

**Town of Cary, North Carolina
Rezoning Staff Report
13-REZ-17 Meacham Property at Cary Park
Town Council Meeting
January 9, 2014**

REQUEST

To amend the Town of Cary Official Zoning Map by rezoning approximately 15.05 acres located at the northeast corner of the Green Level Church Road and Carpenter Fire Station Road intersection from Residential 40 (R-40) to Mixed Use District (MXD) subject to conditions specified on an associated Preliminary Development Plan (PDP). The PDP proposes development of up to 85,000 square feet of commercial floor area.

NOTE: The purpose of the rezoning is to determine whether or not the land uses and densities allowed in the proposed zoning district are appropriate for the site. Technical design standards of the Land Development Ordinance are addressed during review of the site or subdivision plan and can be found at <http://www.amlegal.com/library/nc/cary.shtml>.

SUBJECT PARCELS

Property Owner(s)	County Parcel Number(s) (10-digit)	Real Estate ID(s)	Deeded Acreage
Cleo D. Meacham Rory D. Meacham Sonya Meacham Burton	0725942781	0046545	14.44 ±
	0725940490	0046544	0.63 ±
Total Area			15.07 ±

BACKGROUND INFORMATION

Applicant	William C. Lloyd, R.K.M. Development Corp		
Agent	Glenda Toppe, Glenda S. Toppe & Associates		
Acreage	15.07 ±		
General Location	Northeast corner of the Green Level Church Road and Carpenter Fire Station Road intersection		
Schedule	Public Hearing November 21, 2013	Planning & Zoning Board December 16, 2013	Town Council January 9, 2014
Land Use Plan Designation	Commercial (COM); Parks and Open Space (PKS/OS)		
Existing Zoning District(s)	Residential 40 (R-40); Mixed Use Overlay District (MUOD) (Cary Park sub-area); Watershed Overlay District (Jordan Lake Subarea)		
Existing Zoning Conditions	None		
Proposed Zoning District(s)	Mixed Use District (MXD) with Preliminary Development Plan (PDP) Mixed Use Overlay District (MUOD) (Cary Park sub-area); Watershed Overlay District (Jordan Lake Subarea)		
Proposed Zoning Conditions	See Preliminary Development Plan – Cover Sheet Concept Plan		
Town Limits	The subject property is located outside the Town's corporate limits but inside the Town of Cary ETJ. Annexation will be required prior to site plan approval.		
Valid Protest Petition	No protest petition was submitted.		
Staff Contact	Mary Beerman, AICP (919) 469-4342 mary.beerman@townofcary.org		

SITE CHARACTERISTICS

Streams: According to Cary's GIS maps, stream buffers impact the northern and eastern portion of the site. Field determination of such features will be required at the time of site plan review.

Floodplain: According to the Towns GIS maps, floodplain area associated with Morris Branch impacts the northern boundary of the site. Field determination of such features will be made at the time of site plan review.

Existing Land Use:

An existing single-family home is located at the southwest corner of the site. A grading plan for soil stockpile was approved for a portion of the remainder of the property. That portion of the site has been graded and seeded in accordance with the approved grading plan.

Adjacent Zoning and Land Use:

North – Planned Development District , Major (PDD, Major); open space

South – Planned Development District , Major (PDD, Major) (*opposite side of Carpenter Fire Station Road*); Cary Park Town Center

East – Planned Development District , Major (PDD, Major); day care, Camden Park townhomes

West – Residential 40 (R-40) (*opposite side of Green Level Church Road*)

CONSISTENCY WITH LAND DEVELOPMENT ORDINANCE

Land Use

In the Mixed Use Overlay District, permitted land uses are as specified on the associated Preliminary Development Plan (PDP). The proposed PDP associated with this rezoning request includes the following:

Development Parcel	Max. No. of Buildings	Range of Building Square Footage
A	1	9,000 – 16,000
B	1	3,000 – 10,000
C	1	3,000 – 10,000
D	1	3,000 – 10,000
E	4	15,000 – 40,000

Dimensional Standards

In the Mixed Use Overlay District, dimensional standards are as specified on the Preliminary Development Plan (PDP). The proposed PDP associated with this rezoning request includes the following:

Building Setbacks	
From public streets	30'
From private streets	15'
From Buffers/Streetscapes	10' for buildings, 5' for vehicular use areas

Landscape Buffer

One-half of a 40-foot type B (semi-opaque) buffer is required along the eastern property line adjacent to the existing townhome development and day care facility. The PDP shows a 20-foot buffer, in compliance with this requirement.

