

STAFF REPORT

Town Council, September 10, 2015

Keller Property at Stephens Road 15-REZ-07 (PL16-007b)

Consider action on proposed rezoning request

Speaker: Debra Grannan

From: Jeff Ulma, Planning Director

Prepared by: Debra Grannan, Senior Planner

Approved by: Benjamin T. Shivar, Town Manager

Approved by: Russ Overton, Assistant Town Manager

Executive Summary: To amend the Town of Cary Official Zoning Map by rezoning approximately 13.39 acres from Residential 40 (R-40) to Transitional Residential Conditional Use (TR-CU). Conditions proposed by the applicant would limit the proposed uses to detached residential dwellings and neighborhood recreation, and limit the number of dwelling units to 43.

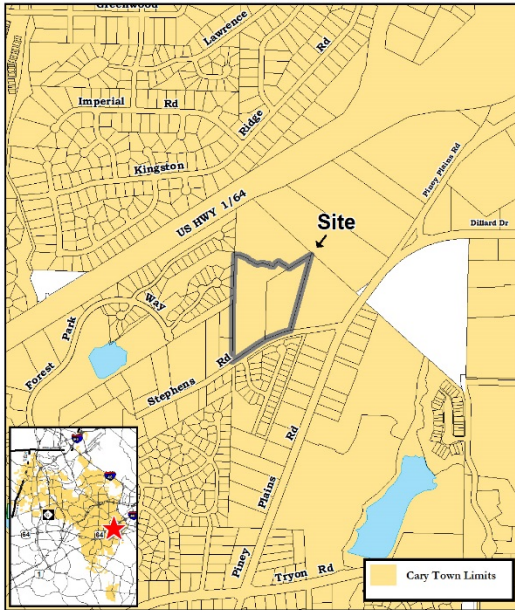
The subject property was part of a previous rezoning request (case 14-REZ-23) that sought to allow a maximum of 70 townhome units. The request was denied by Town Council on February 12, 2015. Based on the proposed zoning conditions included in the current request, the applicant was granted a waiver for the one-year period.

SUBJECT PARCELS

Property Owner(s)	County Parcel Number(s) (10-digit)	Real Estate ID(s)	Deeded Acreage
Rodney A. and Katharine Keller 2110 Stephens Road Cary, NC 27518	0772392503	0038688	5.61 ±
Kenneth R. and Maureen G. Keller Charles D. and Janet A. Keller c/o Carruthers and Roth PA PO Box 540 Greensboro, NC 27402-0540	0772298457	0057875	7.78 ±
Total Area			13.39 ±

Vicinity Map

Keller Property
at Stephens Road
15-REZ-07



BACKGROUND INFORMATION

Applicants	Rodney A. and Katharine Keller, Kenneth R. and Maureen G. Keller and Charles D. and Janet A. Keller		
Applicants' Contact	Michael Dean Chadwick Wynwood Development 7330 Chapel Hill Road Suite 107 Raleigh, NC 27607		
Acreage	13.39 ±		
<u>Location</u>	2110 and 2200 Stephens Road		
Schedule	Town Council Public Hearing July 23, 2015	Planning & Zoning Board August 17, 2015	Town Council Meeting September 10, 2015
<u>Land Use Plan</u> Designation	Medium Density Residential (MDR)		
<u>Existing Zoning</u> District(s)	Residential 40 (R-40); Watershed Protection Overlay District (Swift Creek Subdistrict)		
Existing Zoning Conditions	None		
<u>Proposed Zoning</u> District	Transitional Residential Conditional Use (TR-CU); Watershed Protection Overlay District (Swift Creek Subdistrict)		
Proposed Zoning Conditions	The uses shall be limited to detached residential and neighborhood recreation. The maximum number of dwelling units shall be 43.		
Town Limits	The subject property is located inside Cary's corporate limits.		
Valid Protest Petition	No		
Staff Contact	Debra Grannan Debra.grannan@townofcary.org (919) 460-4980		

SITE CHARACTERISTICS

Streams: According to Cary's most current GIS maps, the subject properties are impacted by a stream buffer along their northern property lines. Based on these maps, there is no indication of floodplain or wetland areas on the site. Field determination of such features shall be required at the time of development plan review.

