

STAFF REPORT

Town Council, October 22, 2015

Guernsey Trail Comprehensive Plan Amendment 15-CPA-01 (PL15-074b)

Conduct public hearing on proposed CPA request

Speaker: Mr. Scott Ramage

From: Jeffery G. Ulma, Planning Director

Prepared by: Scott Ramage, Principal Planner

Approved by: Benjamin T. Shivar, Town Manager

Approved by: Russ Overton, Assistant Town Manager

EXECUTIVE SUMMARY

This is a Comprehensive Plan Amendment request for thirteen properties, and the associated street rights-of-way, totaling 22.08 +/- acres, located along Guernsey Trail on the east side of Kildaire Farm Road, immediately south of US 1/64 Highway. The site includes the entirety of The Ponderosa subdivision. The properties are currently designated on Cary's Land Use Plan as Low Density Residential (LDR), with the exception of one lot designated as Parks or Open Space (PKS/OS). The applicant proposes to amend the Land Use Plan by adding the site to the adjacent Waverly Community Activity Center on the Land Use Plan Map, and changing the underlying base land use designation to Office/Institutional (OFC/INS).

There is a Rezoning Application (15-REZ-02) associated with this case.

NOTE: The purpose of a comprehensive plan amendment is to evaluate the appropriateness of a proposed land use and/or other issue, need, or opportunity for the subject parcel(s) of land. Technical design standards of the Land Development Ordinance are addressed during review of the site or subdivision plan and can be found at Land Development Ordinance.

SUBJECT PARCELS

Property Owner(s)	Property Address	County Parcel Number(s) (10-digit)	Real Estate ID(s)	Deeded Acreage
Margaret Paige Lacy & William A Teakell	1801 Kildaire Farm Road	0762551521	0097788	0.96
Donald P. Hanna	102 Guernsey Trail	0762552219	0100753	0.89
	1805 Kildaire Farm Road	0762552154	0100754	1.32
	1801 Hereford Lane	0762554340	0100751	1.66
Paraclete Land Acquisition LLC PO Box 91327 Raleigh, NC 27675-1327	106 Guernsey Trail	0762557427	0100749	2.40
	108 Guernsey Trail	0762559651	0100467	1.81
	115 Guernsey Trail	0762650789	0100750	0.74
	116 Guernsey Trail	0762653808	0100748	2.08
Edward P. and Rosa L. Brinson	111 Guernsey Trail	0762662158	0100743	2.76
Michael S and Katherine M. Sholtis	109 Guernsey Trail	0762569082	0100740	0.92
Harold R. and Shirley T. Kay	107 Guernsey Trail	0762558923	0100737	0.93
Ronald E. Dillon	105 Guernsey Trail	0762556717	0100734	1.49
Ronnie & Anna Versteeg	103 Guernsey Trail	0762553652	0100747	1.67
Existing street right-of-way				3.41
Total Area				22.08

BACKGROUND INFORMATION

Applicant	Kevin Mangum Mangum Development LLC PO Box 91327 Raleigh, NC 27675		
Agent	J.W. Shearin Innovative Development Solutions 101 Chatburn Circle Cary, NC 27513		
Acreage	22.08 ±		
General Location	East side of Kildaire Farm Road on south side of US Highway 1/64		
Schedule	Public Hearing June 25, 2015	Planning & Zoning Board September 21, 2015	Town Council October 22, 2015
Current Land Use Plan Designation	Low Density Residential (LDR) and Parks or Open Space (PKS/OS)		
Proposed Land Use Plan Designation	Office/Institutional (OFC/INS), and also within the Waverly Mixed-Use Community Activity Center (CAC)		
Existing Zoning District(s)	Residential 40 (R-40)		
Existing Zoning Conditions	None		
Town Limits	The subject properties are located within Cary's corporate limits.		
Staff Contact	Scott Ramage, Principal Planner (919) 462-3888 scott.ramage@townofcary.org		

SITE CHARACTERISTICS

Current Use of Site: The site is currently a single-family neighborhood.

