

**Town of Cary, North Carolina  
Site Plan Staff Report  
Spring Arbor of Cary (14-SP-011)  
Town Council Quasi-Judicial Hearing  
December 8, 2014**

**REQUEST**

The applicant is requesting approval of a site plan for an assisted living facility on Kildaire Farm Road, immediately north of the bridge over US1/64. The applicant's request includes modifications to the Town's development standards regarding the width of the Thoroughfare Corridor Buffer and the Articulation component of the Architectural standards. The applicant is also proposing to remove and replace several Champion Trees on the site and to make a payment-in-lieu of construction of the median in Kildaire Farm Road.

**SUBJECT PARCELS**

Property Owner	Wake County Parcel Identification Number (PIN) (10-digit)	Real Estate ID Number	Deeded Acreage
Keisler Group LLC 1695 Kildaire Farm Road Cary, NC 27511	0762565508	0038475	32.68
<b>Total Area</b>			32.68

**BACKGROUND INFORMATION**

Applicant's Agent	William Hood Jerry Turner and Associates 905 Jones Franklin Road Raleigh, NC 27606 (919) 851-7150 <a href="mailto:whood@jerryturnerassoc.com">whood@jerryturnerassoc.com</a>
<u>Location</u>	1695 Kildaire Farm Road
<u>Land Use Plan</u> Designation	Office and Institutional (OFC/INS)
<u>Zoning Districts</u>	Spring Arbor Planned Development District (PDDMajor) Watershed Protection Overlay District – Swift Creek
Within Town Limits	Yes
Staff Contact	Kevin A. Hales, Senior Planner Town of Cary Planning Department P.O. Box 8005 Cary, NC 27512-8005 (919) 462-3944 <a href="mailto:kevin.hales@townofcary.org">kevin.hales@townofcary.org</a>

**LIST OF EXHIBITS**

The following documents incorporated into this staff report are to be entered into the record for this hearing:

- [Exhibit A](#): Plan Review Application (9 pages)
- [Exhibit B](#): Site Plan (43 pages)
- [Exhibit C](#): Arborist Report (14 pages)
- [Exhibit D](#): Spring Arbor PDD Master Land Use and Open Space Plan (1 page)

**PROJECT DESCRIPTION/SUMMARY OF REQUEST**

Jerry Turner and Associates, on behalf of the property owner, The Keisler Group, LLC, and on behalf of the developer, HH Hunt, has requested approval of a site plan for development of approximately 10 acres of the 26-acre Keisler Tract located at 1695 Kildaire Farm Road. The tract is bounded by major roads on two sides, Kildaire Farm Road to the west and US 1/64 to the south. Waltonwood Cary life care community abuts the property along the eastern property line, with the Wimbledon detached residential subdivision defining the northern boundary.

The Spring Arbor PDD was adopted in June 2014 and encompasses the entire 26-acre Keisler Tract. Pursuant to the terms of the PDD, the entire tract may be developed with up to 35 residential units and a 90,000 square foot, 80 bed assisted living facility. In addition, within the area proposed for the assisted living facility, an open space area of approximately 0.6 acres in size and surrounding an existing house on the property must be preserved.

The development proposed in this site plan is located on the 10-acre assisted living parcel and consists only of a 78,874-square-foot assisted living facility and associated parking. No application for the future detached residential subdivision has yet been submitted. Access to the assisted living site is provided via a main entrance onto Kildaire Farm Road and a secondary entrance out to a new public street (Springhurst Lane) provided off of Kildaire Farm Road. Stormwater would be detained and treated by a pair of stormwater detention ponds located behind the proposed building.

The Spring Arbor PDD contains specific buffer standards for the development of the overall parcel. The assisted living parcel is required to provide a streetscape along Kildaire Farm Road that averages 40 feet in width. The plantings in the streetscape will be consistent with a commercial streetscape, containing a mix of upperstory and understorey trees with no defined opacity requirement. A 30-foot Type B (semi-opaque) buffer is required between this development and the future residential subdivision on the remainder of the tract. One half of the 30 feet is proposed with this site plan. A 100-foot Thoroughfare Corridor Buffer is required along the US1/64 corridor that defines the southern boundary of the site; however, the applicant is requesting to provide only 50 feet as discussed in the following section of this report.

