

**Town of Cary, North Carolina
Comprehensive Plan Amendment - Staff Report
12-CPA-07 Meacham Property
Town Council Meeting
June 27, 2013**

REQUEST

This case is a Comprehensive Plan Amendment request for 15.07+/- acres located at the northeast corner of the intersection of Carpenter Fire Station Road and Green Level Church Road. The current land use designation for the subject property is Mixed Use (MXD) with an additional note, Note #10, on the Northwest Area Plan's Future Land Use Map that states that "At least half of the MXD areas should be used for medium or high density residential." The requested land use designation is Commercial (COM), and with the removal of Note 10 from the subject properties.

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
Cleo D. Meacham, Rory D. Meacham, Sonya Meacham Burton 0 Carpenter Fire Station Road Cary, NC 27519	0725942781	0046545	14.44
Cleo D. Meacham, Rory D. Meacham, Sonya Meacham Burton 7640 Carpenter Fire Station Road Cary, NC 27519	0725940490	0046544	0.63
Total Area			15.07

BACKGROUND INFORMATION

Applicant & Agent	Glenda Toppe Glenda S. Toppe & Associates 919-605-7390 glenda@gstplanning.com		
Acreage	15.07 acres		
General Location	Northeast corner of Carpenter Fire Station Road and Green Level Church Road intersection		
Schedule	Town Council Public Hearing February 27, 2013	Planning and Zoning Board Public Hearing May 20, 2013	Town Council June 27, 2013
Existing Land Use Plan Designation	Mixed Use (MXD) with Northwest Area Plan Map Note #10		
Requested Land Use Plan	Commercial (COM)		

Designation	
Existing Zoning District	Residential 40 (R-40)
Town Limits	The subject property is located outside the corporate limits, but within the Town of Cary's extraterritorial planning jurisdiction (ETJ).
Staff Contact	Meredith Chandler, PLA, AICP 919-460-4983 meredith.chandler@townofcary.org

SUMMARY OF PROCESS AND ACTIONS TO DATE

Notification

On February 12, 2013, the Planning Department mailed notification of a public hearing on this Comprehensive Plan Amendment request to property owners within 400 feet of the subject property. Notification consistent with General Statutes was published in the Cary News on February 13 and 20, 2013. Notice of the public hearing was posted on the property February 12, 2013.

Town Council Public Hearing of February 27, 2013

At the Town Council public hearing on February 27, 2013, Mr. Rory Meacham stated he and his family believe the best use of the subject property is commercial development. Mr. James Dean, of Clarion Partners, stated that his company owns the Cary Park Town Center retail development across the street from the subject property. He said it appears this community is adequately served by the existing traditional/grocery store retail.

Second Notification

On April 2, 2013, the Planning Department mailed notification of a second public hearing on this Comprehensive Plan Amendment request to property owners within 400 feet of the subject property. Notification consistent with General Statutes was published in the Cary News on April 3 and 10, 2013. Notice of the public hearing was posted on the property April 3, 2013.

The applicant requested to delay the Planning and Zoning Board public hearing from April 15 to May 20, 2013. On April 10, 2013, notification was sent to property owners within 400 feet of the subject property to let them know of the date change.

On May 8, 2013, the Planning Department mailed notification of the second public hearing on this Comprehensive Plan Amendment request to property owners within 400 feet of the subject property. Notification consistent with General Statutes was published in the Cary news on May 8 and 15, 2013. Notice of the public hearing has remained posted since April 3, 2013.

Planning and Zoning Board Public Hearing of May 20, 2013

Four people spoke about the Meacham Property case at the Planning and Zoning Board public hearing on May 20, 2013. James Dean of Clarion Partners stated opposition to the request. Sunita Singh said having office space or restaurants would be nice in this area. Caixuan Xu shared concerns about protecting the environment and the existing landscaping with new development on the subject property. Finally, Kevin McCraw stated he would like to address any community concerns and have the opportunity to present a plan back to the neighbors and Town Council.

