

Staff Report for Town Council



Meeting Date: February 23, 2017

16-REZ-31 Ryan Spring Residential Preliminary Development Plan
Purpose: Consider action on proposed rezoning request

Prepared by: Katie Drye, Planning

Speaker: Katie Drye, Planning

Executive Summary: The applicant has requested the Town consider an amendment to the Town of Cary Official Zoning Map by rezoning approximately 1.74 acres of property located at 616 Ryan Road. The applicant, Evergreen Construction Company, is requesting to rezone the property from Office and Institutional (OI) to Mixed Use District (MXD) with a preliminary development plan to allow a maximum of 42 age-restricted, multi-family dwellings in a 4-story building. The property is located in the Cary Towne Center Mixed Use Overlay District.

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 9-0.

Recommendation: That Council consider action on the proposed rezoning request.

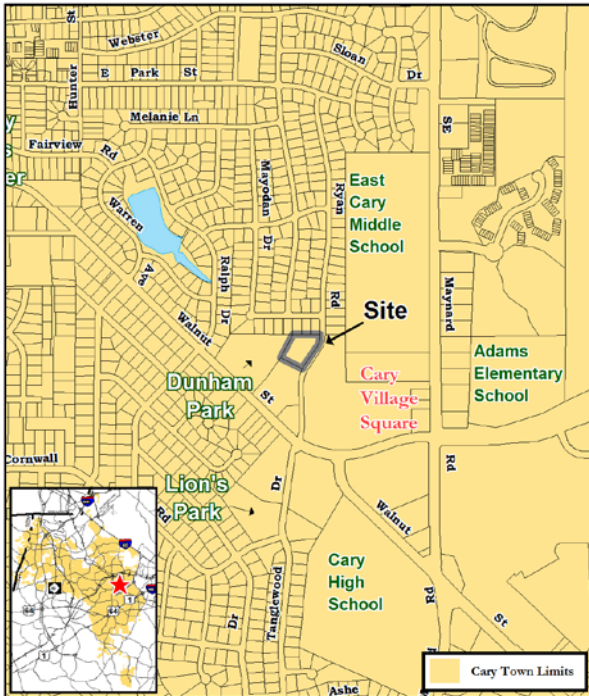
NOTE: The purpose of the rezoning is to determine whether or not the land uses and densities allowed in the proposed zoning district are appropriate for the site. Technical design standards of the [Land Development Ordinance](#) are addressed during review of the site or subdivision plan.

SUBJECT PARCELS

Property Owner	County Parcel Number (10-digit)	Real Estate ID	Deeded Acreage
GTT Corp The Village Square PO Box 10007 Raleigh, NC 27605	0763886273	0145914	1.74 ±
Total Area			1.74 ±

Vicinity Map

Ryan Spring Residential PDP
Rezoning
16-REZ-31



BACKGROUND INFORMATION

Applicant	Lyle Gardner and Timothy Morgan Evergreen Construction Company, Inc 7706 Six Forks Road Raleigh, NC 27615		
Applicant's Agent	Glenda Toppe Glenda S. Toppe & Associates 4139 Gardenlake Drive Raleigh, NC 27612		
Acreage	1.74+/-		
General Location	616 Ryan Road, approximately 700 feet north of Walnut Street		
Schedule	Town Council Public Hearing December 8, 2016	Planning & Zoning Board January 30, 2017	Town Council February 23, 2017
Cary Community Plan, Growth Framework Map Designation	Commercial Center		
Existing Zoning District	Office and Institutional (OI), within the Mixed Use Overlay District (MUOD)		
Existing Zoning	None		

Conditions	
Proposed Zoning District	Mixed Use District (MXD)
Proposed Zoning Conditions	Design and site layout as indicated on the associated Preliminary Development Plan, including: <ul style="list-style-type: none"> - Maximum of 42 dwelling units - Maximum building height of 55 feet - Use limited to age-restricted housing (age 55 or older)
Town Limits	Yes
Staff Contact	Katie Drye 919-469-4085 Katie.drye@townofcary.org

SITE CHARACTERISTICS

Streams: Cary’s most recent GIS maps do not indicate the presence of streams on the subject property. Field determination of such features shall be required at the time of development plan review.

