

STAFF REPORT

Town Council, April 21, 2015

Amberly PDD Amendment (Tracts O&I-1 and VC-3) Rezoning 14-REZ-35 (PL15-019b)

Consideration of proposed rezoning request

Speaker: Ms. Debra Grannan

From: Jeffery G. Ulma, AICP, Planning Director

Prepared by: Debra Grannan, Senior Planner

Approved by: Benjamin T. Shivar, Town Manager

Approved by: Russ Overton, Assistant Town Manager

REQUEST

To amend a 23.27-acre portion of the existing Amberly Planned Development District by changing the designation of approximately 18.12 acres within an area currently designated as the Town Center Tract and designating the property exclusively for use as a school and accessory uses associated with a school, and by designating approximately 5.15 acres for general commercial and/or office and institutional uses.

**Amberly PDD Document
Amberly Master Plan**

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 and can be found at <http://www.amlegal.com/library/nc/cary.shtml>.

SUBJECT PARCELS

Property Owner(s)	County Parcel Number(s) (10-digit)	Real Estate ID(s)	Deeded Acreage
Fifth Third Bank 201 N. Tryon Street Charlotte, NC 28202-2146	Wake County PIN 0726716342	0302180	18.00
Fifth Third Bank 165 Nash Street Lawrenceville, Georgia	Chatham County PIN 0726617682	87874	0.12
Gandhi At Amberly LLC 9201 Leesville Road Suite 201 Raleigh, NC 27613	Wake County PIN 0726810265	0427580	5.14
Total Area			23.26

PROJECT HISTORY

The Amberly Planned Development District initially applied to approximately 1,094 acres and was approved on April 27, 1995. Additional land area was added to the PDD during subsequent rezoning cases. Currently the Amberly PDD consists of approximately 1,123 acres of which 279.18 acres are designated as open space including a 12.25-acre Town Park.

The Town Center Tract has been present in the Amberly PDD since 2003. It currently encompasses an area of approximately 75.79 acres. This tract was specifically described in the 2003 Amendment as “the

nonresidential focal point of Amberly.” As part of a Community Activity Center, the document further stated:

“The activity center in Amberly includes the focus area, the commercial, institutional and office core and the surrounding support area which includes the higher density residential development. The support area is critical because it provides the concentrated population necessary to support the focus area and possible future transit stops. The Town Center is envisions to be the major focal point of Amberly serving the residents with shopping and entertainment. The uses proposed in the Town Center parcel include all uses allowed in Cary’s B-2 zoning district. There is a maximum of 240,000 square feet of retail uses proposed and a maximum of 125,000 square feet of office and institutional uses proposed.”

Since 2003, an area in the Town Center tract, of approximately 34.65 acres, has had site plan approval for 184 townhomes. An approximate 7.9-acre portion of the Town Center Tract has had a site plan approved for a 60,000 square foot Wellness Center. Both of these plans have been constructed.

The current request proposes an Office and Institutional use on approximately 18.12 acres with the permitted uses limited to school and uses ancillary to school use. An area of approximately 5.14 acres is proposed for commercial or office and institutional uses, including school use.

The option of residential uses has been proposed to be removed from the subject property.

BACKGROUND INFORMATION

Applicants	Fifth Third Bank 201 N. Tryon Street Charlotte, NC 28202-2146		
	Gandhi at Amberly, LLC Att: Manish Gandhi 9201 Leesville Road Suite 201 Raleigh, NC 27613		
Applicants' Contact	Willie Hood Jerry Turner and Associates 905 Jones Franklin Road Raleigh, NC 27606		
Acreage	23.27 ±		
Location	2374 Yates Store Road, 0 Okelly Chapel Road and 355 Stonecroft Lane SE quadrant of the Yates Store Road and O’Kelly Chapel Road intersection		
Schedule	Town Council Public Hearing January 28, 2015	Planning & Zoning Board Public Hearing March 16, 2015	Town Council April 21, 2015
Land Use Plan Designation	Mixed Use (MXD)		
Existing Zoning District(s)	Planned Development District (PDD)		
Existing Zoning Conditions	As specified in the Amberly PDD		
Proposed Zoning District(s)	Planned Development District (PDD) <i>(Amendment to previously approved PDD)</i>		
Proposed Zoning Conditions	As specified in the Amberly PDD Document, including: 1. Building area on the O&I-1 Tract shall be limited to 110,000 square feet 2. Building area on the VC-3 Tract shall be limited to 50,000 square feet 3. <u>O&I-1 Tract</u> A. Prior to the first Certificate of Occupancy for any development on the O&I-1 parcel, the property owner or developer will construct the following improvements identified in 15-TAR-392 in accordance with and subject to		

