

PLANNING STAFF REPORT

Town Council, August 13, 2015

Ten Ten Road and West Lake Road Subdivision Rezoning 15-REZ-03 (PL15-057c)

Consider action on proposed rezoning request

Speaker: Debra Grannan

From: Jeff Ulma, Planning Director

Prepared by: Debra Grannan, Senior Planner

Approved by: Benjamin T. Shivar, Town Manager

Approved by: Russ Overton, Assistant Town Manager

Executive Summary: To amend the Town of Cary Official Zoning Map by applying initial Town of Cary zoning by rezoning approximately 55.62 acres comprised of 13 separate parcels, located south of Ten Ten Road, east of Lawdraker Road and west of West Lake Road. The subject property is currently located outside Cary’s Extraterritorial Jurisdiction (ETJ) and has a Wake County zoning designation of Residential 30 (R-30). The applicant has requested a Cary zoning designation of Residential 12 Conditional Use (R-12-CU). The applicant’s proposed zoning conditions are included within this report. There is an owner-initiated Annexation Petition, case number 15-A-03, associated with the rezoning. Annexation must be approved prior to application of a Cary zoning district.

This rezoning case has an associated Consistency Statement.

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.

SUBJECT PARCELS

Property Owner(s)	County Parcel Numbers(10-digit)	Real Estate ID(s)	Deeded Acreage
Bobby G. Brock and Linda Brock 8317 Lawdraker Road Apex, NC 27539	0770046409	0141594	8.89 ±
	0770042486	0182692	1.0 ±
Sophia M. Pleasants 8301 Lawdraker Road Apex, NC 27539	0770042852	0055808	9.61 ±
Jean S. Rhodes 5120 Ten Ten Road Apex, NC 27539	0770144822	0190674	11.49 ±
	0770241914	0059604	0.87 ±
	0770241887	0190676	0.59 ±
	0770242653	0059605	3.88 ±
Thomas H. Rhodes, Jr. 5116 Ten Ten Road Apex, NC 27539	0770149651	0190675	2.66 ±
Michael S. Caron and Pamela R. Caron 3616 West Lake Road Apex, NC 27539-8616	0770243315	0331788	2.0 ±

Robert A. Prince Jr. 3628 West Lake Road Apex, NC 27539-8616	0770241181	0148855	4.32 ±
Ometra R. Prince 3640 West Lake Road Apex, NC 27539-8616	0770232787	0057282	1.45 ±
Danny Wayne and Linda P. Wise 3636 West Lake Road Apex, NC 27539	0770139736	0162745	1.01 ±
Betty P. Bertwell and Linda P. Wise 161 Circle Drive Hampstead, NC 28443-2109	0770147012	0367155	7.85 ±
Total Area			55.62 ±

BACKGROUND INFORMATION

Applicant	Bruce Herbert Reliabuilt, LLC 1210 Trinity Road Suite 102 Raleigh, NC 27607 (919) 233-3886 Ext. 352 bherbert@royaloakshomes.ocm		
Applicant's Representative	Spencer B. Terry III, PE Timmons Group 5410 Trinity Road Suite 112 Raleigh, NC 27607		
Acreage	55.62 ±		
Location	Approximately 55.62 acres located south of the 5100 block of Ten Ten Road, west of West Lake Road and east of the 8300 block of Lawdraker Road		
Schedule	Town Council Public Hearing April 21, 2015	Planning & Zoning Board Meeting June 15, 2015 Planning & Zoning Board Meeting July 20, 2015	Town Council Meeting August 13, 2015
Land Use Plan	Low Density Residential (LDR)		
Existing Zoning District	Wake County Residential 30 (R-30)		
Existing Zoning Conditions	None		
Proposed Zoning District	Residential 12 Conditional Use (R-12-CU)		
Proposed Zoning Conditions	<ol style="list-style-type: none"> 1. Use shall be limited to detached residential and neighborhood recreation. 2. Maximum number of dwelling units shall not exceed 105. 3. Maximum density shall not exceed two dwelling units per acre. 4. Average lot size shall not be less than 12,500 square feet. 5. Prior to the first certificate of occupancy of any building, the owner/developer shall provide the following improvements as described in Traffic Impact Analysis 15-TAR-393 dated January 20, 2015: <ul style="list-style-type: none"> • <u>Ten Ten Road and Lawdraker Road/Monitor Court Intersection</u> ○ Construct additional lane on north Lawdraker Road and the approach shall consist of one ingress lane, two egress lanes, an 		

exclusive left turn lane, and a shared thru/right-turn lane providing a minimum of 50 feet of full storage.

