

**Town of Cary, North Carolina  
Rezoning Staff Report  
12-REZ-24 Jones Family Farm  
Town Council Meeting  
June 13, 2013**

**REQUEST**

To amend the Town of Cary Official Zoning Map by applying initial zoning to approximately 65.22 acres located in the 3300 block of Arthur Pierce Road south of Chaumont Drive. The subject property is currently located outside Cary's Extraterritorial Jurisdiction (ETJ) and has a Wake County zoning designation of Residential 30 (R-30). There is a citizen-initiated Annexation Petition, case number 12-A-18, associated with the rezoning. Annexation must be approved prior to application of a Cary zoning district.

The applicant has requested a Cary zoning designation of Residential 8 Conditional Use (R-8-CU). The applicant's proposed zoning conditions are included within this report.

**Note:** This case was tabled at the May 23, 2013 Town Council meeting to allow the applicant and staff time to prepare mutually agreed upon language for a zoning condition regarding a traffic signal.

NOTE: The purpose of the rezoning is to determine if 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 Number(s) (10-digit)	Real Estate ID(s)	Deeded Acreage
Jones Family Farm LLC 3321 Arthur Pierce Road Apex, NC 27539	0760386433	0379056	60.26 ±
Ryan David Jones 3325 Arthur Pierce Road Apex, NC 27539-9136	0760281689	0037629	2.0 ±
Ryan David Jones 3325 Arthur Pierce Road Apex, NC 27539	0760286360	0273813	1.63 ±
Stephen R. Thomas 1925 Mount View Church Road Moncure, NC 27559	0760384209	0143537	1.33 ±
<b>Total Area</b>			65.22 ±

**BACKGROUND INFORMATION**

Applicant	Morgan Bryan, Ashton Woods Homes
Agent for Applicant	Glenda Toppe, AICP Glenda S. Toppe & Associates Raleigh, NC 27612 (919) 605-7390

	Glenda@gstplanning.com		
Acreage	65.22 ±		
Location	3321 and 3325 Arthur Pierce Road and two unaddressed adjacent parcels.		
Schedule	<b>Town Council Public Hearing</b>  November 15, 2012	<b>Planning &amp; Zoning Board Public Hearing</b>  April 15, 2013	<b>Town Council Meeting</b>  May 23, 2013 June 13, 2013
Land Use Plan Designation	Low Density Residential (LDR)		
Existing Zoning District(s)	Wake County Residential 30 (R-30)		
Existing Zoning Conditions	None		
Proposed Zoning District(s)	Residential 8 Conditional Use (R-8-CU)		
Proposed Zoning Conditions	<p>1. The maximum gross density shall be 2.1 dwelling units per acre.</p> <p>2. Open Space Area 'A': An area of approximately 0.54 acres of open space shall be provided adjacent to parcels (0760-18-9439; 0760-18-9430; 0760-18-9321) and shown as Open Space Area 'A' on Exhibit A. This area shall be undisturbed with the exception of disturbances as allowed by the LDO.</p> <p>3. Open Space Area 'B': An area of approximately 6.46 acres of open space shall be provided adjacent to parcels (0760-48-5995; 0760-48-7975; 0760-48-9806; 0760-58-0143; 0760-47-9589; 0760-47-6551) and shown as Open Space Area 'B' on Exhibit A. This area shall be undisturbed with the exception of disturbances as allowed by the LDO.</p> <p>4. As shown on Exhibit A, a perimeter 30-foot-wide Type 'B' Buffer will be provided as follows:</p> <ul style="list-style-type: none"> <li>• Property Line A - Full length of property line.</li> <li>• Property Line B - Full length of property line.</li> <li>• Property Line C – From the western end of Property Line C to the western edge of the right-of-way of the existing Chaumont Drive stub road, then continuing along Property Line C to a point 400 feet east of the eastern edge of the right-of-way of the existing Chaumont Drive stub road.</li> <li>• Property Line E - From the western end of Property Line E to the western edge of the right-of-way of the existing Belnap Drive stub road, then continuing along Property Line E to a point 780 feet east of the eastern edge of the right-of-way of the existing Belnap Drive stub road.</li> </ul> <p>5. A common open space area will be provided within 50 feet of Property Line A, Property Line B, Property Line C, Property Line D, and Property Line E as shown on Exhibit A.</p> <p>6. As soon as is warranted and approved by the Town of Cary and the North Carolina Department of Transportation, the Owner shall construct and install a traffic signal (per Cary standards) at the intersection of Kildaire Farm Road and Arthur Pierce Road as recommended by the TIA on file with the Town of Cary dated February 25, 2013 (13-TAR-373). A full signal warrant analysis shall be provided by the developer or owner of the subject property prior to each subdivision plat submittal for review, unless a subdivision plat is submitted for review within six (6) months of a prior subdivision plat submission. If this signal is not warranted or if it is warranted but not yet installed at the time the first subdivision plat is submitted for review, then the developer or owner shall provide a</p>		

