

**Town of Cary, North Carolina
 Comprehensive Plan Amendment - Staff Report
 14-CPA-01 (High House Road)
 Town Council Meeting
 July 17, 2014**

REQUEST

This Comprehensive Plan Amendment case is a request to amend the Townwide Land Use Plan for three parcels totaling approximately 43.85 acres that straddle High House Road. The parcels are located at 2504 and 2420 High House Road (north side), and 2421 High House Road (south side), and are situated about 300 feet east of the High House Road and NC Highway 55 intersection. The applicant's request is to change the future land use designation of the parcels on the north side from Medium Density Residential (MDR) to Low Density Residential (LDR), and to change the designation of the parcels on the south side from High Density Residential (HDR) and Medium Density Residential (MDR) to Low Density Residential (LDR). The applicant is also requesting that all of the property be removed from the Westpark Neighborhood Activity Center centered on the intersection of Highway 55 and High House Road. Both the north and south sides of the property have been submitted as one CPA case so that the Town Council and the Planning and Zoning Board can consider and evaluate the total effect of the request on the activity center.

There are two rezoning requests associated with this CPA: 14-REZ-04 (north side of High House Road) and 14-REZ-05 (south side of High House Road).

NOTE: The purpose of a comprehensive plan amendment is to evaluate the appropriateness of a proposed land use and/or other issue, need, or opportunity for the subject parcel(s) of land. 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
Patra Payseur 6317 Lakeland Drive Raleigh, NC 27612	0734925262	0416943	2.0
Patra Payseur Charlie Baucom Jane Pittman James Baucom William Baucom Deborah McNeill Pattie Baucom Barbara Bowser 6371 Lakeland Drive Raleigh, NC 27612	0734922465	0412560	25.44
Patra Payseur 6317 Lakeland Drive Raleigh, NC 27612	0734915644	0005075	16.41
Total Area			+/- 43.85

BACKGROUND INFORMATION

Applicant	Innovative Development Solutions 1251 NW Maynard Road, Ste 324 Cary, NC 27513
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	919-819-1481 jwshearin@yahoo.com		
Agent	J.W. Shearin Innovative Development Solutions 1252 NW Maynard Road, Ste 324 Cary, NC 27513 919-819-1481 jwshearin@yahoo.com		
Acreage	+/- 43.85 acres		
General Location	2504, 2420, and 2421 High House Road; located approximately 300 feet east of the intersection of N.C. Hwy. 55 and High House Road.		
Schedule	Town Council Public Hearing May 8, 2014	Planning and Zoning Board Public Hearing June 16, 2014	Town Council TBD
Land Use Plan Designation	2504 and 2420 High House Road: Medium Density Residential. 2421 High House Road: High and Medium Density Residential.		
Existing Zoning District(s)	Residential 40 (R-40)		
Town Limits	The subject property is located outside the corporate limits but inside the Town of Cary ETJ.		
Staff Contact	Anna Reading (919) 469-4084 anna.readling@townofcary.org		

SUMMARY OF PROCESS AND ACTIONS TO DATE

Notification

Consistent with NC General Statutes, notice of the public hearing on the proposed rezoning was mailed to property owners within 400 feet of the subject property, published on the Town's website and posted on the subject property.

Town Council Public Hearing of May 8, 2014

Following staff's presentation, the applicant's representative summarized the request.

During the public hearing, a citizen representing a group of Somerset Subdivision residents (who were in the audience) spoke in favor of the request for a Plan amendment to Low Density Residential (LDR). He said their only concern is about traffic at the High House Road/Hwy 55 intersection, and they hope the new development won't add to the problem. Another citizen who lives in the subdivision southwest of the site stated he was also in favor of the Plan amendment (and associated rezoning) but he would like to see as much buffer retained as possible, and would like to see tree destruction minimized.

Council members generally expressed support for the comprehensive plan amendment request; several members said they believed low-density development would be the best development scenario given the current traffic along High House Road.

Planning & Zoning Board Public Hearing of June 16, 2014

The applicant's representative summarized the request. Two citizens spoke at the podium. A citizen from the Somerset Subdivision said she has 48 signatures from neighbors in support of the proposed plan change, but said they still have concerns about current and future traffic on High House Road, especially where Sir Walker Lane and Cranborne Lane intersect with High House Road. On behalf of her neighbors, she asked that the future development plan alleviate traffic rather than add to it. A citizen from the Wellsley Subdivision expressed his support for the proposed plan change, but also mentioned that traffic was an issue and that a traffic signal or something was needed at the Cranborne Lane intersection. As the land develops, he would like to see the wooded area between Wellsley and any new development retained as a buffer.

