

**Town of Cary, North Carolina
Rezoning Staff Report
12-REZ-23 The Boulevard
Town Council Public Hearing
March 28, 2013**

REQUEST

The applicant, the State of NC - Department of Administration, has requested an amendment to the Town of Cary Official Zoning Map to rezone approximately 92 acres located on the north side of Cary Towne Boulevard from Office and Institutional (OI) to Mixed Use District (MXD) subject to conditions specified on an associated Preliminary Development Plan (PDP). The PDP proposes approximately 78 acres to be developed with up to 400 single-family-detached dwellings and townhome units, and 15 acres to be developed for retail, office and/or hotel use, with possible upper-story residential use.

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
State of NC Dept. of Admin. State Property Office 116. W. Jones Street, Rm 4005 Raleigh, NC 27603-1300	Portion of 0774311292	Portion of 0112863	92 ±

BACKGROUND INFORMATION

Applicant	State of North Carolina Department of Administration		
Agent	Glenda Toppe, Glenda S. Toppe & Associates		
Acreage	90 ±		
General Location	North side of Cary Towne Boulevard, west of I-40		
Schedule	Planning & Zoning Board Public Hearing February 18, 2013	Town Council Public Hearing March 28, 2013	
Land Use Plan Designation	Medium Density Residential (MDR)		
Existing Zoning District	Office/Institutional (OI)		
Existing Overlay Districts	Mixed Use Overlay District (MUOD) Thoroughfare Overlay District		
Existing Zoning Conditions	none		
Proposed Zoning District	Mixed Use (MXD)		
Proposed Zoning Conditions	See Preliminary Development Plan - Cover Existing Conditions Development Standards Circulation Landscape Illustrative Typical Site		
Town Limits	Yes		
Valid Protest Petition	To be determined prior to the public hearing before Town Council		
Staff Contact	Mary Beerman, AICP (919) 469-4342 mary.beerman@townofcary.org		

SUMMARY

Site Description

Boundary

The subject property is an approximately 90-acre portion of the property owned by the State of North Carolina, with frontage on both East Chatham Street and Cary Town Boulevard. Walnut Creek dissects the existing parcel from west to southeast. The portion of the parcel north of Walnut Creek (not included in this request) includes area leased by the Town of Cary for the WakeMed Soccer Park. The portion of the parcel bounded by Walnut Creek to the north, and Cary Town Boulevard to the south, is the subject of this request. A subdivision plat establishing the boundary of the subject property to be rezoned will be recorded prior to final action on the rezoning request.

Cary Transportation Plan Road Network

- A portion of Trinity Road extends from the southern boundary (along Cary Towne Boulevard) northward into the subject property, terminating near the existing stream. Trinity Road is included in the Cary Transportation Plan as a 4-lane median divided thoroughfare from Chapel Hill Road (NC 54 Highway) to Cary Towne Boulevard. The portion of Trinity Road south of Walnut Creek was constructed by the Town in 2005 within an existing 126-foot right-of-way. Based on the Transportation Plan, Trinity Road will continue through the WakeMed Soccer Park site across East Chatham Street, and eventually to Chapel Hill Road. Town of Cary funding is not contained in the 10-year Capital Improvement Budget/Plan for this project.
- Quinard Drive currently extends from SE Maynard Road to a point approximately 650 feet west of the boundary of the subject property. Upon completion, it will provide a collector road connection between Trinity Road and SE Maynard Road through the northern portion of the subject property. Completion of the connection may occur upon development of adjacent parcels to the west.

Summary of Preliminary Development Plan

Since the subject property is located in the Mixed Use Overlay District, the requested zoning district is Mixed Use (MXD), which requires a Preliminary Development Plan (PDP) to be included as a component of the request.

Cover

Existing Conditions

Development Standards

Circulation

Landscape

Illustrative

Typical Site

Pod "A"

The portion of the site west of Trinity Road (Pod "A") is proposed to be developed with up to 400 single-family and townhome units characterized as a traditional neighborhood development. Pod A would include two residential unit types (detached single family units and townhomes), with up to eight product types with varying lot widths and building facades. All homes would have vehicular access from the rear via private alleys, with no curb cuts on streets for individual driveways. On-street parking would be provided along street sections, with bump-out islands for street trees between the back of curb and the sidewalk. Open space would be provided based on final layout and design at the time of site plan approval in accordance with the LDO. A recreational amenity (minimum 1.0-acre), and at least two community gathering spaces (minimum 5,000 square feet each) will also be included.

Pod "B"

The portion of the site east of Trinity Road (Pod "B") is proposed to be developed with non-residential uses that may include retail, office and hotel use, with the possibility of up to 100 residential units to be located in the upper stories of the retail and office buildings.

Open space will be provided based on final layout and design at the time of site plan approval in accordance with the LDO. One community gathering space (minimum 2,400 square feet) will also be provided.

Summary of Key Staff Observations

Consistency With Land Use Plan

- The regional activity center does not currently have a more “diverse and intensive” mix of uses than are found in smaller, neighborhood and community activity centers, in Cary. (Land Use Plan, Section 6.2.2)
- The center does not include “large amounts of regional office space” as might normally be expected for a regional center, and the proposed PDP may or may not help to add office space. (Land Use Plan, Section 6.2.2)
- Since the site in question does not include “short, safe, and convenient” pedestrian links to the other, main quadrants of the activity center, the Land Use Plan recommends that “*a mix of commercial and/or office, and supportive higher-density residential uses should be provided on this same quadrant or same side of an arterial*” (i.e., the same side of Cary Town Boulevard). While the PDP does provide for some nonresidential uses in Pod 2, the Land Use Plan could support a greater mix of commercial and/or office. (Land Use Plan, Section 6.2.6)
- However, the uses proposed by the PDP will improve the overall mix and balance of uses in the regional center, and is generally consistent with Table 6.2 of the Land Use Plan. (Land Use Plan, Table 6.2)

On balance, the proposed PDP can be considered consistent with the Land Use Plan, in particular because the PDP will improve the mix of uses in the overall regional center. However, the intensity of uses on the site, and the degree of the use mix on the site, is less than might be ideal or feasible for this key infill site.

Request to Dedicate Parkland

The applicant will owe a maximum of 14.37 acres to meet park land dedication requirements based on a maximum of 500 units of housing. A portion of this requirement will be met with the construction of approximately .4 miles of the Walnut Creek Greenway, which the applicant has agreed to do. To meet the remainder of the required land dedication requirement, the applicant has proposed to dedicate 6.37 acres which are adjacent to Adams Elementary. Staff is recommending against accepting the proposed 6.37 acres for the following reasons:

- The proposed 6.37-acre park land dedication site does not meet the criteria for park land dedication spelled out in the LDO as its location is not in compliance with the approved PRCR Master Plan. The Town recently went through a deliberative, two year update to the PRCR Master Plan with much public involvement and input. This recently approved master plan did not identify a park land or school park need in the vicinity of the proposed park land dedication.
- There are currently 3 existing neighborhood parks, 1 mini park (Urban Park) and 1 proposed park (Walnut Creek) within 1 mile of the subject property.
- Adjacent to and extending along the north side of this property is the 158 acre WakeMed Soccer Park. This facility is not a park in the classical sense but is one of the Town’s major athletic venues and includes 7 soccer fields, 1 stadium field with a capacity for 10,000 and a 5K college- level cross country course. It hosts professional, college and high school level events on a weekly basis. It is important to note that the WakeMed Soccer Park site is currently owned by the State and leased to the Town.
- By ordinance, any land dedication must be deemed suitable for active recreation and meet certain criteria except as otherwise required by Town Council. The 6.37-acre site proposed for public park

land dedication consists of over 2 acres (34%) of stream buffers which would be unusable as parkland. The site is a somewhat narrow, triangular parcel with slopes that limit overall development. Nor does it meet the "location" criteria as it is not in compliance with the PRCR Master Plan, and the parcel is separated from the remainder of the development by a creek with buffers. Pedestrian access between the development and the proposed park land dedication would be via the street-side trail along Cary Towne Blvd, and vehicular access would be via Cary Towne Blvd as there is no internal pedestrian or vehicular access proposed from The Boulevard residential development.

- The proposed land dedication is adjacent to Adams Elementary and the Miracle League Field. The location of the proposed dedication in relation to these facilities makes the property virtually landlocked. It would most likely require an access easement off the Adams Elementary driveway to access the property. (It is unknown whether a driveway access would be allowed on Cary Towne Blvd, and no vehicular connection is proposed from the Boulevard development.)
- Acceptance of this proposed land dedication would take an estimated \$1.03 million of funding away from Town's extensive list of park and greenway projects identified in the Capital Improvement Plan.

Bookmark Links to Staff Report Sections

The table below provides bookmark links to various aspects of the staff review of this project. Comments are provided where useful to identify and summarize key issues or concerns discussed in more depth in the remainder of this report.

