

**Town of Cary, North Carolina  
Rezoning Staff Report  
13-REZ-06 State Employees Credit Union  
Town Council Meeting  
November 21, 2013**

**REQUEST**

To amend the Town of Cary Official Zoning Map by:

- Removing two parcels located at 2718 and 2722 Macedonia Road from a previously approved Mixed Use Sketch Plan (Walnut Place 08-MU-01) and,
- Amending the previously approved Walnut Place Mixed Use Sketch Plan (08-MU-01) by rezoning approximately 4.45 acres located at 2727 Walnut Street from Residential 40 (R-40) to Mixed Use District (MXD) subject to conditions specified on an associated Preliminary Development Plan.

The Preliminary Development Plan proposes a 6,793 square-foot, 1-story financial institution with drive-through facilities.

**Notes:**

1. If approved, the parcels located at 2718 and 2722 Macedonia Road would remain within the Mixed Use Overlay District but would not be subject to an approved Mixed Use Sketch Plan.
2. A 1.12-acre parcel of land adjacent to the subject property at 2727 Walnut Street (also shown on the previously approved Walnut Place Mixed Use Sketch Plan for use as a restaurant or bank) is proposed to remain unchanged by this rezoning.

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)	Wake County Parcel Number	Real Estate ID	Deeded Acreage
J Harold Tharrington 2801 Glenwood Gardens Lane Unit 205 Raleigh, NC 27608-1238	0772771515	0143469	4.45 ±
2718 Macedonia Properties, LLC 1205 Turner Woods Drive Raleigh, NC 27603-9522	0772772667	0079093	0.55 ±
James Rogers Brown and Kattie Brown 104 Lynnhaven Drive Apex, NC 27539-8362	0772773652	0009052	0.87 ±
<b>Total Area</b>			<b>5.87 ±</b>

**BACKGROUND INFORMATION**

Applicants	J. Harold Tharrington; 2718 Macedonia Properties, LLC; James Rogers Brown and Kattie Brown		
Applicant's Contact Person	Glenda Toppe Glenda S. Toppe & Associates 4139 Gardenlake Drive Raleigh, NC 27612		
Total Acreage	5.87 ± (4.45 acres subject to associated Preliminary Development Plan)		
General Location	2718 and 2722 Macedonia Road and 2727 Walnut Street		
Schedule	<b>Town Council Public Hearing</b>  September 26, 2013	<b>Planning &amp; Zoning Board Public Hearing</b>  October 21, 2013	<b>Town Council Meeting</b>  November 21, 2013
Land Use Plan	This site is designated on the Southeast Area Plan as Office/Institutional and Commercial (O&I and COM) with a Plan note: "Commercial use limited to a maximum of 40% of total floor area"		
Existing Zoning District(s)	Residential 40 (R-40) within the Mixed Use Overlay District (MUOD); Subject properties are also part of the previously approved Mixed Use Sketch Plan (08-MU-01)		
Existing Zoning Conditions	As specified in the previously approved Walnut Place Mixed Use Sketch Plan (MUSP) 08-MU-01		
Proposed Zoning District(s)	2727 Walnut Street: Mixed Use District (MXD) within the Mixed Use Overlay District 2718 and 2722 Macedonia Road: Residential 40 (R-40) within the Mixed Use Overlay District		
Proposed Zoning Conditions	As specified on the associated Preliminary Development Plan (PDP)		
Town Limits	The subject property is located inside Cary's Extra Territorial Jurisdiction but outside the Town of Cary corporate limits. Annexation would be required at the time of development plan review.		
Valid Protest Petition	None		
Staff Contact	Debra Grannan Senior Planner (919) 460-4980 Debra.grannan@townofcary.org		

## SITE CHARACTERISTICS

**Streams:** Cary's GIS maps indicate the presence of a stream buffer along the southern portion of the 4.45-acre parcel. Field determination of such features will be required at the time of site plan review.

**Floodplain and Wetlands:** Cary GIS Maps do not indicate the presence of floodplain area on any of the subject parcels. There is an area along the southern portion of the 4.45-acre parcel that is designated as wetlands. This area is adjacent to a pond on an abutting parcel. Field determination of such features will be required at the time of site plan review.

