REQUEST

Freeland and Kauffman, Inc., acting as agent for the property owner, Lowe’s Home Centers, Inc., and on behalf of the developer, Concord Properties, LLC, has requested approval of a subdivision and site plan to create a 1.1-acre outparcel at the intersection of Walnut and Meeting Streets. In addition to the subdivision, the proposal includes development of a 5,529-square-foot commercial building. In order to accommodate the new outparcel and commercial development, the applicant has requested Town Council consideration of a 25 percent reduction to the number of parking spaces required for the existing Lowe’s store.

SUBJECT PARCELS

<table>
<thead>
<tr>
<th>Property Owner</th>
<th>Wake County Parcel Identification Number (PIN) (10-digit)</th>
<th>Real Estate ID Number</th>
<th>Deeded Acreage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lowes Home Centers, Inc.</td>
<td>0773602677</td>
<td>0053394</td>
<td>13.19</td>
</tr>
<tr>
<td>PO Box 1111</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>North Wilkesboro, NC 28659</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total Area</strong></td>
<td></td>
<td></td>
<td><strong>13.19</strong></td>
</tr>
</tbody>
</table>

BACKGROUND INFORMATION

<table>
<thead>
<tr>
<th>Applicant’s Agent</th>
<th>Charles Garcia</th>
</tr>
</thead>
<tbody>
<tr>
<td>Freeland and Kauffman, Inc.</td>
<td>Freeland and Kauffman, Inc.</td>
</tr>
<tr>
<td>209 West Stone Avenue</td>
<td>209 West Stone Avenue</td>
</tr>
<tr>
<td>Greenville, SC 29609</td>
<td>Greenville, SC 29609</td>
</tr>
<tr>
<td>(864) 672-3426</td>
<td>(864) 672-3426</td>
</tr>
<tr>
<td><a href="mailto:cgarcia@fk-inc.com">cgarcia@fk-inc.com</a></td>
<td><a href="mailto:cgarcia@fk-inc.com">cgarcia@fk-inc.com</a></td>
</tr>
<tr>
<td><strong>General Location</strong></td>
<td>2000 Walnut Street, Lowes Home Improvement parking lot</td>
</tr>
<tr>
<td><strong>Land Use Plan Designation</strong></td>
<td>Commercial (COM)</td>
</tr>
<tr>
<td><strong>Zoning Districts</strong></td>
<td>General Commercial – Conditional Use (GC-CU)</td>
</tr>
<tr>
<td>Within Town Limits</td>
<td>Yes</td>
</tr>
<tr>
<td><strong>Staff Contact</strong></td>
<td>Kevin A. Hales, Senior Planner</td>
</tr>
<tr>
<td>Town of Cary Planning Department</td>
<td>Town of Cary Planning Department</td>
</tr>
<tr>
<td>P.O. Box 8005</td>
<td>P.O. Box 8005</td>
</tr>
<tr>
<td>Cary, NC 27512-8005</td>
<td>Cary, NC 27512-8005</td>
</tr>
<tr>
<td>(919) 462-3944</td>
<td>(919) 462-3944</td>
</tr>
<tr>
<td><a href="mailto:kevin.hales@townofcary.org">kevin.hales@townofcary.org</a></td>
<td><a href="mailto:kevin.hales@townofcary.org">kevin.hales@townofcary.org</a></td>
</tr>
</tbody>
</table>

LIST OF EXHIBITS

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

Exhibit A: 13-SP-021 Application (3 pages)
Exhibit B: 13-SP-021 Plan Set (26 pages)
Exhibit C: Parking Study (3 pages)
PROJECT DESCRIPTION/SUMMARY OF REQUEST

The applicant has proposed to subdivide a 1.1-acre outparcel from the existing 13.19-acre parcel that would be located at the intersection of Meeting and Walnut Streets. The proposed development on the outparcel would consist of a 5,520-square-foot commercial building. In order to create the outparcel and construct the proposed building, the applicant has also requested Town Council consideration of a parking reduction of 25% on the remaining Lowe's Home Improvement parcel.