Adjacent Uses and (Zoning)

North – Vacant (Office & Institutional Conditional Use)

South – Detached Residential (Transitional Residential CU) - opposite side of Stephens Road

East – Vacant (Office & Institutional Conditional Use)

West – Detached Residential (R-40 and PDD Major – Wellington Park)

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	Per LDO: 6 Per Zoning Condition: 3.21
Min. Lot Size (sq. ft.)	40,000	5,000
Minimum Lot Width (feet)	With Septic Tank/Well: 150 (160 for corner lots) With public sewer: 125 (135 for corner lots)	40
Minimum Roadway Setback (feet)	From thoroughfare: 50 From collector: 30 From other streets: 20	From thoroughfare: 50 From collector: 30 From all other streets: Min. of 18 feet when parking is provided between the roadway and dwelling unit; 10 feet when parking is not provided between roadway and dwelling unit
Side Yard Setback (feet)	With septic tank/well: 20 With public sewer: 15	0/3 minimum 6 combined (Building setbacks of less than three feet may be permitted where firewalls are provided in accordance with applicable building code.)
Rear Yard Setback (feet)	30	Width of the roadway and rear setbacks combined shall equal at least 35 feet and any individual rear setback shall be at least three (3) feet
Maximum Building Height (feet)	35	35
*Typical TR zoning districts allow a maximum density of 6 du/ac. The applicant has proposed a zoning condition to limit the maximum number of dwelling units to 43, resulting in a density of 3.21 dwelling units per acre.		

Community Gathering Spaces and Plazas

Section 7.10.4 (D) of the Land Development Ordinance requires sites that are two acres or greater in size to provide at least one public gathering space, such as a pedestrian park or park-like space, for new development and redevelopment sites. Based on the size of the subject property, a community gathering space of at least 2,400 square feet in size would be required.

Landscape Buffer

According to Chapter 7 of the LDO, and based on the minimum lot size allowed by the proposed TR zoning district, a 30-foot-wide Type-B (semi-opaque) buffer is required along the western property line between the subject property and the adjacent R-40 zoning district. Depending on the size of future office building(s), a 30- to 40-foot-wide Type-A buffer is required between the proposed use and the future office use to the east of the subject property.

Streetscape: In accordance with LDO Chapter 7, a 30-foot-wide streetscape planted to a Type-A (opaque) standard shall be required along Stephens Road.

Traffic

The proposed rezoning that limits the density to 3.21 dwelling units per acre on approximately 13.39 acres would result in a maximum of 43 detached dwelling units. Based on the ITE Trip Generation Manual, 9th edition, Land Use Code 210 – Single-Family Detached Housing Units, the proposed rezoning is anticipated to generate approximately 40 am and 49 pm peak hour trips. The threshold for a traffic study is 100 peak-hour trips; therefore, a traffic study is not required.

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

A neighborhood meeting for the proposed rezoning was held on June 10, 2015 at the Cary Town Hall. The applicant and Town staff members were present. According to the information submitted by the applicant, nine adjacent property owners attended the meeting. Questions and concerns expressed by the adjacent property owners at the meeting are provided in the [meeting minutes](#) provided by the applicant.

Notification

Notice of the public hearing on the proposed rezoning was mailed to property owners within 800 feet of the subject property, published on the Town's website and posted on the subject property.

Town Council Public Hearing (July 23, 2015)

Staff presented an overview of the case and noted that one protest petition had been submitted. Since the petition came from property greater than 100 feet from the subject property, it was not valid. Citizen concerns regarding lot size, stormwater management and traffic and road improvements on Stephens Road were noted in staff's presentation. The applicant presented the request and noted the conditions limiting use to 43 detached residential dwellings. During the public hearing, one nearby property owner spoke in support of the request.

During their discussion, one council member expressed concern about the side yard setbacks in the TR-CU district. There were no other issues raised with the request.

Changes Since the Town Council Meeting

None

Planning and Zoning Board Meeting (August 17, 2015)

Staff presented an overview of the case and summarized the concerns that had been raised at the Town Council public hearing. The applicant noted consistency of the proposed zoning with the Comprehensive Land Use Plan and noted that the proposed density was less than that of the Prestwyck subdivision on the south side of Stephens Road. There were no questions from the board.

The Planning and Zoning Board forwarded the case to Town Council with a [recommendation](#) for approval by a vote of 9-0.

