



PLANNING DEPARTMENT

February 15, 2018

White Oak Missionary Baptist Church
1621 White Oak Church Road
Apex, NC 27523-6066

Approval of Rezoning Case: 17-REZ-05 White Oak PDD

On Thursday, January 11, 2018, the Town of Cary Town Council voted to rezone properties located at 1609 and 1621 White Oak Church Road from Residential 40 and Residential 40 Conditional Use (R-40 and R-40 CU) to Planned Development District (PDD).

Property Owner(s)	County Parcel Number(s) (10-digit)	Real Estate ID(s)	Deeded Acreage
Trustees of White Oak Baptist Church 1621 White Oak Church Road Apex, NC 27523-6066	0723492212	0097695	6.57
White Oak Missionary Baptist Church 1621 White Oak Church Road Apex, NC 27523-6066	0723384513 (portion)	0090482 (portion)	12.36
Total Area			18.93 +/-

Conditions proposed by the applicant and accepted and approved by the Town are as shown on the attached Planned Development District (PDD) document and on the attached Ordinance.

If you have any questions, please contact me at (919) 460-4983 or meredith.gruber@townofcary.org.

Sincerely,

Meredith A. Gruber, PLA, AICP

cc: Bill Moore, GIS Applications Supervisor
gturman@co.wake.nc.us
bill.shroyer@co.wake.nc.us
kmcartor@co.wake.nc.us

TOWN of CARY

316 North Academy Street • Cary, NC 27513 • PO Box 8005 • Cary, NC 27512-8005
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WHITE OAK PLANNED DEVELOPMENT DISTRICT



Approved: January 11, 2018

Prepared by:
Glenda S. Toppe & Associates
WithersRavenel



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Certified by Town of Cary: February 15, 2018

Meredith G. Gubler

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Section 2: Applicability

This zoning district shall apply to the geographic area shown on the following map.



The area included in the PDD is along White Oak Church Road just south of the new roundabout at Ridgeback Road that was constructed with White Oak Elementary School and includes parcels on both sides of White Oak Church Rd. The total acreage combined is approximately 19.25 acres.



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Section 3: Project Data

Name of the Project: White Oak PDD

Prepared By:

Glenda Toppe, AICP
Glenda Toppe & Associates
4139 Gardenlake Drive
Raleigh, NC 27612
Phone: (919) 605-7390
Email: glenda@gstplanning.com

Ed Tang, PE
WithersRavenel
115 MacKenan Drive
Cary, NC 27511
Phone: 919-469-3340
Email: etang@withersravenel.com

Developer/Owner: White Oak Baptist Church

Future Growth Framework: Green Level Special Planning Area (Neighborhoods West of Flat Branch)

Development Category: Suburban Neighborhood

Size of Project: Approximately 19.25 acres



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Section 4: Permitted Uses

Table 1: List of Permitted Uses

R-1	R-2	OI-1	OI-2
Townhomes	Multi-Family Age Restricted*	Day Care Facility	Religious Assembly

*Use of the property shall be limited to age-restricted housing and associated amenities. Developer of the Community shall record with the applicable Register of Deeds Office a Declaration of Covenants, Conditions, and Restrictions ("Declaration") providing that at least eighty percent (80%) of all occupied units shall have as a resident at least one person age 55 or older ("age restriction"). Prior to applying for any building permits, the owner shall provide to the Town an opinion letter from an attorney, licensed to practice in North Carolina, that the age restriction was drafted in a form that the attorney, in her/her exercise of customary professional diligence, would reasonably recognize as compliant with the Fair Housing Act, § 42 U.S.C. Sec. 3601, et seq., and the North Carolina State Fair Housing Act, N.C. Gen. Stat. § 41A-1, et seq.



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Section 5: Design Standards

RESIDENTIAL

R-1 Townhomes

Acreage: Approximately 8.388 acres

Number of Units: Maximum number of units 30

Height: Maximum Height: 35 feet

Setbacks by Unit:

Roadway: 18 feet front loaded (setback with garage); rear loaded 8 feet, 8' (if no parking between the building and street)

Side: 3 feet (only applies to end units since internal units do not have setbacks.)