- Construct exclusive right-turn lane along east bound Ten Ten Road providing a minimum of 100 feet of full storage.

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 Ten Ten Road and Lawdraker Road, however, it is not a recommendation by the TIA on file with the Town of Cary dated April 24, 2015 (15- TAR-393). A full signal warrant analysis shall be provided by the developer or owner of the subject property prior to each subdivision plat submittal review; unless a subdivision plat is submitted for review within six (6) months of a prior subdivision plat submission. If the 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 the 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 Transportation and Facilities Department granting final acceptance of the last of public infrastructure accepted by the Town. If a signal is not warranted at the time, then the financial guarantee shall be released by the Town to the person or entity that posted the guarantee.

- Access #1 at Lawdraker Road westbound approach shall have a driveway configuration consisting of one ingress lane and one egress lane ensuring 100 feet of internal protected throat distance

Access #2 at West Lake Road Eastbound approach, shall have a driveway configuration consisting of one ingress lane and two egress lanes with an exclusive left turn lane and an exclusive right turn lane that provides 100 feet of full storage ensuring 100 feet of internal protected throat distance. In conjunction with the required Comprehensive Transportation Plan (CTP) frontage widening along West Lake Road, a southbound right-turn lane shall be constructed providing a minimum of 150 feet of full storage and an appropriate taper. The remaining portion of the required CTP widening shall be striped.

6. The rear yard setback for any lot abutting the perimeter of the subject property, with the exception of those lots abutting streetscape buffers, shall be a minimum of 30 feet.

Town Limits	The subject property is located outside the corporate limits and the Town of Cary ETJ. An owner-initiated annexation petition 15-A-03 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, a portion of the site is impacted by a stream buffer. Field determination of such features shall 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 development 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 – Detached Residential; (Wake County Residential 30) & Opposite side of Ten Ten Road, Detached Residential (R-40)

South – Detached Residential (Wake County Residential 30)

East – (opposite side of West Lake Road) Detached Residential and Agricultural (Wake County Residential 30)

West – (opposite side of Lawdraker Road) Detached Residential; (Wake County R30)

CONSISTENCY WITH LAND DEVELOPMENT ORDINANCE

Density and Dimensional Standards

	Existing Zoning District Wake County Residential 30 (R-30)	Proposed Zoning District Residential 12 Conditional Use (R-12-CU)
Max. Gross Density (du/ac)	1.45	2.0 Per Zoning Condition 3.63 Per LDO*
Min. Lot Size (sq. ft.)**	30,000 With Cluster Development: 12,000 With Open Space Development: 9,000	Per zoning Condition: Average lot size not to be less than 12,500 square feet Per LDO: 12,000 Per LDO
Minimum Lot Width (feet)	95 With Cluster or Open Space Development: 30	80 (90 for Corner Lot)

Roadway Setback (feet)	30 With Cluster or Open Space Development: 15	From thoroughfare: 50 From collector: 30 From other streets: 20
Side Yard Setback (feet)	Corner Side 15 Internal Side 5	10
Rear Yard Setback (feet)	30 With cluster or Open Space Development: 15	Per LDO: 25 By Zoning Condition: 30 for Perimeter Lots not abutting streetscape buffers
Maximum Building Height (feet)	35	35

*The Maximum Gross Density per the LDO for R-12 zoning district is 3.63 du/ac. The applicant has offered a zoning condition to limit the density to 2.0 du/ac
**Under Wake County zoning, an opportunity for reduced lot sizes exists when developing under the Cluster or Open Space Development options depending on the amount of open space dedication and whether or not the land area can sufficiently accommodate wells and septic systems.

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 landscaped area may be located within the lots and is not required to be on a separate parcel.

Streetscape

A 50-foot-wide Type-A (opaque) Streetscape shall be required for portions of the development with frontage along a thoroughfare (Ten Ten Road and West Lake Road.) A 30-foot-wide Type-A Streetscape shall be required along portions of the development with frontage along a collector avenue (Lawdraker Road.)

