

**Town of Cary, North Carolina  
Rezoning Staff Report  
12-REZ-06  
Highcroft Village Tract 5 Planned Development District (PDD) Amendment  
Town Council Meeting  
October 11, 2012**

**REQUEST**

To amend the Town of Cary Official Zoning Map for the Tract 5 portion of the existing Highcroft Village Planned Development District (PDD). The amendment proposes the addition of approximately 19 acres of land, currently zoned R-40, to the tract. Modifications to setbacks and lot sizes in the existing 15.63 acres currently located in Tract 5 of the Highcroft Village PDD are also proposed. The request states that residential use in Tract 5 located north of the future Morrisville Parkway will be limited to single-family-detached on lots which are 8,000 square feet or greater. The portion of the tract on the south side of the future Morrisville Parkway would be limited to single-family-attached homes. If approved, the proposed maximum number of residential dwelling units would increase from 61 to 87.

PDD Document  
PDD Exhibit  
Land Use and Circulation Map

The Comprehensive Land Use Plan Amendment, case 12-CPA-01 associated with one parcel within this proposed development was approved on August 9, 2012

There is an Annexation Petition case 12-A-12 associated with four parcels within the proposed PDD.

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 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 Numbers (10-digit)	Real Estate ID(s)	Deeded Acreage
Highcroft Investors LLC 100 Weston Estates Way Cary, NC 27511	0735624026	0113317	6.17 ±
Frank and Nanette Williams 1708 Wackena Road Cary, NC 27519	0735614322	0113387	10.28 ±
	0735610733	0004611	0.76 ±
	0735610630	0004610	0.77 ±
	0735519497	0004609	0.96 ±
Landfall Associates LLC 1000 Matrix Drive Cary, NC 27513	0735600822	0409175	15.63 ±
<b>Total Area</b>			<b>34.57 ±</b>

**BACKGROUND INFORMATION**

Applicant & Agent	Glenda S. Toppe & Associates 4139 Gardenlake Drive Raleigh, NC 27612 Glenda@gstplanning.com		
Acreage	34.57 ±		
General Location	East of Wackena Road and north and south of Morrisville Parkway		
Schedule	<b>Town Council Public Hearing</b> May 24, 2012	<b>Planning &amp; Zoning Board Public Hearing</b> September 10, 2012	<b>Town Council Public Hearing</b> <b>October 11, 2012</b>
	There is an annexation petition associated with this request; therefore, the Town Council meeting for final action on the rezoning shall be scheduled for the second meeting of the month to coincide with the action on the annexation petition.		
Land Use Plan Designation	Medium Density Residential (MDR), High Density Residential (HDR) and Mixed (MXD)		
Existing Zoning District(s)	Residential 40 (R-40) and Planned Development District (PDD) Major		
Proposed Zoning District	Planned Development District (PDD) Major Amendment		
Town Limits	The parcels owned by Frank and Nanette Williams are located inside Cary's ETJ, but outside the corporate limits. The applicant has submitted an annexation petition for those parcels. The remaining parcels are located inside Cary's corporate limits.		
Valid Protest Petition	Yes		
Staff Contact	Debra Grannan, Senior Planner 316 N. Academy Street Cary, NC 27513 Debra.Grannan@townofcary.org (919) 460-4980		

**SITE CHARACTERISTICS**

**Streams:** Based on Cary GIS data, the subject property is impacted by several stream buffers. The applicant has indicated the approximate location of these streams on the Open Space Plan in the PDD document. Exact field determination of buffers will be required at the time of site plan review.

**Floodplain or Wetlands:** No wetlands or flood plain areas are indicated on Cary's GIS maps.

**Adjacent Land Uses**

- North – Single-family residential
- South – Existing Highcroft Village PDD; Future Morrisville Parkway
- East – Single-family residential and vacant (zoned residential)
- West – Single-family residential

**CONSISTENCY WITH LAND DEVELOPMENT ORDINANCE**

**Density and Dimensional Standards**

Single-Family Tract				
	Existing Zoning District for proposed area: Residential 40 (R-40)	LDO Standards for Residential 8 (R-8) <i>(zoning district most comparable to proposed zoning)</i>	Existing PDD Standards for Tract 5	Proposed PDD Amendment Tract 5 (North of Morrisville Parkway)
<b>Maximum Gross Density Du/ac</b>	1.08	5.44	12.68 Overall PDD Density approximately 3.56	Approximately 2.86 Overall PDD Density approximately 3.14

