

TOWN of CARY

NORTH CAROLINA

Urban Drive Rezoning Case



July 2018

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URBAN DRIVE: A CASE STUDY

Introduction

Once a small, rural crossroads community with a rich agricultural heritage, Cary, North Carolina, had become the seventh largest municipality in the state and the third largest municipality in the Triangle, the region anchored by the cities of Raleigh, Durham and Chapel Hill.

Over 30 years, Cary had evolved into a nationally-recognized community, attracting Fortune 500 companies, a series of high-quality, attractive residential developments, commercial growth and community amenities that consistently rated it among the top places in the country to live and work.

In 2017, Cary had reached the top of the arc.

Sean R. Stegall
Town Manager

“We are at the top, and it is very difficult to stay at the top. The biggest reason why is because when you are at the top, there isn’t a lot of evidence that we need to change. So when there isn’t any compelling evidence to change then how do we motivate people to change, knowing if we don’t evolve then we won’t stay at the top?”

It was in October 2017 when Cary reached a turning point regarding its future success. Cary’s Planning & Zoning Board had just voted 7 to 1 to recommend denial of a rezoning request that would bring one of the first infill and redevelopment projects to a downtown neighborhood following the adoption of the Imagine Cary Community Plan, the 25-year master plan the Town Council, staff and citizens spent four years developing to guide Cary through 2040 and toward its desired future.

It was then that Cary’s downtown development manager expressed that he believed if the Town Council did not approve the request, he would never be able to convince a developer the Town was committed to Cary growing as depicted in Imagine Cary. And Cary would not remain at the top of the arc without infill and redevelopment.

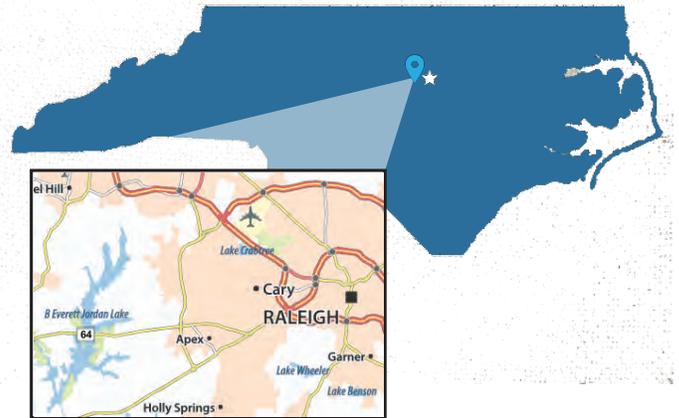
So with one foot in the old world and one in the new, would Cary staff take control of the Town’s future or continue to believe the best opportunity would always come knocking at their door?

URBAN DRIVE: A CASE STUDY

Background

By 2018, Cary had grown nearly six times its acreage and 20 times its population since the 1970s. And with more than 163,000 residents, Cary was expected to grow to 193,000 residents by 2040.

However, land available for new development in Cary was limited by formal agreements with neighboring communities. These agreements delineated the boundary within which Cary could provide utility services in the future, and ultimately, areas Cary could annex into the town. As of 2018, only 16 percent of the land in the Town’s planning jurisdiction was available for development.

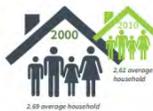


National, regional and local trends also suggested a changing context for the Town and spurred community conversations about the future of Cary. As was the case in many communities across the country, Cary’s population was aging and diversifying. We saw retiring baby boomers, professional workers choosing to wait longer to start a family or not have a family at all, an increasing number of single-person households and growth in racial and ethnic diversity.

Cary had, over the years, developed a family-friendly reputation based on a suburban community model. But national trends showed that the demographic changes being experienced here and elsewhere were increasingly accompanied by changes in household preferences that impacted housing, transportation and other lifestyle choices. Many polls showed that retirees and young professionals both desired the same type of living environment: one that is walkable, connected, affordable and vibrant.



More Seniors
Cary residents over the age of 55 increased from 12% to 18% between 2000 and 2010.



Smaller Households
Cary’s average household size and family size decreased between 2000 and 2010



More Singles
Unmarried singles in Cary increased from 23.5% in 2000 to 28.2% in 2010



Fewer Millennials
The % of the Millennial aged population in Cary is lower than in NC and the US.

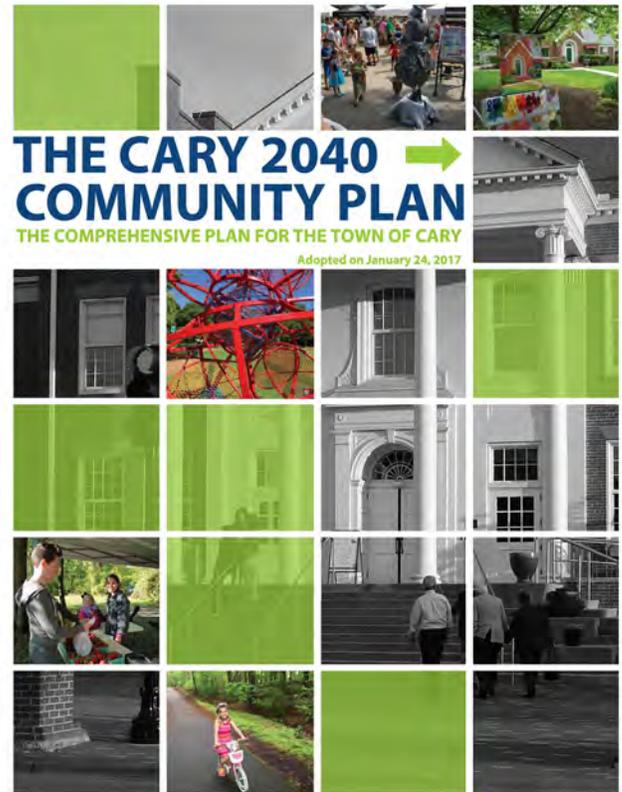
URBAN DRIVE: A CASE STUDY

Imagine Cary

In the past, Cary had been a model for high quality, new developments built on vacant or agricultural land. With both limited land for development and the presence of aging commercial and residential developments, the Town faced a changing paradigm where new projects would increasingly come in the form of infill development and redevelopment of existing properties. With this shift came the need to redefine development opportunities and the regulations and design standards that would shape evolving areas of town.

Starting with the Town's first comprehensive plan in 1991, Cary has maintained a commitment to its comprehensive plan and used it to guide decisions related to capital investments, desired development patterns and design of new developments. That plan was followed in 1996 with a new land use plan and a series of individual plans for affordable housing, parks, growth management and other topics. By 2012, the Town had 20 planning documents and 12 volumes in its comprehensive plan, most of which was shepherded by Jeff Ulma, Cary's long-time planning director who retired in 2017.

In late 2010, Cary began considering the need to update several of the Town's existing plans for a few geographic areas. It soon became clear that a more pressing need was to undertake a comprehensive update to the entire policy. As a result, in 2011, the Town Council directed staff to conduct a complete review of all plans and create a new more consolidated comprehensive Community Plan – a consensus vision document to guide decisions and achieve a desired future. In January 2017, Town Council adopted the Imagine Cary Community Plan, which included the Downtown Special Planning Area – the first complete update of the vision and plan for downtown Cary since 2001.