**Topography:** According to Cary's GIS maps, the low-point on the 4.45-acre parcel is in the southwest corner in the vicinity of the above mentioned stream buffer and wetlands. The approximate elevation in that area is between 456 and 460 feet. There is a gradual increase in elevation to approximately 478 feet moving north on the property from Walnut Street toward Macedonia Road.

**Current Use:** The parcels addressed as 2718 and 2722 Macedonia Road both contain detached dwellings. The parcel addressed 2727 Walnut Street is currently vacant.

**Adjacent Uses and Zoning**

**North** - Vacant; Base zoning is R-40; Designated for Commercial (restaurant or bank) as part of the previously approved Walnut Place Mixed Use Sketch Plan (MUSP)

**South** – Detached dwellings; (R-40)

**East** - (Opposite side of Macedonia Road) Residential Multi-family (RMF)

**West** - (Opposite side of Walnut Street) Townhomes; (R-40; Designated for townhomes by a previously approved Mixed Use Sketch Plan)

**CONSISTENCY WITH LAND DEVELOPMENT ORDINANCE**

**Density and Dimensional Standards**

	<b>Existing Standards Per Previously Approved Mixed Use Sketch Plan (MUSP) 08-MU-01</b>	<b>Residential 40 (R-40)</b>	<b>Proposed Zoning District MXD with Preliminary Development Plan</b> <i>(For 2727 Walnut Street; No change to LDO standards proposed for other R-40 parcels)</i>
Max. Gross Density (du/ac)	N/A	1.08	N/A
Min. Lot Size (feet)	N/A	40,000	N/A
Minimum Lot Width (feet)	N/A	With septic tank/well: 150 (160 for corner lot) With public sewer: 125 (135 for corner lot)	N/A
Roadway Setback (feet)	50	From thoroughfare: 50 From collector: 30 From other streets: 20	50
Rear & Side Yard Setbacks (feet)	N/A	With septic tank/well: 20 With public sewer: 15	N/A
Maximum Building Height (feet)	65	35*	35*

\*Building height may be increased one foot for each additional foot of building setback provided.

**Open Space**

The Preliminary Development Plan proposes to provide approximately one-third of the 4.45-acre parcel as open space. This includes areas designated for perimeter buffers, streetscapes, stormwater management ponds and an area of approximately 600 square feet for public gathering space.

**Landscape Buffer:** The plan proposes to provide half of a 50-foot-wide Type-A (opaque) landscape buffer between the parcel shown on the Preliminary Development Plan and the two residential parcels proposed for removal from the Walnut Place Mixed Use Sketch Plan.

**Streetscape**

In accordance with Chapter 7 of the LDO, the Preliminary Development Plan proposes a 30-foot-wide aesthetic streetscape along Walnut Street and Macedonia Road.

### **Traffic**

A Town of Cary consultant, Hatch Mott MacDonald (HMM), performed a traffic study for the proposed land use of a 6,658-square-foot financial institution (bank) with three (3) drive thru lanes and one (1) ATM lane. The trip generation determined that the proposed use generated 38 trips during the am peak hours and 110 pm peak hour trips. The following intersections were studied:

- Walnut Street and Dillard Drive
- Meeting Street and Dillard Drive
- Walnut Street and Crossroads Ford/Centrum Shopping Center
- Macedonia Road and Walnut Street
- Tryon Road and Tryon Springs Road
- Tryon Springs Road and Holly Springs Road/Walnut Street
- Holly Springs Road and Jones Franklin Road
- Tryon Road and Jones Franklin Road
- Tryon Road and Yates Mill Pond
- Jones Franklin Road and Macedonia Road
- Walnut Street and Proposed Access #1
- Macedonia Road and Proposed Access #2

All intersections operated at an acceptable level of service. The only traffic study recommendation was for the access driveways to each provide at least 100 feet of stem length which is also an NCDOT requirement. Additionally, the traffic study suggested that the left turn lane from Access #2 driveway onto Macedonia Road to have at least a 50-foot left turn lane. Each of these recommendations have been addressed in the applicant's proposal.

