

**Town of Cary, North Carolina  
Rezoning Staff Report  
13-REZ-28 Stitt Property North  
Town Council Meeting  
August 28, 2014**

*Approved, with minor rewording of conditions 3 and 7 (incorporated herein).*

**REQUEST**

To amend the Town of Cary Official Zoning Map by rezoning approximately 5.0 acres located on the north side of Green Hope School Road about 2,000 feet west of NC 55 Highway, from Residential 40 (R-40) to Transitional Residential Conditional Use (TR-CU) with zoning conditions related to land use, maximum residential density, minimum lot size and building setbacks.

An associated Comprehensive Plan Amendment request (13-CPA-06) to change the Land Use Plan designation from Mixed Use (MXD) to Medium Density Residential (MDR) was approved by Town Council on April 10, 2014.

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                       | County Parcel Number(s)<br>(10-digit) | Real Estate ID(s) | Deeded Acreage |
|--------------------------------------|---------------------------------------|-------------------|----------------|
| Stitt Properties, LLC, Alma M. Stitt | 0734661247 Portion                    | 0067954 Portion   | ± 5.0          |

**BACKGROUND INFORMATION**

|                             |   |   |   |
|-----------------------------|---|---|---|
| Applicant                   | Stitt Properties, LLC, Alma M. Stitt<br>6917 Green Hope School Road<br>Cary, NC 27519   |   |   |
| Agent                       | Glenda Toppe, Glenda S. Toppe & Associates<br>4139 Gardenlake Drive<br>Raleigh NC 27612   |   |   |
| Acreage                     | ± 5.0   |   |   |
| General Location            | North side of Green Hope School Road approximately 2,000 feet west of the intersection with NC 55 Highway   |   |   |
| Schedule                    | <b>Public Hearing</b><br>February 27, 2014  | <b>Planning &amp; Zoning Board</b><br>July 21, 2014 | <b>Town Council</b><br>August 14, 2014<br>August 28, 2014 |
| Land Use Plan Designation   | Medium Density Residential (MDR)<br><i>(Associated Comprehensive Plan Amendment (13-CPA-06) was approved by Town Council on April 10, 2014)</i>   |   |   |
| Existing Zoning District(s) | Residential 40 (R-40); Watershed Overlay District, Jordan Lake sub-area   |   |   |
| Existing Zoning Conditions  | None  |   |   |
| Proposed Zoning District(s) | Transitional Residential Conditional Use (TR-CU); Watershed Overlay District, Jordan Lake sub-area  |   |   |
| Proposed Zoning Conditions  | <ol style="list-style-type: none"> <li>1. Land uses shall be limited to detached dwellings and neighborhood recreation</li> <li>2. Residential density shall not exceed <del>3.9</del> <b>3.3</b> dwelling units/acre.</li> <li>3. <b>Minimum lot size shall be 7,000 square feet, except any lots within 50 feet of the northern property line shall contain a minimum of 9,000 square feet.</b></li> <li>4. <b>Minimum lot width shall be 50 feet.</b></li> </ol> |   |   |

*(Changes to proposed zoning conditions since the August 14, 2014 Town Council meeting are shown in bold typeface)*

|                        |  |
|------------------------|--|
|                        | <p>5. <b><u>Minimum side yard setbacks shall be 5 feet.</u></b></p> <p>6. <b><u>Minimum rear yard setbacks shall be 20 feet.</u></b></p> <p>7. <b><u>If a central box unit (CBU) is required in lieu of an individual mailbox on each lot then such CBU units shall not be located directly between the front of any home and the street, provided that such location is approved by the US Postal Service and the Town of Cary.</u></b></p> <p>8. Prior to issuance of first Certificate of Occupancy for any lot except a sales center and up to four model home lots, the following improvements will be completed in accordance with a phasing plan approved by staff in accordance with the LDO and applicable Town policies.</p> <p>a) At the intersection of Green Hope School Road and Proposed Access #4 in 14-TAR-378:</p> <p>a) Provide an eastbound left-turn lane and appropriate taper.</p> <p>b) Provide one ingress lane and one egress lane</p> <p>c) Provide stop control for the westbound approach of Proposed Access #4</p> |
| 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 protest petitions were submitted.   |
| Staff Contact          | Mary W. Beerman<br>(919) 469-4342<br>mary.beerman@townofcary.org   |

**SITE CHARACTERISTICS**

**Streams:** According to Town of Cary GIS maps, a stream buffer impacts the northern portion of the site. Field determination of such features will be required at the time of site plan review.