Under New Management

In August 2016, the Town Council hired a new manager, Sean R. Stegall. The Town Council sought to hire from outside the organization to bring in a new way of doing things to transition the organization into this new era of growth.

Stegall brought with him a new leadership style and a new way of understanding problems as laid out in “Leadership on the Line.” The book describes technical problems versus adaptive challenges – technical problems being those that are easy to identify with cut-and-dried solutions and adaptive being challenges that require changes in values, beliefs, roles, relationships and approaches to work. This makes up the adaptive leadership model.

Stegall also brought with him a few beliefs that changed the way the Town reacted and responded to the Urban Drive rezoning case. These include the ideas that:

- Nothing is objective. Excluding information is just as influential as including it.
- There’s a big difference between understanding and awareness. Staff needs to understand and Council needs to be aware. It is staff’s job to create a feeling, not make experts.
- If elected officials get road-blocked on the small things, they can’t see how they’re making a difference.
- The mistake is to move ahead as planned, ignoring new information.
- You get out what you put in.

The organization was just starting to acclimate to these new ways of thinking when the applicant filed the rezoning request.



Sean R. Stegall

URBAN DRIVE: A CASE STUDY

The Case

On February 1, 2017, Cary residents Charles and Teresa Smith filed an application to rezone one of their properties at 110 Urban Drive in downtown Cary from Town Center Medium Density Residential to Town Center Mixed Use to allow for development of townhomes, multifamily dwellings and/or a neighborhood recreation center. The Smiths wanted to develop their 0.19-acre property off East Chatham Street with townhomes as part of Chatham Walk Condominiums, which were to be developed on two adjacent properties to the north. A rezoning request was necessary to develop a greater number of townhomes on the Smith's property.

The subject property was surrounded by properties that allowed for varying levels of densities – with higher densities allowed to the north but lower densities allowed to the south per Cary's Town Center Area Plan (TCAP), which the council adopted in 2001.

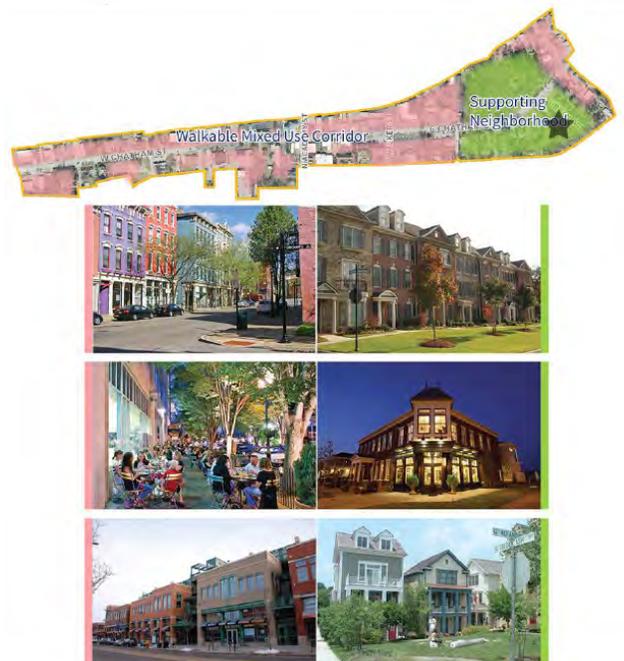


But the newly-adopted Downtown Cary Special Planning Area envisioned this area, the Central Cary Subarea, as a vibrant, mixed use corridor with vertical mixed-use buildings that accommodate retail, dining, services, entertainment and office uses on the first floor and live-work units, office and condominiums/apartments on upper floors.

At the time of the rezoning request, the adjacent condominium project, which did not require a rezoning, was already in motion. The applicant, Jordan Gussenhoven of Chatham Street Commercial, had submitted a development plan for a four-story building with 33 condominiums on 1.32 acres.

Upon receipt of this rezoning request, the Town had already spent years investing in the revitalization of downtown Cary. Millions of Town dollars had gone into up-fitting several iconic downtown structures, including the old Cary High School building, the Sams-Jones House, The Cary Theater and a former pharmacy, to be used for restaurants, special events and local watering holes.

The applicant's request to rezone the property to allow for townhomes and multifamily housing was supported by the Imagine Cary Community Plan, which encouraged more housing choices. And respecting the character of the existing neighborhood, as called for in the Community Plan, could be addressed through built form, use, architecture or some combination of these transition approaches, according to the staff report.



World One

More than a dozen neighbors attended the case's first public hearing with concerns about the potential changes in the character of their neighborhood, including the transition between their single-family homes and the planned townhomes and condominiums. While neighbors were in support of recent downtown revitalization, they did not want to see that density brought into their backyards.

But the neighbors weren't the only players reacting to change. Since the adoption of Imagine Cary, Town staff, the Town Council and the Planning and Zoning Board members were in the midst of learning their new role in rezoning cases – to implement the Community Plan. This could often be a challenge as objectivity was stressed under previous management, and every rezoning case was to be treated the same.

Staff's Role

Several factors played into staff's tendency toward objectivity: development pressures and the technical nature of rezoning cases.

Sparked by the development of Research Triangle Park, Cary felt a great deal of development pressure in the decades to follow. Beginning in the 1970s, more and more people wanted to move to Cary. Hundreds of new neighborhoods cropped up in rapid succession to meet that demand – pushing the boundaries of Cary farther and farther west. It was because of this overwhelming interest in being a part of Cary that Town staff began to believe that this would always continue.

Susan Moran
Director of Strategic
Communications

“We weren't hungry for development. We just cherry-picked the projects we wanted. We never stopped to think about what would happen if development stopped coming.”

Finally, rezoning cases, by law, determine how the land will be used, whether it be for residential or commercial purposes, and not how it will look. This only made it easier for staff to fall into that mindset that they couldn't share any information beyond that of land use during the rezoning process.

Town Council

Over the years, Cary developed a family-friendly reputation based on a suburban community model. As of 2017, high-quality, single-family homes made up a majority of Cary's housing stock, and while they were still in high demand as the population in Wake County boomed, emerging national, regional and local trends suggested the Town would need to diversify.

In response to an aging and diversifying population, the Imagine Cary Community Plan depicted a future with more housing options, including townhomes, condominiums and apartments, and increased density in areas like downtown. The Cary Town Council unanimously approved this plan, understanding the need to adapt to those evolving trends.

But while its members approved the plan on paper, that didn't change the fact that, at its core, the Council

had supported single-family homes for decades.

When the Council adopted the Town Center Area Plan in 2001, there was discussion by its members – several of whom were still on the Council in 2017 – about how there would never be three- or four-story buildings downtown. But Imagine Cary called for buildings as high as six stories – and possibly higher – in the same area.

The Town Council was also historically known to look for compromise when a developer’s project met a slew of concerned neighbors. This often came in the form of a reduction in the intensity of the project. Council continued to struggle with wanting to find a compromise without diminishing the meaning of Imagine Cary.