	comprehensive opinion of cost in the form of a report, including signal design and review fees, prepared by a professional engineer. The developer or owner 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 subdivision plats are approved for recordation. 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. A final signal warrant analysis shall be performed by the developer or owner of the subject property prior to the Engineering Department granting final acceptance of the last of public infrastructure accepted by the Town. If a signal is not warranted at that time, then the financial guarantee shall be released by the Town to the person or entity that posted the guarantee.
Town Limits	The subject property is located outside the corporate limits and the Town of Cary ETJ. A citizen-initiated annexation petition was submitted by the property owners in conjunction with this rezoning request.
Valid Protest Petition	Protest petitions are not applicable to a map amendment (rezoning) that initially zones property that is being added to the Town's jurisdiction by annexation.
Staff Contact	Debra Grannan, Senior Planner (919) 460-4980 debra.grannan@townofcary.org

**SITE CHARACTERISTICS**

**Streams:** According to Cary's most current GIS maps, the site is impacted by a stream buffer. Field determination will be required at the time of development plan review.

**Floodplain and Wetlands:** Cary's most current GIS maps do not identify any floodplains or wetlands on the subject property. Field determination will be required at the time of development plan review.

**Topography:** According to Cary's GIS Maps, no significant topography issues are associated with the subject property.

**Stormwater:** At the time of site plan review, the future plan must meet all stormwater management and detention requirements. Peak flow from the one-, two-, five- and 10-year storm events must be determined and must be attenuated back to pre-development conditions from the discharge point leaving the development.

**Adjacent Land Uses (Zoning)**

- North – Single-family Residential; Grenadier Subdivision (Wake County Residential 30)
- South – Agricultural and Single-family Residential; Hillcrest Subdivision (Wake County Residential 40)
- East – Single-family Residential; Wrenn Meadow Subdivision (Residential 12 Conditional Use)
- West – Single-family Residential; Stonebridge (PDD) (Wake County R40)

**CONSISTENCY WITH LAND DEVELOPMENT ORDINANCE**

**Density and Dimensional Standards**

	<b>Existing Zoning District Wake County Residential 30 (R-30)</b>	<b>Proposed Zoning District Residential 8 Conditional Use (R-8-CU)</b>
<b>Max. Gross Density</b> (du/ac)	1.45 Potential for increased densities exist when developing under a cluster or Open Space Development Options depending on the amount of open space dedication.	2.1*
<b>Min. Lot Size</b> (sq. ft.)	30,000 With Cluster Development: 12,000 With Open Space Development: 9,000	8,000
<b>Minimum Lot Width</b> (feet)	95 With cluster or Open Space Development: 30	60 (70 for Corner Lot)
<b>Roadway Setback</b> (feet)	30 With cluster or Open Space option: 15	From thoroughfare: 50 From collector: 30 From other streets: 20
<b>Side Yard Setback</b> (feet)	Corner Side 15 Internal Side 5	10
<b>Rear Yard Setback</b> (feet)	30 With cluster or Open Space option: 15	20
<b>Maximum Building Height</b> (feet)	35'	35'
*The Maximum Gross Density per the LDO for R-8 zoning districts is 5.44 du/ac. The applicant has offered a zoning condition to limit the density to 2.1 du/ac		