<b>Minimum Lot Size (Square Feet)</b>	40,000	8,000	5,000	8,000
<b>Minimum Lot Width (Feet)</b>	With septic tank/well: 150 (160 for corner lots) With public sewer: 125 (135 for corner lots)	60 (70 for corner lot)	50	70
<b>Roadway Setback (Feet)</b>	From thoroughfare: 50 From collector: 30 From other streets: 20	From thoroughfare: 50 From collector: 30 From other streets: 20	From thoroughfare: 50 streetscape From other streets: 18 when parking is provided between the roadway and the dwelling; 8 feet when parking is not provided  <b>Note: No specific setback standards are proposed for Collector Roads.</b>	From thoroughfare: 50 streetscape From collector: 30 From other streets: 18 when parking is provided between the roadway and the dwelling; 10 feet when parking is not provided
<b>Side Yard Setback (Feet)</b>	With septic tank/well: 20 With public sewer: 15	10	3	15-foot aggregate, 5-foot minimum
<b>Rear Yard Setback (Feet)</b>	30	20	15	20
<b>Corner Setbacks</b>	Corner setbacks are no longer specified in the LDO; Roadway setbacks apply rather than corner side setbacks	Corner setbacks are no longer specified in the LDO; Roadway setbacks apply rather than corner side setbacks	12	Proposed PDD Amendment refers only to Roadway Setbacks.
<b>Maximum Building Height (Feet)</b>	35	35	35	35

\* Height may be increased one foot for every foot provided in addition to the minimum setbacks.

<b>Mixed Residential Tract</b>
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	<b>LDO Standards for Transitional Residential (TR)</b> <i>(zoning district most comparable to proposed zoning)</i>	<b>Existing PDD Standards for Tract 5</b>	<b>Proposed PDD Amendment Tract 5 (South of Morrisville Parkway)</b>
<b>Maximum Gross Density Du/ac</b>	6	12.68 for Tract 5 overall; Overall PDD Density approximately 3.56	Approximately 2; Overall PDD: approximately 3.14
<b>Minimum Lot Size (Square Feet)</b>	6,000	5,000	5,000
<b>Minimum Lot Width (Feet)</b>	60 (70 for corner lot)	50 (No lot width specified in the PDD for corner lots)	50 (No lot width specified in the PDD for corner lots)
<b>Roadway Setback (Feet)</b>	From thoroughfare: 50 From collector: 30 From other streets: 20	From thoroughfare: 50 streetscape From other streets: 18 when parking is provided between the roadway and the dwelling; 8 feet when parking is not provided  <b>Specific standards for Collector Roads not specified.</b>	From thoroughfare: 50 streetscape From other streets: 18 when parking is provided between the roadway and the dwelling; 10 feet when parking is not provided  <b>Specific standards for Collector Roads not specified.</b>
<b>Building Separation for Attached Dwellings (Feet)</b>	16	10	16
<b>Maximum Building Height (Feet)</b>	35	35	35

### Open Space

Pursuant to Chapter 4 of the LDO, Planned Development Districts that contain between 76 to 100 acres are required to provide a minimum of 10% open space. The existing PDD is approximately 120 acres. This amendment adds approximately 34 acres of land to Tract 5. Of that land area, 1.65 acres is proposed to be open space. The overall open space for the PDD is proposed to be approximately 34 acres.

### Landscape Buffer

In accordance with Table 7.2.2 of the LDO, single-family-detached dwellings in residentially zoned districts on lots that are 8,000 square feet or larger are classified as a Class 2 use. The existing homes adjacent to the subject property are also classified as a Class 2 use. A 20-foot-wide landscaping area is

required between two Class 2 uses; however, they are not subject to ownership restrictions applied to other buffers and may be located within the platted portion of a lot. The proposed PDD land use plan shows 20-foot-wide perimeter buffers. The PDD document indicates that these buffers shall be planted to a Type-B, semi opaque standard.

### **Streetscape**

According to Chapter 7 of the LDO, a 50-foot, Type-A (opaque) streetscape is required along thoroughfares when adjacent to residential use. The currently approved Highcroft PDD provides a 50-foot-wide opaque streetscape along Morrisville Parkway. No changes or reductions to this standard are proposed with the current request.

### **Traffic**

Based on ITE Trip Generation studies, the proposed increase of 26 dwelling units does not generate an increase of 50 or more peak hour trips above what would be produced with the current zoning. No traffic study is required at the time of rezoning.