Traffic

Per section 3.4.1.D.3 of Cary's LDO, a traffic study is required for rezoning applications when a development is anticipated to generate 100 or more peak hour trips. The proposed single-family residential use required a traffic study. A final draft Traffic Analysis Report 15-TAR-393 was prepared by the Town's on-call traffic engineering consultant VHB, dated January 20, 2015. In accordance with the LDO, the study has a 5-year build-out period, which is year 2019. Findings of the study are as follows:

Project Description (assumed for purposes of the traffic study)

- Single Family Detached – 101 dwelling units

Trip Generation Expected

- Single Family Detached
 - 1,060 daily site trips
 - 80 a.m. peak hour trips (20 entering, 60 exiting)
 - 106 p.m. peak hour trips (67 entering, 39 exiting)

Intersections Studied

The traffic study evaluated major intersections within ½-mile of the site per LDO standards.

1. Ten Ten Road/ Lawdraker Road (unsignalized)
2. Ten Ten Road/West Lake Road (signalized)
3. Lawdraker Road/Crooked Brook Trail/Access 1 (unsignalized)
4. West Lake Road/Access 2 (unsignalized)

The study evaluated A.M. and P.M. peak hour operations at each of the intersections studied for four analysis year scenarios: Existing (2014) Conditions; Background (2019) Conditions; Build (2019) Conditions; and Build (2019) Conditions with Roadway Improvement Recommendations.

For Background (2019) Conditions, a three percent (3%) growth rate was applied to the study area roadways and intersections to account for regional growth.

The executive summary of the Traffic Analysis Report includes information on level of service reported at each intersection studied and recommendations for improvements at these intersections. No background developments were identified in the general study area that have been approved but not yet constructed.

Intersection Improvement Recommendations

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

Roadway improvements voluntarily offered by the applicant as zoning conditions

1. Intersection of Ten Ten Road and Lawdraker Road/Monitor Court

- Construct an additional lane on the northbound Lawdraker Road approach, ensuring that this approach consists of one ingress lane and two egress lanes, an exclusive left-turn lane and a shared thru/right-turn lane that provides at least 50 feet of full storage with an appropriate taper.
- Construct an exclusive right-turn lane along eastbound Ten Ten Road that provides at least 100 feet of full storage and an appropriate taper.

2. Intersection of Lawdraker Road and Access 1

- Construct the westbound Access #1 approach to provide for one ingress lane and one egress lane ensuring 100 feet of internal protected throat distance.

3. Intersection of West Lake Road and Access 2

- Construct the eastbound Access #2 approach to provide for one ingress lane and two egress lanes – an exclusive right-turn lane and an exclusive left-turn lane that provides at least 100 feet of full storage with an appropriate taper, ensuring 100 feet of internal protected throat distance.

4. Intersection of Ten Ten Road and Lawdraker Road/Monitor Court

- Install a traffic signal if signal warrants are satisfied.

5. Intersection of West Lake Road and Access 2

- Construct a southbound right turn lane that extends to Ten Ten Road; providing striping with at least 150 feet of full storage with an appropriate taper.

Improvements being considered by the Town of Cary

None

Staff Comment Regarding Improvements Offered by Applicant

None

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.

SUMMARY OF PROCESS AND ACTIONS TO DATE

Neighborhood Meeting (December 4, 2014)

The applicant conducted a neighborhood meeting on December 4, 2014 to present the rezoning request to adjacent property owners. Based on the information provided in the rezoning application, 58 neighbors

attended the meeting. The applicant reported the neighbors expressed concerns about traffic, stream protection, lot size and annexation. A full list of concerns is provided in the meeting minutes submitted by the applicant.

Notification

Notice of the public hearing on the proposed rezoning was mailed to property owners within 800 feet of the property boundaries for each parcel, published on the Town's website and posted on the subject property.

Town Council Public Hearing (April 21, 2015)

Staff presented an overview of the request. The applicant provided additional comments noting the proposed low-density development of two dwelling units per acre and the consistency of the plan with the Town's Land Use Plan. Several property owners in the vicinity expressed concern regarding the potential impacts the proposed development could have on traffic. Several adjacent property owners also requested that the applicant consider larger lot sizes and a perimeter buffer.

Changes since the Town Council Meeting

The applicant proposed no changes to the previously offered zoning conditions.

Planning and Zoning Board Meeting (June 15, 2015)

Staff presented the request and noted that no additions or changes to zoning conditions had been proposed by the applicant. Staff reported that Anna Readling, a member of Town Staff, and Gary Roth with Capital Area Preservation had inspected the two historic homes on the site. Mr. Roth determined that, due to extensive interior and exterior renovations, the homes had lost their historic significance and he had no objections to them being removed.

The applicant described the zoning conditions and traffic mitigations that had been offered and asked for support for the request. Since there were no new or revised zoning conditions since the Town Council Public Hearing, a second public hearing was not required.