Streetscape

A 30-foot Type A (opaque) streetscape is required along Green Level Church Road and Carpenter Fire Station Road. The PDP shows a 30-foot streetscape in compliance with this requirement.

Building Placement

At the intersection of thoroughfares and/or collector streets, parking spaces are allowed between the building and street only where the floor elevation of the building is 10 feet or more below the grade of the adjoining street. The existing grade at the building location shown for commercial area "A" is at or above road grade. Site development based on the existing grades would require redesign of commercial area "A" to remove the parking between the building and the street, and potentially bring the building closer to the street. In order to locate the building and parking area shown on the PDP, the grading plan component of the site plan will need to show that the building on commercial area "A" is at least 10 feet below street level.

Traffic

The applicant is proposing to rezone the property to MXD. The proposed commercial development is expected to be built out by 2015. Traffic Analysis Report 13-TAR-364 was prepared by the Town's on-call traffic engineering consultant Ramey Kemp in June 2013. Findings of the study are as follows:

Project Description

- Grocery Store – 54,000 sq. ft.
- General Shops – 7,350 sq. ft.
- Pharmacy with Drive-Thru – 14,820 sq. ft.
- Bank with Drive-Thru – 3,200 sq. ft.
- Bank with Drive-Thru – 3,200 sq. ft.
- Fast Food Restaurant with Drive-Thru – 3,750 sq. ft.
- Fast Food Restaurant with Drive-Thru – 3,750 sq. ft.

Trip Generation

- 12,155 daily site trips
- 693 a.m. peak hour trips (381 entering, 312 exiting)
- 1,274 p.m. peak hour trips (645 entering, 629 exiting)

Intersections Studied

- Green Level Church Road and Mills Park Drive
- Green Level Church Road and Cary Glen Boulevard
- Green Level Church Road and Carpenter Fire Station
- Green Level Church Road and McCrimmon Parkway
- Green Level Church Road and Weycroft Avenue
- Green Level Church Road and Hortons Creek Road
- Carpenter Fire Station Road and Cary Reserve Drive
- Carpenter Fire Station Road and Cary Glen Boulevard
- McCrimmon Parkway and Yates Store Road
- McCrimmon Parkway and Cary Glen Boulevard
- Cary Glen Boulevard and Courtland View Lane
- Green Level Church Road and Site Drive 1
- Green Level Church Road and Site Drive 2
- Green Level Church Road and Site Drive 3
- Green Level Church Road and Site Drive 4

Level of Service Summary

INTERSECTION		Existing 2012		Background 2015		Combined 2015		Combined 2015 with Improvements	
		AM	PM	AM	PM	AM	PM	AM	PM
GLCR & Mills Park Dr.	EB	C	B	C	B	C	C	No Improvements Necessary	
	WB	C	C	D	C	D	C		
	NB	C	B	C	B	C	B		
	SB	B	B	B	B	B	B		
	Overall	C	B	C	B	C	B		
GLCR & Cary Glen Blvd	EB	B	A	B	A	B	B	No Improvements Necessary	
	WB	A	B	A	B	A	B		
	NB	A	A	B	A	B	A		
	SB	A	B	B	B	B	B		
	Overall	B	A	B	B	B	B		
GLCR & Carpenter Fire Station Rd.	EB	C	C	C	C	C	C	No Improvements Necessary	
	WB	C	C	C	C	C	C		
	NB	C	C	C	C	C	C		
	SB	B	C	B	C	C	C		
	Overall	C	C	C	C	C	C		
GLCR & McCrimmon Pkwy	EB	B	B	B	B	B	B	No Improvements Necessary	
	WB	B	B	B	B	B	B		
	NB	B	B	B	B	B	B		
	SB	B	B	B	C	B	C		

