

**Town of Cary, North Carolina
Rezoning Staff Report
14-REZ-20 Habitat for Humanity – Evans Road
Town Council Meeting
October 16, 2014**

REQUEST

To amend the Town of Cary Official Zoning Map by rezoning 0.53 acre located on the west side of Evans Road north of W. Dynasty Drive from Residential 12 (R-12) to Transitional Residential Conditional Use (TR-CU) with zoning conditions that include limiting development to a maximum of two detached dwellings with a minimum lot size of 11,000 square feet.

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
Bradley and Blondie Clay	0765006695	0012951	0.53

BACKGROUND INFORMATION

Applicant	Jim Middleton, Habitat for Humanity of Wake County 2420 N. Raleigh Blvd. Raleigh, NC 27604		
Agent	Garry Walston, Bass, Nixon & Kennedy, Inc. 6310 Chapel Hill Road Raleigh, NC 27607		
Acreage	0.53		
General Location	West side of Evans Road, about 130 feet north of the Evans Road and W. Dynasty Drive intersection		
Schedule	Public Hearing August 28, 2014	Planning & Zoning Board September 15, 2014	Town Council October 16, 2014
Land Use Plan Designation	Low Density Residential (LDR)		
Existing Zoning District(s)	Residential 12 (R-12)		
Existing Zoning Conditions	None		
Proposed Zoning District(s)	Transitional Residential Conditional Use (TR-CU)		
Proposed Zoning Conditions	<ol style="list-style-type: none"> 1. Any future land division shall be limited to no more than two lots. 2. Land use shall be limited to detached dwellings. 3. The minimum lot size shall be 11,000 square feet. 4. Any future land division shall require a shared driveway connection to Evans Road along a common property line. 5. A 20-foot Type B landscape area shall be provided along the northern property line. 6. Side setbacks shall be a minimum of 10 feet and the rear setback shall be a minimum of 25 feet. 		
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	No		
Staff Contact	Mary Beerman, AICP (919) 469-4342 mary.beerman@townofcary.org		

SITE CHARACTERISTICS

Streams and Floodplain: According to Town of Cary GIS maps, there are no stream buffers or floodplain areas impacting the site. Field determination of such features will be required at the time of site plan review.

Adjacent Zoning and Land Use:

North – Transitional Residential (TR); detached dwellings (Fishers Creek Subdivision – Typical lot size 6,000 – 8,000 square feet)

South – Residential12 (R-12); detached dwelling (0.56 acre)

East (*opposite side of Evans Road*) – Planned Development District, Major (Blackhawk PDD); detached dwellings (Springbrook Subdivision – Typical lot size 6,000 – 9,000 square feet)

West – Residential 12 (R-12); detached dwelling (0.58 acre)

CONSISTENCY WITH LAND DEVELOPMENT ORDINANCE

A division of a parcel smaller than two acres into three or fewer lots is exempt from subdivision regulations pursuant to the NC General Statutes. Thus, any future division of the subject parcel will be processed as an exempt subdivision plat. Provisions of the Land Development Ordinance applicable to subdivisions, such as road improvements, will not apply.

Land Use

Detached dwellings are a permitted use in the Transitional Residential zoning district.

Density and Dimensional Standards

	Existing Zoning District (R-12)	Proposed Zoning District (TR-CU)
Max. Gross Density	3.63 du/acre	3.77 du/acre (maximum of 2 lots) <i>(6.0 du/ac allowed in conventional TR district)</i>
Min. Lot Size	12,000 square feet	11,000 square feet. <i>(5,000 sq. ft in conventional TR district)</i>
Minimum Lot Width	80 feet <i>(90 feet for corner lots)</i>	Minimum 40 feet for detached dwellings
Roadway Setback	From Evans Road: 50 feet From internal subdivision streets: 18 feet when parking is provided between the dwelling and the roadway; otherwise 10 feet	
Side Yard Setback	20 feet	10 feet <i>(In the conventional TR district, the minimum combined setback for both side yards is 6 feet. A firewall is required where the setback on either side is less than 3 feet).</i>
Rear Yard Setback	30 feet	25 feet <i>(In the conventional TR district, the minimum rear setback is 3 feet, with a combined front and rear setback of at least 40 feet).</i>
Maximum Building Height	35 feet <i>(May be increased by one foot for every additional foot provided between the building footprint and the minimum required setback).</i>	

Perimeter and Streetscape Buffers

Requirements for perimeter and streetscape buffers are applicable at the time of site plan or subdivision plan approval. Site plan approval is not required for lots larger than 8,000 square feet. The proposed zoning conditions would limit development on the site to two detached dwellings with a minimum lot size of 11,000 square feet. Thus the development of the property in accordance with the proposed zoning conditions would require neither subdivision nor site plan approval, and therefore, perimeter and streetscape buffers are not required by the LDO.

