

Staff Report for Town Council



Meeting Date: October 27, 2016

16-REZ-17 Mills Rezoning

Purpose: Consider action on proposed rezoning request

Prepared by: Katie Drye, Planning

Speaker: Katie Drye, Planning

Recommendation: Staff recommends council consider action on the proposed rezoning request.

Executive Summary: The applicant has requested the Town consider an amendment to the Town of Cary Official Zoning Map by rezoning 7.71 acres (two properties) owned by JMRS ONE LLC, located at 2428 and 2436 Carpenter Upchurch Road, from Residential 40 (R-40) to Transitional Residential Conditional Use (TR-CU). Conditions proposed by the applicant would limit the use to a maximum of 40 detached dwelling units or townhomes, and increase the buffer widths and install fencing along the southern property border.

This rezoning has an associated Consistency and Reasonableness Statement.

Planning and Zoning Board Recommendation: The Planning and Zoning Board recommended approval by a vote of 6 - 1.

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.

SUBJECT PARCELS

Property Owner(s)	County Parcel Number(s) (10 digit)	Real Estate ID(s)	Deeded Acreage
JMRS ONE LLC 2920 Elmgate Way Raleigh, NC 27614	0734961961	0138731	5.71 ± acres
	0734964924	0173540	2.0 ± acres
Total Area			7.71 ± acres

BACKGROUND INFORMATION

Applicant	JMRS ONE LLC 2920 Elmgate Way Raleigh, NC 27614
Agent	Jason Barron Morningstar Law Group 630 Davis Dr, Suite 200 Morrisville, NC 27560

Acreage	7.71 ± acres		
General Location	2428 and 2436 Carpenter Upchurch Road		
Schedule	Town Council Public Hearing August 25, 2016	Planning & Zoning Board September 19, 2016	Town Council October 27, 2016
Land Use Plan Designation	Medium Density Residential (MDR)		
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	<ol style="list-style-type: none"> 1. Use shall be limited to a maximum of 40 detached residential dwelling units or townhomes. 2. On that portion of the southern boundary of the property where there are no Town of Cary stream buffers, the following conditions shall apply: <ol style="list-style-type: none"> a. a 40-foot Type A buffer will be established and maintained, and b. a minimum 6-foot-tall privacy fence (solid or slatted) will be installed and maintained. 		
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.		
Staff Contact	Katie Drye, AICP Senior Planner 919-469-4085 Katie.drye@townofcary.org		

Vicinity Map

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