The Planning and Zoning Board discussed the pros and cons of a Mixed Use (MXD) versus a Commercial (COM) land use designation, and asked for clarification as to what uses, or combination of uses, could be developed within either category. The majority of the board agreed that Commercial (COM) would provide the most flexibility. The board voted in support of the applicant's request to change the land use designation from Mixed Use (MXD) to Commercial (COM), plus the removal of Northwest Area Plan Note 10, by a vote of 8 – 1. The board member who made the dissenting vote agreed with the staff recommendation to maintain the Mixed Use (MXD) designation in order to potentially bring the best balance of uses to the Cary Park Community Mixed Use Center.

COMPREHENSIVE PLAN SUMMARY

A. Northwest Area Plan

The Northwest Area Plan is the governing document for the subject property. The two subject parcels, together with two adjacent parcels, are part of an 18.9-acre area that is recommended on the Plan Map for future Mixed Use (MXD) development. MXD is defined as including a mix of commercial, office, and medium to high density residential uses. The mix of uses can be provided either within individual buildings, within individual properties, or within the entire 4-property, 18.9-acre MXD area, taken as a whole.

The subject property is also covered by Note 10 on the Northwest Area Plan's Future Land Use Map. Note 10 recommends that "at least half of the MXD areas should be used for medium or high density residential." The applicant proposes to change the land use designation to Commercial (COM) and remove Northwest Area Plan Note 10 from applying to the two subject parcels. Commercial uses include shopping centers, general retailers, specialty shops, and other similar uses.

The table below lists existing nonresidential and residential development, potential buildout (for subject parcels and vacant parcels), and the totals of these two columns. The information in this table is for the entire Cary Park Mixed Use Center. The recommended characteristics of community-sized mixed use centers are included for comparison to the total of existing and potential development.

Cary Park Community Mixed Use Center				
Land Use	Existing	Potential Buildout	Total	Recommended General Characteristics
Commercial/Retail	93,476 sq. ft.	100,000 – 200,000 sq. ft.	195,000 – 300,000 sq. ft.	250,000 – 600,000 sq. ft.
Office/Institutional	14,622 sq. ft.	60,000 – 150,000 sq. ft.	90,000 – 180,000 sq. ft.	250,000 – 650,000 sq. ft.
Other (not included above)	15,346 sq. ft.			
Medium Density Residential	66	150 - 250	1,000 – 1,400	625 – 1565 units (1 ¼ per 1,000 sq. ft. nonresidential space)
High Density Residential	446	350 - 650		

Analysis: Mixed Use (MXD) Versus Commercial (COM). Both a Mixed Use (MXD) land use designation and a Commercial (COM) land use designation may be appropriate for the subject property. Mixed Use areas contain commercial, office, and medium or high density residential development. A combination of commercial and office development on the subject property has the potential of providing a balance of uses in the Cary Park Community Mixed Use Center. Office and Institutional space in this center is light compared to commercial floorspace and residential development. There are small vacant and/or redevelopment parcels within this mixed use center that lend themselves to office/institutional development, potentially around 60,000 square feet, based on current development patterns. A larger parcel, or a portion of a larger parcel, such as the subject property, could provide more developable area allowing for a greater amount of office floorspace.

Commercial areas typically include shopping centers, general retailers, specialty shops, and other similar uses. Additional commercial services developed on the subject property have the potential to complement existing and future medium and high density residential development by providing these services within walking distance of dwelling units. The recommended amount of residential development is currently met within this center, and there is room for additional nonresidential floorspace while still maintaining a balance of residential and nonresidential development.

Removal of Northwest Area Plan Note 10. It is reasonable to remove Northwest Area Plan Note 10 that recommends "at least half of the MXD areas should be used for medium or high density residential." About 500 medium and high density housing units exist in the Cary Park Community Mixed Use Center.

Also, 150 medium density housing units were recently approved as part of a preliminary development plan associated with a mixed use rezoning case for Glencroft Townhomes. The current amount of nonresidential floorspace in this mixed use center is nearly 125,000 square feet. The typical range of housing recommended for a community-sized center is ½ to 3 units per 1,000 square feet of nonresidential floorspace, or 60 to 370 units, with the ideal number being around 1¼, or 150 units. The recommended amount of residential development is currently met within this center, and there is room for additional nonresidential floorspace while still maintaining a balance of residential and nonresidential development.