Adjacent Zoning and Land Uses:

North – Residential 12 (R-12); Detached Dwellings (Iron Gate Subdivision)
South – Office and Institutional (OI) within the Mixed Use Overlay District (MUOD); Bank (State Employees Credit Union)
East – (opposite side of Ryan Road) General Commercial; Mixed Use Overlay District (MUOD); The Village Square Shopping Center
West – Resource/Recreation (RR) within the Mixed Use Overlay District (MUOD); Town of Cary Park (Dunham Park)

CONSISTENCY WITH LAND DEVELOPMENT ORDINANCE

Land Use

Multi-family dwellings are a permitted use in the MXD Zoning District.

Density and Dimensional Standards

	Proposed Zoning District: MXD
Max. Gross Density	24.14 dwelling units per acre
Min. Lot Size	None
Minimum Lot Width	None
Roadway Setback	Proposed 15-foot streetscape
Side Yard Setback*	5 feet minimum
Rear Yard Setback*	5 feet minimum
Maximum Building Height	Four stories (55 Feet)

*Unless a zoning condition voluntarily offered by the applicant states otherwise, where a regulatory stream buffer forms a rear or side property line of a lot, and pursuant to NCGS 143-214.23A(f), the Town must attribute to each lot abutting the stream buffer a proportionate share of the stream buffer area (a) for purposes of lot area requirements (i.e., the portion of the stream buffer between the applicable lot line and the near edge of the associated stream will be included for the purpose of determining if the minimum lot size requirement of the LDO is satisfied); and (b) for purposes of calculating the minimum rear or side setback and perimeter buffer if applicable (i.e., the setback or buffer will be measured from the near edge of the associated stream instead of from the actual property boundary).

Open Space

The LDO requires that multi-family dwelling communities provide open space and/or recreational facilities, as specified in LDO Section 8.3.2 Private Open Space, which requires at least five hundred (500) square feet of open space for each dwelling unit.

Landscape Buffer

In accordance with Chapter 7 of the LDO, development is required to provide an undisturbed buffer to separate proposed uses from adjacent land uses. The table below describes the landscape buffer requirements for the subject property which is proposed for multi-family dwellings.

Adjacent Property	Use	Buffer Requirements
North	Detached Dwellings (lots larger than 8,000 square feet)	40-foot wide Type A (opaque)
South	Bank (State Employees Credit Union)	No buffer required (adjacent property is located within the Mixed Use Overlay District)*
West	Park (Town of Cary Dunham Park)	No buffer required (adjacent property is located within the Mixed Use Overlay District)*
East	Property adjoins Ryan Road	(See streetscape requirements)
*No buffer is required between uses that are located within the Mixed Use Overlay District. This property is located within and on the perimeter of the Mixed Use Overlay District.		

Streetscape

In accordance with Chapter 7 of the LDO, a 30-foot-wide Type A (opaque) streetscape is required adjacent to Ryan Road. The preliminary development plan (PDP) provides for a streetscape buffer of 15 feet along Ryan Road. **The applicant is seeking a 15 foot reduction to the required streetscape width.**

Traffic

The proposed rezoning of 1.74 acres would result in a maximum of 42 age-restricted multi-family dwelling units. Based on the ITE Trip Generation Manual, 9th edition, Land Use Code 252- Senior Adult Housing Attached, the proposed rezoning is anticipated to generate approximately 8 AM and 12 PM peak hour trips. The threshold for a traffic study is 100 peak-hour trips; therefore, a traffic study was not required.

Stormwater

At the time of site plan review, the future plan must meet all stormwater management and detention requirements of the Land Development Ordinance.

