

**Town of Cary, North Carolina
 Subdivision and Site Plan Staff Report
 Evans Farm Townhomes (13-SB-011)
 Town Council Quasi-Judicial Hearing
 May 1, 2014**

REQUEST

Withers and Ravenel, on behalf of the property owner, M/I Homes of Raleigh, LLC, has requested approval of a subdivision and site plan for development of 152 townhomes in the Evans Farm neighborhood of the Alston Regional Mixed-Use Center. The development would be located on approximately 18.5 acres on O’Kelly Chapel Road between Green Level Church Road and Alston Avenue, immediately north of the existing Evans Farm subdivision. This plan requires Town Council action because it proposes 100 or more residential units and has not been rezoned after March 1, 2013. The plan includes no Minor Modification requests to the Town’s development standards.

Changes since April hearing: The proposed development plan was revised by the applicant in response to the quasi-judicial public hearing and discussion at the April 3, 2014 Town Council meeting. The proposed changes reduce the number of units to provide additional common open space for community use.

SUBJECT PARCELS

Property Owner	Wake County Parcel Identification Number (PIN) (10-digit)	Real Estate ID Number	Deeded Acreage
M/I Homes of Raleigh, LLC 1511 Sunday Drive Suite 100 Raleigh, NC 27607-5195	0736014245	0314175	17.39
Total Area			17.39*
*The acreage disparity is due to the abandonment of adjacent rights-of-way which is still in-process.			

BACKGROUND INFORMATION

Applicant’s Agent	Robbie Oldham Withers and Ravenel 111 MacKenan Drive Cary, NC 27511 (919) 469-3340 roidham@withersravenel.com
General Location	South side of O’Kelly Chapel Road, between Green Level Church Road and Alston Avenue
Land Use Plan Designation	Mixed Use (MXD) and Parks and Open Space (PKS/OS)
Zoning Districts	Residential 40 (R-40) Mixed Use Overlay (Alston Region Center) Watershed Protection Overlay (Jordan Lake)
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 kevin.hales@townofcary.org

LIST OF EXHIBITS

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

[Exhibit A:](#) 13-SB-011 Application (4 pages)

[Exhibit B:](#) 13-SB-011 Plan Set (34 pages) (*FTP site – Planning/Quasi-Judicial Cases/*)

[Exhibit C:](#) 13-SB-011 TIA Executive Summary (8 pages)

[Exhibit D:](#) Summary of Revisions since April 2014

[Exhibit E:](#) 13-SB-011 Revised Plan Sheets (5 pages)

PROJECT DESCRIPTION/SUMMARY OF REQUEST

Withers and Ravenel, on behalf of the developer and property owner, M/I Homes of Raleigh, LLC, has requested approval of a subdivision and site plan for development of 152 townhomes on approximately 18.5 acres located on the south side of O’Kelly Chapel Road between Green Level Church Road and Alston Avenue. This plan requires Town Council action because it proposes 100 or more residential units and has not been rezoned after March 1, 2013. The plan includes no Minor Modification requests to the Town’s development standards.

The townhome product proposed would be a mix of traditional front-loaded units and rear alley-loaded units. On-street, parallel parking would be provided in accordance with the Alston Activity Center Concept Plan (Alston ACCP) and would serve as the required visitor parking for the development.

Strendal Drive would be continued north through the subject property and intersect O’Kelly Chapel Road. This access to the development would be restricted to right-out egress with a left-over in the median to provide full-service ingress to the project. Vallonia Drive would also be extended north into the proposed development as a semi-circular loop.

The proposed storm drainage system would tie into the Evans Farm subdivision storm drainage network. Treatment of the stormwater would be handled through a constructed wetland in the Evans Farm subdivision.

Changes since April hearing: The applicant has revised the proposed development plan in response to council concerns expressed regarding the amount of open space and traffic patterns in the development. The revised plan would eliminate five units, reducing the unit count from 152 to 147. A single unit was eliminated in the southwestern corner of the site to allow additional room for streetscape landscaping for the units closest to the corner of Rosepine Drive and Green Level Church Road. The remaining four units were removed from the northeastern corner of the development to create space for a third community green.