	Overall	B	B	B	B	B	C		
GLCR & Weycroft Ave.	EB	B ²	B ²	B ²	C ²	B ²	C ²	No Improvements Necessary	
	NB	A ¹	A ¹	A ¹	A ¹	A ¹	A ¹		
	SB	-	-	-	-	-	-		
	Overall	N/A	N/A	N/A	N/A	N/A	N/A		
GLCR & Hortons Creek Rd.	EB	B ²	B ²	B ²	C ²	C ²	C ²	No Improvements Necessary	
	WB	B ²	C ²	C ²	C ²	C ²	C ²		
	NB	A ¹	A ¹	A ¹	A ¹	A ¹	A ¹		
	SB	A ¹	A ¹	A ¹	A ¹	A ¹	A ¹		
	Overall	N/A	N/A	N/A	N/A	N/A	N/A		
CFSR & Cary Reserve Dr.	EB	--	--	--	--	--	--	No Improvements Necessary	
	WB	A ¹	A ¹	A ¹	A ¹	A ¹	A ¹		
	NB	A ²	A ²	A ²	A ²	B ²	B ²		
	SB	A ²	A ²	A ²	B ²	A ²	B ²		
	Overall	N/A	N/A	N/A	N/A	N/A	N/A		
CFSR & Cary Glen Blvd.	EB	A ¹	A ¹	A ¹	A ¹	A ¹	A ¹	C	C
	WB	A ¹	A ¹	A ¹	A ¹	A ¹	A ¹	C	B
	NB	B ²	B ²	C ²	C ²	C ²	C ²	C	C
	SB	C ²	C ²	E ²	E ²	E ²	E ²	C	C
	Overall	N/A	N/A	N/A	N/A	N/A	N/A	C	C
McCrimmon Prky & Yates Store Rd.	EB	B ²	B ²	B ²	B ²	B ²	B ²	No Improvements Necessary	
	WB	B ²	B ²	B ²	B ²	B ²	B ²		
	NB	A ¹	A ¹	A ¹	A ¹	A ¹	A ¹		
	SB	A ¹	A ¹	A ¹	A ¹	A ¹	A ¹		
	Overall	N/A	N/A	N/A	N/A	N/A	N/A		
McCrimmon Prky & Cary Glen Blvd.	EB	-	-	-	-	-	-	No Improvements Necessary	
	WB	A ¹	A ¹	A ¹	A ¹	A ¹	A ¹		
	NB	B ²	B ²	B ²	B ²	B ²	B ²		
	Overall	N/A	N/A	N/A	N/A	N/A	N/A		
Cary Glen Blvd & Courtland View Ln.	WB	B ²	B ²	B ²	B ²	B ²	B ²	No Improvements Necessary	
	NB	A ¹	A ¹	A ¹	A ¹	A ¹	A ¹		
	SB	-	-	-	-	-	-		
	Overall	N/A	N/A	N/A	N/A	N/A	N/A		
GLCR & Site Drive 1	WB	-	-	-	-	A ²	B ²	No Improvements Necessary	
	NB	-	-	-	-	-	-		
	SB	-	-	-	-	-	-		
	Overall	N/A	N/A	N/A	N/A	N/A	N/A		
GLCR & Site Drive 2	WB	-	-	-	-	C ²	F ²	C	C
	NB	-	-	-	-	-	-	B	C
	SB	-	-	-	-	B ¹	A ¹	B	B
	Overall	N/A	N/A	N/A	N/A	N/A	N/A	B	C
GLCR & Site Drive 4	EB	-	-	-	-	A ¹	A ¹	No Improvements Necessary	
	WB	-	-	-	-	-	-		
	SB	-	-	-	-	B ²	B ²		
	Overall	N/A	N/A	N/A	N/A	N/A	N/A		

1. Level of service for left turn movement on major approach.

2. Level of service for minor approach.

Roadway Mitigation Findings

To improve intersections and allow for safe circulation, the following mitigation findings were developed.

- **Carpenter Fire Station and Cary Glen Boulevard (A zoning condition has been offered by the applicant to provide a partial payment for this suggested improvement)**
 - Install a traffic signal
- **Green Level Church Road and Site Driveway 1 (RIRO) (A zoning condition has been offered by the applicant to construct this suggested improvement)**
 - Construct the NB right turn lane on Green Level Church Road with 100 feet of storage and appropriate deceleration and taper length.