Concerns expressed by some of the board members focused on lot size, perimeter buffers and traffic mitigations. Two board members felt that lots larger than 12,000 square feet would be more appropriate adjacent to the existing development where the lot sizes were between 0.69 and 1.5 acres. One board member felt that a perimeter buffer in common open space would be easier to enforce than the required landscape area on individual lots. Four of the board members stated that they felt the density was appropriate and that larger lots were not necessary since the development would be served by public utilities.

The board asked the applicant to elaborate on the proposed off-site road improvements and questioned if they were sufficient to address the traffic mitigations identified in the traffic study.

Four members of the board expressed support for the proposal, noting that the proposed density was only two dwelling units per acre and that there were no issues with preservation of the historic homes.

A motion to recommend the request for approval failed due to a tied (4 to 4) vote.

Planning and Zoning Board Meeting (July 20, 2015)

NC General Statutes require the Planning and Zoning Board to make a finding as to whether or not the request is consistent with the Comprehensive Plan. This case was presented to the board on July 20, 2015 solely to address that issue.

The Planning and Zoning Board voted 9-0 to forward the request to Town Council with the finding that the request was consistent with the Comprehensive Plan. No change was made on the previously failed motion for approval.

Changes Since the Planning and Zoning Board Meeting

The applicant has offered a new zoning condition to address a traffic mitigation regarding a traffic signal at Lawdraker Road and Ten Ten Road, and to clarify a condition regarding lane widening and striping. The applicant has also offered a condition to increase the rear yard setback for certain perimeter lots.

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

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-12-CU includes a condition that limits the use of the 55.62-acre property to a maximum gross density of two 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

Ten Ten Road is designated as a thoroughfare; 4-lane arterial section with a standard 18-foot median.

Existing Section: Varying 60 feet to 88 feet of right of way and a varying 22- to 48-foot back to back section.

Future Section: 100-foot right of way, 78-foot back to back, 18-foot median, with 14-foot-wide outside lanes.

Sidewalks: Required on both sides

Bicycle Lanes: N/A

Status of Planned Improvements: No planned improvements at this time

West Lake Road is designated as a thoroughfare; 4-lane arterial section with a standard 18-foot median.

Existing Section: Approximately 73 feet of right of way and a varying 24 feet to 33 feet back to back section.

Future Section: 100-foot right of way, 78-foot back to back 18-foot median, with 14-foot-wide outside lanes.

Sidewalks: Required on both sides

Bicycle Lanes: N/A

Status of Planned Improvements: No planned improvements at this time

Lawdraker Road is designated as a collector street.

Existing Section: 22-foot back to back and approximately 70 feet of right of way

Future Section: 60-foot right of way, 35-foot back to back, two 11-foot lanes and 4-foot bike lanes on each side

Sidewalks: Required on both sides

Bicycle Lanes: 4-foot bike lanes required on both sides

Status of Planned Improvements: No planned improvements at this time

Transit: There are no existing or proposed transit services in the immediate vicinity of the subject property

Parks, Recreation & Cultural Resources Master Plan

According to the Parks, Recreation and Cultural Resources Master Plan, a street-side trail is proposed along the subject property's Ten Ten Road frontage. Construction will be required at the time of subdivision plan review in accordance with the LDO.

A recreation fund payment or park land dedication will be required in accordance with the Land Development Ordinance. Staff has recommended that a recreation fund payment be made for this site in lieu of a land dedication.

These comments were reviewed and approved by the Town's Greenway Committee at its March 19, 2015 meeting; the comments will be reviewed by the PRCR Advisory Board at its April 2015 meeting.

Open Space Plan

According to the Open Space Plan approximately 6.5 acres near the northern and southern center of the parcels are covered in mixed hardwood/conifer forest. The plans also indicated agricultural uses on portions of the property which may or may not be currently ongoing.

Historic Preservation Master Plan

A goal of the Town's adopted 2010 Historic Preservation Master Plan is to "Preserve, protect and maintain Cary's historic resources." Two parcels in the subject assemblage each contain a house listed in the Cary Architectural and Historic Inventory.

The 9.61-acre property located at **8301 Lawdraker Road** contains a one-story, frame, triple-A house with a standing seam metal roof. A nearly full-width porch with a hipped roof spans the façade and is supported by square posts and pilasters. It appears that the original brick pier foundation has been filled in with concrete block, two shed-roofed side-porches have been enclosed, some windows have been replaced, and a rear addition added. This is a good example of early-twentieth-century vernacular architecture that is no longer as prevalent as it once was on the Wake County landscape. Real estate records provide a construction date of 1935 but this house type is often older and could date to 1910-1920. On May 4, 2015 Town staff and Capital Area Preservation staff toured the house and site with the owner. The house has been in the owner's family for three generations and the interior has been altered and adapted to meet the needs of each generation. The owner also confirmed that all of the house's original tall, early-twentieth-century windows were replaced with smaller versions in the latter part of the twentieth century. Overall, the house retains its early form, but very little of the original fabric remains.

