

**Town of Cary, North Carolina
Special Use Staff Report
12-SU-003 Prestonwood Country Club
Town Council Public Hearing
August 23, 2012**

REQUEST

The applicant, Matthew Massei, as general manager of Prestonwood Country Club, Inc., has requested approval of a Special Use to change the ground elevations on two greens on the Highlands Course within the Federal Emergency Management Administration (FEMA) designated Special Flood Hazard Area (floodplain). In general, no development is allowed in a floodplain unless a Special Use is approved.

The proposed Special Use is to allow grading of two golf course greens located in the Highlands Course, portions of which are within the FEMA regulated Floodway. The applicant engaged in renovation of this turf system to keep conditions suitable for its continued use as a golf course. As a result of the work, grades were changed within the floodway which require Town Council approval.

SPECIAL USE NOTES:

Special uses are generally compatible with other land uses permitted in the zoning district. However, because of the unique characteristics or potential impacts on the surrounding neighborhood and on the Town as a whole, they require individual consideration as to location, design, configuration, and/or operation at a particular location. [LDO Sec. 3.8.1(A)].

In accordance with Section 3.8.3(C) of the LDO, the Town Council must follow quasi-judicial procedures when deciding special use permits.

SUBJECT PARCELS

Property Owner	Wake County Parcel Identification Number (PIN) (10-digit)	Real Estate ID Number	Deeded Acreage
Prestonwood Country Club Inc. 300 Prestonwood Pkwy Cary NC 27513-5635	0744962692	0020375	263.02
Total Area			263.02

BACKGROUND INFORMATION

Applicant & Agent	Matthew J. Massei General Manager, Prestonwood Country Club Inc.
General Location	The site is generally located between High House Road to the south, Davis Drive to the west, Morrisville Parkway to the north and Crabtree Crossing Parkway to the east.
Land Use Plan Designation	Parks and Open Space (PKS/OS)
Zoning Districts	PDD Major – Preston. The nearest equivalent zoning district for the golf course is Resource/Recreation (R/R) District.
Within Town Limits	Yes
Staff Contact	Daniel Clinton, P.E., Stormwater Engineer Town of Cary Engineering Department P.O. Box 8005 Cary, NC 27512-8005 (919) 380-2773 dan.clinton@townofcary.org

LIST OF EXHIBITS

The following documents incorporated into this staff report are to be entered into the record for the Special Use Permit and development plan applications:

Exhibit A: 12-SU-003 Application (4 pages)

Exhibit B: 12-SU-003 Justification Statement (1 page)

Exhibit C: 12-SU-003 Purpose of Request (1 page)

Exhibit D: 12-SU-003 Impact of Property Values (1 page)

Exhibit E: Special Use Grading Plan (1 page)

Exhibit F: Prestonwood golf Course Flood Study (249 pages)

Exhibit G: April 9, 2012 NC Department of Public Safety (DPS) Review and Response (2 pages)

Exhibit H: May 3, 2012 Withers and Ravenel Response to DPS (27 pages)

Exhibit I: May 11, 2012 DPS Review and Response (1 page)

SITE CHARACTERISTICS

Streams: Crabtree Creek is the main channel which runs through the property. Coles Branch is a major tributary which flows into Crabtree Creek on this property.

Floodplain: FEMA designated floodplain and floodway is located throughout the majority of the property.

Wetlands: There are no wetlands indicated on the site.

Topography: The site is generally flat with gentle, rolling hills.

Surrounding Land Uses: The site is surrounded by the existing developments which comprise the Preston community.

SUMMARY OF PROCESS AND ACTIONS TO DATE

Pre-application Conference

The applicant attended a pre-application conference with the Town of Cary Development Review Committee (DRC) on May 2, 2012, regarding the special use.

Notification

The Engineering Department mailed notification of the public hearing on the special use to property owners within 400 feet of the site on August 7, 2012. Notification consistent with North Carolina General Statutes was published in the Cary News on August 8th and 15th, 2012.

Property Posting

Notice of the public hearing was posted on the property on August 8, 2012.

COMPREHENSIVE PLAN SUMMARY

Comprehensive Plan Element	Consistent	Not Consistent	Not Applicable
A. Land Use Plan	X		
B. Parks, Recreation, and Cultural Resources Facility Master Plan	X		
C. Growth Management Plan			X
D. Affordable Housing Plan			X
E. Comprehensive Transportation Plan	X		
F. Open Space and Historic Resources Plan			X
G. Historic Preservation Master Plan			X

Land Use Plan

The site is designated as Parks and Open Space in Cary's townwide Land Use Plan, a category that includes both public and private open space, parks, and recreation facilities. The existing golf course is consistent with that land use category.

B. Parks, Recreation & Cultural Resources Facilities Master Plan

According to the Parks, Recreation and Cultural Resources Facilities Master Plan a greenway is proposed along the length of the eastern edge of the property.

No site plan was required as part of this activity and therefore, in accordance with the Land Development Ordinance, the applicant is not required to dedicate the greenway easement at this time.

C. Growth Management Plan

The Growth Management Plan is not applicable to this case, since the case does not involve construction of residential or non-residential buildings.

D. Affordable Housing Plan

The Affordable Housing Plan is not applicable to non-residential-related development.

E. Comprehensive Transportation Plan (CTP)

The site is located boun Plan ded between High House Road to the south and Davis drive to the North. No site plan was required as part of this activity and therefore the applicant is not required to perform road widening as part of this project.

F. Open Space Plan

According to the Open Space Resources Plan this parcel was not proposed for further conservation efforts.

G. Historic Preservation Master Plan

There are no historic structures located on the property; therefore, the Historic Preservation Master Plan is not applicable.

