

# Town Council Agenda Item Report

Agenda Item No. 2018-449-0

Submitted by: Kari Grace

Submitting Department Planning

Meeting Date: February 12, 2019

## **SUBJECT**

Items Related to the Proposed Amendment of the Zoning Map for 0, 245, 249, 253, 257 and 259 Aviation Parkway and 310 and 324 Sunset Avenue (REZ 18-03):

1. Resolution 2018-449-0 Pertaining to the Adoption of a Plan Consistency Review Statement for a Proposed Zoning Map Amendment for Property Commonly Known as 0, 245, 249, 253, 257 and 259 Aviation Parkway and 310 and 324 Sunset Avenue, Located North of Aviation Parkway and South of Sunset Avenue, Between Liberty Hill Pass and Bearcat Way (REZ 18-03);

2. Ordinance 2018-449-0 Approving a Zoning Map Amendment for Property Commonly Known as 0, 245, 249, 253, 257 and 259 Aviation Parkway and 310 and 324 Sunset Avenue, Located North of Aviation Parkway and South of Sunset Avenue, Between Liberty Hill Pass and Bearcat Way, to the Aviation Landing Mixed Use Planned Development District (REZ 18-03)

Briefing - February 12

Public Hearing - February 26

Action - March 12

Kari Grace, Planner II

## **Recommendation:**

Staff recommends approval with conditions.

## **Updates/History of Briefing:**

NOT APPLICABLE

## **Executive Summary and Background Information:**

### **PROPERTY INFORMATION**

KG & Son, LLC is requesting approval of a zoning map amendment for 10.21 acres of property commonly known as 0, 245, 249, 253, 257 and 259 Aviation Parkway and 310 and 324 Sunset Avenue, located north of Aviation Parkway and south of Sunset Avenue, between Liberty Hill Pass and Bearcat Way. The Wake County PINs of the property are 0755262324, 0755264209, 0755266119, 0755267070, 0755259736, 0755259958, 0755361000 and 0755362032. Three of the eight parcels are already annexed into corporate limits while the other five are in the Town's ETJ. The land use plan designation is New Supporting Residential. The existing zoning of the properties is Residential Transition (RT) (See ATTH 01A-C – Maps). The requested rezoning is to Mixed Use Planned Development (MUPD) district with various development standards (See ATTH 02 –Application Packet). A Planned Development Rezoning reclassifies land to a Planned Development (PD) zoning district for which applicable development regulations are defined by a Planned Development plan and agreement (PD Plan/Agreement). If the rezoning is approved, any of the

uses permitted in the PD Plan/Agreement would be permitted with a minor site plan, approved by staff, and would be allowed to be constructed on the property provided that all other PD Plan/Agreement and applicable UDO requirements are met.

The west side of the site is bounded by a stream (see D-1 in ATTH 02 - Application Packet), several of the parcels are unusually shaped, and the assemblage of land results in a unique configuration. These factors, along with the desired mix of uses (single-family attached, multifamily, and commercial) lend the development well to an MUPD, which allows the applicant to propose a creative development that otherwise would not fit into the confines of the UDO. The Aviation Landing MUPD proposes several modifications to UDO requirements (see page 19 of the PD Plan/Agreement in ATTH 02 - Application Packet), such as greater tree canopy retention, greater open space provision, alternative landscape buffers, alternative street cross-sections, greater lot coverage on portions of the site, and modified building elevation and design standards.

## LAND USES

The concept plan identifies two tracts within the development. Tract One is in the front of the site, adjacent to Aviation Parkway, and is envisioned to have two mixed use buildings. The buildings would have commercial uses on the ground floor and multifamily on the upper floors. The PD Plan/Agreement proposes a zero-foot front yard setback and a maximum building height of 45 feet on Tract One (see D-6 in ATTH 02 - Application Packet). Architectural design standards are proposed for the mixed use buildings, incorporating many of the UDO design requirements for non-residential and multifamily buildings. Tract Two (see D-6 in ATTH 02 - Application Packet) is in the rear of the site and connects to Sunset Avenue. Single-family attached dwellings are envisioned on Tract Two, with a three-story height maximum. The proposed building setbacks and lot widths in Tract Two are generally consistent with those standards in the existing RT zoning district. The concept includes both street loaded and alley loaded garages. Architectural design standards are proposed for the single-family attached buildings that would provide variability throughout the development and the use of high-quality materials. The homes are also proposed to utilize an energy efficient design. The PD Plan/Agreement offers a well-balanced and thoughtful transition from the entrance of the development along Aviation Parkway to the rear at Sunset Avenue that maintains an appropriate scale for a neighborhood feel while providing a mix of housing options and commercial uses to serve residents.

