

**Town of Cary, North Carolina
Rezoning Staff Report
12-REZ-19 West Park PDD Amendment
Town Council Public Hearing
November 15, 2012**

REQUEST

To Amend the "West Park Planned Development District" (PDD) document to specify that the amount of office use permitted in Tract I shall be a minimum of 3,900 square feet and a maximum of 40,000 square feet.

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(s)	County Parcel Number(s) (10-digit)	Real Estate ID(s)	Deeded Acreage
Crown/West Park, LLC	0734804802	0310465	0.84
Crown/Cary Development Group, LLC	0734805956	0168999	8.18
WC Cary Center LP	0734805622	0334341	4.48
Halle Properties, LLC	0734814499	0310464	1.82
Total Area			15.32

PROJECT SUMMARY

The existing West Park Planned Development District (PDD) encompasses approximately 155 acres. Approximately 140 acres is designated for and developed with residential uses and associated open space, and the remaining 15 acres is within a tract designated on the PDD land use plan for commercial use (Tract I).

Tract I, located at the southeast corner of the intersection of NC 55 Highway and High House Road, is developed with a 93,790 square-foot shopping center (West Park Place Shopping Center). The existing PDD document specifies that the maximum floor area allowed for Tract I is 120,000 square feet, with a minimum of 12,000 square feet of that area (10%) to be used for office space. While there is currently a minimum requirement in the PDD document for the amount of office use required, there is no maximum.

The proposed amendment would reduce the minimum amount of required office space in Tract I to 3,900 square feet, which reflects the existing amount of office use in the PDD, and also specify that office use could not exceed 40,000 square feet.

BACKGROUND INFORMATION

Applicant	Timothy A. Dockery (Crown/West Park, LLC)
Agent	C. Patrick Crosby, Jr. (The Crown Companies, LLC)
Acreage	15.32
General Location	West Park Place Shopping Center - 2700, 2740, 2750 and 2790 NC 55 Hwy.

<i>Tentative</i> Schedule	Planning & Zoning Board Public Hearing October 15, 2012		Town Council Public Hearing November 15, 2012	
Land Use Plan Designation	Commercial (COM)			
Existing Zoning District	Planned Development District [PDD (Major)] within the Mixed Use Overlay District			
Proposed Zoning District	Planned Development District [PDD (Major)] within the Mixed Use Overlay District			
Requirements of West Park PDD Document Affected by Request	Existing	Maximum 120,000 sf of floor area, including: Maximum of 108,000 sf of commercial floor area; and Minimum of 12,000 sf of office floor area		
	Proposed	Maximum 120,000 sf of floor area, including: Maximum of 116,100 sf of commercial floor area; and Minimum of 3,900 sf of office floor area Maximum of 40,000 sf of office floor area		
Town Limits	Yes			
Valid Protest Petition	None submitted			
Staff Contact	Mary W. Beerman, AICP Senior Planner (919) 469-4342 mary.beerman@townofcary.org			

SITE CHARACTERISTICS

Streams and Floodplain: According to Cary GIS maps, there are no streams, stream buffers or floodplains on the subject property.

Wetlands: Determination regarding wetlands is made at the time of site plan review.

Surrounding Zoning and Land Uses:

- North – General Commercial Conditional Use (GC-CU); Village Grove Shoppes at High House
- South – PDD, Major (West Park PDD); open pace
- East – PDD, Major (West Park PDD) detached single-family residential
- West – General Commercial Conditional Use (GC-CU); High House Crossing Shopping Center

CONSISTENCY WITH LAND DEVELOPMENT ORDINANCE

Land Use

The proposed revision to the West Park PDD document would reduce the minimum required amount of office square footage, and also provide a maximum amount of office square footage. This change will ensure that the uses within the shopping center remain predominately commercial, consistent with the following definition of a shopping center as provided in the Land Development Ordinance:

Shopping Center, General

A building or group of buildings, either freestanding or connected, under unified or multiple ownership of land parcels, which contains one (1) or more primary retail tenant(s) or retail anchor store(s), with common parking, pedestrian circulation, ingress and egress, and which is used or intended for use primarily for the retail sale of goods and services to the public. No more than forty percent (40%) of the cumulative building square footage (existing and/or proposed) of the center shall be allocated for uses other than retail sales and services (12.3.4(L)) and/or Food and Beverage Services (12.3.4(F)).

