



Briefing Sheet

Tab J, Version #1
Update Dates: 6/01/07

Lead Department: Planning **Action Officer:** Rodney Wadkins, Senior Planner/GIS

Subject: Pennington Property – Land Use Plan Amendment request

Action Requested: Adopt Resolution 2007-068 approving the Pennington Property – Land Use Plan Amendment to Low Density Residential (LDR)

Briefing: 6/11/07

Public Hearing: None

Action: 7/23/07

Expedite less than 30 days: No

If yes, explain rationale:

Executive Summary: Adopt Resolution 2007-068 amending the Land Use Plan from Open Space/Parks (OS) to Low-Density Residential (LDR) at property located east of the future Triangle Parkway and surrounded by the Providence Place Subdivision and Research Triangle Park (RTP).

Background:

Petitioner: ETd, P.A. consulting firm

Owners: Robert L. Pennington, Ralph Pennington, and Merlin Bass, Jr.

PIN: 0746-35-1254

Location: East side of the future Triangle Parkway and surrounded by the Providence Place Subdivision and Research Triangle Park

Parcel Size: 14.03 acres

Surrounding Land Uses:

North – Residential (R-8) – *Providence Place*

South – Offices – *Research Triangle Park (RTP)*

East – Residential (R-8) – *Providence Place*

West – Residential (R-6) – *Providence Place*

Existing Zoning: Agricultural District (AD)

Existing Land Use: Open Space/Parks (OS)

Proposed Land Use: Low-Density Residential (LDR) (1-4 dwelling units per acre)

1999 Land Use Plan – The 1999 Land Use Plan designated the subject

area as Low Density Residential (1-4 d.u./acre). However, during the 2004 Shiloh/North Morrisville Small Area Plan process the subject area was redesignated as Parks/Open Space with the text included below.

2004 Shiloh Small Area Plan – “**Major Green Space/ Open Space Area and Greenway Linkages** - This area is actually made up of three smaller areas. The northernmost parcel was previously used as a disposal site for undevelopable soils. As a result of the fill material, the middle of the site is fairly flat and stripped of vegetation. It could lend itself to **ballfields** or other open area uses. The other two parcels, roughly triangular in shape, will be created when the Triangle Parkway passes through the Research Triangle Park (RTP). RTP officials have indicated a willingness to make these parcels available to the Town at nominal cost. Due to the steep slopes on these two parcels, **passive recreation and trails** are the recommended use.”

However, since the 2004 Small Area Plan, the desirable open space area has shifted from the subject property (more passive) to a more prominent location with easier access at the intersection of Church Street and McCrimmon Parkway in the northwest quadrant (more active). The town is also working with RTP on the purchase of property to accomplish this proposed park.

Additionally, the subject property is surrounded on all sides by residential and possible office uses, so a residential land use designation would be consistent with these.

Attached is the letter of justification provided by the applicant (Attachment 3).

ADD PICTURES

Parks, Recreation and Cultural Resources

Position: (Comments per an email from Steadman)

The Department of Parks, Recreation and Cultural Resources staff has investigated the site for potential future uses regarding recreational use, park development, greenway connectivity, and open space. Currently, the property is being used as a soil deposit for the adjacent construction sites (Providence Place, I-540, Shiloh Grove). In addition, the site has been completely cleared of vegetation. The elevation of the site has been raised more than 40 feet during the soil deposit and has not been stabilized.

Staff feels that this site is not currently suitable for future parks or open space amenities based on the following:

- Due to the continuous soil dumping on the site, the future condition of this site and its future potential of recreation or open space is questionable
- The site has been denuded, limiting its benefit as open space and natural area
- The only access to the site is through the residential streets of the adjacent subdivision

Staff Recommendation: The Planning Department recommends approval of the Pennington Property Land Use Plan Amendment request to Low Density Residential (LDR).

Board/Committee Review: Planning and Zoning Board

Meeting Date: 04/12/07

Public Comment: None

Action: 04/12/07

Minutes: Planning and Zoning Board – April 12, 2007
(2007-068) Pennington Property - Land Use Plan Amendment (LUP 07-01):
Surrounded by Providence Place Subdivision and east of the future Triangle Parkway

Rodney described the subject property off Weaver Road and surrounded by Providence Place. The property is approximately 14 acres and owned by the Pennington Family and Merlin Bass. The request is to amend the Land Use Plan from Open Space/Parks (OS) to Low Density Residential (LDR), which allows 1-4 dwelling units per acre, and is consistent with the surrounding land use in this area. In 1999, this property was designated as Low Density Residential, but in 2004, it was recommended and approved as Open Space to go along with the Shiloh Small Area Plan Revision. Since that time, however, the park property focus has shifted to the corner of Church Street and McCrimmon Parkway. Therefore, staff supports the request to amend the property from Open Space/Park to Low Density Residential.

