



REZONING APPLICATION- CARY, NC

Submit complete application via the [electronic plan review](#) portal. Planning staff will notify applicant when application is deemed complete and accepted for payment.

(Staff Use)

This application is deemed sufficiently complete for purposes of submittal.

Planning Staff Signature: _____ Date: _____

Rezoning Case Number: _____ Payment Confirmation: _____

Associated Annexation Petition Yes No

(Concurrent submittal required when property is not in ETJ; if property is not in ETJ annexation may be submitted at time of development plan.)

Traffic Impact Study Yes No TAR Number: _____
Staff confirmation: Initials _____ Date _____

REZONING FEE:

- Fees will not be accepted until the application is deemed complete by Planning staff.
- **Do not mail or drop off checks with initial application submittal.**
- An additional fee of \$150 will be charged for each additional public hearing or neighborhood meeting required due to changes in the request made during the rezoning process.

\$1,400.00 – General rezoning, or initial zoning associated with owner-initiated annexation petition, 5 acres or greater

\$300.00 – Initial zoning associated with citizen-initiated annexation petition, less than 5 acres

\$1,900.00 – Conditional use rezoning (per change of zoning classification requested)

\$2,500.00 – Mixed Use District Rezoning (New MXD, or major amendment to existing PDP- (See PDP Submittal Checklist)

\$500.00 – Mixed Use District Rezoning (Minor amendment to existing PDP)

\$2,500.00 – New application or major amendments to approved Major PDD

\$1,250.00 – Minor PDD or Minor Amendment to existing PDD

Part 1: Applicant Information	
Project or PDD Name	
Property Address(es)	
Jurisdiction <i>(Check all that apply)</i>	Cary Corporate Limits Cary ETJ Wake Co.* Chatham Co.* Durham Co.* *Submittal of an annexation petition is required if rezoning is requested

Applicant's Contact/ Representative	
<i>(If self-represented, please include your contact information below.)</i>	
Name	_____
Firm	_____
Address	_____
City, State, Zip	_____
Phone	_____
Email	_____

Part 2: Parcel & Owner Information

Property Owner(s) <i>Provide property owner name and address as it appears in the Wake, Chatham or Durham County Tax Records</i>	County Parcel Number(s) (10 digit)	Real Estate ID(s)	Property Address <i>as it appears in the Wake, Chatham or Durham County Tax Records</i>	Acres ¹
Total Acres	Deeded Surveyed			

¹ A property survey showing zoning district boundaries and acreages is required if multiple zoning districts are proposed or if the proposed rezoning applies to only a portion of a parcel. If only a portion of a parcel is included in the request, include the total parcel acreage as well as the acreage included in the request. If a survey was completed in association with annexation petition, use surveyed acreage.

Part 3A: Rezoning Request

Pre-Application Conference: Yes Date: _____ No

Traffic Impact Study: Yes TAR: _____ No

Existing Zoning	Base Zoning District(s) <i>Spell out and provide abbreviation</i>	
	Zoning Overlay District(s) <i>Check any that apply</i>	<p>Mixed Use Overlay District</p> <p>Conservation Residential Overlay District</p> <p>Airport Overlay District</p> <p>Watershed Protection Overlay District Jordan Lake Jordan Lake Critical Area Swift Creek</p> <p>Historic Preservation Overlay District</p>
	Zoning Conditions <i>if any</i>	
Proposed Zoning	Proposed Base Zoning District(s)	
	Proposed Zoning Conditions	<input type="checkbox"/> No zoning conditions are proposed <input type="checkbox"/> Zoning conditions are proposed and included in - an attachment *Executed affidavit not required with initial application. Draft conditions may be submitted for review as an attachment. Executed affidavit authorizing conditions reviewed and accepted by Cary must be submitted prior to public hearing.
	Proposed Changes to Overlay Districts	
	Summary of Proposed Development or Purpose of Request	

Part 3B: Applicant's Rezoning Justification Statement(s) *Check those included*

- Statement #1** *Required for all rezoning requests (LDO Conformance)*
- Statement #2** *Required for all rezoning requests (ICCP Conformance)*
- Statement #3** *Required when rezoning to a PDD or amending a PDD*
- Statement #4** *Required only when rezoning to or amending the PDP component of MXD*

Rezoning Justification Statement #1 *Required for all rezoning requests*

Describe how the proposed rezoning meets the considerations listed below.

Section 3.4.1(E) of the Land Development Ordinance states that Council should consider the following considerations when reviewing all proposed rezonings:

- (1) The proposed rezoning corrects an error or meets the challenge of some changing condition, trend, or fact;
Applicant's Comments:

- (2) The proposed rezoning is consistent with the Comprehensive Plan and the purposes set forth in Section 1.3 of this Ordinance;
Applicant's Comments:

- (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;
Applicant's Comments:

- (4) The proposed rezoning is unlikely to have significant adverse impacts on the natural environment, including air, water, noise, stormwater management, wildlife, and vegetation;
Applicant's Comments:

- (5) The proposed rezoning will not have significant adverse impacts on other property in the vicinity of the subject tract; and
Applicant's Comments:

- (6) The proposed zoning classification is suitable for the subject property.
Applicant's Comments:

Rezoning Justification Statement #2 *Required for all rezoning requests*

Describe how the proposed rezoning is consistent with or supported by the visions and policies of the [Cary Community Plan](#).