### **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**

### **Notification**

On September 10, 2013 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 September 11 and 18, 2013. Notice of the public hearing was posted on the property September 13, 2013.

On October 8, 2013, the Planning Department mailed notification of a public hearing before the Planning and Zoning Board to property owners within 400 feet of the subject property. Notification consistent with General Statutes was published in the Cary News on October 9 and 16, 2013. Notice of the public hearing was posted on the property October 9, 2013.

### **Neighborhood Meeting**

According to the applicant, two neighborhood meetings were held regarding the proposed rezoning. The first meeting was held on April 8, 2013. The first meeting addressed Mr. Tharrington's parcel and the proposed rezoning to MXD to allow a financial institution. The second meeting, held on August 7, 2013, addressed the proposed removal of the two parcels located at 2718 and 2722 Macedonia Road from the previously approved Walnut Place Mixed Use Sketch Plan.

According to the information submitted by the applicant, eight (8) people attended the April meeting. In the meeting minutes provided by the applicant, resident questions and concerns pertained to: traffic, buffers and stormwater management.

The applicant reported that five (5) people attended the August meeting. According to the meeting minutes provided by the applicant, the only concern expressed at this meeting pertained to possible road widening on Macedonia Road.

#### **Town Council Public Hearing (September 26, 2013)**

Staff presented an overview of the case and reported that there were no protest petitions. The applicant's representative spoke and further described the request. An attorney representing the owners of the adjacent commercial property spoke during the public hearing and indicated that private arrangements pertaining to shared parking agreements and cross-access easements had not been finalized between the property owners. The council verified with staff that agreements such as these should be privately arranged and not incorporated into zoning conditions on the Preliminary Development Plan. The council forwarded the case to the Planning and Zoning Board.

#### **Changes Since the Town Council Meeting**

No changes to the proposed plan. The applicant reported to staff that they had met with the owner of the adjacent commercial property.

#### **Planning and Zoning Board Public Hearing (October 21, 2013)**

Staff provided a summary of the plan and explained that it complied with Cary's Land Development Ordinance requirements for perimeter buffers, streetscapes, a street-side trail and vehicular and pedestrian connectivity. Staff added that the applicant had agreed to make road improvements as recommended by the traffic study. These improvements are also shown on the most recent version of the Preliminary Development Plan.

During the public hearing, the applicant reported that they had met with adjacent property owners to resolve development related concerns. A representative of the adjacent commercial parcel spoke in support of the request. Following the public hearing, the board asked for clarification on some of the design aspects of the plan, such as the depiction of connectivity to adjacent property and the general location of the stormwater Best Management Practices on the site.

The board forwarded the request to Town Council with a recommendation for approval by a vote of 8-0.

#### **Changes Since The Planning and Zoning Board Meeting**

None

### **APPROVAL CRITERIA FOR PRELIMINARY DEVELOPMENT PLANS**

Section 4.5.2(E) of the Land Development Ordinance sets forth the following development standards to be considered in reviewing Preliminary Development Plans associated with MXD rezoning requests:

#### **(E) Approval Criteria for Mixed Use District Rezoning**

In addition to the criteria for a general rezoning specified in Section 3.4.1(E), rezoning requests to a MXD district (or PDD amendments following the MXD process) shall be reviewed for compliance with the following criteria, as applicable [i.e., it may not be reasonable or practical to expect that some existing or partially-built mixed use districts (formerly activity center concept plans or mixed use sketch plans) to achieve certain design standards]:

##### **(1) Intensity, Type, and Mix of Uses**

The preliminary development plan includes an appropriate intensity, type, and mix of land uses, as outlined by the guidelines contained in the Land Use Plan. This shall be assessed in relation to the scale of the activity center and the mix and relationship of existing and planned uses in the activity center, including residential, commercial, office, and institutional uses;

##### **(2) Site Design**

The preliminary development plan shows how the proposed mixed use development will meet or exceed Town site design guidelines and other established Town standards, including connections and linkages to immediately adjacent properties;

(3) **Expected Land Uses**

The extent to which the proposed development provides the expected land uses, including medium- and higher-density housing, outlined by the numerical and other guidelines contained in the Land Use Plan;

(4) **Public Spaces**

The preliminary development plan includes some formal outdoor space(s) for public use, such as a park, village green, or plaza, with larger mixed use centers including more such space than smaller centers; and

(5) **Scale and Context**

The preliminary development plan demonstrates that the proposed development is appropriate for the context and location, responds to the unique conditions of the area, and provides reasonable transitions within and adjacent to the district.