**Adjacent Zoning and Land Use:**

North and East – Planned Development District, Major (Highcroft Village PDD); detached residential (Highcroft Reserve Ph 4A)

South (*opposite side of Green Hope School Road*) – Residential 40 (R-40); detached residence

[*Proposed rezoning from R-40 to TR-CU (Case Number 13-REZ-25 Stitt Property South) is in process*].

West – Residential 40 (R-40); Wake Memorial Park cemetery

**CONSISTENCY WITH LAND DEVELOPMENT ORDINANCE**

**Land Use**

The proposed zoning conditions will limit land uses to detached dwellings and neighborhood recreation, both of which are permitted uses in the Transitional Residential (TR) zoning district.

**Density and Dimensional Standards**

|                    | <b>Existing Zoning District (R-40)</b> | <b>Proposed Zoning District (TR-CU)</b>  |
|--------------------|--|--|
| Max. Gross Density | 1.08 du/acre                           | 3.3 du/acre<br>(6.0 du/ac in conventional TR district)   |
| Min. Lot Size      | 40,000 square feet                     | 9,000 sq. ft. within 50 ft of northern property line;<br>7,000 sq. ft. elsewhere<br>(5,000 sq. ft. required in conventional TR district) |
| Minimum Lot Width  | 150 feet<br>(160 feet for corner lots) | 50 feet<br>(40 feet required in conventional TR district)  |
| Roadway Setback    | 50 feet from Green Hope School Road    |  |

|                         |   |  |
|-------------------------|---|--|
| Side Yard Setback       | 20 feet   | 5 feet<br><i>(In the conventional TR district, the 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   | 20 feet, with a combined front and rear setback of at least 40 feet<br><i>(In the conventional TR district, the minimum rear setback is 3 feet, with a combined front and rear setback of at least 35 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> |  |

**Landscape Buffer**

A 20-foot Type B buffer is required along the north, east and west boundaries of the subject property.

**Streetscape**

A 50-foot opaque streetscape is required adjacent to Green Hope School Road.

**Traffic**

The applicant is proposing to rezone the property from Residential 40 (R-40) to Transitional Residential Conditional Use (TR-CU). A condition has been offered by the applicant to restrict the density of this parcel to 3.3 dwelling units per acre, which would support a maximum of 16 dwelling units. The trip generation (trips) based on this residential intensity and use is as follows:

Project Description

- Single-Family Residential Home – approximately 16 dwelling units

Trip Generation 195 daily site trips

- 21 a.m. peak hour trips (5 entering, 16 exiting)
- 20 p.m. peak hour trips (13 entering, 7 exiting)

The threshold to require a traffic study for rezoning cases is 100 peak hour trips; therefore, no traffic study is required by our Land Development Ordinance.

However, this parcel was included in a traffic study (14-TAR-378) prepared for the Stitt Property South rezoning case (13-REZ-25). The study was prepared by the Town’s on-call traffic engineering consultant Ramey Kemp & Associates and was completed in November 2013.

The executive summary of the Traffic Analysis Report is attached that includes information on level of service reported at each intersection studied and recommendations for improvements at these intersections. The traffic study also provides the inclusion of traffic generated by developments that have been approved, but not yet constructed in the area.

The improvements listed below were offered as zoning conditions in the Stitt Property South rezoning case (13-REZ-25). If that rezoning case is approved and the property is developed in reliance on that approval, construction of these improvements will be required.

- Green Hope School Road and Sears Farm Road
  - Provide a westbound left-turn lane on Green Hope School Road with a minimum of 100 feet of storage and appropriate taper.
- Green Hope School Road and Proposed Access #1 / Cozy Oaks Avenue

- Provide a westbound left-turn lane on Green Hope School Road with a minimum of 100 feet of storage and appropriate taper.
- Provide pavement marking for the southbound approach on Cozy Oaks Avenue to have a left-turn lane and a shared right-turn/thru lane within the existing street width.
- Provide two egress lanes (one left turn lane and one shared right-turn/thru lane) and one ingress lane for Proposed Access #1.
- Installation of a stop sign control on northbound approach at Proposed Access #1
- Sears Farm Road and Proposed Access #2
  - Provide one ingress lane and one egress lane
  - Provide stop control for the westbound approach of Proposed Access #2
- Sears Farm Road and Proposed Access #3
  - Provide one ingress lane and one egress lane
  - Provide stop control for the westbound approach of Proposed Access #3

The other notable roadway improvement recommendation outlined in the Traffic Analysis Report that can be directly attributable to the Stitt Property North rezoning case (13-REZ-28) is as follows:

- Green Hope Church Road and Proposed Access #4 (***A zoning condition has been offered by the applicant of this rezoning case 13-REZ-28 to construct this suggested improvement.***)
  - Provide an eastbound left-turn lane and appropriate taper.
  - Provide one ingress lane and one egress lane
  - Provide stop control for the southbound approach of Proposed Access #4

#### **Morrisville Parkway Extension (2 lanes)**

Morrisville Parkway Extension is being constructed in phases. Construction is currently underway by private developers per the Town's Land Development Ordinance (LDO). Private developments are required to upgrade or build the roadways along the frontage of their property to comply with the Town's vision for that roadway as documented in the Comprehensive Transportation Plan. The subdivisions of the Oaks at Highcroft, Fryar's Gate, and Greystone are working on their segments.