Planning and Zoning

Prior to voting to recommend denial of the Urban Drive rezoning request, the Planning and Zoning Board members expressed concerns about the project’s lack of affordable housing, insufficient transitions and uncertainty about how the townhomes would tie into the condominium project.

But the role of the Planning and Zoning Board is to determine if a rezoning request is consistent with the Imagine Cary Community Plan based on the plan’s policies. In this case, board members were not corrected – by the board chair, the Town Attorney’s Office or the Council liaison – for stepping outside that role.

The Town Council also had not talked to the board members about their role when the Community Plan was adopted. This was partly due to the strong allegiance Council had toward the role of Planning and Zoning Board member since many of the Council members in 2017 had previously served on that board.

Russ Overton
Chief Development
Officer

“Losing your planning director, having a non-consistent staff, having new Planning and Zoning Board members come on without much of a thought presumably to who they were or how they interact with the rest of the people on the board, all of that goes into the unlucky stew that we had with this project.”

URBAN DRIVE: A CASE STUDY

The Turning Point

In response to the Planning and Zoning Board vote, a diverse team of staff began strategy meetings to move the case forward. Even the smallest details were considered, including context, timing and consulting the developer. Staff also made a recommendation to approve the rezoning request, a practice they had only begun the summer of 2017.

Susan Moran

Director of Strategic
Communications

“We started identifying every place where we could make a difference.”

A couple months before the staff’s final presentation to the Town Council, staff reviewed case manager Meredith Gruber’s presentation to the Planning and Zoning Board to determine what worked and what needed to change.

It was through this strategizing that the group decided to begin showing context. This included demonstrating other ongoing projects in the area via a context map, as well as showing how the proposed project would interact with adjacent properties via a rendering.

Downtown Development Manager Ted Boyd was also tapped to present at the final Town Council meeting. Boyd, who had never presented during a rezoning case before, was charged with setting the stage by talking about downtown, the changes in the area and new amenities that had come about because of the Town’s investment in downtown revitalization.



URBAN DRIVE: A CASE STUDY

Chatham Walk Rendering



Chatham Walk Rendering



This also created the opportunity for him to address the condominium project and show renderings of the transition between the project and the neighborhood. Then Gruber highlighted the vision of Imagine Cary in the Downtown Special Planning Area.

Prior to the final Town Council meeting, the applicant and their representatives had chosen not to show visuals or renderings depicting how the townhomes would be integrated into the condominium project because they did not believe it was relevant to the case. This was also a challenge for the Town Attorney's Office, which supported showing context but cautioned staff not to give the impression that the condominiums or townhomes would be built exactly as shown since zoning only determines how land will be used. Where the development will be located on the site and what it will look like is determined during the site plan review process.

Meredith Gruber

Community Engagement &
Special Projects Manager

“When we first started with the case, we were really keeping Chatham Walk and the Urban Drive pieces separate because they really are separate. And we struggled throughout the process with whether it was appropriate to create something like that.”

The group of Town staff that strategized next steps following the Planning and Zoning Board meeting not only helped determine content at the final Town Council meeting but also timing, or when the Urban Drive rezoning case would return to Council. This was one of the first examples of when staff decided when a case was ready to be heard, rather than allowing momentum to take over.

Timing proved key to allowing staff to make a favorable recommendation and ensuring the Town Council had all the information they needed before the vote.

URBAN DRIVE: A CASE STUDY

Resolution

On January 11, 2018, the Town Council unanimously approved the Urban Drive rezoning request – nearly one year after the adoption of the Imagine Cary Community Plan. The request was approved with no reduction in the number of units.

Rob Wilson
Planning Manager

“This case means a little more in the grand scheme of things. It represents support for the Community Plan vision and for downtown. This will be a tangible precedent that can be referenced.”

But the Urban Drive rezoning case also represented a new way of doing things – a shift from the old world toward the new. Throughout the journey, Town staff gained a better understanding of the new ways of thinking that Stegall brought to the organization. They were no longer just hearing about these new concepts in meetings or reading about them in “Leadership of the Line” but were beginning to put them into practice. And continuing to adapt would keep Cary at the top of the arc.

Room to Grow

But Cary still had some room to grow.

The Urban Drive rezoning case exemplified staff beginning to adapt to the concept that all rezoning cases are not created equal. Town staff had previously started experimenting with taking staff reports from a technical document to one that told a story and reinforced Imagine Cary, but they still had a long journey ahead.

Russ Overton
Chief Development
Officer

“Staff is on their own journey, figuring out they may need to put in different levels of effort to get out a different result. So, we must teach our staff, or maybe it’s our Planning and Zoning Board or maybe our Council, how all things aren’t created equal when it comes to zoning. But staff’s not there yet. I’m convinced of it reading staff reports. Every staff report is kind of the same.”

While some staff members showed progress when it came to adapting to their new role to implement Imagine Cary, others continued to believe they should always remain objective.

Susan Moran
Director of Strategic
Communications

“I would say that is at least in the top three hurdles for this organization. What do you mean we are going to show context? That’s not being objective. No, that’s being realistic, and that’s a big change that Sean has brought here.”

One example is when the condominium project needed to go through a quasi-judicial meeting to waive the Town requirement that the site be developed with underground utilities. Town staff requested a letter from Duke Energy Progress stating the developer was prohibited from doing this underground installation. While awaiting the letter, staff had to move forward with preparations for a quasi-judicial meeting in case Duke did not send the letter and the waiver was still needed.

URBAN DRIVE: A CASE STUDY

In preparation, the Town Manager's Office suggested the case manager include visuals of the condominium project in his presentations. However, he believed visuals weren't relevant to the specific request. He was convinced to do so anyway by the argument that leaving information out was just as influential as including it. But a few weeks later during his practice presentation, visuals were not included.

Dan Ault

Chief Innovation Officer

"I think what happens is that when you bring them in, it's a great holding environment. When you leave the holding environment, what happens, even unintentionally, is that people that aren't in it beat you up to bring you, to normalize you."

Resources

Timeline

- March 15, 2017 – First Rezoning Neighborhood Meeting at Town Council Chambers
- June 8, 2017 – Public Hearing at Cary Town Council Meeting
- October 23, 2017 – Planning & Zoning Board Meeting
- January 11, 2018 – Town Council Meeting

Top Five Sean-isms

- Nothing is objective. Excluding information is just as influential as including it.
- There's a big difference between understanding and awareness. Staff needs to understand and Council needs to be aware. It is staff's job to create a feeling, not make experts.
- If elected officials get road-blocked on the small things, they can't see how they're making a difference.
- The mistake is to move ahead as planned, ignoring new information.
- You get out what you put in.