The 1.45-acre property located at **3640 West Lake Road** contains a 1962 one-story, frame, side-gabled house with a gabled wing to the south and a gabled addition to the west. The exterior is vinyl over wood siding. This remains a common house form in Cary and Wake County.

OTHER REFERENCE INFORMATION

Schools <i>This information is being provided for your review; however, the Wake County Board of Education controls capital projects for school capacities.</i>	Type ¹	Projected Range of Additional Students ²
	Elementary School	31 – 44
	Middle School	6 – 16
High School		8 – 20
Total Projected range of additional students ²		45 - 80

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

²The *Projected Range of Additional Students* is an approximation. The actual number of students depends on variables, such as the number of bedrooms, dwelling size, and other factors. For example: a site with 105 detached, three-bedroom homes could yield 45 additional students, while 105 homes with greater than three bedroom units could yield 80 students. The basis for making this calculation is based on multipliers provide from Wake County Schools Office of Student Assignment. At rezoning, student yield cannot 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

15-REZ-03

Ten Ten Road and West Lake Road Subdivision

AN ORDINANCE TO APPLY INITIAL TOWN OF CARY ZONING TO APPROXIMATELY 55.62 ACRES LOCATED SOUTH OF TEN TEN ROAD, WEST WESTLAKE ROAD AND EAST OF LAWDRAKER ROAD BY REZONING FROM WAKE COUNTY RESIDENTIAL 30 (R-30) TO RESIDENTIAL 12 CONDITIONAL USE (R-12-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

Property Owner(s)	County Parcel Numbers(10-digit)	Real Estate ID(s)	Deeded Acreage
Bobby G. Brock and Linda Brock 8317 Lawdraker Road Apex, NC 27539	0770046409	0141594	8.89 ±
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Total Area			55.62 ±

Section 2: That this Property is rezoned from Wake County Residential 30 (R-30) to Residential 12 Conditional Use (R-12-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. Use shall be limited to detached residential and neighborhood recreation.
2. Maximum number of dwelling units shall not exceed 105.
3. Maximum density shall not exceed two dwelling units per acre.
4. Average lot size shall not be less than 12,500 square feet.
5. Prior to the first certificate of occupancy of any building, the owner/developer shall provide the following improvements as described in Traffic Impact Analysis 15-TAR-393 dated January 20, 2015:
 - **Ten Ten Road and Lawdraker Road/Monitor Court Intersection**
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 - Construct exclusive right-turn lane along east bound Ten Ten Road providing a minimum of 100 feet of full storage
 - 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 Ten Ten Road and Lawdraker Road, however, it is not a recommendation by the TIA on file with the Town of Cary dated April 24, 2015 (15-TAR-393). A full signal warrant analysis shall be provided by the developer or owner of the subject property prior to each subdivision plat submittal review; unless a subdivision plat is submitted for review within six (6) months of a prior subdivision plat submission. If the 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 the 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 Transportation and Facilities Department granting final acceptance of the last of public infrastructure accepted by the Town. If a signal is not warranted at the time, then the financial guarantee shall be released by the Town to the person or entity that posted the guarantee.

- **Access #1 at Lawdraker Road westbound approach** shall have a driveway configuration consisting of one ingress lane and one egress lane ensuring 100 feet of internal protected throat distance
 - **Access #2 at West Lake Road Eastbound approach**, shall have a driveway configuration consisting of one ingress lane and two egress lanes with an exclusive left turn lane and an exclusive right turn lane that provides 100 feet of full storage ensuring 100 feet of internal protected throat distance. In conjunction with the required Comprehensive Transportation Plan (CTP) frontage widening along West Lake Road, a southbound right-turn lane shall be constructed providing a minimum of 150 feet of full storage and an appropriate taper. The remaining portion of the required CTP widening shall be striped.
6. The rear yard setback for any lot abutting the perimeter of the subject property, with the exception of those lots abutting streetscape buffers, shall be a minimum of 30 feet.

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

Adopted and effective: August 13, 2015

Harold Weinbrecht, Jr.
Mayor

Date