

**Town of Cary, North Carolina
Comprehensive Plan Amendment – Staff Report
12-CPA-04 Kingswood Neighborhood
Town Council Meeting
November 15, 2012**

REQUEST

It has been communicated to the Town of Cary that a number of property owners are interested in working together to pursue a change regarding the types of future land uses that should be permitted for their neighborhood. This Comprehensive Plan Amendment request is for 38.79 +/- acres that make up the neighborhood that surrounds Kingswood Elementary School. This neighborhood includes properties along the south side of East Boundary Street, on East Johnson Street, along Gray Street on the east side of North Harrison Avenue, on Boyd Street, on Ferrell Street, and North Academy Street north of Chapel Hill Road. The current land use designation for the property is Medium Density Residential (MDR), Office and Institutional (OFC/INS), Office and Industrial (OFC/IND), and Institutional (INS). The applicant proposes to change the land use designation to High Intensity Mixed Use (HMXD) and Mixed Density Residential (MXDR).

Additional text is proposed for Section 2.4, Areas of Special Land Use Recommendations, of the Town Center Area Plan document. A brief summary of this information is also proposed to be added as Note 19 to the Town Center Area Plan Future Land Use Plan Map.

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 Owners | County Parcel Numbers (10-digit) | Real Estate IDs | Deeded Acreage |
|------------------------------|---|------------------------|-----------------------|
| ADAMS, ARLENE | 0764530834 | 0256710 | 0.11 |
| ADAMS, ERIC JOHN | 0764530440 | 0037021 | 0.18 |
| ADAMS, SUE C | 0764434515 | 0000317 | 0.47 |
| ARRINGTON, LOIS M | 0764532202 | 0002302 | 0.14 |
| ARRINGTON, WARREN H JR | 0764538817, 0764548041 | 0059132, 0002291 | 0.18, 0.55 |
| BANKS, C LYNN | 0764445073, 0764445003 | 0003812, 0003810 | 0.16, 0.30 |
| BARBEE, HERBERT | 0764532958 | 0003937 | 1.15 |
| BARBEE, NOYE | 0764533211 | 0003945 | 0.52 |
| BEASLEY, LEOMA F HEIRS ET AL | 0764437721 | 0022016 | 0.16 |
| BERNHEIM, NAOMI J | 0764434264, 0764433254 | 0077276, 0077277 | 0.20, 0.50 |
| BIG RING LLC | 0764433795, 0764434754 | 0296784, 0045340 | 0.24, 0.18 |
| BONADIES, GREGORY & | 0764531359 | 0019087 | 0.20 |

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| DEBORAH | | | |
| BOTSFORD, LARRY A | 0764443080 | 0039255 | 0.18 |
| BOYD, CARLOS O | 0764535128 | 0007396 | 0.31 |
| BOYD, ESTHER HEIRS | 0764536210 | 0007389 | 0.16 |
| BROWN, JOHN E & JACQUELINE J | 0764530445, 0764531309 | 0017855, 0080857 | 0.19, 0.17 |
| BUI, TIEN NGOC & LOAN PHUONG TRAN | 0764437898 | 0256705 | 0.12 |
| BUONYA, Y PAT & H BLIN NAY | 0764530761 | 0094314 | 0.17 |
| BURT, ELIZA A | 0764446062 | 0010516 | 0.32 |
| BURT, RUDY M TRUSTEE | 0764436900 | 0018369 | 0.31 |
| CIMATO, MARY ANN KUEHN | 0764433991 | 0037847 | 0.33 |
| COLBY & HAITH PROPERTIES LLC | 0764439978, 0764449068 | 0023658, 0023656 | 0.34, 0.16 |
| COMMUNITY ALTERNATIVES FOR | 0764438617 | 0010447 | 0.15 |
| CONTRERAS, ERASMO R & CARMEN I | 0764435712 | 0040399 | 0.16 |
| DUNN, EVELYN S | 0764532695 | 0077346 | 0.42 |
| DUNN, RANDAL L JR | 0764433385, 0764434368 | 0000316, 0002940 | 0.19, 0.19 |
| DUNSTON, JULIA ANN | 0764530527 | 0196515 | 0.26 |
| EATON, DAVID R & BRENDA J | 0764447021, 0764448020 | 0077683, 0077684 | 0.47, 0.14 |
| EDWARDS, BELINDA LEE & JEFFREY | 0764438512 | 0059134 | 0.17 |
| EDWARDS, ELEANOR DIANN | 0764531902 | 0020205 | 0.35 |
| EDWARDS, GENEVA | 0764534159 | 0007055 | 0.20 |
| FASKELL, PAXTON J & STACEY J | 0764436566 | 0094883 | 0.18 |
| GAMBLE, JOHN R SR & TONI W | 0764631979 | 0074844 | 0.80 |
| GILBERT, MICHAEL J & WENDY M | 0764433482 | 0052672 | 0.19 |
| GILLETTE, BARBARA F | 0764539948 | 0033257 | 0.36 |
| GRAY START LLC | 0764435317 | 0068760 | 0.19 |
| GRIFFIN, ROBERT D | 0764435900 | 0058953 | 0.30 |
| GUPTA, RENUKA G | 0764436762 | 0036569 | 0.16 |