Density and Dimensional Standards

Other than described above, there are no changes are proposed to the previously-approved density and dimensional standards contained in the existing West Park PDD document.

Traffic

The existing development scenario of 108,000 SF of commercial and 12,000 SF of office would generate 197 am trips and 763 pm peak hour trips. There are two proposed scenarios. The first proposed scenario would be 80,000 SF of commercial and 40,000 SF of office and would generate 226 am and 672 pm peak hour trips. The second scenario would have 116,100 SF of commercial and 3,900 SF of office which would generate 176 am and 709 pm peak hour trips. Since neither proposed scenario generates more than 50 peak hour trips over the existing scenario, no traffic study is required.

SUMMARY OF PROCESS AND ACTIONS TO DATE

Neighborhood Meeting

According to meeting minutes submitted by the applicant, a neighborhood meeting (as required by the LDO) was held on July 5, 2012. Four neighbors attended the meeting. Property owners from the West Park HOA expressed a desire for the shopping center to remain primarily retail, and requested that a limit be placed on the maximum amount of office square footage that could be allowed. The West Park residents and the applicant's representative agreed on a maximum of 40,000 square feet of office use. The applicant incorporated the feedback into rezoning application accordingly.

Notification

On October 3, 2012, the Planning Department mailed notification of a public hearing on the request to property owners within 400 feet of the subject property. Notification consistent with General Statutes was published in the Cary News on October 3, 2012 and October 10, 2012. Notice of the public hearing was posted on the property on October 3, 2012.

Planning and Zoning Board Public Hearing (October 15, 2012)

The Planning and Zoning Board conducted a public hearing on the request at its meeting on October 15, 2012. There were no speakers. The board recommended approval of the request by a vote of 8-0.

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

Comprehensive Plan Element	Consistent	Not Consistent	Not Applicable
Land Use Plan	X		
Parks, Recreation, and Cultural Resources Facility Master Plan	X		
Growth Management Plan	X		
Affordable Housing Plan			X
Comprehensive Transportation Plan	X		
Open Space Plan	X		
Historic Preservation Master Plan			X

Land Use Plan

The land use designation of the subject property is Commercial (COM). This request is consistent with the Commercial (COM) land use category. These properties are located within the West Park Neighborhood Mixed Use Center. A Neighborhood Center should provide the commercial and institutional uses necessary to support the common day-to-day demands of the surrounding neighborhood for goods, services, and facilities.

Analysis: This request is consistent with the goals of the Town of Cary Land Use Plan.

Parks, Recreation & Cultural Resources Facilities Master Plan

In accordance with the Parks, Recreation and Cultural Resources Facilities Master Plan there is an existing Street Side Trail along the length of the Highway 55 frontage.

Growth Management Plan

The Growth Management Plan includes the following Guiding Principle which is relevant to this case:

- Guiding Principle Q1: Continue Cary's leadership role in quality growth and development.
- Guiding Principle L1: Concentrate growth near existing and planned employment centers and available and planned infrastructure to minimize costly service-area extensions.
- Guiding Principle A1: Increase permitted densities in preferred growth areas to encourage desired forms of development.

Analysis: The subject property is located within a preferred growth area—the West Park Neighborhood Mixed Use Center.

Affordable Housing Plan

The goals found in the Affordable Housing Plan are not applicable to this case.

Comprehensive Transportation Plan

NC Hwy 55 is designated as a Major Thoroughfare.

