

**Town of Cary, North Carolina
Rezoning Staff Report
12-REZ-27 Morris Branch
Town Council Public Hearing
January 24, 2013**

REQUEST

To amend the Town of Cary Official Zoning Map to rezone approximately 9.0 acres located at 10700 Green Level Church Road from Residential 40 (R-40) to Transitional Residential Conditional Use (TR-CU), with zoning conditions to limit development on the site to semi-detached dwellings or townhouse dwellings.

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	County Parcel Number (10-digit)	Real Estate ID	Deeded Acreage
Morris Branch Assoc. LLC 150 Towerview Court Cary, NC 27513	0735091110	0014568	9.0

BACKGROUND INFORMATION

Applicant & Agent	Glenda S. Toppe & Associates		
Acreage	9.0 ±		
General Location	10700 Green Level Church Road		
Schedule	Public Hearing January 24, 2013	Planning & Zoning Board TBD	Town Council TBD
Land Use Plan Designation	Parks, Open Space, Greenways etc. (PKS/OS) <i>100-foot strip adjacent to Green Level Church Rd</i> Medium Density Residential (MDR) <i>Remainder of property</i>		
Existing Zoning District	Residential 40 (R-40) Watershed Protection Overlay District (Jordan Lake sub-area)		
Existing Zoning Conditions	None		
Proposed Zoning District	Transitional Residential Conditional Use (TR-CU)		
Proposed Zoning Conditions	Land use shall be limited to townhouses.		
Town Limits	The subject property is located outside the corporate limits but inside the Town of Cary ETJ. Annexation will be required prior to site plan approval.		
Valid Protest Petition	To be determined prior to the public hearing.		
Staff Contact	Mary Beerman, Senior Planner (919) 469-4342 mary.beerman@townofcary.org		

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 subdivision plan review.

Floodplains or Wetlands: Cary’s most current GIS maps do not identify any floodplains or wetlands on the subject property. Field determination will be required at the time of subdivision plan review.

Surrounding Zoning Districts/Land Use:

- North - Residential 40 (R-40); vacant
- South - Residential 40 (R-40); single-family residential
- East - Residential 40 (R-40); single-family residential
- West - Weycroft Planned Development District (PDD); single-family residential (opposite side of Green Level Church Road)

CONSISTENCY WITH LAND DEVELOPMENT ORDINANCE

Land Use

The zoning condition proposed by the applicant would limit land uses to semi-detached or attached townhome units.

Density and Dimensional Standards

	Existing Zoning District (R-40)	Conventional Zoning (TR)	Proposed Zoning (TR-CU)
Max. Gross Residential Density	1.08 du/acre	6 du/acre.	
Min. Lot Size	40,000 sq. ft.	Not applicable to townhouses	
Minimum Lot Width	150’ (160’ for corner lots)	20’ per dwelling unit	
Front Yard Setback	Green Level Ch. Rd.: 50’ Internal streets: 20’	Green Level Ch. Rd.: 50’ Internal streets: 18’ where parking is provided between the dwelling and the street; otherwise 10’	
Side Yard Setback	15’	0/3’ minimum; 16’ between building groupings	
Rear Yard Setback	30’	3’ minimum; 20’ front and rear combined	
Maximum Bldg. Ht.	35’	35’	

Landscape Buffer

In accordance with the Land Development Ordinance (LDO), a 40-foot Type A (opaque) buffer will be required along the northern, southern and eastern boundaries of the site at the time of site or subdivision plan review.

Streetscape

In accordance with the LDO, a 50-foot Type A (opaque) streetscape will be required adjacent to Green Level Church Road at the time of site or subdivision plan review.