- Construct Site Driveway 1 as a right-in/right-out intersection with one inbound and one outbound right-turn lane.
- **Green Level Church Road and Site Driveway 2 (Full Access) (A zoning condition has been offered by the applicant to construct this suggested improvement with the exception agreed upon by staff and elaborated on in the Staff Findings section below)**
 - Install a signal.
 - Construct a NB right turn lane on Green Level Church Road with 100 feet of storage and appropriate deceleration and taper length.
 - Construct a NB u-turn lane on Green Level Church Road with 200 feet of storage and appropriate deceleration and taper length.
 - Construct a SB left turn lane on Green Level Church Road with 200 feet of storage and appropriate deceleration and taper length.
 - Construct a Site Driveway 2 with one inbound lane and two outbound lanes (one left turn lane and one right turn lane). The three lane section should extend to the internal intersection approximately 150 to 200 feet.
- **Carpenter Fire Station Road and Site Driveway 3 (RIRO) (A zoning condition has been offered by the applicant to construct this suggested improvement)**
 - Construct Site Driveway as one inbound lane.
 - Construct the exclusive right turn lane on Carpenter Fire Station with 50 feet of storage and appropriate deceleration and taper length.
- **Carpenter Fire Station Road and Site Driveway 4 (Left-over) (A zoning condition has been offered by the applicant to construct this suggested improvement)**
 - Construct Site Driveway as a left-over intersection with one inbound and one outbound right turn lane.
 - Provide an exclusive left turn lane on Carpenter Fire Station with a minimum of 100 feet of storage and appropriate deceleration and taper length.

Staff Findings

The applicant requested that staff and the consultant look into the request to reduce a NB u-turn lane on Green Level Church Road from 200 feet to 100 feet at Access #4. Staff looked into this request with the consultant, and agrees that a 100-foot u-turn lane would suffice since the Synchro analysis shows that the 95% queue anticipated is 73 feet in the PM peak and the AM peak is 41 feet.

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.

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.

SUMMARY OF PROCESS AND ACTIONS TO DATE

Neighborhood Meeting

According to the applicant, a neighborhood meeting for the proposed rezoning was held on August 12, 2013. According to the information submitted by the applicant, three residents attended the meeting. According to the meeting minutes, resident questions and concerns related to the proposed uses and connectivity into the Camden Park townhome community to the east.

Notification

On November 5, 2013, 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 November 6 and 13, 2013. Notice of the public hearing was posted on the property November 6, 2013.

Town Council Public Hearing (November 21, 2013)

There were no speakers at the public hearing other than the applicant. Council members expressed a desire for a design that is more integrated with the adjoining neighborhood to the east. There were also questions regarding topographic constraints on site on the opposite side of Green Level Church Road that could inhibit

access to the proposed traffic signal at the full-movement (northernmost) access point on the subject property.

Planning and Zoning Board Meeting (December 16, 2013)

The Planning and Zoning Board discussed the request and recommended approval by a vote of 8-0.

CRITERIA FOR CONSIDERATION IN REVIEWING REZONINGS

Section 3.4.1(E) of the Land Development Ordinance sets forth the following criteria that should be considered in reviewing rezonings:

1. The proposed rezoning corrects an error or meets the challenge of some changing condition, trend or fact;
2. The proposed rezoning is consistent with the Comprehensive Plan set forth in Section 1.3 (LDO);
3. The Town and other service providers will be able to provide sufficient public safety, educational, recreational, transportation and utility facilities and services to the subject property while maintaining sufficient levels of service to existing development;
4. The proposed rezoning is unlikely to have significant adverse impacts on the natural environment, including air, water, noise, stormwater management, wildlife and vegetation;
5. The proposed rezoning will not have significant adverse impacts on property in the vicinity of the subject tract;
6. The proposed zoning classification is suitable for the subject property.

APPLICABLE COMPREHENSIVE OR AREA PLAN REQUIREMENTS

Land Use Plan

The Northwest Area Plan is the governing document for the subject property. The land use designation for the subject parcels is Commercial (COM). Commercial areas typically include shopping centers, general retailers, specialty shops, and other similar uses. This designation was recently requested and approved as per a Comprehensive Plan Amendment, case 12-CPA-07, Meacham Property. A portion of the subject property, located along the western and northern edges, is also designated at Parks/Open Space (PKS/OS).