Growth Framework Map

_____ Chapter, Policy _____

_____ Chapter, Policy _____

_____ Chapter, Policy _____

_____ Chapter, Policy _____

_____ Chapter, Policy _____

Rezoning Justification Statement #3 *Required only when rezoning to a Planned Development District or amending an existing Planned Development District*
Describe how the proposed rezoning meets the considerations listed below.

Section 3.4.3(E) of the Land Development Ordinance states that Council should consider the following considerations when reviewing proposed rezonings to a Planned Development District. *These considerations are in addition to those stated in Section 3.4.1(E),*

- (1) The PDD designation is necessary to address a unique situation or represents a substantial benefit to the Town, compared to what could have been accomplished through strict application of otherwise applicable zoning district standards; and

Applicant's Comments:

- (2) The request complies with the PDD standards of Section 4.2.3.

Applicant's Comments:

Rezoning Justification Statement #4 *Required only when rezoning to or amending the Preliminary Development Plan component of a Mixed Use District*
Describe how the proposed rezoning meets the considerations listed below.

In addition to the considerations for a general rezoning specified in Section 3.4.1(E), rezoning requests to a MXD district shall be reviewed for compliance with the following considerations contained in LDO Section 4.5.2(E), as applicable [i.e., it may not be reasonable or practical to expect that some existing or partially built mixed use districts (formerly activity center concept plans or mixed use sketch plans) to achieve certain design standards]:

(1) Intensity, Type, and Mix of Uses

The preliminary development plan includes an appropriate intensity, type, and mix of land uses, as outlined by the guidelines contained in the Comprehensive Plan. This shall be assessed in relation to the scale of the Mixed Use Overlay District and the mix and relationship of existing and planned uses, including residential, commercial, office, and institutional uses;

Applicant's Comments:

(2) Site Design

The preliminary development plan shows how the proposed development will meet or exceed Town site design guidelines and other established Town standards, including connections and linkages to immediately adjacent properties;

Applicant's Comments:

(3) Expected Land Uses

The extent to which the proposed development provides the expected land uses, including medium- and higher-density housing, outlined by the numerical and other guidelines contained in the Comprehensive Plan;

Applicant's Comments:

(4) Public Spaces

The preliminary development plan includes some formal outdoor space(s) for public use, such as a park, village green, or plaza; and

Applicant's Comments:

(5) Scale and Context

The preliminary development plan demonstrates that the proposed development is appropriate for the context and location, responds to the unique conditions of the area, and provides reasonable transitions within and adjacent to the district.

Applicant's Comments:

Part 4: Owner's Signature(s) *Completion of the applicable sub-section(s) is required for all rezoning requests. Submit original signatures.*

Check applicable sub-section(s)

- (1) – Required where property owner is an Individual
- (2) – Required where property owner is a Limited Liability Company (LLC)
- (3) – Required where property owner is General Partnership (GP),
Limited Partnership (LP) or Limited Liability Partnership (LLP)
- (4) – Required where property owner is a Corporation
- (5) – Required where property is owned by a Trust

(Attach additional sheets if necessary)

Owner's Signature (1) Individual

- All owners listed on the deed must sign
- Notary not required

Property Owner Printed Name _____

Property Owner Signature _____ Date _____

Property Owner Printed Name _____

Property Owner Signature _____ Date _____

Property Owner Printed Name _____

Property Owner Signature _____ Date _____

Property Owner Printed Name _____

Property Owner Signature _____ Date _____

Property Owner Printed Name _____

Property Owner Signature _____ Date _____

Property Owner Printed Name _____

Property Owner Signature _____ Date _____

Property Owner Printed Name _____

Property Owner Signature _____ Date _____

Owner's Signature (2): LIMITED LIABILITY COMPANY

- The area to be rezoned is owned by a limited liability company properly registered with the State of North Carolina owned by a Limited Liability Company.
- Provide documentation that: 1) the entity is licensed to do business in North Carolina and 2) the below signatory has been appropriately authorized to sign on its behalf.

Certification Statement: The individuals signing below certify they have the necessary authority to sign on behalf of the Limited Liability Company.

Manager-Managed Manager(s) is/are:

Printed Name _____

Signature _____ Date _____

Printed Name _____

Signature _____ Date _____

Printed Name _____

Signature _____ Date _____

Member-Managed Manager(s) is/are:

Printed Name Jim McMullan

Signature [Handwritten Signature] Date 10/24/2023

Printed Name _____

Signature _____ Date _____

Printed Name _____

Signature _____ Date _____

SEARSTONE PDD AMENDMENT - REZONING APPLICATION: EXHIBIT A
Part 3B: Rezoning Justification Statement #1

Section 3.4.1(E) of the Land Development Ordinance states that Council should consider the following criteria when reviewing all proposed rezonings:

1. *The proposed rezoning corrects an error or meets the challenge of some changing condition, trend, or fact;*

The proposed rezoning seeks, in large part, to meet the trends in the current development mixed use communities. The Searstone Planned Development District has largely been constructed according to the original plans, with several hundred continuing care retirement dwelling units and commercial outparcels. However, there has been a market shift away from the originally planned duplex style and small scale multifamily units on the remaining area. The proposed unrestricted townhome units will provide additional residential diversity in both housing stock and residents within the same community, allowing the overall community to prosper with a better mix of uses.