**Landscape Buffer**

In accordance with Section 7.2.3 of the LDO, a 20-foot landscape area is required between the proposed use and existing adjacent development. The applicant has proposed a condition to exceed LDO buffer requirements.

**Streetscape**

A 50-foot-wide Type-A (opaque) Streetscape will be required for portions of the development with frontage along Arthur Pierce Road.

**Traffic**

**Information presented at November 15, 2012 Public Hearing**

The existing zoning on the property is Wake County R-30 and is capable of supporting 1.45 dwelling units per acre. Using the existing zoning, the property would support approximately ninety-four (94) single-

family lots with an estimated trip generation potential of 76 A.M. peak hour trips and 99 P.M. peak hour trips.

The applicant has voluntarily elected to restrict the residential density of the property to 2.1 dwellings per acre, which correlates into approximately 137 dwelling units. Summarized below is the trip generation potential of the property:

- 137 single-family dwellings – 106 A.M. peak hour trips and 139 P.M. peak hour trips

Since proposed rezoning use does not generate 50 or more new peak hour trips greater than the existing zoning, a traffic study is not required at the time of rezoning, in accordance with LDO Section 3.23, Adequate Public Facilities for Roads. If the property develops at the intensity, as defined above, a traffic study will be required at the time of site plan application.

**Note: Section 3.23 of the LDO has since been repealed.**

### **New Information**

After the Public Hearing on the case, the applicant elected to have a traffic study conducted by the Town. Traffic Analysis Report 13-TAR-373 was prepared by the Town's on-call traffic engineering consultant Martin Alexiou Bryson (MAB) in February 2013. Findings of the study are as follows:

### **Project Description**

- 134 Single Family Dwellings
- Trip Generation
  - 1,361 daily trips (681 enter, 681 exit)
  - 104 a.m. peak hour trips (26 enter, 78 exit)
  - 137 p.m. peak hour trips (86 enter, 51 exit)
- Intersections Studied
  - Kildaire Farm Road at Ten Ten Road
  - Kildaire Farm Road at Arthur Pierce Road
  - Ten Ten Road and Chaumont Drive
  - Ten Ten Road and Megwood Court
  - Holly Springs Road and Pierce Olive Road
  - Holly Springs Road and Arthur Pierce Road
  - Arthur Pierce Road and Belnap Drive
  - Arthur Pierce Road and Proposed Site Access

### **Results**

**Level of Service Results Summary**

Intersection and Approach	Existing (2013)		Background (2018)		Build (2018)		Build (2018) with Improvements	
	AM	PM	AM	PM	AM	PM	AM	PM
<b>Ten Ten Road &amp; Kildaire Farm Road</b>	D (47.3 sec/veh)	E (63.5 sec/veh)	E (65.9 sec/veh)	E (73.2 sec/veh)	E (67.3 sec/veh)	E (78.0 sec/veh)	E (59.5 sec/veh)	E (58.9 sec/veh)
Eastbound	C	E	D	F	D	F	D	E
Westbound	D	D	F	E	F	E	F	E
Northbound	D	E	E	E	E	E	D	E
Southbound	E	E	F	E	F	E	F	E
<b>Ten Ten Road &amp; Chaumont Drive</b>	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Northbound	D	D	E	E	E	E	E	E
<b>Ten Ten Road &amp; Megwood Court</b>	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Northbound	D	D	F	D	E	D	E	D
Southbound	C	B	D	B	D	B	D	B
<b>Arthur Pierce Road &amp; Kildaire Farm Road</b>	N/A	N/A	N/A	N/A	N/A	N/A	C (24.1 sec/veh)	B (11.4 sec/veh)
Westbound	F	D	F	F	F	F	D	A
Northbound	N/A	N/A	N/A	N/A	N/A	N/A	C	A
Southbound	N/A	N/A	N/A	N/A	N/A	N/A	A	B
<b>Arthur Pierce Road &amp; Holly Springs Road</b>	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Eastbound	C	F	D	F	E	F	D	F
<b>Pierce Olive Road &amp; Holly Springs Road</b>	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Westbound	E	B	F	B	F	B	F	B
<b>Arthur Pierce Road &amp; Belnap Drive</b>	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Southbound	B	B	B	B	B	B	B	B
<b>Arthur Pierce Road &amp; Access #1</b>	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Southbound	N/A	N/A	N/A	N/A	B	B	B	B

