

**Town of Cary, North Carolina
Rezoning Staff Report
12-REZ-16 Glencroft Townhomes
Town Council Public Hearing
November 15, 2012**

REQUEST

To amend the Town of Cary Official Zoning Map by rezoning approximately 25.89 acres located on the east side of Cary Glen Boulevard, approximately 775 feet south of the intersection with Carpenter Fire Station Road, from Residential 40 (R-40) to Mixed Use District (MXD) subject to conditions specified on an associated Preliminary Development Plan (PDP). The PDP proposes 150 townhome units.

The subject property is located within the Jordan Lake Watershed Protection Overlay District.

NOTE: The purpose of the rezoning is to determine if the land uses and the 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 either the site or the subdivision plan and can be found at <http://www.amlegal.com/library/nc/cary.shtml>.

SUBJECT PARCELS

Property Owner(s)	Wake County Parcel Number (10-digit)	Real Estate ID	Deeded Acreage
Thomas Seymour and Sydney Hatcher PO Box 177 Apex, NC 27502-0177	0735035058	0029356	25.89±
Total Area			25.89 ±

BACKGROUND INFORMATION

Applicant & Agent	JW Shearin, Innovative Development Solutions 1252 NW Maynard Road, Unit 324 Cary, NC 27513 jwshearin@yahoo.com (919) 819-1481	
Acreage	25.89 ±	
General Location	East of Cary Glen Boulevard ; approximately 775 feet south of the Cary Glen Boulevard and Carpenter Fire Station Road intersection	
Schedule	Planning & Zoning Board Public Hearing October 15, 2011	Town Council Public Hearing and Council Action November 15, 2012
Land Use Plan Designation	High Density Residential (HDR) transitioning to Medium Density Residential (MDR)	
Existing Zoning District(s)	Residential 40 (R-40) and Mixed Use Overlay District (MUOD)	
Proposed Zoning District(s)	Mixed Use District (MXD) and Jordan Lake Watershed Protection Overlay District	
Protest Petition	To be determined prior to the Town Council public hearing	
Town Limits	The subject property is located in Cary's ETJ, but outside the corporate limits. Annexation into the Town limits shall be required at the time of development plan review.	
Staff Contact	Debra Grannan, Senior Planner (919) 460-4980 debra.grannan@townofcary.org	

SITE CHARACTERISTICS

Streams: Cary’s GIS maps indicate two stream buffers impacting the subject property. Exact field determination of such features are required at the time of site plan review.

Floodplain and Wetlands: Cary’s most current GIS maps do not indicate the presence of either floodplains or wetlands on the subject property. Field verification of such features is required at the time of development plan review.

Stormwater: At the time of development plan review, the proposed site plan must meet all stormwater management and detention requirements. Peak flow from the 1-, 2-, 5- and 10-year storm events must be determined and must be attenuated back to pre-development conditions from the discharge point leaving the development.

Adjacent Land Uses (Zoning):

North – Vacant (portion of Cary Park PDD; zoned for mixed residential)

South – Park (R-40)

East – Utility Substation (R-40)

West – Residential Multi-family (portion of Cary Park PDD; zoned for mixed residential)

CONSISTENCY WITH LAND DEVELOPMENT ORDINANCE

Density and Dimensional Standards

Metric	Existing Residential 40 (R-40)	LDO Standard for Townhomes in Transitional Residential or RMF Zoning Districts	Proposed Preliminary Development Plan
Max. Gross Density (Dwelling Units/Acre)	1.08 du/ac	6 (TR zoning) 12 (RMF zoning)	5.79 <i>(When requesting MXD zoning, densities are subject to Preliminary Development Plan Approval.)</i>
Min. Roadway Setback (Feet)	From thoroughfare: 50 From collector: 30 From other streets: 20	Front and rear setbacks combined shall equal at least 20 feet, and any individual rear setback shall be at least three (3) feet.	Internal Street: 20
Min. Side Yard Setback (Feet)	10 feet with public sewer 15 feet with septic	Minimum of 16 feet between building groupings	No modifications to LDO Standards are proposed
Min. Rear Yard Setback (Feet)	25	Width of roadway, or front and rear setbacks combined, shall equal at least 20 feet and any individual rear setback shall be at least three (3) feet.	8
Max. Building Height (Feet)	35 feet, plus one foot for every additional foot provided between the building footprint and the minimum required setbacks	35 feet, plus one foot for every additional foot provided between the building footprint and the minimum required setbacks	No modifications to LDO Standards are proposed

Open Space

On the proposed Preliminary Development Plan, the applicant identifies approximately eight (8) acres of land to be in common open space. This includes land area within required streetscape and perimeter buffers. Approximately 0.35 acres is designated for neighborhood recreation or amenity sites.