Process and Actions To Date	
Site Characteristics	
Consistency with Land Development Ordinance	
	Staff Comments
1. Land Use	Proximity of proposed residential units to WakeMed Soccer Park could result in noise, traffic and lighting impacts on future residents. In order to address this concern, the applicant has added a Noise/Light Disclosure note to sheet C-2 of the PDP documents.
2. Residential Density	--
3. Dimensional Standards	Dimensional standards for MXD rezonings are as proposed by the applicant and indicated on the PDP. The proposed conceptual development is a traditional neighborhood that is more urban in nature than typical suburban subdivisions. Building placement, road width and design, on-site and on-street parking, and location of sidewalks and landscape areas are all highly integrated, with each design feature dependent on the other.
4. Perimeter Buffers	--
5. Streetscape Buffers and Street-side Trails	Reductions of streetscape (Thoroughfare Corridor Buffer) widths from 100' to 50' for Cary Towne Blvd., and 50' to 30' for Trinity Road,, are requested. Street-side trails are required along both of these streets by the PRCR Master Plan and LDO, which may result in clearing of a minimum 14-foot wide meandering strip within each buffer.
6. Greenways	Street-side trails and greenway are being constructed in accordance with the PRCR Master Plan, with the exception of continuance of street-side trail along Trinity to the northern property line; this is included in waiver request associated with Trinity Road extension.
7. Parks	Applicant proposes parkland dedication of 6.37 acres. PRCR Master Plan does not call for a park in the vicinity of the subject property. The site offered for dedication does not meet all criteria specified in the LDO used to evaluate appropriateness for acceptance.

8. Traffic

A traffic study was not required by the Town of Cary at the time of rezoning because the existing zoning district (OI) is anticipated to be more traffic intensive than the proposed zoning district (MXD).

However, Cary Town Blvd and Trinity Road are both NCDOT maintained roadways, and each has control-of-access limitations regulated by the state. The applicant requested consideration by NCDOT to break the control-of-access for driveway access into the property (Site Drives A, B, C and D as shown on the PDP). NCDOT required that a traffic study be prepared in advance to evaluate traffic impacts and the proposed driveway access locations.

A traffic impact study (13-TAR-360) assuming 200 townhomes, 200 single-family homes, and 200,000 square feet of retail use was prepared in November 2012.

IMPROVEMENTS RECOMMENDED IN TRAFFIC STUDY

NOTE: The PDP includes all the necessary improvements as outlined below, except for one as indicated.

Traffic Signals (to be added by applicant when warranted)

- I-40 Eastbound Off-Ramp at Cary Towne Boulevard
- I-40 Westbound Off-Ramp at Cary Towne Boulevard
- Trinity Road at Cary Towne Boulevard

Trinity Road

- Widen roadway through project to 4-lane median divided roadway (Required by Comprehensive Transportation Plan)

E. Chatham Street at Trinity Road

- Add exclusive 100' right-turn lane on southbound Trinity Road.
- **Note: The applicant has not agreed to make this improvement.**

Proposed Driveway Access Points*

Site Drive A: Access into Residential Pod from Cary Town Blvd
Right-in, right-out only driveway, with 100' right-turn deceleration lane on Cary Town Boulevard.

- Site Drive B: Access into Residential Pod from Trinity Rd
- Full movement driveway until Trinity Road is extended further to the north and connects with E. Chatham Street (assumes Trinity Road is widened to 4 lanes)
 - After connection to E. Chatham, modify to right-in, right-out only, with left-turn ingress only (left turn egress prohibited)
 - Add 100' northbound left-turn lane on Trinity Road

- Site Drive C: Southern Access into Commercial Pod from Trinity Rd
- Full movement driveway until Trinity Road is extended further to the north and connects with E. Chatham Street (assumes Trinity Road is widened to 4 lanes)
 - After connection to E. Chatham, modify to right-in, right-out only, with left-turn ingress only (left turn egress prohibited).
 - Add 100' southbound left-turn lane on Trinity Road and 200' northbound right-turn deceleration lane

	<p><u>Site Drive D: Northern Access into Commercial Pod from Trinity Rd</u></p> <ul style="list-style-type: none"> • Full movement driveway • One ingress lane • Two egress lanes consisting of one through lane (to extension of Quinard Dr). and a 250' westbound left-turn lane. <p><u>Site Drives E & F: Access into Residential Pod from Collector Road (extension of Quinard Dr.)</u></p> <ul style="list-style-type: none"> • Full movement driveways • One ingress lane and one egress lane at each driveway • 100' westbound left turn lane on collector road at each driveway <p><i>* Final decision by NCDOT to approve or deny proposed driveway locations and breaks in control of access within Cary Towne Blvd and Trinity Rd. to occur after completing review of traffic study..</i></p>
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9. Stormwater	--
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Requested Modifications to Standards

	Staff Comments
1. Width of Buffers	<p>Standard and Proposed Modification:</p> <p><u>Trinity Road*</u> Standard: 50' Type A Proposed Modification: 30' Type A</p> <p><u>Cary Towne Boulevard*</u> Standard: 100' Type A Proposed Modification: 50' Type A</p> <p><u>Collector Road (Extension of Quinard Drive)</u> Standard: 30' Type A Proposed Modifications:</p> <ul style="list-style-type: none"> • 15' opaque buffer where back of unit faces street • install shrubs behind sidewalk where units face street <p><i>*NOTE: Impact of Street-Side Trail Requirement per PRCR Master Plan for meandering street-side trail, rather than standard sidewalk, will result in a cleared strip within the streetscape buffer of a minimum width of 14 feet.</i></p>
2. Parkland Dedication	<p>Standard: Location must be in accordance with PRCR Master Plan; land must be usable for any and all recreational facilities and activities.</p> <p>Proposed Modification: Per the recently approved PRCR Master Plan, no park land is needed in this location; the 6.37-acre parcel proposed by the applicant is narrow and triangular with buffers and slopes that limit park development potential.</p>
3. Comprehensive Transportation Plan Improvements: Trinity Road Extension	<p>Standard: Extend Trinity Road from end of existing pavement to northern property boundary as four-lane median divided roadway.</p> <p>Proposed Modification: Make a cash payment contribution of \$125,000 in lieu of construction, toward future extension of</p>

	<p>Trinity Road.</p> <p>Staff Comment: LDO section 8.1.5 states that the amount of such payment shall be one hundred (100) percent of the actual installation and construction cost of such improvements. The \$125,000 cash contribution does not fully reflect the all-inclusive cost for a four-lane median divided roadway. If full costs are not recovered by the development, then the Town, State, or third party, may be financially responsible for the roadway construction in the future.</p>
4. Standard Specifications and Details	
Tangent Length	<p>Standard: 300' maximum (minor local street) 500' maximum (major local street)</p> <p>Proposed modification: Maximum 950'</p> <p>Staff Comment: Standard promotes lower travel speeds by creating frequent horizontal curvature changes in road</p>
Road Sections	<p>Standard: Sidewalk to be located 5' from back of curb, and parking along collector avenues prohibited</p> <p>Proposed Modification: Parking (interspersed with tree islands) proposed along collector avenue, with sidewalk adjacent to back of curb where parallel on-street parking is provided, and 7' from back of curb behind landscaped islands where no on-street parking is provided.</p>
Median Opening Spacing Interval	<p>Standard: 1,000' on local roads with median 1,200' on Trinity Rd and Cary Towne Blvd.</p> <p>Proposed Modification: 300' on some local roads 650' on Trinity Road 600' on Collector Avenue</p> <p>Staff Comment: Significant safety concern, particularly along Trinity Rd and Cary Towne Blvd.</p>
Local Street R/W Width	<p>Standard: 50' minimum width.</p> <p>Proposed Modification: 37' for one-way local streets</p> <p>Staff Comment: No specific standard for one-way local streets, but section shows pavement 0.5' from r/w on one side, insufficient for maintenance.</p>
Location of Street Trees	<p>Standard: Street trees located in 10-foot wide planting strip outside of street right-of-way.</p> <p>Proposed Modification: Some street trees located between the sidewalk and the back of curb in a 7' planting strip inside the right-of-way. Root barrier systems to restrict horizontal root growth proposed where planting strip is less than 10' to prevent damage to public infrastructure. In addition, any trees within the public right-of-way will be privately maintained by the homeowners association.</p>
Criteria for Consideration in Reviewing Rezoning Requests	
Consistency with Comprehensive Plan	
	Staff Comments
A. Land Use Plan	Improves balance of uses with additional residential use. However more intensive development, with a greater mix of uses, could be supported in the area included in Pod A

B. Parks, Recreation & Cultural Resources Facilities Master Plan	Proposed park land location is not in compliance with the master plan; waiver has been requested for continuance of street-side trail along Trinity Road to northern property line.
C. Growth Management Plan	
D. Affordable Housing Plan	
E. Comprehensive Transportation Plan	Applicant proposes to make a cash payment contribution toward future extension of Trinity Road in lieu of construction
E. Open Space Plan	
F. Historic Preservation Master Plan	
Consistency with Design Principles	
Consistency With Site Design Standards	
Other Reference Information (School Student Estimate)	
Applicant Justification Statement	
Ordinance for Consideration	

SUMMARY OF PROCESS AND ACTIONS TO DATE

Neighborhood Meeting

According to meeting minutes provided by the applicant, a neighborhood meeting held on September 11, 2012 was attended by seven neighboring property owners. Questions and concerns expressed at the meeting related to the perimeter buffer along the western property boundary, project buildout and phasing, road improvements, storm water run-off, wildlife impacts and cost of units.