The proposed building architecture is residential in scale and character. The building design incorporates pitched, asphalt shingled roofs with residential-style dormers. The building materials are brick and horizontal siding in proportions typical of attached residential development.

## **MODIFICATIONS TO LAND DEVELOPMENT ORDINANCE (LDO) REQUIREMENTS**

### **Reduction of Thoroughfare Corridor Buffer Width**

The Town of Cary established a Thoroughfare Overlay zoning district to govern development, particularly buffering, along major regional transportation arteries throughout the Town. This overlay applies to property located within 100 feet of the right-of-way for controlled-access highways and within 50-feet of interchanges along those corridors. The Thoroughfare Overlay is intended to maintain the scenic natural beauty of the area visible from the highway, provide additional open space, and to promote the safe and efficient movement of traffic. Achievement of these goals furthers the broader goals of enhancing trade, capital investment, tourism, and the welfare of the general public.

Specifically, the overlay district requires a 100-foot-wide buffer be provided parallel to the right-of-way for the highway. All existing vegetation is required to be maintained in a natural, undisturbed state and, if the existing vegetation is insufficient, be supplemented to meet the Town's Type A (opaque) buffer standard. Development within this buffer is regulated more strictly than development within other perimeter buffers and/or streetscapes.

The applicant has requested that Town Council consider reducing the width of the Thoroughfare Corridor Buffer along the US 1/64 corridor, which defines the property's southern boundary, from 100 feet to 50 feet. Approximately one half of the length of the required buffer is not vegetated, having been maintained as a field by the property owners. The eastern half of the buffer, however, is vegetated with a mix of pines, sweetgum, and scattered other hardwoods ranging in size from 12 to 18 inches in diameter. There is a pair of 30-inch tulip poplars within the western end of the buffer.

The reduction in the width of the Thoroughfare Corridor Buffer will provide the developer with approximately an additional acre of developable area for the assisted living facility. This additional area has led the developer to shift the building closer to the highway corridor, avoiding three champion oak trees in the vicinity of the existing residence. The applicant has proposed a re-vegetation plan that is consistent with the re-vegetation plans approved for Cameron Pond subdivision and Panther Creek High School following disturbance in the Thoroughfare Corridor Buffers along NC 540.

The physical improvements located within the area of the reduction are limited to a travel aisle and parking lot. These parking spaces are in excess of the parking required by the LDO. Fifty parking spaces would be required for the site based on the number of assisted living beds proposed and the number of staff at the facility. The applicant has proposed to provide 129 parking spaces, or approximately 258% of the LDO requirement on the site. Approximately 70 parking spaces are located within the area of the buffer reduction. It has been noted in past Council hearings that the actual parking demand for this type of use, especially during peak visiting times, is much higher than anticipated by the LDO.

In summary, Council may find that, given the lack of vegetation for half the length of the required buffer, the reduction in the width of the buffer has minimal impacts to the natural scenic beauty of the corridor. Further, Council may find that the preservation of three champion oak trees on the site, as a result of the reduction in the Thoroughfare Corridor Buffer, serves the same intent of preserving the natural aesthetic of the site, and is of higher value than preserving the trees along the highway corridor.

### **Modification of Articulation Standard**

The Town's architectural standards consist of a number of related design principles that work in concert to create high-quality, human-scaled building façades that stand the test of time. One of these principles is Articulation, which relates to the separation of subject façades into an architecturally-distinct base, body, and cap. These façade elements relate to the architecture of the human body, translating loosely into the feet, torso, and head. This analogy allows a viewer to intuitively understand and identify with the scale and massing of a building.

