

TOWN OF CARY  
SPECIAL MEETING NOTICE  
CARY TOWN COUNCIL

Title of the meeting: Council Special Meeting called by the Mayor, Remote Meeting.

Topic (s): Council will hold a special meeting to consider and take action on the subjects (items) attached to this notice as Exhibit A. The items are included on the May 7 posted agenda with applicable attachments. The agenda is available at [http://carync.igm2.com/Citizens/Detail\\_Meeting.aspx?ID=5046](http://carync.igm2.com/Citizens/Detail_Meeting.aspx?ID=5046). In addition, a closed session may be called to consult with an attorney in order to preserve the attorney-client privilege between the attorney and the public body and to prevent the disclosure of information that is privileged or confidential or not considered a public record.

This will be a remote meeting pursuant to N.C.G.S. § 166A-19.24.

Date and Time of Meeting: Thursday, May 7, 2020 at 6:30 p.m.

Means by which members of the public may access the remote meeting: Livestream on Cary's Agenda and Minutes Portal, Livestream on YouTube, and Government Access Channel (CaryTv)

Physical location of certain aspects of the remote special meeting: Council Chambers, Cary Town Hall, 316 N. Academy Street, Cary

Signature: 

Called by the Mayor: Tuesday, May 5 at 5 p.m.

Posted with Exhibit A: Tuesday, May 5 at 5 p.m.

Exhibit A:

**Town Council  
Regular Meeting  
5/7/2020 6:30 PM**

**1. Commencement**

1. Call to Order
2. Ceremonial Opening led by Council Member Smith
3. Adoption of agenda

**2. Recognitions, Reports, and Presentations**

1. [Manager's Update](#)

**3. Consent Agenda**

1. [Minutes of Feb 20, 2020 5:15 PM](#)
2. [Minutes of Feb 20, 2020 6:30 PM](#)
3. [Minutes of Mar 6, 2020 8:00 AM](#)
4. [Minutes of Mar 7, 2020 8:00 AM](#)

5. [Adjustment to Adopted Meeting Schedule](#)

**Speaker:** Virginia Johnson, Clerk

**Executive Summary:** The Council's 2020 meeting schedule was adopted at the December 12, 2019 meeting and included a May 21 regular meeting. Due to the current COVID-19 State of Emergency, staff requests the location and time of the May 21 meeting to be changed. Town Hall is closed to the public, and Gov. Cooper has issued a statewide Stay at Home order effective through May 8, 2020, which includes restrictions on gatherings of people. Due to the existence of the State of Emergency, this May 21 meeting will be an electronic or 'remote' meeting accessible to the public through the Town's Agenda and Minutes Portal live stream, YouTube channel, and government access (CaryTv) channel. The public can also listen to the meeting by calling into 1-877-422-8614 [ext. 297534, followed by the # (pound sign)]. The meeting start time will be 6:30 p.m.

**Recommendation:** *Staff recommends the adoption of the adjusted meeting schedule as attached to the staff report.*

6. [Recommended Appointment for Historic Preservation Commission \(HPC\) Vacancy](#)

**Speaker:** Virginia Johnson, Clerk

**Executive Summary:** Town Council Liaison Ed Yerha has recommended Cortney Bonvillain to fill a vacancy on the Historic Preservation Commission (HPC). This would be Bonvillain's first term on the HPC, with a partial term expiration date of September 30, 2022.

**Recommendation:** *Staff recommends approval of this appointment.*

7. [ACT 14 Land Development Ordinance Amendments](#)

**Speaker:** Rob Wilson, Planning & Development Services / Transportation & Facilities

**Executive Summary:** The proposed ACT 14 Land Development Ordinance (LDO) amendments include changes necessary to make all future townhouse streets and alleys publicly owned and maintained. The amendments also include minor technical changes to

improve consistency with state law regarding temporary signage, approval criteria for rezonings, and ability to apply for variances, as well as minor technical corrections regarding accessory building setbacks, correction of zoning map errors, and advisory board references.

**Recommendation:** *That council adopt the ACT 14 Land Development Ordinance amendments.*

**Planning and Zoning Board Determination:** The Planning and Zoning Board found the request to be consistent with the Imagine Cary Community Plan by a vote of 7-0.

#### 8. [19-REZ-10 Petty Farm Rezoning](#)

**Speaker:** Rob Wilson, Planning and Development Services/Transportation & Facilities

**Executive Summary:** The applicant has requested an amendment to Cary's Official Zoning Map by rezoning approximately 13.92 acres, located at 1708 Petty Farm Road, from Office/Research and Development (ORD) to Mixed Use District (MXD) with a Preliminary Development Plan (PDP), to allow a maximum of 320 multi-family dwelling units. The Mixed Use Overlay District (Alston Activity Center) and the Watershed Protection Overlay District would remain in place.

**Recommendation:** *Staff recommends approval of this rezoning request with the conditions as proposed by the applicant.*

**Planning and Zoning Board Determination:** The Planning and Zoning Board found the request to be consistent with the Imagine Cary Community Plan by a vote of 7-0.