Notification

On December 27, 2012, the Planning Department mailed notification of a public hearing on the rezoning request to property owners within 400 feet of the subject property. Notification consistent with General Statutes was published in the Cary News on January 2 and 9, 2013. Notice of the public hearing was posted on the property on December 27, 2012.

Planning and Zoning Board Public Hearing (February 18, 2013)

The Planning and Zoning Board conducted a public hearing on the request at its meeting on February 18, 2013, and recommended approval by a vote of 6-2. Comments and questions made by individual Board Members are summarized below:

- Questions regarding the merits of the streetscape reduction and the proposed public parkland dedication.
- Concern with traffic and requested waivers, the proposal to allow Trinity Road to maintain its current terminus, and the request for an increase to the 25-acre limit on mass grading.
- Concern with the proposed grading modification and streetscape reductions. The rezoning on balance was noted as suitable and that mixed use project fit at this location.
- Comments on traffic and buffers, noting that traffic issues would be less with the proposed use than if it was all developed with office under the current zoning.

- Grading modification was noted as not of concern. Also noted that dedication of parkland that could be used by the adjacent school for baseball seemed a good use. The streetscape reduction was of minimal concern, and project overall was noted as worthwhile.
- Comment that most proposed modifications were reasonable, but concern with not extending Trinity Road, and with allowing almost 2-1/2 times the allowed 25 acres to be graded at one time.
- Support for walkability of the proposed development. It was noted that Pod B should contain more non-residential development and less residential development.
- Comments and concern regarding open space, parkland dedication, and costs associated with extension of Trinity Road to the center of the creek. The benefit to the town of the existing soccer park was noted. It was also noted that dedication of the proposed parkland could be a good use for the schools, even though it was not on Cary's parks plan.

Changes Since Planning and Zoning Board Public Hearing

Since the Planning and Zoning Board public hearing, the applicant has revised the rezoning request as follows:

- 1) The request for modification of the acreage limit for mass grading has been removed, and the standard limit of 25 acres will apply.
- 2) The request for waiver of the requirement to extend Trinity Road to the property line has been modified to include a contribution of \$125,000.

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SITE CHARACTERISTICS

Floodplain: According to Cary's current GIS maps, the northern boundary of the site includes floodway, floodplain, and stream buffer area associated with Walnut Creek. Field determination of these features will be required at the time of subdivision plan review.

Streams: Cary's current GIS maps identify several stream buffers associated with potential tributaries of Walnut Creek. Field determination of such features will be required at the time of subdivision plan review.

Wetlands: Field determination and survey of wetlands is required at the time of subdivision plan review.

Topography: The site is characterized by rolling topography, with slopes that radiate from the high point of the site on its western edge, dropping some 50'-60' in elevation towards the north, south and east.

Adjacent Zoning and Land Use:

North and East -- Office/Institutional (OI); WakeMed Soccer Park

South -- Office/Institutional (OI) and Mixed Use District (MXD); Vacant, approved Cary Retirement Residence

West -- Residential 40 (R-40) and Residential Multi-family (RMF); Adams Elementary School, Merriwood apartments, and Village Green apartments and townhomes

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CONSISTENCY WITH LAND DEVELOPMENT ORDINANCE

Preliminary development plans associated with a MXD Rezoning request are reviewed for consistency with the following requirements and/or provisions of the LDO:

Mixed Use Zoning District (MXD) Provisions (per Sections 4.5.2(D))

Land Uses

Uses are allowed in accordance with Chapter 5 of the LDO for the specific type of activity center (Regional Activity Center, in this case).

Dimensional Standards

Dimensional standards are as stated on the approved PDP.

Overlay Districts and Use Regulations (LDO Chapters 4 and 5)

Unless otherwise waived or modified by the PDP, the development must meet applicable overlay district regulations (LDO Chapter 4), and use regulations (LDO Chapter 5).

General Development and Design Standards (LDO Chapter 7).

Requirements related to urban transition buffers, adequate public facility ordinance, stormwater control, and nitrogen reduction may not be waived or modified. (See Section below entitled "Regulations Proposed to be Waived or Modified by the Preliminary Development Plan")

Mixed Use Overlay District (MUOD) Provisions (per Sections 4.4.2(F) and (G))

Buffer Widths

Buffer widths may not exceed the requirements of the LDO.

Connectivity

The road network must ensure that adjacent residential areas will have direct access to the non-residential portions of the activity center. In addition, residential and non-residential uses within the development must be connected in accordance with town-wide design guidelines.

1. LAND USE

The range of land uses for proposed Development Pods A and B, as indicated in the following tables, would improve the balance between residential and non-residential development in the existing Cary Towne Center Mixed Use Overlay District. (See "Applicable Comprehensive or Area Plan Requirements", a separate section of this report, for additional detail).

Pod "A"

RESIDENTIAL UNIT (LAND USE) TYPE	NUMBER OF UNITS	
	Minimum	Maximum
Detached Single-Family Dwelling lots	50	350
Townhome Units	50	350
Total	250	400

The existing field facilities for the WakeMed Soccer Park are located on the north side of Walnut Creek, with the closest existing field located within approximately 1000' to 1300' of the nearest proposed residential units, based on the conceptual plan provided in the PDP. Future development and expansion of facilities within the Park could potentially reduce this distance to approximately 650 feet. Noise, lights and traffic associated with events held at this facility may impact residents of the proposed residential development. Provisions related to disclosure of the potential impacts associated with the Park to potential buyers of residential units are included on the PDP.

Pod "B"

LAND USE	Minimum	Maximum*
Retail/Commercial	50,000 square feet of floor area, containing a minimum of 2 uses	200,000 sf
Restaurant		35,000 sf
Hotel		300 rooms
Office		125,000 sf
Condominium (residential)	0	100 units
* The cumulative trip generation for all uses developed in Pod B may not exceed the trip		

generation based on 200,000 sf of retail use (assumption used in preparation of traffic impact study 13-TAR-360).

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2. RESIDENTIAL DENSITY

	Pod A	Pod B	Overall
Area	77.45 ac <i>(71.08 ac. If 6.37 ac. of proposed parkland dedication is accepted)</i>	14.64 ac.	92.09 ac.
Dwelling Units	250-400	0-100	250-500
Density Range	3.5 – 5.6 du/ac	0 – 6.8 du/ac	---

3. DIMENSIONAL STANDARDS

Pod “A”

PROPOSED POD “A” DIMENSIONAL STANDARDS						
Standard		Single-Family		Townhomes		
		Min.	Max.	Min.²	Max.	
Dimensions	Lot Size	3,000 sf	--	1,080 sf	--	
	Lot Width	30'	--	18'	--	
	Lot Depth	100'	-	60'	--	
	Building Height	--	45'	--	45'	
Building Setbacks <i>also applicable to patios and decks</i>	Adjacent to Streets and Alleys	Collector Avenue (on-street parking)	15'	25'	15'	25'
		Collector Avenue (no on-street parking)	25'	25'	25'	25'
		Local Street	10'	20'	10'	20'
		Alley	5'	20'	5'	20'
	Side	3' ¹	--	--	--	
Building Separation	Side/Side	6'	--	16'	--	
	Side/Rear	6'	--	30'	--	
	Rear/Rear	6'	--	30'	--	
¹ Eaves may encroach into the side building setback provided that; a minimum separation of six feet is maintained between eaves of adjacent residences; or, firewalls are provided in accordance with applicable building code requirements						
² Building separation requirement for townhomes refers to building groupings rather than individual townhome units.						

Staff Comment: It is important to consider these design standards in the context of a traditional neighborhood that is more urban in nature than suburban subdivisions. Building placement, road width and design, on-site and on-street parking, and location of sidewalks and landscape areas are all highly integrated, with each design feature dependent on the other. If one aspect of the design standards is modified, then the other aspects must be re-evaluated to ensure that the development continues to function as an integrated whole. Proposed building setbacks are based on an assumption that garage parking for individual units is provided at the rear of the units, with access from the alley. If additional parking spaces are required based on the number of bedrooms, a parking pad may also be required adjacent to the garage for townhomes. Additional parking needs, including guest parking, are met by provision for on-street parking.