Board members, noting traffic and access issues on High House Road, spoke favorably of the proposed change to LDR. One member encouraged the applicant to offer a plan during the upcoming rezoning to

save the historic Baucom house. Another member encouraged staff to re-visit the activity center concept. He noted that times have changed and traffic and school issues have grown, and he believes a new approach is needed.

The board voted 9-0 to recommend approval of the CPA request.

COMPREHENSIVE PLAN SUMMARY

A. Land Use Plan

The townwide Land Use Plan provides future land use guidance for the subject parcels. The subject parcels are included within the boundary of the Westpark Neighborhood Activity Center.

For the two parcels north of High House Road, the Land Use Plan recommends Medium Density Residential (MDR), defined as three to eight dwelling units per acre, as the future land use. For the parcel south of High House Road, the Land Use Plan recommends High Density Residential (HDR), defined as greater than eight dwelling units per acre, for approximately two-thirds of the parcel, and Medium Density Residential (MDR) for the remaining one-third.

The applicant is requesting that the Land Use Plan be amended such that all three parcels are removed from the boundaries of the Westpark Neighborhood Activity Center and all become designated for Low-Density Residential, defined as one to three dwelling units per acre.

Plan History for Subject Parcels

At its inception in 1996, the Land Use Plan recommended that the property surrounding the intersection of High House Road and Hwy. 55, including the subject parcels, be developed under the concept of a mixed-use activity center. The mixed-use concept was depicted on the Plan map with an activity center symbol placed at the High House Road and Hwy. 55 intersection (and also at other major intersections). The subject parcels were accordingly designated as appropriate for medium or high density residential. In 2003, the mixed-use activity center concept was implemented with hard boundaries drawn as zoning overlays on the Official Zoning Map. The boundaries were each drawn to reflect the recommended level of activity center: neighborhood, community, or regional.

Comments

According to chapter 6 of the Land Use Plan, a neighborhood level activity 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. The activity center should also provide medium and/or high-density housing for the neighborhood, conveniently located near the center's shopping and employment. Uses that should not be acceptable in an activity center generally include low density residential uses at densities less than about three dwelling units per acre, since the intent of activity centers is to place the Town's moderate and higher density residential uses within immediate proximity and short walking distance of the commercial and office core of the center in order to have the greatest impact in reducing the number of vehicular trips on thoroughfares, and in supporting transit usage at activity center stops. Currently, the Westpark Neighborhood Activity Center contains commercial and office uses, but no residential units. The only undeveloped properties within the activity center boundary are the subject properties, therefore, the subject properties at present represent the only remaining opportunities to add enough residential density to achieve the goals of an activity center.

B. Growth Management Plan The Growth Management Plan includes the following Guiding Principles that are relevant to this case:

1. R1 Guiding Principle: Ensure that adequate infrastructure and services are available concurrently with new development.
2. L1 Guiding Principle: Concentrate growth near existing and planned employment centers and available and planned infrastructure to minimize costly service-area extensions.

3. A1 Guiding Principle: Increase permitted densities in preferred growth areas to encourage desired forms of development.

Comments: The proposed rezoning may not fully support Guiding Principle A1 since the Westpark Neighborhood Activity Center is a preferred growth area where higher densities are encouraged. However, the proposed rezoning does conform to Guiding Principles R1 and L1, since at this infill location, infrastructure and services are available near the subject property.

C. Affordable Housing Plan

The Affordable Housing Plan includes the following goals that may be relevant to this case:

1. Provide for a full range of housing choices for all income groups, families of various sizes, seniors, and persons with special challenges.
2. Facilitate the creation of a reasonable proportion of the Town of Cary's housing as affordable units through additional homeownership opportunities for individuals and families earning between 60% and 80% of area median income and affordable apartments for individuals and families earning up to 60% of the area median income.
3. Encourage the location of high density housing within walking and convenient commuting distance of employment, shopping, and other activities, or within a short walk of a bus or transit stop, through "mixed use" developments, residences created on the upper floors of nonresidential downtown buildings, and other creative strategies.
4. Assure a quality living environment and access to public amenities for all residents, present and future, of the Town of Cary, regardless of income.