The applicant also made changes to the proposed plan to address concerns about traffic in the development. A traffic circle was added to the intersection of Strendal Drive and Vallonia Drive. In addition, the intersection of Rosepine Drive and Strendal Drive is now proposed as a four-way stop condition instead of the traditional design proposed in the original development plan.

The revisions to the existing Evans Farm community garden have been removed from this development plan set. Mail kiosks have been added to the proposed plan in coordination with the United States Postal Service (USPS).

SITE CHARACTERISTICS

Streams: There are no stream buffers that would impact the development of the property.

Floodplain: There is no floodplain or flood hazard area that would impact the development of the property.

Wetlands: There are no wetlands that would impact the development of the property.

Topography: The elevation of the property drops 15 to 20 feet from O’Kelly Chapel Road in the north to Rosepine Drive in the south.

Surrounding Land Uses:

North – Tradition at Stonewater (multi-family dwellings on opposite side of O’Kelly Chapel Road)
South – Evans Farm subdivision (detached dwellings)
East – Detached dwellings
West – Vacant

SUMMARY OF PROCESS AND ACTIONS TO DATE**Pre-application Meeting**

The applicant attended a pre-application meeting for the subdivision and site plan on June 19, 2013.

Plan Submittal and Review

The subdivision and site plan was submitted for its initial review on August 8, 2013, and has been reviewed by the Development Review Committee (DRC) through five review cycles.

Notification and Property Posting

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

Initial Public Hearing

The proposed townhome development was presented to Town Council at a quasi-judicial public hearing on April 3, 2014. The discussion involved the density of the project, the proposed community amenities (including the existing Evans Farm amenity), and traffic in the development and surrounding community. The hearing was continued to the May 1, 2014 Town Council meeting.

CONSISTENCY WITH THE LAND DEVELOPMENT ORDINANCE (LDO)**Traffic**

The LDO does not require a Traffic Impact Analysis (TIA) be performed through the Town’s consultants. However, in support of their testimony regarding the approval criteria for subdivision and site plans, the applicant has engaged a traffic engineering consultant, Kimley-Horn and Associates, Inc., to perform a TIA on their behalf. Based on the information in the TIA, the proposed townhome development would generate approximately 73 vehicular trips in the morning peak-hour and 86 vehicular trips in the evening peak-hour. The results of the TIA, the recommended improvements, and the responsibilities for making those improvements are detailed in the executive summary (Exhibit C). A brief synopsis of that information is included below:

The following improvements have been committed to be made in association with the proposed Evans Farm Townhomes project:

O’Kelly Chapel Road at Alston Avenue (unsignalized)

- On eastbound O’Kelly Chapel Road – extend the exclusive left-turn lane to provide 160 feet of total storage length and construct an exclusive right-turn lane with 120 feet of storage
- On westbound O’Kelly Chapel Road - restripe the exclusive right-turn lane to a shared through/right-turn lane

O’Kelly Chapel Road at Green Level Church Road (future signal)

- On westbound O’Kelly Chapel Road – extend the exclusive left-turn lane to provide full storage back to Alston Avenue (approximately 1,100 feet) and construct an exclusive right-turn lane to provide full storage back to Alston Avenue (approximately 1,100 feet)

O’Kelly Chapel Road at Strendal Drive (site driveway, unsignalized)

- On eastbound O’Kelly Chapel Road – construct an exclusive right-turn lane with 100 feet of storage

O’Kelly Chapel Road

- Widen O’Kelly Chapel Road to accommodate the future six-lane, median-divided cross section identified in the Comprehensive Transportation Plan.

The following improvements have been committed to by other developments in the area:

O’Kelly Chapel Road

- Widen O’Kelly Chapel Road from a two-lane to a four-lane section from NC 55 westward for 1,200 feet (area east of proposed townhome development)
 - The widening of this section of O’Kelly Chapel has been completed by the developers of the Parkside Town Commons development (Kite Realty Group).

