

**Town of Cary, North Carolina
Rezoning Staff Report
12-REZ-17 HF Investors Property at Carpenter Fire Station Road
Town Council Meeting
December 13, 2012**

REQUEST

To amend the Town of Cary Official Zoning Map to rezone approximately 5.35 acres located at 6910 Carpenter Fire Station Road from Residential 40 (R-40) to Office and Institutional Conditional Use (OI-CU). The applicant has proposed conditions to limit the maximum building size to 25,000 square feet and provide additional open space.

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
HF Investors 8368 Six Forks Road Suite 202 Raleigh, NC 27615	0735654158	0013682	5.35 ±
Total Area			5.35 ±

BACKGROUND INFORMATION

Applicant	Glenda Toppe Glenda Toppe and Associates 4139 Gardenlake Drive Raleigh, NC 27612 (919) 605-7390 Glenda@gstplanning.com		
Acreage	5.35 ±		
General Location	6910 Carpenter Fire Station Road		
Schedule	Town Council Public Hearing September 27, 2012	Planning & Zoning Board November 19, 2012	Town Council December 13, 2012
Northwest Area Plan Designation	Office and Institutional (OFC/INS) and Parks/Open Space (PKS/OS)		
Existing Zoning District	Residential 40 (R-40)		
Existing Zoning Conditions	None		
Proposed Zoning District	Office and Institutional Conditional Use (OI-CU)		
Proposed Zoning Conditions	1. The building size shall be limited to 25,000 square feet. 2. Along the southern boundary of any Urban Transition Buffers identified on the subject property, an additional strip of open space, with an average		

	width of 20 feet, shall be provided. The 20 feet shall be designated as permanent open space and may be kept in a natural state or allow landscaping and recreation.
Town Limits	The subject property is located outside of the Town of Cary corporate limits, but inside Cary's ETJ. Annexation will be required at the time of development plan submittal.
Protest Petition	None
Staff Contact	Debra Grannan, Senior Planner (919) 460-4980 debra.grannan@townofcary.org

SITE CHARACTERISTICS

Streams: Cary's current GIS maps identify a stream located along the northern portion of the subject property. Field determination is required at the time of site plan review.

Topography: There are no significant issues associated with the topography of the subject property.

Adjacent property uses:

North – Vacant; zoned Residential 40 (R-40)

South – Institutional, religious assembly (opposite side of Carpenter Fire Station Road)

East – Institutional, fire station

West – Single-family residential

CONSISTENCY WITH LAND DEVELOPMENT ORDINANCE

Density and Dimensional Standards

	Existing Zoning District Residential 40 (R40)	Proposed Zoning District Office and Intuitional Conditional Use (OI-CU)*
Max. Gross Density	1.08 du/acre	Not Applicable
Min. Lot Size	40,000 square feet	Not Required
Minimum Lot Width	125 feet	Not Required
Roadway (Front Yard) Setback	50 feet <i>(From Thoroughfare)</i>	30 feet
Side Setback	15 feet	Not Required (Principal building setbacks from perimeter buffers and stream buffers are 10 feet)
Rear Setback	30 feet	Not Required (Principal building setbacks from perimeter buffers and stream buffers are 10 feet)
Maximum Building Height	35 feet plus one foot for every foot provided in addition to the minimum building setback	<u>Within 100 feet of a residential district:</u> 35 feet plus one foot for every foot provided in addition to minimum setback <u>More than 100 feet from a residential district:</u> 50 feet plus one foot for every foot provided in addition to minimum setback

*Conditions proposed by the applicant pertain only to the building square footage.

Proposed Use

Uses allowed in OI zoning as permitted by the LDO.

Chapter 4 of the LDO notes: *The OI district provided for development of offices and community institutions that have similar development characteristics and require locations close to the more intensive commercial districts. This district requires strict development controls since, in most instances, these districts will be located adjacent to residential districts.*

Landscape Buffer

According to Chapter 7 of the LDO, a 40-foot-wide opaque buffer shall be required between the proposed office use and the existing single-family residential use to the west of the subject property.

Streetscape

According to Chapter 7 of the LDO, a 30-foot streetscape shall be required along Carpenter Fire Station Road.