Adjacent Land Uses and Streams:

North: US Highway 1/64

South: Keisler Drive office park

East: The eastern boundary is marked by a USGS perennial stream, separating the site from the adjacent Summerwinds and Thornewood subdivisions

West: Western Wake Medical Center, Cary

SUMMARY OF PROCESS AND ACTIONS TO DATE

Notification

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

Town Council Public Hearing (June 25, 2015)

Public hearing: J. W. Shearin, on behalf of the applicants, provided an overview of the request. Two citizens spoke at the hearing. One citizen was concerned about potential impacts on the two neighborhoods that back up to the eastern end of the site. That speaker was also concerned about storm water runoff, and the capacity of the creek that forms the eastern boundary. The citizen also expressed concerns about removing the site's trees, and about potential light and noise pollution. The second citizen offered suggestions about ways in which to address traffic in this area.

Council discussion: Council raised two items related to the CPA request. First, one council member supported the concept for locating mixed use development near the hospital, but was concerned about safe pedestrian crossings on Kildaire Farm and Tryon Roads. Another council member questioned whether vertical mixed use (office and residential) might truly be feasible on the site, should that be proposed in a rezoning.

Planning and Zoning Board Public Hearing (September 21, 2015)

Public hearing: J. W. Shearin, on behalf of the applicants, provided an overview of the request. No other citizens spoke at the hearing.

Board action: In their discussion, the board felt the proposed amendment reflected a good use for the site, and would allow this area to move forward to improve. The board recommended approval by a unanimous vote of 6-0.

COMPREHENSIVE PLAN SUMMARY

Townwide Land Use Plan

Existing Plan Recommendations

For this site, the governing land use element of the Comprehensive Plan is the townwide Land Use Plan. That plan currently designates 12 of the 13 lots as Low Density Residential (LDR), and one lot as Parks or Open Space (PKS/OS) – Lot 9 of the Ponderosa subdivision. The Lot 9 designation dates back to when the lot was owned by the Town of Cary prior to 1993, for water purposes.

Requested Plan Amendment

The applicant proposes to amend the Land Use Plan so that the subject parcels are added to the Waverly mixed-use Community Activity Center (CAC), with the underlying future land use designation changed to Office/Institutional (OFC/INS). These two land use categories are defined as follows:

- The Office/Institutional (OFC/INS) base land use designation indicates a preference for typical office and institutional uses, such as neighborhood or corporate office, schools, daycare, medical facilities, and certain amounts of support services, including limited amounts of supporting commercial uses such as dining, convenience shopping, banks, and so forth. Uses such as assisted living or nursing homes, and certain types of continuing care, can also be considered as compatible institutional uses.
- Activity Centers are defined by Chapter 6 of the Land Use Plan as physically and aesthetically unified, concentrated mixed-use areas containing commercial, office, institutional, and high- and medium-density residential uses, arranged in a walkable, compact, pedestrian- and transit-friendly manner. A community activity center is typically anchored by one or two large shopping centers, and is intended to supply significant amounts of office space, plus ample amounts of high-density and medium-density residential.

Implications of the Plan Amendment

Since this site is not located within an Area Plan, the effect of changing the underlying land use designation to OFC/INS is as significant as that of adding the site to the activity center. Section 6.2.7 of Chapter 6 of the Land Use Plan sets forth the policy criteria for determining whether or not a future rezoning case conforms to the Plan. That section states that a rezoning can be found in conformance either by considering conformance with the base land use designation, or by considering conformance with the guidelines and criteria for a community activity center (CAC). Accordingly:

- The implication of the underlying OFC/INS designation is that a future rezoning of the site wholly for office and/or institutional uses could be found in conformance with the plan.
- The implication of the activity center designation is that, alternatively, a future rezoning could be found in conformance with the Plan to the extent that it complies with or furthers the policies and guidelines for an activity center, as given in Sections 6.2.3 through 6.2.6 of Land Use Plan Chapter 6. The most salient criteria given therein are that (a) in general, a rezoning should improve the overall mix of commercial, office/institutional, and residential uses within the activity center, and (b) the particular amounts of commercial, office/institutional, and residential development within the activity center should conform with the floor space and dwelling metrics given in Section 6.2.5.