Just as the presence of a base, body, and cap in a building façade is important, the proportion of the building height each of these occupies is just as important. In the human body, the torso, which adds height and bulk to an individual, makes up the majority of an individual's height. Likewise, in façade design, the body of the building should constitute the majority of the building façade. Specifically, the Articulation standard reads as follows:

*The building facade shall have a clearly identifiable base, body and cap with horizontal elements separating these components. The component described as the body shall constitute a minimum of 50% of the total building height.*

This requirement has frequently been problematic when architects are proposing to use a pitched roof. While such a roof does evoke a residential feel from the viewer, its use in large-scale non-residential applications often creates a higher peak than in a typical, residential-scale application. This causes the roof, or cap for Articulation purposes, of the building to dominate the visual mass of the building. Despite the visual dominance of the roof, the Articulation standard can often be met by calculating the building height, as well as the height of the cap, to the median height of the pitched roof, which is consistent with the Town's definition of building height. However, the applicant in this case has broken up the front façade of the building with shorter, higher segments that do not satisfy the Articulation standard, even considering only the lower half of the roof.

Council may find that the provision of the pitched roof, even in the taller sections, creates an overall architectural design that is more consistent with the residential nature and character of the surrounding developments than a parapet or similar non-residential roof design.

### **Removal and Replacement of Champion Trees**

The LDO, in Section 7.2.5, promotes the protection of existing vegetation during development to enhance the visual character of the community, preserve wildlife habitat, control surface water run-off, and moderate temperatures. Section 7.2.5(C) specifically protects large, healthy trees on developing sites, known as "champion trees."

The tree survey performed for the development identified 14 large-diameter (32 inches and larger) trees on the subject portion of the site. These trees were evaluated by an arborist (see attached report) and it was determined that, due to advanced declining health, two of these trees do not qualify as champion trees (trees 6 and 9). The remaining 12 trees are healthy enough to be considered champion trees and are, therefore, subject to protection. The applicant is requesting to remove eight of the champion trees on the site, preserving four.

Trees 1-4 are willow oaks, spaced fairly evenly in front of the residence on the property. The trees range in size from 40 to 48 inches in diameter and are readily visible from Kildaire Farm Road. Trees 2-4 are proposed for retention on the site, with a nearby 20-inch pecan. Tree 1, which is a 48-inch white oak is located in the center of the proposed travel lane around the northern portion of the assisted care facility and is, therefore, proposed for removal.

Tree 5 is a 38-inch willow oak located behind the existing residence and is proposed for retention on the site.

The remaining champion trees (10, 12-14, and 18-20) are all located within the floor area of the building or impacted by stormwater or vehicular improvement and are proposed for removal. The applicant will be required to preserve additional open space on the site or to provide additional replacement trees at a 1:1 ratio for inches removed. The exact replacement plan is still being worked out with the developer.

Council may find that, given the density of large-diameter trees at the eastern end of the 10-acre assisted living parcel, the retention of all 12 trees on the site is not feasible in conjunction with the development envisioned in the Spring Arbor PDD.

#### **Payment-in-lieu of Construction of Median in Kildaire Farm Road**

Section 8.1.4 of the LDO enumerates the various infrastructure improvements required to be installed by a developer prior to completion of their proposed projects. As part of these required improvements, developers are required to widen adjacent roadways on which their proposed projects have property frontage. These roads are required to be widened consistent with the cross-sections with which they are identified in the Town's Comprehensive Transportation Plan (CTP).

The CTP identifies Kildaire Farm Road as a proposed four-lane, median-divided thoroughfare, which translates into a 78-foot cross section containing an 18-foot landscape median within a 100-foot right-of-way. The existing roadway section is a five-lane, undivided roadway section approximately 65 feet in width. The property located on the western side of Kildaire Farm Road, across from the proposed assisted living facility, has not been developed, and therefore, the western half of Kildaire Farm Road has not been improved to the CTP standard.

The lack of improvement to the ultimate right-of-way and roadway section along the corridor makes the installation of a median at this time difficult to achieve at this time. Ultimately, the median should be installed in conjunction with development on the western side of Kildaire Farm Road.

The LDO contains provisions for the Town's acceptance of a payment-in-lieu of construction in Section 8.1.5(A)(2):

*The Town Council may approve such payment as part of approving the site plan in a quasi-judicial hearing, upon determining that such improvements are not necessary or desirable at the time but will be needed in the future. This section shall not apply, however, to street improvements that are governed by the fee provisions in Section 8.1.4(A).*

Council may find that the median required in Kildaire Farm Road by the CTP is necessary in the ultimate build-out of the corridor. However, given that the western side of Kildaire Farm in this section has not been developed, the installation of the median is not practical or desirable at this time.