PROPOSED POD "A" PRODUCT VARIATION STANDARDS		
Standard	Minimum	Maximum
Number of Residential Unit Types	2	--
Number of Product Widths (and Facades)	4	8

Pod "B"

PROPOSED POD "B" DIMENSIONAL STANDARDS		
Standard		Proposed
Dimensions	Lot Size	Min. 2,500 sq. ft. ¹
	Lot Width	Min. 50'
	Building Height	Max. 90'
Building Setbacks	Cary Town Blvd	Min. 30' ¹
	Trinity Road	Min. 30' ¹
	Side	Min. 30'
	Rear/Rear	Min. 35'

¹ Additional 10 feet required if streetscape incorporates existing vegetation

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4. PERIMETER BUFFERS

LOCATION	LDO STANDARD	PROPOSED
West side adjacent to Adams Elementary School	20' Type B	20' Type B
West side adjacent to existing residential uses	20' Type A	30' Type A
North/east side adjacent to WakeMed Soccer Park	20' Type B	N/A – within 200' UTB

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5. STREETScape BUFFER AND STREET-SIDE TRAIL

FRONTAGE	LDO STANDARD	PROPOSED
Cary Towne Boulevard ¹	100'	50'
Trinity Road ¹	50'	30'
Collector Avenue (Quinard Drive Ext.) (units fronting)	30'	Hedge of 24" shrubs (24" at installation, species to grow to min. ht. of 48") to be planted adjacent to 5' utility easement
Collector Avenue (units backing)	30'	15'

¹ Frontage along Cary Towne Boulevard and Trinity Road is within the Thoroughfare Overlay District. In accordance with LDO Section 4.4.4, within the required buffer strip, all existing vegetation shall be maintained in a natural, undisturbed state and, unless the existing natural vegetation provides such a buffer, the applicant and/or developer shall install and make provision for maintenance of an Opaque Type A buffer meeting the requirements of Section 7.2.3(D) and (G) of the Ordinance.

In accordance with the PRCR Master Plan and the LDO, street-side trails are required to be constructed (in lieu of the standard 5-foot sidewalk) along the west side of Trinity Road and the north side of Cary Towne Blvd. Per the PRCR Master Plan, street-side trails are 10' wide paved trails located within a minimum 14' wide easement. These trails are a part of the greenway system and

standards call for the trails to meander. Standard right-of-way widths do not entirely accommodate these trails and they typically overlap and meander within the streetscape buffers. In effect, the total width of the vegetated portion of a 50' streetscape buffer could be reduced to 36 feet, and total vegetated width of a 30' buffer could be reduced to 16'. These widths may be slightly larger where the greenway meanders into a portion of the street right-of-way. Please see Staff Observations in #1 of the section entitled "Regulations Proposed To Be Waived Or Modified By The Preliminary Development Plan" below.

6. GREENWAYS

The applicant will construct an off-road greenway along Walnut Creek on the north end of the property in accordance with the PRCR Master Plan, and as required to comply with connectivity requirements of MUOD and PDP. A minimum 20' wide greenway easement centered on the constructed trail will be dedicated to the Town, along with a 40' wide greenway easement between the constructed trail and the northern property line to facilitate a future pedestrian connection to the cross country trail in the WakeMed Soccer Park. Credits may be applied towards the required recreation fund payment in accordance with the LDO.

The applicant has requested a waiver to the extension of the Trinity Road street-side trail to the northern property boundary. This request is made in conjunction with the waiver request for the extension of Trinity Road to the northern property boundary. Please see Staff Observations in #4(A) of the section entitled "*Regulations Proposed To Be Waived Or Modified By The Preliminary Development Plan*" below.

7. PARKS

A payment in lieu of park land dedication is required for residential development in accordance with the LDO. The applicant is proposing to dedicate 6.37 acres at the southwest corner of the site adjacent to Adams Elementary School to partially fulfill the park land dedication requirement. The location of the proposed dedication is not in compliance with the approved PRCR Master Plan nor the LDO, as no park site is needed or called for in this area. The land offered for dedication also does not meet all of the design criteria for park land dedications found in Section 8.2.3 (C) of the LDO. Please see Staff Observations in #2 of the section entitled "*Regulations Proposed To Be Waived Or Modified By The Preliminary Development Plan*" below.

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8. TRAFFIC

The existing zoning on the property is Office & Institutional (O&I). The existing zoning is anticipated to be more traffic intensive than the proposed MXD uses contemplated, as shown on the preliminary development plan. A traffic study was not required at the time of the rezoning application. However, the applicant chose to complete a traffic study.

Cary Town Boulevard and Trinity Road are both NCDOT maintained roadways. Each of these roadways also has control-of-access limitations along length of each roadway, which are regulated by the state. The applicant has made a request to NCDOT for consideration to break the control-of-access for driveway access into the property, as shown on their preliminary development plan. Therefore, NCDOT required a traffic impact study be prepared in advance to evaluate the traffic impacts of the development on the adjacent roadway system and to further evaluate the proposed driveway access locations into the project.

A traffic impact study (13-TAR-360) was prepared by Martin, Alexiou, Bryson, which is one of the Town's on-call traffic consultants. The traffic study was prepared in November 2012. The study meets both NCDOT and Town of Cary needs. Findings of the study are as follows:

Project Description

- 200 Townhomes
- 200 Single-Family Detached
- 200,000 square feet of Retail

Trip Generation

- 11,817 daily trips (5,909 entering, 5,908 exiting)
- 478 A.M. peak hour trips (201 entering, 277 exiting)
- 1,053 P.M. peak hour trips (550 entering, 503 exiting)

Existing (2012) Conditions

Preliminary findings indicate that all but one (1) intersection studied in the surrounding area, are currently operating at acceptable levels of service (LOS D or better) during both the A.M. peak hour and P.M. peak hour. The following intersection is currently operating at a poor level of service:

- I-40 Eastbound Off-Ramp and Cary Towne Boulevard, stop-sign controlled (LOS F in the PM peak hour).

Build-Out Year of Project

The applicant has stated that the project will be entirely built-out in year 2018; therefore, all future year analyses were completed using this build-out year.

Background (2018) Conditions

Preliminary findings indicate that three (3) studied intersections in the immediate area will operate at poor levels of service (below LOS D). They are as follows:

- I-40 Eastbound Off-Ramp at Cary Towne Blvd., stop-sign controlled (LOS F in P.M. peak hour)
- I-40 Westbound Off-Ramp at Cary Towne Blvd., stop-sign controlled (LOS E in P.M. peak hour)
- E. Chatham Street at Trinity Road, stop-sign controlled (LOS F in P.M. peak hour)

Project Build-out (2018) Conditions

Site traffic generated by the development was added to background (2018) conditions to derive build-out (2018) conditions. Preliminary findings indicate that four (4) studied intersections in the immediate area will operate at poor levels of service (below LOS D). They are as follows:

- I-40 Eastbound Off-Ramp at Cary Towne Boulevard, stop-sign controlled (LOS E in A.M. peak hour and LOS F in P.M. peak hour)
- I-40 Westbound Off-Ramp at Cary Towne Boulevard, stop-sign controlled (LOS E in the A.M. peak hour and LOS F in the P.M. peak hour)
- E. Chatham Street at Trinity Road, stop-sign controlled (LOS F in P.M. peak hour)
- Trinity Road at Cary Towne Boulevard, stop-sign controlled (LOS F in A.M. peak hour, and LOS F in P.M. peak hour).

Roadway Mitigation Findings

To improve intersections that were evaluated with poor levels of service, the following mitigation findings were developed and **agreed to be constructed by the applicant**, except for one of the improvements indicated below:

- I-40 Eastbound Off-Ramp at Cary Towne Boulevard – add traffic signal when warranted.
- I-40 Westbound Off-Ramp at Cary Towne Boulevard – add traffic signal when warranted.
- E. Chatham Street at Trinity Road – add exclusive 100' right-turn lane on SB Trinity Road.
(Note: the applicant has not agreed to make this improvement).
- Trinity Road at Cary Towne Boulevard – add traffic signal when warranted.
- Trinity Road – widen roadway through project to 4-lane median divided roadway section.

Proposed Driveway Access (findings assume construction of improvements listed in "Roadway Mitigation Findings" above)

The applicant is proposing driveway access locations, as shown on the preliminary development plan. Summarized below are the findings for each driveway location.

- Cary Town Boulevard Access (Access A into residential pod) – construct as right-in, right-out only driveway with a 100’ right-turn deceleration lane on Cary Town Boulevard.
- Trinity Road Access
 - Access B into residential pod – interim full movement driveway until Trinity Road is extended further to the north and connects with E. Chatham Street. Future configuration would become a right-in, right-out only with limited left-turn ingress only (left turn egress prohibited). Trinity Road must be widened to a 4-lane median divided roadway to satisfy level of service thresholds. Add a 100’ northbound left-turn lane on Trinity Road.
 - Access C into commercial pod – interim full movement driveway until Trinity Road is extended further to the north and connects with E. Chatham Street. Future configuration would become a right-in, right-out only with limited left-turn ingress only (left turn egress prohibited). Trinity Road must be widened to a 4-lane median divided roadway to satisfy level of service thresholds. Add a 100’ south bound left-turn lane on Trinity Road and a 200’ northbound right-turn deceleration lane on Trinity road.
 - Access D into commercial pod – full movement driveway proposed. One ingress lane and two egress lanes consisting of one through lane and a 250’ westbound left-turn lane.
- Proposed Collector Road (Access E&F into residential pod) – construct as full movement driveways with a minimum one ingress lane and one egress lane. Add 100’ westbound left turn lane on proposed collector road at each driveway location.
- NCDOT District Engineer’s Office and Congestion Management Group is currently reviewing the traffic impact study and will be providing their final determination for approval or denial of proposed driveway locations and breaks in control of access within Cary Towne Boulevard and Trinity Road

9. 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 to pre-development conditions at the discharge point leaving the development

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REQUESTED MODIFICATIONS TO STANDARDS *Per Section 4.5.2(D)*

Provided below is a list of general development and design standards that may be modified by the Preliminary Development Plan in a Mixed Use District (per LDO Section 4.5.2(D)). The applicant’s justification and staff’s observation is provided for each. These modifications are listed for the purpose of understanding the details of the proposed PDP. Because the proposed standards represent zoning conditions voluntarily offered by the applicant, the Planning and Zoning Board recommendation and Town Council action is limited to approval or denial of the requested rezoning application as a whole. While individual modifications incorporated in the PDP may be taken into consideration, they may not be voted on individually.