Planning History for the Site

- 1996. The Guernsey Trail subdivision itself was given a base land use designation of Low Density Residential (LDR), simply to reflect the existing subdivision. The single lot that has the base land use designations of PKS/OS also dates from this time, and simply reflected past use of the parcel. The 1996 Plan identified a community activity center focused on Waverly Place at the southeast quadrant of the intersection of Kildaire Farm and Tryon Roads, with the understanding that the precise activity center boundaries were conceptual, and could include other quadrants.
- 2003. Cary's new Land Development Ordinance was adopted in June 2003, and created Mixed Use Overlay Zoning Districts to implement the Land Use Plan's activity center concept. A Community Mixed Use Overlay District for the Waverly CAC was applied to the northeast and southeast quadrants of the intersection of Kildaire and Tryon Roads, up to the southern boundary with the subject site.
- 2006. The Land Use Plan Map was updated to show delineated boundaries for each of the activity centers, corresponding to the boundaries of the associated Mixed Use Overlay Districts. The Waverly CAC boundary was fixed at the southern edge of the subject site.

Parks, Recreation and Cultural Resources Master Plan

According to the Parks, Recreation and Cultural Resources Facilities Master Plan there are no parks or greenways proposed within the vicinity of these parcels.

A recreation fund payment or park land dedication will be required for any residential development in accordance with the Land Development Ordinance.

Growth Management Plan

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

- Guiding Principle A1: Increase permitted densities in preferred growth areas to encourage desired forms of development.
Analysis: Located adjacent to the US 1/64 highway, and adjacent to two activity centers and Western Wake Medical Center, this site can be considered as being in a preferred growth area. Additionally, the Growth Management Plan encourages development and redevelopment of served infill locations, such as this site.
- Guiding Principle R1: Ensure that adequate infrastructure and services are available concurrently with new development.
Analysis: Being a redevelopment infill site, the location is served by utilities and services.
- Guiding Principle L1: Concentrate growth near existing and planned employment centers and available and planned infrastructure to minimize costly service-area extensions.
Analysis: The site is located immediately adjacent to a large employment area that includes the Western Wake Medical Center, the Keisler Drive offices, Waverly Office Park, Crescent Green Office Park, and the Ashville Avenue offices.
- Guiding Principle L2: Ensure that future growth protects sensitive natural resources and protects open space.
Analysis: The site includes a USGS perennial stream along its eastern boundary, which will be protected by a 100-foot buffer. The site will also preserve additional open space due to the required future freeway buffer.

Affordable Housing Plan

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

- Provide for a full range of housing choices for all income groups, families of various sizes, seniors, and persons with special challenges.
- 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.
- 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.

Comments: While redevelopment of this subdivision will result in the loss of 11 single-family homes, the inclusion of the site within the Waverly CAC may also open the doors for inclusion of residential uses on the site, either separately or in combination with future office or institutional uses. At any rate, the continued viability of the subdivision may be in question, since the subdivision has become surrounded and cut off from other residential areas due to adjacent development over the last 30 years.

Comprehensive Transportation Plan

Kildaire Farm Road

Road Classification: Major Thoroughfare

Existing Section: 5 lanes in 100- to 110-foot ROW

Future Section: 4-lane median divided road in 100-foot ROW

Sidewalks: Required on both sides

Bicycle Lanes: 14-foot-wide outside lanes required

Status of Planned Improvements: N/A

Transit Service: The site is served by C-Tran Route 3 along Kildaire Farm Road, including express inbound service in the afternoon. In addition, Triangle Transit Route 305 provides service along Tryon Road, 700 feet south of the site at the closest point.

Open Space Plan

According to the Open Space Plan there is an approximate 2-acre area of mixed hardwood/conifer forest on a vacant parcel located on the eastern end of the site, in the vicinity of a riparian buffer.

Historic Preservation Master Plan

This site has no identified historic resources.

APPLICANT'S JUSTIFICATION STATEMENT

Attached are the applicant's responses to the Comprehensive Plan Amendment justification questions as contained in the application form. Please note that these statements are those of the applicant and do not necessarily represent the views or opinions of the Town of Cary.

