

**Town of Cary, North Carolina  
Rezoning Staff Report  
14-REZ-22 Weston PDD Amendment  
Town Council Meeting  
January 15, 2015**

**REQUEST**

To amend the Town of Cary Official Zoning Map by amending an approximate 11.35-acre portion of the existing Weston Planned Development District (PDD) to allow a maximum of 325 multi-family residential dwelling units and a neighborhood amenity on a site currently designated for nonresidential use.

**Weston MF-14 PDD Document**

The property is also located within the Mixed Use Overlay District; therefore, the review of the request to amend the PDD follows the mixed use rezoning process which includes a Preliminary Development Plan (PDP), **Weston Corners PDP**, associated with the request.

NOTE: The purpose of the rezoning is to determine whether or not the land uses and densities allowed in the proposed zoning district are appropriate for the site. Technical design standards of the Land Development Ordinance (LDO) are addressed during review of the site or subdivision plan and can be found at <http://www.amlegal.com/library/nc/cary.shtml>.

**SUBJECT PARCELS**

| Property Owner(s)   | County Parcel Number(s)<br>(10-digit) | Real Estate ID(s) | Deeded Acreage |
|---|---------------------------------------|-------------------|----------------|
| Highwoods Services, Inc.<br>3100 Smoketree Court, #600<br>Raleigh, NC 27604 | 0755851694                            | 0236766           | 11.35±         |
| <b>Total Area</b>   |                                       |                   | <b>11.35±</b>  |

**BACKGROUND INFORMATION**

|                             |   |  |   |
|-----------------------------|---|--|---|
| Applicant                   | Highwoods Services, Inc.<br>3100 Smoketree Court, #600<br>Raleigh, NC 27604<br>(919) 875-6670   |  |   |
| Applicant's Representative  | Chuck Smith<br>Withers & Ravenel, Inc.<br>111 MacKenan Drive<br>Cary, NC 27511<br>(919) 469-3340  |  |   |
| General Location            | Southeast of the Weston Parkway and Evans Road intersection   |  |   |
| Tentative Schedule          | <b>Town Council Public Hearing</b><br>September 11, 2014  | <b>Planning and Zoning Board Public Hearing</b><br>November 17, 2014 | <b>Town Council Meeting</b><br>January 15, 2015 |
| Land Use Plan Designation   | Office and Institutional (OFC/INS) and<br>Weston Corners Neighborhood Mixed Use Center  |  |   |
| Existing Zoning District(s) | Planned Development District (PDD) Major  |  |   |
| Proposed Zoning District(s) | Planned Development District (PDD) Amendment to allow a maximum of 325 residential multi-family dwelling units and a neighborhood amenity |  |   |
| Proposed Zoning Conditions  | As indicated in the Weston PDD Document and associated Preliminary  |  |   |

|                  |  |
|------------------|--|
|                  | <p>Development Plan</p> <p>The following transportation related improvements as identified by Traffic Study 14-TAR-381, shall be completed prior to the first issuance of the Certificate of Occupancy for any building:</p> <ol style="list-style-type: none"> <li>1. <b><u>Evans Road at Weston Parkway:</u></b> <ol style="list-style-type: none"> <li>a. Construct an exclusive northbound right-turn lane on Evans Road with 325 feet of full width storage and appropriate taper.</li> <li>b. Modify signal to accommodate pedestrian traffic</li> </ol> </li> <li>2. <b><u>Evans Road at Proposed Site Access 1:</u></b> <ol style="list-style-type: none"> <li>a. Construct an exclusive northbound right-turn lane on Evans Road with 50 feet of full width storage and appropriate taper. Construct site access as right-in/right out only driveway</li> </ol> </li> <li>3. <b><u>Weston Parkway at Proposed Site Access 2:</u></b> <ol style="list-style-type: none"> <li>a. Within 12 months of being warranted and approved by the Town of Cary, the property owner or developer shall construct and install a traffic signal (per Town of Cary standards) with acceptance by the Town at the intersection of Weston Parkway and the site access, as recommended by the above mentioned TAR on file with the Town of Cary. A full signal warrant analysis shall be provided by the owner or developer of the subject property within the period of six to nine months after issuance of the final certificate of occupancy of the building.</li> <li>b. The owner or developer shall provide a comprehensive opinion of the cost in the form of a report, which will include signal design and review fees, prepared by a professional engineer. The owner or developer shall provide a financial guarantee of construction in the form of cash or a letter of credit equal to 1.5 times the cost determined in this report before any certificate of occupancy is issued. Such financial guarantee shall be administered by the town in accordance with its standard practices and procedures for financial guarantees and shall remain in effect until used or released in accordance with this condition</li> <li>c. If a signal is warranted, provide traffic signal easements to accommodate traffic signal equipment;</li> <li>d. If a signal is not warranted as part of this analysis, then the financial guarantee shall be released by the town to the person or entity that posted the guarantee.</li> </ol> </li> </ol> |
| Town Limits      | Yes  |
| Protest Petition | None   |
| Staff Contact    | Debra Grannan, Senior Planner<br>Debra.grannan@townofcary.org<br>(919) 460-4980  |