Staff Report for Town Council



Meeting Date: January 11, 2018

17-REZ-07 Urban Drive Rezoning

Purpose: Consider recommendation on proposed rezoning request

Prepared by: Meredith Gruber, Planning

Speaker: Meredith Gruber, Planning Department

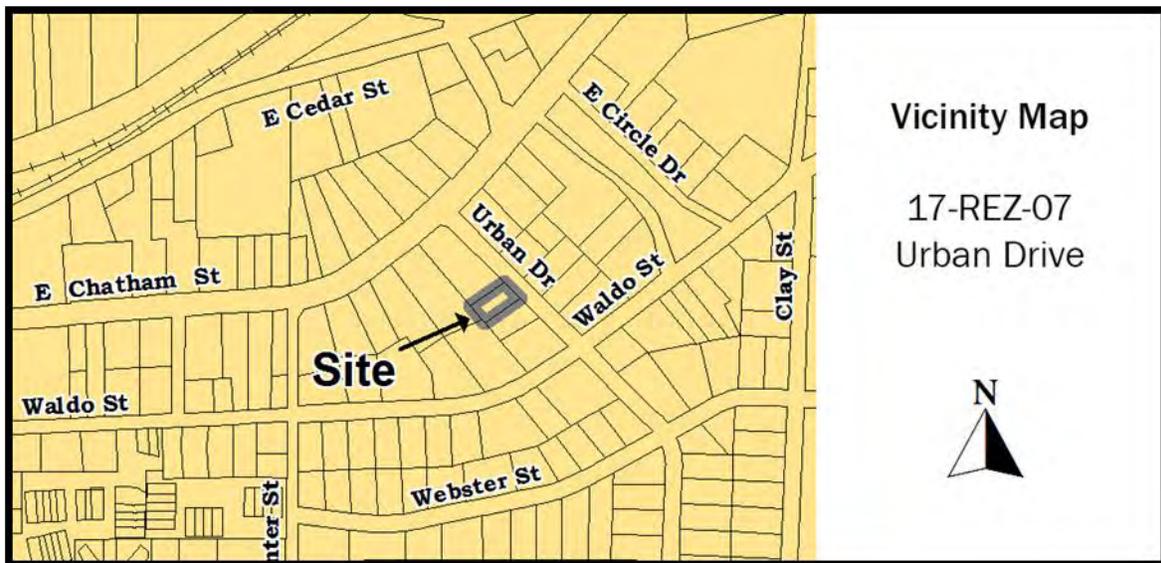
Executive Summary: The applicant has requested the Town consider an amendment to the Town of Cary Official Zoning Map by rezoning property located at 110 Urban Drive from Town Center – Medium Density Residential (TC-MDR) to Town Center – Mixed Use – Conditional Use (TC-MXD-CU) to allow development of townhomes, multifamily dwellings, and/or a neighborhood recreation center.

Staff Recommendation: Staff recommends approval of this rezoning request with the revised conditions as proposed by the applicant. See below for more information on the recommendation.

Planning and Zoning Board Recommendation: The Planning and Zoning Board recommended denial by a vote of 7 – 1.

This rezoning has an associated Consistency and Reasonableness Statement incorporated into the suggested Motions accompanying this agenda item.

NOTE: The purpose of the rezoning is to determine whether the land uses and densities allowed in the proposed zoning district are appropriate for the site. Section 3.4.1(E) of the Land Development Ordinance sets forth the criteria that should be considered in reviewing rezonings. Technical design standards of the [Land Development Ordinance](#) are addressed during review of the site or subdivision plan.



[Click on map above to access the Town of Cary's Interactive Development Map which displays development projects around Cary.](#)

SUBJECT PARCELS

Property Owner(s)	County Parcel Number(s) (10-digit)	Real Estate ID(s)	Address	Deeded Acreage
Charles R. & Teresa A. Smith	0764711695	0049403	110 Urban Drive	0.19

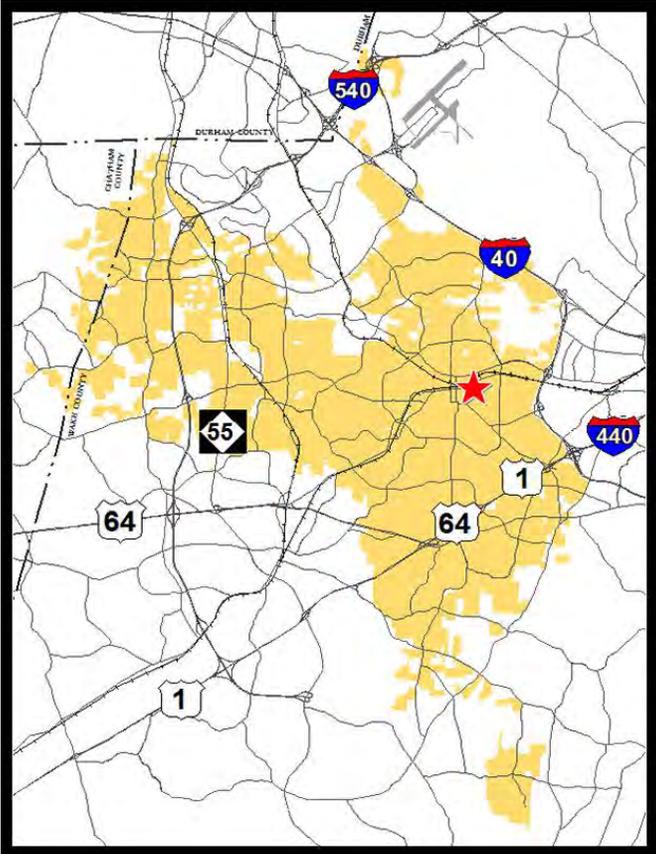
OVERVIEW

Schedule	Town Council Public Hearing June 8, 2017	Planning & Zoning Board October 23, 2017	Town Council January 11, 2018
Existing Zoning District(s)	Town Center - Medium Density Residential (TC-MDR)		
Existing Zoning Conditions	None		
Proposed Zoning District(s)	Town Center - Mixed Use Conditional Use (TC-MXD CU)		
Proposed Zoning Conditions	<ol style="list-style-type: none"> 1. Uses on the property shall be limited to Townhouse; Multi-family dwelling; Neighborhood recreation center, public; and Neighborhood recreation center, indoor/outdoor, private. 2. Stormwater runoff from the roof and driveways of any townhome building constructed upon the property shall be diverted to the existing stormwater system within Chatham Street. 3. Any townhome dwelling unit with frontage along Urban Drive shall have its primary entrance facing Urban Drive. 4. A six foot (6') tall solid fence or wall shall be constructed and installed within ten feet (10') of the common boundary line of the subject property and Wake County PIN 0764-71-2662. 5. The following architectural standards shall apply to residential buildings constructed upon the property: <ol style="list-style-type: none"> a. A minimum of 35% masonry shall be provided for the (i) front of any townhome and (ii) the side of any townhome facing Urban Drive; b. With the exception of soffits and architectural accents, no vinyl siding shall be permitted. 6. There shall be a minimum ten foot (10') building setback between buildings constructed upon the subject property and the common boundary with Wake 		

	County PIN 0764-71-2662.
Town Limits	Yes
Applicant	Charles R. & Teresa A. Smith
Applicant's Contact	Jason Barron, Morningstar Law Group 919-590-0371 jbarron@morningstarlawgroup.com
Staff Contact	Meredith Gruber 919-460-4983 meredith.gruber@townofcary.org

SUMMARY OF REQUEST

The applicant has requested the Town consider an amendment to the Town of Cary Official Zoning Map by rezoning property located at 110 Urban Drive from Town Center – Medium Density Residential (TC-MDR) to Town Center – Mixed Use – Conditional Use (TC-MXD-CU). The proposed zoning condition specifies that uses on the property shall be limited to Townhouse; Multi-family dwelling; Neighborhood recreation center, public; and Neighborhood recreation center, indoor/outdoor, private.