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| HARRIS, BEN JR & MARY E | 0764439855 | 0256708 | 0.11 |
| HASKINS, MARTHA & CLIFTON G | 0764438312 | 0037543 | 0.16 |
| HINTON, KENNIE | 0764435586, 0764435517 | 0005266, 0005267 | 0.37, 0.17 |
| HOLLAND, BONITA DENISE | 0764444007 | 0049359 | 0.16 |
| HOPSON, MAE N HEIRS | 0764438711, 0764438716 | 0126438, 0033082 | 0.11, 0.15 |
| HUNTER, ELLA RUTH | 0764437940 | 0232296 | 0.19 |
| JOHNSON, APRIL N | 0764538899 | 0025038 | 0.36 |
| JONES, JUANITA | 0764531252 | 0036735 | 0.15 |
| JONES, SALLIE ETHEL | 0764438413, 0764438317 | 0037541, 0037542 | 0.18, 0.17 |
| JUDKINS, JOANN | 0764536115 | 0021096 | 0.11 |
| KIM, UCK & THET HOT CIL LIENG | 0764436971 | 0232297 | 0.19 |
| LOFTIN, CLARICE W | 0764530604 | 0192167 | 0.19 |
| MEADOWS, OLIVIA P | 0764536381 | 0055958 | 0.67 |
| MILLS, PATRICIA ANN | 0764439952 | 0256506 | 0.15 |
| MLO, Y-PHEC & H-DAM ARUL | 0764530931 | 0256709 | 0.14 |
| MT ZION MISSIONARY BAPTIST CHURCH | 0764436318, 0764435369, 0764436246 | 0080609, 0022017, 0005268 | 1.47, 0.17, 0.17 |
| PEYTON, JENNIE W | 0764531940 | 0055097 | 0.33 |
| QUADRI, SYED A & SABINA ANWER | 0764438887 | 0256707 | 0.13 |
| R & S OF NC LLC | 0764546050 | 0005472 | 0.95 |
| REAVES, ANTHONY R & SUSAN B | 0764438516 | 0085442 | 0.15 |
| RESNIK, MORRIS C & LAUREN KNAPP | 0764537146 | 0013034 | 0.83 |
| ROBINSON, BETTY S | 0764435762 | 0083355 | 0.17 |
| SANCHEZ, MARIO | 0764438943 | 0256706 | 0.15 |
| SEFEROVIC, ISMET J & JASMINA D | 0764439771 | 0002292 | 0.22 |
| SIMS, ROBERT E & CYNTHIA REAVES | 0764438611 | 0059131 | 0.16 |
| STATEN, LEONARD | 0764537940 | 0037255 | 0.31 |
| SWIFT, MARLENE F | 0764438214, 0764534943 | 0002298, 0021952 | 0.33, 1.19 |
| SWIFT, MARLENE F & PERCY L | 0764530253 | 0022008 | 0.44 |