**SITE CHARACTERISTICS**

**Streams:** Based on Cary's GIS maps, the subject property is impacted by stream buffers along its northern edge. This was indicated on the Open Space Plan included in the PDD document submitted by the applicant. Exact field determination of buffers will be required at the time of site plan review.

**Existing Land Use:** Vacant

**Surrounding Land Uses and (Zoning):**

North: Opposite side of Weston Parkway; Vacant (PDD Major- Weston PDD)

South: Office Research and Development (PDD Major- Silverton PDD)

East: Vacant (PDD Major - Weston PDD)

West: Opposite side of Evans Road, Office (PDD Major- Weston PDD)

**CONSISTENCY WITH LAND DEVELOPMENT ORDINANCE**

**Density and Dimensional Standards**

|                                | <b>Existing PDD<br/>Land Use District<br/>Office<br/>(Commercial Overlay)</b>  | <b>PDD Amendment<br/>Proposed by Applicant</b>  | <b>LDO Standards for<br/>Structures in Residential<br/>Multi-Family (RMF) Zoning<br/>District</b>  |
|--------------------------------|--|---|--|
| Max. Gross Density (DU/AC)     | N/A  | 28.6  | 12<br>Note: There is no density limit specified in The Mixed Use Overlay District.   |
| Minimum Lot Width (Feet)       | Not Specified  | Not Specified   | 20   |
| Roadway (Front) Setback (Feet) | Non-residential buildings generally must be setback from roadways a minimum of 30 feet. If parking is located between building and street, setback must be a minimum of 50 feet. (LDO 6.3.2) | Proposed building setbacks are greater than 50 feet from adjacent public roadways.  | 20 feet combined between front and rear.<br><br>A 10-foot building setback is required from landscape buffers.                                       |
| Side Yard Setback (Feet)       | Not specified  | Layout shown on Preliminary Development Plan Shows building location greater than 16 feet apart. Distances to side property lines exceed 50 feet. | Minimum 16 feet between building groupings<br>Three (3) foot minimum from side.  |
| Rear Yard Setback              | Not Specified  | Proposed buildings are is greater than 100 feet from rear property line   | The width of roadway or front and rear setbacks combined shall equal at least 20 feet; any individual rear setback shall be at least three feet.     |
| Maximum Building Height (Feet) | Not specified  | 70  | 35<br><i>Building Height may be increased by one foot for each additional foot of building setback provided beyond the required setback distance</i> |

**Open Space**

According to Chapter 4 of the LDO, Planned Development Districts that contain 201 acres or more are required to provide a minimum of 15% open space. The Ordinance further states that portions of planned developments that are between 10 and 49 acres in area are required to provide a minimum of 5% of the land area for Open Space. The proposed PDD Amendment proposes no reductions to the existing open space allocation of 238.63 acres within the 929-acre Weston PDD. This represents approximately 25%. The percentage of open space for this individual parcel exceeds 15%.

**Landscape Buffer**

According to Chapter 7 of the LDO, a minimum 20-foot-wide Type-B Buffer is required between residential multi-family and office use. The applicant has proposed a 50-foot-wide Type-C landscape

buffer along the southern property line. A semi-opaque, Type B buffer with an average width of 10 feet is proposed adjacent to the vacant parcel to the east. No minimum buffer width is specified in this area.