The subject property is located on Urban Drive in Downtown Cary.

SUMMARY OF PROCESS AND ACTIONS TO DATE

Neighborhood Meeting

A neighborhood meeting for the proposed rezoning was facilitated by Planning staff at Cary Town Hall on March 15, 2017. According to the information submitted by the applicant, 16 nearby property owners attended the meeting. Questions and comments discussed at the meeting included concerns about preservation of historic character, the desirability of living next to townhomes, and potential traffic and safety issues.

Attached are the applicant's responses to the 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.

Town Council Public Hearing (June 8, 2017)

Staff presented an overview of the case, and the applicant's agent provided justification for the rezoning request.

There were 18 speakers who addressed the Town Council at the public hearing. Thirteen people spoke against the rezoning request citing concerns about transitions between land uses, property value, traffic, and flooding. Four people spoke in favor of the rezoning request, one of which spoke on behalf of the Heart of Cary and another on behalf of downtown business owners. Those speaking in favor of the case noted that adding housing options will support downtown businesses.

Following the public hearing, Council asked first about flooding. Staff responded that stormwater requirements must be met for all new developments. Council also asked about parking requirements, transitions between different land uses, and housing types. Council members noted that we are going to see more infill and redevelopment cases in the future, and this area is going to continue to change.

Changes since the Town Council Public Hearing

The applicant has added conditions, numbered 2 – 5 below, to the rezoning request since the public hearing at Town Council:

1. Uses on the property shall be limited to Townhouse; Multi-family dwelling; Neighborhood recreation center, public; and Neighborhood recreation center, indoor/outdoor, private.
2. Stormwater runoff from the roof and driveways of any townhome building constructed upon the property shall be diverted to the existing stormwater system within Chatham Street.
3. Any townhome dwelling unit with frontage along Urban Drive shall have its primary entrance facing Urban Drive.
4. A six foot (6') tall solid fence or wall shall be constructed and installed within ten feet (10') of the common boundary line of the subject property and Wake County PIN 0764-71-2662.
5. The following architectural standards shall apply to residential buildings constructed upon the property:

- a. A minimum of 35% masonry shall be provided for the (i) front of any townhome and (ii) the side of any townhome facing Urban Drive;
- b. With the exception of soffits and architectural accents, no vinyl siding shall be permitted.

Planning and Zoning Board Public Hearing (October 23, 2017)

Staff presented an overview of the case, and the applicant's agent provided justification for the rezoning request.

At the public hearing, seven people spoke against the request. They cited concerns about neighborhood character, transitions between uses, setbacks, and building height.

Board members discussed the proposed zoning conditions such as directing stormwater runoff and wall/fence appearance. The board also discussed transitions between uses, housing stock in the area, buffers, and setbacks. When asked about buffer and setback requirements, staff responded that there are no setback requirements in the Mixed Use (MXD) subdistrict. In the Medium Density Residential (MDR) subdistrict, the front setback is 10 feet (18 feet if there is a driveway), side setbacks should total 16 feet, and the rear setback is 10 feet.

The Planning and Zoning Board recommended denial with a vote of 7 to 1. Board members supported the motion for denial due to concern for displacement of housing, lack of transition between uses, lack of setback requirements, and preference for more holistic view of redevelopment. The dissenting board member noted the offered conditions would have the least impact on the surrounding neighborhood. The member also noted that townhomes could be built on the subject property within the current zoning district, and conditions would not be offered.

Changes since the Planning and Zoning Board Public Hearing

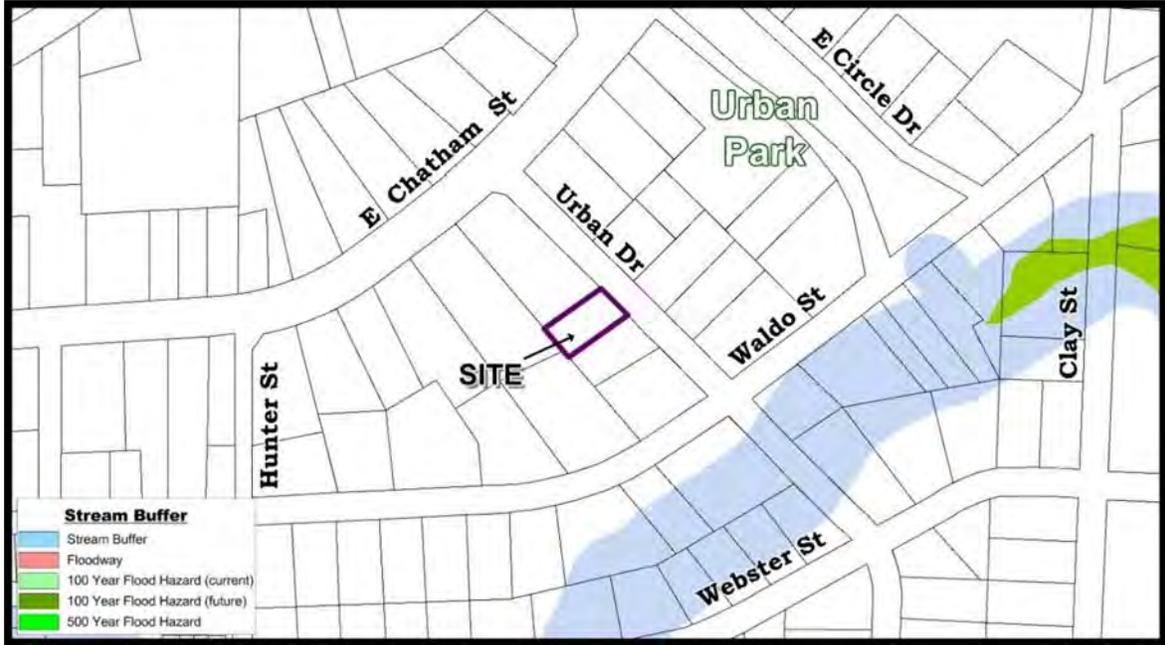
The applicant has added the condition below to the rezoning request since the public hearing at the Planning and Zoning Board meeting in October:

- There shall be a minimum ten foot (10') building setback between buildings constructed upon the subject property and the common boundary with Wake County PIN 0764-71-2662.

