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Vote on a request to approve Glenda Toppe on behalf of Highcroft Commons, LLC for an amendment to the Chatham-Cary Joint Land Use Plan to change the density allocation for an area designated as Office/Institutional to the classification of MDR Medium Density to allow for 3.4 dwelling units per acre and change a portion of the LDR Low Density to Office/Institutional on a portion of Parcel 19865.

..ABSTRACT

Action Requested:

A request from Glenda Toppe on behalf of Highcroft Commons, LLC for an amendment to the Chatham-Cary Joint Land Use Plan to change the density allocation for an area designated as Office/Institutional to the classification of MDR Medium Density to allow for 3.4 dwelling units per acre and change a portion of the LDR Low Density to Office/Institutional on a portion of Parcel 19865.

Introduction & Background:

The Chatham-Cary Joint Land Use Plan (JLUP) was adopted by the Chatham County Board of Commissioners and Town of Cary Board in June, 2012 with an effective date of July 1, 2012. The Plan is an official policy document intended to guide future land use, public infrastructure improvements and development in the Plan Area. The County and Town also approved an interlocal agreement regarding the plan, which can be viewed on the following website - <http://www.chathamnc.org/index.aspx?page=441> . Section 5d of the agreement outlines the process for citizen initiated plan amendments. The process requires that applications be submitted to both jurisdictions for consideration and that the County has to make a recommendation prior to the Town taking final action. Approval by both jurisdictions is required for an amendment to be incorporated into the plan.

The public hearing request was submitted by Glenda Toppe on behalf of Highcroft Commons, LLC to amend the joint plan map. The amendment is to change the designation of a portion of an Office/Institutional designation to the MDR designation (Medium Density Residential) to allow for 3-4 dwelling units per acre, and change a portion of the LDR designation (Low Density Residential), to Office/Institutional on Parcel 19865.

Discussion & Analysis:

The joint Chatham-Cary plan was developed over seven years starting with a resolution adopted by both jurisdictions in 2005. The joint plan map includes several land use designations reflecting uses in existence at the time of plan adoption in 2012, as well as future land use recommendations for the remaining areas. The joint plan map designation of Low Density Residential (LDR) provides up to 2 dwelling units per acre, single family or attached, and Medium Density Residential (MDR) provides up to 4 dwelling units per acre, single family detached or attached. The Office/Institutional designation on parcel 19865 represents a previously approved zoning change adopted by the Town of Cary for a "School/Church Complex", as depicted on the Weldon Ridge Master Land Use Plan.

The public hearing for this item was held on May 15, 2017 and Glenda Toppe presented the request on behalf of Highcroft Commons, LLC. Ms. Toppe explained that the Office/Institutional designation on the currently adopted land use plan represented an approval by the Town of Cary for a church, school, day care, and preschool. It was further explained that the adjoining area identified as SF-6 on the currently approved Weldon Ridge Master Plan allows a density of 5 dwelling units per acre on 9.19 acres. The approved overall density for Weldon Ridge is 2.46 dwelling units per acre (including property within Wake County).

The proposed amendment would reduce and reconfigure the Office/Institutional designation as shown on the attached master plans. The residential area would increase from 9.19 to 34.74 acres and change the designation from Low Density Residential and Office/Institutional to Medium Density Residential. The breakdown provided in the revised application indicates that the residential density within this area would result in a decrease from 5 dwelling units per acre to 3.31, although there would be an increase in dwelling units resulting from the acreage increase. Additionally, the overall dwelling unit count for Weldon Ridge would increase from 683 dwelling units to 733. The area currently designated as Office and Institutional on the plan is 59 acres and on the proposed plan is 35.6 acres. The applicant also included that they have “worked with the charter school to understand their recreation needs and have set aside enough area to accommodate them. Their needs are different than a typical public K-12 school and do not include the typical number of athletic fields (baseball, soccer, football, etc.).”

It appears that when the joint plan was adopted that the SF-6 residential area was incorrectly designated as Low Density Residential based on the approved Weldon Ridge Master Plan. That plan allows an overall density of 2.46 dwelling units per acre and 5 dwelling units per acre for the SF-6 area. Hence, area SF-6 likely should have been shown as MDR on the Joint Plan at the time of adoption in 2012, instead of LDR.

The Planning Board reviewed the request during their June 6, 2017 meeting and discussion included concern about impacts to water quality near Jordan Lake from the proposed increased residential density; schools want to have direct access to roads for safety and access; residential developers want to be close to the American Tobacco Trail and existing town parks; and the current approval may allow more impervious surface than the proposed plan. There was also concern from one member that this would reduce the amount of non-residential area in the joint plan area and there was a need for additional jobs in the county. The applicants were asked if the charter school would still locate in this area if the plan amendment was denied and the response was “no”.

There were also questions and comments about the town’s riparian buffer requirements. Town staff was contacted after the Planning Board meeting about their requirements and the response was “50’ buffers for soil survey indicated channels and 100’ for USGS. Jordan Lake Watershed Protection has a 24% low density option impervious surface limit and 70% high density option impervious limit which is the max.” The high density option requires storm water best management practices onsite, to mitigate impacts according to standards specified by Town Ordinances.

The Planning Board voted 5-4 to recommend approval of the amendment with a condition that the medium density residential cannot exceed 3.31 dwelling units per acre. A minority report has also been provided (see attachment) to further explain the concerns of the Planning Board members voting in opposition to the motion.

The Cary Town Council held their first public hearing on the plan amendment request on June 22, and held a second public hearing before their Planning and Zoning Board on July 24, with final Town Council action anticipated in September. The Cary Planning Board recommended by unanimous vote (8-0) to approve the request to amend the joint plan with a condition that the Medium Density Residential cannot exceed 3.3 dwelling units per acre. As previously noted, the County must take action before the Town can take action.

Recommendation:

The Planning Board (by a 5-4 vote) recommends approval for a Plan Amendment to the Chatham Cary Joint Land Use Plan to change the density allocation from an area designated as Office/Institutional to the classification of MDR Medium Density to allow for 3-4 dwelling units per acre and change a portion of the LDR Low Density to Office/Institutional on a portion of Parcel 19865 with the following condition:

1. Medium Density Residential cannot exceed 3.31 dwellings per acre.

The Town of Cary Planning Board has recommended that the MDR cannot exceed 3.3 dwelling units per acre. If a majority of the Board of Commissioners are agreeable to the amendment you will need to consider whether to limit the MDR to 3.31 or 3.3 dwelling units per acre for consistency between jurisdictions.