2. *The proposed rezoning is consistent with the Comprehensive Plan and the purposes set forth in Section 1.3 of this Ordinance;*

The rezoning site is designated “Commercial Center Mixed Use” on the Future Growth Framework Map of the Cary Community Plan. This designation is defined as a “prominent commercial mixed use center that includes an integrated mix of commercial (shopping, services), office, and residential uses, arranged in a walkable pattern with an active pedestrian realm where buildings front streets.” These areas are also characterized by three to seven story buildings that frame the street, an urban design, and a well-defined and interconnected street and pedestrian network. Appropriate zoning includes Planned Development District. *See Cary Community Plan pg. 105.*

This request proposes to amend the existing Searstone Planned Development District in order to create additional housing diversity within the mixed use center. This rezoning replaces and simplifies the majority of the remaining area of the Searstone PDD. Lots 13 and 41 are currently entitled for a variety of continuing care retirement dwelling unit types, including 10 cluster units (duplex), and 77 multifamily units spread across six 8-unit buildings and one 29-unit building. The proposed PDD amendment does not change the density of development, but replaces the various types of dwelling units with unrestricted townhomes. Therefore, by replacing the current entitlement for residential dwelling types already existing within the center with a new residential type, the PDD as a whole is more consistent with the Commercial Center Mixed Use designation.

The proposed rezoning is also consistent with Policies 2, 4 and 5 of the Live Chapter, Policy 2 of the Work Chapter, Policy 1 of the Shop Chapter, and Policies 2, 3 and 8 of the Shape Chapter, as discussed below.

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;*

The Town currently provides services to this property and will be able to maintain sufficient levels of service to existing development with the addition of this project.

4. *The proposed rezoning is unlikely to have significant adverse impacts on the natural environment, including air, water, noise, stormwater management, wildlife, and vegetation;*

The proposed rezoning will not have significant adverse impacts on the natural environment. The applicant anticipates meeting or exceeding all such LDO regulations, which will have a net positive impact on the environmental aspects of the property. Furthermore, the rezoning includes environmental commitments to mitigate environmental impacts and set a precedent for future sustainable development in Cary.

5. *The proposed rezoning will not have significant adverse impacts on other property in the vicinity of the subject tract; and*

The proposed zoning classification will not have an adverse impact on other properties in the vicinity of the proposed rezoning. The intensity of development is not changing, and the full build out of the area with the residential density originally envisioned will help support the surrounding commercial and office uses.

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

The proposed zoning classification is suitable for the subject Property. This area of the PDD was originally envisioned and entitled for residential units. This request simply amends the type of residential units. As depicted in the accompanying Preliminary Development Plan, the subject property is of sufficient shape, size, and location to accommodate the proposed residential development.

Rezoning Justification Statement #2

Describe how the proposed rezoning is consistent with or supported by the visions and policies of the Cary Community Plan.

Growth Framework Map

The rezoning site is designated “Commercial Center Mixed Use” on the Future Growth Framework Map of the Cary Community Plan. This designation is defined as a “prominent commercial mixed use center that includes an integrated mix of commercial (shopping, services), office, and residential uses, arranged in a walkable pattern with an active pedestrian realm where buildings front streets.” These areas are also characterized by three to seven story buildings that frame the street, an urban design, and a well-defined and interconnected street and pedestrian network. Appropriate zoning includes Planned Development District. *See Cary Community Plan pg. 105.*

This request proposes to amend the existing Searstone Planned Development District in order to create additional housing diversity within the mixed use center. This rezoning replaces and simplifies the majority of the remaining area of the Searstone PDD. Lots 13 and 41 are currently entitled for a variety of continuing care retirement dwelling unit types, including 10 cluster units (duplex), and 77 multifamily units spread across six 8-unit buildings and one 29-unit building. The proposed PDD amendment does not change the density of development, but replaces the various types of dwelling units with townhomes. Therefore, by replacing the current entitlement for residential dwelling types already existing within the center with a new residential type, the PDD as a whole is more consistent with the Commercial Center Mixed Use designation.

The proposed rezoning is also consistent with Policies 2, 4 and 5 of the Live Chapter, Policy 2 of the Work Chapter, Policy 1 of the Shop Chapter, and Policies 2, 3 and 8 of the Shape Chapter, as discussed below.

Cary Community Plan

The rezoning is consistent with the following Chapters of the Cary Community Plan.

Chapter 2: Live

- **Policy 2: Provide More Housing Choices for All Residents.** *Provide high quality housing in suitable areas that can accommodate a variety of lifestyles, households, ages, cultures, market preferences, and incomes. This includes dwellings for aging seniors and empty nesters, multi-generational households, young professionals, young families, and members of the local workforce.*

The intent of this policy is to recognize that Cary’s residents increasingly reflect a diverse mix of family/household sizes, ages, races and ethnicities, incomes, needs and abilities. A diversity of housing products is and will be needed to meet the needs of these residents. One particular objective of this policy is to encourage an adequate supply of housing suitable for our growing diversity of household types. This request is consistent with this policy by increasing the diversity of housing products in the Searstone PDD. The addition of unrestricted townhomes adjacent to the Searstone retirement community, which

currently has multifamily and duplex units, will accommodate a broader range of lifestyles, households, ages, cultures, market preferences, and incomes. Increased diversity of residents and household types will allow the community to prosper.

