

**STAFF REPORT**

Town Council, December 10, 2015

**Crossroads Hotel with Preliminary Development Plan 15-REZ-08 (PL16-023b)**

Consider Action on Proposed Rezoning Request

Speaker: Debra Grannan

From: Jeff Ulma, Planning Director

Prepared by: Debra Grannan, Senior Planner

Approved by: Mike Bajorek, Interim Town Manager

Approved by: Russ Overton, Assistant Town Manager

**Executive Summary:** To amend the Town of Cary Official Zoning Map by rezoning approximately 2.57 acres from General Commercial (GC) to Mixed Use District (MXD) to allow a hotel use, subject to design standards and conditions specified in an associated Preliminary Development Plan which include a proposed maximum building height of 70 feet and a maximum of 108 rooms. Modifications to certain Land Development Ordinance (LDO) standards pertaining to buffer widths and setbacks are also proposed.

This rezoning has an associated Consistency and Reasonableness Statement.

NOTE: The purpose of the rezoning is to determine whether or not the land uses and densities allowed in the proposed zoning district are appropriate for the site. Technical design standards of the Land Development Ordinance are addressed during review of the site or subdivision plan.

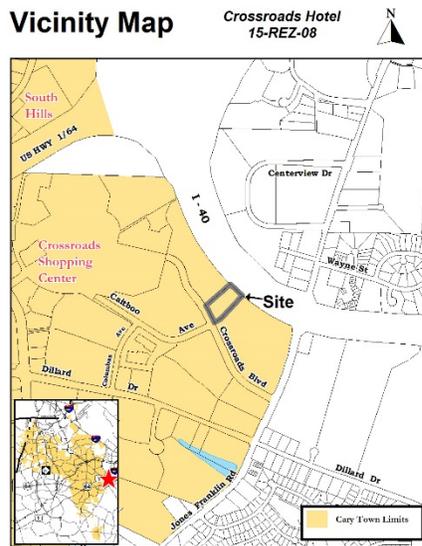
**SUBJECT PARCELS**

Property Owner(s)	County Parcel Number(s) (10-digit)	Real Estate ID(s)	Deeded Acreage
PFRS Crossroads Land Corp c/o American Realty Advisors 801 North Brand Blvd. Suite 800 Glendale, CA 91203	0773913058	0340039	2.57 ±
<b>Total Area</b>			2.57 ±

**BACKGROUND INFORMATION**

Applicant	PFRS Crossroads Land Corp c/o American Realty Advisors 801 North Brand Blvd. Suite 800 Glendale, CA 91203		
Applicants Contact	David L. York Smith Moore Leatherwood LLP 434 Fayetteville St., Suite 2800 Raleigh, NC 27601 (919) 755-8749 David.york@smithmoorelaw.com		
Acreage	2.57 ±		
Address	555 Crossroads Blvd.		
Schedule	<b>Town Council Public Hearing</b>	<b>Planning &amp; Zoning Board Public Hearing</b>	<b>Town Council</b>

	September 24, 2015	November 16, 2015	December 10, 2015
Land Use Plan Designation	Commercial (COM), within the Crossroads Regional Activity Center		
Existing Zoning District(s)	General Commercial (GC)		
Existing Zoning Conditions	None		
Proposed Zoning District(s)	Mixed Use District (MXD)		
Proposed Zoning Conditions	Design and site layout as indicated on the associated Preliminary Development Plan including: <ul style="list-style-type: none"> <li>• Maximum building height shall be limited to 70 feet.</li> <li>• There shall be a maximum of 108 rooms.</li> </ul>		
Town Limits	Yes		
Staff Contact	Debra Grannan Senior Planner (919) 460-4980 debra.grannan@townofcary.org		



## SITE CHARACTERISTICS

**Streams:** According to Cary's most current GIS maps, there is no indication of any stream buffers on the subject property. Field determination of such features shall be required at the time of development plan review.

**Floodplain and Wetlands:** According to Cary's most current GIS maps, there is no indication of floodplain or wetlands on the subject property. Field determination of such features shall be required at the time of development plan review.

