

**Town of Cary, North Carolina**  
**Rezoning Staff Report**  
**12-REZ-18 Chapel Hill Road PDD Amendment**  
Town Council Meeting  
October 25, 2012

**REQUEST**

To amend the zoning conditions for the previously-approved Chapel Hill Road Planned Development District (PDD) to add light manufacturing as a permitted use in Phase II.

*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 Owners	Parcel Identification Number	Deeded Acreage	Existing and Proposed Zoning District
Dylex Partners, LLC	0774300816	3.67	PDD, Minor (Chapel Hill Road PDD)

**PROJECT SUMMARY**

The Chapel Hill Road Planned Development District contains approximately 9.78 acres located at the southeast corner of the Chapel Hill Road and Trinity Road intersection. The PDD identifies two phases:

**Chapel Hill Road PDD Phase I**, containing approximately 6.11 acres, is approved for hotel, convenience/gas, and restaurant use. It is currently developed with a hotel (Hampton Inn) and a convenience store with gas pumps (Quality Oil), and includes a vacant site for a future restaurant.

**Chapel Hill Road PDD Phase II**, containing approximately 3.67 acres, is bounded by Chapel Hill Road, Trinity Road, Hotel Drive and Hampton Wood Lane, the latter two of which are internal streets within the PDD. Currently, the PDD conditions allow retail and office use in Phase II. On March 31, 2011, **Site Plan 10-SP-019** was approved for the Phase II portion of the PDD. The site plan also specified two phases: Phase I of the site plan included a 16,504 square-foot building containing retail, warehouse and office space (Stone's School Supply). Construction has not yet begun. Phase II of the site plan identified space for the future development of a separate flex office building containing approximately 9,960 square feet. A separate site plan will be submitted for the Phase II portion of Site Plan 10-SP-019 prior to development of that building.

The applicant proposes to modify the existing PDD conditions to add light manufacturing use as a permitted use in Phase II of the PDD. Light manufacturing is defined as follows in the Section 12.3.5(B) of the Land Development Ordinance:

***Manufacturing, Light:***

*The assembly, fabrication, or processing of goods and materials using processes that ordinarily do not create noise, smoke, fumes, odors, glare, or health or safety hazards outside of the building or lot where such assembly, fabrication, or processing takes place, where such processes are housed entirely within a building, or where the area occupied by outdoor storage of goods and materials used in the assembly, fabrication, or processing does not exceed 25 percent of the floor area of all buildings on the lot. This shall not include uses that constitute "heavy manufacturing," resource extraction, or recycling and salvage operations.*

Combined traffic generated by all of the uses in Phase II of the PDD would continue to be limited to 50 peak hour trips, as specified in the existing PDD document. (See section below entitled "Background Information" for a complete list of the existing zoning conditions and the proposed change).

<b>BACKGROUND INFORMATION</b>			
Applicant/Agent	Chris Pope, RLA Bass, Nixon & Kennedy 6310 Chapel Hill Road, Suite 250 Raleigh, NC 27607 chris.pope@bnkinc.com		
General Location	Southeast corner of Chapel Hill Road and Trinity Road intersection		
Schedule	<b>Public Hearing</b> September 6, 2012	<b>Planning &amp; Zoning Board</b> October 15, 2012	<b>Town Council</b> October 25, 2012
Land Use Plan Designation	Industrial (I), Office/Industrial (OFC/IND) and Commercial (COM)		
Existing Zoning District	Planned Development District [PDD (Minor)]		
Proposed Zoning District	Planned Development District [PDD (Minor)]		
Existing PDD Conditions	<ol style="list-style-type: none"> <li>1. There shall be one full-service access on NC 54 and Trinity Road as indicated on the Master Land Use Plan. There shall be one right-in/right-out access on NC 54 as indicated on Master Land Use Plan</li> <li>2. All structures located on this site shall be architecturally compatible. Furthermore, the site will have a unified site design and a master plan will be submitted for the entire site with the first site plan submission.</li> <li>3. The site will have uniform and complementary signage and graphics.</li> <li>4. Permitted land uses are as indicated on the Master Land Use Plan.</li> <li>5. Noxious plants and weeds will be under-cleared in the 30-foot natural buffer. If there is no existing vegetation, a mix of pines and hardwoods will be added at 1 - 1 ½ inch caliper every 50 feet.</li> <li>6. Hotel includes associated uses such as conference meeting rooms, restaurant, lounge and retail gift shop.</li> <li>7. Final acreages to be determined by survey.</li> <li>8. Land Uses in Phase II shall be limited to retail and office (general and medical), not to exceed a combined total of 50 peak hour trips per day.</li> <li>9. Phase II minimum building setbacks from Chapel Hill Road and Trinity Road shall be 30 feet where no parking is provided between the building and the right-of-way, and 50 feet where parking is provided between the building and the right-of-way.</li> <li>10. Phase II minimum building setbacks from private drives shall be 15 feet.</li> </ol>		
Proposed PDD Conditions	Revise Condition #8 above as follows:  <ol style="list-style-type: none"> <li>8. Land Uses in Phase II shall be limited to retail, <del>and</del> office (general and medical), <u>and light manufacturing uses</u>, not to exceed a combined total of 50 peak hour trips per day.</li> </ol>		
Town Limits	Yes		
Valid Protest Petition	To be determined prior to the public hearing.		
Staff Contact	Mary Beerman, AICP Senior Planner (919) 469-4342 mary.beerman@townofcary.org		

