

**Town of Cary, North Carolina
 Comprehensive Plan Amendment - Staff Report
 13-CPA-03 Future Yates Store Road Alignment Change
 Town Council Public Hearing
 July 25, 2013**

REQUEST

The proposed amendment will move the alignment of Yates Store Road up to 850 feet northwest to facilitate the crossing of the American Tobacco Trail and the intersection with Ferrell Road. Due to the change in alignment east of the trail, the Town must consider several new alternatives for the alignment of Yates Store Road between Ferrell Road and Morrisville Parkway.

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 <http://www.amlegal.com/library/nc/cary.shtml>.

SUBJECT PARCELS

Property Owner(s)	County Parcel Number(s) (10-digit)	Real Estate ID(s)
Sandra B. Emerson 1017 E Ferrell Road Apex, NC 27502	0724054182, 0724240328, 0724048359	18613, 0086971, 0133617
Terrence L. & Bettina M. Gardner 1117 E Ferrell Road Apex, NC 27523-7586	0724158582	0086972
Glennjan LLC 128 Yorkchester Way Raleigh, NC 27615-2979	0724169863, 0724168506, 0724178697, 0724176275	0104762, 0179885, 19822, 19984
Robert P. & Fanola M. Hangebrauck 113 Dublin Woods Dr. Cary, NC 27513-3008	0724149786	0063080
Gary D. & Mary C. Holly 1101 E Ferrell Road Apex, NC 27523-7586	0724159125	0121879
Kaye Mangum Howard 7025 Carpenter Fire Station Road Cary, NC 27519-8607	0724236305	0080143
Patrick Richard Miller 109 Fairytale Ln. Surf City, NC 28445-6865	0724160985	19981
Ralph L. & Catherine R. Parker 1157 E Ferrell Road Apex, NC 27523-7586	0724167344	0065320
Emelda P. Wagoner 111 Turtle Creek Farm Road Apex, NC 27523-6141	0724162606	19966

BACKGROUND INFORMATION

Applicant & Agent	Town of Cary Engineering Department		
Acreage	N/A		
General Location	Yates Store Road from just north of Ferrell Road and American Tobacco Trail across Ferrell Road and extending to Morrisville Parkway at White Oak Church Road		
Schedule	Town Council Public Hearing July 25, 2013	Planning and Zoning Board Public Hearing TBD	Town Council TBD
Land Use Plan Designation	LDR / VLDR		
Existing Zoning District(s)	PDD Major		
Town Limits	The alignment north of Ferrell Road is located within the corporate limits of the Town of Cary. The alignment south of Ferrell Road to Morrisville Parkway is located outside the corporate limits and the Town of Cary ETJ.		
Staff Contact	Todd B. Delk, P.E. (919) 462-3834 todd.delk@townofcary.org		

SUMMARY OF PROCESS AND ACTIONS TO DATE

Notification

On July 10, 2013, the Planning Department mailed notification of a public hearing on the request to property owners within 400 feet of the proposed alignments. Notification consistent with General Statutes was published in the Cary News on July 10 and 17, 2013. Notice of the public hearing was posted on the property July 10.

DISCUSSION

The current alignment of Yates Store Road proposed in the CTP is a generalized corridor aimed at extending the existing alignment of Yates Store Road (previously County Line Road) to White Oak Church Road at Morrisville Parkway, and ultimately to Wimberly Road. When originally developed, the County Line Road corridor was planned to be the westernmost north-south thoroughfare for the Town.

The Montvale subdivision is a part of the Weldon Ridge PDD that began development in 2003. The majority of land that is Montvale was added to Weldon Ridge in 2004. None of the land that is currently within Montvale has completed development. The subdivision developer is currently working on site plans for the final phases of the development located along Yates Store Road between Indian Creek and the American Tobacco Trail. This amendment will determine the horizontal alignment for the road. Town staff will be meeting with NCDOT to finalize plans for the vertical alignment of the road (ex. At-grade or grade separated crossings).

The realignment of Yates Store Road to allow for the crossing requires realignment east of Ferrell Road and, therefore, consideration of a Comprehensive Transportation Plan amendment. The development schedule of the Montvale subdivision does not allow for the change to be made with the Community Plan update.

Therefore, two alternatives to the existing conceptual corridor are presented for consideration in the location map.