SITE CHARACTERISTICS AND CONTEXT

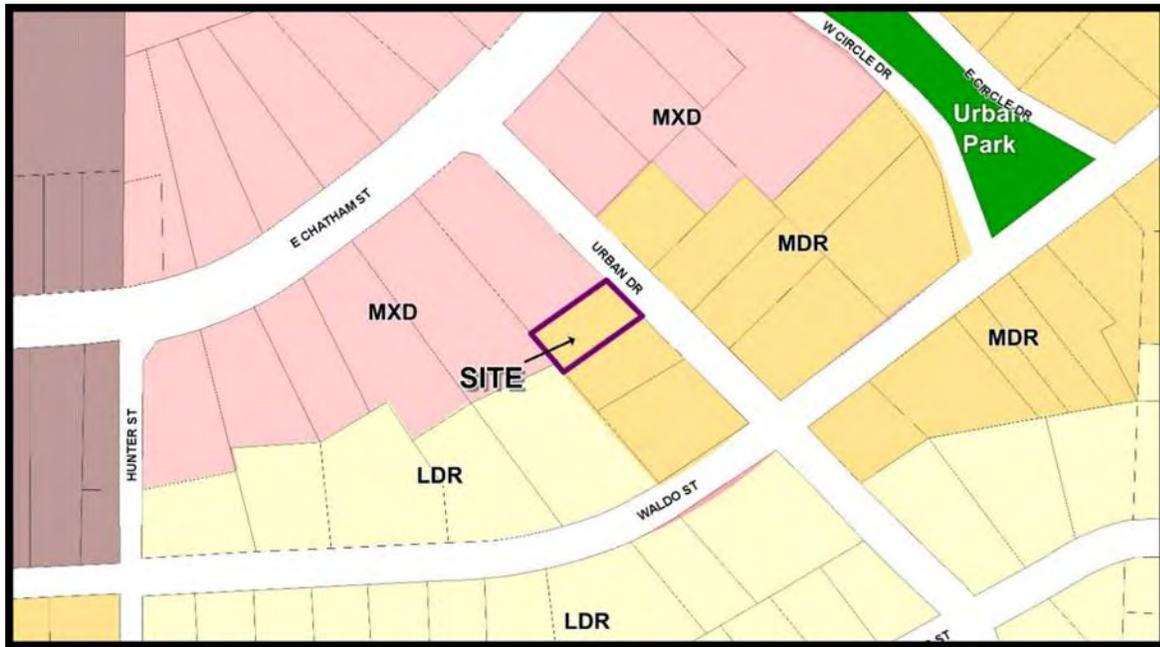
Streams: Cary's most recent geographic information systems (GIS) maps do not show streams on the subject property.

Stream Buffer Map:



Adjacent Zoning and Uses:

The zoning categories in Downtown Cary date from adoption of the LDO in July 2003, which were developed to implement and tie back to the Town Center Area Plan (TCAP) that was adopted by Town Council in 2001. The TCAP guided the overall development of downtown through 2016. The Downtown Special Planning Area (SPA), part of the Cary Community Plan (adopted in January 2017), is the first complete update of the vision and plan for downtown Cary since 2001. The Imagine Cary Community Plan and the Downtown SPA are discussed below in the *Cary Community Plan Conformance and Analysis* section of the report.



Existing zoning for the vicinity is depicted in the map above, and both the zoning and adjacent land uses for the subject property are listed in the table below.

Property	Zoning	Current Land Use
Subject Property	<i>Existing:</i> Town Center – Medium Density Residential (TC-MDR) <i>Proposed:</i> Town Center – Mixed Use Conditional Use (TC-MXD CU)	Detached dwelling
North of Subject Property	Town Center – Mixed Use (TC-MXD)	Detached dwelling <i>Note: A development plan is in review for a 4-story condominium building for property located at 318 E. Chatham St.</i>
West of Subject Property	Town Center – Mixed Use (TC-MXD) and Town Center – Low Density Residential (TC-LDR)	Detached dwellings <i>Note: A development plan is in review for a 4-story condominium building for property located at 312 E. Chatham St.</i>
South of Subject Property	Town Center – Medium Density Residential (TC-MDR)	Detached dwelling
East of Subject Property (on the	Town Center – Medium Density Residential (TC-MDR)	Detached dwelling

opposite side of Urban Drive)		
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Town Center Mixed Use (TC-MXD) indicates a mix of commercial, office, and medium to high density residential uses. Residential uses permitted in this zoning district include townhouses, semi-detached or attached dwellings, and multifamily dwellings. The maximum residential density allowed is 25 dwellings per acre.

Town Center Medium Density Residential (TC-MDR) includes housing densities between 4 and 8 dwellings per acre and can include single family detached and semi-detached units, townhouses, duplexes, and triplexes.

Town Center Low Density Residential (TC-LDR) includes primarily single family residential dwellings with a density range from 1 to 4 units per acre.

CARY COMMUNITY PLAN CONFORMANCE AND ANALYSIS

The [2040 Imagine Cary Community Plan](#) is the comprehensive plan for the Town of Cary, adopted on January 24, 2017. The purpose of the Cary Community Plan is to articulate the Town’s vision and values, and set the course for achieving Cary’s desired future.

Attached to this staff report is a complete listing of each policy in the Cary Community Plan. The table below includes relevant policies and elements of the Community Plan applicable to this case. This table also includes a general analysis by staff of the extent this proposed rezoning request conforms to these policies and recommendations.

SHAPE Policies
<p><i>The Town’s SHAPE policies guide future growth by:</i></p> <ul style="list-style-type: none"> ▪ <i>Supporting the Town’s economic development efforts</i> ▪ <i>Efficiently using existing and planned infrastructure</i> ▪ <i>Ensuring the Town’s fiscal health</i> ▪ <i>Maintaining the high quality of development found today</i>
<p>Focus the Most Intense Types of Development in Strategic Locations (Policy 2) Support and Facilitate Redevelopment and Infill Development (Policy 4) Provide Appropriate Transitions Between Land Uses (Policy 6) Preserve and Maintain Cary’s Attractive Appearance and Quality of Development (Policy 8)</p>

Analysis:

The applicant’s request to rezone the subject property to allow townhomes and/or multifamily housing is supported by the SHAPE policies based on:

- Downtown is a targeted location for higher density housing.
- Cary supports infill and redevelopment, particularly within mixed use areas such as Downtown. (Policy 4)

With any type of development or redevelopment, appropriate transitions and maintenance of Cary's attractive appearance must be made. (Policy 6)

- At the Neighborhood Meeting on March 15, 2017, residents shared concerns about potential changes in the character of their neighborhood and concerns about the transition between their single family homes and the site's proposed housing types.
- The Imagine Cary Community Plan provides guidance on how to make transitions between land uses—through building form, land use, architecture, landscaping, or some combination of these methods. The goal of a successful transition is for two or more different land uses to function together in a context-sensitive way.
- Transitions and appearance of development are addressed through Cary's Land Development Ordinance and Community Appearance Manual, while other aspects can be addressed during the rezoning process through the provision of zoning conditions.
 - The applicant has offered a condition to limit uses on the subject property to townhomes, multifamily housing, or a neighborhood recreation center; this could provide the opportunity for a transition to be made through land use. The proposed residential uses will be more compatible with the adjacent residential neighborhood than having the types of office, retail, services, or restaurant uses that might otherwise be allowed in TC-MXD district.
 - The applicant has also offered conditions related to building design and architecture. These include locating the principal entrance on Urban Drive for any townhomes with frontage on Urban Drive, providing a minimum percentage of masonry material on building facades, and limiting the use of vinyl siding to soffits and architectural accents. The intent of these conditions is to provide an architectural transition between the existing single family homes and any new adjacent residential development.
 - Conditions have also been offered to provide a six-foot tall fence or wall within ten feet of the boundary line and a ten-foot building setback between 110 Urban Drive and 114 Urban Drive.
- The appearance of public areas, public views, and private views will be addressed during the development review process. (Policy 8)

Future Growth Framework and Development Category



As per the Future Growth Framework Map, the subject property is located in the Downtown Special Planning Area. The policies and vision for Downtown are described below.