### 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 **Southeast Area Plan**, an element of the **Townwide Land Use Plan**, provides the future land use recommendation for the subject parcel. The Southeast Area Plan designates the subject property as "Office/Institutional and Commercial" (OFC/INS and COM). In addition, there is a note on the Southeast Area Plan Map that applies to the property: Note 20. "Commercial use of the site is limited to a maximum of 40% of total floor area." The applicants are requesting to rezone the property to Mixed Use (MXD), and have submitted a preliminary development plan specifying a financial institution. This land use is in keeping with the recommendation of the Southeast Area Plan.

#### Plan History

In September 2004, upon adoption of the Southeast Area Plan, the subject site was designated for Medium to High Density Residential uses.

In August 2008, Town Council approved a request to change the future land use designation for the subject property and additional adjacent property from Medium to High Density Residential (MDR to HDR) to a designation of Office/Institutional and Commercial (OFC/INS and COM), along with the map note limiting commercial uses to 40% of the total floor area.

#### Location Within a Community Activity Center

The subject site is also located within the Swift Creek mixed-use Community Activity Center (CAC). According to the Land Use Plan, a CAC should include a mix of commercial, office, and institutional uses and facilities necessary to support the day-to-day demands of the surrounding neighborhood, as well as

commercial and institutional uses that provide goods, services, and facilities which are demanded less frequently than on a daily basis by the surrounding community, or which are possible only with the critical mass of population provided by an entire community. High and medium-density residential uses should also be present in the center area. There should be a reasonable balance in the center among commercial, office, and residential uses, with the typical number of residential units per 1,000 square feet of nonresidential (not including schools, daycares, places of worship) falling between ½ to 3 units.

<b>Swift Creek Mixed-Use Community Activity Center</b>			
<b>Land Use</b>	<b>Existing Development</b>	<b>Development Proposed by This Case</b>	<b>Total</b>
<b>Residential (MDR &amp; HDR)</b>	<b>494 units</b>	<b>0</b>	<b>494 units</b>
Commercial/Retail	243,409 sq.ft.	0	243,409 sq. ft.
Office/Institutional	58,056 sq.ft.	6,793 sq. ft.	64,849 sq. ft.
<b>Total Commercial/Retail Office/Institutional</b>	<b>301,465 sq. ft.</b>	<b>6,793 sq. ft.</b>	<b>308,258 sq. ft.</b>
(Schools/Daycares/Places of Worship)	183,045 sq. ft.	0	183,045 sq. ft.

**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**

N/A

**Comprehensive Transportation Plan**

**Walnut Street is designated as a major thoroughfare**

**Existing Section:** 6 lanes with landscaped median in 130-foot ROW

**Future Section:** Existing

**Sidewalks:** Existing on both sides

**Bicycle Lanes:** 14-foot-wide outside lanes existing

**Transit:** Future C-Tran Route is proposed in the vicinity; however there are no immediate plans for adding this route.

**Status of Planned Improvements:** N/A

**Macedonia Road is designated as a Collector Avenue**

**Existing Section:** 2-lane undivided in 60-foot ROW

**Future Section:** There is a future collector avenue planned at the current intersection of Macedonia Road and Walnut Street going east to connect to Jones Franklin Road. That alignment is just north of the existing Macedonia Road and not adjacent to this site. The future Collector Avenue ranges from 58-70 feet of ROW depending on typical section chosen.

**Sidewalks:** None existing; required on both sides of future collector avenue to the north of this site.

**Bicycle Lanes:** 4-foot striped bike lanes required on new collector avenue.

**Transit:** N/A

**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 will be required to be constructed along the subject property’s frontage on Walnut Street.

A recreation fund payment will be required for any residential development in accordance with the LDO.