B. Parks, Recreation & Cultural Resources Facilities Master Plan

According to the Parks, Recreation and Cultural Resources Facilities Master Plan there is a street-side trail proposed along the length of the property's Green Level Church Road frontage.

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

C. Growth Management Plan

The Growth Management Plan includes the following Guiding Principles that may be relevant to this case:

1. Guiding Principle R1: Ensure that adequate infrastructure and services are available concurrently with new development.
2. Guiding Principle L1: Concentrate growth near existing and planned employment centers and available and planned infrastructure to minimize costly service-area extensions.
3. Guiding Principle L2: Ensure that future growth protects sensitive natural resources and protects open space.
4. Guiding Principle A1: Increase permitted densities in preferred growth areas to encourage desired forms of development.

Analysis: Infrastructure and services are available near the subject property; the Cary Park Community Mixed Use Center is a preferred growth area.

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. 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: As per the current land use designation, Mixed Use (MXD) with Northwest Area Plan Note 10 recommending half of this mixed use area being residential, a high density housing product has the potential to support the goals of the Affordable Housing Plan. Also, the combination of high density housing adjacent to services could be beneficial. As per the proposed land use designation, Commercial (COM), additional services could be provided within walking distance of existing and future high density housing in the Cary Park Community Mixed Use Center. Both the current and proposed land use designations may provide support for the Affordable Housing Plan goals.

E. Comprehensive Transportation Plan Carpenter Fire Station Road

Road Classification: Major Thoroughfare

Existing Section: Approx. 110-foot ROW; 2-3 lanes
Future Section: 4-lane with landscaped median; 100-foot ROW
Sidewalks: Required on both sides; partially existing on the south side
Bicycle Lanes: 14-foot-wide outside lanes required
Status of Planned Improvements: N/A

Green Level Church Road

Road Classification: Major Thoroughfare
Existing Section: Approx. 130-foot ROW; 2 lanes
Future Section: 4-lane with landscaped median; 100-foot ROW
Sidewalks: Required on both sides
Bicycle Lanes: 14-foot-wide outside lanes required
Status of Planned Improvements: N/A

Transit: The nearest available transit service is provided by Triangle Transit Route #311 on NC Hwy 55, approximately 1.5 miles east of the site. Long range projections for future C-Tran routes include the possibility of future C-Tran service along Green Level Church Road, adjacent to the site. However, the precise location of future routes has not been determined.

F. Open Space Plan

According to the Open Space Plan, the north end of the larger parcel includes a mixed hardwood and conifer plant community.

G. Historic Preservation Master Plan

The subject properties do not contain any known historic resources.

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 that 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: Development patterns and uses have varied from the original Northwest Area Plan in the Cary Park Community Mixed Use Center, resulting in a greater amount of residential development than originally anticipated. At this point in time and into the future, there is ample residential development within as well as adjacent to the Cary Park Center to balance additional nonresidential development.
2. Identification of new issues, needs, or opportunities that are not adequately addressed in the Comprehensive Plan;
Analysis: None.
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.
4. Identification of errors or omissions in the Comprehensive Plan.
Analysis: None.

STAFF RECOMMENDATION

Staff recommends approval of the removal of Northwest Area Plan Note 10 while maintaining the Mixed Use (MXD) land use designation. Both a Mixed Use (MXD) and a Commercial (COM) land use designation may be appropriate for the subject property; however, the Mixed Use (MXD) option has better potential of achieving a balance of uses in the Cary Park Community Mixed Use Center than the Commercial (COM) only option. Additionally, compatibility with the townhome development on the east side of the subject property should be considered. In the event a future Mixed Use Rezoning case with a preliminary development plan finds that the adjacent townhome neighbors would prefer residential or office uses next to their neighborhood, retaining the Mixed Use (MXD) land use designation would provide that flexibility.