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| THIRD LAW ENTERPRISES LLC | 0764437515 | 0022015 | 0.18 |
| THOMAS, MARTHA L | 0764531720 | 0197695 | 0.24 |
| TRIANGLE REAL ESTATE CO | 0764530174 | 0013036 | 1.63 |
| UTLEY, EVA MAE EDWARDS | 0764534210, 0764530334 | 0005742, 0020136 | 0.24, 0.15 |
| VINSON, ELLA WILLIAMS | 0764532453 | 0002305 | 0.80 |
| WAKE COUNTY BOARD OF EDUCATION | 0764535965, 0764538548 | 0108144, 0103211 | 0.51, 6.37 |
| WALLIN, RICKY K | 0764436722 | 0005682 | 0.17 |
| WALLS ENTERPRISES LLC | 0764433685 | 0043179 | 0.24 |
| WELCH, GEORGE EDWARD | 0764640044 | 0061530 | 1.08 |
| WILLIAMS, LAWSON | 0764532606 | 0002293 | 0.47 |
| WIMBISH, MELESCA A | 0764536443 | 0022001 | 0.38 |
| Total Area | | | 36.64 |

BACKGROUND INFORMATION

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|-------------------------------------|---|---|--|
| Applicant & Agent | Marlon Williams mawmagic@gmail.com | | |
| Acreage | 38.79 +/- acres | | |
| General Location | Subject site includes properties along the south side of East Boundary Street, on East Johnson Street, along Gray Street on the east side of North Harrison Avenue, on Boyd Street, on Ferrell Street, and North Academy Street north of Chapel Hill Road | | |
| Schedule | Town Council Public Hearing September 6, 2012 | Planning and Zoning Board Public Hearing October 15, 2012 | Town Council November 15, 2012 |
| Existing Land Use Plan Designation | Medium Density Residential (MDR), Office/Industrial (OFC/IND), Office/Institutional (OFC/INS), Mixed Use (MXD), and Institutional (INS) | | |
| Requested Land Use Plan Designation | High Intensity Mixed Use (HMxD), Mixed Use (MXD), Mixed Density Residential (MXDR), Office/Institutional (OFC/INS), and Institutional (INS), with a new Map Note and also a text amendment to Chapter 2 of the Town Center Plan document. | | |
| Existing Zoning District(s) | Town Center (TC) and Town Center Conditional Use (TCCU) | | |
| Town Limits | Yes | | |
| Staff Contact | Meredith Chandler, PLA, AICP 919-460-4983 meredith.chandler@townofcary.org | | |

SUMMARY OF PROCESS AND ACTIONS TO DATE

A. Community Meeting of June 26, 2012

A community meeting was held on June 26, 2012 to determine the level of interest in pursuing this Comprehensive Plan Amendment. Property owners in the neighborhood and within 400 feet of the subject property were invited. The attendance sheets were signed by 48 people.

Feedback was requested on two questions: (1) Is the community interested in pursuing an amendment to Cary's land use plan? (2) How do those from outside the neighborhood feel? A comment form was distributed at the beginning of the meeting and collected at the conclusion of the meeting. Two-thirds of respondents liked the land use vision presented at the community meeting. One-third of respondents preferred to keep the neighborhood as is.

Staff Presentation and Discussion

At the community meeting, Town of Cary staff presented background information, planning and zoning history, development type examples, and an update on downtown initiatives. A handout with frequently asked questions and answers was provided.

The group discussion focused on what the meeting attendees envisioned for the future of the Kingswood Neighborhood. Questions, comments, and/or concerns included the following items:

1. Increased taxes.
2. Wild life considerations.
3. Parking requirements and availability.
4. Drainage issues between Kingswood Neighborhood and adjacent neighborhood to the north.
5. Zoning change.
6. Agreement of property owners.
8. Sharing proceeds of potential sale.
9. Replace affordable housing stock (protect Habitat for Humanity home owners).
10. Buffer requirements.
11. Topographical differences and views between potential new development in Kingswood Neighborhood and adjacent neighborhood to the north.
12. Provide for all income brackets.
13. Opportunities for other redevelopment.
14. Traffic.
15. Provision of public safety and services.

Community Vision

Marlon Williams presented the status of neighborhood properties. A map was shown that defined properties as being in one of the following five categories: definite interest, probable interest, not sure of interest, not interested, and not yet contacted. A majority of property owners are definitely or probably interested in selling their property as a group.

B. Notification

On August 21, 2012, the Planning Department mailed notification of a public hearing on this request to property owners within 400 feet of the subject property. Notification consistent with General Statutes was or will be published in the Cary News on August 22 and 29, 2012. Notice of the public hearing was posted on the property August 22, 2012.

C. Town Council Public Hearing of September 6, 2012

At the Town Council public hearing, the applicant/community representative, Marlon Williams, stated that a land use amendment is desirable because it will be one less step for potential developers for the Kingswood Neighborhood property.