CRITERIA FOR CONSIDERATION IN REVIEWING COMPREHENSIVE PLAN AMENDMENTS

Section 3.2.2(B) of the Land Development Ordinance states that proposals to amend the Comprehensive Plan shall be evaluated based upon whether the amendment is necessary in order to address conditions including, but not limited to, the following:

1. A change in projections or assumptions from those on which the Comprehensive Plan is based;
Analysis: The 1996 Land Use Plan Map was based on the assumption that the Guernsey Trail neighborhood wished to remain as a single family neighborhood. That is no longer the case.
2. Identification of new issues, needs, or opportunities that are not adequately addressed in the Comprehensive Plan;
Analysis: The desire of the Guernsey Trail neighborhood's property owners to sell and redevelop as a group presents a new opportunity for a prime economic development site that did not previously exist.
3. A change in the policies, objectives, principles, or standards governing the physical development of the or any other geographic areas addressed by the Comprehensive Plan; or
Analysis: The land use recommendations for this site reflect the existing land uses in place at the time of adoption of the Land Use Plan in 1996. Since that time, a number of other relevant policy documents have been adopted or updated, including the Growth Management Plan and the 2009 revision to Land Use Plan, both of which are relevant to this case.
4. Identification of errors or omissions in the Comprehensive Plan.

Analysis: No errors have been identified.

STAFF ANALYSIS

This section provides analysis of five different aspects of the plan amendment request.

1. Development Yield Estimates for the Subject Parcel

Table 1, below, provides estimates of the total amount of office space that might be accommodated on the site, under three different scenarios. (However, as noted previously in Section F, Comprehensive Plan Analysis, other uses could also conform to the amended plan, including residential, commercial, and institutional uses.)

- Scenario 1 assumes a 100-foot freeway buffer and a typical suburban office density for a site using all surface parking.
- Scenario 2 assumes a 75-foot freeway buffer and a more aggressive office density, relying on some structured parking.
- Scenario 3 assumes a 50-foot freeway buffer, and a higher urban office density, relying on a high percentage of structured parking.

Table 1. Hypothetical Office Yield for Site

Site Development Scenario	Office Floor Space (sq. ft.)
Scenario 1	125,000
Scenario 2	185,000
Scenario 3	385,000

2. Analysis of Impacts on Development Metrics for the Activity Center

All of the land within the current boundaries of the Waverly CAC is currently developed. The same is true for the adjacent Crescent CAC, on the opposite side of Kildaire Farm Road, and centered on Crescent Commons Shopping Center and Wake Medical Center. Since the Waverly CAC is immediately adjacent to the Crescent Commons CAC, the two combined centers might reasonably be considered to have more in common with a single regional activity center (RAC) than with two adjacent community activity centers (CAC's). Table 2 below summarizes the current amounts of development within the combined Waverly and Crescent Commons CAC's, and the amount that might result if the subject site is included and developed as office per Scenario 3 above (see Table 1), and compares those figures to the recommended development ranges for a Regional Activity Center (RAC) as given in Chapter 6 of the Land Use Plan.

Table 2. Waverly and Crescent CAC's Combined Development Compared to Land Use Plan

	Existing Development in Waverly + Crescent CAC's	Existing CAC's, With Subject Site Added as Office	Land Use Plan Recommended Ranges for a RAC
commercial/retail floor space (sq. ft.)	653,613	653,613	500,000 - 2,250,000
office/institutional floor space (sq. ft.)	1,724,157 (Office = 1,282,370; Instit. = 441,787)	2,109,157 (Office = 1,667,370; Instit. = 441,787)	600,000 - 1,500,000
office share of total nonresidential floor space (not incl. institutional space)	54%	60%	35 – 75%, with Ideal min. of 40%
No. of residential units per 1,000 sq. ft. of nonresidential space	0.23	0.20	½ to 4, with recommended min. of 1.25
Number of dwelling units:	360 dwellings 381 hotel rooms	360 dwellings 381 hotel rooms	550 - 15,000

Analysis:

- a. The amount of commercial space in the two combined CAC's is currently at the low end of the acceptable range, and would not be affected by this CPA.
- b. The amount of office space within the combined CAC's is currently somewhat above the recommended RAC range, and the proposed CPA could raise total office space further above that range.
- c. The number of supporting residential units within the two combined CAC's is currently at the low end of the recommended range.