NCDOT and Town of Cary approval and Standards and Specifications:

- At the intersection of NC 55 & O'Kelly Chapel Road
 - Provide second eastbound left-turn lane for a distance of 450 feet.
 - Provide extension of the existing eastbound turn lane to a total distance of 450 feet.
 - Provide extension of the existing eastbound right-turn lane to a total distance of 600 feet.
- At the intersection of Green Level Church Road & O'Kelly Chapel Road
 - Provide eastbound right-turn lane for a distance of approximately 500 feet.

B. The property owner or developer will provide for the following improvements identified in 15-TAR-392 in accordance with and subject to NCDOT and Town of Cary approval and Standards and Specifications:

- At the intersection of O'Kelly Chapel Road & Stonecroft Lane
 - The property owner or developer will provide a full signal warrant analysis ("Warrant Analysis") within three to six months after issuance of the final certificate of occupancy of the building.
 - If a signal is warranted as part of the Warrant Analysis and approved by the Town of Cary ("Town") and NCDOT, the owner or developer shall provide a comprehensive opinion of the cost in the form of a report ("Report"), which will include signal design and review fees, prepared by a professional engineer. The owner or developer shall provide a financial guarantee of construction in the form of cash or letter of credit, or such other form as may be mutually agreeable to Town and the property owner or developer, equal to 1.5 times the cost determined in the Report within thirty (30) days to Town and DOT approval. Such financial guarantee shall be administered by the Town in accordance with its standard practices and procedures for financial guarantees and shall remain in effect until used or released in accordance with this condition.
 - If a signal is warranted as part of the Warrant Analysis and approved by the Town and NCDOT, property owner or developer will provide traffic signal easements as necessary to accommodate traffic signal equipment.
 - If a signal is warranted as part of the Warrant Analysis and approved by the Town of Cary and NCDOT, the property owner or developer shall construct and install a traffic signal (per Town Standards and NCDOT) at the intersection of O'Kelly Chapel Road and Stonecroft Lane, as recommended by the above mentioned TAR on file with the Town within 12 months of approvals of Town and NCDOT,
 - If a signal is not warranted as part of the Warrant Analysis and approved by the Town and NCDOT, the property owner or developer shall have no further responsibility for signalization improvements at the intersection.

4. VC-3 Tract

A. Prior to the first Certificate of Occupancy for any development on the VC-3 parcel, the property owner or developer shall construct the following improvements identified in 15-TAR-392 in accordance with and subject to NCDOT and Town of Cary approval and Standards and Specifications:

	<ul style="list-style-type: none"> ○ <u>At the intersection of O’Kelly Chapel Road & Stonecroft Lane</u> <ul style="list-style-type: none"> ● Restripe the eastbound right-turn lane to shared through / right turn lane as part of the development requirement to improve the roadway along the VC-3 frontage to the ultimate cross-section per the Comprehensive Transportation Plan, if the ultimate section of O’Kelly Chapel Road has been completed to Green Level Church Road in advance thereof. ○ <u>At the intersection of O’Kelly Chapel Road & Retail Access 1 (Build Only)</u> <ul style="list-style-type: none"> ● Construct the eastbound through lane at this intersection as part of development requirement to improve the roadway along the VC-3 parcel frontage to the ultimate cross-section per the Comprehensive Transportation Plan.
Town Limits	Yes
Valid Protest Petition	No
Staff Contact	Debra Grannan Senior Planner Debra.grannan@townofcary.org (919) 460-4980

SITE CHARACTERISTICS

Streams: According to Cary’s most recent GIS maps, the subject property is impacted by a stream buffer along the southern and western property lines. There is no indication of floodplain or wetland areas. Field determination of such features shall be required at the time of development plan review.

Adjacent Zoning and Land Use:
 North – (Opposite side of O’Kelly Chapel Road) PDD; Detached residential and Townhomes; Stonewater and Stonewater Terrace
 South – (Opposite side of Hortons Creek Road) PDD; Overlook at Amberly
 East – (Opposite side of Stonecroft Lane) PDD; Amberly Wellness Center
 West – (Opposite side of Yates Store Road) PDD; Carolina Preserve

CONSISTENCY WITH LAND DEVELOPMENT ORDINANCE

Open Space: The existing Amberly PDD consists of approximately 1,123 acres of which 279.18 acres are designated as open space including a 12.25-acre Town Park. The applicant has not proposed any reductions to previously approved open space as part of this rezoning request.

