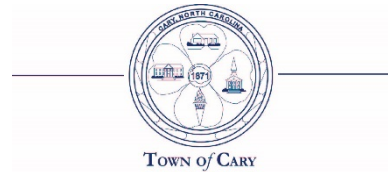


Staff Report for Town Council



Meeting Date: January 24, 2017

16-REZ-26 Davis Residential Property at Pittard Sears Road Rezoning

Purpose: Consider action on proposed rezoning request

Prepared by: Debra Grannan, Planning

Speaker: Debra Grannan, Planning

Recommendation: Staff recommends that 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 removing a previously approved zoning condition for the subject property that limits use to age-restricted residential. No change is proposed to the existing zoning designation of Transitional Residential Conditional Use (TR-CU).

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 8 - 0.

<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)	Chatham County Parcel Number	Real Estate ID(s)	Deeded Acreage
Davis Residential Holdings LLC & HF Investors LLC 8368 Six Forks Road Suite 202 Raleigh, NC 277615-5083	0084836	0726304388	10.09
Total Area			10.09

PROJECT SUMMARY

The subject property was annexed into Cary's corporate limits on August 9, 2011 and an initial zoning of Transitional Residential Conditional Use and Watershed Protection Overlay District (Jordan Lake Subdistrict) was applied. The applicant has proposed to remove one of the zoning conditions which limited the use to age-restricted, single family detached dwellings. No other change is proposed.

BACKGROUND INFORMATION

Applicant	Davis Residential Holding & HF Investors LLC 8368 Six Forks Road, Suite 202 Raleigh, NC 27615 tomhankins@nc.rr.com		
Applicant's Contact	Glenda Toppe Glenda S Toppe & Assoc. 4139 Gardenlake Drive Raleigh, NC 27612 (919) 605-7390 glenda@gstplanning.com		
Acreage	10.09 ±		
General Location	400 block of Pittard Sears Road		
Schedule	Town Council Public Hearing November 10, 2016	Planning & Zoning Board December 19, 2016	Town Council January 24, 2017
Land Use Plan Designation	Low Density Residential (LDR)		
Existing Zoning District(s)	Transitional Residential Conditional Use (TR-CU) Watershed Protection Overlay District (Jordan Lake Subdistrict)		
Existing Zoning Conditions	<ol style="list-style-type: none"> 1. Land use shall be limited to 20 single-family-detached residential units. 2. To address the impacts on Chatham County schools reasonably expected to be generated by the development and use of the subject property, the property owner shall provide evidence, prior to recording any subdivision plats for the subject property, that shows a homeowners association has been established and restrictive covenants are recorded with the Chatham County Register of Deeds subjecting the whole of the development to an age restriction requirement such that at least eighty percent (80%) of all units (16 units if the property is developed with 20 units) shall be occupied by at least one person 55 or older. Such restrictive covenants shall (i) comply with all federal and state laws, including the Fair Housing Act, and (ii) shall vest the responsibility and obligation for enforcing the age restriction in the homeowners association. 3. A 20-foot streetscape planted or supplemented to meet the Type-A (opaque) standard of the LDO shall be provided along Pittard Sears Road. 4. No reduction or modification to the LDO required width of the perimeter buffer may be requested during development plan review. 5. The final plat shall designate a minimum of one acre to remain undisturbed, except as needed for utility easements, or as allowed by the LDO located as follows: 		

	<ul style="list-style-type: none"> a) Outside of Perimeter Buffer b) Outside of Urban Transition Buffer c) Within 325 feet of western property line
Proposed Zoning District	Transitional Residential Conditional Use (TR-CU) Watershed Protection Overlay District (Jordan Lake Subdistrict)
Proposed Zoning Conditions	<ol style="list-style-type: none"> 1. Land use shall be limited to 20 single-family-detached residential units. 2. A minimum 20-foot streetscape planted or supplemented to meet the Type-A (opaque) standard of the LDO shall be provided along Pittard Sears Road. 3. No reduction or modification to the LDO required width of the perimeter buffer may be requested during development plan review. 4. The final plat shall designate a minimum of one acre to remain undisturbed, except as needed for utility easements, or as allowed by the LDO located as follows: <ul style="list-style-type: none"> a) Outside of Perimeter Buffer b) Outside of Urban Transition Buffer c) Within 325 feet of western property line
Town Limits	Yes
Staff Contact	Debra Grannan (919) 460-4980 Debra.grannan@townofcary.org