The table below lists existing nonresidential and residential development, potential buildout (for subject parcels and vacant parcels), and the totals of these two columns. The information in this table is for the entire Cary Park Mixed Use Center. The recommended characteristics of community-sized mixed use centers are included for comparison to the total of existing and potential development.

Cary Park Community Mixed Use Center				
Land Use	Existing	Potential Buildout	Total	Recommended General Characteristics
Commercial/Retail	93,476 sq. ft.	100,000 – 200,000 sq. ft.	195,000 – 300,000 sq. ft.	250,000 – 600,000 sq. ft.
Office/Institutional	14,622 sq. ft.	60,000 – 150,000 sq. ft.	90,000 – 180,000 sq. ft.	250,000 – 650,000 sq. ft.
Other (not included above)	15,346 sq. ft.			
Medium Density Residential	66	150 - 250	1,000 – 1,400	625 – 1565 units (1 ¼ per 1,000 sq. ft. nonresidential space)
High Density Residential	446	350 - 650		

Analysis: This rezoning request is consistent with the Town of Cary's Northwest Area Plan. Additional commercial services developed on the subject property have the potential to complement existing and future medium and high density residential development by providing these services within walking distance of dwelling units. The recommended amount of residential development is currently met within this center, and there is room for additional nonresidential floorspace while still maintaining a balance of residential and nonresidential development.

Growth Management Plan

The Growth Management Plan includes the following Guiding Principles that may be relevant to this case:

1. Guiding Principle R1: Ensure that adequate infrastructure and services are available concurrently with new development.
2. Guiding Principle L1: Concentrate growth near existing and planned employment centers and available and planned infrastructure to minimize costly service-area extensions.
3. Guiding Principle L2: Ensure that future growth protects sensitive natural resources and protects open space.
4. Guiding Principle A1: Increase permitted densities in preferred growth areas to encourage desired forms of development.

Analysis: Infrastructure and services are available near the subject property; the Cary Park Community Mixed Use Center is a preferred growth area.

Affordable Housing Plan

The Affordable Housing Plan includes the following goal that may be relevant to this case:

1. Encourage the location of high density housing within walking and convenient commuting distance of employment, shopping, and other activities, or within a short walk of a bus or transit stop, through "mixed use" developments, residences created on the upper floors of nonresidential downtown buildings, and other creative strategies.

Analysis: Additional services provided within walking distance of existing and future high density housing in the Cary Park Community Mixed Use Center has the potential to support the goals of the Affordable Housing Plan.

Comprehensive Transportation Plan Carpenter Fire Station Road

Road Classification: Major Thoroughfare

Existing Section: Approximately 110-foot ROW; 2-3 lanes

Future Section: 4-lane with landscaped median; 100-foot ROW

Sidewalks: Required on both sides; partially existing on the south side

Bicycle Lanes: 14-foot-wide outside lanes required

Status of Planned Improvements: N/A

Green Level Church Road

Road Classification: Major Thoroughfare

Existing Section: Approximately 130-foot ROW; 2 lanes

Future Section: 4-lane with landscaped median; 100-foot ROW

Sidewalks: Required on both sides

Bicycle Lanes: 14-foot-wide outside lanes required

Status of Planned Improvements: N/A

Transit: The nearest available transit service is provided by Triangle Transit Route #311 on NC Hwy 55, approximately 1.5 miles east of the site. Long range projections for future C-Tran routes include the possibility of future C-Tran service along Green Level Church Road, adjacent to the site. However, the precise location of future routes has not been determined.

Parks, Recreation & Cultural Resources Facilities Master Plan

According to the Parks, Recreation and Cultural Resources Facilities Master Plan a street-side trail is proposed along the subject property frontage on Green Level Church Road. This Street-Side Trail is being constructed as part of Town capital project ST-1085. No residential development is proposed per the PDP, so no recreation fund payment would apply.

Open Space Plan

According to the Open Space Plan there is an approximate 2.5-acre area of mixed hardwood/conifer forest on the northern end of the property.

Historic Preservation Master Plan

The subject properties do not contain any known historic resources.

