

**Town of Cary, North Carolina
Comprehensive Plan Amendment Staff Report
12-CPA-03 Village at the Park Neighborhood Activity Center
Town Council Meeting
September 6, 2012**

REQUEST

This Comprehensive Plan Amendment case is a request to amend Map 1, *Future Land Use*, of the Northwest Area Plan, for three parcels totaling approximately 39.7 acres. The parcels are at 7505 Wake Road, and 11525 and 0 Green Level Church Road, and are situated west of Green Level Church Road and south of Wake Road, immediately west and north of Alston Ridge Elementary School. The applicant's request is to change the future land use designation for the parcels from Office/Institutional (OFC/INS) to Medium Density Residential (MDR) for the portion of the subject parcels located south of Kit Creek Road, and from Office/Institutional (OFC/INS) to Mixed Use (MXD) for the portion of the subject parcels located north of Kit Creek Road.

The applicant also requests changes to three Map Notes and/or Note boundaries on Map 1, Future Land Use:

- Map Note #2. At present, this Note applies to the large OFC/INS area west of Green Level Church Road and north of Kit Creek Road. The applicants propose that this note be removed from the subject parcels.
- Map Note #3. This note contains additional recommendations for the area west of Alston Ridge Elementary, and south of the future westward extension of Kit Creek Road. The applicants request that the boundary for this Note be extended to cover the entirety of the subject parcels south of the future alignment of Kit Creek Road. The applicants also propose to amend the text of Note #3 as follows, where new text is shown underlined and deleted text is struck-through:

“Along the western property boundary, the MDR area will transition to single-family detached along the common boundary to the west, and the OFC/INS area should transition to Transitional office building styles ~~should be used~~ having height, bulk, and design compatible with adjacent VLDR single-family to the west.”

- Map Note #4. This note applies to four different mixed use areas on Map 1, including the mixed use area in the Village at the Park Neighborhood Activity Center. The applicant requests that the Note boundary be extended westward to cover the requested Mixed Use portion of the subject parcels north of Kit Creek Road. The applicant also requests that the text of Note #4 be amended as follows, where new text is shown underlined and deleted text is struck-through:

“Intense mixed use center with focus on commercial/retail and office uses, with some high-density housing, such as apartments over shops or offices. ~~For mixed use areas north of Kit Creek Road and west of Green Level Church Road, any residential uses should be limited to medium-density housing.~~”

NOTE: The purpose of a comprehensive plan amendment is to evaluate the appropriateness of a proposed land use and/or other policy recommendation for the subject parcel(s) of land. Specific permitted land uses are addressed during review of a rezoning case, and technical design standards of the Land Development Ordinance are addressed during review of the site or subdivision plan. Details for zoning and land development standards can be found at <http://www.amlegal.com/library/nc/cary.shtml>.

SUBJECT PARCELS

Property Owner(s)	County Parcel Number (10-digit)	Real Estate ID(s)	Calculated Acreage
HAB Properties LLC, and Cabernet Realty I LLC 333 Sherwee Dr. Raleigh, NC 27603-3521	0726985347	0045896	26.93
	0726985916	0082492	2.76
Ferrell, Betty Lou Ferrell, Betty Lou Trustee 1600 Morrisville Carpenter Rd Cary, NC 27519-8633	0726970344	0173518	10.01
Total Area			39.70 +/-

BACKGROUND INFORMATION

Applicant	Glenda Toppe Glenda S. Toppe & Associates 4139 Gardenlake Drive Raleigh, NC 27612 Phone: 919-605-7390 E-mail: glenda@gstplanning.com		
Applicant's Contact Person	Glenda Toppe Phone: 919-605-7390 E-mail: glenda@gstplanning.com		
Acreage	89.83 +/- acres		
General Location	7505 Wake Road, and 11525 and 0 Green Level Church Road. The subject properties are located on the north and south sides of the future westward extension of Kit Creek Road, south of Wake Road, and west of Green Level Church Road.		
Schedule	Town Council Public Hearing June 14, 2012	Planning and Zoning Board Public Hearing August 20, 2012	Town Council Action September 6, 2012
Existing Land Use Plan Map Designation Existing Plan Map Note Boundaries	Office/Institutional, within a Neighborhood Activity Center (NAC), and subject to Notes 2 and 3 on the Northwest Area Plan Map.		
Proposed Land Use Plan Map Designation Proposed Plan Map Note Boundaries	Medium Density Residential (MDR) south of Kit Creek Road, and Mixed Use (MXD) north of Kit Creek Road, with text changes to Map Notes #3 and #4 on the Northwest Area Plan Map, and boundary changes to Map Notes #2, #3, and #4.		
Existing Zoning District(s)	A mix of both Residential-40 (R-40) and Office, Research, and Development (ORD) on both the north and south sides of Kit Creek Road, within a Neighborhood Mixed Use Overlay District (MUOD), and within the Jordan Lake Watershed Protection Overlay District.		
Town Limits	The subject properties are located outside the Cary corporate limits, but within the Cary Extraterritorial Planning Jurisdiction (ETJ).		
Staff Contact	Scott Ramage, Principal Planner		