One citizen spoke against the request, citing her concern for animal habitats and natural landscape buffers. She also stated she did not want to move from her current residence. Another citizen spoke in favor of the request saying this is a lifetime opportunity for the neighborhood. A third citizen stated she was concerned about how higher density development in this area might be adequately parked.

Mayor Weinbrecht summarized that this is a request to change the Land Use Plan, and that there are many more steps after this step before a potential development could actually happen.

Lori Bush asked for more details on the historic properties.

Don Frantz noted that getting multiple property owners to work together is challenging. He recommended to Marlon Williams that everyone in the community continue to talk to each other and work together.

D. Planning and Zoning Board Public Hearing of October 15, 2012

At the Planning and Zoning Board public hearing, four citizens spoke in favor of the Kingswood Neighborhood Comprehensive Plan Amendment request. One citizen shared concerns about the loss of affordable housing with potential redevelopment of the neighborhood.

The board asked what percentage of lots and/or property owners in the Kingswood Neighborhood were in favor of the Comprehensive Plan Amendment request. Staff responded that approximately 60 to 70 percent of the lots and/or property owners were in favor of the land use change. The board also asked about impact of a land use amendment to the Habitat for Humanity homeowners, and if a land use change would trigger a property tax increase. Staff responded that a land use change would have no affect on the Habitat homeowners, and it would also not trigger any property tax increases. Chairman Swanstrom clarified that no one is being or will be forced to sell their property, and staff confirmed this statement was correct.

Board members complimented the Kingswood Neighborhood on working together and taking charge of their future. Board members also noted that the job of the neighborhood will become more difficult if/when a rezoning request is made.

The Planning and Zoning Board voted unanimously to recommend approval of this Comprehensive Plan Amendment request.

COMPREHENSIVE PLAN SUMMARY

A. Town Center Area Plan Current Land Use Designation

The current land use designation for the subject property is Medium Density Residential (MDR), Office and Institutional (OFC/INS), Office and Industrial (OFC/IND), Mixed Use (MXD), and Institutional (INS). Following are the definitions for these land use categories:

Medium Density Residential (MDR): Includes housing densities between 4 and 8 dwellings per acre and can include a mixture of residential uses including single-family detached and semi-detached units, single-family attached units, duplexes and triplexes, and townhouses. Complimentary institutional uses may also be considered.

Office and Institutional (OFC/INS): Includes all types of office and institutional uses.

Institutional (INS): Includes all types of institutional uses.

Office Industrial (OFC/INS): Includes a wide range of employment-generating office, light industrial, research and development, and manufacturing uses.

Mixed Use (MXD): Includes a mix of commercial, office and medium to high-density residential uses.

Proposed Land Use Designation

The applicant proposes to change the land use designation primarily to High Intensity Mixed Use (HMXD) and Mixed Density Residential (MXDR). (A limited area designated as Mixed Use (MXD) and Office/Institutional (OFC/INS) along Chapel Hill Road, east of Academy St., would remain unchanged, as

would the Institutional (INS) designation for Kingswood Elementary.) Following are the definitions for the two new land use categories, HMXD and MXDR:

High Intensity Mixed Use (HMXD): Mixed use land use categories indicate that a mix of commercial, office, and medium to high-density residential uses are desired for these land areas. Institutional uses that are compatible and complimentary to the development of mixed-use areas may also be considered. Land uses in mixed-use areas may be mixed either side-by-side or vertically within buildings, and a single use should not substantially dominate an entire area. The Town Center Area Plan focuses HMXD uses in the heart of the downtown, in areas that are generally within a short 5-minute walking distance of the future regional rail station. HMXD areas are the key components of creating a vibrant, walkable, and exciting downtown.

Mixed Density Residential (MXDR): Areas designated as MXDR should include a mix of housing types ranging from medium-density to high-density mid-rise, with an overall density of at least 15 units per acre. MXDR areas should include a mix of single-family semi-detached units, single-family attached units, and multi-family residential development. Institutional uses that are compatible and complimentary may also be considered. Additional details about this category, as it would apply to the Kingswood neighborhood, are given in the proposed text to be added to Chapter 2 of the Town Center Plan document.