STAFF EVALUATION - CONSISTENCY WITH THE DESIGN GUIDELINES FOR MIXED USE CENTERS

Staff makes the following observations regarding the Mixed Use Center Design Principles, the foundation for the Town of Cary Site Design Standards:

Create a Sense of Place: The proposed building placement frames the mixed use center intersection corner and creates frontage on major roads as well as internal streets. The main internal intersection will include pedestrian amenities, and the community gathering space will also be a focal point to contribute to this development's sense of place.

Create Human Scale: The proposed placement, architectural features, and massing of buildings will help meet this requirement.

Connect Uses: Vehicular and pedestrian connections are provided into and within this site, and connect to public sidewalks along Carpenter Fire Station Road and Green Level Church Road, and to the adjacent townhome development.

Provide Transitions: Transitions are created through building placement and landscape buffers.

Reduce Parking Impacts: The parking area is broken into smaller areas with ample landscape areas.

Plan for Pedestrians, Bicyclists, and Transit Users: Pedestrian circulation is provided into and within the Cary Park Collection preliminary development plan. A future C-Tran route service is proposed on Green Level Church Road.

Provide Open Space: Community gathering spaces will be provided within the site. Stormwater BMPs will be designed as site amenities.

STAFF OBSERVATION

On sites located at the intersections of thoroughfares and/or collectors, no parking is allowed between a non-residential building and the street, unless the floor elevation of the building is at least 10 feet lower than the elevation of the adjacent street (*see Section 7.8.2(G)(6) of the LDO below*).

The proposed preliminary development plan shows parking on development area "A" (*which is located at the corner of Green Level Church Road and Carpenter Fire Station Road*) between the proposed building and the street. Currently, the elevation at the location of the proposed building on area "A" is higher, not lower, than the level of the adjacent streets, and thus the preliminary development plan does not comply with this requirement.

The applicant has indicated that the grading to be shown on the site plan submittal will include lowering the grades adjacent to the intersection, such that the building will be 10 feet below the level of the street. Staff notes that lowering the grades below street level in order to allow parking between the building and the street is not consistent with the intent of Section 7.8.2(G)(2).

LDO Section 7.8.2 Off-Street Parking Space Requirements

(G) *Design and Location of Parking Areas/Stacking Spaces* (underline below added for emphasis)

(6) The visibility of parking areas shall be reduced by placing at least thirty (30) percent of the parking to the rear or side of buildings for all non-residential developments greater than five (5) acres. An alternative to this requirement is to screen the parking from the public roadway with a Type A streetscape and/or berm. No parking is allowed between non-residential buildings and the right-of-way for individual buildings located on sites at the intersection of thoroughfares and/or collectors designated on the Cary Comprehensive Transportation Plan unless the building floor elevation is ten (10) feet or more below the grade of the adjacent roadway.

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

13-REZ-17 Meacham Property at Cary Park

AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE TOWN OF CARY TO CHANGE THE ZONING OF 15.07 ACRES LOCATED AT THE NORTHEAST CORNER OF THE GREEN LEVEL CHURCH ROAD AND CARPENTER FIRE STATION ROAD INTERSECTION BY REZONING FROM RESIDENTIAL 40 (R-40) TO MIXED USE DISTRICT (MXD) TO ALLOW UP TO 85,000 SQUARE FEET OF COMMERCIAL FLOOR AREA IN ACCORDANCE WITH AN ASSOCIATED PRELIMINARY DEVELOPMENT PLAN.

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 Number(s) (10-digit)	Real Estate ID(s)	Deeded Acreage
Cleo D. Meacham Rory D. Meacham Sonya Meacham Burton	0725942781	0046545	14.44 ±
	0725940490	0046544	0.63 ±
Total Area			15.07 ±

Section 2: That this Property is rezoned from R-40 to MXD subject to the individualized development conditions set forth in the "Cary Park Collection" Preliminary Development Plan" on file in the Planning Department, and to 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 general welfare, and accepted and approved by the Town are set forth in the "Cary Park Collection Preliminary Development Plan" approved by the Town Council as of this date and on file in the Planning Department.

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

Adopted and effective: January 9, 2014

Harold Weinbrecht, Jr.
Mayor

Date