

**Town of Cary, North Carolina
Special Use and Site Plan Staff Report
First United Methodist Church Columbarium
(13-SU-004 and 13-SP-061)
Town Council Quasi-Judicial Hearing
March 6, 2014**

REQUEST

First United Methodist Church of Cary has requested approval to construct a 2,100-square-foot columbarium on 3.4 acres located in the Town Center District. The property is located within the High Intensity Mixed Use (HMXD) sub-district; therefore, any religious assembly use would require approval of a special use permit prior to establishment on the property. An associated site plan for the development of the columbarium is also under consideration by Town Council.

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, to design, to configuration, and/or to operation at a particular location. [LDO Sec. 3.8.1(A)].

In accordance with Section 3.8.1(B) of the LDO, an associated site plan is being reviewed in conjunction with this special use permit application.

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
First United Methodist Church of Cary 117 South Academy Street Cary, NC 27511	0764513089	0026726	3.37
Total Area			3.37

BACKGROUND INFORMATION

Applicant's Special Use Agent	Curtis Westbrook Sr. First United Methodist Church of Cary 117 South Academy Street Cary, NC 27511 (919) 467-6166
Applicant's Site Plan Agent	Jim Davis Community Land Design PO Box 14441 Research Triangle Park, NC 27709 (919) 467-9982 Communitylanddesign@gmail.com
General <u>Location</u>	Southwestern corner of Waldo Street and South Walker Street
<u>Land Use Plan</u> Designation	High Intensity Mixed Use (HMXD)
<u>Zoning</u> Districts	Town Center (TC) in the High Intensity Mixed Use (HMXD) sub-district
Within Town Limits	Yes
Staff Contact	Kevin A. Hales, Senior Planner Town of Cary Planning Department P.O. Box 8005

CONSISTENCY WITH THE LAND DEVELOPMENT ORDINANCE (LDO)

Traffic

This project was not required by the LDO to have a traffic impact analysis performed through the Town's consultants. The proposed columbarium would be an accessory to the existing religious assembly use and would not generate a significant amount of traffic above that generated by the existing uses. As a result, the applicant has proposed no improvements to the surrounding transportation infrastructure.

Comprehensive Transportation Plan (CTP) Improvements

This project would not be required to construct road improvements along adjacent roadways due to the nature and scope of the project. No additional right-of-way needs were identified in association with the property's frontage either on Waldo Street or on South Walker Street.

Buffers and Streetscapes

The property is located within the Town Center zoning district and is not subject to the strict application of buffer requirements established for other zoning districts. The proposed site plan would provide a Type B (semi-opaque) buffer against the northern property line. No changes are proposed to the southern portion of the property and no additional plantings would be provided along that property line as part of this project.

Stormwater Management

The proposed improvements would disturb less than 12,000 square feet and no additional stormwater treatment would be required on the site.

Utilities

There would be no public utilities serving the columbarium.

**SPECIAL USE WORKSHEET
AND
SUGGESTED MOTIONS**

Section 3.8.3 of the LDO states the following: *“The decision-making body 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.”*

1. Does the proposed use or development of the land generally conform with the Comprehensive Plan, other official plans and manuals or documents adopted by the Town?

Applicant’s Statement: Yes: Permitted use in Town Center – High Intensity Mixed Use (HMXD)

Staff Observations: The Town Center Area Plan (TCAP) identifies the HMXD sub-district as appropriate for a mix of residential and non-residential uses, particularly those that “...add to the vibrancy in the downtown and create a shopping, dining, and entertainment destination for the entire town...” The TCAP also includes language indicating that “...compatible and complimentary...” institutional uses may also be appropriate. The property is owned by and is proposed for development in conjunction with First United Methodist Church of Cary, an existing institutional use located adjacent to the subject property.

TEST SATISFIED? __ YES __ NO

2. Does the proposed use or development of the land materially endanger the public health or safety?

Applicant’s Statement: No: There are no health issues and very little traffic will be generated. Existing church parking will be used.