	ph. 919-462-3888 scott.ramage@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 for the Town Council public hearing, and on August 8 and 16, 2012 for the Planning and Zoning Board public hearing. Notice of the public hearing was posted on the property on May 30, 2012.

Town Council Public Hearing on June 14, 2012

Ms. Glenda Toppe spoke as the representative for the property owners and applicant. Ms. Toppe noted that conditions in and around the activity center have changed since the adoption of the Northwest Area Plan in 2002, with the addition of an elementary school, a current proposal for an adjacent middle school, and the conversion of part of the mixed-use node to multi-family. Ms. Toppe indicated that the proposed changes to Map Note #3 are intended to better protect the surrounding residential area. She also mentioned that the subject parcels lack the necessary road exposure for viable office development.

Two citizens spoke at the hearing. Ms. Brenda Berry stated that the longtime existing homeowners in the area would like council to consider Low-Density Residential (LDR) in the Office/Institutional area, because they do not want any more apartments in this vicinity. Ms. Betsy Phillips, representing her property and a neighboring homeowner, requested the density be lowered in order to form a better transition with the area recommended for Very Low Density Residential (VLDR) land uses immediately west of the subject parcels, including areas in the Chatham-Cary Joint Land Use Plan.

Council Discussion: Council Member Frantz felt that the word “should” in Map Note #3 (“Along the western property boundary, the MDR area “should” transition to single-family detached...”) ought to be strengthened as the request proceeds through the official review process.

Changes Since the Town Council Public Hearing

On July 17, 2012 the applicant, Roy Mashburn, and the applicant’s representative, Glenda Toppe, met with the two adjacent neighbors who spoke at the council public hearing, Brenda Berry and Betsy Phillips. The staff case manager, Scott Ramage, was also in attendance. At that meeting, both the applicants and neighbors agreed to a revision in the proposed text amendment for Map Note #3. It was also agreed to add to the amendment a request to apply Map Note #4 to the portion of the subject area that is requested for a Mixed Use designation, and to amend the text of Note #4. All parties felt that those changes would provide added assurance that (a) only single-family housing would be placed immediately adjacent to the Reiss property south of the Kit Creek Road extension, and (b) that there would be no multi-family housing within the proposed Mixed Use area on the north side of Kit Creek Road. In addition, following that meeting, staff realized that in order for Note #4 to be applied, Note #2 needed to be removed from the areas requested by the applicants for Mixed Use.

The table below summarizes the differences between the Tow Council public hearing version of the amendment request and the revised Planning Board hearing version of the request. Note that text to be added to existing Map Notes is shown underlined, and text to be deleted from the existing Map Notes is shown with strikethrough.

Type of Proposed Change to NW Area Plan Map 1	Council Hearing Version of Amendment Request	Planning Board Hearing Version of Amendment Request
Base future land use designations	Change from OFC/INS to MDR south of Kit Creek Rd., and MXD north of Kit Creek Road.	Same.
Geography of Map	No amendment specified.	The request now clarifies that the

Note #3:		Note's boundaries should apply to all the case parcels south of the Kit Creek Road.
Text of Map Note #3	"Along the western property boundary, the MDR area should transition to single-family detached along the common boundary to the west, and the office area should transition to Transitional office building styles should be used having height, bulk, and design compatible with adjacent VLDR single-family to the west."	"Along the western property boundary, the MDR area will transition to single-family detached along the common boundary to the west, and the OFC/INS area should transition to Transitional office building styles should be used having height, bulk, and design compatible with adjacent VLDR single-family to the west."
Geography of Map Note #4:	No amendment specified.	Apply this Map Note to the portion of the subject parcels requested for Mixed Use.
Text of Map Note #4:	No amendment specified.	"Intense mixed use center with focus on commercial/retail and office uses, with some high-density housing, such as apartments over shops or offices. For mixed use areas north of Kit Creek Road and west of Green Level Church Road, any residential uses should be limited to medium-density housing."
Geography of Map Note #2:	No amendment specified.	Remove this Note from applying to the subject parcels.