The Town is currently working on the final designs for the remaining section that would link the eastern and western segment across NC 540. Designs should be completed in 2015, construction is slated to begin in late 2015, and the connection should be in place by mid to late 2016. The Town project is ST1220. The purpose and need for the initial phase of the project is to provide accessibility and connectivity. Morrisville Parkway will provide an east-west connection between major north-south arterials, including NC751, NC540, NC55, and Davis Drive. Morrisville Parkway project is estimated to carry about 9,000 vehicles per day when it opens, which should provide some relief to parallel thoroughfares, such as Green Hope School Road and Carpenter Fire Station Road.

#### **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**

According to the applicant, a neighborhood meeting for the proposed rezoning was held on October 31, 2013. According to the information submitted by the applicant, no residents attended the meeting.

#### **Notification**

On February 12, 2014, the Planning Department mailed notification of a public hearing on the request to property owners within 400 feet of the subject property. Notification was duly published on the Town's

website on February 14 and 21, 2014. Notice of the public hearing was posted on the property on February 14, 2014.

#### **Town Council Public Hearing (*February 27, 2014*)**

There were no speakers at the public hearing other than the applicant, and no discussion by Town Council.

#### **Planning and Zoning Board Meeting (*July 21, 2014*)**

The Planning and Zoning Board recommended approval of the request by a vote of 8-1. There were questions and discussion regarding minimum lot size and cumulative traffic impacts.

#### **Town Council Meeting (*August 14, 2014*)**

In response to concerns expressed by council members, the applicant indicated a desire to provide additional zoning conditions related to minimum lot size and density. The request was tabled to allow time for the applicant to submit specific revised conditions for consideration.

#### **Changes Since the August 14, 2014 Town Council Meeting**

The applicant submitted the following changes to the previously-proposed zoning conditions (*underlined text has been added, strike-through text has been removed*):

1. Land uses shall be limited to detached dwellings and neighborhood recreation
2. Residential density shall not exceed ~~3-9~~ 3.3 dwelling units/acre.
3. Minimum lot size shall be 7,000 square feet, except within 50 feet of the northern property line, where minimum lot size shall be 9,000 square feet.
4. Minimum lot width shall be 50 feet.
5. Minimum side yard setbacks shall be 5 feet.
6. Minimum rear yard setbacks shall be 20 feet.
7. If a central box unit (CBU) is required in lieu of an individual mailbox on each lot then such CBU units shall not be located directly between the front of any home and the street, provided that such location is approved by the US Postal Service and the Town of Cary.
8. Prior to issuance of first Certificate of Occupancy for any lot except a sales center and up to four model home lots, the following improvements will be completed in accordance with a phasing plan approved by staff in accordance with the LDO and applicable Town policies.
  - a) At the intersection of Green Hope School Road and Proposed Access #4 in 14-TAR-378:
  - b) Provide an eastbound left-turn lane and appropriate taper.
  - c) Provide one ingress lane and one egress lane
  - d) Provide stop control for the westbound approach of Proposed Access #4

#### **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

### Southwest Area Plan

This property falls within the Southwest Area Plan, which was amended with CPA case #13-CPA-06 to recommend Medium Density Residential (MDR) for this site. Medium Density Residential is defined as three to eight units per acre. The requested zoning is Transitional Residential – Conditional Use (TR-CU) with a maximum of 3.3 dwelling units per acre. The applicant's request may or may not conform with the Plan; at this time it is unclear because there is no minimum density stated.

### Growth Management Plan

The Growth Management Plan includes the following Guiding Principles that 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.

**Analysis:** Infrastructure and services are available near the subject property.

### 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. Assure a quality living environment and access to public amenities for all residents, present and future, of the Town of Cary, regardless of income.

**Comments:** A medium-density residential development, in proximity to services and employment, has the potential to support the goals of the Affordable Housing Plan.