LEGEND: X = Overall signalized intersection LOS;  
 (XX sec) = Overall signalized intersection control delay in seconds; X = approach LOS

**Roadway Mitigation Findings**

To improve intersections that were expected to operate with a poor level of service (below LOS D), the following mitigation findings were developed.

- **Ten Ten Road and Kildaire Farm Road (No zoning conditions have been offered by the applicant to address this suggested improvement)**
  - Widen Eastbound Ten Ten Road approach to provide an exclusive right-turn lane with a minimum of 350 feet of storage length and appropriate taper.
  - Modify the existing shared through/right turn lane to become a second through lane with a minimum of 350 feet of storage.
  - Modify the signal to accommodate the new lane geometrics.
  
- **Arthur Pierce and Kildaire Farm Road (A zoning condition has been offered by the applicant to construct this suggested improvement)**
  - Install a traffic signal at this intersection
  
- **Arthur Pierce and Kildaire Farm Road (No zoning conditions have been offered by the applicant to address this suggested improvement)**
  - In addition to signalization, restripe the existing right-turn lane on northbound Kildaire Farm Road approach to a shared through/right turn lane.
  
- **Arthur Pierce and Holly Springs Road (No zoning conditions have been offered by the applicant to address this suggested improvement)**
  - Widen the eastbound Arthur Pierce Road approach to provide an exclusive left-turn lane with a minimum of 100 feet of storage length and appropriate taper.

- **Pierce Olive Road and Holly Springs Road (No zoning conditions have been offered by the applicant to address this suggested improvement)**
  - Widen the northbound Holly Springs Road approach to provide an exclusive right-turn lane with a minimum of 100 feet of storage length and appropriate taper.
  - Widen the westbound Pierce Olive Road approach to extend the existing right-turn taper with a minimum of 100 feet of storage length and appropriate taper.
  
- **Chaumont Drive and Ten Ten Road (No zoning conditions have been offered by the applicant to address this suggested improvement)**
  - Restripe or widen the northbound Chaumont Drive approach to provide an exclusive left-turn lane with a minimum of 100 feet of storage length and appropriate taper.
  
- **Arthur Pierce Road and Access#1 (No zoning conditions have been offered by the applicant to address this suggested improvement)**
  - Construct Access #1 to one inbound and one outbound lane.
  - Stripe the required widening along Arthur Pierce to provide an exclusive left turn lane on the eastbound approach with a minimum of 100 feet of storage and appropriate taper.

The executive summary of the Traffic Analysis Report for the rezoning is attached. The report is in a draft stage until action on the rezoning case is taken, at which time it will be finalized.

**Additional Staff Observation**

It was noteworthy in the TAR that the traffic consultant recommends consideration in the future for realigning Pierce Olive Road with Arthur Pierce Road to form a four-legged intersection with signal control at Holly Springs Road. Staff concurs with this observation and also believes that the realignment will provide substantial safety benefits for vehicles traveling through the current misaligned intersection.