LDO Use Specific Standards

At the time of this report, the following use-specific standards of LDO Section 5.2.1(F) apply if the subject site is developed with a multi-family use:

1. *Individual storage space containing at least twenty-four (24) square feet of enclosed floor area with a minimum height of seven (7) feet, shall be provided for each dwelling unit in a multi-family development. Such storage space shall be located either in the same building as the dwelling unit it serves or in an accessory building that may also house parking, recreational, laundry, or other facilities that serve the occupants of the development.*
2. *The development shall include sufficient open space and recreational facilities to meet the needs of its residents in accordance with the provisions of Section 8.3.2 of this Ordinance.*
3. *The development shall provide adequate and appropriate facilities for waste disposal, and such facilities shall be screened from view in a manner consistent with the requirements of this Ordinance.*
4. *The maximum density for multi-family dwelling developments shall be as follows:*
 - (a) *In the RMF district, the total density shall be in accordance with Table 6.1-1, Table of Density and Dimensional Standards Residential Districts (Not including TC District);*
 - (b) *within the TC district, total density shall be in accordance with Table 6.1-3, Table of Density and Dimensional Standards Town Center District;*
 - (c) *for multi-family dwellings approved through the mixed use district (MXD) zoning process, Section 3.4.5, the maximum density shall be that shown on the approved preliminary development plan (PDP);*
 - (d) *for multi-family dwellings approved through the Planned Development District (PDD) zoning process, Section 3.4.3, the maximum density shall be that shown on the approved master plan.*
5. *Mid-rise multi-family dwellings shall comply with the following additional standards:*
 - (a) *In districts where a mixing of residential and non-residential uses is allowed, such uses may include ground-level retail stores and personal service establishments as incidental uses, to provide goods and services to residents of the building. Greater amounts of retail and/or personal service establishments may be permitted within mixed use center overlay districts, subject to the provisions of 4.4.2 and Table 5.1-1 of this Ordinance.*

Development within the Mixed Use Overlay District provides the opportunity for design flexibility and reductions to typical Town of Cary LDO Standards. The applicant has proposed the following modifications:

- **Streetscape Buffer**
 - Proposed: 15 feet (Type C)
 - LDO Standard: 30 feet (Type A)

- **Parking**
 - Proposed: 52 spaces (1.24 parking spaces per unit)
 - LDO Standard: 95 spaces (2 parking spaces per dwelling unit plus 0.25 per dwelling unit designated for visitor parking)

Applicant Justification for Parking Reduction:

The applicant submitted a parking analysis of Evergreen’s Senior Communities (see table included below). The table reflects the number of residents with cars and the number of units.

Evergreen Senior Community Portfolio Parking Analysis (Sept, 2016)			
Project Name	Location	Number of Units	Number of Residents with a Car
Azalea Gardens	Murfreesboro	33	16
Auburn Spring	Burlington	48	28
Cedar Spring	Wendell	20	12
Lions Spring	Clayton	48	44
Silver Spring	Zebulon	33	25
Weatherstone Spring	Cary	72	37
Willow Spring	Greenville	33	7
Ashton Spring	Ayden	25	16
Autumn Spring	Raleigh	48	41
Berkeley Spring	Raleigh	36	20
Garden Spring	Raleigh	33	9
Meadow Spring	Raleigh	33	17
Terrace Spring	Raleigh	48	31
Windsor Spring	Raleigh	39	26
Poyner Spring	Raleigh	42	27
Beaufort Spring	Beaufort	48	36
Timber Spring	Garner	48	45
Riverwood Haven	Clayton	60	47
Powell Spring	Pittsboro	48	46
Huntington Spring	Wake Forest	84	60

Staff Observation: The applicant is seeking a reduction of 45% of the parking required by the LDO. This rezoning request limits the use to age-restricted apartments only and is not classified as a life care community. A life care community provides for a greater variety of unit types and level of care and assistance for residents. Staff note requirements for parking for a life care community are less than parking for a multi-family community.

- **Champion Tree (Impact to Critical Root Zone)**

According to a tree survey conducted by the applicant, there are no champion trees on the subject site. There is, however, a small champion tree located south of the property on the adjacent lot near the shared property line (as shown on the Preliminary Development Plan (PDP)). The applicant is proposing to disturb up to 50 percent of the critical root zone area located on the subject property. The LDO requires that any disturbance exceeding 25 percent of the critical root zone receive approval from the Town Council.

SUMMARY OF PROCESS AND ACTIONS TO DATE

Notification

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.