SITE CHARACTERISTICS

Streams: There are no stream buffers that impact development of the property.  
Floodplain: There is no floodplain or flood hazard area impacting development of the property.  
Wetlands: There are no wetlands impacting development of the property.  
Topography: There is little elevation change across the portion of the site being proposed for development.  
Surrounding Land Uses:  
North – McDonalds (across Meeting Street)  
South – Centrum shopping center (across Dillard Drive)  
East – Crossroads Shopping Center (across Walnut Street)  
West – Centrum Station (across Meeting Street)

SUMMARY OF PROCESS AND ACTIONS TO DATE

Pre-application Conference  
The applicant attended a pre-application conference with the Town of Cary Development Review Committee (DRC) on January 9, 2013, regarding the development plan.

Notification  
The Planning Department mailed notification of the public hearing on the subdivision and site plan to property owners within 400 feet of the site on August 7, 2013. Notification consistent with North Carolina General Statutes was published in the Cary News both on August 7 and August 14, 2013.

Property Posting  
Notice of the public hearing was posted on the property on August 9, 2013.

CONSISTENCY WITH THE LAND DEVELOPMENT ORDINANCE (LDO)

Traffic  
The repeal of the Town’s Adequate Public Facilities for Roads ordinance, which became effective on March 1, 2013, no longer requires a traffic study to be prepared by the Town for development plans under consideration for approval. Instead, the applicant is responsible for providing material, substantial, and competent testimony at the hearing to demonstrate that the project would not generate congestion or negative impacts that are not mitigated by the proposed plan. No information regarding the potential traffic impacts of the proposed development were provided for staff review prior to the preparation of this report.

Staff offers the following data regarding current conditions for council’s information:

Signalized Intersections: Existing Level of Service (LOS)  
- Walnut Street at Meeting Street – LOS C in morning peak-hour, LOS D in evening peak-hour  
- Dillard Drive at Meeting Street – LOS A in morning peak-hour, LOS C in evening peak-hour

Average Daily Traffic Volumes (all volumes noted are from NCDOT and counted in 2011)  
- Walnut Street – 29,000 vehicles/day between Meeting Street and Dillard Drive  
- Walnut Street – 40,000 vehicles/day between northbound US1 ramps and Piney Plains Road  
- Dillard Drive – 11,000 vehicles/day just west of Walnut Street
Comprehensive Transportation Plan (CTP) Improvements
The Lowe’s property has approximately 1,000 feet of frontage along Walnut Street and approximately 700 feet of frontage along Dillard Drive. The proposed 1.1-acre outparcel would have approximately 224 feet of frontage along Walnut Street and no frontage along Dillard Drive.

Walnut Street is designated in the CTP as a Thoroughfare.  
**Existing Section:** 6-lane, median-divided roadway within approximately 126 feet of variable-width right-of-way  
**Required Section:** 6-lane, median-divided roadway within 124 feet of right-of-way  
**Sidewalks:** Existing on both sides  
**Bicycle Lanes:** Existing 14-foot-wide outside lanes  
**Transit:** C-Tran routes 1 and 2 utilize this corridor.

Dillard Drive is designated in the CTP as a Thoroughfare.  
**Existing Section:** 5-lane roadway within approximately 110 feet of variable-width right-of-way  
**Required Section:** 5-lane roadway within 91 feet of right-of-way  
**Sidewalks:** Existing on both sides  
**Bicycle Lanes:** Existing 14-foot-wide outside lanes  
**Transit:** C-Tran routes 1 and 2 utilize this corridor.

Buffers and Streetscapes
Section 7.2.4 of the LDO establishes a requirement for a 30-foot-wide streetscape for non-residential development located along thoroughfares or collectors. A 15-foot-wide streetscape is required for non-residential development located on local or private streets. The proposed plan is consistent with these requirements, providing a 30-foot-wide streetscape along Walnut Street and a 15-foot-wide streetscape along Meeting Street, which is a private street.

Architectural
The proposed Verizon Wireless facility would be 5,520 square feet in area. The structure would be 1-story with a flat roof. The predominant material used in the building façade would be a reddish brick with black canvas awnings used as accents above the storefront system. Architectural lighting would be provided on the building façade to accent the pilasters repeated across the façades.

Parking
Section 7.8.2 of the LDO establishes parking requirements for any uses located in the Town. Retail Store uses require one parking space per 250 square feet of gross floor area of the building. The latest approved development plan for Lowe’s requires 457 parking spaces for the site. This number represents a 10 percent reduction in the number of parking spaces required by the LDO. This reduction was approved administratively, in part, to accommodate outdoor sales and display which occurs seasonally in portions of the parking lot. The total parking count on site is approximately 508 spaces, exceeding the minimum amount of parking required by the approved plan.