Perimeter Buffers: Chapter 7 of the LDO classifies school as a Class 4 Land Use. If Tract VC-1 develops as an office or institutional use, a 20-foot-wide Type-B (semi-opaque) buffer would be required between the uses. If Tract VC-3 were to develop as a commercial use, then a 40-foot-wide Type-B Buffer would be required.

Streetscape: Per Chapter 7 of Cary’s LDO, a 30-foot-wide streetscape shall be required along thoroughfares (Yates Store Road and O’Kelly Chapel Road) and collector roads (Hortons Creek Road and Stonecroft Lane).

Traffic: Per section 3.4.1.D.3 of Cary’s LDO, a traffic study is required for rezoning applications when a development is anticipated to generate 100 or more peak hour trips. The proposed school use and adjacent commercial and/or office use required a traffic study. A final draft Traffic Analysis Report (15-TAR-392) was prepared by the Town’s on-call traffic engineering consultant Hatch Mott MacDonald,

dated January 2015. In accordance with the LDO, the study has a 5-year build-out period, which is year 2019. Findings of the study are as follows:

Project Description (assumed for purposes of the traffic study)

- Elementary School – 800 students
- Retail – 50,000 square feet

Trip Generation Expected

- Elementary School
 - 1,057 daily site trips
 - 690 a.m. peak hour trips (398 entering, 293 exiting)
 - 94 p.m. peak hour trips (0 entering, 94 exiting)
- Retail
 - 4,328 daily site trips
 - 102 a.m. peak hour trips (63 entering, 39 exiting)
 - 377 p.m. peak hour trips (181 entering, 196 exiting)

Intersections Studied

The traffic study evaluated major intersections within 1-mile of the site per LDO standards.

1. NC 55 and Parkside Green Street (signalized)
2. NC 55 and O’Kelly Chapel Road (signalized)
3. Green Level Church Road and Stonewater Glen Lane (unsignalized)
4. O’Kelly Chapel Road and Alston Avenue (unsignalized)
5. Green Level Church Road and O’Kelly Chapel Road (signalized)
6. O’Kelly Chapel Road and Stonecroft Lane (unsignalized)
7. O’Kelly Chapel Road and Claystone Lane / School Access #1 (unsignalized)
8. O’Kelly Chapel Road and Yates Store Road (unsignalized)
9. Hortons Creek Road and Pindos Drive / School Access #2 (unsignalized)
10. Hortons Creek Road and Finbar Drive / School Access #3 (unsignalized)
11. Stonecroft Lane and UNC Wellness Center / Retail Access #2 (unsignalized)
12. Green Level Church Road and Hortons Creek Road (unsignalized)
13. Green Level Church Road and Weycroft Avenue (unsignalized)
14. Yates Store Road and Weycroft Avenue (unsignalized)
15. Yates Store Road and McCrimmon Parkway / Dell Webb Avenue (unsignalized)
16. Green Level Church Road and McCrimmon Parkway (signalized)
17. McCrimmon Parkway and Cary Glen Blvd (unsignalized)
18. O’Kelly Chapel Road and Retail Access #1 (unsignalized)

The study evaluated A.M. and P.M. peak hour operations at each of the intersections studied for four analysis year scenarios: Existing (2014) Conditions; Background Traffic (2019) Conditions; Build Traffic (2019) Conditions; and Build (2019) Conditions with Traffic Improvements.

For Background Traffic (2019) Conditions, there were (16) potential developments in the vicinity that may be approved and completed prior to, or at the same time as the build-out of the proposed development. Site traffic generated from those planned and/or developed projects were included in the Background Traffic (2019) Condition. Those background developments include:

1. Highcroft Village Phase 4 & 5 (11-TAR-323)
2. Braemore Subdivision (11-TAR-325)
3. Amberly Town Center Residential (11-TAR-326A)
4. CFS O&I Rezoning (12-TAR-340)
5. Village at the Park (12-TAR-344)
6. Cary Glen Townhomes (12-TAR-346)
7. Cary Park Parcel TC-3A (12-TAR-348)
8. Parkside Town Commons (13-TAR-350A)
9. Cary Park MR-8 Apartments (13-TAR-363)
10. RKM Retail Center (13-TAR-364)
11. Village PDP (13-TAR-374)
12. Peninsula at Amberly (13-TAR-375)

13. Daycare at McCrimmon Parkway at Green Level Church Road (14-TAR-380)
14. Ridgefield Farms (15-TAR-389) – pending zoning case
15. O’Kelly Chapel Daycare and Medical Office (15-TAR-393) – pending zoning case
16. Sedgefield (12-SB-005) – approved for construction
17. Evans Farms Townhomes (13-SB-011) – approved for construction

The executive summary of the Traffic Analysis Report includes information on level of service reported at each intersection studied and recommendations for improvements at these intersections. The traffic study also provides the inclusion of traffic generated by developments that have been approved, but not yet constructed in the area.