While comparisons with the Land Use Plan's recommended metrics are informative, such comparisons should not be taken as the final arbiter in this instance. Section 6.2.5 of the Land Use Plan also states that:

"The numeric metrics given in Table 6.1 are intended as approximate figures and general guidelines... In some cases, deviations from some of the table's guidelines may be warranted in order to accommodate or respond to unique design opportunities or proposals that offer exceptional benefits to the community and the Town."

For the case at hand, it should be acknowledged that this combined activity center has become one of Cary's larger employment centers. In addition, the subject site itself is uniquely located adjacent to US 1/64 Highway, and as such presents economic development opportunities.

3. Land Use Transitions

Since the site is bounded to the south and west by office development, and to the north by US 1/64 Highway, the proposed Office/Institutional land use designation will provide a reasonable and compatible adjacent land use. At the east end of the site, adjacent to the Summerwinds and Thornewood subdivisions, the presence of a perennial stream and buffer will help to provide a reasonable transition.

4. Economic Development and Remaining Land Supply for Prime Office

As part of Phase 2 of Imagine Cary, the project staff developed a comprehensive inventory of all developable land remaining within the plan area that might have potential as prime office and economic development sites. A map showing those remaining prime office sites was shared with council at their March 3, 2015, work session (see Appendix B). The subject site is shown on that map as one of Cary's remaining prime sites. In the combined Waverly and Crescent Commons activity centers there are no remaining developable sites, with the exception of the subject site, if it is added to the Waverly CAC.

- a. In the entire plan area there are 10 remaining prime office sites of 20 or more acres (down from 14 sites in 2013). At 22 acres in size, the subject site is one of those.
- b. Within all of Cary's mixed use activity centers, prime office sites of 20 acres or more only remain within 3 other centers: Cary Towne Center RAC, Harrison Square RAC, and the Green Level Gateway CAC.

Analysis: The proposed CPA helps to keep the site within the set of available prime office sites, and sets the stage for future prime office or mixed office development.

5. Draft Policies for Future Employment Sites (Imagine Cary)

At their March 3, 2015, Imagine Cary work session, council affirmed three draft policies to guide the provision of future employment and economic development sites. Two of those draft policies, Policies 1 and 3, are relevant to this case:

Policy 1: Reserve and Provide Employment Sites in Suburban Office Parks

Reserve and provide sites for employment and economic development — especially for major industries or employers — within Cary's existing traditional suburban office and industrial parks.

Policy 3: Reserve and Provide Employment Sites in Selected Commercial Mixed Use and Destination Centers

Reserve and provide sites for employment and economic development opportunities within a targeted set of new or existing Commercial Mixed Use and Destination Centers, as well as within Downtown Cary.

Analysis. Staff feels that the proposed plan amendment supports the spirit and intent of Policies 1 and 3.

SUMMARY AND RECOMMENDATION

Summary Observations:

1. Surrounding development has trapped and isolated the Guernsey Trail neighborhood over the last 30 years, rendering it a single-family "island" in the midst of a large employment area.
2. The proposed CPA supports policies of the Growth Management Plan.
3. The site is served by both C-Tran and Triangle Transit bus routes.
4. The proposed CPA may lead to greater amounts of office/employment space in the Waverly CAC than is recommended by the Land Use Plan's activity center metrics. However, the Land Use Plan's metrics may not be fully applicable for this site.
5. The site is one of only 10 sites greater than 20 acres that have been identified as prime sites for future office/employment. It is one of only four such sites located in activity centers.
6. The proposed CPA will help to retain the site for prime office or institutional uses, thereby supporting the draft Office & Employment Policies for Imagine Cary.

Recommendation:

Based on the preceding analyses, staff recommends in favor of the proposed Comprehensive Plan Amendment.