#### 9. [19-REZ-21 Green Level Church Road Rezoning](#)

**Speaker:** Erin Puckett, Planning and Development Services

**Executive Summary:** The applicant has requested that Cary consider an amendment to Cary's Official Zoning Map by rezoning approximately 18.6 acres, located at 11427 Green Level Church Road, from Residential 40 (R-40) to Transitional Residential Conditional Use (TR-CU) with zoning conditions that include: limiting land use to townhouses, accessory uses, and neighborhood recreation; limiting the total number of dwelling units to 90; providing a minimum of 6,000 square feet of community gathering space; and constructing streets to public street standards. The existing Mixed Use Overlay District (MUOD) and Watershed Protection Overlay District (Jordan Lake Sub-district) zoning designations shall remain.

**Recommendation:** *Staff recommends approval of this rezoning request with the conditions as proposed by the applicant.*

**Planning and Zoning Board Determination:** The Planning and Zoning Board found the request to be consistent with the Imagine Cary Community Plan by a vote of 9-0.

#### 10. [19-REZ-03 Southerland Gooch Property](#)

**Speaker:** Erin Puckett, Planning and Development Services

**Executive Summary:** The applicant has requested an amendment to Cary's Official Zoning Map by rezoning approximately 60.59 acres, located at 9648, 9708, and 9716 Morrisville Parkway, from Residential 40 (R-40) to Transitional Residential – Conditional Use (TR-CU) with zoning conditions that include limiting land use to detached dwellings (age-restricted) and townhouses at a maximum density of 2.5 dwelling units per acre. Other conditions include limiting townhouses to five units per building and locating them on the central portion of the site, providing public streets in the townhouse portion of the development, and providing a minimum of one acre of community gathering space, an 80-foot-wide

streetscape along Morrisville Parkway, and additional perimeter buffers and open space. The existing Conservation Residential Overlay District and Watershed Protection Overlay District (Jordan Lake Sub-district) will remain.

**Recommendation:** *Staff recommends approval of this rezoning request with the conditions as proposed by the applicant.*

**Planning and Zoning Board Determination:** The Planning and Zoning Board found the request to be consistent with the Imagine Cary Community Plan by a vote of 9-0.

#### **4. Public Hearings**

##### **1. [Public Hearing and Consideration of Community Development Block Grant \(CDBG\) Consolidated Plan & FY2021 Funding Recommendations](#)**

**Speaker:** Morgan Mansa, Town Manager's Office

**Executive Summary:** The Town has received funding from the U.S. Department of Housing and Urban Development (HUD) for the Community Development Block Grant (CDBG) program since 2004. Every five years the Town is required to submit a Consolidated Plan that identifies the housing and community development needs the Town intends to address over the next five years. Additionally, for FY2021 HUD has approved a funding allocation of \$694,670 for the Town of Cary and a COVID-19 CDBG allocation of \$408,652. The list of recommended funding activities is included as Attachment A. The Consolidated Plan is included as Attachment B.

**Recommendation:** *That, after conducting the public hearing, Council adopt the Consolidated Plan & FY2021 Annual Action Plan, incorporating the proposed list of funding recommendations and authorize staff to submit the plan to the U.S. Department of Housing and Urban Development.*

#### **5. Discussion Items**

##### **1. [17-REZ-27 Bainbridge Cary Chapel Hill Road](#)**

**Speaker:** Katie Drye, Planning and Development Services

**Executive Summary:** The applicant has requested an amendment to Cary's Official Zoning map by rezoning approximately 16.06 acres located at the southwest quadrant of the intersection of Chapel Hill Road and NW Maynard Road from Residential 40 (R-40), Residential 20 (R-20) and Resource/Recreation (R/R) to Mixed Use District (MXD). An associated Preliminary Development Plan (PDP) proposes a multi-family development with a maximum of 259 units and the conveyance of one acre of parkland. This request was originally scheduled for Council action in September, 2018 and was removed from the agenda at the applicant's request to return at a later date.

**Recommendation:** *Staff recommends approval of this rezoning request. See below for more information on the recommendation.*

**Planning and Zoning Board Recommendation:** The Planning and Zoning Board found the request to be inconsistent with the Imagine Cary Community Plan and recommended denial by a vote of 5-3. *The plan has been modified since the recommendation was made.*

##### **2. [19-REZ-01 Twyla Road South PDD](#)**

**Speaker:** Katie Drye, Planning and Development Services

**Executive Summary:** The applicant has requested that Cary consider an amendment to Cary's Official Zoning Map by rezoning approximately 19.77 acres, located south of Morrisville Parkway and east of Twyla Road, from Residential 40 (R-40) to Planned

Development District – Minor (PDD-Minor). The proposed PDD would permit a maximum of 189 dwelling units to include a mix of townhouses and multi-family units, and a maximum of 12,500 square feet of commercial uses and 17,000 square feet of office uses.

**Recommendation:** *Staff recommends approval of this rezoning request with the conditions as proposed by the applicant.*

**Planning and Zoning Board Determination:** The Planning and Zoning Board found the request to be consistent with the Imagine Cary Community Plan by a vote of 5-2.

## **6. Closed Session**

## **7. Adjournment**