- **Policy 4: Provide the Greatest Variety of Housing Options in Mixed Use Centers.** *Provide the greatest variety of housing types and densities within Destination Centers, Commercial Mixed Use Centers, and Employment Mixed Use Centers as designated by the Future Growth Framework, as well as within Downtown Cary. The mix of housing types could include apartments, condominiums, and live/work units over office and retail; separate apartment complexes and courtyard apartments; townhomes; patio homes; and small multifamily units such as fourplexes, triplexes, and duplexes.*

This policy focuses on expanding housing choices within mixed use centers for citizens who desire to live proximate to shopping, amenities, employment, and/or transit. Policy 4 also states the highest density housing should be sited closest to transit stops, shopping, services, and/or office buildings/employment, to place the greatest number of residents within the shortest walking distances of key destinations. This rezoning site is within a Commercial Mixed Use Center. A variety of housing types have been developed within the Searstone PDD, including active adult multifamily units, duplex units, and healthcare units. This request will increase the housing diversity within the same mixed use center by allowing unrestricted townhomes to complement the various other dwelling types.

- **Policy 5: Support Residential Development on Infill and Redevelopment Sites.** *Support residential development on infill and redevelopment sites that is designed to acknowledge the surrounding context, while supporting other LIVE policies.*

The intent of this policy is to support and encourage the development of residential infill and redevelopment sites using designs that complement and/or transition to adjacent neighborhoods and residences. The development of these sites should be consistent with, and help to support, Cary's other LIVE policies – including maintaining neighborhood character and improving the mix of housing stock. This request is consistent with this policy because the area subject to the request is the last remaining undeveloped portion of the Searstone PDD. This request will facilitate residential infill development that will complement the Searstone PDD as a whole and that will effectively transition to neighboring properties.

Chapter 3: Work

- **Policy 2: Enhance Locational Appeal to Businesses and Workers.** *Maintain or enhance Cary's locational appeal to businesses and workers. This includes providing a quality of life and built environment that appeals to, and attracts, both businesses/employers and the workforce of tomorrow.*

The intent of this policy is to proactively address the changing nature of the types of workplace locations and environments that are increasingly being sought by office employers, as well as by young professionals. In order to remain a competitive location for 21st Century businesses and workers, a key objective is to provide the types of locations and built environments in our community that will enable us to successfully compete for

both the businesses and the workers of today and tomorrow. For example, by encouraging the growth of vibrant and walkable mixed use centers that promote live, work, play environments, Cary can be in a position to best attract residents and employees. This request will support the existing mixed use center and commercial tenants by increasing residential diversity of the area. The proposed development will bring more residents closer to the mixed use center, will fill gaps in the pedestrian network, and ensure the Searstone PDD remains a competitive location for businesses and workers.

Chapter 6: Shape

- **Policy 3: Encourage Mixed Use Development.** *Support the creation of developments and locations that include a mix of commercial/retail uses, office and employment, and housing. Site designs should encourage future densification of sites.*

The intent of this policy is to recognize and accommodate both the growing public and market preference for mixed use destinations, as well as to obtain the public benefits associated with mixed use development. Site designs should incorporate techniques to plan for future vertical expansion and infill. This request is consistent with this policy by increasing the diversity of housing types within the mixed use center.

- **Policy 8: Preserve and Maintain Cary's Attractive Appearance and Quality of Development.** *Preserve and maintain Cary's attractive appearance, with particular attention to the appearance of – and views from – our public spaces, while also encouraging high quality and attractive development.*

The intent of this policy is to maintain the attractive visual qualities of Cary's community, and encourages high-quality development that embraces exceptional site design, architecture, and construction. This policy is concerned with the appearance of three different aspects of the community: public areas, public views, and private views. This request is consistent with Policy 8 because the proposed architectural standards will ensure a high-quality development that improves and appearance of the site from both the adjacent roadways and within the site.

Rezoning Justification Statement #3

Section 3.4.3(E) of the Land Development Ordinance states that Council should consider the following considerations when reviewing proposed rezonings to a Planned Development District (or amendments to an existing Planned Development District).

- 1. The PDD designation is necessary to address a unique situation or represents a substantial benefit to the Town, compared to what could have been accomplished through strict application of otherwise applicable zoning district standards; and*

The PDD amendment allows the site to develop in response to changes in market preferences. By allowing a portion of the Searstone continuing care retirement community to be developed with unrestricted townhomes, the community will prosper through increased diversity of residents and housing types.

- 2. The request complies with the PDD standards of Section 4.2.3.*

The PDD complies with the PDD standards contained in LDO Section 4.5.3. The amendment will reduce the inflexibility of the complicated standards currently permitted under the PDD by simplifying the overall layout of the site. The proposed PDP allows greater freedom in selecting the means to provide open space amenities, and allows greater freedom in providing a mix of housing types not originally envisioned by the PDD. Finally, the PDP promotes a more urban design with commitments to environmentally sensitive development. Residential dwelling units will front the streets and pedestrian friendly streetscapes will provide increased connectivity.

**SEARSTONE
PLANNED DEVELOPMENT DISTRICT
AMENDMENT
PRESTON HEIGHTS**

Cary Land Development Ordinance Supplement

Prepared by:
Parker Poe
WithersRavenel

November 2, 2023

TABLE OF CONTENTS

- I. INTRODUCTION**
- II. APPLICABILITY**
- III. LAND USE**
- IV. STANDARDS FOR DEVELOPMENT**
 - A. General Dimensional Standards**
 - B. Buffers and Streetscapes**
 - C. Open Space and Community Gathering Space**
 - D. Architectural Standards**
 - E. Environmental and Sustainability Standards**
- V. STREET LAYOUT, CONNECTIVITY, TRAFFIC, AND PARKING**
 - A. Street Connectivity**
 - B. Street Layout**
 - C. Alternate street Designs**
 - D. TAR Commitments**
 - E. Pedestrian Connectivity and Greenway**
 - F. Parking**
- VI. MAPS AND EXHIBITS**
 - A. Preston Heights PDD Parcel Map**
 - B. Parcel No. 0744626651 Boundary Map**
 - C. PDD Master Land Use Plan**