Changes Since the Planning and Zoning Board Meeting

None

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 – the [Southeast Area Plan](#)

The governing land use element for this property is the [Southeast Area Plan](#), adopted in 2004. That plan recommends that the subject area be developed as Medium Density Residential (MDR). MDR is defined as housing at densities of between three and eight dwellings per acre, and can include a mixture of dwelling types including single-family-detached and semi-detached units, single-family- attached units, patio homes, duplexes and triplexes, and townhouses. The Southeast Area Plan also states that in MDR areas *“Multifamily housing is possible when using clustered/conservation development design that preserves large portions of the site as permanent open space... although the overall density should not exceed 8 dwellings per acre.”* A variety of neighborhood-compatible and complimentary institutional uses may also be considered such as churches, schools, and daycare facilities.

Considerations Regarding Conformance with the Area Plan:

The rezoning request can be evaluated in terms of the proposed type of housing, the proposed housing density, and transitions to adjacent development. Analysis of these factors is provided below, to aid Town Council and the Planning and Zoning Board in evaluating whether or not the proposed type and density of housing is consistent with the Southeast Area Plan, and a good fit for the area.

Type of housing. The rezoning request is for detached residential dwellings, which is a housing type that is consistent with the plan’s MDR designation.

Density of Housing. The rezoning request stipulates a maximum of 43 dwelling units which equates to a density of 3.21 dwelling units per acre. That density would be at the low end of the 3-8 dwellings per acre density range typical of MDR.

Transitions in the local area. Under the proposal, the local area transition from west to east would consist of low density single-family residential west of the site, to medium density detached residential on the subject parcels, and then to office and institutional uses east of the site. The proposed use could provide a reasonable usage transition between single-family detached and office and institutional uses.

The local area transition from north to south would consist of future office uses north of the site, to medium density single-family residential at the site, continuing to the same south of the site at the Prestwyck Subdivision.

Transitions at property boundaries.

- Western property boundary. To the west of the site, the adjacent lots fronting the north side of Stephens Road are about 1-2 acres in size. There are three adjacent lots in the Wellington PDD, ranging from 0.28 to 0.36 acre in size. Ordinance requirements will call for a 30-foot buffer along the western property line, which will aid in achieving a transition between the proposed medium density development and the adjacent low density lots.
- Northern and eastern property boundaries. The property north and east of the site is undeveloped, but zoned Office and Institutional, Conditional Use. Depending on the size of the adjacent office use, the Town's LDO calls for a 30- to 40-foot Type-A buffer between the two sites.
- Southern property boundary. South of the site, on the opposite side of Stephens Road, is the Prestwyck Subdivision, which includes single-family homes with a median lot size of 0.16 acre (6,970 sq. ft.), and a gross density of 3.6 dwellings per acre, which is very close, and actually slightly denser than the proposed rezoning request for 3.21 dwellings per acre.

Planning History:

- 1996. With adoption of the town-wide Land Use Plan in 1996, the subject parcels were designated for Low Density Residential (LDR) development. LDR was described as single-family residential, at densities of 1-3 dwellings per acre, and lots of about 12,000 square feet to one acre in size.
- 1998. With adoption of the Southeast Gateway Area Plan in 1998, the subject parcels were re-designated for Medium Density Residential (MDR) development, at 3-6 dwellings per acre.
- 2004. With adoption of the new Southeast Area Plan in 2004, the subject parcels retained their MDR designation, but the density range was increased to 3-8 dwellings per acre.

Growth Management Plan

The Growth Management Plan includes the following Guiding Principles that are relevant to this case:

- Guiding Principle L1: Concentrate growth near existing and planned employment centers and available and planned infrastructure to minimize costly service-area extensions.

Analysis: The site is immediately adjacent to existing and planned infrastructure and utilities. The site is adjacent to the Crossroads Regional Activity Center and employment areas. The site is about 1.75 miles from the Dillard Drive Elementary and Middle Schools.

- Guiding Principle R1: Ensure that adequate infrastructure and services are available concurrently with new development.

Analysis: Utilities are available at this site.

- Guiding Principle A1: Increase permitted densities in preferred growth areas to encourage desired forms of development.

Analysis: The site may be considered as a preferred growth area, since it is in an infill area, already within the Town limits, close to services, and located along a major transportation corridor.