Rear: 8 feet front loaded; 18 feet rear loaded

Lot width: 20 feet

16 feet between buildings

Other Standards:

There shall be a minimum of 2,000 square feet for a community gathering space.

For the exterior of each dwelling unit the developer of the community shall use the following construction materials: horizontal fiber cement siding as the primary exterior material.

There shall be no vinyl siding; however, vinyl windows, decorative elements, and trim elements and accessory structures are permitted.

The following elements will complement the fiber cement siding: horizontal fiber cement siding that will comprise the primary exterior material: brick, wood, stone, fiber cement shake or board and batten.

There shall be a 100' wide undisturbed buffer along the common boundary line with the R1 parcel and the American Tobacco Trail right-of-way line. No development shall occur within this buffer with the exception of any greenway trail connection if determined necessary at time of site plan.

R-2 Multi-Family (Apartments, Condominiums)

Acreage: Approximately 6.90 acres

Number of Units: Maximum number of units 60

Height: Maximum Height: 50 feet



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Building Setbacks

Front: 50 feet public road

Side: 5 feet off perimeter buffer

Rear: 5 feet off perimeter buffer

20 feet between buildings

Other Standards:

No building shall be closer than 150' from the eastern property line.

There shall be a minimum of 4,000 square feet for a community gathering space.

Along the frontages of parcel R-2, the streetscape buffers along White Oak Church Rd and Ridgeback Road shall be planted with a min. 2.5" caliper upperstory and understory trees to enhance the buffer at the initial time of planting.

NON-RESIDENTIAL

OI-1 Day Care

Acreage: Approximately 2.0 acres

Size of Day Care: Maximum 10,000 square feet

Buffer: Perimeter buffer adjacent to school or resource building 10' Type B (The 10' buffer is measured from back of curb, not property line because the existing variable width school driveway straddles the property line.)

The perimeter buffer along the southern boundary of OI-1 shall be reduced to 15' if a public street is dedicated along the common property line. The 15' buffer shall be between the northern street right-of-way and the day care site. No buffer along the southern right-of-way of the public street. Due to the existing placement of the school driveway and the narrow property width, we anticipate that the driveway access to R-2 will be as far south as possible at White Oak Church Rd. as permissible by NCDOT.

OI-2 Religious Assembly

Acreage: Approximately 1.97 acres

Size of Building: 11,500 square feet (existing)

BUFFERS AND STREETSCAPES

Buffers: Buffers will meet LDO standards except where noted in this document.

Streetscapes: Streetscapes will meet LDO standards except where noted in this document.



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Section 6: Affordable Housing

R-1: Townhome Development

Within two (2) weeks after the final subdivision plat for each phase of the residential community ("Townhome Community") is recorded, the property owner or developer of the Townhome Community shall record with the applicable Register of Deeds Office a Declaration of Covenants, Conditions, and Restrictions ("Declaration") restricting that phase of the Community. The Declaration shall provide (a) that at least fifty percent (50%) of all occupied units shall be occupied by households whose income is less than or equal to the income limits set out in the HUD income limits documentation system for the Raleigh Metropolitan Statistical Area at the 80% AMI level ("affordability restriction"); and (b) that the affordability restriction shall be in place for at least five (5) years, beginning at the date of issuance of the first certificate of occupancy for the Townhome Community ("duration restriction"). Prior to applying for any building permits, the property owner/developer shall provide to the Town an opinion letter from an attorney, licensed to practice law in North Carolina, that the affordability and duration restrictions were drafted and recorded in a form that the attorney, in his/her exercise of customary professional diligence, would reasonably recognize as compliant with all applicable state and federal laws, including but not limited to the Fair Housing Act 42 U.S.C. Sec. 3601, et. seq., and the North Carolina State Fair Housing Act, N.C., Gen. Stat. 41A-1, et. seq.