I. INTRODUCTION

The Searstone Planned Development District (“Searstone PDD”) is a 77 acre PDD that was originally approved on March 14, 2002 through (01-REZ-21). The Searstone PDD has been amended several times since its adoption. This PDD Amendment applies to approximately 17.58 acres of the Searstone PDD. The purpose of this amendment is to create a new subdistrict known as “Preston Heights” with uses limited to 87 townhouse units. This PDD Amendment replaces all existing requirements of the Searstone PDD for the subject property including all permitted uses and development standards. Preston Heights shall conform with the requirements of this PDD Amendment and the accompanying Preliminary Development Plan.

II. APPLICABILITY

This PDD Amendment shall apply to the geographic area shown on the following map, which is comprised of Parcel Nos. 0744639046 and 0744623749. This area shall be referred to herein as “Preston Heights” or the “Property”.



Vicinity Map of Preston Heights

III. LAND USES

This amendment eliminates all previously-approved uses on the Property and limits uses to a maximum of 87 townhouse units. Principal uses allowed in the Preston Heights subdistrict shall be limited to Townhouse and Neighborhood Recreation. Accessory or ancillary uses normally associated with such primary uses are allowed in conjunction with the principal use, accessory uses, and associated amenities.

IV. STANDARDS FOR DEVELOPMENT

A. General Dimensional Standards

USE	Min. Lot Area (Sq. Ft.)	Min. Lot Width (feet)	Min. Building Setback Roadway (feet)	Min. Building Setbacks Side (feet)	Min. Building Setbacks Rear (feet)	Max. Height (feet)
Townhouse (Front load)	N/A	22	18 (garage facing roadway)	3	3	42
Townhouse (Rear load)	N/A	22	8 (non-garage facing side)	3	18	42

B. Buffers and Streetscapes

Unless otherwise stated herein, all buffers/streetscapes shall comply with the Cary Land Development Ordinance (the "LDO") and accompanying Preliminary Development Plan (the "PDP").

Preston Heights is bordered to the north by High House Road. A 30 foot streetscape shall be provided along the Property's frontage on High House Road. A 10 foot wide streetside trail and sidewalk connections to residential lots shall be permitted within the streetscape without impacting the planting requirements.

A 15' Streetscape shall be provided along Parcel No. 0744639046's frontage along Lilly Ridge Road, Sears Pond Drive, and Walker Stone Drive. No streetscapes shall be provide along Parcel No. 0744623749's street frontages.

C. Open Space and Community Gathering Space

A minimum of five acres of Open Space shall be provided. Open Space includes both regulatory and voluntary elements. Regulatory elements include wetlands, riparian buffers, perimeter buffers, streetscape buffers, and easement areas. Voluntary elements include, but are not limited to, courtyards, promenade areas, private amenities, and natural areas not required by the LDO, and shall total a minimum of 60,000 square feet.

Preston Heights shall have a minimum of 15,000 square feet of community gathering space inclusive of amenity areas. Community gathering space and amenity areas may include but not be limited to a mail kiosk area, fire pits, seating areas, active or passive recreation areas, and gazebos.

The exact location, configuration and dimension of Open Space areas and Community Gathering Areas shall be determined at the time of development plan approval.

D. Architectural Standards

The following Architectural Standards apply to elements to be included in any site plan for Preston Heights and reflect a higher and more specific standard than the Cary Appearance Manual.

1. All townhomes shall include an attached 2-car garage.
2. No garage shall protrude more than (1) foot beyond the foundation of the front porch of the dwelling.
3. The main roof for each townhome shall be pitched at 5:12 slope or greater.
4. Townhome rooflines shall not be a single mass and must be broken up horizontally or vertically between dwelling units.
5. Each dwelling unit at the end of a townhome building shall have at least (1) window on the exposed side.

E. Environmental and Sustainability Standards

The following environmental and sustainability standards shall apply to Preston Heights:

1. All homes shall be built to meet or exceed the Department of Energy's Zero Energy Ready Home (ZERH) program, eStar and Indoor airPLUS requirements.
2. All homes shall have solar conduit and be solar ready.
3. All homes shall have (1) Electric Vehicle (EV) ready outlet within the garage.
4. All homes shall have high efficiency HVAC and water heating equipment with 2x6 exterior walls.

V. STREET LAYOUT, CONNECTIVITY, TRAFFIC, AND PARKING

A. Street connectivity

1. A vehicular connection point shall be made to High House Road in addition to the existing street network of the Searstone PDD.
2. Preston Heights shall connect to the existing internal street network of the Searstone PDD.

B. Street Layout

1. The proposed street layout may vary due to topography, environmental features, permitting requirements, and building configurations. However, the general street layout shall remain as shown conceptually, and will be finalized at time of development plan approval.

C. Alternate Street Designs

1. If permission is granted from the owner, the portion of Walker Stone Drive on Parcel No. 0744626651 will be converted to public right of way and dedicated as part of this project.

D. TAR Commitments

The TAR for the original Searstone PDD was completed in May 2007 (07-TAR-236a) and all recommended improvements have been completed. As set for the April 19, 2023 Trip Generation letter from Kimley Horn and Associates, Inc., trips generated by the completed Searstone development plus projected trips from Preston Heights are less than the expected trips in the original Searstone TAR. Therefore, sufficient traffic mitigation has already been performed.