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

##### **Pre-application Meeting**

The applicant attended a pre-application meeting for the site plan on November 13, 2013.

**Plan Submittal and Review**

The site plan was submitted for its initial review on February 14, 2014, and has been reviewed by the Development Review Committee (DRC) through four review cycles.

**Notification and Property Posting**

The Planning Department provided notification of the public hearing and posted the property in accordance with local and state regulations.

**SITE PLAN WORKSHEET  
AND  
SUGGESTED MOTIONS**

A subdivision and/or site plan may be approved by the Town Council only if it satisfies the six approval criteria listed in Section 3.9.2(l) of the LDO. As part of determining whether the first criterion is satisfied, Council must determine whether to grant the requested modification(s) to the Town's development standards. A roadmap of the decisions Council must make is provided below:

**WORKSHEET 1**

- 1. Does the plan comply with all applicable requirements of the LDO, including the development and design standards of Chapters 7 and 8 as well as the dedication and improvements provisions of Chapter 8 as well as all applicable Town specifications?**

*As indicated in the staff report, the applicant has requested that council grant several modifications to the Town's development standards. These are detailed further in the attached Worksheet 1.*

Once the council has made a decision on the modification requests, it may then turn to the remaining site plan approval criteria.

**WORKSHEET 2**

- 2. Does the plan adequately protect other property, or residential uses located on the same property, from the potential adverse effects of the proposed development?**
- 3. Does the plan provide harmony and unity with the development of nearby properties?**
- 4. Does the plan provide safe conditions for pedestrians or motorists and prevent a dangerous arrangement of pedestrian and vehicular ways?**
- 5. Does the plan provide safe ingress and egress for emergency services to the site?**
- 6. Does the plan provide mitigation for traffic congestion impacts reasonably expected to be generated by the project?**

WORKSHEET 1

- 1. Does the plan comply with all applicable requirements of the LDO, including the development and design standards of Chapters 7 and 8 as well as the dedication and improvements provisions of Chapter 8 as well as all applicable Town specifications?

**Applicant’s Statement:** The plan complies with all applicable Town ordinances or seeks allowable modifications that are in keeping with the intent of the ordinances; the plan also complies with the approved Planned Development District (PDD Overlay Zoning) provisions. Installation of all required infrastructure to Town standards and specifications is provided for with this plan.

**Staff Observations:**

- The Development Review Committee has reviewed the proposed site plan for compliance with the LDO and all other applicable regulations through four review cycles.
- There are 10 remaining review comments out of 139 total comments made throughout the review process, meaning that 93% of the comments have been adequately addressed by the applicant.
- All DRC staff members have indicated that they do not object to the plan proceeding to Council for review.

TEST SATISFIED? \_\_ YES \_\_ NO

- 1. The applicant requests to reduce 881 feet of the Thoroughfare Corridor Buffer along US 1/64 from 100 feet wide to 50 feet wide.

*Town Council should consider this modification request pursuant to Section 4.4.4(D)(3) of the LDO:*

*The Town Council may reduce the required width of this buffer strip as part of its approval of the site and/or subdivision plan, taking into consideration: the topography of the area; surrounding land uses, particularly residential uses; the actual location of the controlled/limited access highway; the size and shape of land parcels affected by the buffer; and whether the buffer requirement would render the entire property unusable. In reducing the width of the buffer strip, the Town Council shall ensure that the applicant and/or developer will provide appropriate landscaping meeting the requirements of Section 4.4.4(D)(4) below. In no event, however, shall the Town Council reduce the required width of the buffer strip to less than thirty (30) feet. See Section 3.19, Minor Modifications.*

**Applicant’s Statement:** The developer seeks a modification and reduction of the required 100’ Thoroughfare Buffer along US1 and 64. The requested reduction is 50’ or 50%.