Staff Observations: No public health or safety concerns would be anticipated in association with the proposed columbarium.

TEST SATISFIED? __ YES __ NO

3. Is the proposed use 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?

Applicant’s Statement: The Memorial Garden is a needed mission of First United Methodist Church. Many people [choose] an alternate to ground burial for beauty/simplicity.

Staff Observations: First United Methodist Church of Cary is one of several religious institutions serving the surrounding community. The proposed columbarium would represent an expansion of the services currently offered by the church.

TEST SATISFIED? __ YES __ NO

4. Does the proposed use or development of the land substantially injure the value of adjoining or abutting property?

Applicant’s Statement: No: The columbarium is a quite peaceful place.

Staff Observations: Staff anticipates no additional traffic related to the proposed columbarium. The proposed location on the property and the limited scale of the development would limit any potential impacts to adjoining properties.

TEST SATISFIED? __ YES __ NO

5. Is the proposed use or development of the land in harmony with the scale, bulk, coverage, density, and character of the area or neighborhood in which it is located?

Applicant's Statement: The scale is correct. Brick will match church and uses will be in harmony with neighborhood.

Staff Observations: The proposed columbarium is limited in scale and is constructed of materials consistent with the existing church building. The columbarium is also located in a corner of the site that will limit its visibility and its impact to the aesthetics of the surrounding community.

TEST SATISFIED? __ YES __ NO

6. Is the proposed use appropriately located with respect to transportation facilities, water supply, fire and police protection, waste disposal, and similar facilities?

Applicant's Statement: Yes: Except for police protection no other town services will be needed.

Staff Observations: The property is located in the heart of downtown Cary with convenient access to public services and transit. Emergency services currently serve the property, which is primarily developed as a parking lot. The columbarium would not significantly increase demands on those services nor generate additional demands on water, sewer, or solid waste services due to the nature of the proposed use.

TEST SATISFIED? __ YES __ NO

7. Does the proposed use cause undue traffic congestion or create a traffic hazard or unsafe pedestrian pathway?

Applicant's Statement: No: Very little traffic will be generated.

Staff Observations: The proposed columbarium is not anticipated to generate additional traffic impacts on surrounding transportation infrastructure.

TEST SATISFIED? __ YES __ NO

SUGGESTED MOTIONS FOR SPECIAL USE

MOTION TO GRANT THE APPLICATION

For the reasons discussed, I move that we **APPROVE** the request for a special use permit as the proposed expansion to the existing 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 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.
2. The approval of this special use is conditioned on the subsequent approval of a development plan in accordance with LDO Section 3.8.1(B)(2) and as required under LDO Section 3.9.

NOTE: The above two conditions are LDO requirements; any additional condition(s) may be added or modified at the council's discretion.

OR

MOTION TO DENY THE APPLICATION

For the reasons discussed, I move that we **DENY** the request for a special use permit as the proposed use does not meet all of the approval criteria set forth in Section 3.8.3.

**DEVELOPMENT PLAN WORKSHEET
AND
SUGGESTED MOTIONS**

Section 3.9.2(l) of the LDO states that a development plan may be approved by the Town Council only if it meets six listed criteria. A discussion of the project in relation to these criteria follows:

1. Does the plan comply with all applicable requirements of the LDO, including the development and design standards of Chapters 7 and 8 as well as the dedication and improvements provisions of Chapter 8 as well as all applicable Town specifications?

Applicant's Statement: The improvements contemplated as part of the site plan consist of an open air brick structure that will serve as a sanctuary and permanent resting place for up to 800 urns, which will be located in 400 different 1 foot by 1 foot niches built into the brick enclosure (each niche will be able to contain 2 urns). The Columbarium will have 8' tall brick walls, and is planned to be 34' wide and 62' in length. As indicated on the site plan associated herewith, the improvements have been designed in compliance with the requirements of the Town's Land Development Ordinance.

Staff Observations: The proposed plan is generally consistent with the requirements of the LDO and with all other applicable regulatory documents. The Development Review Committee has reviewed the plan and has determined that the remaining comments are minor in nature and may be addressed following council action.