Traffic

A 25,000 square foot building is proposed on the subject parcel. A traffic study (12-TAR-340) was conducted for the subject property as supporting documentation for the rezoning of the parcel from R-40 to O&I. All permitted uses associated with the O&I zoning designation were considered for use in the traffic study, since no conditions on use were offered. It was determined that the permitted use with the most traffic impact to the surrounding road network would be a day care center. Therefore, for purposes of the traffic study, day care use was used to generate trips to and from the site. The trip generation for a 25,000 square foot day care use is 307 A.M. peak hour trips and 312 P.M. peak hour trips.

Several approved developments (some of which are not yet built to ultimate development potential) were included as background traffic in the traffic study. They included: Highcroft Village PUD, Weldon Ridge, Wake Memorial Park, Cameron Pond, Wellesley Professional Park, Evan's Farm, Parkside Town Commons, McCrimmon and NC55 Retail/Restaurant, Alston Town Center, and Hilliard Forest.

Many intersections were evaluated in the immediate area to determine expected traffic congestion/delays and level of service performance with the development of the rezoning property. Several intersections evaluated indicated that they are expected to operate with poor levels of service and excessive vehicle delay. To improve the anticipated delays and level of service, the following mitigations were outlined in the study:

Morrisville-Carpenter Road and NC Highway 55 Intersection

1. Add third northbound through lane on NC Highway 55 beginning 1,400 feet south of Morrisville-Carpenter Road and extending to Carpenter Fire Station Road.
2. Add third southbound through lane on NC Highway 55 and merge the additional lane back into NC Highway 55 approximately 1,200 feet south of the intersection.

Carpenter Fire Station Road & NC Highway 55 Intersection

1. Add a third northbound through lane on NC Highway 55 and merge the additional lane back into NC Highway 55 approximately 1,200 feet north of the intersection.
2. Add a third southbound through lane on NC Highway 55 extending to Morrisville-Carpenter Road.

McCrimmon Parkway & NC Highway 55 Intersection

1. Add third southbound through lane on NC Highway 55 beginning 1,000 feet north of the intersection and extending to Carpenter Fire Station Road.

Carpenter Fire Station Road & Site Access Driveway Intersection

1. Provide 100-foot eastbound left turn lane on Carpenter Fire Station Road.
2. Provide a 50-foot westbound right turn/deceleration lane on Carpenter Fire Station Road.
3. Provide two egress lanes and one egress lane on access driveway. The southbound left turn egress lane is to provide 100 feet of vehicle storage.

The traffic study may be re-evaluated in the future once a specific building use, or less traffic intensive use is identified for the parcel.

NOTE: The Carpenter Fire Station Road Bridge and Intersection Improvement Project is one element approved in the recent Cary Community Investment Bond referendum. The scope of this project consists of the realignment of Carpenter Fire Station Road from NC 55 Highway to Morrisville-Carpenter Road, west of Louis Stephens Road. The project incorporates a new 4-lane median-divided roadway with paved shoulders for bicycles, as indicated on the Town's Comprehensive Transportation Plan (CTP) and the Carpenter Community Plan. Meandering sidewalks and paths are specified in the CTP; however, they will not be included with this project. The project also includes a grade-separated railroad crossing of the CSX Railroad. Realignment and connection of several existing side streets in the project path – such as existing Morrisville-Carpenter Road, Good Hope Church Road, and Saunders Grove Lane – will be included in the project. After completion of the roadway realignment project, the existing at-grade crossings of Morrisville-Carpenter Road and Carpenter Fire Station Road, just east of NC 55 Highway, will be permanently closed.

Project Cost and Schedule

The estimated total project cost is \$17,900,000. This includes design, right-of-way and roadway construction. \$17,000,000 of this amount would be comprised of bond funds and support right-of-way acquisition and construction.

- Design (May 2012 to Summer 2015) – Started with CAMPO-LAPP funding
- Construction (Summer 2015 to Summer 2017)

SUMMARY OF PROCESS AND ACTIONS TO DATE

Notification

On September 11, 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 September 12 and 19, 2012. Notice of the public hearing was posted on the property on September 14, 2012.

Neighborhood Meeting (July 19, 2012)

The applicant conducted a required neighborhood meeting on July 19, 2012. They reported that three people attended the meeting, but no issues or objections to the proposed rezoning were raised.

Town Council Public Hearing (September 27, 2012)

Staff presented the case and noted that no protest petitions had been submitted. Staff added that they had not received any inquiries from adjacent property owners regarding the case. The applicant spoke briefly and described the request. There were no speakers during the public hearing.