The proposed outparcel and retail building would be located in an existing corner of the Lowe’s parking lot and would eliminate some existing spaces. Additionally, the proposed commercial building would increase the parking requirement commensurate with the size of the proposed building. Therefore, the applicant has requested that the required parking for Lowe’s be further reduced from 457 spaces to 381 spaces, representing a 25 percent reduction to the current LDO requirements. Section 7.8.2(H) allows the Town Council to grant a reduction in the required parking up to 25 percent upon finding that the reduced number of spaces “will be sufficient to satisfy the demand for parking expected for the use, based on the nature of the use, the number of trips generated, the times of day when the use generates the most trips, and the extent to which other establishments are located on the same property and may reduce the number of vehicle trips required between different establishments.”

The proposed outparcel would contain 31 parking spaces. A 5,520-square-foot retail store would require 22 parking spaces. This represents a 41 percent increase in the parking on the Verizon Wireless site. The proposed layout for the outparcel utilizes the access and circulation established in the Lowe’s parking lot.
Both the Lowe’s and the Verizon site, would provide a total of 412 parking spaces. This represents a 22 percent reduction in the required parking for the combined retail tracts.

The developer provided a parking study performed by Ramey Kemp & Associates (Exhibit C) in support of the parking reduction request. The report analyzed the number of spaces occupied during 1-hour time periods compared to the total number of spaces located on the Lowe’s site. The report indicates that approximately 291 parking spaces are occupied during the store’s peak operational period (Saturday afternoon). In addition, 14 spaces were occupied by non-vehicular obstructions (outdoor storage/display) for a total utilization of approximately 305 parking spaces during peak operations. This represents approximately 60 percent of the available parking (508 spaces) on the site. Compared to the required parking on the site (457 spaces), the utilization percentage would climb to 67 percent.

Council is being asked to consider a reduction from 457 parking spaces to 381 required parking spaces for the Lowe’s site. The parking reduction, if approved, would result in a 22% reduction in the required amount of parking on the Lowe’s site. This does not take into account the 31 additional spaces that would be located on the Verizon outparcel.
DEVELOPMENT PLAN WORKSHEET
AND
SUGGESTED MOTIONS

Section 3.9.2(I) of the LDO states that a development plan may be approved by the Town Council only if it meets six listed criteria. As part of determining whether the first criterion is satisfied, council must determine whether to grant minor modifications to the development standards requested by the applicant. Staff comments are included as appropriate in italics following each criterion. 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 above, the proposed development plan is not in compliance with the parking requirements of the LDO. The applicant has requested approval of a Minor Modification to reduce the number of parking spaces required on the Lowe's parcel by 25%. Council must find that the requested modification: (1) advances the goals and purposes of the LDO; and (2) either results in less visual impact or more effective environmental or open space preservation, or relieves practical difficulties in developing the site. In addition, when considering a reduction in required parking, council must consider whether the reduced parking requirement will be sufficient to satisfy the parking demands of the proposed use.

   Once council has made a decision on the minor modification, it can 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?
1. Does the plan comply with all applicable requirements of this Ordinance, 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? (Note: Plans within Planned Developments may be subject to different requirements based on the approval).

Town Council should consider and approve the Minor Modification requests below pursuant to section 3.19.1(C)(2) of the LDO. Council may approve a Minor Modification to the development standards at any point before it approves the associated development plan. However, in order to approve a requested Minor Modification, the council must find the following:

(1) That the modification advances the goals and purposes of this Ordinance and

(2) That the modification either

   A. Results in less visual impact or more effective environmental or open space preservation, or

   B. 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.

   The criteria for determining whether or not ‘practical difficulty’ exists include the following:

   a. Whether there can be any beneficial use of the property without the variance;
   b. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance;
   c. Whether the variance would adversely affect the delivery of public services such as water and sewer;
   d. Whether the applicant purchased the property with knowledge of the requirement; and
   e. Whether the applicant's predicament can be mitigated through some method other than a variance.

In granting a Minor Modification, council may require conditions that will substantially secure the objectives of the standard that is being 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.