Traffic

The existing zoning on the property is R-40 and is capable of supporting a density of 1.08 dwelling units per acre. Using the existing zoning, the property would support approximately 10 single-family lots with an estimated trip generation potential as follows:

Existing Zoning

- 10 single-family dwellings - 17 a.m. peak hour trips
13 p.m. peak hour trips
125 daily trips

The applicant has proposed to restrict the property to semi-attached or townhome residential uses with a proposed density of 6.0 dwellings per acre, which correlates into approximately 54 dwelling units. Summarized below is the trip generation potential for the rezoning request:

Proposed Zoning

- 54 townhome dwellings – 32 a.m. peak hour trips
36 p.m. peak hour trips
376 daily trips

Stormwater

At the time of site plan review, the future plan must meet all stormwater management and detention requirements. Peak flow from the one-, two-, five- 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

According to the applicant, a neighborhood meeting for the proposed rezoning was held on October 18, 2012. According to the information submitted by the applicant, nine residents attended the meeting. According to the meeting minutes, resident questions and concerns included: the proposed road network; perimeter buffers and streetscape; improvements to Green Level Church Road; building height; parking; building design; identity of the potential developer; and the proposed price of units.

Notification

On January 9, 2013, the Planning Department mailed notification of the public hearing to property owners within 400 feet of the subject property. Notification consistent with General Statutes was published in the Cary News on January 9 and 16, 2013. Notice of the public hearing was posted on the property on January 9, 2013.

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 subject property falls within the boundary of the Northwest Area Plan, which recommends Medium Density Residential (MDR) for the subject parcel. MDR is defined as single-family-attached or detached housing at three to eight units per acre. The subject rezoning request is for Transitional Residential Conditional Use (TR-CU), a zoning district which allows a maximum density of six units per acre. This request is consistent with the Northwest Area Plan.

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

The Affordable Housing Plan includes the following goals that may be relevant 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 between 60% and 80% of area median income and affordable apartments for individuals and families earning up to 60% of the 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 a quality living environment and access to public amenities for all residents, present and future, of the Town of Cary, regardless of income.

Comprehensive Transportation Plan

Green Level Church Road is designated as a Major Thoroughfare.

Existing Section: 3-lane; approximately 90-foot ROW

Future Section: 6-lane with landscaped median; 124-foot ROW

Sidewalks: existing on west side; required on both sides

Bicycle Lanes: 14-foot-wide outside lane required

Transit: No transit requirements

Status of Planned Improvements: N/A

Parks, Recreation & Cultural Resources Facilities Master Plan

According to the Parks, Recreation and Cultural Resources Facilities Master Plan a Street-Side Trail is proposed along the east side of Green Level Church Road, along the subject property road frontage.

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

These comments were reviewed and approved by the Town's Greenway Committee at its December 6, 2012 meeting, and by the Parks, Recreation and Cultural Resources Advisory Board at its January 7, 2013 meeting.

Open Space Plan

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

Historic Preservation Master Plan

There are no documented historic resources on the subject 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	6-19
	Middle School	3-12
	High School	2-10
Total Projected range of additional students ²		11-41
¹ Information regarding specific Wake County Public School assignment options may be found by visiting the following: http://assignment.wcpss.net/preview/myplan.html		
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 12 three-bedroom homes could yield six additional students, while 12 homes with greater than three bedroom units could yield 10 students. The basis for making this calculation is based on multipliers provided by the Wake County Schools Office of Student Assignment. At the time of 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 provided by the applicant and do not necessarily represent the views or opinions of the Town of Cary.

ORDINANCE FOR CONSIDERATION

12-REZ-27 Morris Branch

AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE TOWN OF CARY TO CHANGE THE ZONING OF APPROXIMATELY 9.0 ACRES LOCATED AT 10700 GREEN LEVEL CHURCH ROAD OWNED BY MORRIS BRANCH ASSOC LLC 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)	Deeded Acreage
Morris Branch Assoc. LLC 150 Towerview Court Cary, NC 27513	0735091110	0014568	9.0

Section 2: That this Property is rezoned from R-40 to 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. Land use shall be limited to townhouses.

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

Adopted and effective: *Date*

Harold Weinbrecht, Jr.
Mayor

Date