Esther stated the property is currently a mess and supports the amendment, but thinks we really need to take a look at the Land Use Plan.

Kathleen said initially she felt it would be nice to have a park in this area, but after looking at the property, she feels it is also a mess and asked who will be responsible for cleaning it up. She said since she spoke with Steadman and he informed her that Parks & Recreation is looking at some property for a park that is 25 acres, that she would be fine with the change in the Land Use Plan.

John said he agrees with the comments from Kathleen and Esther.

Peter said he would have liked it to remain as open space but at this point, it is not useable.

Recommendation: Motion

Catherine Willis made a motion to recommend approval of the Land Use Plan Amendment from Open Space/Park (OS) to Low Density Residential (LDR). John Gretz seconded the motion, which passed unanimously.

History of Briefing: *This section should only address past briefings, hearings, actions, etc.*

Date: Discussion/Board Direction:

List Attachments: • Attachment 1 – Location Map

- Attachment 2 - Land Use Plan Amendment Application
- Attachment 3 - Rationale Letter
- Attachment 4 – Vicinity Map

Resource Impact: time/funds/equipment

Staff time required if item is approved: Low

Funding Source: None

Resources Utilized:

Staff Coordination: Mark agree, disagree or review. (2nd Briefing is used when information has significantly changed from one briefing to the next.)

Required	Staff Member	1 st Briefing	2 nd Briefing
X	Town Manager	Agree	
X	Town Clerk	Reviewed	
X	Senior Director Resources Management	Reviewed	
X	Senior Director Development Services	Agree	
X	Senior Director Community Services	Agree	
X	Public Information Officer	Reviewed	
	Budget and Analysis Manager		
X	Planning Director	Agree	
	Town Engineer		
	Building Codes Administrator		
	Police Chief		
	Fire Chief		
X	Parks & Recreation Director	Agree	
	Public Works Director		
	Economic Development		

If disagreeing, explain:

Public Information Plan: Answer the following questions and notate the level of PI Plan needed

Question	YES or NO
Does the item's subject matter affect the majority of our population?	No
(Note: specify the target audience within the Executive Summary section above.)	
Would action have a direct effect, positive or negative, on community services?	No
Does the item propose an internal policy change?	No
Does the item propose an external policy change that would result in an amendment to our town codes, ordinances, Land Use Plan, or Zoning Map?	Yes
Does the item require an appropriation of funds equal to or over \$90,000?	No
Will/does the item relate to a Capital Improvements Project?	No
Are there any ordinance or general statute requirements for public notification?	No
(Note: If so, cite the ordinance or general statute language within the Executive Summary section above.)	
Does the item require a Public Hearing?	No
Will there be a public forum session held on the subject to gather input?	No
Public Information Plan	Mark w/ X
"Get Noticed" - five or more YES answers	
"Legal Ease" - three or four YES answers	
"Standard Issue" - two or less YES answers	X



**RESOLUTION 2007-068 OF THE MORRISVILLE TOWN BOARD
OF COMMISSIONERS PERTAINING TO THE AMENDMENT OF
A PARCEL ON THE TOWN OF MORRISVILLE LAND USE MAP
FROM OPEN SPACE/PARKS (OS) TO LOW DENSITY
RESIDENTIAL (LDR) (LUP 07-01)**

WHEREAS, the Town of Morrisville received a land use plan map amendment request to reclassify a parcel from Open Space/Parks (OS) to Low Density Residential (LDR) specifically identified as Wake County Parcel Identification Number 0746-35-1254, and

WHEREAS, said amendment affects a 14.03-acre parcel located on the east side of the future Triangle Parkway and surrounded by the Providence Place Subdivision and Research Triangle Park. Robert L. Pennington, Ralph Pennington, and Merlin Bass, Jr. currently own the parcel; and

WHEREAS, this land use map amendment was presented to the Town of Morrisville Planning and Zoning Board on April 12, 2007 where it was duly considered and recommended to the Town Board for action; and

