

**Town of Cary, North Carolina
Comprehensive Plan Amendment Staff Report
12-CPA-02 Bailey Park
Town Council Meeting
September 6, 2012**

REQUEST

This Comprehensive Plan Amendment case is a request to change the land use designation of 2.61 acres located at 133 Bailey Park Lane in northern Cary. The applicant is proposing to change the long-range land use designation of the property from Low Density Residential (LDR) to a designation of Medium Density Residential (MDR).

The subject property is a portion of a larger, 10.5-acre tract for which the applicant is requesting R-8-CU zoning – see companion rezoning case 12-REZ-07.

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
CCR Properties 201 Evans Estate Drive Cary, NC 27513	0764198603	0365273	2.61
Total Area			2.61 acres

BACKGROUND INFORMATION

Applicant & Agent	Applicant Jerry Turner Jerry Turner and Associates 905 Jones Franklin Road Raleigh, NC 919-851-7150 jerryturner@jerryturnerassoc.com	Agent William B. Hood Jerry Turner and Associates 905 Jones Franklin Road Raleigh, NC 919-851-7150 whood@jerryturnerassoc.com	
Acreage	2.61 acres		
General Location	133 Bailey Park Lane, located off Evans Road in northern Cary		
Tentative Schedule	Town Council Public Hearing June 14, 2012	Planning and Zoning Board Public Hearing August 20, 2012	Town Council September 6, 2012
Land Use Plan Designation	Low Density Residential (LDR)		
Proposed Land Use	Medium Density Residential (MDR)		
Existing Zoning District(s)	R-40		
P&Z Recommendation	Voted 9-0 to recommend approval		
Town Council Action	Voted 6-0 to approve the Comprehensive Plan Amendment		
Staff Contact	Anna Readling, Senior Planner		

919-469-4084 anna.readling@townofcary.org
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SUMMARY OF PROCESS AND ACTIONS TO DATE

Notification

On May 29, 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 May 30 and June 6, 2012. Notice of the public hearing was posted on the property May 30, 2012. Notification for the second public hearing on August 20, 2012 was published in the Cary News on August 8 and 15, 2012, and the property was posted on August 6, 2012.

Town Council Combined CPA/Rezoning Public Hearing on June 14, 2012

The applicant, Jerry Turner of Jerry Turner and Associates, gave a brief summary of the request. No citizens spoke.

Planning and Zoning Board Public Hearing on August 20, 2012

The applicant's representative, Mr. William Hood of Jerry Turner and Associates, gave a brief summary of the request, noting that the stream buffer along the east side of the subject parcel provides a logical separation between residential densities.

No citizens spoke during the public hearing.

Board Discussion: Brent Miller verified with staff that it is impractical to cross the stream separating the subject property from the future Bailey's Creek subdivision, and therefore, access through Bailey's Creek wouldn't be allowed. Mr. Miller and John Shaw expressed a desire to see less than the maximum density when the associated rezoning comes before the P&Z Board, with Mr. Shaw citing his concern about increased traffic on Evans Road. Al Swanstrom questioned why and how the subject parcel was designated for low density residential in the first place. The applicant's representative, Mr. Willie Hood of Jerry Turner and Associates, explained that prior to 2007, the subject parcel was designated for medium density on the Land Use Plan, but in 2007 the parcel was amended to Low Density Residential to support an R-12 rezoning request for the subject property and the larger tract of which it was then a part.

The Planning and Zoning Board voted 8-0 to recommend approval.

Town Council Meeting on September 6, 2012

The CPA was approved on the consent agenda by unanimous vote.

COMPREHENSIVE PLAN SUMMARY

A. Land Use Plan

The townwide Land Use Plan currently designates the subject parcel as Low Density Residential (LDR), which is defined by the plan as single-family detached residential dwellings, one to three dwelling units per acre. The applicant is requesting that the land use plan designation be changed from LDR to Medium Density Residential (MDR). Medium Density is defined as three to eight dwelling units per acre with a mixture of residential uses allowed, including single-family detached, single-family attached (townhouses, duplexes, triplexes), and low-rise apartments.

Comparison of Existing and Requested Land Use Plan Designations:

For the subject 2.61-acre parcel, the range of residential densities that might conform to the existing and proposed land use plan designations are depicted below. Note, however, that the precise future density will depend on the specific zoning approved for the property.

Land Use Plan	Possible Number of Dwellings
Current: Low Density Residential	2 – 7 units
Proposed: Medium Density Residential	7 – 20 units

B. Parks, Recreation & Cultural Resources Facilities Master Plan

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

Recreation funds will be required for residential development in accordance with the Land Development Ordinance.