### Streetscape

According to Chapter 7 of the LDO, a 50-foot Type-A (opaque) streetscape is required for residential development along thoroughfares. The existing PDD requires a 30-foot landscape buffer on the subject property along Weston Parkway. The applicant has proposed a Type-A (opaque) streetscape buffer along Weston Parkway and Evans Road with a minimum width of 35 feet and an average width of 50 feet.

### Parking

Chapter 7 of the LDO Table 7.8-1 (Off-Street Parking Schedule "A") requires two parking spaces per dwelling unit plus 0.5 space for each bedroom over two. In addition, 0.25 space is required per unit for designated visitor parking. The applicant is proposing the following parking standards:

|  |                   |
|--|-------------------|
| One-bedroom unit   | 1 space per unit  |
| Two-bedroom unit   | 2 spaces per unit |
| Three bedroom unit   | 3 spaces per unit |
| An additional 5% above these parking spaces shall be provided. |                   |

The proposed parking represents a 31% reduction to current LDO standards. Staff notes that the Planning Department has not been made aware of any complaints regarding parking with other recently approved urban-style multi-family projects with similar parking provisions in the general vicinity of this site.

### Traffic

Traffic Analysis Report 14-TAR-381 was prepared by the Town's on-call traffic engineering consultant Hatch Mott MacDonald and was finalized in May 2014. In accordance with the LDO, the study's buildout year is 2017. Findings of the study are as follows:

#### Project Description (assumed for purposes of the traffic study)

- Apartments – 325 dwelling units

#### Trip Generation Expected

Trip generation for the proposed 325 dwelling units was based on the Institute of Transportation Engineers (ITE) Trip Generation Manual, 9th edition equations/rates as appropriate. The trip generation estimates are as follows:

- Average Weekday Trips: 2093 (1047 entering, 1046 exiting)
- A.M. Peak Hour Trips: 163 (33 entering, 130 exiting)
- P.M. Peak Hour Trips: 196 (127 entering, 69 exiting)

#### Intersections Studied

- Evans Road and Weston Parkway (signalized)
- Evans Road and Aviation Parkway (signalized)
- Weston Parkway and Norwell Boulevard (signalized)
- Weston Parkway and NC 54 (Chapel Hill Road) (signalized)
- Cary Parkway and Evans Road (signalized)
- Cary Parkway and Norwell Boulevard (unsignalized)
- Weston Parkway and Centregreen Way (unsignalized)
- Weston Parkway and 11000 Weston Parkway/Proposed Full Access #2 (unsignalized)
- Evans Road and Proposed Right-in/Right-out Access 31(unsignalized)

The study evaluated A.M. and P.M. peak hour operations at each of the intersections studied for four analysis year scenarios: Existing (2013) Conditions; Background Traffic (2017) Conditions; Combined Traffic (2017) Conditions; and Combined (2017) Conditions with Traffic Improvements.

For Background Traffic (2017) Conditions, there were six (6) potential developments in the vicinity that may be approved and completed prior to, or at the same time as the build-out of the proposed development. Site traffic generated from those planned and/or developed projects were included in the Background Traffic (2017) Condition. Those background developments include:

1. Centregreen Office (13-TAR-377)
2. Weston Lakefront
3. SAS Update (13-TAR-339B)
4. Singh Residential (13-TAR-357A)
5. Lofts at Weston Lakeside (Part 1 and Part 2) (11-TAR-322)
6. Weston Parkway Property (08-TAR-296A)

The executive summary of the Traffic Analysis Report includes information on level of service reported at each intersection studied and recommendations for improvements at these intersections. The traffic study also provides the inclusion of traffic generated by developments that have been approved, but not yet constructed in the area.

### **Intersection Improvement Recommendations**

To mitigate the traffic impacts the proposed development may have on the adjacent roadway system, the Traffic Analysis Report provides recommendations for improvements consistent with LDO Section 3.4.1(D)(3) Traffic Impact Analysis (TIA).