Landscape Buffer

The proposed plan provides a 20-foot-wide Type-B (semi-opaque) buffer along the northern, western and southern property lines. A 15-foot-wide Type-B buffer is provided along the eastern property line. The buffers, proposed on the PDP are consistent with LDO standards.

Streetscape: The subject property has no frontage on a collector road or thoroughfare; therefore, no streetscapes are required.

Traffic: A traffic study (12-TAR-346) was prepared by the Town's on-call traffic consultant, Martin Alexiou Bryson (MAB), in August 2012 for the subject project.

The study anticipated the build-out of the development with 152 townhome units and to be completed by year 2016. Trip generation was conducted using ITE Trip Generation, 8th Edition and the development is anticipated to generate 72 trips in the A.M. peak hour and 85 trips during the P.M. peak hour. Major intersections within one-half (1/2) mile radius of the site were evaluated, in accordance with LDO section 3.23, Adequate Public Facilities for Roads (APFR).

All signalized intersections evaluated within the study boundary are projected to operate under acceptable levels of service (LOS)(D or better), as the defined LOS threshold in the APFR ordinance. At build-out year of the project, the stop-controlled intersection of Cary Glen Boulevard at Carpenter Fire Station Road is predicted to operate at poor levels of service "E" and "F" in the A.M. peak hour and P.M. peak hour, respectively, particularly for the southbound approach on Cary Glen Boulevard. The following mitigations are required by the APFR ordinance to improve level of service:

- Carpenter Fire Station Road at Cary Glen Boulevard : install a traffic signal, and restripe the existing northbound approach on Cary Glen Boulevard to provide for an exclusive left-turn lane and a shared thru/right-turn lane.

SUMMARY OF PROCESS AND ACTIONS TO DATE**Community Meeting (June 5, 2012)**

The applicant conducted a Community Meeting, as required by the LDO, on June 5, 2012 and invited property owners within 400 feet of the subject property. The applicant reported that two adjacent property owners attended the meeting and that the neighbors expressed concern about having more multi-family residential use in the vicinity, but did not object to the proposed townhome use.

Notification

On October 3, 2012, the Planning Department mailed notification of the Planning and Zoning Board 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 October 3 and 10, 2012. Notice of the public hearings was posted on the property on October 4, 2012.

On October 30, 2012, the Planning Department mailed notification of the Town Council public hearing to property owners within 400 feet of the subject property. Notification was published in the Cary News on October 31, and November 7, 2012.

Planning and Zoning Board Public Hearing (October 15, 2012)

Staff presented the case and reviewed the Mixed Use District process. The applicant commented on the appropriateness of the use and noted that there had been no neighborhood opposition to the proposed plan. One board member asked about the topography on the site and buffer protection. The applicant noted that stream buffers and perimeter buffers would be protected, but the remainder of the site would be graded to accommodate development. One board member asked for verification that the proposed use would support the balance of uses in the Mixed Use Overlay District. Staff concurred that this was accurate. The board forwarded the request to Town Council with a recommendation for approval 8-0.

Changes Since the Planning and Zoning Board Public Hearing

None

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 have no significant adverse impacts on property in the vicinity of the subject tract; and
6. The proposed zoning classification is suitable for the subject property.

In addition to the criteria for general rezoning specified above, requests for rezoning to a MXD district shall be reviewed for compliance with the following criteria from LDO Section 4.5.2 (E), as applicable:

1. Intensity, Type and Mix of Uses
2. Site Design
3. Expected Land Uses
4. Public Spaces
5. Scale and Context

ANALYSIS OF CONFORMANCE WITH THE COMPREHENSIVE PLAN

Comprehensive Plan Element	Consistent	Not Consistent	Not Applicable
A. Northwest Area Plan	✓		
B. Parks, Recreation, and Cultural Resources Facility Master Plan	✓		
C. Growth Management Plan	✓		
D. Affordable Housing Plan	✓		
E. Comprehensive Transportation Plan	✓		
F. Open Space Plan	✓		
G. Historic Preservation Master Plan			✓

A. Northwest Area Plan

The governing document for the land use designation for the subject property is the Northwest Area Plan. The future land use designation for the site is High Density Residential (HDR) transitioning to Medium Density Residential (MDR). High Density Residential (HDR) is defined as single-family attached, detached or multi-family housing at more than eight units per acre. Medium Density Residential (MDR) is defined as single-family attached or detached housing at 3 to 8 units per acre. The Northwest Area Plan also includes Note 11 that is applicable to the subject property, "Densities transition from HDR to MDR moving eastward and southward from the Cary Glen Village Center. Boundary Line shown between HDR and MDR is conceptual."