Existing Section: 2 through lanes each direction with east and westbound turn lanes heading north and a right turn lane heading south, landscaped median in 155-160 foot ROW

Future Section: 4-lane median divided 78 feet back to back in 100-foot ROW (not including required turn lanes)

Sidewalks: Existing along property frontage

Bicycle Lanes: 14-foot-wide outside lanes required

Transit: No requirements

Status of Planned Improvements: None

High House Road is designated as a Major Thoroughfare.

Existing Section: 4-lane median divided with turn lanes; approximately 90-foot ROW

Future Section: 4 lanes with 18-foot landscaped median; 78 feet back to back in 100-foot ROW

Sidewalks: Existing sidewalks along property frontage

Bicycle Lanes: 14-foot-wide outside lane required

Transit: No requirements

Status of Planned Improvements: None

Open Space Plan

According to the Open Space Plan there are no significant natural resources associated with this site as it is already developed.

Historic Preservation Master Plan

The Historic Resources Master Plan is not applicable to this case.

APPLICANT'S JUSTIFICATION STATEMENT

The following statements are provided by the applicant (shown below in italics) in response to the criteria established in the application (shown below in bold) and do not necessarily represent the views or opinions of the Town of Cary. Any statements as to the type, the quality, or the physical features are at the direction of the applicant and may be formulated into a condition:

- 1. **Any issues with the size of the tract?**
Response: None Provided
- 2. **How is the request compatible with the comprehensive plan (i.e. Land Use, Transportation, Open Space and Historic Resources)?**
Response: None Provided
- 3. **What are the benefits and detriments to the owner, neighbors and the community?**
Response: None provided
- 4. **How are the allowable uses with the proposed rezoning compatible with, or how do they relate to, the uses currently present on adjacent tracts?**
Response: None Provided
- 5. **What reductions/amendments and/or modifications to the development standards of the LDO are being requested and how are they justified? (PDD, new or amended) Applicants must list these items and/or clearly highlight them within the Planned Development document.**

Response: The current conditions for Parcel I of the West Park PDD state that the site will have a minimum of 120,000 sq. ft. of floor area. A minimum of 12,000 sq. ft. of the space will be for office uses only. Applicant proposes to amend the conditions for Parcel I of the West Park PDD to say: "The site will have a minimum of 3,900 sq. ft and a maximum of 40,000 sq. ft. for office uses only".

ORDINANCE FOR CONSIDERATION

12-REZ-19 West Park Planned Development District (PDD) Amendment

AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE TOWN OF CARY BY AMENDING LAND USE RESTRICTIONS APPLICABLE TO PARCELS TOTALING APPROXIMATELY 15.32 ACRES LOCATED WITHIN THE PORTION OF THE WEST PARK PLANNED DEVELOPMENT DISTRICT AT THE SOUTHEAST CORNER OF NC 55 HWY AND HIGH HOUSE ROAD INTERSECTION.

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)	Deeded Acreage	Existing and Proposed Zoning District
Crown/West Park, LLC	0734804802	0.84	PDD, Major (West Park PDD)
Crown/Cary Development Group, LLC	0734805956	8.18	
WC Cary Center LP	0734805622	4.48	
Halle Properties, LLC	0734814499	1.82	
Total Area		15.32	

Section 2: That this Property is rezoned subject to the individualized development conditions set forth in the June 11, 1987 "West Park Planned Development District" document on file in the Planning Department, amended as follows: The amount of office use permitted in Tract "I" shall be a minimum of 3,900 square feet and a maximum of 40,000 square feet; and subject to all the requirements of the 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 set forth in the June 11, 1987 "West Park Planned Development District" document on file in the Planning Department, as modified to specify that the amount of office use permitted in Tract "I" shall be a minimum of 3,900 square feet and a maximum of 40,000 square feet.

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

Harold Weinbrecht, Jr.
Mayor

Date