### Adjacent Uses and (Zoning):

North – Interstate 40 and Automotive Sales and Service; (GC)

South – (Opposite side of Crossroads Blvd.) Office; (O&I)

East – Multi-family residential; (RMF)

West – (Opposite side of Crossroads Blvd) Recreation and Entertainment, (Theater); (GC)

## CONSISTENCY WITH LAND DEVELOPMENT ORDINANCE

**Land Use:** The land use plan designation is Commercial (COM) as per the Southeast Area Plan.

**Open Space:** The proposed Preliminary Development Plan (PDP) identifies approximately 0.80 acres of open space.

**Landscape Buffers:** The PDP proposes a 15-foot-wide Type C Buffer adjacent to the residential multi-family use to the east, and a 10-foot-wide Type-C Buffer adjacent to the automotive sales and service use to the north. Adjacent to Interstate 40, a 100-foot-wide undisturbed thoroughfare corridor buffer is required since this portion of the property is within the Thoroughfare Overlay District. Citing the location of an existing utility easement within this 100-foot area, the applicant has proposed an 80-foot-wide undisturbed buffer area.

**Streetscape:** The PDP proposes a 20-foot-wide Type-C streetscape adjacent to Crossroads Boulevard.

**Traffic:** The proposed zoning conditions limit the number of hotel rooms to a maximum of 108. Based on the ITE Trip Generation Manual, 9<sup>th</sup> edition, Land Use Code 310 – Hotel, the proposed rezoning on the 2.57 acre parcel is anticipated to generate approximately 57 am and 65 pm peak hour trips. The threshold for a traffic study is 100 peak-hour trips; therefore, a traffic study is not required.

**Stormwater:** At the time of site plan review, the future plan must meet all stormwater management and detention requirements.

## PROPOSED MODIFICATIONS TO TYPICAL LAND DEVELOPMENT ORDINANCE STANDARDS

Development within the Mixed Use Overlay District provides the opportunity for design flexibility and reductions to typical Town of Cary LDO Standards. The applicant has proposed the following:

### Thoroughfare Corridor Buffer

- Proposed: 100 Feet with Grading in Outer 20 Feet
- LDO Standard: 100 Feet Undisturbed

### Streetscape Buffer

- Proposed: 20 feet (Type C)
- LDO Standard: 30 feet (Type C)

### Contiguous Parking

- Proposed: One row with 16 contiguous parking spaces
- LDO Standard: Maximum of 14 contiguous spaces

### Reduction of Parking Area Setback from Perimeter Buffers

- Proposed: 0
- LDO Standard: 5 feet

### Reduction of Building setback From Buffer yards

- Proposed: 5 feet
- LDO Standard: 10 feet

### Reduction of Parking Area Setback from Building

- Proposed: 8 feet (with an encroachment)
- LDO Standard: 10 feet

### Retaining Wall in Perimeter Buffer

- Proposed: retaining wall within perimeter buffer adjacent to automotive dealership

#### **Building Height**

- Proposed: Maximum of 70 feet (six stories)
- LDO Standard: 35-foot Maximum when within 100 feet of a residentially-zoned district; for buildings 100 feet or more from a residentially-zoned district, the height may be increased to 50 feet. The maximum height may be increased by one foot for every additional foot provided between the building footprint and the minimum required setbacks. For example, if the proposed hotel were located 120 feet from the adjacent residentially-zoned property, it would be allowed at a height of 70 feet.

#### **Champion Tree Removal**

- Removal of three oak trees with a caliper of 34, 38 and 40 inches that are located on the site.

### **SUMMARY OF PROCESS AND ACTIONS TO DATE**

#### **Notification**

Notice of the public hearing on the proposed rezoning was mailed to property owners within 800 feet of the subject property, published on the Town's website and posted on the subject property.

#### **Neighborhood Meeting**

A neighborhood meeting for the proposed rezoning was facilitated by planning staff at Cary Town Hall on June 10, 2015. According to the information submitted by the applicant, only one adjacent property owner attended the meeting. Questions and concerns expressed at the meeting are provided in the meeting minutes submitted by the applicant.

#### **Town Council Public Hearing (September 24, 2015)**

Staff presented an overview of the request and summarized the list of proposed modifications to typical LDO standards. The applicant spoke in support of the request and described the market demand for the proposed use. During the public hearing, an attorney representing the owners of the adjacent attached residential development expressed concern about the proposed building height and described the potential impact to the adjacent residents. Council verified with staff that, when located within 100 feet of a residential zoning district, the maximum building height is 35 feet. The MXD process allows design flexibility which may include exceeding typical LDO height limits.

#### **Changes Since the Town Council Public Hearing**

The applicant increased the planting standard within the 15-foot buffer between the proposed hotel and adjacent residential development from a Type-C to a Type-B (semi-opaque) buffer.

#### **Planning and Zoning Board Public Hearing (November 16, 2015)**

Staff provided an overview of the request and noted the concerns that had been expressed by the adjacent property owner regarding building height. Staff advised that the number of champion trees proposed for removal was changed from four to three.

The applicant described the need for the proposed hotel in the vicinity and described how the building was situated on the property to minimize the impact to the adjacent apartment complex.

