

Dear Chairman and Members of the Chatham County Board of Commissioners,

On your August 21st agenda is a request to consider an amendment to the Chatham Cary Joint Land Use Plan to change the Land Use Designation from Low Density Residential (LDR) and Office/Institutional (OFC/INS) to Medium Density Residential (MDR) and Office/Institutional (OFC/INS).

This item has been to the Chatham County Planning Board and the Town of Cary Planning and Zoning Board. The Chatham Board voted in a split vote to recommend approval to the Board of Commissioners. The Cary Board unanimously recommended approval to the Town Council.

The vote by the Cary Planning and Zoning Board included capping the density at 3.3 dwelling units per acre for the residential portion of the amendment. The Cary Planning staff recommended rounding up the density from 3.31 to 3.3 units per acre.

In your Staff Report, the Board is being asked to consider whether to limit the MDR to 3.31 or 3.3 dwelling units per acre for consistency between jurisdictions. We are okay either way.

I want to briefly summarize the request for the Board.

The current land use designation is Office/Institutional and LDR. The proposed land use designation is Office/Institutional and MDR. The Joint Land Use Plan Amendment affects property that is in the Town Limits of Cary and located within the Weldon Ridge PDD. There is rezoning application on hold with the Town of Cary for an amendment to the Weldon Ridge PDD while the Joint Land Use Plan is being considered by Chatham County and Cary.

The Weldon Ridge PDD was approved by Cary in March of 2004. The land was annexed into Cary at the same time. The PDD was approved with a school, day care, preschool and church parcel. When the Joint Land Use Plan was adopted in 2012, the school, day care, preschool and church property were designated as Office/Institutional on the Joint Land Use Plan. The land use category in the Joint Land Use Plan reflected the approved land use in the Weldon Ridge PDD. The same applied to the current residential designation. The LDR designation on the Joint Land Use Plan corresponds to the adjacent parcel in the Weldon Ridge PDD.

The Weldon Ridge PDD amendment shows the school being located on most of the residential parcel and only on a portion of the existing nonresidential parcel. The relocation of the school site is being done in order for the school to be closer to Yates Store Road thus providing better traffic flow. In meetings with NCDOT and the Town of Cary access to Yates Store Road is critical. It is the location of the residential uses on property designated as Office/Institutional on the Joint Land Use Plan along with the density proposed that is triggering the Joint Land Use Plan Amendment. The amendment to the PDD triggered the amendment to the Joint Land Use Plan. As

mentioned above, the property is located within the Town Limits of Cary but subject to the regulations of the Joint Land Use Plan.

On the approved Master Land Use Plan Map for the residential parcel in Weldon Ridge, the density is 5.0 dwelling units per acre with a maximum number of 46 units. The proposed density for the new residential parcel will be capped at 3.31 dwelling units per acre. The current overall density for the Weldon Ridge PDD is 2.5 dwelling units per acre. The proposed overall density with the amendment to Weldon Ridge is 2.4 dwelling units per acre. Both current and proposed densities for the residential portion of the Joint Plan that is within the Weldon Ridge PDD fall under the Medium Density Residential category as defined in the Chatham Cary Joint Land Use Plan.

With this amendment, the Office/Institutional Land Use category is being maintained although the acreage is less. The residential land area for the existing residential parcel has also changed. The residential land area is increasing. The boundaries of the existing nonresidential parcel and existing residential parcel are being rearranged. With this amendment, there is still vacant land designated as Office/Institutional that can be developed for the approved uses in the PDD. These uses only include church, daycare, preschool and school. The net increase in units with this PDD amendment is 34 from what was originally approved in the PDD.

The property designated for church, school, day care and preschool has remained undeveloped since Weldon Ridge was approved in March 2004. Given the location of the property, it has been difficult to find a school willing to locate in the Weldon Ridge PDD. There is now an opportunity for a school to be built on the proposed nonresidential portion of the Joint Land Use Plan that will ultimately serve children from kindergarten through 12th grade regardless of whether they live in Chatham or Wake County. Given the amount of growth this area has seen since the adoption of the Weldon Ridge PDD, the need still exists for a school. This need has only grown over the last 13 years.