1. LDO Section 7.2.4(C): Required Width of Streetscape

A. Cary Towne Blvd

Standard: 100’ Type A (Thoroughfare Overlay District)

Proposed Modification: 50’ Type A

Staff Observation:

Section 4.4.4(B) of the LDO requires a 100’ streetscape buffer along the controlled access portion of Cary Towne Boulevard, and a 50’ streetscape along the I-40 exit ramp. Reduction of the streetscape to 50 feet would be consistent with actions taken on other development projects in the vicinity, including the recent approval of the Cary Retirement Residence on the opposite side of Cary Towne Boulevard.

B. Trinity Road -

Standard: 50' Type A (Thoroughfare Overlay District)

Proposed Modification: 30' Type A

Staff Observation: Required street-side trail on Trinity Road will result in a minimum 14'-wide cleared greenway easement within the streetscape buffer.

C. Collector Avenue -

Standard: 30' Type A

Proposed Modification:

- 0' where front of unit faces collector, with hedge of shrubs (24" at installation, species to grow to minimum height of 48") to be planted adjacent to 5' utility easement
- 15' opaque buffer where rear of unit faces collector

Staff Observation: The proposed streetscape contributes to the pedestrian-oriented urban design of the proposed community.

Applicant Justification:

We are requesting reductions or alternate streetscape buffers in response to the urban nature of the community we are proposing. This TND neighborhood is designed to draw the residents to the streetscapes rather than plant them out with large buffers or vegetative barriers. Wherever possible, we are proposing to front homes on the surrounding streets, however in the case of Cary Towne Blvd and Trinity Road, we are proposing reduced and/or alternate streetscapes to help transition to this frontage, while still maintaining the urban nature of the community.

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2. LDO Sections 8.2.3 (B) and (C) Dedication Land for Parks

Standard: Section 8.2.3(B) states that the Town will review the proposed dedication to assure compliance with the park type(s) recommended by the currently approved PRCR Master Plan for the geographic area of the planned development. The location of the proposed dedication is not in compliance with proposed park locations specified in the approved master plan. When land is being considered for park land dedication, 8.2.3(C) also lists criteria that the proposed dedication shall meet to be suitable for park development including: unity, usability, shape, location access and topography. The proposed dedication does not meet all of these criteria.

Proposed Modification:

The State of North Carolina requests that the Town of Cary accept a park land dedication of 6.37 acres at the time of recording of the first phase of the residential section as part of the approval of the Boulevard MXD Rezoning. This dedication and acceptance would partially fulfill the Town's requirement to provide usable, public recreational areas.

Applicant Justification:

The 6.37 acres is located adjacent to Henry Adams Elementary School and the Miracle League Field of the Triangle. Through acceptance and dedication of this parcel, a unique opportunity emerges for the Town to provide additional acreage for use by The Miracle League. The additional acreage would provide the Miracle League of the Triangle an opportunity to expand its services and facilities for special needs children in Cary and across the state. The vision statement of the Miracle League: "Every Child Deserves to Experience Joy and Community through Baseball".

The land being offered for dedication is adjacent to existing property that is currently used for active recreation by The Miracle League. The proposed dedication forms a single parcel of land. Over 50% of the property being proposed for dedication is usable. Access to the property could be accommodated from the school site/driveway/parking area for Adams Elementary school. The property is also adjacent to a proposed greenway.

Staff Observation:

The applicant will owe a maximum of 14.37 acres to meet park land dedication requirements based on a maximum of 500 units of housing. A portion of this requirement will be met with the construction of approximately .4 miles of the Walnut Creek Greenway, which the applicant has agreed to do. To meet the remainder of the required land dedication requirement, the applicant has proposed to dedicate 6.37 acres which are adjacent to Adams Elementary. Staff is recommending against accepting the proposed 6.37 acres for the following reasons:

- The proposed 6.37-acre park land dedication site does not meet the criteria for park land dedication spelled out in the LDO as its location is not in compliance with the approved PRCR Master Plan. The Town recently went through a deliberative, two year update to the PRCR Master Plan with much public involvement and input. This recently approved master plan did not identify a park land or school park need in the vicinity of the proposed park land dedication.
- There are currently 3 existing neighborhood parks, 1 mini park (Urban Park) and 1 proposed park (Walnut Creek) within 1 mile of the subject property.
- Adjacent to and extending along the north side of this property is the 158 acre WakeMed Soccer Park. This facility is not a park in the classical sense but is one of the Town's major athletic venues and includes 7 soccer fields, 1 stadium field with a capacity for 10,000 and a 5K college- level cross country course. It hosts professional, college and high school level events on a weekly basis. It is important to note that the WakeMed Soccer Park site is currently owned by the State and leased to the Town.
- By ordinance, any land dedication must be deemed suitable for active recreation and meet certain criteria except as otherwise required by Town Council. The 6.37-acre site proposed for public park land dedication consists of over 2 acres (34%) of stream buffers which would be unusable as parkland. The site is a somewhat narrow, triangular parcel with slopes that limit overall development. Nor does it meet the "location" criteria as it is not in compliance with the PRCR Master Plan, and the parcel is separated from the remainder of the development by a creek with buffers. Pedestrian access between the development and the proposed park land dedication would be via the street-side trail along Cary Towne Blvd, and vehicular access would be via Cary Towne Blvd as there is no internal pedestrian or vehicular access proposed from the The Boulevard residential development.
- The proposed land dedication is adjacent to Adams Elementary and the Miracle League Field. The location of the proposed dedication in relation to these facilities makes the property virtually landlocked. It would most likely require an access easement off the Adams Elementary driveway to access the property. (It is unknown whether a driveway access would be allowed on Cary Towne Blvd, and no vehicular connection is proposed from the Boulevard development.)
- Acceptance of this proposed land dedication would take an estimated \$1.03 million of funding away from Town's extensive list of park and greenway projects identified in the Capital Improvement Plan.

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3. Comprehensive Transportation Plan Improvements (*Incorporated by Reference in LDO Section 8.1.3*)

A. Extension of Trinity Road

Standard: Extend Trinity Road (and street-side trail) from end of existing pavement to northern property boundary as a four-lane median divided roadway.

Proposed Modification: Make a cash payment of \$125,000 in lieu of actual construction, toward the future extension of Trinity Road to the property line.

Applicant Justification:

It is a typical requirement of the TOC that a Developer construct all roads through its proposed development to serve the development itself and to adhere to the TOC Comprehensive Traffic Plan (CTP). Roads constructed that exceed the TOC collector road standard are eligible for reimbursement of costs in excess of what a collector road would have cost. In the event there are sections of a CTP road that are impractical to construct, it is common practice for the Developer to contribute a fee in lieu of construction to the TOC in exchange for construction of a portion of the CTP road. At the Boulevards, the Developer is prepared to construct the onsite roads in conformance with the CTP including constructing Trinity Road to a 4 lane divided section from Cary Towne Blvd to "Collector Street "A" as shown on the Preliminary Development Plan, plan as well as constructing Collector Street "A" to meet the TOC collector street standards. For the extension of Trinity Road north of the intersection with Collector Street "A", the Developer agrees to make a contribution of \$125,000 towards the extension of Trinity Road from its present terminus to Walnut Creek (approximately 300 lf) prior to the issuance of the first certificate of occupancy requested on Pod B. This cost would be commensurate with the cost of 300 lf of TOC 45' B/B collector road built without any extraordinary site constraints or conditions. The following information is factored into the Developers rationale and contribution: (i) the approved Traffic Analysis Report (TAR) did not consider or require the extension of Trinity Road north into the Soccer Park; (ii) based upon discussions with the Town of Cary and NCDOT approvals for the extension of Trinity Road will not extend beyond the parking lot for the Soccer Park until a solution for grade separation of Trinity Road at East Chatham Street and the railroad is constructed, and the final determination for a horizontal (re)alignment with East Chatham Street is resolved; (iii) until such time that a grade separation and realignment are resolved, this proposed extension will be gated and the road opened and made available only for use during major events in the Soccer Park; (iv) at the present time no final designs for the future grade separation or alignment have been prepared and no funding has been allocated by either the Town or NCDOT for construction; (v) it is highly unlikely that this extension will serve the public in any capacity other than a limited use access point to a TOC recreational facility; and, (vi) the extension will require a major crossing with significant environmental impacts and expense that should not be borne by the developer. Based upon the information presented, developer feels the proposed Fee in Lieu as presented herein is fair and equitable for all parties.