Alternative 1 - This alternative aligns Yates Store Road to the current intersection of Ferrell Road at Turtle Creek Road just inside Chatham County. The corridor continues south back into Wake County to connect with White Oak Church Road at Morrisville Parkway. The advantage of this alternative is that it provides direct connectivity and nearly 90-degree intersection to Turtle Creek Road in the interim, until the eastern parcels redevelop. Based on the nature of the area and discussions during the development of the Cary-Chatham Joint Land Use Plan, those parcels are unlikely to redevelop in the foreseeable future. The disadvantage of the alternative is the impacts to the pond and stream buffers on the Parker property if the extension were constructed with future redevelopment.

Alternative 2 - This alignment is similar to Alternative 1, but moves the connection with Ferrell Road to the southeast. The more easterly alignment lessens the impacts to the pond and buffers, but would create an offset intersection with Turtle Creek Road on Ferrell Road.

Both alternatives shift the existing corridor partially into Chatham County, therefore, staff has contacted the Chatham County Planning Department and the Durham-Chapel Hill-Carrboro (DCHC) Metropolitan Planning Organization (MPO) to coordinate any changes to their plans. Chatham County staff stated there is no required process to make this type of change on their CTP, currently under development with the help of NCDOT. Their staff asked that the Town keep their department informed of the CPA process. DCHC staff asked that we inform them of the final action for the CPA so they can make appropriate changes in their Metropolitan Transportation Plan (MTP). The change would not affect regional air quality conformity since the connection is currently shown in the Capital Area Metropolitan Planning Organization's MTP. The two MPOs' air conformity are modeled together, and any change has no net effect on the region.

COMPREHENSIVE PLAN SUMMARY

A. Southwest Area Plan and Joint Chatham/Cary Land Use Plan

The presently-adopted alignment of Yates Store Road is located within the Southwest Area Plan, an element of Cary's Comprehensive Plan. The first 1,000 linear feet of the present alignment are located within an area of the Plan designated as appropriate for "Low-Density Conservation Residential" or LCR. In the LCR area two types of residential development are appropriate: (a) conventional single-family residential consistent with the existing R-40 zoning, on lots of at least 40,000 square feet, or (b) conservation subdivisions having lots smaller than 40,000 square feet, but generally at least 10,000 square feet, up to a potential maximum of no more than about 2.5 dwellings per acre. The remainder (and the majority) of the present alignment is located within an area designated as appropriate for "Very Low Density Conservation Residential," or VLCR. Two types of residential development are appropriate within this area: (a) conventional single-family residential consistent with the existing R-40 zoning, on lots of at least 40,000 square feet, or (b) conservation subdivisions having lots smaller than 40,000 square feet, but generally at least 15,000 square feet, up to a potential

maximum of no more than about 1.5 dwellings per acre. In both the LCR and VLDR areas, the maximum density for conservation subdivisions is proportional to the amount of additional non-regulatory open space provided.

The majority of the two alternative alignments being considered with this CPA are located within the Southwest Area Plan's Very Low Density Conservation Residential (VLDR) area discussed above, but because both alternatives travel briefly into Chatham County, portions of both alternative alignments also fall within the Joint Chatham/Cary Land Use Plan's Low-Density Residential (LDR) and Very Low Density Residential (VLDR) areas. In the LDR area of the Chatham/Cary Plan, the Plan recommends housing densities up to two dwelling units per gross acre, and typically averaging at least one dwelling per gross acre. Housing types may include single-family detached, duplex, patio homes, semi-detached/attached dwellings, and townhouses. In the VLDR, the Chatham/Cary Plan recommends agricultural and single-family detached residential uses in general, and in the VLDR area where the alternative alignments are being considered, the Chatham/Cary Plan specifically recommends a maximum density of one dwelling per one gross acre, with a minimum lot size of 40,000 square feet for development occurring within Chatham County's zoning jurisdiction. If this area should become part of Cary's zoning jurisdiction, the lots may be smaller than 40,000 square feet because under certain circumstances, Cary allows for residential clustering to preserve larger swaths of open space, and also because residential lots in Cary's zoning jurisdiction can't be platted into stream and other regulatory buffers.

B. Parks, Recreation & Cultural Resources Facilities Master Plan

According to the Parks, Recreation and Cultural Resources Facilities Master Plan, the American Tobacco Trail exists in the path of the proposed crossing of Yates Store Road. This is the section of the American Tobacco Trail located in Chatham County, which was recently constructed by and is currently managed by the Town of Cary. The trail at this intersection is 16 feet wide, consisting of 10 feet of asphalt and a 6-foot-wide section of screenings for equestrian use.

