

Staff Report for Town Council



Meeting Date: January 24, 2017

Round 37 Land Development Ordinance Amendment

Purpose: Consider action on proposed Round 37 Land Development Ordinance Amendment

Prepared by: Mary Beerman, Planning

Speaker: Mary Beerman, Planning

Recommendation: Staff recommends council approval of the proposed Round 37 amendments to the Land Development Ordinance.

Executive Summary: The proposed Land Development Ordinance (LDO) amendments would modify terms, references and procedures needed to provide consistency with the Cary Community Plan upon its adoption.

This LDO Amendment has an associated Consistency and Reasonableness Statement.

Planning and Zoning Board Recommendation: The Planning and Zoning Board recommended approval of the proposed amendment by a vote of 8 - 0.

OVERVIEW

SCHEDULE:

Public Hearing	December 8, 2016
Planning and Zoning Board Meeting	December 19, 2016
Final Action by Town Council	January 24, 2017
Effective	January 24, 2017

** Italicized dates are tentative.*

BACKGROUND: On November 10, 2016, council conducted a public hearing on the Cary Community Plan, a new Comprehensive Plan for the Town of Cary. This plan is the culmination of an unprecedented effort involving several years of work and community input. The new Cary Community Plan will consolidate and replace several individual plans such as the Land Use Plan and Comprehensive Transportation Plan that have guided Cary's growth over the past twenty years. After conducting the public hearing, council referred the Plan to the Planning and Zoning Board for a recommendation and set a target adoption of January 24, 2017.

The proposed Round 37 Land Development Ordinance (LDO) amendments are the basic changes needed to modify terms, references and procedures needed to provide consistency between the LDO and the Cary Community Plan upon the Plan's adoption. Additional amendments will be developed at a later date to implement provisions of the ACT Chapter.

Town Council Public Hearing (December 8, 2016)

There were no speakers and no comments from council members at the public hearing.

Planning and Zoning Board Meeting (December 19, 2016)

Staff summarized the proposed amendments and the Planning and Zoning Board recommended approval by a vote of 8-0.

SUMMARY OF PROPOSED AMENDMENT: Key aspects of the proposed amendment include the following:

1) **Clarifying When Rezoning to a Mixed Use District is an Option**

Currently, property within one of the Town's 32 Mixed Use Overlay Districts (MUODs) may be rezoned only to the Mixed Use District (MXD). The MUOD boundaries were established to correspond with the neighborhood, regional and community activity centers identified on the Town's current land use plan. The proposed amendment would adjust this approach to base applicability of requesting the Mixed Use District on development categories found in the Shape Chapter, and remove references to the previous "activity centers".

2) **Clarifying Approval Procedures Related to Comprehensive Plan Amendments**

Currently, amendments to the Comprehensive Plan are requested in conjunction with rezoning requests where the proposed rezoning would be inconsistent with the designation or density shown on the Land Use Plan. Since the Cary Community Plan is more policy-oriented, it is proposed that any amendments to the Plan be approached more comprehensively. It is recommended that staff monitor the Plan and report to council on a regular basis in accordance with a published schedule. Citizen requests for changes to the Plan could be presented at that time.

Submittal of a CPA application would no longer be required or accepted in association with a rezoning request that appeared to be inconsistent with the plan. A rezoning application could be submitted for consideration through the public hearing process regardless of the degree to which it appeared to satisfy Plan policies. However, applicants would be advised that staff may recommend that council deny the rezoning request if staff believes it is inconsistent with Plan maps and/or policies.

3) **Other Changes**

- Updating descriptions of the Comprehensive Plan and associated documents;
- Removing references to the various elements of the existing Comprehensive Plan and various area plans;
- Removing requirement for context illustrative drawing from MXD rezoning application;
- Removing community workshop from MXD rezoning process;
- Renaming "Corridor Transition District" as "Walnut Street Corridor Transition District" and incorporating applicable descriptive text from existing Walnut Street Corridor Plan;
- Updating provisions of Conservation Residential Overlay Districts to enable development consistent with Cary Community Plan;

- Updating provisions of Town Center district and its subdistricts as needed to reflect compliance with the Comprehensive Plan rather than the Town Center Area Plan;
- Allowing creation of conditional use subdistricts in the Town Center and Walnut Street Corridor Transitional zoning districts; and
- Removing option for simultaneous consideration of a Plan Amendment and associated rezoning case;

PROPOSED TEXT: See attachment

FISCAL IMPACT:

Implementation of the proposed amendment is expected to have a minimal impact on resources.