## **STAFF OBSERVATIONS**

Prior to the Town Council Public Hearing, staff made the following observations:

Staff has conducted a preliminary review of the proposed PDD document and maps. A more detailed review will be conducted by the Development Review Committee and the applicant will have time to respond to staff comments prior to the Planning and Zoning Board meeting.

Staff advised the applicant that this proposed amendment must apply specifically to Tract 5 of the Highcroft Village PDD. Staff acknowledges that no changes are proposed to Tracts 1-4 of the existing PDD; however, Tract 5 will be evaluated based on current LDO standards and officially adopted plans.

The applicant is seeking reductions to setback standards that are consistent with the previously approved portions of the Highcroft Village PDD. Staff will evaluate the requests for their appropriateness by applying the criteria for PDDs found in LDO chapter 4.2.3

The areas that will be evaluated include, but are not limited to

- Setbacks from Collector Roads and buffers;
- Buffering between residential uses and recreation sites;
- Allowed uses in open space;
- Circulation plans for sidewalks, multi-use trails and roads;
- Sidewalk and street design requirements.

Following the Town Council Public hearing, the Development Review Committee provided the applicant with comments and recommendations that dimensional standards in the proposed PDD amendment should more closely reflect LDO standards. Since receiving these comments, the applicant has addressed staff concerns.

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

### **Planning and Zoning Board Meeting (September 10, 2012)**

Staff presented a history of the request and explained that since there had been modifications to the original proposed amendment; a second public hearing was required. Staff noted that the applicant had addressed all issues raised by the Development Review Committee (DRC) during a staff review of the proposed amendment. Staff added that there was still a valid protest petition, but explained that it dealt primarily with issues related to water services and annexation rather than the proposed use.

The applicant, Glenda Toppe with Glenda S. Toppe and Associates, added that the proposal was consistent with the Comprehensive Land Use Plan, and that on-going discussions were taking place with the adjacent property owners. No one spoke during the public hearing.

The majority of the board found the request to be in compliance with Town of Cary Standards. The board asked for verification on the number of units and amount of land area that was proposed to be added to the PDD. One board member did not support the request because of the protest petition.

The board forwarded the case to Town Council with a recommendation for approval 8 to 1.

#### **Changes Since Town Council Public Hearing**

The applicant made revisions to the proposed dimensional standards in the PDD document to be more consistent with LDO requirements for the Transitional Residential and Residential 8 Zoning Districts. These included:

- Increase in separation requirements between attached residential buildings from 10 to 16 feet;
- Removal of zero lot line homes as a use;
- Removal of Farm Market as a permitted use;
- Increase in roadway setbacks from 8 to 10 feet when no parking is located between the dwelling and the street; and
- A requirement for a 30-foot streetscape for residential use located along a collector road.

The applicant has submitted an annexation petition for the property located outside Cary's corporate limits.

#### **Town Council Public Hearing (May 24, 2012)**

Staff presented an overview of the case and noted that there was a valid protest. In the protest petitions, staff noted that neighborhood concerns related to potential impacts on well water as a result of road construction. The applicant provided additional detail about the request. During the public hearing, no one spoke in opposition to the request. The Town Council forwarded the request to the Planning and Zoning Board.

#### **Notification**

On May 8, 2012, the Planning Department mailed notification of a public hearing on the request to property owners within 400 feet of the subject property. Notification consistent with General Statutes was published in the Cary News on May 9 and 16, 2012. Notice of the public hearing was posted on the property May 9, 2012.

#### **Neighborhood Meeting**

The applicant reported that two community meetings were held. The first meeting was conducted on March 20, 2012 and the second meeting on March 26, 2012. Both meetings were held at the Cary Senior Center. Six people attended the first meeting, and four attended the second meeting. The applicant reported that adjacent property owners raised concerns about vehicular access points, road design, lot size and construction traffic.