Staff Observation:

The Town of Cary has a capital project to extend Trinity Road, from its current terminus to parking lot E at WakeMed Soccer Park. This roadway will connect and WakeMed Soccer Park, to Cary Towne Blvd and the nearby I-40 Interchange. Town Council authorized \$250,000 to begin the design and permitting of this roadway extension. The project number is ST 1218. The Town has advertised an RFP for the design of the project and is working toward negotiating a design contract with the selected engineering consultant. There are no funds in the Town's capital budget for construction of this roadway extension.

NCDOT Surplus Right-of-Way Disposal and Control of Access Review Committee met on August 14, 2012 and discussed the Town of Cary's request to consider conceptual approval for the control of access modifications necessary to facilitate the future extension of Trinity Road to WakeMed Soccer Park Parking Lot E. Based on the Committee's review, they support the extension of Trinity Road and associated control of access modifications. The conceptual

approval is contingent upon the Town of Cary preparing all necessary planning and environmental documentation for the project, design the project to NCDOT design standards, coordinate the proposed extension with the Department of Administration-State Property Office, obtain any necessary environmental permits, and construct the project. In addition, the Town will need to submit a formal request seeking final approval from the Committee after the Town has completed final design plans and permitting.

LDO Section 8.1.4(A) indicates that the street layout shall conform to the arrangement, width, and location indicated on the Comprehensive Transportation Plan (CTP); therefore, the applicant is required to extend Trinity Road at its ultimate cross section (4-lane median divided) to the project's northern property line. If the roadway and street-side trail are not extended by this development, the Town, State, or third party, may be fiscally responsible for the roadway and street-side trail construction in the future which is preliminarily estimated to cost \$1.7million.

The applicant has submitted a letter, dated March 11, 2013 requesting a waiver from participation in the construction of Trinity Road extension from the roadway's present terminus to the northern boundary line located at Walnut Creek. The applicant wishes to make a cash contribution of \$125,000, in lieu of actually making the full roadway improvements. LDO section 8.1.5 allows the developer, who is required to dedicate or install improvements pursuant to Section 8.1.4, to make a payment of fees in lieu of such improvements, provided the Town Council approves such and upon determining that such improvements are not necessary or desirable at the time, but will be needed in the future. Staff has concluded that a payment –in- lieu of such improvements may be appropriate in this case because there is no Town or state construction funding for the continuation of Trinity Road extension to E. Chatham Street, the horizontal and vertical alignment of the roadway extension has not be fully developed or designed, and the type of creek crossing structure (bridge or culvert) planned to span Walnut Creek has not been fully developed; thus the Town may wish to preserve options for the roadway extension.

The applicant has furnished two probable opinion of cost estimates prepared by a registered professional engineer and are attached to the letter. The first estimate is for a 4-lane roadway (without a median) that is in the amount of \$500,032. This estimate closely aligns to the required ultimate thoroughfare section of a 4-lane median divided roadway; however, the costs do not include a median. The applicant describes that the roadway needs to be narrowed without a median in order to reduce the environmental impact of crossing Walnut Creek. The second roadway estimate is for a three-lane cross-section that closely resembles one of the Town's typical collector street cross sections. The opinion of probable cost is approximately \$125,000. The estimate is based on what the applicant refers to as "normal" collector street construction. The estimate does not reflect costs associated with a culvert or bridge crossing of Walnut Creek, therefore, the estimate is lower than would actually be encountered. In the letter, the applicant has provided a justification statement for the waiver request and the reasoning behind the cash payment.

LDO section 8.1.5 states that the amount of such payment shall be one hundred (100) percent of the actual installation and construction cost of such improvements, as estimated by a registered professional engineer. The \$125,000 cash contribution toward a payment-in-lieu of construction does not fully reflect the all-inclusive cost for a four-lane median divided roadway. If full costs are not recovered by the development, then the Town, State, or third party, may be financially responsible for the roadway construction in the future.

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4. Standard Specifications and Details (Incorporated by Reference in LDO Section 7.1.4)

A. Major Local Street Roadway Tangent Length

Standard: 300' minimum tangent length for minor local streets
500' minimum tangent length for major local streets

Requested Waiver: 950'

Applicant Justification:

One of the key features of this community is the grand sense of arrival one will feel when entering to project from any of the main perimeter roads. Key to the design of this neighborhood is its radial form with each main access road acting like "spokes on a wheel" which terminate at the recreation amenity. This design will not be possible unless there is a waiver granted to the maximum tangent length of a road. Finally, we believe the addition of on-street parking in designated bump-outs more effectively slows traffic in the neighborhood than shortened tangent lengths, thus accomplishing the same goal while enhancing the streetscape

Staff Observation:

Town Standards and Specifications (Section 03040 (A) – Horizontal Design Controls) indicate that tangent sections of streets shall not exceed 300 feet for minor local streets and 500 feet for major local streets. This standard promotes lower travel speeds by introducing frequent horizontal curvature deflection within the roadway. Higher speeds in residential areas received frequent comments from residents expressing safety concerns.

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B. Roadway Sections

Standard: Sidewalk on both sides to be located 5' from back of curb;
Parking along collector avenues prohibited

Proposed Modification: Parking (interspersed with tree islands) proposed along collector avenue, with sidewalk immediately adjacent to back of curb where parking is provided.

Applicant Justification:

A key feature to the success of this TND neighborhood is the creation of pedestrian oriented streetscape. In order to insure a vibrant, safe and enduring environment for residents to walk and visit with neighbors, it is necessary to modify the Town of Cary standard street sections as proposed. In some cases the Cary standard will be reduced and other cases the standard increased, but in all cases these modifications are necessary to soften the streetscape in the community.

Staff Observation:

Engineering Standard and Specifications (Section 03030(B) – Roadside) state that sidewalks shall typically be a minimum of five (5) feet off the back of curb with a minimum width of five (5) feet. The applicant is proposing to place the sidewalk immediately behind the back of curb on local streets, where recessed on-street parking will be provided. The applicant is also proposing to place utility strip easements behind the proposed sidewalk.

Policy Statement 140 Collector Avenues– states that on-street parking will not be permitted. The applicant proposes to provide on-street parking on one-side of the street proposed collector avenue running westward from Trinity Road. On-street parking can cause safety concerns including crashes while parking and opening door into paths of pedestrians, bicycles and other vehicles.

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C. Median Opening Spacing Interval Standards

Standard: Median opening spacing: 1,000 feet for local roads and 1,200 feet along collectors and thoroughfares

Proposed Modification: 650' (Trinity Road), 600' (Cary Towne Boulevard), 300' (some local roads)

Applicant Justification:

Median breaks to provide access to the project are proposed on both Cary Towne Boulevard and Trinity Road as indicated above. Both of these roads are controlled and maintained by NCDOT. The applicant understands that the spacing interval is below standard, which is why we have met with the NCDOT Control of Access Committee. At that meeting, NCDOT indicated they were not opposed to this spacing, however they will reserve the right in the future to modify or close the first Trinity Road median break once Trinity Road is extended to the north or if safety concerns arise. Applicant understands these conditions and is in agreement with this approach.

Staff Observation:

Engineering Standard and Specifications (Section 03020 (D) - Access Management) state that median opening spacing along local streets, collector streets and thoroughfares should be limited to intervals of 1,000 feet, 1,200 feet, and 1,200 feet respectively. Medians help reduce interference with side street traffic movements, increase capacity of a road, reduce crash potential and improve the overall mobility of a facility. Adequate spacing of median openings along a roadway helps overall traffic progression along the corridor, particularly if signals are needed.

- Along Trinity Road, a full movement median opening is proposed approximately 650-feet north of the Cary Town Boulevard intersection to serve proposed access points B & C. When Trinity Road is extended to the north in the future and carries substantially higher thoroughfare traffic volumes, the median opening should be reconfigured to restrict left-turn egress from the side street driveways; therefore, this median opening should be considered temporary in nature. At the August 14, 2012, NCDOT Control of Access Committee meeting, the state provided feedback to the applicant regarding driveway access and proposed breaks in control of access. At this particular proposed driveway location, the Committee was not opposed to the driveway location, but said the traffic movements at this break may be restricted in the future if safety and operational issues arise.
- Along the proposed collector avenue, a full movement median opening is proposed approximately 600-feet west of the Trinity Road intersection.
- Along internal local roads, the applicant may be proposing some local roads with medians, with median opening spacing of approximately 300 feet.
- Based on the temporary nature of the full access point on Trinity Road, the internal street layout
- for the residential section does not appear to be logical and safe for the long term.