Downtown Special Planning Area
<i>The policies for Downtown Cary are designed to meet the vision for this area.</i>
Foster Downtown's Authentic Character (Policy 1) Encourage All Downtown Subareas to Share a Common Identity (Policy 2) Foster the Development of Connected and Cohesive Downtown Subareas (Policy 3) Encourage Downtown Reinvestment and Redevelopment (Policy 5) Support a Range of Uses in Downtown (Policy 6)

Analysis:

Policy direction to consider when reviewing the applicant's request to increase housing types and density includes the following:

- New development should highlight and complement the character of valued areas.
- Encourage redevelopment, improvement, and reinvestment to strengthen the downtown market and enhance economic vitality.
- Support a range of uses in Downtown Cary including single and multifamily housing, live/work units, retail, dining, personal services, offices, institutional uses, and recreation sites.
- Downtown is separated into subareas to plan for the unique contexts and opportunities in each of the five areas. The subject site is located within the Central Chatham subarea, the vision for which is described below.



Downtown Cary is separated into five subareas in the Downtown SPA. The subject property is located in the Central Chatham Subdistrict.

Vision for Central Chatham: Cary's Main Street

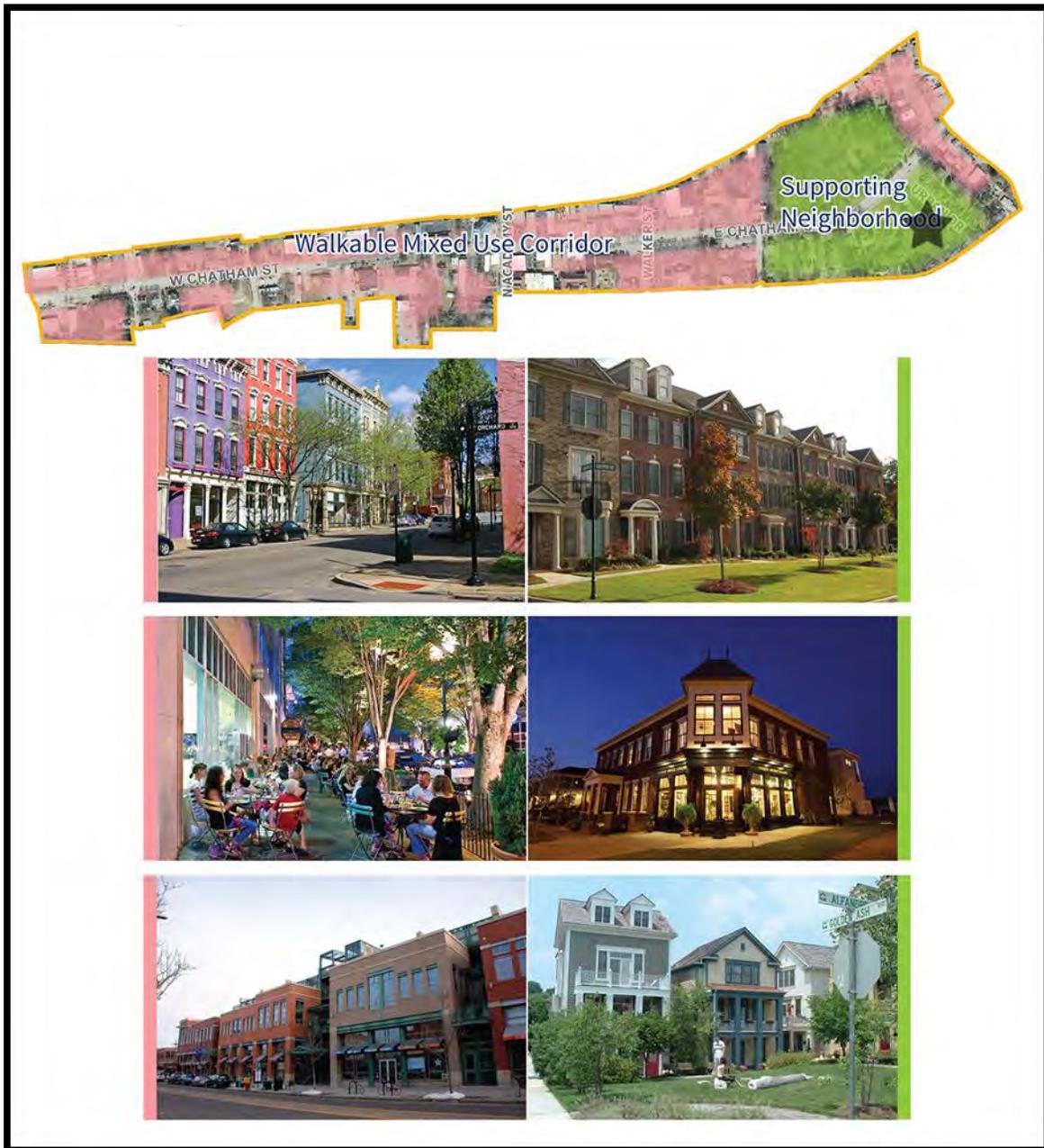
Chatham Street will be transformed into a vibrant mixed use corridor.

- It will be a primary destination for dining, entertainment, and shopping.
- Its neighborhoods will include a variety of living options where residents can obtain daily needs within a short walk.

The shaded areas on the map below highlight opportunities for infill development, redevelopment, or re-use that could help achieve the vision for Chatham Street.

- The Walkable Mixed Use Corridor area, shown in pink, designates pedestrian-oriented mixed use development such as shops, restaurants, and galleries.

- The Supporting Neighborhoods, shown in green, include housing options that respect the current character while increasing and diversifying living options.



Analysis:

The applicant's request to change the zoning of the subject property to allow additional density and housing types fits within the vision for the Central Chatham Street supporting neighborhoods.

- The proposed provision of townhomes and multifamily housing would increase and diversify housing options.

- Respecting the character of the existing neighborhood can be addressed through built form, use, architecture, or some combination of these transition approaches. For the proposed rezoning, its conditions currently include provisions for setback, street orientation, building materials, and a fence. These conditions inform how a reasonable transition will be made.