### **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.

**In addition to the criteria listed above, the following criteria from Section 4.2.3 PDD; Planned Development Districts of the LDO should be considered in evaluating the request.**

**General Intent/Purposes of the PDD Districts**

The PDD zoning districts allow projects of innovative design and layout that would not otherwise be permitted under the LDO because of the strict application of zoning district or general development standards. The PDD district encourage innovate land planning and design concepts by:

- (1) Reducing or eliminating the inflexibility that sometimes results from strict application of zoning and development standards that were designed primarily for individual lots;
- (2) Allowing greater freedom in selecting means to provide access, light, open space and design amenities;
- (3) Allowing greater freedom in providing a mix of land uses in the same development including a mix of housing types, lot sizes, densities and non-residential uses in a planned development;
- (4) Promoting quality urban design and environmentally sensitive developments by allowing development to take advantage of special site characteristics, locations and land uses and
- (5) Encouraging quality urban design and environmentally sensitive development by allowing increases in base densities when such increases can be justified by superior design or the provision of additional amenities such as public and or private space.

In return for greater flexibility in site design requirements, PDDs are expected to deliver exceptional quality community designs that preserve critical environmental resources, provide above-average open space amenities, incorporate creative design in the layout of buildings, open space and circulation; assure compatibility with the surrounding land uses and neighborhood character; and provide greater efficiency with the layout and provision of roads, utilities and other infrastructure, The PDD districts shall not be used as a means of circumventing the Town’s adopted land development regulations for routine developments.

**APPLICABLE COMPREHENSIVE OR AREA PLAN REQUIREMENTS**

Comprehensive Plan Element	Consistent	Not Consistent	Not Applicable
Land Use Plan	✓		
Parks, Recreation, and Cultural Resources Facility Master Plan	✓		
Growth Management Plan	✓		
Affordable Housing Plan			✓
Comprehensive Transportation Plan	✓		
Open Space Plan	✓		
Historic Preservation Master Plan	✓		

**Northwest Area Plan**

The subject property is located within the boundaries of Cary’s Northwest Area Plan which designates the subject property, as well as the entire Highcroft Village PDD, as Medium Density Residential (MDR). The Plan defines MDR as three to eight dwelling units per acre. Due to the large amount of open space associated with the subject tract, the proposed density for Tract 5 alone is approximately 2.5 units per acre, falling just below the medium density threshold. Even so, medium density is maintained for the overall PDD at approximately 3.14 units per acre, which is in keeping with the vision of the Northwest Area Plan.

**Growth Management Plan**

The Growth Management Plan includes the following Guiding Principles that 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. A1 Guiding Principle: Increase permitted densities in preferred growth areas to encourage desired forms of development.

**Analysis:** The subject property is located within an area where urban services are readily available, and is within three miles of Research Triangle Park, the region's major employment center, and is in a preferred growth area by virtue of its position immediately adjacent to and within an approved Planned Development District.

### **Affordable Housing Plan**

The Affordable Housing Plan includes the following goals that are 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.

### **Comprehensive Transportation Plan**

**Morrisville Pkwy.** Is designated as a **Major Thoroughfare**

**Existing Section:** N/A

**Future Section:** 4-lane median divided within 100 feet of ROW

**Sidewalks:** Required on both sides

**Bicycle:** 14-foot-wide outside lanes required

**Transit:** No requirements; TTA route 311 operates on NC 55 nearby

**Status of Planned Improvements:** No planned improvements

**Wackena Road** is designated as a **Collector Street**

**Existing Section:** 2-lane undivided with swale ditch (18-20' roadway section on 60'+ ROW)

**Future Section:** 2-lane undivided with curb & gutter (35' roadway section on 60' ROW)

**Sidewalks:** Existing: None; Future: Both sides

**Bicycle Lanes:** Existing: None; Future: 4-foot bike lane

**Transit:** No Requirements; TTA route 311 operates on NC 55 nearby

**Status of Planned Improvements:** No planned improvements

### **Parks, Recreation & Cultural Resources Facilities Master Plan**

According to the Parks, Recreation and Cultural Resources Facilities Master Plan, a multi-use trail is proposed along the north side of Morrisville Parkway. A recreation payment-in-lieu will be required for residential development in accordance with the Land Development Ordinance.

These comments were reviewed and approved by the Parks, Recreation & Cultural Resources Advisory Board at its August 2012 meeting.

### **Open Space Plan**

According to the Open Space Plan, there are areas of mixed upland hardwoods on site near the bend in Wackena Road, and in the southeastern corner of the subject property. These parcels were not identified as priority open space.

### **Historic Preservation Master Plan**

According to the Historic Preservation Master Plan, there are no known historic resources on this site.