### **Roadway improvements voluntarily offered by the applicant as zoning conditions**

- **Evans Road/Weston Parkway**
  - Construct an exclusive northbound right-turn lane on Evans Road with 325 feet of full width storage and appropriate taper
  - Modify signal to accommodate pedestrian traffic
- **Evans Road/Site Access #1:**
  - Construct an exclusive northbound right-turn lane on Evans Road with 50 feet of full width storage and appropriate taper. Construct site access as right-in/right-out only driveway.
- **Weston Parkway/Site Access #2:**
  - A full signal warrant analysis shall be provided by the property owner or developer of the subject property within a period of six to nine months after the issuance of the final certificate of occupancy of the building. Within 12 months of being warranted and approved by the Town of Cary, the owner or developer shall construct and install a traffic signal (per Town standards with acceptance by the Town) at the intersection of Weston Parkway and the Site Access, as recommended by the above mentioned TAR on file with the Town of Cary.
  - The owner or developer shall provide a comprehensive option of cost in the form of a report, which will include signal design and review fees, prepared by a professional engineer. The owner or developer shall provide a financial guarantee of construction in the form of cash or a letter of credit equal to 1.5 times the cost determined in this report before any certificate of occupancy is issued. Such financial guarantee shall be administered by the Town in accordance with its standard practices and procedures for financial guarantees and shall remain in effect until uses or released in accordance with this condition.
  - If a signal is warranted, provide traffic signal easements to accommodate traffic signal equipment.
  - If a signal is not warranted as part of this analysis, then the financial guarantee shall be released by the Town to the person or entity that posted the guarantee.

### **The TIA identified the following Roadway improvement that has not been offered by the applicant as zoning conditions**

- **Evans Road/Aviation Parkway:**
  - Provide dual southbound left-turn lanes each with 500 feet of storage and appropriate taper

Roadway improvements that have not been voluntarily offered by the applicant as zoning conditions, but have been offered as conditions of other rezoning cases, site plans, or subdivision plans. (Note: The improvements identified below may either be under construction or there is no time frame known at this time for completing the improvements).

- **Evans Road/Weston Parkway [These improvements have been offered as site plan improvements for Weston Corners development (08-SP-087-A)]**
  - Construct an exclusive westbound right-turn lane on Weston Parkway with 150 feet of full width storage, appropriate taper and associated signal improvements.
  - On the west side of Weston Parkway/NC 54 intersection, extend the (outside) westbound travel lane on Chapel Hill Road (NC 54) to approximately 1,450 feet
- **Evans Road/Weston Parkway (This improvement was offered as Weston Lakefront's (Metlife) Sketch Plan improvements (13-SP-031), approved by Town Council at a quasi-judicial hearing on July 25, 2013)**
  - Construct a second southbound left-turn lane on Evans Road with 300 feet of full width storage, appropriate taper and associated signal improvements.
- **Weston Parkway/Weston Lakefront Access/Centregreen Way (These improvements were offered as Weston Lakefront's (Metlife) Sketch Plan improvements (13-SP-031); approved by Town Council at a quasi judicial hearing on July 25, 2013)**
  - Construct an exclusive southbound right-turn and left-turn lanes on Weston Lakefront Access with 50 feet and 200 feet of full width storage, respectively.
  - Extend the eastbound left-turn lane to provide a full storage of 225 feet
  - Install a traffic signal at this intersection
- **Cary Parkway/Norwell Boulevard: (This improvement was offered as Centregreen Park at Weston's site plan (13-SP-067) improvement; approved by Town Council at a quasi-judicial hearing on April 13, 2014)**
  - If warranted, provide a three phase traffic signal at this intersection to meet the LDO's level of service requirements

**Roadway Improvements that are included with the Town of Cary's Reduce Congestion Through Intersection Improvements Project (ST 1237) – Bond Funded**

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- **Evans Road/Cary Parkway**
  - Construct dual eastbound left-turn lanes on Cary Parkway with 235 feet of full width storage, appropriate tapers and associated signal improvements
  - Construct an exclusive southbound right-turn lane on Evans Road with 400 feet of full width storage and appropriate taper.