**Road Connectivity**

At the time of site or subdivision plan review, proposed road connectivity to adjacent properties will be evaluated according to Section 7.10.3(B)(1) of Cary's Land Development Ordinance which states:

*The proposed public or private street system shall be designed to provide vehicular interconnections to facilitate internal and external traffic movements in the area. In addition to the specific connectivity requirements described above, roadway interconnections shall be provided during the initial phase of any development plan between the development site and its adjacent properties with one roadway interconnection every one thousand two hundred fifty (1,250) to one thousand five hundred (1,500) linear feet for each direction (north, south, east, west) in which the subject property abuts. If the common property boundary in any direction is less than one thousand two hundred fifty (1,250) linear feet, the subject property will be required to provide an interconnection if it is determined by the Planning Director that the interconnection in that direction can best be accomplished through the subject property. When the Planning Director deems a vehicular connection not possible due to topographical and/or environmental constraints, he/she may increase the length requirement and/or require pedestrian connections. The Planning Director may delay the interconnection if such interconnection requires state approval. The intent of this standard is to improve access/egress for Town neighborhoods, provide faster response time for emergency vehicles, and improve the connections between neighborhoods.*

<b>SUMMARY OF PROCESS AND ACTIONS TO DATE</b>
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**Neighborhood Meeting (July 18, 2012)**

The applicant conducted a neighborhood meeting on July 18, 2012 to present the rezoning request to adjacent property owners. Based on the information provided in the rezoning application, 38 neighbors attended the meeting. The applicant reported the neighbors expressed concerns about the layout and site design of the future development, density, buffers, stormwater management road connectivity and traffic.

**Notification**

On October 30, 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 October 31, 2012 and November 7, 2012. Notice of the public hearing was posted on the property on October 31, 2012.

Notice of a second public hearing was mailed to adjacent property owners on April 2, 2013.

### **Town Council Public Hearing (November 15, 2012)**

Staff presented an overview of the request and noted that since the subject property was not located within Cary's ETJ the proposed rezoning was not eligible for a protest petition based on North Carolina General Statutes. The applicant described the conditions they had proposed to address the concerns of adjacent property owners and to ensure consistency of the rezoning request with the Comprehensive Land Use Plan.

Several property owners from the Grenadier neighborhood, north of the subject property, spoke in favor of the request. A neighbor who resides on Arthur Pierce Road also voiced support for the proposed zoning. Several neighbors from the Hillcrest neighborhood to the south of the subject property expressed concerns regarding the impacts of road connectivity from the subject property to Belnap Drive. (Belnap Drive is located within Wake County public right of way; however, the road is privately maintained.)

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

A traffic study was requested by the applicant. The results of that study and recommended mitigations are contained within this report.

Planning and Engineering staff met to discuss the concerns expressed by the residents of the Hillcrest Subdivision and determined that road connectivity, consistent with the LDO, would be a requirement of subdivision plan approval.

Based on the traffic study, the applicant submitted one new zoning condition regarding the installation of a traffic signal at Arthur Pierce Road and Kildaire Farm Road.

### **Planning and Zoning Board Public Hearing (April 15, 2013)**

Staff presented an overview of the request and reported on the changes that had occurred since the Town Council public hearing. The applicant presented their case and described their efforts to work with adjacent property owners. A citizen from the Grenadier Homeowner's Association spoke in favor of the request. A nearby property owner spoke in opposition to the request and cited traffic and safety concerns on Arthur Pierce Road and Pierce Olive Road.

During their discussion, the board asked for an explanation of the Town's connectivity requirements to the Hillcrest subdivision which is located south of the subject property. Staff explained that connectivity to the south was a requirement of the LDO. The Engineering staff was called on to respond to questions about traffic in the vicinity of the subject property.

The Planning and Zoning Board forwarded the request to Town Council with a recommendation for approval by a vote of 8 to 1.