Proposed Map Label 19, Kingswood Neighborhood

“Kingswood Neighborhood. This neighborhood could be redeveloped to more intense uses, if so desired by its residents and property owners. Map 1, Future Land Uses, depicts a land use pattern that includes High Intensity Mixed Use (HMXD) development along Chapel Hill Road and North Harrison Avenue (south of Johnson Street), transitioning to Mixed Density Residential (MXDR) uses to the north and east of the mixed use area. See Kingswood Neighborhood, in Section 2.4, Areas of Special Land Use Recommendations, of the Town Center Area Plan.”

Proposed Text for the Town Center Area Plan

Additional text is proposed to be added to Section 2.4, Areas of Special Land Use Recommendations, of the Town Center Area Plan document. The new subsection is entitled “Kingswood Neighborhood,” and begins on page 2-13 of the attached revised chapter.

Analysis: Both the current and proposed land use designations fit within downtown Cary and have the potential to provide an appropriate transition to adjacent property. At present, the majority of the subject properties’ future land use designation of Medium Density Residential (MDR) provides a reasonable transition to the residential neighborhoods to the north, west, and south, as well as some other areas of retail, office, and industrial to the south and east.

If the future land use designation is amended to High Intensity Mixed Use (HMXD) and Mixed Density Residential (MXDR), the Mixed Use Area would be appropriate at the corner of Chapel Hill Road and North Harrison Avenue. The roadways provide a transition between potential redevelopment areas and existing neighborhoods and businesses. The proposed text additions to the Town Center Area Plan document, describing the vision for the Kingswood Neighborhood, specifies a variety of ways to create appropriate transitions between new development or redevelopment and existing neighborhoods. This neighborhood vision lays the foundation for redevelopment to occur thoughtfully and appropriately.

B. Parks, Recreation & Cultural Resources Facilities Master Plan

According to the Parks, Recreation and Cultural Resources Facilities Master Plan the Irongate Greenway is proposed along portions of the eastern edge of the site. A paved, street side trail is also proposed along the north side of Chapel Hill Road.

A recreation fund payment would 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.
3. A1 Guiding Principle: Increase permitted densities in preferred growth areas to encourage desired forms of development.
4. Q1 Guiding Principle: Continue Cary's leadership role in quality growth and development.

Analysis: Downtown Cary is a preferred growth area.

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. Promote the preservation of the Town of Cary's existing housing stock through housing rehabilitation resources to maintain the affordable housing that already exists in the community.
3. 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.
4. 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.
5. Assure a quality living environment and access to public amenities for all residents, present and future, of the Town of Cary, regardless of income.

Analysis: The Kingswood Neighborhood includes 14 homes built by Habitat for Humanity from 1990-2000. The homes are located on E. Johnson St., N. Academy St., Academy View Court, and Barrett Woods Court. The potential loss of these homes with any future redevelopment of the neighborhood must be considered. If redevelopment occurs in the future, a mixed use development, that includes a variety of medium and high density housing types, has the potential to support the Affordable Housing Plan.

E. Comprehensive Transportation Plan

North Harrison Avenue is designated as a **Major Thoroughfare**.

Existing Section: 4-lane undivided, approximately 60-foot ROW

Future Section: 4-lane undivided

Sidewalks: Required on both sides

Bicycle Lanes: 14-foot-wide outside lanes

Transit: Passenger shelter with concrete pad (8 feet wide by 18 feet long), trash receptacle, bike rack, and solar lighting at site location on North Harrison Avenue to be determined

Chapel Hill Road is designated as a **Major Thoroughfare**.

Existing Section: 2-3 lanes, approximately 60-foot ROW

Future Section: 4-lane with landscaped median, 104-foot ROW (to accommodate bike lanes)

Sidewalks: Required on both sides

Bicycle Lanes: Required striped bike lanes

F. Open Space Plan

According to the Open Space Plan there is mixed hardwood and conifer forest on portions of two vacant lots. None of the parcels were identified as priority open space for conservation purposes.

G. Historic Preservation Master Plan

Reflecting the historic importance of this neighborhood to Cary, the Cary Historic Resources Survey and Inventory includes architectural records for six buildings at the following addresses in the subject area: 109 East Boundary Street, 508 North Academy Street, 510 North Academy Street, 516 North Academy Street, 519 North Academy Street, and 503 North Academy Street.