TEST SATISFIED? __ YES __ NO

2. Does the plan adequately protect other property, or residential uses located on the same property, from the potential adverse effects of the proposed development?

Applicant's Statement: There are no residential uses located on the same property. As an 8 foot tall brick enclosure, there are minimal potential adverse effects. The enclosure is located wholly upon Church property that is being used for other purposes. As an open air enclosure, there is no need for additional parking for the structure. Individuals visiting the Columbarium can park in the immediately adjacent Church parking lot and walk to the Columbarium. As reflected in the Landscape Plan submitted as part of the application, the brick wall will be shielded from view by a combination of gardenia, cedar and holly, while a pair of crepe myrtle will be located at the entrance. Combined with the decorative steel gates that will break up the brick face, the proposed landscaping will adequately screen the Columbarium from adjacent properties and provide for a very aesthetically pleasing improvement to the property.

Staff Observations: The proposed columbarium would be located adjacent to other non-residential uses and would be separated from the nearby residential uses. A Type B (semi-opaque) buffer would be provided along the northern property line consistent with the performance requirements of the LDO. In addition, the former residential buildings that remain on the site would serve to screen the majority of the columbarium from adjacent residences.

TEST SATISFIED? __ YES __ NO

3. Does the plan provide harmony and unity with the development of nearby properties?

Applicant's Statement: The property upon which the Columbarium will be located is currently home to a brick home that is used for Church purposes. This portion of downtown Cary includes a mixture of public and private uses, as well as residential, commercial, retail and institutional uses. As a result, the addition of the Columbarium will complement the existing built environment of the subject property and be in harmony with the development of nearby properties.

Staff Observations: The proposed columbarium would be limited in scale and in bulk and would not be anticipated to negatively impact the aesthetics of the surrounding community.

TEST SATISFIED? __ YES __ NO

4. Does the plan provide safe conditions for pedestrians or motorists and prevent a dangerous arrangement of pedestrian and vehicular ways?

Applicant's Statement: The plan provides a direct walkway from the Church's existing parking lot to the Columbarium, providing for convenient and safe access for visitors to the subject property. Otherwise, existing pedestrian and motorist circulation will be unaffected.

Staff Observations: The proposed site plan would provide direct pedestrian access to the columbarium from the adjoining parking lot and would not modify existing vehicular circulation.

TEST SATISFIED? __ YES __ NO

5. Does the plan provide safe ingress and egress for emergency services to the site?

Applicant's Statement: The plan does not alter ingress and egress for the site.

Staff Observations: The proposed site plan would not alter existing ingress or egress for the site.

TEST SATISFIED? __ YES __ NO

6. Does the plan provide mitigation for traffic congestion impacts reasonably expected to be generated by the project?

Applicant's Statement: The Columbarium will not be generating any meaningful additional traffic, since the niches provided are exclusively for the benefit of members of the Church who choose to take advantage of the opportunity. Accordingly, there is no additional traffic generation for which mitigation is necessary.

Staff Observations: The proposed columbarium would not be anticipated to generate any measurable traffic on the site based on the nature of the improvements proposed.

TEST SATISFIED? __ YES __ NO

SUGGESTED MOTIONS FOR SITE PLAN

MOTION TO APPROVE THE SUBDIVISION AND SITE PLAN

For the reasons discussed, I move that we **APPROVE** the proposed subdivision and site plan with conditions as stated below, as it meets all of the approval criteria set of Section 3.9.2(I).

This approval is conditioned upon the following:

1. The applicant must satisfactorily address any remaining Development Review Committee comments on the master plan set submitted for signature.
2. *[insert any additional conditions necessary to bring the project into compliance with the LDO or other standards]*

OR

MOTION TO DENY THE SUBDIVISION AND SITE PLAN

For the reasons discussed, I move that we **DENY** the proposed subdivision and site plan, as it does not meet all of the approval criteria set forth in Section 3.9.2(I).