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.

Observations:

The addition of detached residential use in this area may help to increase housing choices. However, there is no way to determine whether any of the future units might be suitable for seniors, people with special challenges, or suitable for a wide range of household sizes.

2. 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.

Observations:

The site is served by an existing Triangle Transit bus route along Piney Plains Road, about 600 feet east of the site. The site is also just over one-half mile from an existing C-Tran bus stop. Cary's long-range C-Tran expansion plans also consider a potential future route along Piney Plains Road. The site is located about 1.3 miles by road from Tryon Village Shopping Center, about 0.6 mile from the Centrum Shopping Center, and about 0.9 mile from the entrance to Crossroads Shopping Center.

3. 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.

Observations:

There is insufficient information to know if the proposed rezoning might help further this goal.

Comprehensive Transportation Plan

Stephens Road is designated as a Collector

Existing Section: 22-foot-wide, 2-lane roadway in 60-foot right of way

Future Section: 37-foot-wide, 2-lane roadway with 4-foot-wide bike lanes, curb and gutter and 5-foot-wide sidewalks in 60-foot right of way.

Sidewalks: 5-foot-wide sidewalks required

Bicycle Lanes: 4-foot-wide bike lanes required

Transit: At present there is no C-Tran or Triangle Transit bus service along this section of Stephens Road. The nearest existing C-Tran service is provided along Dillard Drive with a stop 0.75 mile east from the proposed rezoning. The nearest existing Triangle Transit bus service is provided along Piney Plains Road, approximately 0.3 mile to the east of the site, via TT Route 305.

Status of Planned Improvements: N/A

Stephens Road was an NC DOT State-owned and maintained road until a Town-initiated annexation of the property in 2003. At that time the road was transferred to the Town of Cary for maintenance. The road was accepted for the Powell Bill on January 1, 2004. The Town does not typically widen or improve roads at the time of annexation but, if the neighborhood petitions, the Town may consider curb and sidewalk following an assessment ordinance for streets.

Parks, Recreation and Cultural Resources Master Plan

According to the Parks, Recreation and Cultural Resources Master Plan, the Piney Plains Greenway is proposed to wrap around the west/northwest corner of the property.

A recreation fund payment and/or park land dedication will be required for residential development in accordance with the Land Development Ordinance.

Open Space Plan

According to the Open Space Plan, an approximate 2-acre area of mixed upland hardwoods exists in the northeast corner of the property, and an approximate 1.8-acre area of mixed hardwood and conifer forest exists along the southeastern edge of the transmission line easement that crosses the property.

Historic Preservation Master Plan

There are no documented historic resources on this site.

Summary Observations

1. The type of housing product proposed by the rezoning is one of the housing types described for Medium Density Residential in the Southeast Area Plan.
2. The proposed density is within the density range recommended by the Southeast Area Plan.
3. The proposed rezoning is supportive of several Guiding Principles of the Growth Management Plan.
4. At the local area level, the proposed housing type could provide a reasonable transition between uses.

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	12 to 18
	Middle School	2 to 7
	High School	3 to 8
Total Projected range of additional students ²		17 to 33
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 43 three-bedroom homes may yield 17 additional students, while 43 homes with more than three bedrooms could yield 33 students. The basis for making this calculation is based on multipliers provided by the 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

15-REZ-07 KELLER PROPERTY AT STEPHENS ROAD

AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE TOWN OF CARY TO CHANGE THE ZONING OF APPROXIMATELY 13.39 ACRES OWNED BY RODNEY A. AND KATHARINE KELLER; CHARLES D. AND JANET A. KELLER, AND KENNETH R. AND MARUEEN G. KELLER, 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
Rodney A. and Katharine Keller 2110 Stephens Road Cary, NC 27518	0772392503	0038688	5.61 ±
Kenneth R. and Maureen G. Keller Charles D. and Janet A c/o Carruthers and Roth PA PO Box 540 Greensboro, NC 27402-0540	0772298457	0057875	7.78 ±
Total Area			13.39 ±

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, 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. The uses shall be limited to detached residential and neighborhood recreation.
2. The maximum number of dwelling units shall be 43.

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

Adopted and effective: *September 10, 2015*

Harold Weinbrecht, Jr.
Mayor

Date