

**Town of Cary, North Carolina
Comprehensive Plan Amendment - Staff Report
13-CPA-06 (Stitt Property North)
Town Council Meeting
April 10, 2014**

REQUEST

This Comprehensive Plan Amendment case is a request to change the land use designation of approximately 5 acres located on the north side of Green Hope School Road about 2,000 feet west of NC Highway 55. The applicant is proposing to change the long-range land-use designation of the property from Mixed Use (MXD) to Medium Density Residential (MDR). The subject property falls within the **Southwest Area Plan**.

Rezoning request (13-REZ-28) is associated with this case.

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
Stitt Properties LLC Alma M. Stitt 6917 Green Hope School Rd. Cary, NC 27519-8885	0734661247 Portion	0067954 Portion	+/- 5.0 acres
Total Area			+/- 5.0 acres

BACKGROUND INFORMATION

Applicant	Stitt Properties LLC Alma M. Stitt		
Agent	Glenda Toppe Glenda S. Toppe & Associates 4139 Gardenlake Drive Raleigh, NC 27612		
Acreage	+/- 5.0 acres		
General Location	North side of Green Hope School Road, approximately 2,000 feet west of NC Hwy 55.		
Schedule	Town Council Public Hearing February 27, 2014	Planning and Zoning Board Public Hearing March 17, 2014	Town Council April 10, 2014
Land Use Plan Designation	Mixed Use (MXD)		
Existing Zoning District(s)	Residential 40 (R-40); watershed overlay district - Jordan Lake sub-area		
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

On February 12, 2014 the Planning Department mailed notification of the first public hearing to property owners within 400 feet of the subject property. Notification was duly published on the Town's website on February 14 and 21, 2014. A letter notifying surrounding property owners of the second public hearing was mailed on February 28, 2014 and an ad was duly published on the Town's website on February 28, March 7 and 14, 2014. Notice of the public hearings was posted on the property on February 13, 2014 and remained in place until March 18, 2014.

Town Council Public Hearing of February 27, 2014

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

During the public hearing, no citizens came forward to speak.

There were no questions from council.

Planning and Zoning Board Public Hearing on March 17, 2014

Public Hearing: No citizens came forward to speak.

Board Discussion: Brent Miller verified with staff that the current MXD designation doesn't allow the land to be developed just as residential and still be in compliance with the Southwest Area Plan. He pointed out that a plan change to a single designation such as residential offers more predictability than the current mixed-use designation. John Shaw noted that the acreage is already small for a mix of uses, and a stream buffer requirement will likely take more of the useable land. John Werner stated that medium density residential would be a good fit for the land; otherwise it remains as an isolated piece of mixed-use.

The board voted 8-0 to recommend approval of the CPA request.

COMPREHENSIVE PLAN SUMMARY

A. Southwest Area Plan

The subject property is located within the Town's Southwest Area Plan and is recommended for Mixed Use (MXD) development. The applicant is requesting to change the land-use designation to Medium-Density Residential (MDR), a land use category which is defined as single-family, attached or detached housing at a density of three to eight units per acre.

Analysis: When the Southwest Area Plan was adopted by council in August 2004, the subject property and adjacent properties to its north and east were all planned to be part of a proposed Neighborhood Activity Center bounded on the north by the future Morrisville Parkway, on the east by NC Hwy 55, and on the south by Green Hope School Road. In keeping with the proposed activity center, these properties were designated as appropriate for Mixed Use (MXD) development. Since that time, planning and zoning changes have occurred (detailed below) that have changed expectations for the area and the subject property, making the current MXD designation for the subject property less desirable. The subject property is now surrounded by medium-density-designated property either already built or planned on its north, east and south sides, and an existing cemetery remains on its west side. It is a relatively small parcel (5 acres), is no longer contiguous with other MXD-designated property, and now falls outside the boundary for the proposed Neighborhood Activity Center at Hwy 55.

Planning History of the Surrounding Area:

November 2005: Staff recommended and council approved an amendment to the Southwest Area Plan (#05-LPA-08) and a rezoning (#05-REZ-20) that changed the designation of adjacent property (to the north and east of the subject property) from MXD to MDR, and also gave it PDD zoning. These changes inserted a single-family residential use (Highcroft Village) between the subject property and the remaining MXD-designated property located near Hwy 55.

December 2008: Staff recommended and council approved an amendment to the Southwest Area Plan (#08-CPA-06) changing the plan designation of another parcel located between the subject property and Hwy 55 from MXD to Low Density Residential (LDR). This action further separated the subject property from the MXD-designated property near Hwy 55.

B. Parks, Recreation & Cultural Resources

According to the Parks, Recreation and Cultural Resources Master Plan, the Green Hope School Greenway exists adjacent to the subject property.

A recreation fund payment will be required for residential development in accordance with the LDO.

These comments were reviewed and approved by the Town's Greenways Committee at its November 2013 meeting, and by the Parks, Recreation & Cultural Resources Advisory Board at its December 2013 meeting.

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: Infrastructure and services are available near the subject property.

D. 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. 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: A medium-density residential development, in proximity to services and employment, has the potential to support the goals of the Affordable Housing Plan.

E. Comprehensive Transportation Plan

Green Hope School Road is designated as a Major Thoroughfare

Existing Section: 2-lane undivided section in approximately 65-foot ROW

Future Section: 3 lanes in 70-foot ROW

Sidewalks: Partial sidewalk exists on the north side of Green Hope School Road. Sidewalk is required on both sides.

Bicycle Lanes: 14-foot-wide outside lanes are required

Transit: There are currently no existing or proposed bus routes along Green Hope School Road. The nearest fixed-route transit service is provided about 2,000 feet east of the site, via Triangle Transit Route #311 on NC Hwy 55. The next nearest fixed-route service is provided about 1.5 miles southeast of the

site, via C-Tran Route 4, at NC Hwy 55 and High House Road.

Status of Planned Improvements: N/A

F. Open Space Plan

According to the Open Space Plan, the entire site was given value as an existing agricultural site with riparian buffers along the northern end of the property. No additional, significant natural resources were indicated.

G. Historic Preservation Master Plan

There are no identified historic resources on this site.

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: The Southwest Area Plan originally designated the subject property for mixed-use development as part of a neighborhood activity center. However, plan amendments and rezonings of nearby properties have moved the focus of the planned activity center closer to Hwy 55, and the subject property's current MXD designation is no longer compatible with the adjacent development that has occurred.

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

Analysis: Since the adoption of the Southwest Area Plan, staff has determined that reducing the area designated for mixed-use along Green Hope School Road is an opportunity to focus non-residential uses more appropriately toward the Green Hope School Road – NC 55 intersection.

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

Staff recommends approval of this Comprehensive Plan Amendment request based on the following observations:

Focus of activity center has changed - Plan amendments and rezonings have in recent years moved the focus of the planned activity center closer to the Green Hope School/Hwy 55 intersection, which is a more appropriate location for the higher densities allowed in the MXD land use category.

Incompatibility with surrounding land uses - The subject property's current MXD designation allows the introduction of a non-residential use nearly a half-mile from the Green Hope School/Hwy 55

intersection. A non-residential use at this location has the potential to be incompatible with the existing institutional use (cemetery) located to the west of the subject property, and with the existing single-family residential (Highcroft Village) to the right of the subject property, and could constitute an undesirable "spot" of non-residential along Green Hope School Road.

Limited size of property. The subject property is relatively small (5 acres), making it difficult to achieve a true mix of uses.