

**Town of Cary, North Carolina
Site Plan Staff Report
Freddy's at Searstone (13-SP-064)
Town Council Quasi-Judicial Hearing
June 10, 2014**

REQUEST

Stimmel Associates, PA, on behalf of the property owner, has requested approval of a site plan to develop a 3,747-square-foot restaurant with a drive-thru facility on approximately 1.6 acres located in the Searstone retail village. The property has not been rezoned since March 1, 2013; therefore the proposed drive-thru facility for the restaurant requires the plan to be approved by Town Council. This plan includes no requests for waivers or Minor Modifications to the Town's development standards.

SUBJECT PARCELS

Property Owner	Wake County Parcel Identification Number (PIN) (10-digit)	Real Estate ID Number	Deeded Acreage
Carolina Cats, LLC 520 McCall Road Manhattan, KS 66502	0744633019	0377803	1.64
Total Area			1.64

BACKGROUND INFORMATION

Applicant's Agent	Daniel Fisk Stimmel Associates, PA 601 North Trade Street Suite 200 Winston Salem, NC 27101 (336) 723-1067 dfisk@stimmelpa.com
General Location	Southwest quadrant of intersection of Lilly Ridge Road with High House Road
Land Use Plan Designation	Low Density Residential (LDR) within the Cornerstone Community Activity Center
Zoning Districts	Planned Development District (PDD) Major (Searstone) Mixed Use Overlay District (Cornerstone)
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](#): Plan Review Application (4 pages)
- [Exhibit B](#): Applicant's Statement of Compliance (2 pages)
- [Exhibit C](#): Site Plan (43 pages)
- [Exhibit D](#): TIA Executive Summary (11 pages)
- [Exhibit E](#): Appraiser's Report (7 pages)

PROJECT DESCRIPTION/SUMMARY OF REQUEST

The applicant has proposed development of a 1.6-acre outparcel in the Searstone development. The proposal includes a one-story, 3,747-square-foot restaurant with a drive-thru facility. A 40-space parking lot would be provided, located to the side and rear of the restaurant. Vehicular access to the site would be provided through a shared driveway (with the adjacent Firestone) from Winston Hill Drive. Pedestrian facilities are proposed along all three adjacent roadways, with connections into the site from both Lilly Ridge Road and Winston Hill Drive. The grade difference across the High House Road streetscape restricts the applicant's ability to provide an accessible pedestrian connection directly to that public sidewalk.

The streetscape along High House Road is proposed consistent with the requirements of the Searstone PDD. The proposed plan does include additional evergreen plant material in that area to bring the existing streetscape, which was approved under an older version of the LDO, up to current standards for Type A buffering. The drive-thru lane and parking lots would be screened with evergreen shrubs to minimize the potential aesthetic impacts.

The building would be oriented with its primary entrance facing the adjacent Firestone business. The short end of the building, with some outdoor seating for patrons, would face High House Road and the drive-thru window would face Lilly Ridge Road. The building façades would be predominantly brick, with materials used matching the material palette approved in the Searstone Retail Village Statement of Architectural Compatibility (SAC). An antique white EIFS band would provide a "cap" for the building while cardinal red accents would be provided in architectural lighting fixtures and awnings.

SUMMARY OF PROCESS AND ACTIONS TO DATE

Pre-application Meeting

The applicant attended a pre-application meeting with staff for the site plan on July 31, 2013.

Plan Submittal and Review

The site plan was submitted for its initial review on December 12, 2013, and has been reviewed by the Development Review Committee (DRC) through three 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.

**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.

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 by this site plan consist of a 3,747 square foot retail building in an area that has been built to include several similar uses. This site is part of the overall Searstone planned development, and is located specifically within the Searstone Retail portion of the project. 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. Moreover, this request for site plan approval does not include any requests for minor modifications.

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. DRC has indicated that there are no outstanding comments on the proposed plan. The applicant has indicated that they would like to add a flagpole to the plan prior to final approval of the master set, so the standard condition of approval addressing outstanding DRC comments may still be applicable.