## TRANSPORTATION AND ACCESS

A public street network is proposed to allow connectivity throughout the site and to adjacent parcels. The principal street proposes on-street parallel parking in Tract One and a portion of Tract Two. This principal street also stubs to an adjacent parcel. A second internal street will provide access to Sunset Avenue. A third stub street is proposed to provide access to the adjacent parcel. Several cross sections for the streets are proposed as options to provide flexibility in the event aerial access is required due to the height of the buildings, which will be determined at site plan. Cross-access via the parking lot of Tract One is also included. A full movement access is proposed at Aviation Parkway, which will eventually become right in/right out after the Aviation Parkway improvements with a median are completed. Two emergency only access drives are also proposed on Aviation Parkway. These access points will utilize grass-crete to provide a more aesthetically pleasing frontage along Aviation Parkway. Sidewalk is proposed on both sides of all streets, including a 12 foot side sidewalk in Tract One next to the proposed multi-use building to provide a pedestrian friendly environment. Additionally, the Fairview Greenway will be extended through the property.

The Transportation Impact Analysis (TIA) for the envisioned development buildout estimates that it would generate 2,417 daily trips, with 114 morning peak-hour trips and 199 evening peak-hour trips. While the exact breakdown of proposed residential and commercial square footage will be determined at site plan, the TIA estimates reflect 58 multifamily dwelling units, 40 single-family attached dwelling units, 16,400 square feet of general retail, and 10,000

square feet of general office. A maximum of 80% of total floor area for the district is permitted to be residential uses. Any future development of the site would be capped at 2,417 daily trips.

In order to mitigate the traffic impacts, the TIA recommends turn lanes into and out of the site and storage improvements on Aviation Parkway, in addition to the frontage improvements to Sunset Avenue and Aviation Parkway required by the Transportation Plan. Improvements on Sunset Avenue would consist of sidewalk, curb and gutter, and widening the pavement along the development's frontage. Additional right-of-way is also proposed to be dedicated in order to provide adequate access to the adjacent parcel. Improvements on Aviation Parkway would consist of widening to two lanes, sidewalk and half of a planted median. The developer's responsibility for the Aviation Parkway improvements are dependent upon the timing of NCDOT Aviation Parkway project. Under the current Residential Transition (RT) zoning district, which allows a maximum density of 8 dwelling units/acre, a maximum of 81 dwelling units would be permitted on the proposed site. Based on data obtained from the Institute of Transportation Engineers Trip Generation Manual 9th edition, the daily traffic count for 81 single-family detached dwelling units is 857 vehicle trips per day with 62 morning peak-hour trips and 83 evening peak-hour trips. The daily traffic count for 81 single-family attached dwelling units is 572 vehicle trips per day with 39 morning peak-hour trips and 49 evening peak-hour trips. Only potential residential uses for the existing zoning district were evaluated, as it is not possible to calculate an accurate vehicle trip generation estimate for potential non-residential uses without a prepared site plan due to the variability in square footage.

#### LANDSCAPING, TREE PRESERVATION & OPEN SPACE

Vegetation is proposed within the development's internal right-of-way as part of the alternative street cross-sections and alternative landscape buffers to add to the pedestrian oriented streetscape. Once mature, these trees would provide a canopy over the street, contributing to a walkable neighborhood and unique character for the development. The vegetation would be maintained by the HOA. Existing trees within the riparian buffer would be utilized as part of the perimeter buffer between the development site and the existing Cotten Place development. The PD Plan/Agreement proposes to retain 16% of the tree canopy, which exceeds the UDO requirement of 11%. The PD Plan/Agreement also exceeds the UDO open space requirement by providing 10% instead of 5% of site area as open space. The parkland payment-in-lieu (PIL) would be applicable for the residential dwellings. The current fiscal year fee schedule identifies the parkland PIL at \$2,143 per multifamily dwelling unit. This amount is reevaluated each fiscal year. If the amount is different at the time of payment, prior to building permit, that amount would be due. The single-family parkland PIL is calculated at 1/35 of the pre-development value per acre per lot.

#### SCHOOL IMPACT

Based on data obtained from the Wake County Public School System, the potential impact on local schools' student population numbers through estimated student yield if the rezoning is approved would be 52 students. This number is calculated using updated figures specific to Morrisville and is based on the school system's density classifications and the site acreage. However, these potential student yield numbers are strictly estimates. This calculation method does not distinguish between types of residential development nor does it breakdown the distribution of students based on elementary, middle or high school. Using the same calculation method for development under the existing Residential Transition (RT) zoning district and maximum allowable density, the estimated student yield would be 39 students.

Based on the proposed school assignments for 2019-2020, students would attend the following schools: Northwoods Elementary, West Cary Middle, and Cary High Schools.