R-2: Age Restricted Multifamily Residential

The property owner or developer of the multi-family community ("Multifamily Community") shall record with applicable Register of Deeds Office a Declaration of Covenants, Conditions, and Restrictions ("Declaration") restricting the Multifamily Community. The Declaration shall provide (a) that at least eighty percent (80%) of all occupied units shall have as a resident at least one person age 55 or older ("age restriction"); (b) that at least eighty percent (80%) of all occupied units shall be occupied by households whose income is less than or equal to the income limits set out in the HUD income limits documentation system for the Raleigh Metropolitan Statistical Area at the 80% AMI level ("affordability restriction"); and (c) that the age and affordability restrictions shall be in place for at least thirty (30) years, beginning at the date of issuance of the first certificate of occupancy for the Multifamily Community ("duration restriction"). Prior to applying for any building permits, the developer/property owner shall provide to the Town an opinion letter from an attorney, licensed to practice law in North Carolina that the age, affordability, and duration restrictions were drafted and recorded in a form that the attorney, in his/her exercise of customary professional diligence, would reasonably recognize as compliant with all applicable state and federal laws, including but not limited to the Fair Housing Act 42 U.S.C. Sec. 3601, et. seq., and the North Carolina State Fair Housing Act, N.C., Gen. Stat. 41A-1, et. seq.



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Section 7: Vehicular and Pedestrian Circulation

Vehicular and pedestrian improvements will be made according to Town of Cary standards and access shall be permitted by NCDOT along State maintained roadways.

Section 8: Transportation Improvements

The developer will be responsible for the required widening along the property road frontages to meet the Comprehensive Transportation Plan within the Cary Community Plan.

Based on the TAR, these conditions are being offered:

1. Provide an exclusive southbound right turn lane per NCDOT's Warrants for left and right turns, at site access #3 with a minimum of 50' of full storage and appropriate taper.
2. Provide an exclusive northbound left turn lane at site access #3 that provides at least 50' of full storage and appropriate tapers.