Planning and Zoning Board Public Hearing on August 20, 2012

The applicant's representative, Ms. Glenda Toppe, gave a summary of the request, noting that:

- The applicant has worked with adjoining property owners to address property owner concerns;
- The neighbors have concerns about what could happen under the current Office, Research, and Development (ORD) zoning; and
- The neighbors don't want to see more high density in the area.

She thanked the residents for working with the applicant, and reminded the board that because the subject parcels are within a designated Activity Center, the upcoming rezoning process will include a Preliminary Development Plan that will provide an opportunity for further scrutiny.

One citizen spoke during the public hearing. Ms. Brenda Berry, an adjacent property owner, spoke in favor of the request, stating that she is pleased with what the applicant is proposing.

Board Discussion: Brent Miller asked about the purpose of the Plan notes, and also asked whether the Plan notes are binding. Staff explained the notes on the Northwest Area Plan Map grew out of community meetings held during the development of the Plan, and represent direct input from concerned property owners. Staff refers to and relies on the notes for guidance when reviewing and presenting development and rezoning requests.

Mr. Miller also asked about the buffer requirements next to the properties designated for Very Low Density Residential (VLDR) development. Ms. Toppe responded that the buffers will be discussed more at the plan stage, but the expectation should be that the buffers will be greater than required by the LDO.

Julie Rudy stated she believes a mix of uses is a good solution at the corner of Green Level Road and Kit Creek Road, but emphasized that it should be a true mix of uses.

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

Town Council Action on September 6, 2012

At their regular meeting, the Council voted 7-0 to approve this amendment request.

COMPREHENSIVE PLAN SUMMARY

A. Land Use Plan

For the subject parcels, the governing land use element of Cary's Comprehensive Plan is the Northwest Area Plan.

Current Land Use Plan Designation. Map 1, *Future Land Use*, of the Northwest Area Plan currently recommends that the subject parcels be developed as Office/Institutional (OFC/INS), as part of an overall mixed-use Neighborhood Activity Center (NAC). In addition, Map 1 includes two Map Notes that contain additional recommendations for the subject parcels, as follows:

- Map Note #2 applies to the portion of the subject area north of the future westward extension of Kit Creek Road, and currently states that "OFC/INS uses near the VLDR area to the west should use residentially-compatible building styles having height, bulk, and design compatible with single-family uses."
- Map Note #3 applies to the portion of the subject area south of the future westward extension of Kit Creek Road, and west of Alston Ridge Elementary School. The note currently states that "Transitional office building styles should be used having height, bulk, and design compatible with adjacent VLDR single-family to the west."

In Notes #2 and #3 above, the term "VLDR" stands for "Very Low Density Residential," and refers to properties west of the activity center, where residential densities should not exceed one dwelling per acre, with lot sizes preferably of 2-3 acres, unless using clustered subdivision design.

Requested Northwest Plan Map Designation, South of Kit Creek Road:

For the portion of the subject area that is south of the future westward extension of Kit Creek Road (approximately 26.1 of the total 39.7 acres), the applicant requests to change the land use designation from Office/Institutional to Medium Density Residential (MDR). In the Northwest Area Plan, Medium Density Residential (MDR) refers to single-family housing at three to eight dwellings per acre, with housing that typically includes types such as single-family detached, semi-detached/attached homes, townhomes, patio homes, and/or duplexes. Multi-family housing is typically not envisioned within most MDR areas, however within the Northwest Area it may be considered when using clustered/conservation site design that preserves significant amounts of the site as permanent open space. A variety of neighborhood-compatible and complimentary institutional uses may also be considered within MDR areas, such as churches, schools, and daycare facilities.

Requested Northwest Plan Map Designation, North of Kit Creek Road:

For the portion of the subject area that is north of the future westward extension of Kit Creek Road (approximately 13.6 of the total 39.7 acres), the applicant requests to change the future land use designations from Office/Institutional (OFC/INS) to Mixed Use (MXD). Mixed Use (MXD) is defined as containing "a mix of commercial, office, and medium to high-density residential uses." The Plan also notes that "land uses in mixed-use areas may be mixed either side-by-side on adjacent lots, sites, or individual tenant spaces in a multi-tenant building, or vertically within buildings," and that "a single use should not substantially dominate an entire area designated as Mixed Use." Institutional uses that are compatible and complimentary to the development of a mixed-use area may also be considered – such as churches, schools, libraries, and daycare facilities.