WHEREAS, this land use amendment was duly considered by the Board of Commissioners of the Town of Morrisville on June 11, 2007 and June 25, 2007 and was deferred to the July 23, 2007 Town Board meeting for action:

NOW, THEREFORE, BE IT RESOLVED THAT THE MORRISVILLE TOWN BOARD OF COMMISSIONERS reclassifies the following parcels from Open Space/Parks (OS) to Low Density Residential (LDR) thereby amending the Land Use Plan Map of the Town of Morrisville:

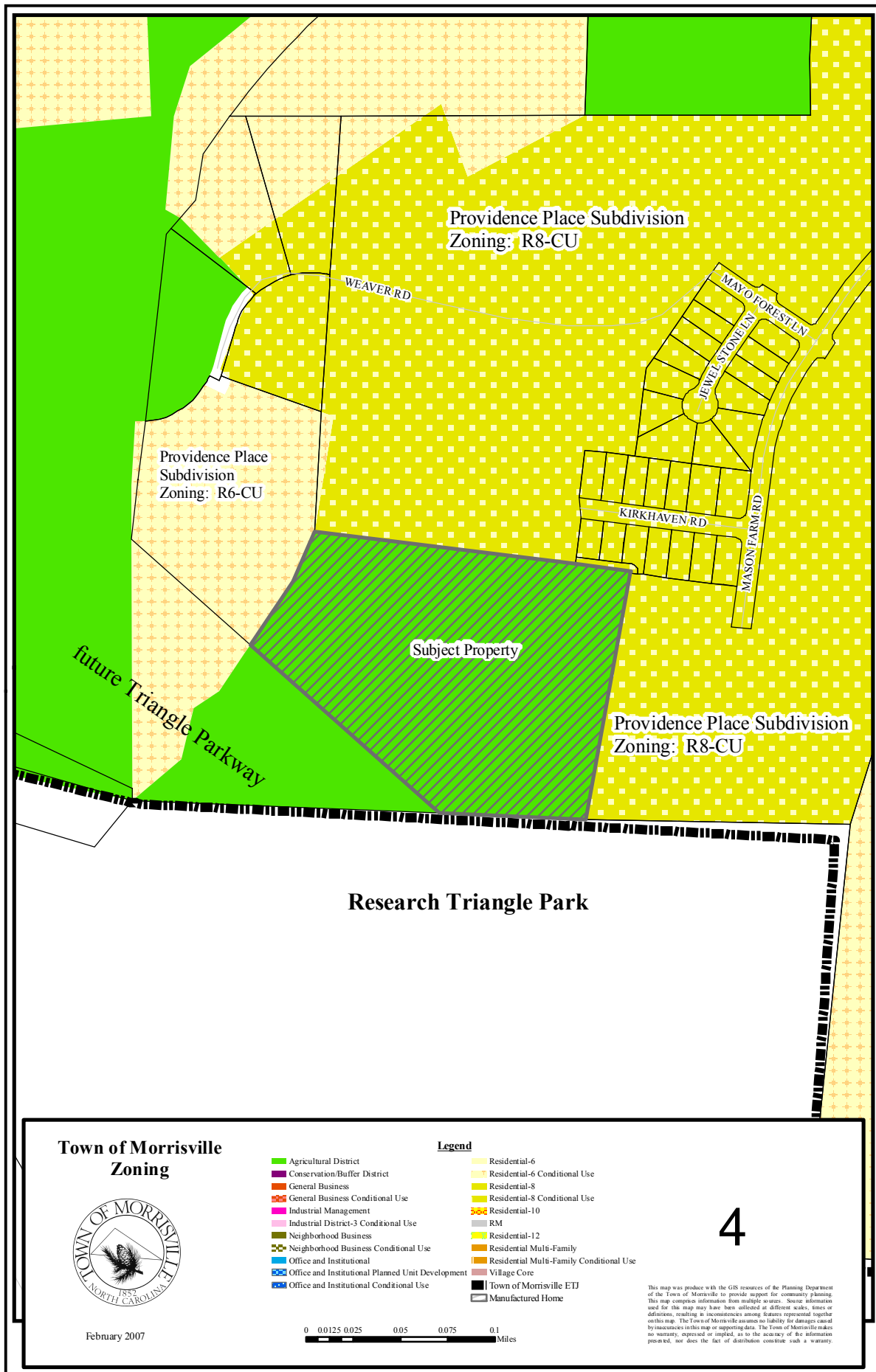
A 14.03-acre parcel located on the east side of the future Triangle Parkway and surrounded by the Providence Place Subdivision and Research Triangle Park specifically identified as Wake County Parcel Identification Number 0746-35-1254.