Roadway improvements voluntarily offered by the applicant as zoning conditions:

O&I-1 Tract

A. Prior to the first Certificate of Occupancy for any development on the O&I-1 parcel, the property owner or developer will construct the following improvements identified in 15-TAR-392 in accordance with and subject to NCDOT and Town of Cary approval and Standards and Specifications:

- o At the intersection of NC 55 & O’Kelly Chapel Road
 - Provide second eastbound left-turn lane for a distance of 450 feet.
 - Provide extension of the existing eastbound turn lane to a total distance of 450 feet.
 - Provide extension of the existing eastbound right-turn lane to a total distance of 600 feet.
- o At the intersection of Green Level Church Road & O’Kelly Chapel Road
 - Provide eastbound right-turn lane for a distance of approximately 500 feet.

B. The property owner or developer will provide for the following improvements identified in 15-TAR-392 in accordance with and subject to NCDOT and Town of Cary approval and Standards and Specifications:

- o At the intersection of O’Kelly Chapel Road & Stonecroft Lane
 - The property owner or developer will provide a full signal warrant analysis ("Warrant Analysis") within three to six months after issuance of the final certificate of occupancy of the building.
 - If a signal is warranted as part of the Warrant Analysis and approved by the Town of Cary ("Town") and NCDOT, the owner or developer shall provide a comprehensive opinion of the cost in the form of a report ("Report"), which will include signal design and review fees, prepared by a professional engineer. The owner or developer shall provide a financial guarantee of construction in the form of cash or letter of credit, or such other form as may be mutually agreeable to Town and the property owner or developer, equal to 1.5 times the cost determined in the Report within thirty (30) days to Town and DOT approval. Such financial guarantee shall be administered by the Town in accordance with its standard practices and procedures for financial guarantees and shall remain in effect until used or released in accordance with this condition.
 - If a signal is warranted as part of the Warrant Analysis and approved by the Town and NCDOT, property owner or developer will provide traffic signal easements as necessary to accommodate traffic signal equipment.
 - If a signal is warranted as part of the Warrant Analysis and approved by the Town of Cary and NCDOT, the property owner or developer shall construct and install a traffic signal (per Town Standards and NCDOT) at the intersection of O’Kelly Chapel Road and Stonecroft Lane, as recommended by the above mentioned TAR on file with the Town within 12 months of approvals of Town and NCDOT,
 - If a signal is not warranted as part of the Warrant Analysis and approved by the Town and NCDOT, the property owner or developer shall have no further responsibility for signalization improvements at the intersection.

VC-3 Tract

- A. Prior to the first Certificate of Occupancy for any development on the VC-3 parcel, the property owner or developer shall construct the following improvements identified in 15-TAR-392 in accordance with and subject to NCDOT and Town of Cary approval and Standards and Specifications:
- At the intersection of O’Kelly Chapel Road & Stonecroft Lane
 - Restripe the eastbound right-turn lane to shared through / right turn lane as part of the development requirement to improve the roadway along the VC-3 frontage to the ultimate cross-section per the Comprehensive Transportation Plan, if the ultimate section of O’Kelly Chapel Road has been completed to Green Level Church Road in advance thereof.
 - At the intersection of O’Kelly Chapel Road & Retail Access 1 (Build Only)
 - Construct the eastbound through lane at this intersection as part of development requirement to improve the roadway along the VC-3 parcel frontage to the ultimate cross-section per the Comprehensive Transportation Plan.

Staff Comment: Typically, the Town standard practice is to obtain a financial guarantee prior to the commencement of construction for all land development projects. The timing proposed by the applicant deviates from the normal sequence.