### **Changes between the Planning and Zoning Board Meeting and the May 23, 2013 Town Council Meeting**

None

### **Town Council Meeting May 23, 2013**

Staff presented a summary of the case and reported that staff had concerns about the enforceability of the zoning condition related to a traffic signal at Arthur Pierce Road and Kildaire Farm Road. The Planning and Zoning Board Chair reported on the board's recommendation for approval. The attorney for the applicant spoke to their willingness to provide an acceptable condition. The Town Council tabled a decision on the case until the June 13, 2013 Town Council meeting to allow the applicant time to develop language that could be mutually agreed upon.



**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; and
6. The proposed zoning classification is suitable for the subject property.

**APPLICABLE COMPREHENSIVE OR AREA PLAN REQUIREMENTS**

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

**Land Use Plan**

The townwide Land Use Plan recommends Low Density Residential (LDR) as the future land use for the subject property. Low Density Residential is defined as detached single-family dwellings at densities ranging from one to three units per acre. The proposed rezoning of R-8-CU includes a condition that limits the use of the +/- 65.22-acre property to a maximum gross density of 2.1 dwelling units per acre. The proposed rezoning, therefore, conforms to the land-use recommendation of the Land Use Plan.

**Growth Management Plan**

The Growth Management Plan includes the following Guiding Principle that is relevant to this case:

- Guiding Principle R1: Ensure that adequate infrastructure and services are available concurrently with new development.

**Affordable Housing Plan**

Based on the proposed land use, the Affordable Housing Plan is not applicable.

**Comprehensive Transportation Plan**

**Arthur Pierce Road is designated as a minor thoroughfare.**

**Existing Section:** 2 lanes in approximately 60-foot ROW

**Future Section:** 3 lanes; 70-foot ROW

**Sidewalks:** Do not currently exist; required on both sides

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

**Transit:** None existing or future

**Status of Planned Improvements:** No planned improvements at this time

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

According to the Parks, Recreation and Cultural Resources Master Plan, a park site is proposed in the vicinity of this proposed development. Since the subject property would owe only approximately 3.91 acres and the preferred minimum park site would be 10 acres in size, staff recommends accepting a payment-in-lieu for this development with the intent to direct this funding towards the purchase of parkland when the adjacent properties are developed.

In addition, approximately 0.5 miles of the Camp Branch Greenway is proposed to pass through this development. The Camp Branch Greenway is designated as a primary corridor, and is the only greenway connection between the Middle Creek Greenway and Park in the southern part of town and the rest of the Town greenway network. At the time of development plan review the developer will be required to provide a greenway easement for the Camp Branch Greenway.

A street-side trail is proposed along the collector road proposed through the site and will be required to be constructed in lieu of standard sidewalk in accordance with the LDO.

**Open Space Plan**

According to the Open Space Plan there is a large area of mixed upland hardwoods along the eastern portion of the property.

**Historic Preservation Master Plan**

No documented historic resources are on the subject property.

**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>	Type <sup>1</sup>	Projected Range of Additional Students <sup>2</sup>
	Elementary School	39 - 57
	Middle School	8 - 21
	High School	10- 25
Total Projected range of additional students <sup>2</sup>		57 - 103

<sup>1</sup>Information regarding specific Wake County Public School assignment options may be found by visiting the following: <http://assignment.wcpss.net>

<sup>2</sup> The *Projected Range of Additional Students* 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 137 three-bedroom homes could yield 57 additional students, while 137 homes with greater than three bedroom units could yield 103 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**

Attached are the applicant’s responses to the justification questions contained in the application form. 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**

**12-REZ-24**

AN ORDINANCE TO APPLY INITIAL TOWN OF CARY ZONING TO APPROXIMATELY 65.22 ACRES LOCATED IN THE 3300 BLOCK OF ARTHUR PIERCE ROAD OWNED BY JONES FAMILY FARM LLC, RYAN DAVID JONES AND STEPHEN R. THOMAS BY REZONING THE PROPERTY FROM WAKE COUNTY RESIDENTIAL 30 (R30) TO RESIDENTIAL 8 CONDITONAL USE (R-8-CU).