CONSISTENCY WITH THE LAND DEVELOPMENT ORDINANCE (LDO)

Traffic

There are no traffic impacts as a result of this work.

Buffers and Streetscapes

There are no Buffer or Streetscape impacts as a result of this work.

Architectural

There are no architectural impacts as a result of this work.

Utilities and Stormwater Collection

There are no utility impacts as a result of this work.

As demonstrated in the flood study supplied by the applicant, there are no stormwater impacts as a result of this work.

**CARY TOWN COUNCIL
SPECIAL USE WORKSHEET
AND
SUGGESTED MOTIONS**

Section 3.8.3 of the LDO states the following: *The Town Council shall not approve a proposed special use and any accompanying site plan unless and until it determines that the proposed use meets all the criteria set forth below, based on the evidence and testimony received at the public hearing or otherwise appearing in the record of the case:*

- (A) *The proposed use or development of the land will generally conform with the Comprehensive Plan, other official plans and manuals or documents adopted by the Town;*

Staff Comments: Staff has included a discussion of the Special Use's consistency with the various elements of the Comprehensive Plan and with general LDO requirements as set forth earlier in this report.

TEST SATISFIED? __ YES __ NO

- (B) *The proposed use or development of the land will not materially endanger the public health or safety;*

Staff Comments: The applicant has attached flood studies which indicate no increase in flood levels as a result of this work. Additionally, the applicant's justification statement indicates that the flood studies were reviewed by the State of North Carolina Department of Public Safety, Division of Emergency Management and deemed by them to meet the criteria for certification of no rise to the 100-year water surface elevation.

TEST SATISFIED? __ YES __ NO

- (C) *The proposed use is reasonably necessary for the public health or general welfare, such as by enhancing the successful operation of the surrounding area in its basic community functions or by providing an essential service to the community;*

Staff Comments: The applicant's statement of justification indicates that the subject area has been used as a private golf course for more than 20 years. The use requires substantial daily maintenance in order to maintain the turf at optimum levels. The applicant has indicated that the continued use, which includes professional tournaments, will bring economic benefits to the Town of Cary.

TEST SATISFIED? __ YES __ NO

- (D) *The proposed use or development of the land will not substantially injure the value of adjoining or abutting property;*

Staff Comments: The applicant's statement of justification indicates that they commissioned a review by a NC licensed real estate appraiser to evaluate the effects of the construction on adjacent property. This review found no adverse impacts and suggested that projects maintaining the golf facilities protect adjacent property values.

TEST SATISFIED? __ YES __ NO

- (E) *The proposed use or development of the land will be in harmony with the scale, bulk, coverage, density, and character of the area or neighborhood in which it is located;*

Staff Comments: The applicant's statement of justification indicates that the project, which is a variation in elevation of two greens within the floodway, does not change the use, the character, the scale or the density of the area.

TEST SATISFIED? __ YES __ NO

(F) *The proposed use is appropriately located with respect to transportation facilities, water supply, fire and police protection, waste disposal, and similar facilities;*

Staff Comments: The applicant's statement of justification indicates that the project does not create additional demand on transportation, water, sewer or similar facilities, as the use and intensity of use on the property would not change. Additionally, the project would not impact fire or police protection.

TEST SATISFIED? __ YES __ NO

(G) *The proposed use will not cause undue traffic congestion or create a traffic hazard or unsafe pedestrian pathway.*

Staff Comments: The applicant's statement of justification indicates that the project creates no additional demand on transportation, as the use and intensity of use on the property would not change.

TEST SATISFIED? __ YES __ NO

SUGGESTED MOTIONS FOR SPECIAL USE

MOTION TO GRANT THE APPLICATION

Upon conducting a duly-advertised public hearing and considering the application materials, the testimony, and the evidence presented at the hearing or otherwise appearing in the record and upon considering the approval criteria of Section 3.8.3, I move that we APPROVE the request and adopt the proposed RESOLUTION AND PERMIT including the staff comments shown on the worksheet [ALT: with the following changes to the staff comments_____] as findings to support the determination that the proposed use meets all of the approval criteria set forth in Section 3.8.3. This approval shall include the following conditions:

1. The Resolution and Permit approved by the Town Council in this special use application shall be recorded with the Wake County Register of Deeds upon the expiration of the appeal period, per Section 3.8.4(E) of the LDO. The original recorded Resolution and Permit shall be returned to the Planning Department when received from the Register of Deeds.

NOTE: The above conditions are LDO requirements; the applicant has not requested any additional conditions as part of the special use application. Any additional condition(s) may be added or modified at the Town Council’s discretion:

OR

MOTION TO DENY THE APPLICATION

Upon conducting a duly-advertised public hearing and upon considering the application materials, the testimony, and the evidence presented at the hearing or otherwise appearing in the record and upon considering the approval criteria of Section 3.8.3, I move that we DENY the request and adopt the following RESOLUTION, finding that the proposed use does not meet all of the approval criteria set forth in Section 3.8.3 based on the following findings, which shall be set forth in the RESOLUTION. Specifically, the application does not: [choose the criteria below that have not been met and state the reason why it is not met.]

- Does not conform to the Comprehensive Plan or other adopted plans because _____;
- Endangers the public health and safety because _____;
- Does not enhance the successful operation of the surrounding area in its community functions or provide an essential service to the community because _____;
- Substantially injures the value of adjoining or abutting property owners because _____;
- Is not harmonious with the scale, bulk, coverage, density, or character of the area because _____;
- Is not appropriately located with respect to transportation facilities, water supply, fire or police protection, waste disposal or similar facilities because _____;
- Will cause undue traffic congestion or will create a traffic hazard or unsafe pedestrian pathway because _____.