

**Town of Cary, North Carolina
Rezoning Staff Report
Wilson Road 12-REZ-25
Town Council Meeting
January 10, 2013**

REQUEST

To amend the Town of Cary Official Zoning Map to rezone approximately 5.07 acres, located at 1540 Wilson Road, from Residential 40 (R-40) to Transitional Residential Conditional Use (TR-CU). The conditions proposed by the applicant would limit the use to detached single-family residential and limit the maximum density to three dwelling units per acre.

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)	Deeded Acreage
Linda Ann Wilson 2608 Adcox Place Raleigh, NC 27610	0754787885	0125856	5.07 ±
Total Area			5.07 ±

BACKGROUND INFORMATION

Applicant & Agent	Glenda Toppe Glenda S. Toppe and Associates 4139 Gardenlake Drive Raleigh, NC 27612		
Acreage	5.07 ±		
General Location	1540 Wilson Road		
Schedule	Town Council Public Hearing November 15, 2012	Planning & Zoning Board December 17, 2012	Town Council Meeting January 10, 2013
Land Use Plan Designation	Low Density Residential (LDO)		
Existing Zoning District(s)	Residential 40 (R-40)		
Existing Zoning Conditions	None		
Proposed Zoning District(s)	Transitional Residential Conditional Use (TR-CU)		
Proposed Zoning Conditions	1. Use shall be limited to detached single-family residential. 2. There shall be a maximum density of three dwelling units per acre.		
Town Limits	The subject property is located outside the corporate limits but inside the Town of Cary ETJ. Annexation shall be required at the time of site plan submittal.		
Valid Protest Petition	None		
Staff Contact	Debra Grannan Senior Planner Debra.grannan@townofcary.org (919) 460-4980		

SITE CHARACTERISTICS

Streams: According to Cary’s most current GIS maps, the site is impacted by a stream buffer. Field determination will be 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.

Adjacent Land Uses (Zoning)

North – Single Family Residential (Morrisville R-12)

South – Single-Family Residential (R-40)

East – Single Family Residential (Morrisville R-12)

West – Single Family Residential (R-40)

CONSISTENCY WITH LAND DEVELOPMENT ORDINANCE

Density and Dimensional Standards

	Existing Zoning District Residential 40 (R-40)	Proposed Zoning District Transitional Residential Conditional Use (TR-CU) *
Max. Gross Density (du/ac)	1.08	6 (Per LDO Standard TR Zoning) 3 (Per proposed Zoning Condition)
Min. Lot Size (sq. ft.)	40,000	6,000
Minimum Lot Width (feet)	With Septic Tank/Well 150 (160 for corner Lots) With public sewer 125 (135 for corner lots)	60
Minimum Roadway Setback (feet)	From thoroughfare: 50 From collector: 30 From other streets: 20	From thoroughfare: 50 From collector: 30 From other streets: The roadway setback between the front of the dwelling and the roadway shall be no less than 18 feet when parking is provided between the dwelling and the roadway or 10 feet when parking is not provided.
Side Yard Setback (fet)	With septic tank/well: 20 With public sewer: 15	3 minimum 16 aggregate
Rear Yard Setback (feet)	30	On thoroughfare, collector or other streets the width of the roadway and rear setbacks shall equal at least 40 feet and any individual setback shall be a least three feet.
Maximum Building Height (feet)	35	35
*A zoning condition, proposed by applicant, limits the use to detached single-family residential dwellings		

Landscape Buffer

Per Chapter 7 of the LDO a 30-foot-wide Type B (semi-opaque) buffer is required between single-family residential dwellings in residentially zoned districts on lots less than 8,000 square feet when adjacent to lots that are 8,000 square feet or larger.

Streetscape

Per Chapter 7 of the LDO, a 30-foot-wide streetscape is required along collector roadways. A future collector roadway is planned in the immediate vicinity of this subject property. Road alignment will be determined at the time of site plan review.

Traffic

The existing zoning on the property is R-40 and is capable of supporting 1.08 du/acre. Using the existing zoning, the property would support approximately five (5) single-family lots with an estimated trip generation potential of 4 during the A.M. peak hour and 5 during the P.M. peak hour.

The applicant has voluntarily elected to restrict the residential density of the property to three (3) dwellings per acre, which correlates into approximately 15 dwelling units. Summarized below is the trip generation potential of the property:

- 15 single-family dwellings - 11 during the A.M. peak hour and 15 during the P.M. peak hour

Since the proposed use does not generate 50 or more new peak hour trips greater than the existing zoning, a traffic study is not required at the time of rezoning in accordance with LDO section 3.23, Adequate Public Facilities for Roads.