The Spring Arbor site is part of a larger tract on Kildaire Farm Road and adjacent to Wimbledon Subdivision. The developer after receiving input from the Wimbledon neighbors and other local citizens determined, agreed to provide a buffer between the subject property and Wimbledon. Additionally, the developer agreed that the proposed single family detached use would serve as additional buffer between Wimbledon and the assisted living facility (Spring Arbor) that is proposed by this site plan. Further, in order to comply with the Town’s Champion Tree Ordinance, to the extent possible, the developer has agreed to a significant and unique open space area between the single family use and the proposed assisted living facility that contains four champion trees. This area is very visible from Kildaire Farm Road and the developer believes that most local citizens would like to see these preserved.

The reduction advances the goals and purposes of the ordinance in the following ways:

1. Encroaching into the buffer allows for preservation of the four significant champion trees in a unique open space setting.
2. The resulting open space and thoroughfare buffer provide a superior open space amenity for the site and community.

3. One half of the buffer currently contains no existing trees; therefore there would be no tree removal for that portion.
4. The developer is providing a planting plan for re-vegetation of the buffer that the Staff has recommended.
5. After the site is developed, the unique open space and trees will have been preserved and the buffer along US1 and 64 will be superior to the existing conditions. This design concept results in more effective environmental and open space preservation and less visual impact.

**Staff Observations:**

- Provision of the required 100 feet of buffer does not render the entire property unusable. It would have a substantial impact on the ultimate yield of the property, either in the size of the assisted living facility or the number of detached residential lots provided.
- The existing grade of the site is situated approximately 15 feet above the adjacent highway surface at the Kildaire Farm Road bridge. The elevation then falls off gradually toward the creeks at the eastern end of the property.
- The physical area eliminated from the required 100-foot thoroughfare corridor buffer is occupied by parking and travel aisles for the parking lot. The developer is proposing to park the site at approximately 258% of the LDO requirement for assisted living facilities.
- Reducing the thoroughfare corridor buffer width by 50% does allow the applicant to shift their proposed footprint farther south on the site and keep their proposed parking layout. This, in turn, allows them to save the three champion trees located in front of the existing residence.
- A large percentage, approximately 50%, of the 881 feet of thoroughfare corridor buffer length is currently not vegetated. Reducing this portion of the thoroughfare corridor buffer would not impact the natural, scenic beauty of the site from the controlled access corridor. Retention of the champion trees is consistent with the goals of preserving the natural, scenic beauty of the site; although, they are visible from Kildaire Farm Road and not the controlled access highway.
- The proposed re-vegetation plan is consistent with the plan used at Cameron Pond and Panther Creek High School in the remediation of cleared areas of the Thoroughfare Corridor Buffer along NC 540.

**2. The applicant requests that the Town allow the body of the building façade to account for less than 50% of the building height for certain façade segments (Articulation requirement).**

*Town Council should consider this modification request pursuant to Section 3.19.1(C)(2) of the LDO:*

*The Town Council may initiate or approve a minor modification allowed under this section at any time before it takes action on a development application. The Town Council may approve the minor modification only if it finds, after conducting a quasi-judicial hearing, that the modification advances the goals and purposes of this Ordinance and either results in less visual impact or more effective environmental or open space preservation, or relieves practical difficulties in developing a site. In determining if "practical difficulty" exists, the factors set forth in Section 3.20.5, "Approval Criteria" (for Variances) shall be considered. In granting a minor modification allowed under this section, the Town Council may require conditions that will secure substantially the objectives of the standard that is modified and that will substantially mitigate any potential adverse impact on the environment or on adjacent properties, including but not limited to additional landscaping or buffering.*



**Applicant's Statement:** As a part of the site plan approval process the project owner requests a minor modification to the articulation requirement as stated in the Town of Cary's Community Appearance Manual. The request is to allow the end wings of the building to be built with 12:12 pitch roofs.

The Articulation example photos on the Community Appearance Manual are both large commercial buildings, and we completely agree that buildings of this sort look best with a Base, Body, and Cap with the Body making up 50% or more of that proportion. However, on our single story pitched roof residential building we are wondering if the requirement is as strictly applicable.

We have attempted to break the relatively long front elevation into three individual building forms. The building style is very traditional, including a Greek style portico at the main entry. The two ends flanking the center section are the areas not in compliance with the 50% Body requirement because of the 12:12 pitch roofs. The Owner and Architect both believe that this roof pitch improves the look of the building and is not out of keeping with traditional architecture. This look is also a part of the identifiable Spring Arbor "brand", i.e. comfortable, traditionally southern and residential.