## SITE CHARACTERISTICS

**Streams, Floodplain and Wetlands:** Site investigation in connection with approved Site Plan 10-SP-019 indicated that there are no streams, stream buffers, floodplains or wetlands on the subject property

**Existing Land Use:** A vacant 1,400 square-foot commercial building (formerly Terminix), two sheds and a radio tower are currently located on the Phase II portion of the site. Based on approved Site Plan 10-SP-019, these improvements will be removed when the site is redeveloped.

## CONSISTENCY WITH LAND DEVELOPMENT ORDINANCE

### Land Use

The proposed revision would allow light manufacturing, as defined below in Chapter 12 of the LDO, in addition to the retail and office uses currently allowed to the Phase II. The proposed use is generally consistent with and compatible with the existing land uses in the surrounding area, which includes office use to the north, auto repair to the south, and mini-storage and light industrial to the west.

### Density and Dimensional Standards

No changes are proposed to the previously-approved density and dimensional standards contained in the existing Chapel Hill Road PDD document.

### Traffic

A 16,504 square-foot building containing retail, warehouse and office space (Stone's School Supply) and a flex office building containing approximately 9,960 square feet will not generate 50 or more peak hours from previous trip generation studies extrapolated from the existing Stone School Supply and the ITE Trip Generation for the proposed office space. If the proposed total office space was light industrial, the ITE Trip Generation Manual indicates that 26,464 SF of Light Industrial (110) would generate 25 am and 26 pm peak hour trips. Allowing the land use of light industrial as proposed is a less intense traffic generator and would not require a traffic study since it generates less traffic than the previously approved uses.

## SUMMARY OF PROCESS AND ACTIONS TO DATE

### Neighborhood Meeting

According to materials supplied by the applicant, a neighborhood meeting (as required by the LDO) was held on July 25, 2012. No neighbors attended the meeting.

### Notification

On, August 21, 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 22, and 29, 2012. Notice of the public hearing was posted on the property on August 22, 2012.

### Town Council Public Hearing (September 6, 2012)

Mr. David Madison, the applicant, stated he is in the process of selling a portion of the subject property to a light manufacturing business. He stated the sale of this property will finance the move of Stone's Education Superstore to the northern portion of the site. (*Note: The applicant's comments included discussion regarding the specific business that was considering locating on the site. Staff notes that the zoning does not limit the use of the site to a specific business.*)

### Planning and Zoning Board Meeting (October 15, 2012)

The Planning and Zoning Board asked about the protest petition that was submitted, the zoning and use of surrounding properties and the type of streetscape that will be required. The board recommended approval by a vote of 8-0.

**Town Council Meeting (October 25, 2012)**

The Town Council approved the rezoning request on October 25, 2012.

**APPROVAL 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 all 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**

<b>Comprehensive Plan Element</b>	<b>Consistent</b>	<b>Not Consistent</b>	<b>Not Applicable</b>
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 Plan	X		
Historic Preservation Master Plan	undetermined		

**Land Use Plan**

Long-range land use recommendations for the subject parcels are given by the townwide Land Use Plan. The Land Use Plan designates the subject parcel with a mix of commercial and office/institutional uses, as well as a small amount of office/light industrial. This mix reflects the general nature of the existing PDD zoning, as well as the light industrial use of the existing Terminix site. The proposed rezoning/PDD amendment is generally consistent with the overall mix of uses recommended by the Land Use Plan.

**Growth Management Plan**

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

1. Guiding Principle R1: Ensure that adequate infrastructure and services are available concurrently with new development.
2. Guiding Principle L1: Concentrate growth near existing and planned employment centers and available and planned infrastructure to minimize costly service-area extensions.
3. Guiding Principle L2: Ensure that future growth protects sensitive natural resources and protects open space.
4. Guiding Principle A1: Increase permitted densities in preferred growth areas to encourage desired forms of development.

The proposed rezoning and PDD amendment seems consistent with these four Guiding Principles.