This resolution shall become effective upon adoption this 23rd day of July 2007.

Jan Faulkner, Mayor

ATTEST:

Diana R. Davis, Town Clerk





LAND USE PLAN AMENDMENT PETITION

Town of Morrisville Planning Department
100 Town Hall Drive • Morrisville NC 27560
Tel (919) 463-6194 • Fax (919) 468-6011

SUBMITTAL REQUIREMENTS

- Application Fee: \$600.00 text and \$600.00 map
- Wake County Tax Map with property outlined in red.
- Letter to Board of Commissioners stating justification for LUP Amendment

PETITIONER

Name Brian Coyle (represented by ETD) tel 606-8641 fax n/a

Address 12709 Topiary Ct Raleigh, NC 27614

Email Address BDC44@aol.com

Interest in Property buyer

PROPERTY OWNER (S) (If different from Petitioner)

Name RALPH PENNINGTON tel _____ fax _____

Address _____

Name ROBERT PENNINGTON tel _____ fax _____

Address _____

Name MERLIN BASS, JR. tel _____ fax _____

Address _____

DESCRIPTION

Location Forest Willow Lane + Ferntree Ct.

Wake County PIN 0746551254 Real Estate ID 0054128

Wake County PIN _____ Real Estate ID _____

Wake County PIN _____ Real Estate ID _____

Wake County PIN _____ Real Estate ID _____

Wake County PIN _____ Real Estate ID _____

Tract Size 14.03 acres Current Use vacant

Existing Land Use Open Space / Parks Proposed Land Use Low-Density Residential

I/We hereby certify that all of the information furnished in this application, and all included materials, are true to the best of my/our knowledge.

Petitioner Signature Ralph Pennington Date 4-1-07

Owner Signature Merlin Bass, Jr. Date 4-3-07

Owner Signature Robert Pennington Date _____

Owner Signature Brian Coyle Date 4-4-07

Project Number _____ HTE Number _____

Updated 6/30/2006

LETTER OF JUSTIFICATION
PENNINGTON PROPERTY; FILED 11/6/06

November 2nd, 2006

Dear Board of Commissioners Members:

I am writing in regards to the request for a Land Use Plan Amendment on the Pennington Property (PIN 0746351254). Thank you for your consideration of this matter.

Currently, this property is designated as Open Space/Parks on the Morrisville Land Use Plan. The property is at the edge of the Town's Extra Territorial Jurisdiction boundary adjacent to the future I-540. Access to the property is through the approved Providence Place Subdivision.

We are asking to re-classify these 14.03 acres to Low Density Residential. We believe this to be an appropriate request for many reasons:

