The subject property is served by Maple Chase Lane and Hinman Lane, which are local streets, as approved by Wake County for The Park at West Lake, and Optimist Farm Road, which is classified as a major thoroughfare.

Comprehensive Transportation Plan - Optimist Farm Rd.

Existing Section: 2-lane undivided

Future Section: 4-lane median divided, 100-foot ROW

Road Improvements: N/A

Sidewalks Requirements: Sidewalks required on both sides

Bicycle Requirements: 14-foot-wide outside lanes required on both sides

Transit Requirements: No transit requirements

F. Open Space Plan

According to the Open Space Plan there are no significant natural resources associated with the subject parcels; these parcels were not identified as priority conservation area.

G. Historic Preservation Master Plan

There are no known historic resources on this site.

**ORDINANCE FOR CONSIDERATION
12-REZ-14 PARK AT WEST LAKE, COMMONS – PHASE 9**

AN ORDINANCE TO ESTABLISH ZONING FOR APPROXIMATELY 2.83 ACRES LOCATED ON MAPLE CHASE LANE AND HINMAN LANE OWNED BY STANDARD PACIFIC OF THE CAROLINAS, LLC, BY APPLYING TRANSITIONAL RESIDENTIAL (TR) ZONING TO PROPERTY CURRENTLY ZONED WAKE COUNTY RESIDENTIAL 30 (R-30W)

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 AND OWNER INFORMATION

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Section 2: That initial Cary zoning of Transitional Residential (TR) is applied to this property subject to all the requirements of the Cary Land Development Ordinance (LDO) and other applicable laws, standards, policies and guidelines.

Section 3: This ordinance shall be effective on the date of adoption.

Adopted and effective: October 25, 2012

Harold Weinbrecht, Jr.
Mayor

Date