The PRCR Master Plan recommends grade-separated crossings for significant greenway corridors with high user volumes, crossings of four vehicular lanes or more, or roadways with design speeds higher than 45 mph. Yates Store Road will be a 4-lane median-divided roadway with a 45 mph posted speed. The American Tobacco Trail has the highest user count in the Town of Cary's greenway network (based on weekend user counts) with 60-70 users per hour.

The land west of the American Tobacco Trail was not included in the Town's PRCR Master, and the Chatham-Cary Joint Land Use Plan did not address parks and greenways.

C. Growth Management Plan

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

1. R1 Guiding Principle: Ensure that adequate infrastructure and services are available concurrently with new development.
2. L2 Guiding Principle: Ensure that future growth protects sensitive natural resources and protects open space.
3. C2 Guiding Principle: Ensure public investment decisions are consistent with the Town's growth management goals.

D. Comprehensive Transportation Plan

Yates Store Road is designated as a **Major Thoroughfare**

Future Section: 4 lanes with landscaped median

Sidewalks: Required on both sides
Bicycle Lanes: 14-foot-wide outside lanes required
Transit: None existing or planned
Status of Planned Improvements: No funded Town projects

Morrisville Parkway is designated as a **Major Thoroughfare**
Existing Section: Approximately 60-foot ROW
Future Section: Rural Section: 4-lane median-divided east of Yates Store Road in 115-foot ROW and 2-lane undivided in 64-foot ROW west of Yates Store Road
Sidewalks: N/A
Bicycle Lanes: N/A
Transit: None existing or planned
Status of Planned Improvements: No funded Town projects

Ferrell Road is designated as a **Local Street**
Future Section: N/A
Sidewalks: N/A
Bicycle Lanes: N/A
Transit: None existing or planned
Status of Planned Improvements: None Planned

E. Open Space Plan

According to the Open Space Plan all proposed routes pass through large swaths of mixed hardwood/conifer forest. Alternatives 1 and 2 appear to also pass through areas of mixed upland hardwood forest located just southwest of the intersection of Ferrell Road and Turtle Creek Farm Road.

F. Historic Preservation Master Plan

One of the properties somewhat affected by all three alignments -- the presently adopted alignment as well as the two subject alternatives -- is the 61-acre historic Yates Farm located at 10109 Morrisville Parkway. The Yates Farm is included in the Cary/Wake County Architectural and Historic Inventory and is considered one of the best preserved Depression-era farm complexes in this part of Wake County. In 2007, the North Carolina National Register Advisory Committee (NRAC) determined that the property appears to be eligible for nomination to the National Register, and they subsequently placed the property on the Study List for the National Register of Historic Places. Though the farm property falls both north and south of Morrisville Parkway, the house and outbuildings buildings themselves straddle both sides of White Oak Church Road where it “tees into” the *south* side of Morrisville Parkway, and therefore it appears they wouldn’t be physically endangered by any of the alignments. Even so, the portion of the Yates Farm land located on the north side of Morrisville Parkway is a part of the farm’s historic context and view shed which would be impacted by any one of the alignments.

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:

- A change in projections or assumptions from those on which the Comprehensive Plan is based;
Staff Analysis: No changes in projections or assumptions.
- Identification of new issues, needs, or opportunities that are not adequately addressed in the Comprehensive Plan;
Staff Analysis: Development of the Montvale subdivision identified the need to realign Yates Store Road to address issues with crossing the American Tobacco Trail based on discussions between the developer, Town, and NCDOT. The subdivision's development provides an opportunity to provide safe and cost-efficient crossing and identify a reasonable and feasible alignment for Yates Store Road.
- A change in the policies, objectives, principles, or standards governing the physical development of the Town or any other geographic areas addressed by the Comprehensive Plan; or
Staff Analysis: No changes in policies, objectives, principles, or standards.
- Identification of errors or omissions in the Comprehensive Plan.
Staff Analysis: No identification of errors or omissions.

STAFF ANALYSIS (SUMMARY) AND RECOMMENDATION

This Town-initiated request is to move the alignment of Yates Store Road up to 850 feet northwest to facilitate a crossing of the American Tobacco Trail and at-grade intersection with Ferrell Road.

Amendments to the Town's Comprehensive Transportation Plan require two public hearings (one conducted by the Planning and Zoning Board) prior to a vote by Town Council. Staff recommends conducting a public hearing at the July 25, 2013 Town Council meeting with a Planning and Zoning Board public hearing to follow at the next possible Planning and Zoning Board meeting.