



**Planning, Development  
& Inspections**

**A Division of Community Services**  
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**To: Planning Board**

**From: Bryan Coates, Planner III**

**Subj: Land Use Plan Amendment #03-16**

**Date: 09/07/2016**

**Case#: LUPA 03-16**

**Applicant:** Tim Sivers, Horvath Associates

**Property Owner:** Jack Smith LLC

**Submittal Date:** 6/22/2016

**Request:** Amend the Wake County Land Use Plan Southwest Area Plan to expand the existing 95-acre Community Activity Center (CAC) to include an additional 5.5 acres near the intersection of Wade Drive and NC 55. The 5.5 acre request includes one parcel located on the west side of NC 55.

**Location:** This map amendment would apply to the parcels identified by PIN (0733659170) located in the Town of Cary Short-Range Urban Services Area within Jordan Lake Water Supply Watershed.

**Background**

Public water utilities from Cary exist along NC 55 within the CAC, municipal sewer is located north of the CAC at the Turner Creek Elementary and east of the CAC in nearby residential neighborhoods. The Town of Apex provides sewer along Jenks Road at the southern end of the CAC.

The Southwest Area Land Use Plan classifies the subject parcel as Residential (1 dwelling unit per acre). The property resides to the north of the existing CAC. The Land Use Plan recommends the following non-residential uses outside of activity centers: home occupations, daycare, parks, low intensity recreation, libraries, schools, churches, fire stations, nurseries, family care homes and telecommunication towers provided they meet County policies and standards.

### **Adjacent Land Uses**

The CAC currently contains residences, forests, vacant land, a church, sod/landscaping business, and indoor/outdoor storage facility. Wake County's Turner Creek Elementary School lies to the north in the Town of Cary. South of the CAC within the Town of Apex there is a grocery-anchored retail center and a Walgreens at the intersection with Jenks Road and NC 55.

All parcels within the current CAC are R40W, HD (Highway District), and CU-HC (Conditional Use-Heavy Commercial). The applicant's parcel is currently zoned HD. It is important to note that this area is within the Jordan Lake Water Supply Watershed; however the parcels can be annexed and developed to municipal standards unlike other Water Supply Watersheds within Wake County.

### **Analysis:**

To evaluate the Land Use Plan amendment request, planning staff gathered and reviewed applicable plans and policies adopted by Wake County. Staff also gathered input from the Town of Cary Planning Department.

### **Wake County Land Use Plan- Community Activity Center General Guidelines**

*The goal of activity centers is to focus compact development in mixed use centers that include housing, commercial services and employment opportunities designed with convenient pedestrian and vehicular access from surrounding areas. Land Use Plan Amendment 03-16 requests expansion of a community activity center in an urban growth area. A description of a urban community activity center follows;*

Urban Community Activity Center	Combination of retail and personal services, and local job base; moderate-scale urban commercial, office, institutional, industrial, and residential land uses. Accessed by major thoroughfares and public transportation, served by municipal water and sewer. A community activity center should have a core containing relatively medium-scale development that focuses on serving the day-to-day needs and activities of the core area occupants as well as the greater needs and activities of the populations of adjacent neighborhoods. In a community activity center, the mix of moderate-scale urban commercial, office, institutional, industrial, and residential land uses may include: grocery store, drug store, specialty shop, hotel/motel, restaurant, movie theater, medical or dental practice, offices, legal services, elementary or middle school, large day care center, church, community recreation, library, warehousing, community distribution centers, post office, community center, government service branches, and housing such as single-family homes, duplexes, garden apartments, town homes, medium-rise apartments, and living-care facilities.
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With regard to size and spacing of activity centers the County's primary goal is to maintain neighborhood character. The characters of existing residences, road networks, and natural features will differ by neighborhood and will evolve over time; thus, the County should consider activity center size and spacing in the context of each neighborhood.

Generic guidelines on size and spacing provide frameworks for tailoring activity center proposals to existing neighborhoods; thus, guidelines in the following table should be used.

#### COMMUNITY ACTIVITY CENTER GUIDELINES

Size	Up to 120 acres
Maximum Distance that Non-residential Uses May Radiate Outwards from the Center of the Activity Center (along Roadways)	1,600 feet
Maximum Depth that Non-residential Uses Should Extend Back from Road Rights-of-way	800 feet
Minimum Separation from Neighborhood Activity Centers	1.5 mile
Minimum Separation from Community or Regional Activity Centers	3 miles

- ▶ The addition of 5.5 acres to the existing 95-acre community activity center is within the guidelines.
- ▶ A 19 acre Neighborhood Activity Center exists along Green Level West and NC 540, roughly 2.4 miles to the Northwest.

A municipal waterline exists along NC 55 and development within the CAC could obtain access. Municipal sewer is not along NC 55, however the surrounding ridgelines nearby do have service. The CAC sits in a valley between the municipalities of Cary and Apex.

#### Transportation

The most recent available **NCDOT** average annual daily traffic (AADT) counts for this area are from 2013.

- ✓ 2013 AADT for NC 55 and US 64 intersection of 27,000
- ✓ 2013 AADT for NC 55 near Green Level West/High House Road of 26,000
- ✓ 2013 AADT Jenks Road near the intersection with Roberts Road of 3,600

Wake County Planning, Development and Inspections did not require a Traffic Impact Analysis (TIA) as part of the Land Use Plan Amendment. A traffic impact analysis may be required at a future development stage. A TIA would be triggered if a development created 1,000 trips a day or 100 trips in the peak hour.

All driveway access from NC 55 will need to obtain permits from NCDOT. NCDOT will determine if future developments are required to make any additional improvements along NC 55.

#### **Town of Cary Planning Comments**

The 2004 Town of Cary Southwest Area Plan designates the subject parcel for Low Density Residential uses. Residential density range of 1-3 units per acre and would allow for institutional uses that are compatible and complementary to the surrounding neighborhood, uses such as churches, schools, libraries or daycares may be considered.

The 2040 Cary Community Plan classifies this parcel within the Classic Neighborhoods category. Primarily single family detached subdivisions with neighborhood scale non-residential uses might include gas station, c-store, bank, veterinary office, but with a lower frequency. Non-residential uses located at the edges of residential areas on sites of only a few acres or less.

SHAPE Policy 7: Provide opportunities for a limited set of non-residential uses outside of commercial centers. Discussion: The intent of this policy is to acknowledge the need for some businesses to be located outside of the three commercial categories (shopping centers, commercial mixed use centers, and destination centers). For example, some commercial uses such as dog kennels, auto body shops, furniture warehouses, landscaping businesses, etc. are not appropriate for these types of commercial centers. Instead, these establishments should be located along major road corridors and should be compatible with and buffered from residential neighborhoods and other lower intensity uses.

#### **Recommendations**

The **Land Use Committee** recommended approval of Land Use Plan Amendment 03-16 to expand the existing 95 acre community activity center along NC 55 between Apex and Cary to include 5.5 acres located at 2117 NC 55. (PIN 0733659170)

That the **Planning Staff** recommends the Wake County Planning Board approve Land Use Plan Amendment 03-16 to expand the existing 95 acre community activity center along NC 55 between Apex and Cary to include 5.5 acres located at 2117 NC 55. (PIN 0733659170)

#### **Attachments:**

1. LUPA 03-16 Application
2. LUPA 03-16 Community Meeting Notes
3. LUPA 03-16 Staff Map
4. LUPA 03-16 Aerial Map
5. LUPA 03-16 Community Comments
6. Wake County Land Use Plan Documents
7. Town of Cary Planning Comments