Current schedule for the Town project is as follows:

|                                    |             |
|------------------------------------|-------------|
| Final Design Complete:             | Fall 2014   |
| Right-of-Way Acquisition Complete: | Winter 2015 |
| Begin Construction:                | Spring 2015 |
| End Construction:                  | Fall 2015   |

**SUMMARY OF PROCESS AND ACTIONS TO DATE**

**Notification of Town Council Public Hearing**

Consistent with NC General Statutes, notice of the public hearing on the proposed rezoning was mailed to property owners within 800 feet of the subject property, published on the Town's website and posted on the subject property.

**Neighborhood Meeting**

Based on information provided by the applicant, a neighborhood meeting to present the applicant's proposed rezoning was conducted by the applicant June 26, 2014. The applicant reported that in addition

to the property owner and their agents, two people (representing the adjacent bank property) attended the meeting. According to minutes provided by the applicant, both attendees voiced support for the request.

#### **Town Council Public Hearing (September 11, 2014)**

Staff presented an overview of the request and noted that no protest petitions were submitted. The applicant's representative, Chuck Smith, spoke in support of the request and stated there was a need for urban-style housing in this vicinity. He explained that other several other vacant parcels in the Weston PDD were committed to commercial and office projects. He stated that the proposed parking reductions were similar to the parking ratios that had been implemented successfully in other similar urban style residential development projects in the Weston PDD. The applicant noted that because of the high number of one-bedroom units, the impact on area schools would be minimized.

One citizen spoke about the visual impact of the proposed building and parking garage adjacent to the Weston Greenway trail. This same citizen also expressed concern about potential crime impacts that could occur when multi-family use is in close proximity to a greenway trail.

Three council members expressed concern about the potential loss of prime office use in the Weston PDD, but noted that a balance and mix of uses in this area may meet a growing need, reduce vehicular travel and may be appropriate in this area.

#### **Changes since the Town Council Public Hearing**

The applicant has revised the proposed preliminary development plan to include:

- an average 10-foot-wide buffer between the subject parcel and the adjacent office use to the east;
- a sidewalk along Weston Parkway and;
- a 5% increase in the amount of parking previously proposed.

#### **Notification of Planning and Zoning Board Public Hearing**

Consistent with NC General Statutes, notice of the public hearing on the proposed rezoning was mailed to property owners within 800 feet of the subject property, published on the Town's website and posted on the subject property.

#### **Planning and Zoning Board Public Hearing (November 17, 2014)**

Staff provided an overview of the request and noted the changes that had occurred since the Town Council public hearing. The applicant spoke in support of the request and noted the balance of residential and nonresidential use in the PDD. Several board members stated that urban-style housing was appropriate for this area. The Legal Department noted that a clarification was needed on the wording pertaining to timing of a traffic mitigation related zoning condition. The applicant agreed to address this.

The Planning and Zoning Board voted 8-0 to forward the request to Town Council with a recommendation for approval.

#### **Changes since the Planning and Zoning Board Public Hearing**

None

### **CRITERIA FOR CONSIDERATION IN REVIEWING REZONINGS**

Section 3.4.1(E) of the Land Development Ordinance sets forth the following criteria that should be considered in reviewing rezonings:

1. The proposed rezoning corrects an error or meets the challenge of some changing condition, trend or fact;
2. The proposed rezoning is consistent with the Comprehensive Plan set forth in Section 1.3 (LDO);
3. The Town and other service providers will be able to provide sufficient public safety, educational, recreational, transportation and utility facilities and services to the subject property while maintaining sufficient levels of service to existing development;
4. The proposed rezoning is unlikely to have significant adverse impacts on the natural environment, including air, water, noise, stormwater management, wildlife and vegetation;

5. The proposed rezoning will not have significant adverse impacts on property in the vicinity of the subject tract;
6. The proposed zoning classification is suitable for the subject property.

### **Mixed Use Overlay District Design Principles**

The Preliminary Development Plan (PDP) was evaluated by staff with The Mixed Use Overlay District Design Principles. The following are staff's observations of how the plan compares with the principles:

**Create Human Scale:** Building height is proposed to be a maximum of 70 feet; however, the plan has not indicated how many floors. Although building elevations were not provided with the plan, Cary's Community Appearance manual requires architectural features such as balconies, window arches and varied rooflines to break up the building mass.