LIVE Policies
<p><i>The Town’s LIVE policies respond to the housing challenges and opportunities facing Cary by:</i></p> <ul style="list-style-type: none"> ▪ <i>Providing a variety of housing choices</i> ▪ <i>Meeting new household needs</i> ▪ <i>Maintaining high quality established neighborhoods</i>
<p>Maintain Neighborhood Character (Policy 1) Provide More Housing Choices for All Residents (Policy 2) Provide the Greatest Variety of Housing Options in Mixed Use Centers (Policy 4) Support Residential Development on Infill and Redevelopment Sites (Policy 5)</p>

Analysis:

The housing policies from the Cary Community Plan highlight the importance of maintaining neighborhood character while providing more housing choices and supporting housing infill and redevelopment, especially in locations such as Downtown Cary. The applicant’s request to rezone the subject property to allow townhomes and multifamily housing supports the LIVE policies because:

- It will help to provide more housing choices. (Policy 2)
- The potential redevelopment fits within the vision of the Downtown Special Planning Area. (see Downtown SPA section in this table)
- Downtown Cary is considered a mixed use area where the greatest variety of housing should be available. (Policy 4)
- The proposed rezoning enables new housing options on a redevelopment site. (Policy 5)
- The proposed rezoning will help to add to Cary’s overall housing diversity. (Policy 1)

ENGAGE Policies
<p>Parks Recreation and Cultural Resources Master Plan Goals</p>
<p>Maintain a diverse and balanced park and open space system as the Town of Cary grows. (Goal 1)</p> <p>Provide Cary citizens with a highly functional, safe, well-maintained greenway network that provides recreation, transportation, and education opportunities and wildlife benefits. (Goal 2)</p> <p>Incorporate best management and planning practices to ensure quality services and efficient use of resources. (Goal 9)</p>

The subject parcel, located on Urban Drive, is less than a 5-minute walk from Urban Park and is a 10-minute walk from the new Downtown Park. Greenways are proposed along Chatham Street and through Urban Park.



The Parks Master Plan proposes no additional park land for this site, and does not propose the subject parcel for open space conservation.

A recreation fund payment or park land dedication will be required for residential development in accordance with the Land Development Ordinance. Staff recommends a recreation fund payment at the development plan stage.

Historic Preservation Master Plan Goals

Preserve, Protect and Maintain Cary's Historic Resources (Goal 2)

Preserve Historic Contexts (Goal 3)



The subject property includes a one-story single family dwelling built in 1958. Although the home is over 50 years old, it is not on the Historic Properties Survey.

MOVE Policies

Cary's MOVE policies are designed to respond to transportation challenges and opportunities:

- *Provide an efficient, functional, and well-designed transportation system*
- *Allow mobility choices*

Ensure Safety for All Users and Modes (Policy 1)

Apply Multimodal Street Designs (Policy 2)

Design Transportation Infrastructure to Address Land Use Context (Policy 3)

Ensure a Well-Maintained System (Policy 8)

Cary's transportation requirements for development are a reflection of the Move Chapter policies. Planned improvements illustrated on the adopted Move chapter maps were developed to ensure the safety and accommodation of all users and modes, reflect land use considerations, provide additional system connections, close gaps and minimize thoroughfare widths wherever possible.

Urban Drive

Existing Road Cross Section: 25-foot roadway width in a 48-foot right-of-way

Future Urban Drive: Local Street, 27-foot roadway width in a 50-foot right-of-way

Transit: The subject property is 300 feet from GoCary existing routes, GoCary long-term recommendations, Wake Transit Plan routes, and GoTriangle existing routes, all along Chatham Street.

Note: Streets in Cary are typically constructed or widened in increments, with developers generally completing the half-width section along their frontage when the property is developed. Construction of off-site improvements are not required but may be voluntarily offered as zoning conditions by applicants for rezoning cases. In some cases construction of off-site improvements may be required by NCDOT.

KEY REQUIREMENTS FROM THE LAND DEVELOPMENT ORDINANCE

Uses, Density, and Dimensional Standards

	Existing Zoning	Proposed Zoning
Name of Zoning District	TC-MDR	TC-MXD CU
Types of Housing Allowed	Single family detached or attached; townhouse; patio home; duplex	Multifamily or Townhouse (per zoning condition)
Maximum Building Height	45 feet	45 feet
Maximum Residential Density	8 dwellings/acre (townhouse)	25 dwellings/acre
Front yard setback	10-18 ft.	N/A
Rear yard setback	10 ft.	N/A
Side yard setbacks	0/3 ft. min.	Southern side - 10 ft. (per zoning condition) Northern side - 0 ft.

Traffic

Based on the information provided at a pre-application meeting, a maximum of five (5) townhomes can be constructed on the 0.19 acre site. Based on the ITE Trip Generation Manual, 9th edition, Land Use Code 230 – Residential Condominium/Townhouse, the proposed rezoning is anticipated to generate approximately 5 AM peak and 5 PM peak hour trips. The threshold for a traffic study is 100 peak-hour trips; therefore, a traffic study was not required.

Stormwater

The Town has specific stormwater and floodplain management requirements for new development that must be addressed during the development plan review process to satisfy Cary’s Land Development Ordinance.

These new development requirements are established to mitigate potential flooding impacts and to enhance water quality of our streams while protecting current and future residents of Cary. These protections are provided comprehensively as follows:

- During development plan review, address improving stormwater and floodplain management by addressing the potential for replacing aging and inadequate infrastructure, as allowed and applicable.
- During construction, provide sedimentation and erosion control measures to prevent transport of sediment from the construction site.

- In perpetuity, limit the stormwater runoff from new development to pre-development site conditions with approved stormwater control measures (SCM's) that restrict stormwater flow leaving the site to engineered limits.
- Upon completion of the post-construction SCM's and prior to final acceptance of the new development, require independent certification that they will function as designed, and require provisions for the ongoing maintenance of the SCM's, to protect quantity and enhance the quality of stormwater leaving the site in perpetuity.

STAFF RECOMMENDATION

Based on the analysis provided in this staff report, Town staff's recommendation is for approval of the rezoning request.

<p><i>Rationale for Recommendation</i></p> <ul style="list-style-type: none"> ▪ Both the current zoning district for the subject property and the proposed zoning district allow townhomes. ▪ Reasonable transitions between existing and new development will be made as per the proposed zoning conditions for setback, a fence or wall, street orientation, and building materials. ▪ Downtown is a targeted location for higher density housing. ▪ The Imagine Cary Community Plan supports infill and redevelopment, particularly within mixed use areas such as Downtown. This rezoning request is consistent with the community plan, specifically policies found in the LIVE, SHAPE, and Downtown Special Planning Area (SPA) chapters. (See the <i>Cary Community Plan Conformance and Analysis</i> section of the staff report for more information.) Key policies supported by this rezoning request include: <ul style="list-style-type: none"> ○ Maintain neighborhood character (LIVE Policy 1) ○ Provide more housing choices for all residents (LIVE Policy 2) ○ Provide the greatest variety of housing options in Mixed Use Centers (LIVE Policy 4) ○ Support residential development on infill and redevelopment sites (LIVE Policy 5) ○ Focus the most intense types of development in strategic locations (SHAPE Policy 2) ○ Support and facilitate redevelopment and infill development (SHAPE Policy 4)

- Provide appropriate transitions between land uses (SHAPE Policy 6)
- Preserve and maintain Cary's attractive appearance and quality of development (SHAPE policy 8)
- Encourage Downtown reinvestment and redevelopment (Downtown SPA Policy 5)
- Support a range of uses in Downtown (Downtown SPA Policy 6)

Note: This is staff's recommendation. A separate recommendation was made by the Planning and Zoning Board, and the final decision will be made by the Town Council.

NEXT STEPS

After the Town Council takes final action on the rezoning request, the case is complete. Prior to commencing construction activity or submitting any building permits, the developer or property owner must submit and obtain approval for a Development Plan for the subject property.

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