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.

SUMMARY OF PROCESS AND ACTIONS TO DATE

Neighborhood Meeting (September 19, 2012)

The applicant conducted a neighborhood meeting on September 19, 2012 to present the request to adjacent property owners. In their rezoning application, the applicant reported that ten neighbors, two real estate agents, and the client attended the meeting. The applicant reported that the adjacent property owners had questions regarding the number of dwelling units, lot sizes, buffers, and road extensions. They also noted concerns about vehicular traffic in the vicinity of the project.

Notification

On October 30, 2012, the Planning Department mailed notification of a public hearing for 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 31, 2012 and November 7, 2012. Notice of the public hearing was posted on the property November 1, 2012.

Town Council Public Hearing (November 15, 2012)

Staff presented the case and reported that no protest petitions had been submitted. The applicant spoke briefly about the compliance of the request with Cary's Land Use Plan. No one spoke during the public hearing and there were no questions from the Town Council.

Changes Since the Town Council Public Hearing

None

Planning and Zoning Board Meeting (December 17, 2012)

Staff presented the case and noted that there had been no changes to the zoning conditions presented at the Town Council Public Hearing. The applicant reported that they were simultaneously seeking a rezoning with the Town of Morrisville for property immediately adjacent to the subject property. The Planning and Zoning Board voted to recommend approval by a vote of 8 to 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 Plan	✓		
Historic Preservation Master Plan			✓

Land Use Plan

The townwide Land Use Plan recommends Low Density Residential (LDR) as the future land use for the subject property. Low Density Residential is defined as detached single-family dwellings at densities ranging from one to three units per acre. The applicant’s proposed rezoning of TR-CU includes a condition that limits the use to detached single-family residential dwellings and the gross density to three dwelling units per acre. Therefore, the proposed rezoning conforms to the land-use recommendation of the Land Use Plan.

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. 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 land use, the Affordable Housing Plan is not applicable.

Comprehensive Transportation Plan

A Future Collector Avenue is designated for this property

Existing Section: N/A

Future Section: 2-3 lane collector avenue with two typical sections available; 58’-70’ ROW

Sidewalks: Required on both sides

Bicycle Lanes: 4-foot-wide bike lane required on both sides

Transit: No requirements

Status of Planned Improvements: None

Wilson Road is designated as a local road

Existing Section: 2 lanes; 60-foot ROW

Future Section: N/A

Sidewalks: N/A

Bicycle Lanes: N/A

Transit: No Town planned improvements

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 payment-in-lieu will be required for residential development in accordance with the Land Development Ordinance.

Open Space Plan

According to the Open Space there is a very small area of mixed upland hardwoods associated with a portion of the creek on site.

Historic Preservation Master Plan

There are no known historic resources on this site.

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>	Type ¹	Projected Range of Additional Students ²
	Elementary School	7-20
	Middle School	5 to 14
Total Projected range of additional students ²		15 to 46
¹ Information regarding specific Wake County Public School assignment options may be found by visiting the following: http://assignment.wcpss.net		
² The <i>Projected Range 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 15 three-bedroom homes could yield six additional students, while 15 homes with greater than three bedroom units could yield 20 students. The basis for making this calculation is based on multipliers provided from Wake County Schools Office of Student Assignment. At rezoning, student yield cannot 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.

ORDINANCE FOR CONSIDERATION

12-REZ-25 Wilson Road Rezoning

AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE TOWN OF CARY TO CHANGE THE ZONING OF APPROXIMATELY 5.07 ACRES LOCATED AT 1540 WILSON ROAD, OWNED BY

LINDA ANN WILSON, BY REZONING FROM RESIDENTIAL 40 (R-40) TO TRANSITIONAL RESIDENTIAL CONDITIONAL USE (TR-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)	Area ± (Acres)
Linda Ann Wilson 2608 Adcox Place Raleigh, NC 27610	0754787885	0125856	5.07±
Total Acres			5.07±

Section 2: That this Property is rezoned from Residential 40 (R-40) to Transitional Residential Conditional Use (TR-CU) subject to the individualized development conditions set forth herein, if any, 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. Use shall be limited to detached single-family residential
2. There shall be a maximum density of three dwelling units per acre.

Section 4: This ordinance shall be effective on the date of adoption.
 Adopted and effective: *January 10, 2013*

 Harold Weinbrecht, Jr.
 Mayor

 Date