The applicant has proposed a zoning condition to provide a 20-foot Type B landscape area along the northern property line.

Traffic

The proposed zoning to a density of 3.77 units per acre would result in a maximum of two dwelling units. Based on the ITE Trip Generation Manual, Land Use Code 210 - Single Family Dwelling Units, the proposed rezoning is anticipated to generate approximately 2 am and 2 pm peak hour trips. The threshold for a traffic study is 100 peak hour trips, therefore a traffic study is not required.

SUMMARY OF PROCESS AND ACTIONS TO DATE

Neighborhood Meeting

According to the applicant, a neighborhood meeting for the proposed rezoning was held on June 19, 2014. According to the information submitted by the applicant, six residents attended the meeting. Questions and concerns expressed at the meeting are provided in the meeting minutes submitted by the applicant.

Notification

Consistent with NC General Statutes, 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 (August 28, 2014)

There were no speakers at the public hearing other than the applicant. Council members commented on the zoning condition for a shared driveway, noting that other lots in the area did not share a driveway connection. Staff responded that the property had frontage on a major thoroughfare, and that it was appropriate to minimize access points as development occurs.

Planning and Zoning Board Meeting (September 16, 2014)

Staff noted that while Habitat for Humanity was the current property owner, there were no zoning conditions in place that would require this property to always be a Habitat project. The board recommended approval by a vote of 8-0.

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 provides future land use guidance for the subject parcel. The Land Use Plan recommends Low Density Residential (LDR), defined as one to three dwelling units per acre, as the future land use. The applicant is requesting Transitional Residential-Conditional Use (TR-CU) with zoning conditions that include limiting development to a maximum of two detached dwellings with a minimum lot size of 11,000 square feet. Although this density slightly exceeds the maximum density for LDR by 0.7

unit per acre, this request meets other important goals of the Comprehensive Plan for Affordable Housing and Council has approved Community Development Block Grant Funding for this development. For these reasons, staff believes, on balance, the request meets the intent of the Land Use Plan.

Growth Management Plan

The Growth Management Plan includes the following three 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.
3. C2 Guiding Principle: Ensure public investment decisions are consistent with the Town's growth management goals.

Analysis: This request may provide affordable housing for homeownership in a location where utilities are available and in close proximity to shopping and employment opportunities to serve those who will reside in the homes. The Town's investment of its Community Development Block Grant funds are made after careful consideration of the impact of the project on low and moderate income needs and priorities, project readiness and the capacity of the sponsoring organization to implement the work program.

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.
3. Facilitate the affordable housing activities of other entities within the Town of Cary, including construction of affordable housing units, rehabilitation of existing housing, homeownership training, and marketing of assistance programs.

Comments: This rezoning request will facilitate a planned project by Habitat for Humanity to construct two homes for homeownership by families earning 60% of the area median income. The Town Council approved funding for Habitat to purchase the property that is the subject of this rezoning request as part of the FY 2015 CDBG Annual Action Plan on May 8, 2014.

Comprehensive Transportation Plan

Evans Road is designated as a Major Thoroughfare

Existing Section: 5-lane section, 87-foot right-of-way, 65-foot roadway section

Future Section: 5-lane section, 91-foot right-of-way, 69-foot roadway section

Sidewalks: Existing

Bicycle Lanes: 14-foot outside lanes proposed

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 this site.

Based on proposed zoning conditions, future subdivision will be exempt from subdivision regulations and therefore no recreation fund payment will be due.

Open Space Plan

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

Historic Preservation Master Plan

According to the Historic Preservation Master Plan, no historic resources have been identified 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	0-1
	Middle School	0-1
	High School	0-1
Total Projected range of additional students ²		0-3

¹Information regarding specific Wake County Public School assignment options may be found by visiting the following: <http://assignment.wcpss.net/preview/myplan.html>

² The *Projected Range of Additional Students* 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 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

14-REZ-20 Habitat for Humanity – Evans Road

AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE TOWN OF CARY TO CHANGE THE ZONING OF 0.53 ACRE OWNED BY BRADLEY AND BLONDIE CLAY LOCATED ON THE WEST SIDE OF EVANS ROAD NORTH OF WEST DYNASTY DRIVE BY REZONING FROM RESIDENTIAL 12 (R-12) 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
Bradley and Blondie Clay	0765006695	0012951	0.53

Section 2: That this Property is rezoned from R-12 to 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. Any future land division shall be limited to no more than two lots.
2. Land use shall be limited to detached dwellings.
3. The minimum lot size shall be 11,000 square feet.
4. Any future land division shall require a shared driveway connection to Evans Road along a common property line.
5. A 20-foot Type B landscape area shall be provide along the northern property line
6. Side setbacks shall be a minimum of 10 feet and the rear setback shall be a minimum of 25 feet.

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

Adopted and effective: *October 16, 2014*

Harold Weinbrecht, Jr.
Mayor

Date