**OTHER REFERENCE INFORMATION**

<b>Schools</b> <i>This information is being provided for your review; however, the Wake County Board of Education controls capital projects for school capacities.</i>	<b>Assigned Schools</b>	<b>20<sup>th</sup> Day Enrollment<sup>1</sup></b>	<b>Permanent Seating Capacity</b>	<b>Average Percent Occupied</b>	<b>Projected Range of Additional Students<sup>2</sup></b>
	Highcroft Elementary	777	1081	72%	7 to 10
	Mills Park Middle	1101	1311	84%	2 to 4
	Green Hope High	2029	2089	97%	2 to 5
Total Projected range of additional students <sup>2</sup>					<b>11 to 19</b>
<sup>1</sup> <i>Current Enrollment and Building Capacity</i> is based on the 20 <sup>th</sup> day of the school year for 2010-2011 as supplied by the Wake County Public School System. School assignment will be determined at the time of development.					
<sup>2</sup> The <i>Projected Number of Additional Students</i> is a rough approximation. The actual number of students will vary depending on variables, such as the number of bedrooms, dwelling size, and other factors. For example: a site with 26 three-bedroom homes could yield 11 additional students, while 26 homes with greater than three bedroom units could yield 19 students. The basis for making this calculation is based on multipliers provide from Wake County Schools Office of Student Assignment. At rezoning, student yield can not be accurately determined due to unknown variables.					

**APPLICANT'S JUSTIFICATION STATEMENT**

The following statements are provided by the applicant (shown below in italics) in response to the criteria established in the application (shown below in bold) and do not necessarily represent the views or opinions of the Town of Cary. Any statements as to the type, the quality, or the physical features are at the direction of the applicant and may be formulated into a condition:

**1. Any issues with the size of the tract?**

**Response:** *The size of the tract is appropriate for the proposed use. The property is of ample size to accommodate the proposed medium density development. Any development that occurs within the tract will be adequately buffered from the adjoining properties. Given the growth patterns in the area, the proposed use is appropriate for the property.*

**2. How is the request compatible with the comprehensive plan (i.e. Land Use, Transportation, Open Space and Historic Resources)?**

**Response:** *The request is compatible with the comprehensive plan. The land use plan designates the properties for medium density residential. The area surrounding the proposed PDD amendment is also planned for medium density residential. The proposed use is compatible with development in the area. The request will comply with all elements of the Town's Comprehensive Plan. The proposed use can be served by Town of Cary services. Furthermore, the provisions in the LDO for medium density development will provide the necessary protection to the surrounding properties.*

**3. What are the benefits and detriments to the owner, neighbors and the community?**

**Response:** *A portion of the area was changed to medium density residential by some of the owners in the area requesting this change to the Town Council. The proposed amendment follows this change. Any development within the tract will be required to meet the requirements of the Highcroft Village PDD Amendment and any applicable Town of Cary requirements. The Town will be able to provide sufficient public safety, transportation and utility facilities and services to the subject property while maintaining sufficient levels of service to existing development.*

**4. How are the allowable uses with the proposed rezoning compatible with, or how do they relate to, the uses currently present on adjacent tracts?**

*Response: The proposed use is compatible with current land uses and development in the area. Good land use planning principles support medium density residential development at this location. The existing residential property owners will be adequately protected by the provisions in Highcroft Village PDD and the applicable LDO regulations*

**5. What reductions/amendments and/or modifications to the development standards of the LDO are being requested and how are they justified? (PDD, new or amended) Applicants must list these items and/or clearly highlight them within the Planned Development document.**

*Response: The only modifications to development standards of the LDO in Highcroft Village PDD are those found in the Specific Development Standards section of the PDD document. These modifications are currently part of the approved Highcroft Village PDD. No changes are proposed. It is important that the current development standards stay in place in order to maintain continuity within Highcroft Village. The revised Highcroft Village PDD now includes a development standard for single-family development in Tract 5. The standards being proposed closely follow those found in the R-8 zoning district.*

*Front yard setback for R8 is 50 feet for major thoroughfares, 30 feet for collector streets, and 20 feet for all other streets. The PDD proposes 50 feet major thoroughfares and all other 18' with parking in front and 8' without parking. Rear yard for R8 is 20'. PDD proposes 20 feet rear and 18' corner with parking and 8' corner without parking.*

*The land use designation for this area is medium density. R-8 development standards will allow medium density The dimensional requirements for the single-family lots in Tract 5 are being requested due to the adjacent lot sizes in the area and the land use designation of medium density. The dimensional requirements for the single-family lots are larger than the lots currently permitted for mixed residential in Tract 5.*