COMPARISON OF EXISTING AND REQUESTED LAND USE PLAN DESIGNATIONS:

Cary Park Community Mixed Use Center				
Land Use Category	Existing Development	Proposed by Case	Projected Buildout of Remaining Undeveloped Parcels	Projected Total Buildout of Activity Center
Medium Density Residential dwellings (Townhomes)	66	150	0	216

High Density Residential units (apts.)	446	0	100	546
Institutional floor space (schools & daycares, assisted living facilities, places of worship)	15,346	0	0	15,346
Office/Institutional floor space, est. range (sq. ft.)	14,622	0	20,000	34,622
Commercial/Retail floor space, est. range (sq. ft.)	93,476	0	90,000	183,476

Analysis: The proposed request is consistent with the Northwest Area Plan. The subject property is located within the Cary Park Community Mixed Use Center. With existing development totals, the ideal minimum number of residential units (135) per 1000 square feet of non-residential space is met. The addition of medium density housing units does bring balance between the number of medium and high density residential units.

B. 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. In accordance with the LDO the applicant will be required to provide private trail connections to the adjacent Town park site and future Panther Branch Greenway.

A recreation fund payment will be required for residential development in accordance with the LDO.

(These comments were reviewed and approved by the Parks, Recreation & Cultural Resources Advisory Board at its September 10, 2012 meeting.)

C. Growth Management Plan

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

1. L1 Guiding Principle: Concentrate growth near existing and planned employment centers and available and planned infrastructure to minimize costly service-area extensions.
2. A1 Guiding Principle: Increase permitted densities in preferred growth areas to encourage desired forms of development.

Analysis: The Cary Park Community Mixed Use Center is a preferred growth area.

D. Affordable Housing Plan

The Affordable Housing Plan includes the following goals that may be applicable 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 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 both a quality living environment and access to public amenities for all residents, present and future, of the Town of Cary, regardless of income.

Analysis: A medium to high density residential product, located in a Mixed Use Community Activity Center, has the potential to support the above goals of the Affordable Housing Plan.

E. Comprehensive Transportation Plan

Cary Glen Boulevard is designated as a Collector Avenue.

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

Future Section: 2 lanes in maximum of 70-foot ROW (with or without median depending on collector avenue section)

Sidewalks: Existing on both sides

Bicycle Lanes: 4-foot-striped bike lane required

Status of Planned Improvements: None scheduled by the Town

Transit: No requirements on the subject property; a future C-Tran Route is proposed along Green Level Church Road

F. Open Space Plan

According to the Open Space Plan, no issues are related to this site.

G. Historic Preservation Master Plan

According to the Historic Preservation Master Plan, no known historic buildings are on the subject property.

Mixed Use Overlay District Design Principles:

The Preliminary Development Plan (PDP) was evaluated against the following Mixed Use Overlay District Design Principles, and staff makes the following observations:

Create Human Scale: Proportional relationships between the buildings and pedestrian areas create a comfortable realm for residents.

Create a Sense of Place: Two small amenity features for gathering or passive recreation are provided .

Connect Uses: A pedestrian trail is proposed with connectivity to the adjacent property to the west of the site. The subject property is in close proximity to a shopping center and elementary school.

Provide Transitions: Transitions may be achieved by providing both gradual changes in the intensity of uses and implementing buffers that meet or exceed LDO standards. Both methods are used in the Preliminary Development Plan.

Reduce Parking Impacts: The proposed use meets the Town of Cary LDO Parking Standards. Guest parking areas are evenly spaced throughout the site and vehicular use area screening will be required at the time of site plan review.

Plan for Pedestrians, Bicyclists and Transit Users: Sidewalks are shown throughout the proposed preliminary development plan and a connection is proposed to the existing sidewalk along Cary Glen Boulevard.

Provide Open Space: In addition to providing required open space in the form of streetscapes and perimeter buffers, the PDP also provides approximately 0.35 acres of common open space for neighborhood amenities.

In evaluating the plan for compliance with the following criteria from LDO Section 4.5.2 (E), staff makes the following observations:

1. Intensity, Type and Mix of Uses: The proposed density of 5.79 falls within the range expected for medium density residential. Although the Land Use Plan would support higher densities, the PDP proposes a site layout and use that works with the environmental challenges on the site.

2. Site Design: Staff finds that the proposed plan meets Town of Cary Development and Design Standards as defined in Chapter 7 of the LDO in terms of building height, building separation, landscaping and buffer requirements.