Roadway improvements that have NOT been voluntarily offered by the applicant as zoning conditions

- **Intersection of NC55 & O’Kelly Chapel Road**
 - Provide an additional 2nd eastbound left-turn lane with 450 feet of full storage and appropriate taper resulting in dual left turn lanes.
 - Provide an additional 2nd eastbound right-turn lane with 500 feet of full storage and appropriate taper for the resulting dual right-turn lanes.
- **Intersection of Green Level Church Road & O’Kelly Chapel Road**
 - Provide an exclusive northbound right-turn lane with 375 feet of full storage and appropriate taper.
 - Provide an exclusive eastbound right-turn lane with full storage that extends to the O’Kelly Chapel Road and Stonecroft Lane intersection.
- **Intersection of Green Level Church Road & McCrimmon Parkway**
 - No improvements necessary (see intersection of Green Level Church Road and Weycroft Avenue for additional requirements associated with this intersection).
- **Intersection of Green Level Church Road & Stonewater Glen Lane**
 - Install a traffic signal if signal warrants are satisfied.
- **Intersection of O’Kelly Chapel Road and Alston Avenue**
 - Install a traffic signal if signal warrants are satisfied.
- **Intersection of O’Kelly Chapel Road and Stonecroft Lane**
 - Provide an additional eastbound through lane beginning at the O’Kelly Chapel Road and Claystone Lane / School Access #1 intersection and terminating as a right-turn lane at the O’Kelly Chapel Road and Green Level Church Road intersection.
 - The existing eastbound right-turn lane should be restriped to provide for a shared through and right-turn lane movement.
 - Install a traffic signal if signal warrants are satisfied.
- **Intersection of O’Kelly Chapel Road and Retail Access #1**
 - Provide an eastbound right-turn lane with 50 feet of storage and appropriate taper.

- **Intersection of O’Kelly Chapel Road and Claystone Lane / School Access #1**
 - Restrict Claystone Lane to a directional cross-over, allowing for an eastbound leftover and right-in, right-out access on the southbound approach.
 - Provide an exclusive eastbound left-turn lane with 100 feet of full storage and appropriate taper.
 - Provide an additional eastbound through lane with full storage extending to the O’Kelly Chapel Road and Yates Store intersection.
 - Provide an eastbound right-turn lane with 75 feet of storage and appropriate taper.

- **Intersection of O’Kelly Chapel Road and Yates Store Road**
 - Install a traffic signal if signal warrants are satisfied.

- **Intersection of Green Level Church Road and Hortons Creek Road**
 - Re-stripe the southbound right-turn lane to provide a shared through and right-turn movement.
 - Extend the northbound right-turn lane to provide full storage extending from Green Level Church Road and Weycroft Avenue intersection.
 - Install a traffic signal if signal warrants are satisfied.

- **Intersection of Green Level Church Road and Weycroft Avenue**
 - Alternate 1
 - Provide an additional through lane in both directions on Green Level Church Road from south of Hortons Creek Road to McCrimmon Parkway.
 - Restripe the existing southbound right-turn lane to provide a shared through and right-turn lane.
 - At Green Level Church Road & McCrimmon Parkway
 - Restripe the northbound right-turn lane to provide a shared through and right-turn lane
 - Alternate 2
 - Install a traffic signal if signal warrants are satisfied.

- **Intersection of McCrimmon Parkway and Cary Glen Blvd**
 - Install a traffic signal if signal warrants are satisfied.

Stormwater

At the time of site plan review, the future plan must meet all stormwater management and detention requirements. Peak flow from the one-, two-, five- and 10-year storm events must be determined and must be attenuated back to pre-development conditions from the discharge point leaving the development.

SUMMARY OF PROCESS AND ACTIONS TO DATE

Notification

Consistent with NC General Statutes, 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

According to the applicant, a neighborhood meeting for the proposed rezoning was held on September 22, 2014. According to the information submitted by the applicant, 19 residents attended the meeting. Questions and concerns expressed at the meeting focused on traffic impacts and site design questions. Details are provided in the **summary of neighborhood concerns** submitted by the applicant.

Town Council Public Hearing (January 28, 2015)

Staff presented an overview of the case. A representative of Wake County Public Schools spoke in support of the request. During the public hearing, several nearby property owners expressed concerns about traffic impacts associated with a school use.

Following the public hearing, several council members commented on the need for schools in the western portion of Cary.

Changes Since Town Council Public Hearing

A public hearing before the Planning and Zoning Board was scheduled in anticipation of the applicant introducing additional zoning conditions. At the time of this report, potential conditions related to off-site traffic mitigations are still being discussed, and have not been formally submitted to the Town.