Comments: This rezoning request is unlikely to support goals #1 and #2 above, partially supports goal #3, and supports goal #4. Residents at this location will have access to Cary's C-Tran fixed-route bus service as well as be within an easy car commute or walking distance of an array of services located at the Hwy. 55 and High House Road intersection.

D. Comprehensive Transportation Plan

High House Road is designated as a Major Thoroughfare

Existing Section: 4-lane section with median in an approximately 100-foot right-of-way

Future Section: 4-lane section with median in an approximately 100-foot right-of-way

Sidewalks: Existing 5-foot sidewalk on both sides

Bicycle Lanes: 14-foot-wide outside land required

Status of Planned Improvements: N/A

Transit: C-Tran's fixed-route #4 provides bus service along High House Road; the closest TTA bus route is route #11 which runs along Hwy. 55 to Research Triangle Park.

E. Parks, Recreation & Cultural Resources

According to the Parks, Recreation and Cultural Resources Facilities Master Plan there are no issues related to these sites.

A recreation fund payment will be required for residential development in accordance with the Land Development Ordinance.

The Parks, Recreation & Cultural Resources Advisory Board reviewed and approved these comments at its April 7, 2014 meeting, with the additional recommendation that the historic structure on the property be preserved at its immediate site since it is included on the Historic Preservation Inventory List (Page 46 of Appendix D – Existing Historical Resources of the Historic Preservation Master Plan).

F. Open Space Plan

According to the Open Space Plan there are no significant natural resources associated with these properties.

G. Historic Preservation Master Plan

A goal of the Town's adopted 2010 Historic Preservation Master Plan is to "Preserve, protect and maintain Cary's historic resources." The southern portion of the subject property (2421 High House Road) contains the historic Baucom House (circa 1878), which is listed in the Cary/Wake County Architectural and Historic Inventory. This frame two-story house with a T-shaped rear addition is said to have been built around 1878 by Green H. Baucom. The dwelling features exterior-end brick chimneys, a wrap-around porch with square supports, 6/6 sash windows, molded corner boards, and gable returns. The interior of the house retains its original mantels and door moldings. The 1880 Census shows that Mr. Baucom owned 119 acres in 1879, half of which was under cultivation. Typical of most Wake farms of that period, the Baucom farm was operated by family labor exclusively, and produced corn, cotton, oats, wheat, sweet potatoes and apples along with swine, cattle, sheep and barnyard poultry. The Baucom house exemplifies the relatively comfortable status of small landowners who didn't have to hire outside labor. The house is in good condition, has high material integrity, and is in its original location. In 1991, the North Carolina National Register Advisory Committee (NRAC) determined that the property appears to be eligible for nomination to the National Register, and subsequently placed the property on the State's Study List for the National Register of Historic Places. Placement on the Study List is not a guarantee of National Register eligibility, but rather a preliminary indication that a property appears to be potentially eligible for listing in the Register. Listing in the National Register makes a property eligible for an investment tax credit for approved historic rehabilitations.

Comments: Town Planning staff, staff from Capital Area Preservation, and representatives from the Friends of Page-Walker toured the Baucom House and met with the owner in December 2013. At that time, the owner expressed strong interest in preserving the house. Since then, Planning staff has discussed the house several times with the owner's development representatives, who have expressed a willingness to preserve the house. Staff recommends preserving the house in its original location.

APPLICANT'S JUSTIFICATION STATEMENT

Attached are the applicant's responses to the Comprehensive Plan Amendment justification questions contained in the application form. Please note that these statements are those of the applicant and do not necessarily represent the views or opinions of the Town of Cary.

CRITERIA FOR CONSIDERATION IN REVIEWING COMPREHENSIVE PLAN AMENDMENTS

Section 3.2.2(B) of the Land Development Ordinance states that proposals to amend the Comprehensive Plan shall be evaluated based upon whether the amendment is necessary in order to address conditions including, but not limited to, the following:

1. A change in projections or assumptions from those on which the Comprehensive Plan is based;

Analysis: No changes identified.