STAFF ANALYSIS AND RECOMMENDATION

The analysis statements made above in the Comprehensive Plan Summary section of this staff report highlight the pros and cons of the Kingswood Neighborhood request. Appropriate land use transitions and affordable housing opportunities may be achieved either by keeping the Town Center Area Plan as is, or by changing the future land use designation to High Intensity Mixed Use (HMXD) and Mixed Density Residential as requested.

The presence of the 14 affordable Habitat for Humanity Homes in the heart of the neighborhood may present challenges for those homeowners to participate in any redevelopment until their homes age out beyond the resale restrictions that are typical of Habitat properties. The newness of the Habitat homes might also present challenges in the near term with respect to the financial feasibility of future redevelopment of the neighborhood. Nevertheless, since the Town Center Plan expresses a long-range vision (20+ years), it could still be feasible in the long term to achieve redevelopment, and any such redevelopment could have the potential to replace or increase the overall number of affordable units in the neighborhood.

While the neighborhood does contain six properties listed in the Cary Historic Resources Survey, the surveyed properties are not identified as being eligible for the National Register or its Study List. While staff has discussed the presence of these properties with the applicants, it has also become clear that for many members of this historic African-American community, the opportunity to sell and redevelop may be of far greater need than their desire to preserve the old structures.

This is a unique case involving over 70 property owners. Based on information provided by Marlon Williams, as well as feedback received at the community meeting held in June 2012, it appears that about two-thirds or more of the property owners in the Kingswood Neighborhood are in favor of changing the future land use designation for their property. Staff recommends approval of this Comprehensive Plan Amendment based on the fact that the majority of property owners in the Kingswood Neighborhood are in favor of this request.

Staff believes that the detailed recommendations given in the new subsection to the Town Center Plan document should be sufficient to ensure that the interests of the entire Kingswood neighborhood can be protected and respected. For example, the proposed text recommends that redevelopment should only occur at the level of an entire block, which means that redevelopment would only move forward when an entire block area is in agreement, and when the timing is right.

Finally, staff believes that it is important to take the long view in considering this plan amendment request. The downtown is in the midst of an exciting revival, and there is renewed interest in downtown redevelopment. By the close of this decade, Cary will have new development on Chatham Street, including a redeveloped downtown movie theater and improvements to the streetscape. The Amtrak Station has been expanded, and daily passenger rail traffic is increasing. We hope to someday see light rail service linking downtown Cary to downtown Raleigh. Chapel Hill Road will be widened to four lanes. With all these coming changes, it is important to realize that the Kingswood Neighborhood lies just 1,000 feet north of the Cary Depot, and only 1,500 feet north of Chatham Street. The Kingswood neighborhood, if redeveloped, could become an attractive asset to the downtown, and at a prime location.

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

Response:

This amendment is requested for the following two reasons:

1. To allow the community control of their destiny in the sale of their property for the future development and revitalization of downtown Cary without outside hindrance and innuendo.
2. To increase the viability of the sale of said property in aiding in the revitalization and development of downtown Cary.

*The use of "community and/or property" designates properties located on Boyd, Ferrell, E. Johnson, N. Academy and parts of W. Johnson, Gray and Boundary Streets.

This amendment is justified for the following reasons:

1. Demonstrates a majority of the community is committed to the sale of their property as one entity in order to facilitate downtown Cary development.
2. Allows potential developers to understand that the property is an integral part of the future planning, developing and revitalizing of downtown Cary by increasing the property's visibility.
3. Informs potential developers that the Town of Cary is supportive of the necessary projects needed to justify the cost in purchasing the property located in downtown Cary, such as high density mixed-use, mid to high density residential, etc.
4. Most importantly, the amendment signals to potential developers that the community and the Town of Cary are working together towards a common goal of revitalizing downtown Cary.

Since a requested change of land use designation is a needed step in the process of having the property eventually rezoned, potential developers will now know that they are one step closer to a completed project in the revitalization of downtown Cary if the amendment is approved.

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| CRITERIA FOR CONSIDERATION IN REVIEWING COMPREHENSIVE PLAN AMENDMENTS |
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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: Not applicable.

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

Analysis: The organization of the majority of property owners in the Kingswood Neighborhood, and their desire for a land use designation change, is a new issue and potential opportunity that is not adequately addressed in the Town Center Area Plan.

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: Not applicable.

4. Identification of errors or omissions in the Comprehensive Plan.

Analysis: Not applicable.