Planning and Zoning Board Meeting (November 19, 2012)

Staff presented the case and provided an explanation of how the applicant offered zoning conditions to address the PKS designation on Cary's Land Use Plan for a portion of the subject property. One board member questioned timing of the traffic mitigations identified in the traffic study. Staff explained that those mitigations may be modified depending on the future use of the subject property and would be determined at the time of site plan review. The Engineering staff noted that, in light of the recent investment bond approval, a capital project would eventually fund road improvements for Carpenter Fire Station Road. Board members also asked for clarification on buffer requirements and for verification on adjacent zoning and what uses were permitted in R-40 districts. The board forwarded the case to Town Council with a recommendation for approval by a vote of 9-0.

CRITERIA FOR CONSIDERATION IN REVIEWING REZONINGS

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

1. The proposed rezoning corrects an error or meets the challenge of some changing condition, trend or fact;
2. The proposed rezoning is consistent with the Comprehensive Plan 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

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

Northwest Area Plan

The Land Use Plan element that governs this part of Cary is the Northwest Area Plan, adopted by council in September 2002. The Northwest Area Plan recommends Office and Institutional (OFC/INS) uses for this property. The applicant is requesting Office and Institutional (OI) zoning, which is in keeping with the vision of the Plan. The Northwest Area Plan also recommends the creation of four linear “open space corridors” along four key streams in the northwest planning area. One of those streams, Morris Branch, runs across the northern end of the subject property, with the planned open space corridor indicated in green on the Plan map and labeled Parks/Open Space (PKS/OS). The Plan recommends the open space corridor be approximately 400 feet wide on average -- equivalent to an average 200-foot buffer on each side of the stream. The additional buffer width was intended to offset water quality impacts associated with high intensity development, as well as to provide a linear open space amenity. Since the Plan’s adoption in 2002, staff has re-evaluated the Plan’s buffer width recommendation and concluded that buffers less than 200 feet wide can still meet Plan goals provided that greenway trails are located outside of the buffer, and BMP’s are not allowed to encroach in the outer 50 feet of the buffer. In the case of the subject property, no greenway trails are planned to cross the property either inside or outside of the stream buffer, and the applicant is proposing to add an additional strip of open space, with an average width of 20 feet, along the southern boundary of the required urban transition buffer. The additional 20 feet shall be designated as permanent open space.

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

This plan is not applicable for the proposed use.

Comprehensive Transportation Plan

Carpenter Fire Station Road is designated as a Major Thoroughfare.

Existing Section: 2-lane with a cross-section of approximately 32 feet in width

Future Section: 4-lane, median divided with 100 feet of right-of-way

Sidewalks: Required on both sides of street

Bicycle Lanes: 14-foot-wide outside lanes required

Transit: Existing TTA service on NC 55 Hwy; Future C-Tran Route on Green Level Church Road;
No improvements required on subject property

Status of Planned Improvements: N/A

Parks, Recreation & Cultural Resources Facilities Master Plan

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

The PRCR Master Plan identifies a proposed greenway following the creek along the north end of the subject property. The Town already has a greenway easement on the north side of the creek farther to the east; therefore, the greenway trail will remain to the north side of the creek and not impact the subject property.

Open Space Plan

There are no issues related to this site.

Historic Preservation Master Plan

There are no known historic resources remaining on the subject property.

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

AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE TOWN OF CARY TO CHANGE THE ZONING OF APPROXIMATELY 5.35 ACRES LOCATED AT 6910 CARPENTER FIRESTATION ROAD FROM RESIDENTIAL 40 (R-40) TO OFFICE AND INSTITUTIONAL CONDITIONAL USE (OI-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 (10 digit)	Wake County Real Estate ID	Area ± (Acres)
HF Investors 8368 Six Forks Road Suite 202 Raleigh, NC 27615	0735654158	0013682	5.35 ±
Total Acres			+/-

Section 2: That this Property is rezoned from Residential 40 (R-40) to Office and Institutional Conditional Use (OI-CU) subject to the individualized development conditions set forth herein, and 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. The building size shall be limited to 25,000 square feet.
2. Along the southern boundary of any Urban Transition Buffers identified on the subject property, an additional strip of open space, with an average width of 20 feet, shall be provided. The 20 feet shall be designated as permanent open space and may be kept in a natural state or allow landscaping and recreation.

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

Adopted and effective: *December 13, 2012*

Harold Weinbrecht, Jr.
Mayor

Date