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D. Minimum Local Street Right-of-Way Width Standards

Standard: Minimum right-of-way width for local roads is 50-feet.

Proposed Modification: 37' proposed for one-way local streets

Applicant Justification:

The Town of Cary Standard roadway sections do not provide for a one-way public street. In order to enhance the streetscape around a number of pocket parks within the community, we hope to utilize this one-way street section with on-street parking on one-side. A one-way street would reduce the amount of impervious surface area surrounding the pocket parks, slow traffic and create interest and variety along the streetscape.

Staff Observation:

The Town does not have a specific standard for one-way public streets; however, the minimum width of a local street right-of-way is defined as 50-feet, as shown in Engineering and Specification Detail Drawing 03000.01. The applicant is proposing a one-way public street with on-street parking, within a right-of-way width of 37-feet. On one side of the typical street section, the applicant is proposing 0.5-feet from the proposed back of curb to the right-of-way line, (shown as section C on sheet C-3 of preliminary development plan). Staff observation is that this is not a suitable width to maintain curb & gutter, storm drainage, or other utilities that may be located on this one side of the street. A more suitable width of 10-12 feet measured from back of curb to right-of-way line would be needed for maintenance purposes; therefore, a minimum 50' right-of-way is needed for maintenance purposes.

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E. Location of Street Trees

Standard: Street trees to be located in 10-foot wide planting strip outside of street right-of-way.

Proposed Modification:

Some of the street trees will be located between the sidewalk and the back of curb in a planting strip that is proposed to be 7 feet wide inside the right-of-way. When tree planting areas are less than 10' in width, appropriate plant materials will be selected for this environment and planted with root barrier systems, as may be required. Root barrier systems are designed to restrict horizontal root growth which may prevent damage to public infrastructure.

Applicant Justification:

A key feature to the design and success of a TND neighborhood is the creation of a pedestrian friendly streetscape. One of the ways to successfully accomplish this is by providing the pedestrian with a sense of security by locating a portion of the street trees between the back of curb and the sidewalk. As part of this practice, we will select appropriate plant materials for this environment and utilize approved root barrier systems, as may be required.

Staff Observation:

Root barrier systems will protect sidewalks and utilities from tree roots. Responsibility for maintenance of trees by the HOA, selection of appropriate tree types, and installation of a root barrier system address concerns with impact on public infrastructure.

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CRITERIA FOR CONSIDERATION IN REVIEWING REZONINGS

Criteria Applicable to All Rezoning Requests

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

- 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 set forth in Section 1.3 (LDO), including the Land Use Plan, Parks, Recreation & Cultural Resources Facilities Master Plan, Growth

Management Plan, Affordable Housing Plan, Comprehensive Transportation Plan, Open Space Plan, and Historic Preservation Master Plan.

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 property in the vicinity of the subject tract;
6. The proposed zoning classification is suitable for the subject property.

Criteria Applicable to MXD Rezoning

Section 4.5.2(E) of the Land Development Ordinance sets forth the following development standards to be considered in reviewing Preliminary Development Plans associated with MXD rezoning requests:

(E) Approval Criteria for Mixed Use District Rezoning

In addition to the criteria for a general rezoning specified in Section 3.4.1(E), rezoning requests to a MXD district shall be reviewed for compliance with the following criteria, as applicable [i.e., it may not be reasonable or practical to expect that some existing or partially-built mixed use districts (formerly activity center concept plans or mixed use sketch plans) to achieve certain design standards]:

(1) *Intensity, Type, and Mix of Uses*

The preliminary development plan includes an appropriate intensity, type, and mix of land uses, as outlined by the guidelines contained in the Land Use Plan. This shall be assessed in relation to the scale of the activity center and the mix and relationship of existing and planned uses in the activity center, including residential, commercial, office, and institutional uses;

(2) *Site Design*

The preliminary development plan shows how the proposed mixed use development will meet or exceed Town site design guidelines and other established Town standards, including connections and linkages to immediately adjacent properties;

(3) *Expected Land Uses*

The extent to which the proposed development provides the expected land uses, including medium- and higher-density housing, outlined by the numerical and other guidelines contained in the Land Use Plan;

(4) *Public Spaces*

The preliminary development plan includes some formal outdoor space(s) for public use, such as a park, village green, or plaza, with larger mixed use centers including more such space than smaller centers; and

(5) *Scale and Context*

The preliminary development plan demonstrates that the proposed development is appropriate for the context and location, responds to the unique conditions of the area, and provides reasonable transitions within and adjacent to the district.

APPLICABLE COMPREHENSIVE OR AREA PLAN REQUIREMENTS

Land Use Plan

As per the Town of Cary Land Use Plan, the future land use "base" designation of the subject parcel is Medium Density Residential (MDR), which is defined as single family detached or attached housing at three to eight units per acre. The subject property is also located within the Cary Towne Regional Mixed Use Center, which allows both flexibility and a mix of uses within such a center. A regional center provides goods, services, facilities, office space, plus high and medium-density housing. The principal commercial establishment is typically a large regional shopping mall or traditional commercial district.

Chapter 6 of the Land Use Plan, Section 6.2.2, also notes that:

- “A regional center has the potential for a more diverse and intense mixing of land uses than a community or neighborhood center.” And
- “The center supplies large amounts of regional office space, plus ample high density (and possibly medium-density) residential uses, typically in amounts greater than found in CAC’s [Community Activity Centers].”

Section 6.2.6, Table 6.2, of the Land Use Plan describes the recommended design elements for an activity center. Regarding the recommended mix of uses, the section states:

“The design and layout of buildings, uses, and site elements on each quadrant should provide short, safe and convenient pedestrian and bicycle links between buildings on one quadrant and those on the other quadrants. *Where this proves unfeasible, a mix of commercial and/or office, and supportive higher-density residential uses should be provided on the same quadrant or same side of an arterial.*” (italics added for emphasis)

The table below shows the amount of existing development within this regional center, the amount proposed by the applicant, the estimated amount of development that might occur on a remaining parcel, and the resulting grand totals for when the center is fully built out, given the proposed PDP.

Cary Towne Center Regional Mixed Use Center				
Land Use Category	Existing Development	Development Proposed by Case	Projected Buildout of Remaining Undeveloped Parcels	Projected Total Buildout of Activity Center
Medium Density Residential dwellings	146	250 - 500	0	396 - 646
High Density Residential units	336	0 - 300	0	336 - 636
Institutional floor space (schools & daycares, assisted living facilities, places of worship)	501,972	0	124,000	625,972
Office/Institutional floor space, est. range (sq. ft.)	219,371	0 - 125,000	0	344,371
Commercial/Retail floor space, est. range (sq. ft.)	1,428,880	0 - 235,000	0	1,428,880 – 1,663,880

The development and buildout figures shown in the table above can be compared to Table 6.1 in the Land Use Plan, which contains recommended development metrics for neighborhood, community, and regional activity centers. The results of such a comparison indicate that:

- Regarding commercial/retail space, at buildout the Cary Towne Center Regional Mixed Use Center will be proportionally higher in commercial/retail floor space versus office/institutional floor space and residential units. According to the Town of Cary Land Use Plan, the typical range of commercial/retail floor space is 500,000 – 2,250,000 square feet, and this center includes slightly more than 1.4 million square feet.
- Regarding office/institutional space, the typical recommended range for office/institutional floor space in a regional center is 600,000 – 1,500,000 square feet, and this center includes a little more than 200,000 square feet. The Land Use Plan also recommends that office space should constitute about 35-75% of the total nonresidential space in a regional center. At present, office space represents only about 13% of total nonresidential space (excluding institutional uses). This regional center could therefore benefit from additional office space.

- Regarding residential units, the Land Use Plan recommends a range of ½ to 4 dwelling units per 1,000 square feet of nonresidential space, with an ideal minimum ratio of 1.25. The Cary Towne Mixed Use Center currently includes slightly less than 1/3 a residential unit per 1,000 square feet of nonresidential floor space (excluding institutional space). Thus, the current ratio of housing is clearly less than the recommended minimum of 1.25 units per 1,000 sq. ft. of nonresidential, and less even than the bottom end of the recommended range. The housing units proposed by this mixed use rezoning case will therefore improve that balance.

Analysis:

- The regional center does not currently have a more “diverse and intensive” mix of uses than are found in smaller, neighborhood and community activity centers, in Cary. (Land Use Plan, Section 6.2.2)
- The center does not include “large amounts of regional office space” as might normally be expected for a regional center, and the proposed PDP may or may not help to add office space. (Land Use Plan, Section 6.2.2)
- Since the site in question does not include “short, safe, and convenient” pedestrian links to the other, main quadrants of the activity center, the Land Use Plan recommends that *“a mix of commercial and/or office, and supportive higher-density residential uses should be provided on this same quadrant or same side of an arterial”* (i.e., the same side of Cary Town Boulevard). While the PDP does provide for some nonresidential uses in Pod 2, the Land Use Plan could support a greater mix of commercial and/or office. (Land Use Plan, Section 6.2.6)
- However, the uses proposed by the PDP will improve the overall mix and balance of uses in the regional center, and is generally consistent with Table 6.2 of the Land Use Plan. (Land Use Plan, Table 6.2)

On balance, the proposed PDP can be considered consistent with the Land Use Plan, in particular because the PDP will improve the mix of uses in the overall regional center. However, the intensity of uses on the site, and the degree of the use mix on the site, is less than might be ideal or feasible for this key infill site.