### Comprehensive Transportation Plan

**Green Hope School Road is designated as a Major Thoroughfare.**

**Existing Section:** 2-lane undivided section in approximately 65-foot ROW

**Future Section:** 3 lanes in 7-foot ROW

**Sidewalks:** Partial sidewalk exists on the north side of Green Hope School Road. Sidewalk is required on both sides.

**Bicycle Lanes:** 14-foot-wide outside lanes are required.

**Transit:** There are currently no existing or proposed bus routes along Green Hope School Road. The nearest fixed-route transit service is provided about 2,000 feet east of the site, via Triangle Transit Route #311 on NC Hwy 55. The next nearest fixed-route service is provided about 1.5 miles southeast of the site, via C-Tran Route 4, at NC Hwy 55 and High House Road.

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

### Parks, Recreation & Cultural Resources

According to the Parks, Recreation and Cultural Resources Master Plan, the Green Hope School Greenway exists adjacent to the western boundary of the subject property.

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

These comments were reviewed and approved by the Town's Greenways Committee at its November 2013 meeting, and by the Parks, Recreation & Cultural Resources Advisory Board at its December 2013 meeting.

**Open Space Plan**

According to the Open Space Plan, the entire site was given value as an existing agricultural site with riparian buffers along the northern end of the property. No additional significant natural resources were indicated.

**Historic Preservation Master Plan**

The subject property contains no documented historic resources.

**Summary Observations**

| SUMMARY OF STAFF OBSERVATIONS REGARDING PLAN CONSISTENCY |   |
|--|---|
| Comprehensive Plan Element                               | Staff Observation   |
| Southwest Area Plan                                      | The requested zoning may or may not be in conformance with the Southwest Area Plan.   |
| Growth Management Plan                                   | The requested zoning supports two of the guiding principles of the Growth Management Plan.  |
| Affordable Housing Plan                                  | The requested rezoning has potential to support at least two of the goals of the Affordable Housing Plan.   |
| Comprehensive Transportation Plan                        | Green Hope School Road is a major thoroughfare. Road improvements, including bike lanes are required. There are no plans for transit along Green Hope School Road in the near future. |
| PRCR Master Plan   | The Green Hope School Greenway is adjacent to the site.   |
| Open Space Plan  | The site has value as an agricultural site.   |
| Historic Preservation Master Plan                        | No issues or concerns.  |

**OTHER REFERENCE INFORMATION**

| Schools   | Type <sup>1</sup> | Projected Range of Additional Students <sup>2</sup> |
|---|-------------------|---|
| <i>This information is being provided for your review; however, the Wake County Board of Education controls capital projects for school capacities.</i> | Elementary School | 5-7   |
|   | Middle School     | 1-2   |
|   | High School       | 1-3   |
| Total Projected range of additional students <sup>2</sup>   |                   | 7-12  |

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

<sup>2</sup> 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  
13-REZ-28 Stitt Property North**

AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE TOWN OF CARY TO CHANGE THE ZONING OF APPROXIMATELY 5.0 ACRES OWNED BY STITT PROPERTIES, LLC AND ALMA STITT 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 Owners                      | County Parcel Number(s)<br>(10-digit) | Real Estate ID(s) | Deeded Acreage |
|--------------------------------------|---------------------------------------|-------------------|----------------|
| Stitt Properties, LLC, Alma M. Stitt | 0734661247 Portion                    | 0067954 Portion   | ± 5.0          |

**Section 2:** That this Property is rezoned from R-40 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. Land uses shall be limited to detached dwellings and neighborhood recreation
2. Residential density shall not exceed 3.3 dwelling units/acre.
3. Minimum lot size shall be 7,000 square feet, except any lots within 50 feet of the northern property line shall contain a minimum of 9,000 square feet.
4. Minimum lot width shall be 50 feet.
5. Minimum side yard setbacks shall be 5 feet.
6. Minimum rear yard setbacks shall be 20 feet.
7. If a central box unit (CBU) is required in lieu of an individual mailbox on each lot then such CBU units shall not be located directly between the face of any dwelling unit and the street, unless placement is such location is required (to the exclusion of any other location in the development) by the US Postal Service or the Town of Cary.
8. Prior to issuance of first Certificate of Occupancy for any lot except a sales center and up to four model home lots, the following improvements will be completed in accordance with a phasing plan approved by staff in accordance with the LDO and applicable Town policies.
  - a) At the intersection of Green Hope School Road and Proposed Access #4 in 14-TAR-378:
  - b) Provide an eastbound left-turn lane and appropriate taper.
  - c) Provide one ingress lane and one egress lane
  - d) Provide stop control for the westbound approach of Proposed Access #4

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

Adopted and effective: *August 28, 2014*

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Harold Weinbrecht, Jr.  
Mayor

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Date