3. Expected Land Uses: The proposed use is consistent with the Land Use Plan recommendation for Medium to High Density Residential, as noted in the "Comparison of Existing and Requested Land Use Plan Designations," portion of this report. Furthermore, the proposed use would improve the balance of uses in the overall Mixed Use Overlay District.

4. Public Spaces: In-fill projects such as this that propose a single use on a small area typically do not create a practical opportunity to provide formal outdoor spaces for public use. The PDP does, however,

show connections from the site to existing sidewalks and also provides passive outdoor recreation space in the subject property for future residents.

5. Scale and Context: Staff notes that the PDP demonstrates that the proposed development is appropriate for both the context and location, and provides reasonable transitions within and adjacent to the district.

OTHER REFERENCE INFORMATION

Schools <i>This information is being provided for your review; however, the Wake County Board of Education controls capital projects for school capacities.</i>	Assigned Schools	20th Day Enrollment¹	Permanent Seating Capacity	Average Percent Occupied	Projected Number of Additional Students²
	Mills Park Elementary	993	888	112%	15 - 52
	Mills Park Middle	1387	1316	95%	9 - 34
	Panther Creek High	2455	2200	112%	5 - 27
Total Projected number of additional students ²					29 - 113
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 fluctuate depending on variables, such as the number of bedrooms, dwelling size, and other factors. These calculations are based on multipliers provided from Wake County Schools Office of Student Assignment. At rezoning, student yield cannot be accurately determined due to unknown factors.					

APPLICANT'S JUSTIFICATION STATEMENT

The following statements are provided by the applicant (shown below *in italics*) in response to the criteria established in the application (shown below in **bold**) and do not necessarily represent the views or opinions of the Town of Cary. Any statements as to the type, quality, or physical features are at the direction of the applicant and may be formulated into a condition.

1. Are there any issues with the size of the tract?

Response: *There are no issues with this tract that would prevent the use of townhomes.*

2. How is the request compatible with the comprehensive plan (i.e. Land Use, Transportation, Open Space and Historic Resources)?

Response: *This tract is identified in the Northwest Area Plan as being located within the Cary Park Community Activity Center. The land use designation indicated medium density residential use for the future. In addition, there is a Land Use note that says the area to the east within the Cary Park CAC should transition from HDR to MDR. This request is consistent with the plan and note by providing a density of 5.79 dwelling units per acre.*

3. What are the benefits and detriments to the owner, neighbors and the community?

Response: *The benefits allow for a townhome community located within a Community Activity Center of which no other tracts have developed as such and is supported by the plan for the area. This, attached product creates a good balance of uses within this activity center which have yet to develop in this area.*

4. How are the allowable uses with the proposed rezoning compatible with, or how do they relate to, the uses currently present on adjacent tracts?

Response: *This area to the east is a Progress Energy substation; the land to the south is owned by the Town of Cary and is intended for a park. The properties to the west are already developed apartment sites with the area to the north proposed high density residential. This request will allow a medium density project to help balance the land use types proposed for Cary Park CAC.*

**ORDINANCE FOR CONSIDERATION
12-REZ-16 GLENCROFT TOWNHOMES**

AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE TOWN OF CARY TO CHANGE THE ZONING OF APPROXIMATELY 25.89 ACRES LOCATED AT CARY GLEN BOULEVARD FROM RESIDENTIAL 40 (R-40) TO MIXED USE DISTRICT (MXD) SUBJECT TO CONDITIONS SPECIFIED ON A PRELIMINARY DEVELOPMENT PLAN (PDP) THAT WOULD ALLOW A MAXIMUM OF 150 TOWNHOME UNITS. THE SUBJECT PROPERTY IS LOCATED WITHIN THE JORDAN LAKE WATERSHED PROTECTION OVERLAY DISTRICT.

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)	Area ± (Acres)
Thomas Hatcher and Sydney Seymour PO Box 177 Apex, NC 27502-0177	0735035058	029356	25.89±
Total Acres			25.89 ±

Section 2: That this Property is rezoned from Residential 40 (R-40) to Mixed Use District (MXD) subject to the individualized development conditions set forth herein, and identified on the associated Glencroft Townhomes Preliminary Development Plan (PDP), on file in the planning department, subject to all the requirements of the Cary Land Development Ordinance (LDO) and to 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 Glencroft Townhome Preliminary Development Plan and are on file in the Planning Department.

Section 4: This ordinance shall be effective on the date of adoption.
Adopted and effective: November 15, 2012.

Harold Weinbrecht, Jr.
Mayor

Date