NC 55 at O’Kelly Chapel Road (signalized)

- On northbound NC 55 - construct an additional left-turn lane to provide dual left-turn lanes with 450 feet of storage each, an additional through lane, and an exclusive right-turn lane with 350 feet of storage
 - These improvements have been made by the developers of the Parkside Town Commons development (Kite Realty Group).
- On southbound NC 55 – construct an additional left-turn lane to provide dual left-turn lanes with 300 feet of storage each, an additional through lane, and an exclusive right-turn lane with 250 feet of storage
 - These improvements have been made by the developers of the Parkside Town Commons development (Kite Realty Group).
- On eastbound O’Kelly Chapel Road – restripe the existing left-turn lane to provide 350 feet of storage, construct two exclusive through lanes, and extend the storage of the existing right-turn lane to 400 feet
 - These improvements have been made by the developers of the Parkside Town Commons development (Kite Realty Group).
- On westbound O’Kelly Chapel Road – construct triple left-turn lanes with 500 feet of storage each, two through lanes, and an exclusive right-turn lane with 150 feet of storage
 - These improvements have been made by the developers of the Parkside Town Commons development (Kite Realty Group).

O’Kelly Chapel Road at Alston Avenue (unsignalized)

- On southbound Alston Avenue – construct an exclusive left-turn lane with 100 feet of storage
 - This improvement would be made by the developers of the All Starz Children’s Academy project (Alston Properties, LLC) as illustrated in site plan 13-SP-035, if that project moves forward to construction.
- On eastbound O’Kelly Chapel Road – construct an exclusive left-turn lane with approximately 100 feet of storage
 - This improvement would be made by the developers of the All Starz Children’s Academy project (Alston Properties, LLC) as illustrated in site plan 13-SP-035 if that project moves forward to construction.
- On westbound O’Kelly Chapel Road – construct exclusive left and right-turn lanes with approximately 75 feet of storage each
 - These improvements would be made by the developers of the All Starz Children’s Academy project (Alston Properties, LLC) as illustrated in site plan 13-SP-035 if that project moves forward to construction.

O’Kelly Chapel Road at Green Level Church (unsignalized)

- Install a traffic signal
 - This signal would be installed by the developers of the Amberly Town Center Townhomes (M/I Homes). The signal has been designed and is in review with the NCDOT with an expected installation in spring 2014.

Changes since April hearing: There was discussion at the April hearing regarding the need for traffic calming measures along Strendal Drive. Staff indicated that the proposed on-street parking serves a traffic calming role in addition to providing visitor parking for residents. The applicant, in response to the discussion at the hearing, has proposed two changes to the circulation in the development plan. The first is the addition of a traffic circle at the intersection of Strendal Drive and Vallonia Drive. The second is the addition of four-way stop controls at the intersection of Rosepine Drive and Strendal Drive. Staff has not had the opportunity to perform a full review of the proposed changes, but offers the following thoughts on the applicant’s proposal:

Staff has suggested that the applicant look at placing a traffic circle at the intersection of Rosepine Drive at Strendal Drive, which can be utilized as an acceptable traffic calming device. There are several locations in town where traffic circles have successfully been placed (there are several located along Castilia Drive and Wellingborough Drive). The applicant is proposing a four-way stop sign at this location. Multi-way stop signs are not considered a suitable traffic calming device. Unintended consequences generally occur where multi-stop signs are installed and are not warranted to facilitate traffic operation. Motorists will, over time, ignore the stop sign and roll through the intersection, or will accelerate at higher speeds after they have stopped. The multi-way stop sign at this location appears to be an acceptable form of traffic control, as all approach volumes are expected to be balanced, the intersection is of two major local roads within the development, and crossing maneuvers by pedestrians can be more safely accommodated. The traffic circle proposed at the intersection of Vallonia Drive and Strendal Drive will need to be carefully reviewed by the Town's traffic engineering staff and NCDOT to determine whether the proximity of the traffic circle to O'Kelly Chapel Road is acceptable, and to make sure that traffic will not back up onto O'Kelly Chapel Road.

Comprehensive Transportation Plan (CTP) Improvements

O'Kelly Chapel Road and Green Level Church Road are identified in the CTP as six-lane, median-divided thoroughfares. These roads would both require a 102-foot roadway cross-section located within a 124-foot right-of-way. The proposed subdivision and site plan includes the right-of-way dedication and widening along O'Kelly Chapel Road. The project's frontage on Green Level Church Road is limited to a short segment, the right-of-way for which would be established during the abandonment of the former Green Level Church Road right-of-way.