**Affordable Housing Plan**

The Affordable Housing Plan is not relevant to this case. The proposed PDD amendment does not propose housing, and no existing housing is being displaced. Further, the location is already zoned for office, industrial, and commercial uses (including hotel).

### **Comprehensive Transportation Plan**

#### **Chapel Hill Road is designated as a Major Thoroughfare**

**Existing Section:** 5-lane section (4 travel lanes with 2-way left-turn lane, approx. 65-foot roadway section)

**Future Section:** 6-lane section with landscaped median (124-foot right-of-way, 102-foot roadway section)

**Sidewalks:** Continuous on south side only; required on both sides

**Bicycle Lanes:** 4-foot striped bike lanes begin west of Trinity Rd., no facilities planned east of Trinity Rd.

**Transit:** No requirements. Closest transit is TTA Route 303 on Chatham Street and C-Tran on Maynard Rd.

**Status of Planned Improvements:** None scheduled by the Town

#### **Trinity Road (south of Chapel Hill Road) is designated as a Major Thoroughfare**

**Existing Section:** 3-lane section (two lanes northbound, 1 lane southbound with wide parking; approximate 50- to 55-foot roadway section)

**Future Section:** 4-lane section with 18-foot landscaped median (124-foot ROW, 78-foot roadway section)

**Sidewalks:** Intermittent on east side only; provided on subject property and office site to south, but not adjacent parcels; required

**Bicycle Lanes:** None presently, proposed multi-use trail and signed route

**Transit:** No requirements. Closest transit is TTA Route 303 on Chatham St. and C-Tran on Maynard Rd.

**Status of Planned Improvements:** None scheduled by the Town

### **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.

### **Open Space Plan**

The open space inventory associated with the Open Space Plan does not identify any significant natural resources on the subject parcel.

### **Historic Preservation Master Plan**

The Historic Preservation Master Plan was adopted in May 2010. One of the subject parcels, the 0.64-acre property at 7425 Chapel Hill Road, includes a small wood frame office building built in 1940 (according to the Wake County Real Estate database). The building has previously been used as an office by Terminix. The structure is not listed on the Wake County Inventory of potentially historic structures.

## **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, the quality, or the physical features are at the direction of the applicant and may be formulated into a condition:

**1. Any issues with the size of the tract?**

*Response: No physical characteristics of the site have a bearing on this rezoning case.*

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

*Response: The site is designated as OFC/INS and OFC/IND on the Land Use Plan. The proposed zoning is consistent with this designation. Existing transportation, open space, and historic resources are not impacted by this proposal.*

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

*Response: The rezoning will allow a use that enables the land owner to develop his property in the current marketplace. The addition of Light Industrial as a proposed use expands an existing environment or similar uses along Trinity Road. Neighbors and the community will benefit with the addition of useful business options at a convenient location.*

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:*** *The addition of Light Industrial as a proposed use expands an existing environment of similar*

uses along Trinity Road. Other development options of Office and Retail correspond to other existing uses along and across Chapel Hill Road. .

**5. What reductions/amendments and/or modifications to the development standards of the LDO are being requested and how are they justified? (PDD, new or amended) Applicants must list these items and/or clearly highlight them within the Planned Development document.**

**Response:** No amendments to the development standards are proposed. The proposal simply adds Light Industrial to the Mixed Use options.

## ORDINANCE FOR CONSIDERATION

### 12-REZ-18 CHAPEL HILL ROAD PDD AMENDMENT

AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE TOWN OF CARY TO CHANGE THE ZONING OF A PARCEL CONTAINING APPROXIMATELY 3.67 ACRES LOCATED AT THE SOUTHEAST CORNER OF CHAPEL HILL ROAD AND TRINITY ROAD BY AMENDING THE ZONING CONDITIONS APPLICABLE TO PHASE II OF THE CHAPEL HILL ROAD PLANNED DEVELOPMENT 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**

<b>Property Owners</b>	<b>Parcel Identification Number</b>	<b>Deeded Acreage</b>	<b>Existing and Proposed Zoning District</b>
Dylex Partners, LLC	0774300816	3.67	PDD, Minor (Chapel Hill Road PDD)

Section 2: That this Property is rezoned subject to the individualized development conditions set forth in: the March 10, 2011 "Chapel Hill Road Planned Development District" document on file in the Planning Department, as amended to allow light manufacturing as a permitted use in Phase II; and subject 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 set forth in the "Chapel Hill Road Planned Development District" document dated March 10, 2011, on file in the Planning Department, as amended to allow light manufacturing as a permitted use in Phase II.

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

Adopted and effective: October 25, 2012

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Harold Weinbrecht, Jr.  
Mayor

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Date