E. Pedestrian Connectivity and Greenways

To facilitate pedestrian circulation between Preston Heights and the existing retail and residential uses of the Searstone PDD, the development shall connect to the existing sidewalk network of the Searstone PDD.

The proposed pedestrian network may vary due to topography, environmental features, permitting requirements, and building configurations. However, the general pedestrian network layout shall remain as shown conceptually, and will be finalized at time of development plan approval.

Subject to state and local approvals, developer will construct a public greenway to Town of Cary standards on the eastern portion of the Property, connecting the existing greenway to the south to Walker Stone Drive.

F. Parking

A minimum of 257 parking spaces is required according to the LDO (including 24 guest parking spaces).

VI. MAPS AND EXHIBITS

A. Preston Heights PDD Parcel Map

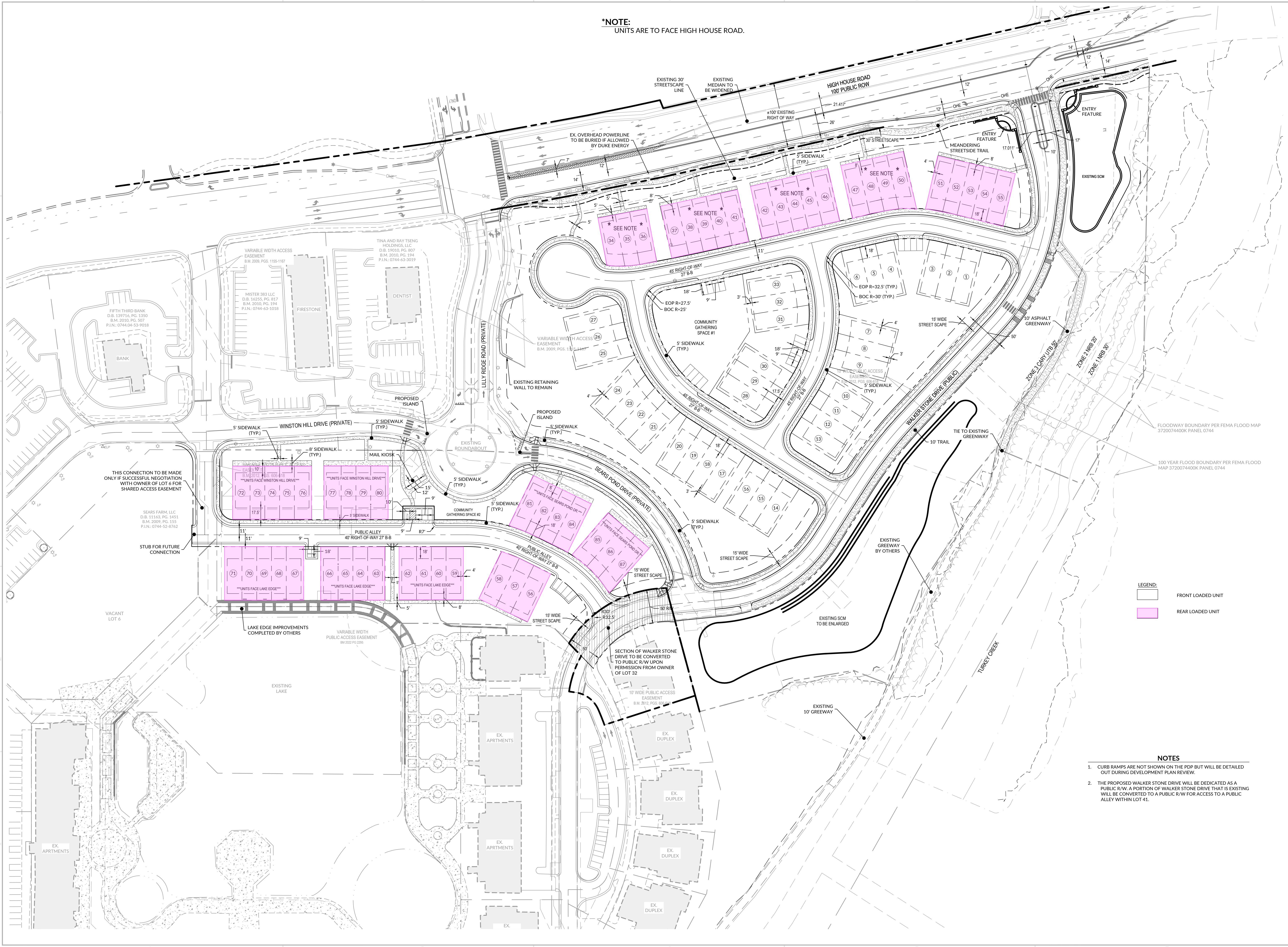
B. PDP Master Land Use Plan

Exhibit A



Exhibit B

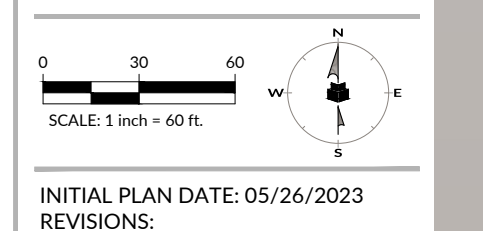
*NOTE:
UNITS ARE TO FACE HIGH HOUSE ROAD.