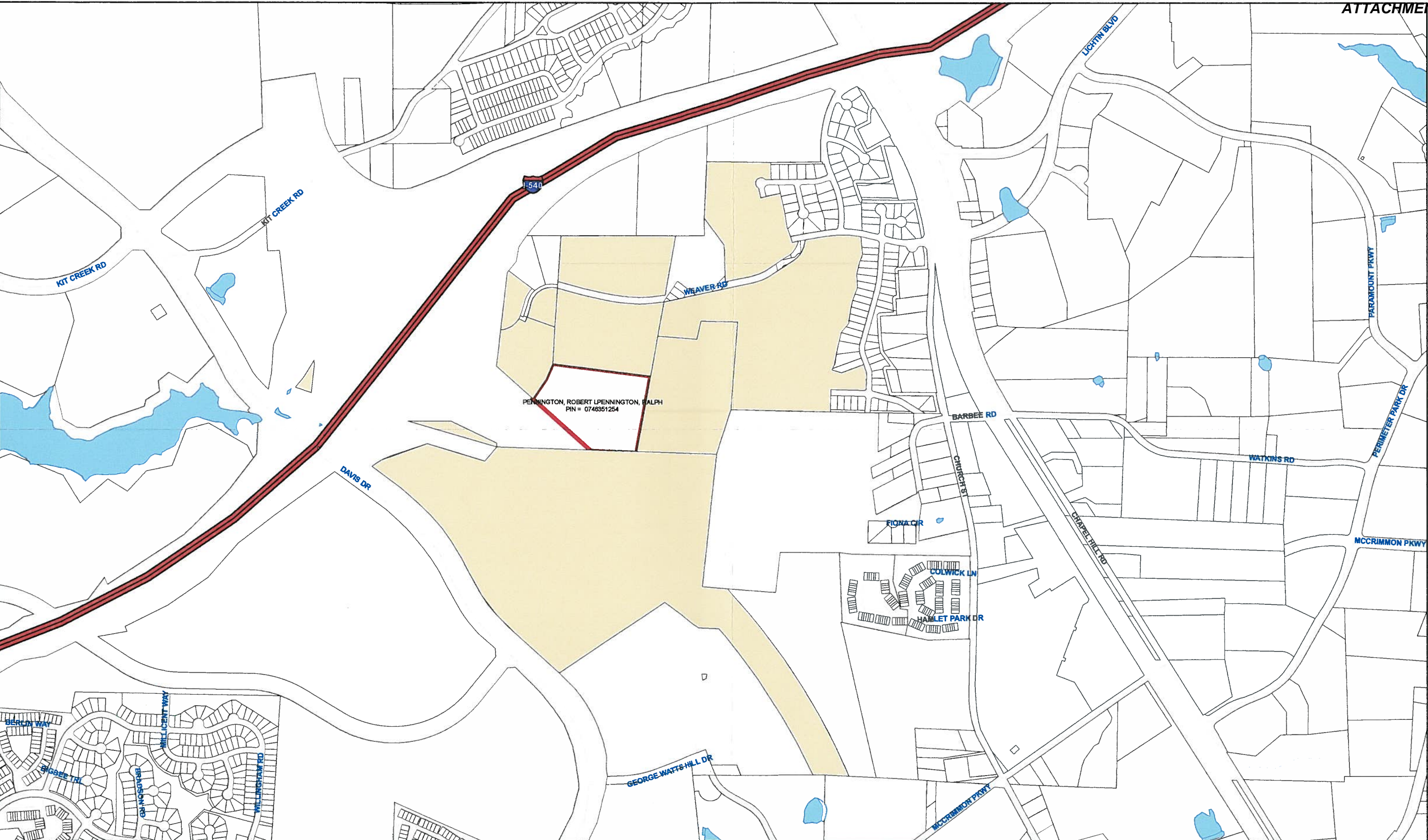
- The site is surrounded on two sides by the residential subdivision, Providence Place, one side by the future I-540, and bounded on the south by the Town's Extra Territorial Jurisdiction (ETJ). It is a natural continuation to proceed with the residential development already occurring here right up to the boundaries of the ETJ and I-540.
- The site's proximity to a major interstate and location on the edge of the ETJ make it unsuitable for a park since that park would be isolated from the larger greenway system.
- The Town of Morrisville Parks and Recreation Staff have stated to me that they have no intent or interest in establishing Town Open Space in this location. For this reason, the property owner should be able to utilize the land in a manner that is appropriate to the Town's land use patterns rather than being classified for a use that will never happen.
- Low Density Residential will allow the owner to utilize his property and will be consistent with the surrounding area.

Thank you again for hearing our request and I look forward to working with the Town of Morrisville on this matter.

Sincerely,



Amanda Powell
Senior Planner, Elam Todd d'Ambrosi



Legend

Proposed I-540	Lakes/Ponds
Adjacent Properties	Parcels
Site	

Pennington Property Adjacent Property Map

Wake County, North Carolina

02007 by ETD, PA.
No portion of the drawings may be copied, reproduced, redrawn or modified without the written consent of ETD, PA.
Notes: Official wetland and stream buffer delineation is required prior to submittal of all plans to a public entity for development approval.
This map is intended for planning purposes only. The accuracy and reliability of this map is dependent on the available data.

ETd
ELAM, TODD, d'AMBROSIO
URBAN PLANNING • LANDSCAPE ARCHITECTURE
CIVIL ENGINEERING • GIS



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NOW, THEREFORE, BE IT RESOLVED THAT THE MORRISVILLE TOWN BOARD OF COMMISSIONERS reclassifies the following parcels from Open Space/Parks (OS) to Low Density Residential (LDR) hereby amending the Land Use Plan Map of the Town of Morrisville:

A 14.03-acre parcel located on the east side of the future Triangle Parkway and surrounded by the Providence Place Subdivision and Research Triangle Park specifically identified as Wake County Parcel Identification Number 0746-35-1254.

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Jan Faulkner, Mayor

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Diana R. Davis, Town Clerk