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**

<b>Property Owner(s)</b>	<b>County Parcel Number(s) 10 digit)</b>	<b>Real Estate ID(s)</b>	<b>Area ± (Acres)</b>
Jones Family Farm LLC 3321 Arthur Pierce Road Apex, NC 27539	0760386433	0379056	60.26 ±
Ryan David Jones 3325 Arthur Pierce Road Apex, NC 27539-9136	0760281689	0037629	2.0 ±
Ryan David Jones 3325 Arthur Pierce Road Apex, NC 27539	0760286360	0273813	1.63 ±
Stephen R. Thomas 1925 Mount View Church Road Moncure, NC 27559	0760384209	0143537	1.33 ±
<b>Total Acres</b>			<b>65.22 ±</b>

Section 2: That this Property is rezoned from Wake County Residential 30 (R-30) to Residential 8 Conditional Use (R-8-CU) 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, all of which shall constitute the zoning regulations for the approved district and 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 the general welfare and accepted and approved by the Town are:

1. The maximum gross density shall be 2.1 dwelling units per acre.
2. Open Space Area 'A': An area of approximately 0.54 acres of open space shall be provided adjacent to parcels (0760-18-9439; 0760-18-9430; 0760-18-9321) and shown as Open Space Area 'A' on Exhibit A. This area shall be undisturbed with the exception of disturbances as allowed by the LDO.
3. Open Space Area 'B': An area of approximately 6.46 acres of open space shall be provided adjacent to parcels (0760-48-5995; 0760-48-7975; 0760-48-9806; 0760-58-0143; 0760-47-9589; 0760-47-6551) and shown as Open Space Area 'B' on Exhibit A. This area shall be undisturbed with the exception of disturbances as allowed by the LDO.

4. As shown on Exhibit A, a perimeter 30-foot-wide Type 'B' Buffer will be provided as follows:
- Property Line A - Full length of property line.
  - Property Line B - Full length of property line.
  - Property Line C – From the western end of Property Line C to the western edge of the right-of-way of the existing Chaumont Drive stub road, then continuing along Property Line C to a point 400 feet east of the eastern edge of the right-of-way of the existing Chaumont Drive stub road.
  - Property Line E - From the western end of Property Line E to the western edge of the right-of-way of the existing Belnap Drive stub road, then continuing along Property Line E to a point 780 feet east of the eastern edge of the right-of-way of the existing Belnap Drive stub road.

5. A common open space area will be provided within 50 feet of Property Line A, Property Line B, Property Line C, Property Line D, and Property Line E as shown on Exhibit A.

6. As soon as is warranted and approved by the Town of Cary and the North Carolina Department of Transportation, the Owner shall construct and install a traffic signal (per Cary standards) at the intersection of Kildaire Farm Road and Arthur Pierce Road as recommended by the TIA on file with the Town of Cary dated February 25, 2013 (13-TAR-373). A full signal warrant analysis shall be provided by the developer or owner of the subject property prior to each subdivision plat submittal for review, unless a subdivision plat is submitted for review within six (6) months of a prior subdivision plat submission. If this signal is not warranted or if it is warranted but not yet installed at the time the first subdivision plat is submitted for review, then the developer or owner shall provide a comprehensive opinion of cost in the form of a report, including signal design and review fees, prepared by a professional engineer. The developer or owner 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 subdivision plats are approved for recordation. 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. A final signal warrant analysis shall be performed by the developer or owner of the subject property prior to the Engineering Department granting final acceptance of the last of public infrastructure accepted by the Town. If a signal is not warranted at that time, 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: *June 13, 2013*

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Harold Weinbrecht, Jr.  
Mayor

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Date