LEGEND:
 [White Box] FRONT LOADED UNIT
 [Pink Box] REAR LOADED UNIT

- NOTES**
- CURB RAMP ARE NOT SHOWN ON THE PDP BUT WILL BE DETAILED OUT DURING DEVELOPMENT PLAN REVIEW.
 - THE PROPOSED WALKER STONE DRIVE WILL BE DEDICATED AS A PUBLIC R/W. A PORTION OF WALKER STONE DRIVE THAT IS EXISTING WILL BE CONVERTED TO A PUBLIC R/W FOR ACCESS TO A PUBLIC ALLEY WITHIN LOT 41.

PRELIMINARY
 NOT APPROVED
 FOR CONSTRUCTION



INITIAL PLAN DATE: 05/26/2023
 REVISIONS:

WR JOB NUMBER 02210511
 DRN: WR DGN: WR CKD: WR

PRELIMINARY DEVELOPMENT PLAN

C2.00

K:\23\05\05\2023\13\Seas Farm\Task\Edging\CAD\Drawings\Site\Preliminary Development\Plan\23-REZ-XXX\PRELIMINARY DEVELOPMENT PLAN.dwg - Wednesday, October 11, 2023 12:05:13 PM - ET/MS

**CONSENT RESOLUTIONS OF THE MANAGER
OF EDINBURGH DEVELOPMENT, LLC,
THE SOLE MEMBER AND SOLE MANAGER OF
PRESTON FARM, LLC**

The undersigned, being the sole managing member of Edinburgh Development, LLC, a North Carolina limited liability company (the “*Company*”), which Company is the sole member and sole manager of **Preston Farm, LLC**, a North Carolina limited liability company (the “*Developer*”), hereby consent to the following actions:

WHEREAS, the Developer now owns certain real property commonly known as Sears Farm, Lot 41 (the “*Property*”); and

WHEREAS, the Company, as sole member and sole manager of the Developer, believes that it is in the best interests of the Company and the Developer to delegate certain authority regarding the ownership, entitlement, development and operation of the Property as provided herein.

NOW, THEREFORE, BE IT

RESOLVED, that James T. (“Jim”) McMillan is hereby appointed as an “*Authorized Representative*” of the Developer for the following purposes: executing and delivering applications, submittals, consents and other instruments in the name of, and on behalf of Developer, in connection with the rezoning of the Property and the pursuit of other licenses, permits, approvals and entitlements for the development of the Property, all on such terms and conditions as the Authorized Representative determines to be in the best interest of Developer;

FURTHER RESOLVED, that any and all acts relating to the subject matter of these resolutions that were performed prior to these resolutions by Jason M. Rapp, James T. McMillan, or both, whether on behalf of the Company, on behalf of the Developer, or on behalf of both, regardless of the capacity indicated, are hereby ratified and approved; and

FURTHER RESOLVED, these resolutions shall be continuing and shall remain in full force and effect, and may be relied upon by third parties without any other or further inquiry into, or evidence thereof, so long as such third party does not have written notice that these resolutions have been abrogated or rescinded.

Effective this the ____ day of October, 2023.

The undersigned hereby execute the foregoing Consent Resolutions, effective as of date specified above.

Manager:



Jason M. Rapp

**CONSENT RESOLUTIONS OF THE MANAGER
OF RAPP VENTURES, LLC,
THE SOLE MEMBER AND SOLE MANAGER OF
PRESTON FARM II, LLC**

The undersigned, being the sole managing member of Rapp Ventures, LLC, a North Carolina limited liability company (the “*Company*”), which Company is the sole member and sole manager of **Preston Farm II, LLC**, a North Carolina limited liability company (the “*Developer*”), hereby consent to the following actions:

WHEREAS, the Developer now owns certain real property commonly known as Sears Farm, Lot 13 (the “*Property*”); and

WHEREAS, the Company, as sole member and sole manager of the Developer, believes that it is in the best interests of the Company and the Developer to delegate certain authority regarding the ownership, development and operation of the Property as provided herein.

NOW, THEREFORE, BE IT

RESOLVED, that James T. (“Jim”) McMillan is hereby appointed as an “*Authorized Representative*” of the Developer for the following purposes: executing and delivering applications, submittals, consents and other instruments in the name of, and on behalf of Developer, in connection with the rezoning of the Property and the pursuit of other licenses, permits, approvals and entitlements for the development of the Property, all on such terms and conditions as the Authorized Representative determines to be in the best interest of Developer;

FURTHER RESOLVED, that any and all acts relating to the subject matter of these resolutions that were performed prior to these resolutions by Jason M. Rapp, James T. McMillan, or both, whether on behalf of the Company, on behalf of the Developer, or on behalf of both, regardless of the capacity indicated, are hereby ratified and approved; and

FURTHER RESOLVED, these resolutions shall be continuing and shall remain in full force and effect, and may be relied upon by third parties without any other or further inquiry into, or evidence thereof, so long as such third party does not have written notice that these resolutions have been abrogated or rescinded.

Effective this the ____ day of October, 2023.

The undersigned hereby execute the foregoing Consent Resolutions, effective as of date specified above.