Neighborhood Meeting

A neighborhood meeting for the proposed rezoning was facilitated by Planning staff at Cary Town Hall on November 2, 2016. According to the information submitted by the applicant, 14 nearby property owners attended the meeting. Questions and concerns expressed at the meeting are provided in the meeting minutes submitted by the applicant.

Town Council Public Hearing (December 8, 2016)

Staff presented an overview of the rezoning request and preliminary development plan. The applicant described the rezoning request. A speaker representing approximately 20 residents in the neighborhood to the north, addressed the Council at the public hearing. The speaker shared concerns regarding the height of the proposed building, the traffic on Ryan Road, property values, security, privacy, light pollution, flooding and environmental impacts.

Council asked staff to clarify LDO requirements for the maximum building height and the maximum number of units proposed, and to discuss the allowed uses in the current zoning. Staff noted that the maximum building height for the current zoning district is 35 feet for buildings within 100 feet of a residential district and up to 50 feet for buildings more than 100 feet from a residential zoning district. The existing OI zoning district would allow for an office building or other use permitted in the OI zoning district to be built on the site. Staff also noted that the applicant has proposed a maximum of 42 units. Council further clarified that the LDO requirements for lighting, stormwater and other items would be addressed at the time of development plan review. Council also clarified that the Town cannot regulate the cost of the proposed units.

Council encouraged the applicant to provide information illustrating the proposed building height adjacent to the existing homes.

Council also asked for additional information regarding parking, location of the nearest house, and information on the crosswalk. Additional information regarding these items is included below.

Parking: Council asked for more information regarding parking requirements. Specifically, Council asked if the applicant was providing parking in accordance with the parking standards required for a *life care community*. The following are the LDO parking requirements for uses:

- Parking required for *life care community* use: 21-30 spaces
(requirement: 0.25 per resident, plus 1 space per each staff person)
- Parking required for *multi-family* use: 95 spaces
(requirement: 2 per dwelling unit (for one to two bedroom units), plus 0.25 per dwelling unit for visitor parking)

The applicant is proposing 52 spaces which is more parking than the requirement for a *life care community*, but less than the *multi-family* requirement. Because this site is located in the Mixed Use Overlay District, the applicant has the ability to request parking standards different from typical LDO requirements, for council consideration.

Distance of Proposed Building to Nearest Existing Dwelling: The preliminary development plan shows the location of the proposed building to be 63.5 feet from the property line. The building could not be located closer than 50 feet to the property because the applicant is proposing a 50-foot-wide buffer adjacent to the northern property line. The current placement of the building is located approximately 108 feet from the dwelling.

Crosswalk: In response to citizen concerns about traffic on Ryan Road and the safety of the existing crosswalk, council asked for more information. The applicant, as part of the preliminary development plan, is proposing to relocate the crosswalk further south to line up with the greenway connection to the Town of Cary Dunham Park.

Cross-section Illustrating the Building Height: The applicant has submitted a cross-section illustrating the height of the proposed building and distance to the adjacent residential lots. A copy of the cross-section is included as an attachment to the staff report.

Changes since the Town Council Public Hearing

The applicant has not proposed any changes to the application since the Town Council Public Hearing.

Planning and Zoning Board Meeting (January 30, 2017)

Staff presented an overview of the case. Staff noted during the presentation that Ryan Road is designated on the Comprehensive Transportation Plan as a Collector Road, which requires a 60-foot right-of-way. The existing right-of-way on Ryan Road at the subject site is 50 feet. The applicant will be required to dedicate additional right-of-way, consistent with the Comprehensive Transportation Plan and Standard Specifications and Details, at the time of

development plan review. The applicant explained the proposed rezoning request. The Planning and Zoning Board had questions regarding the impact to the critical root zone of the champion tree on the adjacent parcel, the amount of parking proposed, and the required screening along the northern property line adjacent to the detached dwellings.

Regarding the proposed impact to the champion tree on the adjacent site, the board asked if alternative paving materials (which would allow access to oxygen and water) could be considered in the critical root zone for the champion tree. Staff indicated alternative materials could be considered at the time of development plan review.

