

**Town of Cary, North Carolina
Rezoning Staff Report
12-REZ-29 Glenaire
Town Council Meeting
May 9, 2013**

REQUEST

To amend the Town of Cary Official Zoning Map to remove or revise previously approved zoning conditions for an approximately 0.76-acre portion of the Glenaire Retirement Community including, but not limited to, allowing a 3-story, multi-family residential dwelling rather than 1-story cottages and allowing the streetscape on W. Cornwall Road to meet LDO standards.

HISTORY AND SUMMARY OF ZONING

In 2004 the subject property was rezoned from Residential 12 (R-12) to Office and Institutional Conditional Use (OI-CU) to allow up to four 1-story cottages as part of the existing Glenaire Retirement Community. To date, no development has occurred on the subject property. The applicant has requested removal of the zoning condition that limits use to 1-story cottages and has proposed a zoning condition that development will consist of an 18-unit, 3-story multi-family dwelling building. The proposed rezoning would also remove the previously approved condition requiring a 50-foot-wide streetscape on W. Cornwall Road. A 30-foot streetscape would be required per the Land Development Ordinance. In addition, the proposed amendment also seeks to remove existing zoning conditions that are currently addressed in the Land Development Ordinance or Community Appearance Manual.

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
Glenaire Inc. 4000 Glenaire Circle Cary, NC 27511	0763476238	0071176	0.42 ±
Glenaire Inc. 4000 Glenaire Circle Cary, NC 27511	0763476148	0055841	0.34 ±
Total Area			0.76 ±

BACKGROUND INFORMATION

Applicant & Agent	J. Paul Gregg Executive Director Glenaire 4000 Glenaire Circle Cary, NC 27511 (919) 447-4476 pgregg@glenaire.org		
Acreage	0.76 ±		
Location	802 and 804 Kildaire Farm Road		
Schedule	Town Council Public Hearing January 10, 2013	Planning & Zoning Board April 15, 2013	Town Council Meeting May 9, 2013
Land Use Plan Designation	High Density Residential (HDR)		

Existing Zoning District	Office and Institutional Conditional Use (OI-CU)
Proposed Zoning District	Office and Institutional Conditional Use (OI-CU)
Town Limits	Yes
Valid Protest Petition	None
Staff Contact	Debra Grannan Senior Planner Town of Cary Planning Department (919) 460-4980 Debra.grannan@townofcary.org

ZONING CONDITIONS

Existing Zoning Conditions 04-REZ-01	Proposed Zoning Conditions
<ol style="list-style-type: none"> 1. The plan will eliminate driveway cuts to West Cornwall and Kildaire Farm Road once the construction of the additional units is completed so that access to the cottages will be from within the Glenaire campus. 2. A streetscape buffer of 50 feet wide will be provided along Kildaire Farm Road and West Cornwall using existing plant material to the maximum extent possible. 3. The development will consist of only one-story cottages (single-family or duplex) consistent with the remainder of the Glenaire Retirement community reflecting an R-12 density. 4. All structures will be architecturally consistent with the existing Glenaire cottage development. 	<ol style="list-style-type: none"> 1. Access to the proposed multi-family dwelling shall be from Wee Loch Road. 2. The development will consist of one 3-story multi-family dwelling that will comply with Town of Cary Appearance Manual Standards and will contain architectural elements such as pitched roofs, asphalt shingles, balconies and brick veneer siding to reflect the architectural character in the existing 3-story multi-family dwellings at the Glenaire Retirement Community. 3. The maximum number of units for the new, proposed multi-family building shall comply with the maximum gross density limits of the Land Development Ordinance and shall in no event be greater than 18 units.

SITE CHARACTERISTICS

Land Use: Vacant

Streams: Cary’s current GIS maps do not indicate the presence of any streams, floodplain or wetlands on the subject property. Field determination shall be required at the time of site plan review.

Topography: There are no significant issues with the topography of the site.

Adjacent uses and zoning:
North and West - Glenaire Retirement Community; Office and Institutional Conditional Use (OI-CU)

South – (Opposite side of W. Cornwall Road – Single-family residential; Residential 12 (R-12)
 East - (Opposite side of Kildaire Farm Road) – Single-family residential; Residential 12 (R-12)

CONSISTENCY WITH LAND DEVELOPMENT ORDINANCE

Density and Dimensional Standards

	Existing Zoning District Office and Institutional Conditional Use (OI-CU)	Proposed Zoning District Office and Institutional Conditional Use (OI-CU)
Max. Gross Density	Reflective of an R-12 density of 3.63 du/ac	12 du/ac **
Min. Lot Size	N/A	No Change
Minimum Lot Width	N/A	
Required Streetscape Width	For residential developments along thoroughfares, the width of the streetscape shall be a minimum of 50 feet; along collectors, a minimum of 30 feet shall be provided	
Minimum Setback from Public Street Right of Way (feet)	30	
Minimum Setback from Private Street in OI District (feet)	15	
Side & Rear Yard Setbacks	N/A	
Maximum Building Height	*Within 100 feet of a residential zoning district: 35 feet More than 100 feet from residential zoning district: 50 feet	
<p><i>*The maximum height limits set forth above may be increased by one foot for every additional foot provided between the building footprint and the minimum required setbacks.</i> <i>** Density for the subject property may not exceed the LDO standards at the time of site plan, or the density specified by a zoning condition, whichever is less.</i></p>		

Landscape Buffer

If the subject lots are recombined with the existing Glenaire parcel, perimeter buffers will not be required. If not recombined, a 20-foot-wide Type B (semi-opaque) buffer is required based on the existing and proposed uses.