2. Identification of new issues, needs, or opportunities that are not adequately addressed in the Comprehensive Plan;

Analysis: *The subject parcels are the last to be developed in the Westpark Activity Center and as such need to be developed as infill with appropriate and sensitive transitioning between the existing commercial along Hwy. 55 and the established low-density surrounding neighborhoods. There is also an opportunity to preserve the historic Baucom house on site and retain its historic integrity by integrating it into future development.*

3. A change in the policies, objectives, principles, or standards governing the physical development of the Town or any other geographic areas addressed by the Comprehensive Plan; or

Analysis: None identified

4. Identification of errors or omissions in the Comprehensive Plan.

Analysis: None identified

STAFF ANALYSIS AND RECOMMENDATION

A. Staff Analysis

As stated above, the applicant is requesting to change the land use designation of all the parcels to Low-Density Residential (LDR).

Relative Site Location

The subject site is located at a major intersection in the designated Westpark Neighborhood Activity Center. The site (both north and south portions) shares its western property line with the retail, personal service, and office uses in the Activity Center. Thus, new residential development on the subject site will have the potential for safe and convenient pedestrian connections to services and shopping. The Land Use Plan has accordingly designated the site for medium- and high-density residential development with the goal of achieving maximum opportunities to reduce vehicle trips – a major goal of activity centers. The Activity Center is also served by Triangle Transit, which provides bus service to Research Triangle Park, and C-Tran, which provides bus service to many Cary shopping and employment destinations as well as connections to other Triangle Transit routes. With that said, it is also important to note that these parcels are the last to develop in the Activity Center and the general area and as such, can be considered infill parcels with additional opportunities and challenges to consider:

Parcels North of High House Road

- The northern site is surrounded by low-density residential subdivisions to the north and east, making transitions and compatibility important considerations.
- The southwest portion of the northern site could potentially accommodate some limited higher-density product such as townhomes, and there would still be space on the site to transition to low-density residential as one moves to the north and east. This potential is limited however by a north-south stream corridor that bisects the western end of the site, creating design challenges and inhibiting efficient use of the land.

Parcel South of High House Road

- The site on the south side of High House Road is situated adjacent to existing retail and services at the Westpark Shopping Center, but safe *internal* pedestrian connections would be difficult to achieve because of a severe grade change between the subject site and the shopping center. External pedestrian access to the shopping center could however be achieved via sidewalks along High House Road and Hwy. 55.
- Similar to the northern parcels, the southern parcel is surrounded by existing residential development: low-density residential development to the east, and medium-density residential to the south. This southern parcel is also somewhat smaller than the northern parcels, limiting the space for making a density transition.
- The southern parcel contains the c.1878 Baucom House, an historic house that is in excellent condition and is in its original, prominent location facing High House Road.

Overall Considerations

1. The proposed change to LDR does not fully support the Town's activity center concept and goals, nor does it take the best advantage of existing transit investments. The applicant has proposed a maximum of 2.5 units per acre for the northern portion; it is unclear at this time whether the southern portion will reach 3 units per acre. A density of fewer than three units to the acre doesn't meet Land Development Ordinance standards for mixed-use activity centers.
2. Notwithstanding the above, the proposed change would still provide citizens, albeit a smaller number, with easy transit access, and pedestrian access and short vehicular trips to numerous shopping, service and employment opportunities at the High House Road/Hwy 55 intersection.
3. A change to low-density would help ensure compatibility with the existing surrounding residential neighborhoods.
4. A change to low-density allows an opportunity to preserve and even highlight the historic Baucom House in its original location in a low-density and well-landscaped context. Lower residential densities are more appropriate next to the Baucom House than medium- or high-density residential. This is an

opportunity to preserve an important piece of local architectural history, and add character and depth to Cary's residential fabric.

5. The applicant has also requested removal from the Westpark Activity Center. This means that new development will require a standard 50-foot streetscape buffer along High House Road (as opposed to the 30-foot streetscape required when developing within activity centers). The wider streetscape requirement will provide a better transition between the Baucom House and development on the north side of High House Road.

B. Recommendation

After carefully weighing the numerous issues presented by this case, staff believes that the opportunity to provide new residential infill that is compatible with established surrounding neighborhoods and at the same time preserve and highlight the historic Baucom House in its original location outweighs, on balance, the transportation efficiencies that could be achieved with the higher density development usually associated with activity centers. For this reasons, staff recommends approval of this comprehensive plan amendment request.