The board asked the applicant to share information about their justification for the number of proposed parking spaces. The applicant discussed their analysis of parking from their other similar development projects (submitted as an attachment to the staff report). The analysis indicated that approximately 67 percent of the residents in other similar developments by the applicant had vehicles.

The board asked about the screening and opacity requirement for the buffer between the subject site and the adjacent dwellings to the north. Staff explained the LDO requires a 40-foot-wide Type A (opaque) buffer along the northern property line.

The board forwarded the case to Town Council with a unanimous recommendation for approval.

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 and the purposes 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 other property in the vicinity of the subject tract; and
6. The proposed zoning classification is suitable for the subject property.

CARY COMMUNITY PLAN CONFORMANCE AND ANALYSIS

Under the draft Cary Community Plan, proposed rezoning cases will be evaluated against the plan’s Future Growth Framework Map as well as the relevant policies contained in the plan. Staff finds the following policies to be relevant to the analysis of this proposed rezoning:

LIVE Policies	Analysis
<p>Policy 2: Provide More Housing Choices for All Residents</p> <p>Policy 4: Provide the greatest variety of Housing Options in Mixed Use Centers</p>	<p>By amending the current zoning designation that limits the site to Office & Institutional use thereby limiting the type of residential accommodation that can be constructed, the alternative Mixed Use district allows for the provision of a greater variety of housing types to be developed allowing the site to be developed to meet the needs of a broader range of residents.</p>
<p>Policy 5: Provide More Housing Choices for All Residents</p>	<p>By amending the current zoning designation that limits the site to Office & Institutional use thereby limiting the type of residential accommodation that can be constructed, the proposed Mixed Use District allows for the provision of a greater variety of housing types to be developed allowing infill to support alternative residential uses.</p>
<p>Policy 6: Encourage and Support the Provision of Affordable Dwellings.</p>	<p>The rezoning proposed for this site explicitly addresses Live policy 6 as it is requested as part of a proposal to provide 42 senior housing multi-family units.</p>

SHAPE Policies	Analysis
<p>Policy 3: Encourage Mixed Use Development</p>	<p>The proposed Mixed Use District allows for the provision of a greater variety of residential use types to be supported expanding the types of permitted development and adding increased residential variety to balance the adjacent single family residential, recreational, and commercial districts allowing the infill to support more intense residential uses.</p> <p>Town of Cary design standards and Land Development Ordinance requirements will direct appropriate transitions, appearance, and quality of development. In addition, conditions offered by the applicant to exceed LDO buffer standards provide greater transitions between neighborhoods.</p>
<p>Policy 4: Support and facilitate Redevelopment and Infill Development</p>	
<p>Policy 6: Provide Appropriate Transitions Between Land Uses</p> <p>Policy 8: Preserve and Maintain Cary’s Attractive Appearance and Quality of Development</p>	

ENGAGE Policies	Analysis
<p>PRCR Plan goal 2 – Provide Cary Citizens with a highly functional safe, well maintained greenway network that provides recreation, transportation and education opportunities and wildlife benefits.</p>	<p>The applicant’s development proposal that the rezoning request facilitates incorporates the construction of a greenway connector linking the Ryan Road pedestrian sidewalk to the Town of Cary, Dunham Park and to the proposed greenway.</p>

MOVE Policies
<p>Comprehensive Transportation Plan Ryan Road is designated as a Collector. Existing Road Cross Section: 34-foot back-of-curb to back-of-curb in a 50-foot right-of-way Future Road Cross Section: 35-foot back-of-curb to back-of-curb in a 60-foot right-of-way Sidewalks: 5-foot sidewalks on both sides of the road Bicycle Lanes: 4-foot striped bike lanes on both sides of the road Transit: There are no GoCary or GoTriangle routes operating directly along Ryan Road. There are 3 GoCary routes (1, 2, & 6) within walking distance at the intersection of Maynard Road and Cary Towne Boulevard. Status of Planned Improvements by the Town of Cary: None</p>