It is important to point out that the portion of the Joint Land Use Plan being affected by the amendment is east of the American Tobacco Trail. North and west of the property is Town of Cary parkland. The subject property is adjacent to Town Park, the American Tobacco Trail and the Montvale Greenway. This in affect separates and isolates the affected property from other portions of the Joint Land Use Plan. The PDD amendment also increases the lot size for a single-family detached home from a minimum of 5,200 square feet to a minimum of 8,000 square feet which is more in keeping with the residential development in the area.

As identified in your Staff Report, there are several guiding principles of the Chatham-Cary Joint Land Use Plan that are applicable to the proposed Land Use Plan Amendment.

- 1 Within one mile of the mean pool elevation of Jordan Lake (i.e., of the lake shore), avoid all nonresidential development, and allow residential densities of no more than one dwelling per acre.
- 2 Use the future availability of public utility services to guide and direct growth to minimize water quality impacts on Jordan Lake Reservoir.
- 3 Focus the most intense land uses close to the eastern boundary of the plan area and the major transportation facilities, and maintain very low intensity and very low density uses westward towards Jordan Lake Reservoir.

The proposed request complies with these three (3) principles. The property is more than a mile away than the mean pool elevation of Jordan Lake (Guiding Principle 1). There is water and sewer available to the site (Guiding Principle 2). The property is adjacent to the eastern boundary of the Plan area (Guiding Principle 3). It is important to note here that the property was annexed into the Town of Cary with the adoption of the PDD.

Before closing, I want to briefly discuss the Minority Report from the Chatham County Planning Board.

There were two main reasons for the no votes from the Planning Board members.

The first reason for voting against the request was founded on environmental grounds. Our site is greater than 1 mile from Jordan lake. The proposed amendment is at the furthest point to the east. In addition, residential developments generally have lower impervious surface percentages. Thus, the increase in residential land area and subsequent decrease in non-residential land area likely reduces the amount of potential impervious surface in this part of the Plan.

The second reason for voting against the request was based on economic and tax concerns with the assumption that keeping the office/institutional land use designation could help promote non-residential land uses on the property. However, the only land uses allowed for the existing and future Office/Institutional parcel are those uses permitted in the Weldon Ridge PDD, which include church, day care, preschool, and school, most of which are uses that are typically exempt from paying taxes. No other uses are permitted.

In conclusion, the proposed amendment to the Joint Land Use Plan modifies the boundaries of two land uses categories located within the Weldon Ridge PDD. The plans and needs of the associated stakeholders for the nonresidential land changed over the last decade, as the parochial school stakeholders cancelled their plans for the school in Weldon Ridge thus creating the need for the proposed Amendment. In the ensuing years, the property owners have been diligently searching for another school user. The original intent of the PDD for the subject OFC/INS area was to provide an area for a church, school, preschool and daycare.

In addition to changing the boundaries of two land use categories, the proposed Amendment maintains the densities that were in place at the time the Joint Land Use Plan was adopted. The portion of the land currently designated as LDR should have been designated as MDR when the Joint Plan was adopted in 2012 in order to be consistent with existing density at that time. The density has always been over 2 dwelling units per acre and the town of Cary looks at this as a correction of an error.

The proposed amendment is consistent with the guiding principles of the Chatham-Cary Joint Land Use Plan thus maintaining the spirit and vision set forth in the Plan for this area. The proposed amendment is also consistent with the relevant Policies from the Cary Community Plan. With the approval of this Amendment, the opportunity exists for this portion of the Joint Plan and Weldon Ridge PDD to develop as envisioned when both were approved.

We respectfully ask for the Boards support.

If you have any questions, please call me,

Thank you.

Glenda Toppe.

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