Streetscape

In accordance with Chapter 7 of the LDO, a 50-foot-wide Type A (opaque) streetscape is required along Kildaire Farm Road and a 30-foot-wide Type A streetscape is required along W. Cornwall Road.

Traffic

The existing zoning allows four (4) detached Senior Adult Living units that would generate one trip during the am peak hours and two trips during the pm peak hours. This is based on the ITE Category Number 251 for Detached Senior Adult Housing. The proposed zoning would allow 18 attached Senior Adult Living units which would generate three (3) trips during the am peak hours and three (3) trips during the pm peak hours using the ITE Senior Adult Housing – Attached (252) Category. The proposed zoning does not generate 50 or more peak hour trips over the existing zoning, therefore, no traffic study is required.

Stormwater

At the time of site plan review, the future plan must meet all storm water 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

Notification

On December 27, 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 December 26, 2012 and January 2, 2013. Notice of the public hearing was posted on the property December 28, 2012.

Neighborhood Meeting

According to the applicant, a neighborhood meeting for the proposed rezoning was held on October 30, 2012. According to the information submitted by the applicant, two citizens attended the meeting. According to the meeting minutes, there were questions regarding the reason for the amendment and the appearance of the project.

Town Council Public Hearing (January 10, 2013)

Staff presented an overview of the request and noted that there were no protest petitions. The applicant, Paul Gregg spoke about the reason for the request, citing a long waiting list for residency in the Glenaire community. No citizens spoke during the public hearing. Council verified with staff that the proposed maximum building height was three stories. Council also verified that LDO streetscape standards require a 50-foot-wide, Type-A streetscape on Kildaire Farm Road and a 30-foot-wide, Type-A streetscape on W. Cornwall Road.

Changes Since the Town Council Public Hearing

No changes to proposed zoning conditions.

Planning and Zoning Board Meeting (April 15, 2013)

Staff provided an overview of the request and explained the LDO standards for building height. The board also asked staff to verify the allowed densities based on current LDO standards.

The board forwarded the request to Town Council with a recommendation for approval 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

Land Use Plan

The townwide Land Use Plan recommends High Density Residential (HDR) as the future land use of the

subject property. High Density Residential (HDR) is typically defined as multi-family housing at eight or more units per acre. The subject request is to revise existing zoning conditions to allow the addition of a three-story apartment building to the existing retirement community. This request is in keeping with the recommendation of the Land-Use 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. A1 Guiding Principle: Increase permitted densities in preferred growth areas to encourage desired forms of development.

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

Kildaire Farm Road is designated as a Major Thoroughfare.

Existing Section: 3 lanes in approximately 80 feet of right-of-way

Future Section: 4 lanes with landscaped median; 100-foot right-of-way

Sidewalks: Existing on both sides

Bicycle Lanes: 14-foot- wide outside lanes required. Shared use arrows currently in place.

Transit: At the time of site plan, the developer is to provide passenger amenities for adequate access to the public transit system, C-Tran, including, but not limited to, a concrete pad, bench and trash can at the perimeter of the site along southbound Kildaire Farm Road in accordance with Town of Cary Land Development Ordinance (LDO) 10-LDO-01, 7.10.6 "Standards for Public Transit Access and Amenities." Be advised the standards and expectations of this LDO requirement may be amended prior to the commencement of the physical development process.

Status of Planned Improvements: N/A

Cornwall is designated as a Collector Street.

Existing Section: 2 lanes in approximately 55 feet of right-of-way

Future Section: 2 lanes; 58-foot right-of-way

Sidewalks: Sidewalks existing on the south side. Required on both sides.

Bicycle Lanes: 14-foot-wide outside lanes required

Transit: No 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, there are no issues related to the site. A recreation fund payment will be required for residential development in accordance with the Land Development Ordinance.

Open Space Plan

According to the Open Space Plan there are no significant natural resources associated with this site.

Historic Preservation Master Plan

There are no buildings 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

12-REZ-29 GLENAIRE

AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE TOWN OF CARY TO REMOVE OR MODIFIY PREVIOUSLY APPROVED ZONING CONDCTIONS ON APPROXIMATELY 0.76 ACRES ZONED OFFICE AND INSTITUTIONAL CONDITIONAL USE, OWNED BY GLENAIRE, LOCATED AT 802 AND 804 KILDARIE FARM ROAD.

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
Glenaire Inc. 4000 Glenaire Circle Cary, NC 27511	0763476238	0071176	0.42 ±
	0763476148	0055841	0.34 ±
Total Area			0.76 ±

Section 2:

That the previously approved zoning conditions on this property, which is zoned Office and Institutional Conditional Use (O&I-CU) are amended 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. Access to the proposed multi-family dwelling shall be from Wee Loch Road.
2. The development will consist of one three-story multi-family dwelling that will comply with Town of Cary Appearance Manual Standards and will contain architectural elements such as pitched roofs, asphalt shingles, balconies and brick veneer siding to reflect the architectural character in the existing three story multi-family dwellings at the Glenaire.
3. The maximum number of units for the new, proposed multi-family building shall comply with the maximum gross density limits of the Land Development Ordinance and shall in no event be greater than 18 units.

Section 4: This ordinance shall be effective on the date of adoption.
Adopted and effective: *May 9, 2013*

Harold Weinbrecht, Jr.
Mayor

Date