**Create a Sense of Place:** The general character of the proposed development is urban, which is not uncharacteristic of the Weston area. There is an existing architectural feature at the corner of Evans Road and Weston Parkway. The swimming pool (neighborhood amenity) is not centrally located.

**Connect Uses:** The internal network of private sidewalks with connections to public sidewalk and future Town of Cary greenway provides pedestrian connectivity throughout the site. The plan also provides vehicular connection to the adjacent office parcel to the east of the subject property.

**Provide Transitions:** Transitions may be achieved both by providing gradual changes in the intensity of uses and implementing buffers that exceed LDO standards. Generally, residential multi-family is a less intense use than the General Commercial and Office uses for which the site is currently zoned. Staff had no issue with the mix of uses within the PDD.

**Reduce Parking Impacts:** The applicant has proposed to locate some of the parking in a parking deck thereby reducing the amount of land needed for parking, saving open space, and reducing adverse visual impacts.

A 31% reduction to Cary's current LDO parking standards is proposed. This proposed parking ratio has been used with other urban style multi-family projects in Cary.

Additional vehicular area screening will be required during site plan review in accordance with LDO requirements.

**Plan for Pedestrians, Bicyclists and Transit Users:** The PDP proposed a connection to the private greenway trail on the southern property line, and new sidewalk along Weston Parkway. In considering the proximity to nearby office uses, residents would be able to walk 350 feet on sidewalk and cross the street to Biologics. Travel by way of the greenway system is a distance of a half mile. There is an opportunity for a connection via greenways to Biologics, Metlife, and Centregreen but pedestrian connections to west end of Weston and to businesses near Norwell Blvd. & Weston Parkway which is currently not available.

**Provide Open Space:** Streetscapes along Weston Parkway and Evans Road as well as a riparian buffer along the southern property line provide significant regulatory open space for the subject property. The neighborhood recreation site may also be considered as open space.

### **Approval Criteria**

In addition to the criteria for general rezoning specified above, rezoning requests for property located within a Mixed Use Overlay District shall be reviewed for compliance with the following criteria from LDO Section 4.5.2 (E) , as applicable:

1. Intensity, Type and Mix of Uses
2. Site Design
3. Expected Land Uses
4. Public Spaces
5. Scale and Context



In accordance with The Mixed Use Zoning process, the applicant provided justification as to how the proposed use and design addressed the standards in LDO Section 4.5.2 (E).

## **APPLICABLE COMPREHENSIVE OR AREA PLAN REQUIREMENTS**

### **Land Use Plan**

Long range land use recommendations for the subject parcel are given by the townwide Land Use Plan. The land use designation for the subject parcel is Office and Institutional (OFC/INS). The subject property is also located within the Weston Corners Neighborhood Mixed Use overlay district which allows a mix of uses, including high density residential development.

Analysis: Based on its location in the Weston Corners mixed use overlay district, this request is consistent with the goals of the Town's Land Use Plan.

Generally, a neighborhood-sized mixed use center should provide the commercial and institutional uses necessary to support the common day to day demands of the surrounding neighborhood for goods, services, and facilities. A grocery store or drug store will normally be the principal establishment. This center is unique because of its location in the Weston Office Park area, with a concentration of office space. Over the last decade, there have been several requests, and subsequent successful projects, to incorporate more residential development and some commercial development into the Weston area to complement the large supply of office space.

The Weston Corners mixed use center includes a little over 180,000 square feet of office development, and an additional 75,000 square feet of office space is approved for development. About 100 hotel rooms are located in this mixed use center. Nearly 38 acres are currently vacant in the Weston Corners area; this request could occupy a little over 11 acres. This leaves about 27 acres for complimentary development, such as services for employees, visitors, and future residents. This is ample space for some retail development along with other mixed use development.

In addition to the potential residential units being near office space within the Weston Corners area, these units would be half a mile from the Metlife property and the Centregreen office development. Walkability or biking this distance is not fully accommodated currently. The PDD amendment proposes to add sidewalk along Weston Parkway. This will improve pedestrian accessibility to and from the property.