During the public hearing, an attorney for the adjacent multi-family development spoke in opposition to the request, stating that the residents would be negatively impacted by the six story structure and that the proposed building did not transition well with the other 2- to 3-story buildings in the vicinity. Staff noted that properties located within an activity center are eligible to request modifications to typical LDO standards such as increased densities, reduced buffers and increases to building heights as part of any MXD rezoning request. Several board members described visiting the property and did not object to the proposed building height.

The board forwarded the request to Town Council with a recommendation for approval by a vote of 7 to 1.

### **Changes Since the Planning and Zoning Board Public Hearing**

None

## **CRITERIA FOR CONSIDERATION IN REVIEWING REZONINGS**

Section 3.4.1(E) of the Land Development Ordinance sets forth the following criteria that should be considered in reviewing rezonings:

1. The proposed rezoning corrects an error or meets the challenge of some changing condition, trend or fact;
2. The proposed rezoning is consistent with the Comprehensive Plan and the purposes set forth in Section 1.3 (LDO);
3. The Town and other service providers will be able to provide sufficient public safety, educational, recreational, transportation and utility facilities and services to the subject property while maintaining sufficient levels of service to existing development;
4. The proposed rezoning is unlikely to have significant adverse impacts on the natural environment, including air, water, noise, stormwater management, wildlife and vegetation;
5. The proposed rezoning will not have significant adverse impacts on other property in the vicinity of the subject tract; and
6. The proposed zoning classification is suitable for the subject property.

## **APPLICABLE COMPREHENSIVE OR AREA PLAN REQUIREMENTS**

### **Southeast Area Plan**

According to the Southeast Area Plan, the future land use designation for the subject property is Commercial (COM). The subject property is also located within the nearly 550-acre Crossroads Regional Mixed Use Center. A regional activity center provides the nonresidential elements intended to provide goods, services, and facilities which are demanded less frequently than on a daily basis by the surrounding region.

**Analysis:** This rezoning request conforms to the Town's Southeast Area Plan.

### **Growth Management Plan**

The Growth Management Plan includes the following Guiding Principles which are relevant to this case:

1. R1 Guiding Principle: Ensure that adequate infrastructure and services are available concurrently with new development.
2. L1 Guiding Principle: Concentrate growth near existing and planned employment centers and available and planned infrastructure to minimize costly service-area extensions.
3. A1 Guiding Principle: Increase permitted densities in preferred growth areas to encourage desired forms of development.

**Analysis:** The subject property is located within the Crossroads Regional Mixed Use Center and meets the above guiding principles identified in the Growth Management Plan.

### **Affordable Housing Plan**

The Affordable Housing Plan is not applicable to this case.

### **Comprehensive Transportation Plan**

#### **Crossroads Blvd. is designated as a Major Thoroughfare**

**Existing Section:** 90-foot right of way in a 70-foot back to back section with four lanes and a median

**Future Section:** 100-foot right of way in a 78-foot back to back section with four lanes and a median

**Sidewalks:** Existing on both sides

**Bicycle Lanes:** Proposed 14-foot-wide outside lanes  
**Transit:** There is an existing C-Tran route along Crossroads Boulevard.  
**Status of Planned Improvements:** None

**Parks, Recreation and Cultural Resources Master Plan**

According to the Parks, Recreation and Cultural Resources Facilities Master Plan there are no issues related to this site.

**Open Space Plan**

According to the Open Space Plan there are no significant natural resources associated with this site.

**Historic Preservation Master Plan**

According to the Historic Preservation Master Plan, there are no identified resources on this site.

**STAFF EVALUATION - CONSISTENCY WITH THE DESIGN GUIDELINES FOR MIXED USE CENTERS**

**Mixed Use Overlay District Design Principles**

The Preliminary Development Plan (PDP) was evaluated by staff with the Mixed Use Overlay District Design Principles. The following are staff's observations of how the plan compares with the principles:

**Create Human Scale:** Building height is proposed to be a maximum of six stories with a maximum height of 70 feet. Cary's Community Appearance Manual requires architectural features such as balconies, window arches and varied rooflines to break up the building mass. Building elevations submitted as part of the application show compliance with Cary's architectural design standards by using vertical expression.

**Create a Sense of Place:** The general character of the proposed development is urban, which is not uncharacteristic of the Crossroads Activity Center.

**Connect Uses:** The PDP proposes an internal network of private sidewalks with connections to public sidewalk.

**Provide Transitions:** Transitions may be achieved both by providing gradual changes in the intensity of uses and implementing buffers that exceed LDO standards. Buffer widths may be reduced or eliminated within Activity Centers. The proposed use provides a gradual transition between the residential multi-family use to the east and the automotive sales and service use to the west.