Planning and Zoning Board Public Hearing (March 16, 2015)

Staff presented the request and noted that there were a number of traffic mitigations recommended by the Traffic Impact Analysis that had been discussed; however, no official zoning conditions had yet been proposed by the applicant with regard to traffic mitigations. Better Parker, representing Wake County Public Schools, spoke in support of the request. She described on-going discussion with the Town staff regarding potential traffic mitigations that were being considered and emphasized the importance of a school on the site.

The board voted 9-0 to forward the request to Town Council with a recommendation for approval.

Changes Since the Planning and Zoning Board Meeting

The applicant has proposed certain zoning conditions to address some of the traffic mitigations suggested by the traffic study.

Also, the subject property was subdivided and new property descriptions and parcel identification numbers have been added to the staff report. The overall land area did not change.

CRITERIA FOR CONSIDERATION 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

Northwest Area Plan

The governing document for the subject property is the Northwest Area Plan, and the future land use designation for this site is Mixed Use (MXD). The Northwest Area Plan defines Mixed Use (MXD) as a mix of commercial, office, and medium to high density residential uses. Institutional uses that are compatible and complimentary to the development of mixed-use areas may also be considered—such as churches, schools, libraries, and daycare facilities. Land uses in mixed-use areas may be mixed either side-by-side on adjacent lots, sites, or individual tenant spaces in a multi-tenant building, over vertically within buildings. A single use should not substantially dominate an entire area designated as Mixed Use. Northwest Area Plan Note 4 applies to the subject property: *Intense mixed use center with focus on commercial/retail and office uses with some high density housing such as apartments over shops or offices. For mixed use areas north of Kit Creek Road and west of Green Level Church Road, any residential use should be limited to medium density housing.*

The subject property is also located within the Amberly Community Mixed Use Activity Center. A community activity center provides the commercial and institutional uses necessary to support the surrounding community. High and medium density residential uses should also be present. The principal

commercial establishments will likely be a large supermarket with another large community-sized retailer. A grocery store is usually an essential feature of the center.

Analysis: The addition of school as an allowed use in the Amberly Planned Development District is consistent with the Northwest Area Plan based on the definition of a Mixed Use (MXD) land use designation. A school would be generally compatible with and complimentary to existing and future neighborhoods, the wellness center, and future retail services.

Further Considerations. The following items should be taken into consideration when reviewing this rezoning request along with the guidance provided in the Town’s Land Use Plan and Northwest Area Plan:

Pros

- Since the Northwest Area Plan was approved in 2002, the Amberly Activity Center has proven to be less viable as a community scale center based on development patterns within the center and the major concentration of retail development in the nearby Alston Regional Activity Center.
 - Residential density for the Amberly Town Center is allocated at 800 units and has developed at 184 units.
 - This center functions more like a neighborhood scale center and may be reclassified as part of Imagine Cary process for the updated Cary Community Plan. (Neighborhood scale centers have a typical range of 125,000 – 300,000 square feet of commercial floorspace, and community scale centers have a typical range of 250,000 – 600,000 square feet of commercial floorspace.)
- School use meets an existing demand for schools in this area.
- The existing and proposed sidewalk and greenway network would support students walking to school.

Cons

- The initial Town Center plan included up to 240,000 square feet of commercial space and 126,000 square feet of office space. The potential development of a school will not leave sufficient area for this property to develop as a major focal point for retail use.
- Also, the proposed school site is located across the street from a large age-restricted community that does not likely have school age children.
- The proposed school site removed proposed future transit stops from the Town Center Master Plan

Development Comparisons. The table below shows current development, potential buildout as per the Northwest Area Plan, and potential buildout as per this rezoning request in the Amberly Mixed Use Activity Center.

Amberly Mixed Use Activity Center	Current Development. Current development includes single-family attached and detached housing and a wellness center. There are 49 acres of undeveloped property in this activity center.	Potential Buildout as per the Northwest Area Plan. The remaining vacant land in the Amberly Mixed Use Center would likely develop with non-residential floor space and residential units.	Potential Buildout as per this Request. If this request to amend the Amberly PDD is approved, 18.12 acres of the 49 remaining acres would likely develop for a school use.
Non-Residential Floor Area (SF)			
Commercial/Retail	0	175,000	95,000
Office/Institutional	60,000	100,000	80,000
Total	60,000	275,000	175,000
Other (not included above)			
Schools & Daycares	0	10,000	110,000
Assisted Living Facilities	0	0	0

Places of Worship	0	0	0
Theaters/Cinemas	0	0	0
Total	0	10,000	110,000
Existing Residential Units			
Medium Density (MDR)	471	500	471
High Density (HDR)	0	250	129
Total	471	750	600

Parks, Recreation & Cultural Resources

According to the Parks, Recreation and Cultural Resources Facilities Master Plan a street-side trail is proposed along the Yates Store Road frontage; construction will be required in accordance with the LDO.