These comments were reviewed and approved by the Town’s Greenways Committee at its September 19, 2013 meeting.

**Open Space Plan**

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

**Historic Preservation Master Plan**

There are no known historic resources on this site.

**STAFF EVALUATION - CONSISTENCY WITH THE DESIGN GUIDELINES FOR MIXED USE CENTERS**

**Create a Sense Of Place:** Cary’s Community Appearance Manual standards were developed with this concept in mind and items such as building architectural details and specific landscaping choices will be applied at the time of site plan review.

**Create Human Scale:** Proportional relationships of buildings and outdoor spaces to people are comfortable.

**Connect Uses:** The proposed PDP provides interconnectivity for pedestrian and vehicular uses and provides connections to the public sidewalk.

**Provide Transitions:** The small scale and limited square footage of the proposed uses on the site help to provide a transition to the adjacent residential use.

**Reduce Parking Impacts:** Sufficient landscaping areas are provided to ensure vehicular screening of parking areas and travel lanes.

**Plan for Pedestrians, Bicyclists, and Transit Users:** The plan shows appropriate pedestrian connectivity between private sidewalks and public trails. Parking for bicyclists is noted on the preliminary plan and will be required at the time of site plan review.

**Provide Open Space:** In addition to the required perimeter and streetscape buffers, the plan provides community gathering space areas that are conveniently situated.

**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**

**13-REZ-06 STATE EMPLOYEES CREDIT UNION**

AN ORDINANCE TO AMEND THE TOWN OF CARY OFFICIAL ZONING MAP BY REMOVING TWO PARCELS LOCATED AT 2718 AND 2722 MACEDONIA ROAD FROM THE PREVIOUSLY APPROVED WALNUT PLACE MIXED USE SKETCH PLAN (MUSP) AND BY REZONING APPROXIMATELY 4.45 ACRES LOCATED AT 2727 WALNUT STREET FROM RESIDENTIAL 40 (R-40) TO MIXED USE



DISTRICT (MXD) SUBJECT TO CONDITIONS SPECIFIED ON AN ASSOCIATED PRELIMINARY DEVELOPMENT PLAN. THE PRELIMINARY DEVELOPMENT PLAN PROPOSES A 6,793-SQUARE-FOOT, ONE-STORY FINANCIAL INSTITUTION WITH DRIVE-THROUGH FACILITIES.

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)	Wake County Parcel Number	Real Estate ID	Deeded Acreage
J Harold Tharrington 2801 Glenwood Gardens Lane Unit 205 Raleigh, NC 27608-1238	0772771515	0143469	4.45 ±
2718 Macedonia Properties, LLC 1205 Turner Woods Drive Raleigh, NC 27603-9522	0772772667	0079093	0.55 ±
James Rogers Brown and Kattie Brown 104 Lynnhaven Drive Apex, NC 27539-8362	0772773652	0009052	0.87 ±
<b>Total Area</b>			<b>5.87 ±</b>

**Section 2:**

That the property located at 2727 Walnut Street is rezoned from Residential 40 (R-40) to Mixed Use District (MXD), subject to the individualized development conditions set forth in the “Walnut Place Mixed Use Sketch Plan (MUSP)” document dated December 18, 2008 and on file in the Planning Department, as amended by the “State Employees Credit Union Preliminary Development Plan” document approved by the Town Council as of this date and on file in the Planning Department, subject 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:**

That the parcels located at 2718 and 2722 Macedonia Road are removed from the “Walnut Place Mixed Use Sketch Plan” document dated December 18, 2008 and limited only to the uses allowed in the Residential 40 (R-40) zoning district, subject 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 4:**

The conditions applicable to the parcel located at 2727 Walnut Street and 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 set forth in the Walnut Place Mixed Use Sketch Plan document dated December 18, 2008 and on file in the Planning Department, as amended by the “State Employees Preliminary Development Plan” document approved by the Town Council as of this date and on file in the Planning Department.

**Section 5:**

This ordinance shall be effective on the date of adoption.

Adopted and effective: November 21, 2013

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Harold Weinbrecht, Jr.  
Mayor

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Date