APPENDIX ^[LG1] : Parks, Recreation and Cultural Resources Master Plan
<p>According to the Parks, Recreation and Cultural Resources Facilities Master Plan the Dunham Park Greenway Connector runs along the northern and western boundary of the subject property, connecting to Dunham Park which is adjacent to the subject property on the west side. The Master Plan did not propose the subject property for open space conservation.</p> <p>A recreation fund payment or park land dedication will be required for residential development in accordance with the Land Development Ordinance.</p> <p>Staff Observations: Staff notes that the tennis courts in adjacent Dunham Park are lighted and typically in use until 10:00pm. Based upon the preliminary development plan, there is proposed to be approximately 50’ of separation between the senior housing building and the tennis courts.</p>

APPENDIX ^[LG2] : Historic Preservation Master Plan
<p>According to the Historic Preservation Master Plan there are no existing buildings on the subject parcel.</p>

Summary Observations: The proposed rezoning is generally consistent with the Land use Plan and the Cary Towne Center Mixed use overlay District.

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

Mixed Use Overlay District Design Principles

The Preliminary Development Plan (PDP) was evaluated by staff with the Mixed Use Overlay District Design Principles. The following are staff's observations of how the plan compares with the principles:

Create A Sense Of Place: The PDP proposes gathering spaces central to the building on the site. Further the PDP proposes greenway and sidewalk connections to adjacent sites.

Create Human Scale: The PDP does not include elevations, however, the site will be evaluated at the time of development plan review for elements of human scale as described in the LDO and Community Appearance Manual.

Connect Uses: The PDP indicates that a portion of a greenway connecting to the adjacent Town of Cary Dunham Park will be constructed on the northern portion of the site. This will provide direct access from the site to the adjacent Town of Cary Dunham Park. The subject site is also located across the street from the Village Square shopping center which includes various retail, restaurant, and service related businesses.

Provide Transitions: Transitions may be achieved both by providing gradual changes in the intensity of uses and implementing buffers that exceed LDO standards. The PDP shows an increased buffer between the proposed use and the detached dwellings to the north.

Reduce Parking Impacts: The applicant has proposed a modification to the parking standards as specified in Chapter 7 of the LDO. The applicant's justification for the reduction in parking includes an analysis of other sites in the builder's portfolio. The subject property is conveniently located to nearby retail and restaurant uses in the Cary Village Square as well as recreational uses in the Town of Cary Dunham Park.

Plan for Pedestrians, Bicyclists, and Transit Users: The PDP indicates sidewalk to be installed along Ryan Road along subject property's frontage. There will also be the installation of a greenway along the northern side of the subject property which will connect to the Town of Cary Dunham Park to the west. There are three (3) GoCary routes within walking distance at the intersection of Maynard Road and Cary Towne Boulevard.

Provide Open Space: The site is required to provide open space in accordance with Section 8.3.2 of the LDO which requires at least five hundred (500) square feet of open space for each unit. Evaluation of compliance with open space requirements will occur at the time of development plan review.

Approval Criteria

In addition to the criteria for consideration in reviewing rezoning requests, property located within the Mixed Use Overlay District shall be reviewed for compliance with the following criteria from LDO Section 4.5.2 (E), as applicable:

1. Intensity, Type and Mix of Uses

Staff Comment: The proposed use would add 42 multi-family units within the Cary Towne Center Regional Activity Center. The proposed use adds a residential use in an area with existing commercial, office, and residential uses.

2. Site Design

Staff Comment: The proposed buffer to the north and west exceeds the width and planting requirements of the LDO which will help to reduce the impact of the proposed four story building to the adjacent single family neighborhood to the north.

3. Expected Land Uses

Staff Comment: The proposed use of multi-family is a permitted use within the Cary Towne Center Regional Activity Center and is supported by the Land Use Plan and draft Cary Community Plan.

4. Public Spaces

Staff Comment: In-fill projects such as this that propose a single use on a small area typically do not create a practical opportunity to provide formal outdoor spaces for public use. The PDP, however, shows connections from the site to the adjacent Town of Cary Dunham Park and provides small gathering areas on the site for its residents.

5. Scale and Context

Staff Comment: The proposed site will be required to meet the Town of Cary architectural standards for multi-family developments.

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.

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