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. L2 Guiding Principle: Ensure that future growth protects sensitive natural resources and protects open space.
4. A1 Guiding Principle: Increase permitted densities in preferred growth areas to encourage desired forms of development.

Analysis: Adequate infrastructure and facilities appear to be available and/or will likely be added to support new development. The Amberly Mixed Use Center is a preferred growth area and has capacity for more residents and a mix of uses.

Affordable Housing Plan

The Affordable Housing Plan is not applicable to this rezoning request.

Comprehensive Transportation Plan

O’Kelly Chapel Road is designated as a Major Thoroughfare.

Existing Section: 2-lane undivided in approximately 32-foot back of curb to back of curb; approximately 100-foot ROW

Future Section: 4-lane with 18-foot landscaped median; 100-foot ROW

Sidewalks: Required on both sides

Bicycle Lanes: 14-foot-wide outside lanes required

Transit: No existing or proposed transit routes at this time

Status of Planned Improvements: None planned by the Town

Yates Store Road is designated as a Major Thoroughfare

Existing Section: 4-lane with 18-foot landscaped median-divided section in approximately 78-foot back of curb to back of curb; approximately 100-foot ROW

Future Section: 4-lane with 18-foot landscaped median-divided section in approximately 78-foot back to back; approximately 100-foot ROW

Sidewalks: Required on both sides

Bicycle Lanes: 14-foot-wide outside lanes required

Transit: No existing or proposed transit routes at this time

Status of Planned Improvements: None planned by the Town

Stonecroft Lane is designated as a Minor Collector

Existing Section: 3-lane section in approximately 45-foot back of curb to back of curb; approximately 70-foot ROW

Future Section: 3-lane section in approximately 45-foot back of curb to back of curb; approximately 70-foot ROW

Sidewalks: Required on both sides

Bicycle Lanes: Existing bike Lanes

Transit: No existing or proposed transit routes at this time
Status of Planned Improvements: None planned by the Town

Hortons Creek Road is designated as a Minor Collector

Existing Section: 2-lane section (no curb and gutter on the north side) in approximately 35-foot back of curb to back of curb; approximately 60-foot ROW

Future Section: 2-lane section in approximately 35-foot back to back with curb and gutter on both sides; approximately 60-foot ROW

Sidewalks: Required on both sides

Bicycle Lanes: Bike lanes need to be installed

Transit: No existing or proposed transit routes at this time

Status of Planned Improvements: None planned by the Town

Open Space Plan

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

Historic Preservation Master Plan

There are no documented historic resources on the subject property.

APPLICANT’S JUSTIFICATION STATEMENT

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.

ORDINANCE FOR CONSIDERATION

14-REZ-35 Amberly PDD Amendment

AN ORDINANCE TO AMEND A 23.27-ACRE PORTION OF THE EXISTING AMBERLY PLANNED DEVELOPMENT DISTRICT (PDD), OWNED BY FIFTH THIRD BANK AND GANDHI AT AMBERLY, LLC, WHICH HAD BEEN DESIGNATED FOR A MIX OF OFFICE, COMMERCIAL AND RESIDENTIAL USE AND CHANGING THE DESIGNATION TO LIMIT THE USE ON 18.12 ACRES EXCLUSIVELY FOR SCHOOL USE AND USES ASSOCIATED WITH A SCHOOL, AND BY DESIGNATING APPROXIMATELY 5.14 ACRES FOR COMMERCIAL AND/OR OFFICE AND INSTITUTIONAL USE. IN ADDITION, THE TRACT NAME OF “TOWN CENTER” IS PROPOSED TO CHANGE FOR THE SUBJECT PROPERTY. THE 18.12-ACRE TRACT SHALL BE TRACT O&I-1 AND THE 5.14-ACRE TRACT SHALL BE TRACT VC-3.