**ORDINANCE FOR CONSIDERATION**

**12-REZ-06 Highcroft Village Tract 5 PDD Amendment**

AN ORDINANCE TO CHANGE THE OFFICIAL ZONING MAP OF THE TOWN OF CARY TO AMEND TRACT 5 OF THE EXISTING HIGHCROFT VILLAGE PDD BY CHANGING THE ZONING OF APPROXIMATELY 34 ACRES LOCATED SOUTH OF WACKENA ROAD OWNED BY HIGHCROFT INVESTORS, LLC, FRANK AND NANETTE WILLIAMS, AND LANDFALL ASSOCIATES BY REZONING FROM RESIDENTIAL 40 AND PLANNED DEVELOPMENT DISTRICT (PDD) MAJOR TO PLANNED DEVELOPMENT DISTRICT (PDD) MAJOR FOR THE PURPOSE OF ADDING APPROXIMATELY 34.5 ACRES TO THE EXISTING TRACT 5 OF THE PDD AND INCREASING THE NUMBER OF DWELLING UNITS FROM 61 TO 87.

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 Numbers (10-digit)	Real Estate ID(s)	Deeded Acreage
Highcroft Investors LLC	0735624026	0113317	6.17 ±

Frank and Nanette Williams 1708 Wackena Road Cary, NC 27519	0735614322	0113387	10.28 ±
	0735610733	0004611	0.76 ±
	0735610630	0004610	0.77 ±
	0735519497	0004609	0.96 ±
Landfall Associates LLC 1000 Matrix Drive Cary, NC 27513	0735600822	0409175	15.63 ±
<b>Total Area</b>			34.57 ±

Section 2: That this Property is rezoned by amending a portion of the Highcroft Village PDD Major by adding approximately 19 acres to Tract 5 and increasing the number of dwelling units from 61 to 87 subject to the individualized development conditions set forth within the Highcroft Village Tract 5 PDD Amendment Dated October 11, 2012 and on file in the Planning Department, and all the requirements of the Cary Land Development Ordinance (LDO) and other applicable laws, standards, policies and guidelines all of which shall constitute the zoning regulations for the approved district and which are binding on the Property.

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 Highcroft Village Master Plan dated October 11, 2012 and on file in the Planning Department. 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: October 11, 2012

\_\_\_\_\_  
Harold Weinbrecht, Jr.  
Mayor

\_\_\_\_\_  
Date

**STAFF RECOMMENDATION**

1. Staff recommends that the Town Council take action to approve, approve with conditions, or deny rezoning case number 12-REZ-06.
2. Staff recommends that the Town Council approve Option A or Option B related to consistency and reasonableness of rezoning case number 12-REZ-06 as stated below:

**Option A** *(recommended if rezoning case number 12-REZ-06 is approved):*

**CONSISTENCY AND REASONABLENESS STATEMENT**

Rezoning case number 12-REZ-06

THE TOWN COUNCIL OF THE TOWN OF CARY HEREBY STATES:

Section 1: Rezoning case number 12-REZ-06 is consistent with the Comprehensive Plan.

Section 2: Based upon information presented at the public hearings, and based upon the recommendations and detailed information developed by staff and/or the Planning & Zoning Board contained in the staff report, and considering the criteria of Section 3.4.1(E) and 3.4.3 (E) of the Town of Cary Land Development Ordinance, Rezoning case number 12-REZ-06 reasonable and in the public interest.

Approved: October 11, 2012

\_\_\_\_\_  
Harold Weinbrecht, Jr.  
Mayor

\_\_\_\_\_  
Date

**Option B** *(recommended if rezoning case number 12-REZ-06 is denied):*

**CONSISTENCY AND REASONABLENESS STATEMENT**

Rezoning case number 12 REZ-06

THE TOWN COUNCIL OF THE TOWN OF CARY HEREBY STATES:

Section 1: Rezoning case number 12-REZ-06 is consistent with the Comprehensive Plan.

Section 2: Based upon information presented at the public hearings, and based upon the recommendations and detailed information developed by staff and/or the Planning & Zoning Board contained in the staff report, and considering the criteria of Section 3.4.1(E) and 3.4.3 (E) of the Town of Cary Land Development Ordinance, denial of rezoning case number 12-REZ-106 is reasonable and in the public interest.

Approved: October 11, 2012

\_\_\_\_\_  
Harold Weinbrecht, Jr.  
Mayor

\_\_\_\_\_  
Date