Public comments received as of 12:00 pm on 1/31/2019 are included in ATTH 03 - Public Comments.

#### **Potential Options:**

A zoning map amendment is a legislative action and is generally considered to be discretionary. In reviewing the requested zoning map amendment, the Town Council may wish to consider the items identified in Section 2.4.19 of the Administrative Manual, listed below:

1. Is consistent with the Comprehensive Plan;
2. Is consistent with any provisions of this Ordinance or the Code of Ordinances;
3. Is required by changed conditions;
4. Addresses a demonstrated community need;
5. Is compatible with existing and proposed uses surrounding the subject land, and is the appropriate zoning district for the land;
6. Would result in a logical and orderly development pattern;
7. Would result in development that is adequately served by public facilities (e.g., streets, potable water, sewerage, stormwater management, solid waste collection and disposal, schools, parks, police, and fire and emergency medical facilities);
8. Would avoid significantly adverse impacts on the natural environment - including, but not limited to, water, air, noise, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment;
9. Would not adversely affect the property values in the area; and
10. Would be consistent with the public interest and the purposes and intent of this Ordinance.

In accordance with General Statute, the Council's motion should include a statement regarding why the Council believes the rezoning request is or is not consistent with the Comprehensive Plan. The Council may:

1. Approve the request as submitted;
2. Approve the request subject to modified or additional changes, with the applicant's consent; or
3. Deny the request.

**Staff Recommendation:**

The Planning Department recommends approval of the requested zoning map amendment for 0, 245, 249, 253, 257 and 259 Aviation Parkway and 310 and 324 Sunset Avenue from Residential Transition to Mixed Use Planned Development (MUPD) with the following condition:

1. The overhead utility lines within the property's boundaries and along the property's frontage on public rights-of-way, shall be buried underground. If the overhead utility lines cannot be converted to underground due to non-compliance with one or more of the utility companies' policies then a payment-in-lieu shall be provided to the Town prior to construction plan approval to accommodate burial at a future date. If the overhead utility burial does not occur within 10 years of the date of the payment, the payment will be returned in an amount equal to the amount paid. If a payment-in-lieu is provided, it shall be in an amount equal to the lesser of:
  - (i) estimates provided by all utility companies with a facility on one or more of the poles, or
  - (ii) a payment-in-lieu fee of \$400 per linear foot of utility wire spanning the length of lines on the property and along the property's frontage to the nearest poles

This suggested condition is included in the draft ordinance for consideration. Provided that the applicant consents to the conditions, the Town Council should make reference to the conditions when making a motion.

This recommendation is made for the following reasons:

1. The request would result in a logical and orderly development pattern as the proposed intensity of uses are compatible with the existing development and uses to the east, west and north and would serve as an appropriate transition between the adjacent commercial and single-family residential uses on either side of the property;
2. The location of the subject land along a major thoroughfare makes it suitable for higher intensity uses;
3. The request would will help define this gateway entrance into Morrisville's Town Center;
4. The request is consistent with the 2007 Town Center Plan, which identifies this area as "new supporting residential" and recommends moderate to higher density development to provide housing opportunities close to Town Center amenities;
5. The request would enhance the natural environment by providing excess tree preservation area;
6. The request aligns with the 2009 Land Use Plan Policy 1B to promote and plan for the future of Morrisville as an environmentally friendly and energy efficient community;
7. The request advances the 2009 Land Use Plan Policy 2A of integrating complementary uses and creating attractive streetscapes to improve the character of the built environment; and
8. The request promotes the 2009 Land Use Plan and Transportation Plan Policy 3B to encourage pedestrian-oriented development through site design, building orientation, interconnected parking facilities, and streetscape improvements;
9. The request carries out the 2009 Land Use Plan and Transportation Plan Policy 3C to encourage infill and redevelopment of existing areas as a way to promote compact, efficient development, and support transportation options; and
10. The request fulfills the 2009 Land Use Plan and Transportation Plan Policy 3E by encouraging interconnected street patterns in new development and redevelopment that promote effective circulation of car, bicycle, and foot traffic.

#### ATTACHMENTS

- [2018-449-0 Peak Supplement Connect Morrisville Alignment](#)
- [2018-449-0 RES - Consistency Statement for REZ 18-03](#)
- [2018-449-0 ORD - Approving a Zoning Map Amendment for REZ 18-03 with Attachment](#)
- [2018-449-0 ATTH 01A to C - Maps](#)
- [2018-449-0 ATTH 02 - Application Packet](#)
- [2018-449-0 ATTH 03 - Public Comments](#)
- [2018-449-0 REZ 18-03 Presentation](#)