The proposed project has frontage on both Alston Avenue and Rosepine Drive, which are classified as local streets. In addition to the CTP, the Alston ACCP establishes internal classifications for streets within the Alston mixed use center. Alston Avenue and Rosepine Drive are both identified as Street A cross-sections. The proposed townhome development would dedicate one-half of a 70-foot right-of-way along Alston Avenue in anticipation of its redevelopment using the widest potential cross-section (first-floor commercial condition) for a Street A. Rosepine Drive would not require additional widening as it was constructed to its ultimate design width as part of the Evans Farm subdivision.

Buffers and Streetscapes

The property is located within the Mixed Use Overlay District; therefore, the strict application of typical LDO buffer standards does not apply for properties internal to the mixed use district. Green Level Church Road defines the western boundary of the Alston mixed use center and, therefore, the short section of streetscape along Green Level Church Road would be required to provide the required 50-foot Type A (opaque) streetscape. The proposed subdivision and site plan is consistent with this requirement. The streetscape proposed along O'Kelly Chapel Road would be a 30-foot Type A (opaque) streetscape. The perimeter buffers interior to the mixed use district are proposed as 15-foot Type B (semi-opaque) buffers.

Parks, Recreation, and Cultural Resources (PRCR) Facilities

The PRCR Facilities Master Plan calls for a 10-foot streetside trail to be provided along the western side of Green Level Church Road. The proposed subdivision and site plan includes the construction of the streetside trail along the property frontage on Green Level Church Road.

Open Space Requirements

The Alston ACCP includes specific requirements for the amount of community open space for developments within its boundaries. The proposed project is located in the Neighborhood General design zone. This zone requires one green or park per 10 acres of developable land. The PRCR master plan indicates that no parks are required on this property; therefore, greens are required. These are small to moderate publicly accessible tracts (minimally 2,400 square feet but not more than one acre) available for unstructured recreation. The applicant has proposed five greens in the revised plan, totaling 1.54 acres. Coupled with the other common open space in the development, the development would contain 4.52 acres of open space (approximately 25% of the tract area). The majority of the greens in the development are intended as passive open space, such as the linear "parks" on either side of Strendal Drive. However, the applicant has proposed playground equipment, a gazebo, and a large play lawn in green #5. This is the largest of the proposed greens at approximately 0.7 acres.

**DEVELOPMENT PLAN WORKSHEET
AND
SUGGESTED MOTIONS**

Section 3.9.2(l) of the LDO states that a development plan may be approved by the Town Council only if it meets six listed criteria. 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?

Applicant's Statement: The improvements contemplated as part of the proposed subdivision and site plan consist of a 152 townhome dwellings on 18.5 acres of land. The site is bounded on the north by Alston Avenue and O'Kelly Chapel Road, to the west by Green Level Church Road, to the south by Rosepine Drive, and to the east by a combination of vacant parcels and smaller lot single family. The property is zoned R40 and is located within the "Evans Farm Neighborhood" portion of the Alston Regional Mixed-Use Center. The Alston plan permits the development of the townhomes contemplated by the proposed plan. Internal streets will consist of public streets along with private alleys serving roughly 60% of the townhomes to be developed on the property. The townhomes adjacent to the private alleyways will be rear loaded. The developer is installing as part of another development a traffic signal to be located at the intersection of Green Level Church Road and O'Kelly Chapel Road. With respect to parking, the Land Development Ordinance requires 418 spaces and, including additional spaces for guests, the plan includes 453 spaces. As indicated on the proposed plan and other materials submitted, the improvements have been designed in compliance with the requirements of the Town's Land Development Ordinance, including the development and design standards of Chapters 7 and 8 as well as the dedication and improvements provisions of Chapter 8.

Staff Observations: The plan has been reviewed by the Development Review Committee for compliance with the requirements of the LDO and with other applicable documents. The comments are, in general, minor in nature (other than as noted in item 4 below) and indicate general conformance of the plan to the requirements of the Town.

Update from April hearing: Staff has not had the opportunity to fully process and review the proposed changes. Key members of the DRC have looked at the proposed changes briefly; however, there may be changes necessary to achieve compliance with the LDO and/or Alston ACCP following the formal review of the plan. The plan will not be approved until such time as the DRC has determined that it is consistent with the LDO and all other applicable regulations.