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 Owners	County Parcel Number(s) (10-digit)	Real Estate ID(s)	Deeded Acreage
Fifth Third Bank 201 N. Tryon Street Charlotte, NC 28202-2146	Wake County PIN 0726716342	0302180	18.00
Fifth Third Bank 165 Nash Street Lawrenceville, Georgia	Chatham County PIN 0726617682	87874	0.12

Gandhi at Amberly LLC 9201 Leesville Road, Suite 201 Raleigh, NC 27613	0726810265	04275808	5.14
Total Area			23.26

Section 2:

That this Property is rezoned, to designate approximately 18.12 acres exclusively for school use and uses associated with school use, and to designate approximately 5.14 for commercial or office and institutional uses subject to the individualized development conditions set forth in the “Amberly Planned Development District document dated December 10, 2009 and on file in the Planning Department, as amended by the Amberly Tracts O&I-1 and VC-3 Planned Development District (PDD) document approved by the Town Council as of this date and on file in the Planning Department, and subject 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 Planned Development District (PDD) document dated December 10, 2009 on file in the Planning Department, as amended by the “Amberly Tracts O&I-1 and VC-3 Planned Development District” document approved by the Town Council as of this date and on file in the Planning Department.

This conditions include:

1. Building area on the O&I-1 Tract shall be limited to 110,000 square feet.
2. Building area on the VC-3 Tract shall be limited to 50,000 square feet.
3. O&I -1 Tract
 - A. Prior to the first Certificate of Occupancy for any development on the O&I-1 parcel, the property owner or developer will construct the following improvements identified in 15-TAR-392 in accordance with and subject to NCDOT and Town of Cary approval and Standards and Specifications:

At the intersection of NC 55 & O’Kelly Chapel Road

- o Provide second eastbound left-turn lane for a distance of 450 feet.
- o Provide extension of the existing eastbound turn lane to a total distance of 450 feet.
- o Provide extension of the existing eastbound right-turn lane to a total distance of 600 feet.

At the intersection of Green Level Church Road & O’Kelly Chapel Road

- o Provide eastbound right-turn lane for a distance of approximately 500 feet.

- B. The property owner or developer will provide for the following improvements identified in 15-TAR-392 in accordance with and subject to NCDOT and Town of Cary approval and Standards and Specifications:

At the intersection of O’Kelly Chapel Road & Stonecroft Lane

- o The property owner or developer will provide a full signal warrant analysis ("Warrant Analysis") within three to six months after issuance of the final certificate of occupancy of the building.
- o If a signal is warranted as part of the Warrant Analysis and approved by the Town of Cary ("Town") and NCDOT, the owner or developer shall provide a comprehensive opinion of the cost in the form of a report ("Report"), which will include signal design and review fees, prepared by a professional engineer. The owner or developer shall provide a financial guarantee of construction in the form of cash or letter of credit, or such other form as may be mutually agreeable to Town and the property owner or developer, equal to 1.5 times the cost determined in the Report within thirty (30) days to Town and DOT approval. Such financial guarantee shall be administered by the Town in accordance with

its standard practices and procedures for financial guarantees and shall remain in effect until used or released in accordance with this condition.

- If a signal is warranted as part of the Warrant Analysis and approved by the Town and NCDOT, property owner or developer will provide traffic signal easements as necessary to accommodate traffic signal equipment.
- If a signal is warranted as part of the Warrant Analysis and approved by the Town of Cary and NCDOT, the property owner or developer shall construct and install a traffic signal (per Town Standards and NCDOT) at the intersection of O'Kelly Chapel Road and Stonecroft Lane, as recommended by the above mentioned TAR on file with the Town within 12 months of approvals of Town and NCDOT,
- If a signal is not warranted as part of the Warrant Analysis and approved by the Town and NCDOT, the property owner or developer shall have no further responsibility for signalization improvements at the intersection.

4. VC-3 Tract

- A. Prior to the first Certificate of Occupancy for any development on the VC-3 parcel, the property owner or developer shall construct the following improvements identified in 15-TAR-392 in accordance with and subject to NCDOT and Town of Cary approval and Standards and Specifications:

At the intersection of O'Kelly Chapel Road & Stonecroft Lane

- Restripe the eastbound right-turn lane to shared through / right turn lane as part of the development requirement to improve the roadway along the VC-3 frontage to the ultimate cross-section per the Comprehensive Transportation Plan, if the ultimate section of O'Kelly Chapel Road has been completed to Green Level Church Road in advance thereof.

At the intersection of O'Kelly Chapel Road & Retail Access 1 (Build Only)

- Construct the eastbound through lane at this intersection as part of development requirement to improve the roadway along the VC-3 parcel frontage to the ultimate cross-section per the Comprehensive Transportation Plan.

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

Adopted and effective: *April 21, 2015*

Harold Weinbrecht, Jr.
Mayor

Date