In addition, there is specific direction given to council in consideration of a parking reduction in Section 7.8.2(H)(1) of the LDO. It reads as follows:

As part of its review and approval of a site plan for a development, the Town Council may allow a reduction of up to twenty-five (25) percent in the number of designated parking spaces upon finding that the such reduced number will be sufficient to satisfy the demand for parking expected for the use, based on the nature of the use, the number of trips generated, the times of day when the use generates the most trips, and the extent to which other establishments are located on the same property and may reduce the number of vehicle trips required between different establishments.
1. Request that the Town Council reduce the number of required parking spaces for Lowe’s Home Improvement from 457 spaces (a previously approved 10% reduction) to 381 spaces (a 25% reduction from the LDO requirement).

(1) Does the modification advance the goals and purposes of this Ordinance?

Section 7.8.2(A)(1) requires that all uses or establishments within the Town provide sufficient off-street parking for all residents, employees, customers, or visitors that may spend time at the establishment. The LDO also establishes that the rate specified for commercial uses is to be considered, in addition to the minimum, a maximum number of spaces in an effort to reduce the amount of unused surface parking and impervious surface area. The applicant’s parking study supports their conclusion that the reduced parking requirement would still be sufficient to satisfy the current demands for parking on the Lowe’s site. In addition, the new retail store will generate additional parking demand that would potentially reduce the amount of unused parking spaces on the properties.

TEST SATISFIED? __ YES __NO

(2) Does the modification result in less visual impact or more effective environmental or open space preservation or relieve practical difficulties in developing a site?

The requested Minor Modification would result in more effective use of existing impervious surface area through a potential reduction in the amount of unused parking spaces. The integration of the new outparcel into the existing Lowe’s parking lot would reduce the amount of land disturbance and impervious surface area that would otherwise be required for a traditionally designed outparcel. By eliminating parking and travel aisles on the Walnut Street and Meeting Street sides of the retail building, more pervious area would be preserved on the property.

TEST SATISFIED? __ YES __NO

(3) Does the modification result in sufficient parking spaces to satisfy the demand expected for the existing use based on the nature of the use, on the number of trips generated, on the times of day when the use generates the most trips, and on the extent to which other establishments are located on the same property and may reduce the number of vehicular trips required between uses?

The applicant’s traffic engineer prepared a parking study for the Lowe’s site that indicated a peak usage of approximately 305 parking spaces during the study period. This represents approximately 67 percent occupancy for the current number of parking spaces required on the site. The requested reduction would increase the utilization of the new parking requirement to approximately 80 percent. That utilization does not consider the additional 31 parking spaces on the new outparcel, nine of which are in excess of the required parking for the Verizon building.

TEST SATISFIED? __ YES __NO

SUGGESTED MOTIONS FOR MINOR MODIFICATION REQUEST

MOTION TO APPROVE MINOR MODIFICATION REQUEST:

For the reasons discussed, I move that we APPROVE the minor modification request made by the applicant as the request meets all the approval criteria of Section 3.19.1 and Section 7.8.2 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]

MOTION TO DENY MINOR MODIFICATION REQUEST:

For the reasons discussed, I move that we DENY the minor modification request made by the applicant as the request does not meet all the approval criteria of Section 3.19.1 and/or 7.8.2 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?

   The proposed plan is generally consistent with the requirements of the LDO except as indicated above. Streetscapes and other landscaping would be provided as required by the LDO. The property is located within a Regional Mixed Use Center and no residential developments are located in the immediate vicinity of the project to be potentially affected by the proposed retail use.

   TEST SATISFIED? __ YES __ NO

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

   The proposed development is located in the Crossroads Regional Mixed Use Center and is surrounded by other retail and restaurant uses. The building would be similar in scale and character to other outparcels located along this stretch of Walnut Street.

   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?

   The proposed development would share parking lot and travel aisle space with the existing Lowe's site. No new intersections or driveways would be created, retaining the existing access and traffic patterns internal to the site. Additional sidewalk would be provided to bring pedestrians safely into the site from the Walnut Street Corridor, improving pedestrian safety.

   TEST SATISFIED? __ YES __ NO

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

   The proposed development plan would change neither the ingress to nor egress from the site. The new outparcel would be located adjacent to and share access with the Lowe's parking lot.

   TEST SATISFIED? __ YES __ NO

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

   The applicant did not provide any information to address this criterion prior to the preparation of this staff report. Staff has provided general information in regards to the signal functionality and trip volumes in the surrounding area in the body of this report.

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

OR

MOTION TO DENY THE SUBDIVISION 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).