Section 9: Exhibits

Master Land Use Plan

Buffer & Streetscape Exhibit

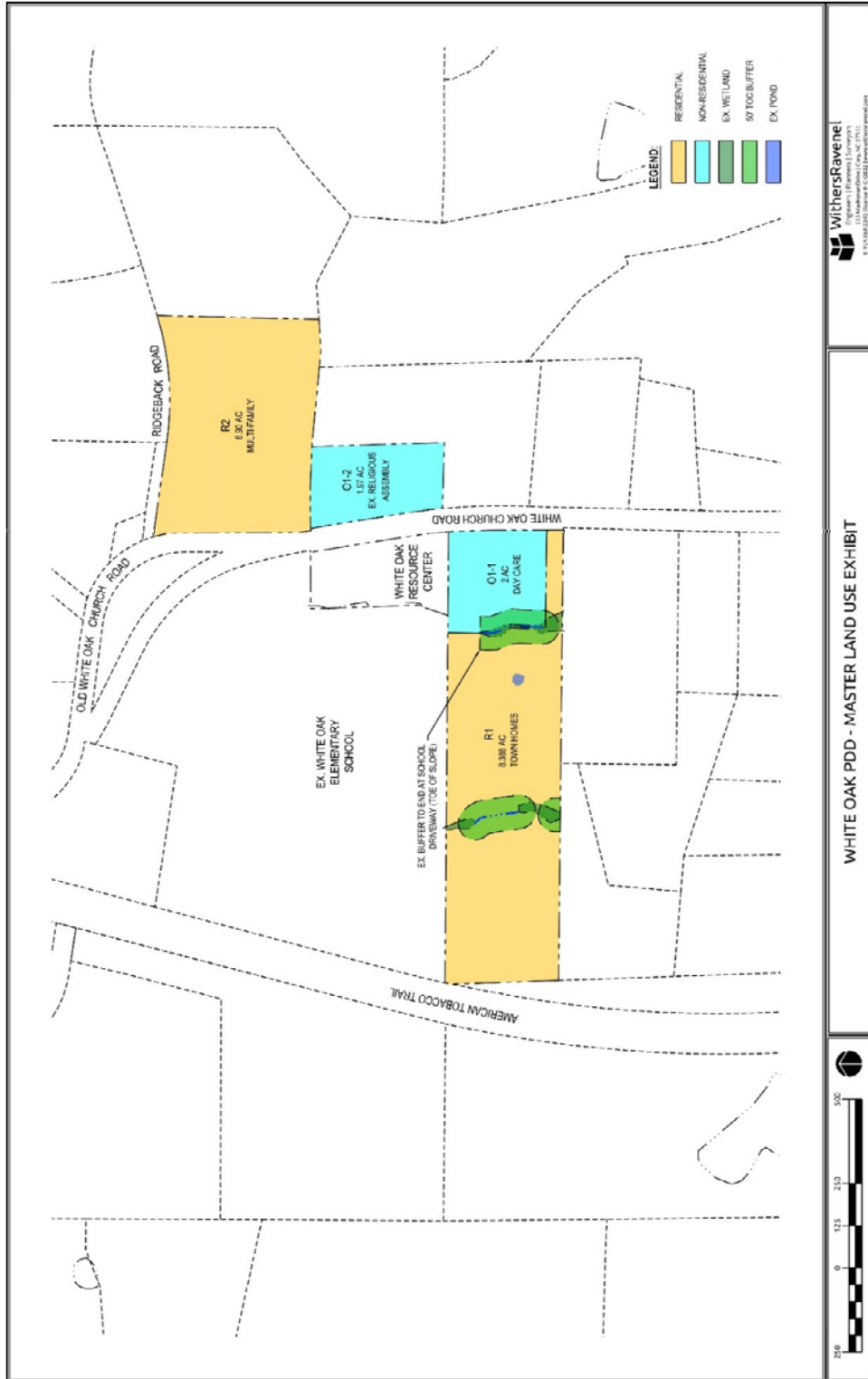


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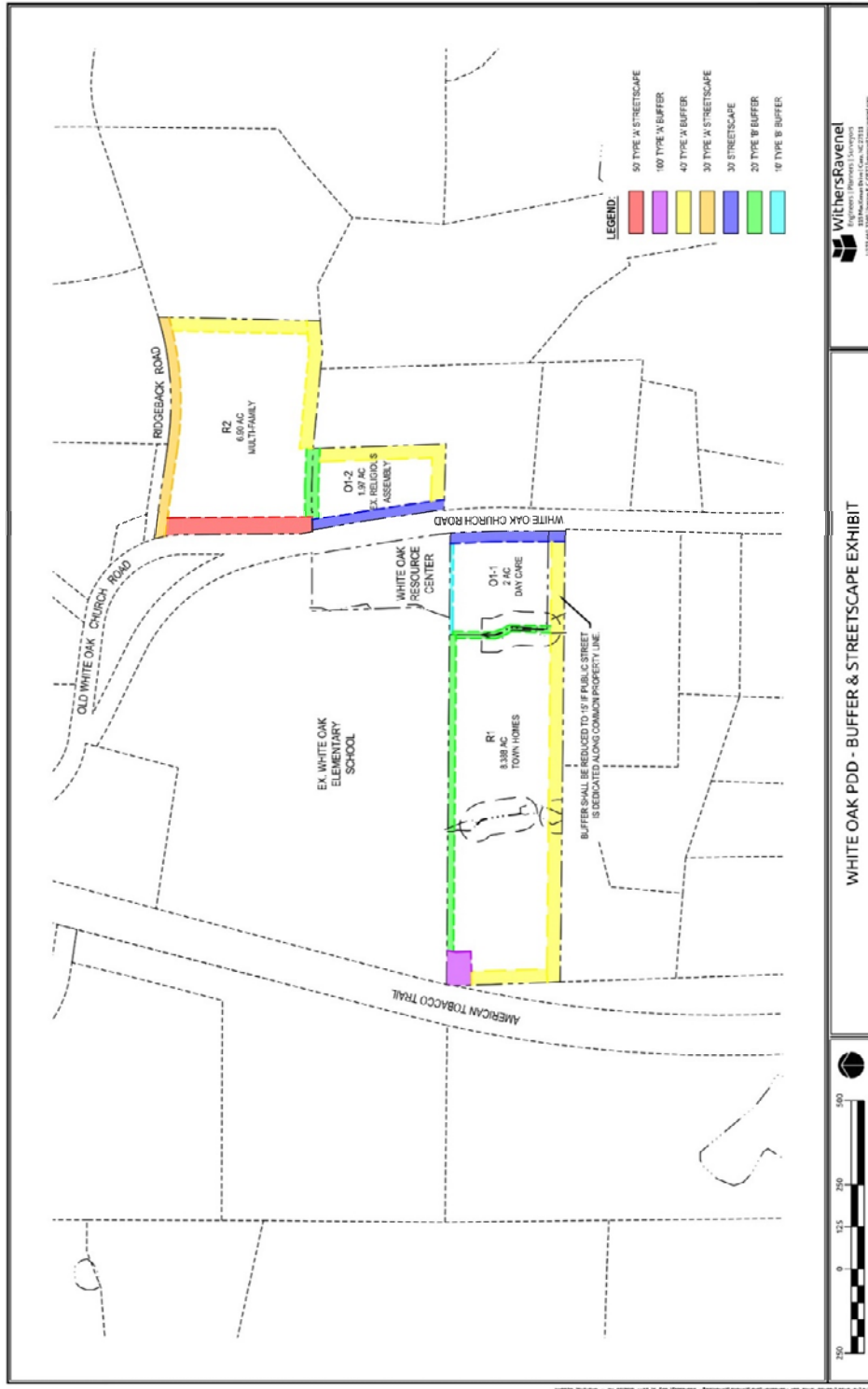
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A handwritten signature in black ink, which appears to read "Meredith G. Gubler".



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ORDINANCE FOR CONSIDERATION**17-REZ-05 White Oak PDD**

AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE TOWN OF CARY TO CHANGE THE ZONING OF 1609 AND 1621 WHITE OAK CHURCH ROAD, OWNED BY WHITE OAK MISSIONARY BAPTIST CHURCH AND THE TRUSTEES OF WHITE OAK BAPTIST CHURCH, BY REZONING FROM RESIDENTIAL 40 AND RESIDENTIAL 40 CONDITIONAL USE (R-40 AND R-40 CU) TO PLANNED DEVELOPMENT DISTRICT (PDD) MINOR.

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)	County Parcel Number(s) (10-digit)	Real Estate ID(s)	Deeded Acreage
Trustees of White Oak Baptist Church 1621 White Oak Church Road Apex, NC 27523-6066	0723492212	0097695	6.57
White Oak Missionary Baptist Church 1621 White Oak Church Road Apex, NC 27523-6066	0723384513 (portion)	0090482 (portion)	12.36
Total Area			18.93 +/-

Section 2:

That this Property is rezoned from Residential 40 and Residential 40 Conditional Use to Planned Development District (PDD) Minor subject to the individualized development conditions set forth in the "White Oak Planned Development District" document approved by Council as of this date and to be filed in the Planning Department, 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 this Property.

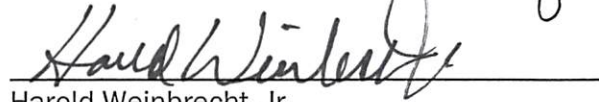
Section 3:

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 set forth in the

"White Oak Planned Development District" document approved by the Town Council as of this date and to be filed in the Planning Department.

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

Adopted and effective: ~~August 24, 2017~~ January 11, 2018



Harold Weinbrecht, Jr.

Mayor

January 11, 2018

Date

2018-ORD-04