**Staff Observations:**

- The requested modification will have no effect on the amount of open space preserved on the site, nor does it relieve any practical difficulty in developing the site. This modification is strictly aesthetic in nature.
- The use of a pitched roof form is evocative of traditional residential architecture. This will reduce the visual impact on the character of the surrounding neighborhood by blending the new structure into the architectural theme of the area.
- The applicant's proposal for use of a 12:12 pitch roof provides variety in the roof line of the long publically visible façade.
- The applicant's proposed façade includes a body that constitutes 42% of the building height (to the median height of the roof), an 8% reduction to the required 50%.

**3. The applicant requests to remove 8 champion trees from the site and replace them in accordance with the LDO:**

- a. Tree 1: 48-inch white oak impacted by parking lot travel aisle
- b. Tree 10: 37-inch red oak impacted by building footprint and parking
- c. Tree 12: 54-inch red oak impacted by connection to detached residential
- d. Tree 13: 60-inch tulip poplar impacted by building footprint
- e. Tree 14: 32-inch tulip poplar impacted by building
- f. Tree 18: 32-inch tulip poplar impacted by parking lot
- g. Tree 19: 35-inch tulip poplar impacted by BMP and parking
- h. Tree 20: 45-inch white oak impacted by BMP

*Town Council should consider these modification requests pursuant to Section 3.19.1(C) of the LDO.*

*Section 3.19.1(C)(2) of the LDO reads as follows:*

*"The Town Council may initiate or approve a minor modification allowed under this section at any time before it takes action on a development application. The Town Council may approve the minor modification only if it finds, after conducting a quasi-judicial hearing, that the modification advances the goals and purposes of this Ordinance and either results in less visual impact or more effective environmental or open space preservation, or relieves practical difficulties in developing a site. In determining if "practical difficulty" exists, the factors set forth in Section 3.20.5, "Approval Criteria" (for Variances) shall be considered. In granting a minor modification allowed under this section, the Town Council may require conditions that will secure substantially the objectives of the standard that is modified and that will substantially mitigate any potential*

*adverse impact on the environment or on adjacent properties, including but not limited to additional landscaping or buffering.”*

**Applicant’s Statement:** A waiver is sought from the Town’s Champion Tree Regulations, Section 7.2.5 of the Land Development Ordinance, as recently amended by the Town Council. In short, per the terms of the revised Land Development Ordinance, the proposed development seeks to remove eight healthy champion trees, while preserving four healthy champion trees. As can be seen in the materials submitted with the plan, there are several champion trees located on the property and they are fairly interspersed throughout the site. As a result, it is virtually impossible to locate any use on the property without impacting trees in some capacity. As a result, in order to fit the proposed facility on the site, the applicant had to determine which trees were the most significant trees on the site.

In that regard, there are three very large Willow Oak trees that are highly visible from Kildaire Farm Road (trees #2, #3, and #4 on the map). In reviewing the totality of the trees on the site, the applicant believes that given their size and high visibility from the public right of way, these three trees should receive priority and be preserved as part of the development plan. Furthermore, another large Willow Oak (tree #5) has been preserved and incorporated into the plan for development of the property. The applicant believes that preserving these four trees at the expense of other trees is reasonable and in the public interest. Based upon the existing site constraints, including the proposed use of the property and the environmental features, the applicant submits that the requested modification is the least deviation required to make compliance practicable and, therefore, the applicant submits that this minor modification is justified pursuant to the standards of Section 3.19.1 of the Land Development Ordinance.

**Staff Observations:**

- The eastern half of the site is a large cluster of champion tree critical root zones (CRZs). The loss of one third of the site to tree protection area may be considered a practical difficulty in developing a site for an assisted living facility, given the desire to keep the building on one story for operational purposes.
- Tree 1 – This is the largest of the oaks located in front of the existing residence and is also the southernmost of these trees. The travel aisle running along the northern side of the facility is proposed to run right through the center of this tree.

Alternative routing of the travel aisle around the northwestern side of the tree could, in theory allow this tree to be retained on site. Doing so, however, would reduce the property owner’s yield on the remaining 16 acres of the PDD site (future detached residential subdivision) by one or two lots.