### **Growth Management Plan**

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

1. R1 Guiding Principle: Ensure that adequate infrastructure and services are available concurrently with new development.
2. L1 Guiding Principle: Concentrate growth near existing and planned employment centers and available and planned infrastructure to minimize costly service-area extensions.
3. L2 Guiding Principle: Ensure that future growth protects sensitive natural resources and protects open space.
4. A1 Guiding Principle: Increase permitted densities in preferred growth areas to encourage desired forms of development.

Analysis: High density residential development, located in a mixed use center and major office park, supports the goals of the Growth Management Plan.

### **Affordable Housing Plan**

The Affordable Housing Plan includes the following goals which may be relevant to this case:

1. Provide for a full range of housing choices for all income groups, families of various sizes, seniors, and persons with special challenges.
2. Facilitate the creation of a reasonable proportion of the Town of Cary's housing as affordable units through additional homeownership opportunities for individuals and families earning between 60% and 80% of area median income and affordable apartments for individuals and families earning up to 60% of the area median income.
3. Encourage the location of high density housing within walking and convenient commuting distance of employment, shopping, and other activities, or within a short walk of a bus or transit

stop, through "mixed use" developments, residences created on the upper floors of nonresidential downtown buildings, and other creative strategies.

4. Assure a quality living environment and access to public amenities for all residents, present and future, of the Town of Cary, regardless of income.

Analysis: High density residential development, located in a mixed use center and major office park, may have potential to support the Affordable Housing Plan.

### **Comprehensive Transportation Plan**

**Weston Parkway** is designated as a Thoroughfare.

**Existing Section:** Approximately 78 feet of roadway width for 4-lane with approximately 20-foot median-divided section with 120 feet of right of way.

**Future Section:** 4-lane, 18-foot median-divided section with 14-foot-wide outside lane (w.o.l.) in 78-foot roadway section with 100 feet of right-of-way.

**Sidewalks:** No sidewalk requirement under the existing approved Weston PDD which stipulated greenway connections in lieu of sidewalks. The applicant has proposed a sidewalk along Weston Parkway adjacent to the subject property.

**Bicycle Lanes:** None existing, but 14-foot w.o.l. proposed in CTP

**Transit:** Proposed transit route on C-Tran, none exists currently.

**Status of Planned Improvements:** No TOC improvement plans in the area.

**Evans Road** is designated as a Thoroughfare.

**Existing Section:** Approximately 58 feet to 73 feet of varying roadway width for 4-lane with varying 18-foot median-divided section with approximately 100 feet of right of way.

**Future Section:** 6-lane 18-foot median-divided section with 14-foot wide outside lane (w.o.l.) in 102-foot roadway section with 124 feet of right-of-way

**Sidewalks:** There is sidewalk along majority of the frontage. PDD proposed greenways in lieu of sidewalks.

**Bicycle Lanes:** None existing, but 14-foot w.o.l. proposed in CTP

**Transit:** Proposed transit route on C-Tran, none exists currently.

**Status of Planned Improvements:** No TOC improvement plans in the area.

### **Parks, Recreation & Cultural Resources**

According to the Parks, Recreation and Cultural Resources Master Plan no public greenways or public park land is proposed on the subject site. The private, Weston greenway does connect to this parcel along its southern boundary, and connections to that greenway will be required at site plan approval. A recreation fund payment or park land dedication may be required for residential development in accordance with the LDO.

The Town's Parks, Recreation & Cultural Resources Advisory Board reviewed and approved these comments at its October 6, 2014 meeting, and recommended that comprehensive pedestrian improvements be provided along Weston Parkway. The comments were also reviewed and approved by the Town's Greenway Committee at its September 2014 meeting. Since then, the applicant has proposed a sidewalk along Weston Parkway.

### **Open Space Plan**

According to the Open Space and Historic Resources Plan there are bottomland hardwood forests and swamps in the very northeast portion of this site. This site was not identified as a priority site for open space conservation.

### **Historic Preservation Master Plan**

There are no identified historic structures on the subject property.

## **APPLICANT'S JUSTIFICATION STATEMENT**

Attached are the applicants responses to the justification questions contained in the rezoning application form.

Also attached is the applicant's summary of existing and proposed non-residential square footage available in the Weston PDD. Please note that these statements are that of the applicant and do not necessarily represent the views or opinions of the Town of Cary.

