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Cary Weighs New Fee for Apartments

ARTICLE POSTED BY **ALEX FERRERAS** ON **AUGUST 10, 2011** IN **REAL ESTATE**

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Aug. 09 (Source: By Andrew Kenney, The Cary News, N.C.) -

The town of Cary is considering new rules that would force apartment builders to save room for parks and open space or pay a fee — a move that could slow the growth of controversial high-density development. The

effort, if successful, would put the town at odds with Wake County commissioners, who earlier this month repealed a similar county impact fee on residential building, saying it was an ineffective tax that stifled growth.

Under Cary's proposed rule change, developers would be required to set aside a certain amount of land or pay a fee for each new apartment unit they build. No exact requirements are available yet.

Town council members say the policy would ensure new projects come with park space for residents. But apartment industry experts caution that new fees could discourage new projects or increase the cost of owning and **renting** an apartment in Cary.

The proposal would mirror the system that subdivision and townhome builders have faced for 35 years in Cary.

The town is gathering public opinion as it drafts the potential new rule, which could come before the Cary Town Council at a Sept. 13 meeting.

"There's definitely an equity issue there," said Councilman Don Frantz, who tentatively supports the idea but wants to see further details. "We charge single family **homes** fees. Both of them do utilize the parks system."

Under the town's **current** residential impact fee rules, each house or townhome that developers build must come with 1/35 of an acre of land for

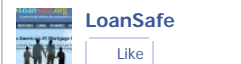
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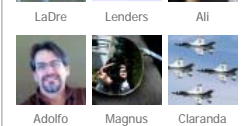
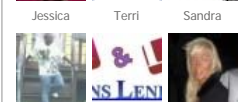
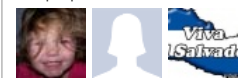
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green space near the development. Alternatively, developers can pay the value of that land into a town account that funds greenways and park development. Similar rules are enforced by cities and towns nationwide.

The policy has netted more than 500 acres of open space, \$8.2 million in fees, and 20 miles of developer-built greenways, Cary officials reported.

If developers choose to set aside space for parks, the town requires that the land be a part of the residential project. But the fees builders pay fund parks all over town.

The idea to change Cary's policies came from a council work session, said Councilman Jack Smith.

His district includes the controversial Tryon Place apartment complex approved by the council in July. He said he wouldn't mind if the new fee slowed apartment growth.

"With multi-family, we've got both feet on the brakes and parachutes on our back and we're still getting the damn things," said Smith, who supports the proposed policy. "If they want to take advantage of infill and bargain lots ... then yeah, let them pay their fair share."

Mayor Harold Weinbrecht, who also supports the idea, said new fees in Cary, if set high enough, would slow growth.

But while he campaigned on a managed growth platform and voted against the Tryon Place apartment complex, he doesn't want the new policy to intentionally discourage apartment projects.

"It's not a good idea to use development fees to control growth," he said. "I was part of a council that did that in the early 2000s, and that didn't work out that well."

Jim Scofield, a [commercial real estate](#) broker, said that developers tend to dislike impact fees. After all, the policies either cut into profit margins or create higher prices for customers.

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While impact fees are ingrained in the development process, he said, "all parties should acknowledge that new development is not a one-way street in terms of burdening the infrastructure."

He argued that impact fees put the cost of parks and other infrastructure only on the builders and first residents of new projects, placing no burden on the families who later occupy the homes.

Area policies vary

The town of Apex's open-space policy requires less land and money for an apartment unit than for a single family home.

The apartment requirement is about 60 percent of the single-family mark because apartment units on average have fewer residents than houses, according to Apex officials.

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