TEST SATISFIED? __ YES __ NO

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 for an integrated townhome community. Further, open space areas have been included along the perimeter of the site (except for Rosepine Drive) in order to adequately protect other property. The development will include landscaping as required by the Land Development Ordinance. As a townhome community in an area planned and/or built for other residential uses, the proposed use has no inherent qualities that would adversely impact adjacent properties. The developer submits that the proposed plan adequately protects other property and residential uses on the subject property from the potential adverse effects of the proposed development.

Staff Observations: The plan is generally consistent with the buffer requirements of the LDO, understanding that intensity of uses and flexibility in the provision of perimeter buffering were intended in the Alston ACCP. The proposed townhome use would be consistent with other residential uses in the surrounding community and would provide a transition from the non-

residential uses intended on the northern side of O’Kelly Chapel Road to the detached dwellings located to the south of the proposed development.

TEST SATISFIED? __ YES __ NO

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

Applicant’s Statement: The subject property is surrounded by complimentary uses. To the south of the site, the area has been developed by the same developer as a single family home community. The addition of townhomes adjacent to this single family home community will be in keeping with the recommendations for a mixture of housing types as contained in the Alston Regional Mixed Use Plan. The parcels to the east of the subject property have partially been improved as a single family community, while the undeveloped portions are zoned consistent with the subject property and planned for similar uses. The areas to the north and west of the subject property include existing multi-family uses (Tradition at Stonewater) and vacant parcels. As a result, the proposed townhome community will be in harmony with the development of nearby properties.

Staff Observations: The proposed development is consistent with the Alston ACCP’s intent of providing a mix of housing opportunities within the Evans Farm neighborhood. The residential nature of the proposed townhomes would be consistent with the generally residential nature of the surrounding community.

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 plan includes sufficient sidewalks to ensure no conflicts between vehicles and pedestrians, and the street network has been designed in a manner that will result in vehicle speeds that are conducive to a single family community.

Staff Observations: The plan would provide sidewalk on both sides of all streets in accordance with the Alston ACCP and with the LDO connectivity requirements. The provision of parallel parking on the street would provide some traffic calming effects on the internal streets.

The only outstanding DRC comment of major import to the proposed plan is a concern expressed by Public Works in regard to the collection of solid waste and recycling. The Town uses automated collection vehicles that collect from the right-hand side of the vehicle. The proposed plan includes double-loaded, one-way alleys serving the townhomes. In order for solid waste and recycling to be collected from the units on the left-hand side of the alley, their carts would either need to be located on the right-hand side of the street or the garbage/recycling truck would need to travel the wrong way down the one-way street. The applicant has proposed to provide pads on the right-hand side of the street, but the density of the development would require some units to wheel their containers up to 200 feet from their garages. Public Works has expressed concern about the viability of this solution and continues to work with the applicant to explore options for collection.

TEST SATISFIED? __ YES __ NO

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

Applicant’s Statement: The plan includes three public access points, with two on Rosepine Drive and one onto O’Kelly Chapel Road. The streets internal to the site have been designed so as to ensure that emergency vehicles have sufficient access to all of the residences. As a result, the plan provides safe ingress and egress for emergency services to the site.

Staff Observations: The proposed layout includes multiple points of access with connections to two adjacent thoroughfares. All of the proposed units may be accessed from public streets, with alleys serving as an alternative point of access where provided.

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: A traffic impact analysis has been performed by Kimley Horn and Associates and is submitted herewith. As mentioned previously, this developer is constructing as part of another development a traffic signal at the intersection of O’Kelly Chapel Road and Green Level Church Road. With the improvements that are being made by others, the plan provides mitigation for traffic congestion impacts reasonably expected to be generated by the project.

Staff Observations: The applicant has proposed to make improvements as identified in the traffic study performed by Kimley-Horn and Associates.

TEST SATISFIED? __ YES __ NO

SUGGESTED MOTIONS FOR SITE PLAN

MOTION TO APPROVE THE SUBDIVISION AND SITE PLAN

For the reasons discussed, I move that we **APPROVE** the proposed subdivision and site plan with conditions as stated below, as it meets all of the approval criteria set of Section 3.9.2(I).

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. The proposed traffic circle at Strendal Drive and Vallonia Drive shall be installed as shown in the plan set subject to approval by the Town of Cary Development Review Committee and the NC Department of Transportation.

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

OR

MOTION TO DENY THE SUBDIVISION AND SITE PLAN

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