**ORDINANCE FOR CONSIDERATION**

14-REZ-22 WESTON PDD AMENDMENT

AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE TOWN OF CARY BY AMENDING AN APPROXIMATELY 11.35-ACRE PORTION OF THE EXISTING WESTON PDD TO REMOVE THE OFFICE AND COMMERCIAL OVERLAY USE DESIGNATION ON THE SUBJECT PROPERTY AND ALLOW 325 MULTI-FAMILY RESIDENTIAL DWELLING UNITS AND A RECREATION AMENITY.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CARY:

Section 1: The Official Zoning Map is hereby amended by rezoning the area described as follows:

**PARCEL & OWNER INFORMATION**

| Property Owner(s)   | County Parcel Number(s)<br>(10-digit) | Real Estate ID(s) | Deeded Acreage |
|---|---------------------------------------|-------------------|----------------|
| Highwoods Services, Inc.<br>3100 Smoketree Court, #600<br>Raleigh, NC 27604 | 0755851694                            | 0236766           | 11.35 ±        |
| <b>Total Area</b>   |                                       |                   | <b>11.35 ±</b> |

**Section 2:** That this property is rezoned, subject to the individualized development conditions set forth in the Weston Planned Development District for this Property dated December 11, 1997 and on file in the planning department, amended on January 15, 2015 as follows:

To allow 325 attached residential dwelling units subject to the individualized development conditions set forth herein, and all the requirements of the Cary Land Development Ordinance (LDO) and other applicable laws, standards, policies and guidelines

**Section 3:**

The conditions proposed by the applicant to address conformance of the development and use of the Property to ordinances and officially adopted plans, to address impacts reasonably expected to be generated by the rezoning, and to promote the public health, safety and general welfare, and accepted and approved by the Town are set forth in the Weston Planned Development District document dated January 15, 2015 and on file in the Planning Department, amended as follows:

To allow 325 attached residential dwelling units subject to the individualized development conditions set forth herein, and all the requirements of the Cary Land Development Ordinance (LDO) and other applicable laws, standards, policies and guidelines

The conditions mutually approved by the Town and the applicant for promoting public health, safety and the general welfare are as set forth in the amended Weston PDD document and include the following transportation related improvements as identified by Traffic Study 14-TAR-381, which shall be completed prior to the first issuance of the Certificate of Occupancy for any building:

**1. Evans Road at Weston Parkway:**

- a. Construct an exclusive northbound right-turn lane on Evans Road with 325 feet of full width storage and appropriate taper.
- b. Modify signal to accommodate pedestrian traffic

**2. Evans Road at Proposed Site Access 1:**

- a. Construct an exclusive northbound right-turn lane on Evans Road with 50 feet of full width storage and appropriate taper. Construct site access as right-in/right out only driveway

**3. Weston Parkway at Proposed Site Access 2:**

- a. Within 12 months of being warranted and approved by the Town of Cary, the property owner or developer shall construct and install a traffic signal (per Town of Cary standards) with acceptance by the Town at the intersection of Weston Parkway and the site access, as recommended by the above mentioned TAR on file with the Town of Cary. A full signal warrant analysis shall be provided by the owner or developer of the subject property within the period of six to nine months after issuance of the final certificate of occupancy of the building.
- b. The owner or developer shall provide a comprehensive opinion of the cost in the form of a report, which will include signal design and review fees, prepared by a professional engineer. The owner or developer shall provide a financial guarantee of construction in the form of cash or a letter of credit equal to 1.5 times the cost determined in this report before any certificate of occupancy is issued. Such financial guarantee shall be administered by the town in accordance with its standard practices and procedures for financial guarantees and shall remain in effect until used or released in accordance with this condition
- c. If a signal is warranted, provide traffic signal easements to accommodate traffic signal equipment
- d. If a signal is not warranted as part of this analysis, then the financial guarantee shall be released by the town to the person or entity that posted the guarantee.

These conditions address conformance of the development and use of the Property to ordinances and officially adopted plans and address impacts reasonably expected to be generated by the development and use of the Property.

**Section 4:** This ordinance shall be effective on the date of adoption.

Adopted and effective: *January 15, 2015*

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Harold Weinbrecht, Jr.  
Mayor

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Date