Parks, Recreation & Cultural Resources Facilities Master Plan

According to the Parks, Recreation and Cultural Resources Facilities Master Plan, the following is proposed:

- Street-side trails are proposed along the north side of Cary Towne Blvd, west of its intersection with Trinity Road, and along the west side of Trinity Road.
- An off-road greenway is proposed along the south side of Walnut Creek (on the northern end of the property) between the western property boundary and Trinity Road; at Trinity Road the greenway ties to the street-side trail which crosses the creek and then continues along the north side of Walnut Creek (off of the subject property) to an existing pedestrian tunnel under Cary Towne Boulevard.
- The Master Plan does not indicate a public park site on the subject property, therefore a recreation payment in lieu of park land dedication will be required for residential development in accordance with the Land Development Ordinance. This would be the value of approximately 11.4 acres for the proposed 400 subdivided residential units in POD A, and the value of approximately 2.86 acres if the potential 100 units in POD B are townhomes. If the units in POD B are multi-family then a flat fee per unit (at the rate applicable at time of building permit application) would be due.

These statements were reviewed and approved by the Parks, Recreation and Cultural Resources Advisory Board at its November 5, 2012 meeting, and by the Greenway Committee at its October 18, 2012 meeting.

The applicant has proposed the following:

- To dedicate a 6.37-acre parcel to partially fulfill the park land dedication requirement. The parcel is not in compliance with the approved PRCR Master Plan and does not meet requirements set

forth in the LDO. (Please see Staff Observations in #2 of the Requested Modifications to Standards section above.)

- The applicant has also requested a waiver to extension of the Trinity Road street-side trail to the northern property boundary, in conjunction with applicant's requested waiver for extension of Trinity Road to the northern property boundary. (Please see Staff Observations in #3 of the Requested Modifications to Standards section above.)
- The applicant has agreed to construct the greenway along Walnut Creek in accordance with the Master Plan, as well as the street-side trails along Cary Towne Blvd and Trinity Road (except for the extension of the trail to the northern property line as described in the bullet above).

Growth Management Plan

The Growth Management Plan includes the following Guiding Principles which may be 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.
5. A2 Guiding Principle: Ensure that the overall amount of development in Cary is consistent with the Town's growth management goals.
6. Q1 Guiding Principle: Continue Cary's leadership role in quality growth and development.

Analysis: The subject property is located within a preferred growth area – the Cary Towne Regional Mixed Use Center.

Affordable Housing Plan

The Affordable Housing Plan includes the following goals that may be relevant to this case:

1. Provide for a full range of housing choices for all income groups, families of various sizes, seniors, and persons with special challenges.
2. Facilitate the creation of a reasonable proportion of the Town of Cary's housing as affordable units through additional homeownership opportunities for individuals and families earning between 60% and 80% of area median income and affordable apartments for individuals and families earning up to 60% of the area median income.
3. Encourage the location of high density housing within walking and convenient commuting distance of employment, shopping, and other activities, or within a short walk of a bus or transit stop, through "mixed use" developments, residences created on the upper floors of nonresidential downtown buildings, and other creative strategies.
4. Assure a quality living environment and access to public amenities for all residents, present and future, of the Town of Cary, regardless of income.

Analysis: A housing development with a variety of unit types, located in a mixed use center, has the potential to support the goals of the Affordable Housing Plan.

Comprehensive Transportation Plan

Cary Towne Blvd. is designated as a Major Thoroughfare.

Existing Section: 4-lane median divided roadway

Future Section: 6-lane road with landscaped median in 124 feet of right of way

Sidewalks: required on both sides

Bicycle Lanes: 14-foot-wide outside lanes required

Transit: No transit requirements

Status of Planned Improvements: N/A

Trinity Rd. is designated as a Major Thoroughfare.

Existing Section: existing 2-lane section through site in approximately 130 feet of right of way

Future Section: 4-lane road with landscaped median in 100 feet of right of way

Sidewalks: required on both sides

Bicycle Lanes: 14-foot-wide outside lanes required

Transit: No transit requirements

Status of Planned Improvements: Trinity Rd. extension from site south to WakeMed Soccer Park currently under design, however no construction funding has been allocated.

Analysis: This plan falls short of requirements and typical transportation investment for a project of this magnitude and creates safety concerns.

Open Space Plan

According to the Open Space Plan, the subject property includes mixed upland hardwoods along the north and northeast boundaries of the site. These hardwood areas generally follow the path of the streams in this portion of the site.

Historic Preservation Master Plan

There are no existing structures on the subject property, historic or otherwise.

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STAFF EVALUATION - CONSISTENCY WITH THE DESIGN PRINCIPLES FOR MIXED USE CENTERS

Staff makes the observations listed below regarding the Design Principles for Mixed Use Centers included in the Town of Cary Site Design Standards. At the time of site plan review, staff will ensure consistency with the site design standards.

Create a Sense of Place

The Boulevard PDP illustrates a unique, walkable neighborhood characterized by signature community gathering spaces and signature architectural and landmark features.

Create Human Scale

The placement of buildings close to the street with sidewalks on both sides of the street create human scale.

Connect Uses

Community gathering spaces, the clubhouse and pool, and the neighborhood as a whole are well linked through an intuitive vehicular circulation route and an extensive pedestrian circulation network.

Provide Transitions

Transitions to adjacent communities, uses, and roadways are accomplished through the use of landscape materials and buffers.

Reduce Parking Impacts

The Boulevard PDP proposes a system of alleyways with garages for residents' parking and on-street parking for guests. Parking areas east of Trinity Road are separated into distinct pods by primary travel ways.

Plan for Pedestrians, Bicyclists, and Transit Users

A complete circulation network is created through an intuitive vehicular circulation route and an extensive pedestrian circulation network. Transit users are also served with existing CTRAN routes in the vicinity.

Provide Open Space

The proposed system of community gathering spaces includes pocket parks, plazas, and a clubhouse/pool.

STAFF EVALUATION - CONSISTENCY WITH SITE DESIGN STANDARDS

Staff makes the following observations regarding the Town’s Site Design Standards, the four design standard themes that support and strengthen the Town of Cary’s seven design principles:

Vehicular Circulation

Vehicular circulation within a site is critical for usability of a place. The Boulevard provides a well-connected circulation system but the layout is not logical for long-term access.

Building Placement

Context, environment, and circulation contribute to optimum building placement. The amenity center is a focal point for The Boulevard.

Pedestrian Circulation

Walkability is an important part of the Cary community. Functional pedestrian circulation routes into and within The Boulevard are proposed.

Community Spaces

Careful attention to the design and integration of community gathering space into a development contributes to successful place-making. The Boulevard concept plan includes a variety of community gathering spaces for future residents.

OTHER REFERENCE INFORMATION

Schools	Type ¹	Projected Range of Additional Students ²
<i>This information is being provided for your review; however, the Wake County Board of Education controls capital projects for school capacities.</i>	Elementary School	50 - 172
	Middle School	24 - 71
	High School	16 - 76
Total Projected range of additional students ²		90 - 319

¹Information regarding specific Wake County Public School assignment options may be found by visiting the following: <http://assignment.wcpss.net/preview/myplan.html>

²The *Projected Range of Additional Students* is a rough approximation. The actual number of students will vary depending on variables, such as the number of bedrooms, dwelling size, and other factors. For example: a site with 12 three-bedroom homes could yield six additional students, while 12 homes with greater than three bedroom units could yield 10 students. The basis for making this calculation is based on multipliers provided by the Wake County Schools Office of Student Assignment. At rezoning, student yield can not be accurately determined due to unknown variables.

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

12-REZ-23 The Boulevard

AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE TOWN OF CARY TO CHANGE THE ZONING OF APPROXIMATELY 92 ACRES LOCATED ON THE NORTH SIDE OF CARY TOWNE BOULEVARD WEST OF I-40 OWNED BY THE STATE OF NORTH CAROLINA DEPARTMENT OF ADMINISTRATION BY REZONING FROM OFFICE/INSTITUTIONAL (OI) TO MIXED USE DISTRICT (MXD).

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 Number (10-digit)	Real Estate ID	Deeded Acreage
State of NC Dept. of Admin. State Property Office 116. W. Jones Street, Rm 4005 Raleigh, NC 27603-1300	Portion of 0774311292	Portion of 0112863	92 ±

Section 2: That this Property is rezoned from OI to MXD subject to the individualized development conditions set forth in "The Boulevard Preliminary Development Plan" dated _____ and 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 "The Boulevard Preliminary Development Plan" dated _____ and on file in the Planning Department.

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

Adopted and effective: *Date*

Harold Weinbrecht, Jr.
Mayor

Date

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