Requested Changes to Notes on Northwest Plan Map 1:

As detailed at the beginning of this report under "Request," the applicant also proposes changes to the text of Notes #3 and #4, and changes to the specific geography subject to Notes #2, #3, and #4. The intent of the amendments to Note #3 is to provide added assurance that residential types will transition to single-family detached adjacent to the VLDR properties south of Kit Creek Road, and west of the site.

The intent of the requested amendments to Notes #2 and #4 is to provide assurance that the MXD land uses requested by the applicant will not develop with multi-family housing.

Comparison of Existing and Requested Land Use Plan Designations:

Since the subject parcels are located within the “Village at the Park” mixed-use Neighborhood Activity Center, the table below provides information about the mix of land uses, by acreage, with and without the proposed amendment.

Land Use Category	Acres	
	Current Plan	Amended Plan
Low Density Residential	24.63	24.63
Medium Density Residential	0	26.10
High Density Residential (apts.)	52.46	52.46
Institutional (elementary school)	18.35	18.35
Office/Institutional	90.14	50.44
Mixed Use	21.60	35.20
Activity Center Total	207.18	207.18

As can be seen in the table above, the activity center currently has no land allocated to Medium Density Residential (MDR) uses, and the proposed amendment would add about 26 acres of MDR.

Section 6.2.5 of Chapter 6 of the townwide Land Use Plan provides a set of metrics that can be used to describe and evaluate mixed-use activity centers. It should be noted, however, that since area plans provide parcel-level land use recommendations for their activity centers based on extensive community input during the planning process, the metrics given in Chapter 6 should not be considered as definitive for this particular activity center.

The table below provides estimates of the total amount of development that could likely be supported over the entire activity center, at some point in the future when the center is fully built out. The table is based on existing development within the NAC, existing zoning approvals, and projections for the remaining areas. For the approximately 13.6-acre Mixed Use (MXD) area proposed by the applicant, the table assumes 70% of that land will be used for MDR, 15% for commercial/retail, and 15% for office/institutional. The dwelling count and floor space ranges are based on typical per-acre ranges presently experienced for the type of development.

Land Use Category	Projected Buildout Estimate	
	Current Plan	Amended Plan
Low Density Residential dwellings	54	54
Medium Density Residential dwellings	0	100-290
High Density Residential units (apts.)	710	710
Hotel Rooms (per approved PDD)	115	115
Institutional (elementary school) floor space	105,389	105,389
Office/Institutional floor space, est. range (sq. ft.)	610,000 - 970,000	360,000 - 570,000
Commercial/Retail floor space, est. range (sq. ft.)	152,200	160,000 - 170,000

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 the 3 subject parcels. Greenway requirements associated with other parcels within the overall PDD are spelled out in the existing, approved PDD document.

A payment of 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:

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 proposed amendment is consistent with the Guiding Principles.

D. Affordable Housing Plan

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

- Provide for a full range of housing choices for all income groups, families of various sizes, seniors, and persons with special challenges.
- 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.

Analysis: The proposed amendment could help to expand the range of housing product types within the activity center, thereby supporting the first goal listed above. The proposed amendment is supportive of the second goal listed above, when considered in balance with the first goal.

E. Comprehensive Transportation Plan

Kit Creek Road is designated as a minor thoroughfare (rural reservation)

Existing Section:

Future Section: 2-lane undivided with rural reservation, 88-foot ROW

Sidewalks: Required on both sides

Bicycle: N/A

Green Level Church Road is designated as a major thoroughfare.

Existing Section: 2 lanes, approximately 80-foot ROW

Future Section: 4 lanes with landscaped median, 100-foot ROW

Sidewalks: Required on both sides

Bicycle: 14-foot-wide outside lanes required

Wake Road is designated as a collector avenue.

Existing Section: 2 lanes, approximately 60-foot ROW

Future Section: 2-3 lanes (where turn lanes may be needed), 58-70' ROW depending on the collector avenue option

Sidewalks: Required on both sides

Bicycle: 4-foot striped bicycle lanes required

Transit

The nearest existing bus transit service is provided by Triangle Transit's Route #311, with the nearest stop located on NC Hwy 55 near the intersection of Kit Creek Road, approximately a quarter mile east of the subject parcels. At present, the area is not served by C-Tran bus routes. The Town's long-range bus service expansion plans currently envision C-Tran bus service along Green Level Church Road, extending as far north as Kit Creek Road and the eastern edge of the subject parcels. However, no date has been set for such a service expansion, and the long-range service expansion plans have not yet been finalized or ratified, and are subject to change and funding.