Manager:



Jason M. Rapp



LIMITED LIABILITY COMPANY ANNUAL REPORT

1/6/2022

NAME OF LIMITED LIABILITY COMPANY: Preston Farm, LLC

SECRETARY OF STATE ID NUMBER: 1970829 STATE OF FORMATION: NC

REPORT FOR THE CALENDAR YEAR: 2022

Filing Office Use Only
E - Filed Annual Report
1970829
CA202208707994
3/28/2022 04:45
<input type="checkbox"/> Changes

SECTION A: REGISTERED AGENT'S INFORMATION

1. NAME OF REGISTERED AGENT: Rapp, Jason M

2. SIGNATURE OF THE NEW REGISTERED AGENT: _____
SIGNATURE CONSTITUTES CONSENT TO THE APPOINTMENT

3. REGISTERED AGENT OFFICE STREET ADDRESS & COUNTY	4. REGISTERED AGENT OFFICE MAILING ADDRESS
<u>107 Ronsard Lane</u>	<u>107 Ronsard Lane</u>
<u>Cary, NC 27511 Wake County</u>	<u>Cary, NC 27511</u>

SECTION B: PRINCIPAL OFFICE INFORMATION

1. DESCRIPTION OF NATURE OF BUSINESS: Real Estate Development

2. PRINCIPAL OFFICE PHONE NUMBER: (919) 337-1663 3. PRINCIPAL OFFICE EMAIL: Privacy Redaction

4. PRINCIPAL OFFICE STREET ADDRESS	5. PRINCIPAL OFFICE MAILING ADDRESS
<u>107 Ronsard Lane</u>	<u>107 Ronsard Lane</u>
<u>Cary, NC 27511</u>	<u>Cary, NC 27511</u>

6. Select one of the following if applicable. (Optional see instructions)
- The company is a veteran-owned small business
- The company is a service-disabled veteran-owned small business

SECTION C: COMPANY OFFICIALS (Enter additional company officials in Section E.)

NAME: <u>Edinburgh Development, LLC</u>	NAME: _____	NAME: _____
TITLE: <u>Manager</u>	TITLE: _____	TITLE: _____
ADDRESS: _____	ADDRESS: _____	ADDRESS: _____
<u>308 Edinburgh Drive</u>	_____	_____
<u>Cary, NC 27511</u>	_____	_____

SECTION D: CERTIFICATION OF ANNUAL REPORT. Section D must be completed in its entirety by a person/business entity.

<u>Edinburgh Development, LLC, by Jason M. Rapp Manager</u>	<u>3/28/2022</u>
SIGNATURE	DATE

Form must be signed by a Company Official listed under Section C of This form.

<u>Edinburgh Development, LLC, by Jason M. Rapp Manager</u>	<u>Manager</u>
Print or Type Name of Company Official	Print or Type Title of Company Official

This Annual Report has been filed electronically.

MAIL TO: Secretary of State, Business Registration Division, Post Office Box 29525, Raleigh, NC 27626-0525



LIMITED LIABILITY COMPANY ANNUAL REPORT

1/6/2022

NAME OF LIMITED LIABILITY COMPANY: Preston Farm II, LLC

SECRETARY OF STATE ID NUMBER: 2288565 STATE OF FORMATION: NC

REPORT FOR THE CALENDAR YEAR: 2022

Filing Office Use Only
E - Filed Annual Report
2288565
CA202208708305
3/28/2022 05:30
<input type="checkbox"/> Changes

SECTION A: REGISTERED AGENT'S INFORMATION

1. NAME OF REGISTERED AGENT: Rapp, Jason M

2. SIGNATURE OF THE NEW REGISTERED AGENT: _____
SIGNATURE CONSTITUTES CONSENT TO THE APPOINTMENT

3. REGISTERED AGENT OFFICE STREET ADDRESS & COUNTY	4. REGISTERED AGENT OFFICE MAILING ADDRESS
<u>107 Ronsard Lane</u>	<u>107 Ronsard Lane</u>
<u>Cary, NC 27511 Wake County</u>	<u>Cary, NC 27511</u>

SECTION B: PRINCIPAL OFFICE INFORMATION

1. DESCRIPTION OF NATURE OF BUSINESS: Real Estate Development

2. PRINCIPAL OFFICE PHONE NUMBER: (919) 337-2663 3. PRINCIPAL OFFICE EMAIL: Privacy Redaction

4. PRINCIPAL OFFICE STREET ADDRESS	5. PRINCIPAL OFFICE MAILING ADDRESS
<u>107 Ronsard Lane</u>	<u>107 Ronsard Lane</u>
<u>Cary, NC 27511</u>	<u>Cary, NC 27511</u>

6. Select one of the following if applicable. (Optional see instructions)
- The company is a veteran-owned small business
- The company is a service-disabled veteran-owned small business

SECTION C: COMPANY OFFICIALS (Enter additional company officials in Section E.)

NAME: <u>Rapp Ventures, LLC</u>	NAME: _____	NAME: _____
TITLE: <u>Manager</u>	TITLE: _____	TITLE: _____
ADDRESS: _____	ADDRESS: _____	ADDRESS: _____
<u>308 Edinburgh Drive</u>	_____	_____
<u>Cary, NC 27511</u>	_____	_____

SECTION D: CERTIFICATION OF ANNUAL REPORT. Section D must be completed in its entirety by a person/business entity.

<u>Rapp Ventures, LLC, by Jason M. Rapp Manager</u>	<u>3/28/2022</u>
SIGNATURE	DATE

Form must be signed by a Company Official listed under Section C of This form.

<u>Rapp Ventures, LLC, by Jason M. Rapp Manager</u>	<u>Manager</u>
Print or Type Name of Company Official	Print or Type Title of Company Official

This Annual Report has been filed electronically.

MAIL TO: Secretary of State, Business Registration Division, Post Office Box 29525, Raleigh, NC 27626-0525