- Tree 10 – This red oak is located just outside of the floor area of the building, in a narrow strip of pervious area between the building and the sidewalk. The grade change is less severe at this location, though the proposed grade is still five feet below existing. Parking proposed along the eastern side of the building further impacts the tree. The building footprint covers almost 50% of the CRZ, so any improvements outside of the building just exacerbate the concern for the retention of this tree.
- Tree 12 – This tree is located in the proposed vehicular connection to the future detached residential subdivision. The connection is desirable from connectivity and emergency access standpoints. Were Council to eliminate the connection, the tree would still be considered removed due to the extent of grading impacting the CRZ from the adjacent stormwater devices.
- Trees 13 and 14 – These two tulip poplars are located within floor area of the building. Due to the extent for the CRZs for these trees, especially the 60-inch, there is little possibility of redesigning the site to retain these trees.
- Tree 18 – This tulip poplar, which lies just outside of the 100-foot thoroughfare corridor buffer, coincides with the location of a parking lot island along the southern side of the building. The

grade difference at this location is minimal; however, parking and the building footprint will disturb the majority of the existing CRZ, making this tree a poor candidate for retention on the site.

- Trees 19 and 20 – These trees are located toward the eastern property line and fall within the proposed grading or surface area footprints of the stormwater BMPs proposed for the site. The property falls in elevation from Kildaire Farm Road to the creeks in the eastern tip of the property, making the proposed location topographically appropriate for stormwater treatment from the site.

**4. The applicant requests that the Town accept a payment of \$30,964.45 in-lieu of construction of the Kildaire Farm Road median.**

*Town Council should consider this request pursuant to Section 8.1.5(A)(2) of the LDO:*

*The Town Council may approve such payment as part of approving the site plan in a quasi-judicial hearing, upon determining that such improvements are not necessary or desirable at the time but will be needed in the future. This section shall not apply, however, to street improvements that are governed by the fee provisions in Section 8.1.4(A).*

**Applicant’s Statement:** Kildaire Farm currently exists as a 5-lane section. The ultimate roadway section specifies median-divided roadway section. In order to ensure that the function and capacity of this road is not diminished, the dividing median, as specified for the ultimate section of Kildaire Farm Road, can be implemented only in conjunction with the widening of the west side of Kildaire Farm Road.

**Staff Observations:**

- The western side of Kildaire Farm Road along this section has not been developed. A large percentage of the property on the western side is under the same ownership as the proposed development.
- Construction of the median in less than the full width right-of-way corridor would impact the capacity of the roadway in the short-term.
- The engineer’s estimate provided to support the amount of the payment-in-lieu has been reviewed and accepted by the Transportation and Facilities Department.

**SUGGESTED MOTIONS FOR MODIFICATION REQUESTS**

**MOTION TO APPROVE ALL MODIFICATION REQUESTS**

For the reasons discussed, I move that we **APPROVE** the modification requests made by the applicant, as the requests meet all of the approval criteria of the applicable sections of the LDO.

**This approval is conditioned upon the following:**

1. *[insert any additional conditions necessary to bring the project into compliance with the LDO or other standards]*

**OR**

**MOTION TO APPROVE INDIVIDUAL MODIFICATION REQUESTS:**

For the reasons discussed, I move that we **APPROVE** modification request(s) number(s) \_\_\_\_\_ made by the applicant as the request(s) meet all the approval criteria of the applicable sections of the LDO.

**This approval is conditioned upon the following:**

1. *[insert any conditions necessary to bring the project into compliance with the LDO or other standards]*

**OR**

**MOTION TO DENY ALL MODIFICATION REQUESTS**

For the reasons discussed, I move that we **DENY** the modification requests made by the applicant, as they do not meet all of the approval criteria of the applicable sections of the LDO.

**2. Does the plan adequately protect other property, or residential uses located on the same property, from the potential adverse effects of the proposed development?**

**Applicant's Statement:** The proposed development is insulated from existing, adjacent residential properties by a future single family neighborhood, two major thoroughfares, and an extensive stream buffer/open space tract (see PDD Plan).