F. Open Space Plan

According to the Open Space Plan the subject parcels were not identified as priority conservation areas; no significant natural resources were identified.

G. Historic Preservation Master Plan

Other than a cell tower on the Ferrell property, there are no existing structures on the subject parcels.

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 that of the applicant and do not necessarily represent the views or opinions of the Town of Cary.

How is the proposed request reasonable? In explaining how it is reasonable, please address the following, if applicable:

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

Applicant's response: Since the adoption of the Northwest Area Plan/Land Use Plan, conditions in the area have changed. There is now an elementary school and a planned 9th-grade center.

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.

Applicant's response: Since the adoption of the Northwest Area Plan (approximately ten years ago), there has been no office demand in this area. Much of the area designated for office lacks highway exposure. There is an opportunity to have land uses that will be an asset to the area as it is currently being developed. There will still be Office areas on the Land Use Plan and Village at the Park still has a large tract for shopping that will include office uses.

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.

Applicant's response: Town policies advocate walking to services. By providing housing and a mixed-use component to the area, there can be more walking distance housing and less reliance on the automobile.

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

Applicant's response: Since the Land Use Plan was adopted, changes have occurred in the area making the current land use less viable. The proposed land use is a better fit for the area.

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: At this point, the projections and analyses upon which the 2002 Northwest Area Plan was based are 10 years old. At the time of adoption, there was hope that the office market would be strong in this area. However, this has not occurred, and the parcels recommended for office uses within the activity center have not been built.

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

Analysis: The development and opening of Alston Ridge Elementary, and the planned development of an adjacent Wake County Middle School, was not anticipated when the Northwest Plan was originally developed in 2002. The advent of these schools has increased the pressure for residential development in this node.

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: No errors or omissions have been identified.

STAFF ANALYSIS AND RECOMMENDATIONS

A. Staff Findings

Staff makes the following findings in support of the amendment request:

1. The office market that was anticipated to be attracted to this mixed-use activity center has not occurred over the last 10 years.
2. The portion of the subject area located immediately west of Alston Ridge Elementary School and south of Kit Creek Road may not have sufficient exposure along a major thoroughfare to function as a viable site for office.
3. The mixed-use and retail components of this activity center, which were anticipated to help draw office and residential uses to the center, have not occurred over the last 10 years. In fact, in 2007 rezoning case 06-REZ-26 converted the northern half of the Village at the Park PDD's mixed use area (on the north side of Kit Creek Road, between NC Hwy 55 and Green Level Church Road) to a multi-family development. The proposed amendment helps to restore some mixed use land to the activity center.
4. In March 2008, the development plan for Alston Ridge Elementary School was approved. The school was built on a site that had been planned for Medium Density Residential (MDR) uses in the original 2002 Northwest Area Plan. This was the only MDR area planned for in the activity center, and its loss left the activity center without any medium-density housing. The proposed amendment would help to restore some MDR housing.
5. In Spring 2012, Wake County Public Schools began planning for a future middle school immediately west of the activity center, and south of the subject parcels. The presence of both an elementary and a middle school tend to make the area more attractive for housing than for office development.
6. There continues to be a strong demand for housing in close proximity to Research Triangle Park. Regional smart growth initiatives by the Triangle Council of Governments continue to emphasize the need to locate housing close to jobs, in order to lessen commute distances, reduce emissions, and conserve resources.
7. Residential uses on the subject parcels could benefit from the proximity to the two schools, proximity to existing and planned greenways, and proximity to planned Town park sites, including the Shaffer Park site, located approximately ¼ to ½ mile south of the site.

Staff makes the following finding that militates against the amendment request:

1. The Town continues to lose land reserved for future office and employment, usually due to conversion to residential uses. At the time of adoption of the Northwest Area Plan in 2002, it was felt that this location would be prime area for office space for firms not large enough to locate

within RTP proper, and/or for firms that specialize in providing support services for RTP corporations.

B. Staff Recommendation

On balance, given the degree to which conditions have changed within and around this activity center over the last decade, and while regretting the loss of future office land, staff feels that the proposed amendments are reasonable. Staff recommends that the Planning and Zoning Board forward the proposed amendment to the Town Council with a recommendation for approval.