**Reduce Parking Impacts:** The applicant has proposed to meet the parking standards as specified in Chapter 7 of the LDO. The majority of the parking is proposed to be situated away from Crossroads Blvd. Vehicular area screening with landscaping shall be required during site plan review in accordance with LDO requirements.

**Plan for Pedestrians, Bicyclists and Transit Users:** The PDP proposes a sidewalk connection to the existing sidewalk located along Crossroads Blvd. The site is served by and an existing C-Tran route immediately adjacent to the subject property.

**Provide Open Space:** Streetscapes along Crossroads Blvd. in addition to the Thoroughfare Corridor Buffer adjacent to US 1 Hwy. provide significant regulatory open space for the subject property. The Plan also proposes a swimming pool which, according to the LDO, may be considered open space. The total open space on the subject property is approximately 0.80 acres.

**Approval Criteria**

In addition to the criteria for consideration in reviewing rezoning requests, property located within the Mixed Use Overlay District shall be reviewed for compliance with the following criteria from LDO Section 4.5.2 (E), as applicable:

**1. Intensity, Type and Mix of Uses**

Staff Comment: The proposed use would add 108 hotel rooms to the 567 rooms currently within the Crossroads Regional Activity Center. This would provide additional balance to a center which currently contains approximately 2,500,000 square feet of office and commercial use.

**2. Site Design**

Staff Comment: The proposed streetscape and Thoroughfare Corridor Buffer widths are consistent with existing development in the area. Additional buffering adjacent to the multi-family residential use (Apartments at Crossroads) may reduce the impacts of a proposed 6-story building adjacent to a 3-story building.

**3. Expected Land Uses**

Staff Comment: The proposed use is a permitted use within the Crossroads Regional Activity Center.

**4. Public Spaces**

Staff Comment: The PDP proposes an outdoor swimming pool that is approximately 750 square feet in size and also contains outdoor gathering area.

**5. Scale and Context**

Staff Comment: The proposed building height is three stories taller than the adjacent attached residential development; but the scale and architectural design are not out of character for the Crossroads.

**APPLICANT'S JUSTIFICATION STATEMENT**

Attached are the applicant's responses to the justification questions contained in the application form and observations as to how the proposed use and Preliminary Development Plan meet the design guidelines and approval criteria. Please note that these statements are that of the applicant and do not necessarily represent the views or opinions of the Town of Cary.

**ORDINANCE FOR CONSIDERATION**

**15-REZ-08**

**CROSSROADS HOTEL MIXED USE REZONING WITH PRELIMINARY DEVELOPMENT PLAN**

AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE TOWN OF CARY TO CHANGE THE ZONING OF APPROXIMATELY 2.57 ACRES OWNED BY PFRS CROSSROADS LAND CORP., BY REZONING FROM GENERAL COMMERCIAL (GC) TO MIXED USE DISTRICT (MXD) TO ALLOW DEVELOPMENT OF A SIX-STORY, 108 ROOM HOTEL.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CARY:

**Section 1:** The Official Zoning Map is hereby amended by rezoning the area described as follows:

**PARCEL & OWNER INFORMATION**

Property Owner(s)	County Parcel	Real Estate ID(s)	Deeded Acreage
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	<b>Number(s) (10-digit)</b>		
PFRS Crossroads Land Corp c/o American Realty Advisors 801 North Brand Blvd. Suite 800 Glendale, CA 91203	0773913058	0340039	2.57 ±
<b>Total Area</b>			2.57 ±

**Section 2:**

That this Property is rezoned from General Commercial (GC) to Mixed Use District (MXD) to allow a six-story hotel with up to 108 rooms and a maximum height of 70 feet , subject to the individualized development conditions set forth in the “Crossroads Hotel Preliminary Development Plan” on file in the Planning Department, and to all the requirements of the Cary Land Development Ordinance (LDO) and other applicable laws, standards, policies and guidelines, all of which shall constitute the zoning regulations for the approved district and are binding on the Property.

**Section 3:**

The conditions proposed by the applicant to address conformance of the development and use of the Property to ordinances and officially adopted plans, to address impacts reasonably expected to be generated by the rezoning, and to promote the public health, safety and general welfare, and accepted and approved by the Town are set forth in the “Crossroads Hotel Preliminary Development Plan” approved by the Town Council as of this date and on file in the Planning Department.

**Section 4:** This ordinance shall be effective on the date of adoption.

Adopted and effective: *December 10, 2015*

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Harold Weinbrecht, Jr.  
Mayor

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Date