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: There are no other residential uses on the same property. As noted on plan sheet L-1.0, this parcel and adjacent right-of-way areas are subject to previously approved landscape and irrigation plans prepared by John R McAdams Company (08-SP-023). All plantings proposed as part of this previously approved plan shall be installed prior to certificate of occupancy for this use. A 20' Type A Opaque Buffer is provided along High House Road to buffer the proposed use from this heavily travelled major thoroughfare. A 15' Type B buffer is provided along Lilly Ridge Building Road. Vehicular surface areas are screened from Winston Hill Drive by a 36" continuous hedge. Finally, a 20' Type C buffer is provided between the subject property and the adjacent Firestone.

Internal to the site, shade trees and other Town landscaping requirements for vehicular surface areas are satisfied.

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 Searstone PDD is the governing document for this development and it establishes a 20-foot streetscape planted to a Type A (opaque) buffer standard for the commercial portion of the development. The original streetscape design predated the current opacity standards for a Type A (opaque) buffer; therefore, the applicant has proposed to provide additional plantings along their site to satisfy the current performance standard for the streetscape. The remaining interior buffers and other landscape requirements remain consistent with the requirements of the LDO.

TEST SATISFIED? __ YES __ NO

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

Applicant's Statement: As indicated, the site plan is highly harmonious and provides unity of development with nearby properties. As an initial matter, the site is zoned for the proposed use, thus creating a presumption as a matter-of-law that the use is harmonious with the area within which it is to be located. Additionally, the site plan complies with all of the requirements of the Searstone Retail Statement of Architectural Compliance, thus ensuring that the use will be in unity with the architectural standards applicable to all of the Searstone Retail planned development. Moreover, the site plan provides harmony in that it is very similar to sites that have been developed in this area and provides retail services in an area contemplated for the same. With its location adjacent to a Firestone and within close proximity to PDQ, CVS and Bojangles, the use is harmonious with the development of adjacent properties.

Staff Observations: The proposed building is consistent with the materials and forms established in the Searstone Statement of Architectural Compatibility (SAC) for the Searstone retail village. The building is also consistent with the architectural standards in the Community Appearance Manual (CAM). The proposed landscaping is similar in character to the plant material used on other sites in the surrounding area.

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 a strong network of sidewalks to ensure safe conditions for pedestrians and motorists. A concrete sidewalk is being constructed along Lilly Ridge Road and Winston Hill Drive. The Lilly Ridge section not only provides a tie-in to High House Road, but includes also a direct connection into the Freddy's site. A signalized pedestrian crossing will be located at the intersection of Lilly Ridge and High House, ensuring that pedestrians can cross safely. The Winston Hill Drive section ties into the existing Winston Hill sidewalk section and also provides direct access into the site utilizing sidewalks and high visibility crosswalk markings constructed at NCDOT standards.

Staff Observations: The proposed plan includes provision for sidewalks along both Lilly Ridge Road and Winston Hill Drive. Pedestrian connection would be provided to the site from both of these sidewalks. The grade of the existing streetscape precludes the provision of a direct connection to High House Road.

Vehicular access to the site is proposed via a shared driveway with the Firestone site adjacent to the property. The drive-thru lane is physically separate from the parking for on-site patrons, minimizing vehicular conflict points.

TEST SATISFIED? __ YES __ NO

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

Applicant's Statement: The plan is easily accessible for emergency vehicles. In addition to it being located along High House Road, the property can be accessed from the east by the intersection of Lilly Ridge Road and High House, and from the west by Winston Hill Drive, a road that is internal to the Searstone planned development that includes access out onto Davis Drive. Internal access has been designed with sufficient radii to ensure safe ingress and egress for emergency vehicles.

Staff Observations: There are no outstanding plan review comments from either the Fire Department or the Police Department.

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 the Town and the developer is complying all of the recommended improvements contained within the analysis.

Staff Observations: The traffic impact analysis (TIA) was prepared by SEPI Engineering on behalf of the developer. The TIA did not recommend any additional congestion mitigation for this project over the improvements already required of the overall Searstone development. The DRC has not expressed any concerns regarding the methodology and content of the TIA. The mitigations, with one notable exception, identified in the Searstone TIA have been completed. The outstanding mitigation, improvements to the Cary Parkway and High House Road intersection, are tied to future development in the continuing care portion of the PDD.

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, 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 Development Review Committee comments pertaining to the addition of a flag pole 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 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(I) of the LDO.