**Staff Observations:**

- The plan provides internal buffering consistent with the approved Spring Arbor Planned Development District (PDD). The applicant has requested a reduction to the thoroughfare corridor buffer, which will impact the residents of the proposed assisted living facility more than the surrounding community.
- The majority of the parking spaces associated with the proposed assisted living facility are located south of the proposed building, which screens the parking from the detached residential subdivision to the north.
- The residents of the assisted living facility are expected to generate less traffic than a comparable number of multi-family residential units.

**TEST SATISFIED? \_\_ YES \_\_ NO**

**3. Does the plan provide harmony and unity with the development of nearby properties?**

**Applicant's Statement:** The plan for the assisted living residential community is in harmony with the surrounding residential and office properties. There is no negative impact on schools, traffic, property values, crime rate, etc. with this development.

**Staff Observations:**

- The proposed assisted living use is residential in character and is expected to complement the surrounding community.
- The architectural style of the building is very residential in character, utilizing a one to two-story massing; pitched, asphalt shingle roofs; dormers; and residentially-scaled windows.
- The assisted living facility is located to the southern end of the property, toward the highway and away from the adjacent detached residential subdivision. Future development in the PDD anticipates detached residential product being built to the north and east of the proposed facility, further improving the transition between the proposed use and the existing detached residential subdivision to the north.

**TEST SATISFIED? \_\_ YES \_\_ NO**

**4. Does the plan provide safe conditions for pedestrians or motorists and prevent a dangerous arrangement of pedestrian and vehicular ways?**

**Applicant's Statement:** The vehicular and pedestrian plans have been reviewed thoroughly by the Town Staff and all access issues and street improvements have been approved by the Town. These improvements and any permitting will also require NCDOT approval.

**Staff Observations:**

- The plan provides an individual entrance from Kildaire Farm Road for the facility, separating its traffic from the future detached residential subdivision traffic utilizing Springhurst Lane.
- The plan complies with the LDO requirements for pedestrian access into and through the site.

- The plan complies with the Town's standards and specifications for design of parking lots, drive aisles, and other vehicular travelways.
- The plan provides future access to the future detached residential subdivision to the north and east.

TEST SATISFIED? \_\_ YES \_\_ NO

5. Does the plan provide safe ingress and egress for emergency services to the site?

**Applicant's Statement:** The plan provides more than adequate access, a full movement entrance as well as a secondary entrance at the future single family development. The plan also calls for a loop street around the proposed facility for emergency vehicles.

**Staff Observations:**

- The proposed plan is consistent with physical design standards for private streets and parking lot travel aisles.
- The plan provides circulation around the entirety of the building through the parking lot travel aisles.

TEST SATISFIED? \_\_ YES \_\_ NO

6. Does the plan provide mitigation for traffic congestion impacts reasonably expected to be generated by the project?

**Applicant's Statement:** Neither the developer nor the Town Staff anticipates any traffic congestion to be generated by this project (see #4 above).

**Staff Observations:**

- Traffic was evaluated during the rezoning process earlier this year. The 80-beds proposed as the maximum in the PDD generate approximately 11 AM and 18 PM peak-hour trips. This is well below the threshold for a traffic study to have been required.
- The plan proposes only 68 beds, and therefore, will generate even less traffic per the Institute of Transportation Engineers (ITE) standards.
- The applicant has not provided any supplemental information in support of their plan.

TEST SATISFIED? \_\_ YES \_\_ NO

**SUGGESTED MOTIONS FOR SITE PLAN**

**MOTION TO APPROVE THE SITE PLAN**

For the reasons discussed, I move that we **APPROVE** the proposed site plan with conditions as stated below (**ALT: without condition**), as it meets all of the approval criteria set forth in Section 3.9.2(I) of the LDO.

**This approval is conditioned upon the following:**

1. The applicant must satisfactorily address any remaining Development Review Committee comments on the master plan set submitted for signature.
2. [**insert any conditions necessary to bring the project into compliance with the LDO or other standards**]

OR

**MOTION TO DENY THE SITE PLAN**

For the reasons discussed, I move that we **DENY** the proposed site plan, as it does not meet all of the approval criteria set forth in Section 3.9.2(1) of the LDO.