C. 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.

Analysis: The subject site is located within an area where urban services are readily available, including a neighborhood activity center at the intersection of Evans Road and Maynard Road, located approximately 1.5 miles from the site. Office parks are located along Aviation Parkway and along Weston Parkway, both of which are located within five miles of the subject site.

D. Affordable Housing Plan

The Affordable Housing Plan includes the following goals that are 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.

E. Comprehensive Transportation Plan

Evans Road is designated as a **Major Thoroughfare**

Existing Section: 5-lane section with curb & gutter, (69-foot roadway, 91-foot right-of-way)

Future Section: 5-lane section w curb & gutter, (69-foot roadway, 91-foot right-of-way)

Sidewalks: Existing on both sides

Bicycle Lanes: Existing signed route with wide outside lanes

Transit: No existing or planned transit bus routes. The subject site is three-quarters of a mile from the nearest C-TRAN bus stop on Maynard Road (C-TRAN Routes 1 and 2).

Status of Planned Improvements: All planned improvements completed

F. Open Space Plan

According to the Open Space Plan there are mixed conifers and hardwoods in the northeast corner of this site; the undeveloped parcels were designated as proposed open space conservation area.

G. Historic Preservation Master Plan

According to the Historic Preservation Master Plan, the subject parcel contains no known historic resources.

APPLICANT'S JUSTIFICATION STATEMENT

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

1. Describe how the requested amendment is warranted due to changes in conditions, forecasts, or assumptions since the original Comprehensive Plan recommendations were developed.

Response: *Prior to June 28, 2007 the parcel in question (pin 0764198603) was designated as Medium Density Residential on the Comprehensive Plan. The parcel was amended at that time to Low Density Residential to support an R-12 Rezoning request (07-REZ-01; 07-REZ-34) for the property to the east as well as the subject property.*

2. Describe how the requested amendment is warranted due to new issues, needs, or opportunities that have arisen in this geographic area since the original Comprehensive Plan recommendations were developed.

Response: *This property should have had a "split" land use designation from the beginning; the western (front part) as Medium Density and the eastern (rear part) as Low Density. A significant stream buffer and topographical feature separates these two areas and provides the appropriate boundary between Low and Density Residential Designations.*

3. Describe how the requested amendment is warranted due to changes in Town policies, objectives, or standards since the original Comprehensive Plan recommendations were developed.

Response: *This change would be consistent with the Town's desire for Medium Density closer to Evans Road and to respect the Low Density nature of Evans Estates, Bailey Creek, and the Greenway area.*

4. Describe how the requested amendment is warranted due to errors or omissions in the current Comprehensive Plan.

Response: *We believe this tract should have had a "split" designation from the beginning due to adjacent properties and land uses, and physical, dimensional features of the tract.*

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. When initially approved, the Townwide Land Use Plan envisioned medium-density residential for this parcel. In 2007, a comprehensive plan amendment changed the designation of this parcel and that of an adjoining eastern tract to low density residential. The current plan amendment request is to return the subject parcel to its original Plan designation of medium density, which is a more suitable designation considering the location and geography of the site -- see staff analysis below.

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

No new issues or needs have been identified.

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
No changes have been identified.

4. Identification of errors or omissions in the Comprehensive Plan
No errors or omissions have been identified.

STAFF ANALYSIS AND RECOMMENDATION

A. Staff Analysis

As a result of a Comprehensive Plan Amendment in 2007, the subject parcel and an adjacent larger tract were designated for low density residential development. A stream running along the eastern boundary of the subject parcel separates it from the adjacent tract. After the 2007 Plan amendment, the adjacent tract (east of the stream corridor) was subdivided and approved for the future Bailey's Creek Development, a planned low-density residential subdivision. The approved Bailey's Creek subdivision plat shows a 100-foot stream buffer along the stream which, along with the stream corridor itself, will provide both a physical and visual separation between the planned Bailey's Creek development and the subject parcel.

On its west side, the subject parcel is bordered by vacant land that is currently designated for future medium-density residential housing. Bordering its north side are the existing Chesapeake Landing condominiums, and bordering its south side is land designated for future medium-density residential.

Considering that the property to the north, west, and south of the subject parcel is either designated for or already developed as medium- or high-density residential, and considering that the stream and required stream buffer bordering the eastern side of the subject parcel would provide a logical transition from medium-density residential to the low-density residential planned for the Bailey's Creek subdivision, staff believes that a medium density residential designation for the subject parcel makes sense.

B. Staff Recommendation

Staff recommends that the Townwide Land Use Plan Map be amended such that the subject property has a future land use designation of Medium Density Residential.