

**Town of Cary, North Carolina
Rezoning Data Sheet
12-REZ-08 Renaissance Cottages at Regency
Town Council Meeting
August 9, 2012**

REQUEST

To amend the Town of Cary Official Zoning Map by amending Tract 5 of the previously-approved Regency Park Planned Development District (PDD) to increase the number of residential units allowed from 114 to 137 single-family dwellings.

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)	Property Address	County Parcel Number(s) (10-digit)	Real Estate ID(s)	Deeded Acreage
Regency Investment Group LLC	0 Angelica Cir	0751686617	0406081	0.29
Regency Investment Group LLC	0 Angelica Cir	0751684765	0380033	0.02
Regency Investment Group LLC	0 Angelica Cir	0751688952	0406098	0.33
Regency Investment Group LLC	0 Angelica Cir	0751794265	0380062	1.54
Regency Investment Group LLC	0 Angelica Cir	0751685805	0406096	0.03
Regency Investment Group LLC	0 English Cottage Ln	0751686998	0380032	0.06
Regency Investment Group LLC	535 Angelica Cir	0751791237	0406117	0.28
Regency Investment Group LLC	549 Angelica Cir	0751791335	0406107	0.11
Regency Investment Group LLC	551 Angelica Cir	0751791303	0406106	0.10
Regency Investment Group LLC	553 Angelica Cir	0751790371	0406105	0.10
Regency Investment Group LLC	555 Angelica Cir	0751790239	0406102	0.10
Regency Investment Group LLC	557 Angelica Cir	0751790208	0406101	0.10
Regency Investment Group LLC	559 Angelica Cir	0751699276	0406100	0.09
Regency Investment Group LLC	561 Angelica Cir	0751699235	0406099	0.10
Regency Investment Group LLC	603 Angelica Cir	0751698220	0406094	0.10
Regency Investment Group LLC	605 Angelica Cir	0751697199	0406093	0.09
Regency Investment Group LLC	607 Angelica Cir	0751697157	0406092	0.09
Regency Investment Group LLC	609 Angelica Cir	0751697126	0406091	0.09
Regency Investment Group LLC	611 Angelica Cir	0751696185	0406090	0.09
Regency Investment Group LLC	613 Angelica Cir	0751696154	0406089	0.10
Regency Investment Group LLC	615 Angelica Cir	0751696113	0406088	0.10
Regency Investment Group LLC	617 Angelica Cir	0751695171	0406087	0.12
Regency Investment Group LLC	619 Angelica Cir	0751695110	0406095	0.16
Regency Investment Group LLC	623 Angelica Cir	0751695014	0406086	0.12
Regency Investment Group LLC	625 Angelica Cir	0751695010	0406085	0.09
Regency Investment Group LLC	627 Angelica Cir	0751685916	0406084	0.09
Regency Investment Group LLC	629 Angelica Cir	0751685912	0406083	0.10
Regency Investment Group LLC	631 Angelica Cir	0751685818	0406082	0.10
Venezie, Ronald D & Michelle A	646 Angelica Cir	0751686522	0406068	0.10
Regency Investment Group LLC	648 Angelica Cir	0751686563	0406069	0.11
Regency Investment Group LLC	652 Angelica Cir	0751687524	0406080	0.11
Regency Investment Group LLC	654 Angelica Cir	0751687556	0406079	0.10

Regency Investment Group LLC	656 Angelica Cir	0751687588	0406078	0.10
Foreverhome LLC	700 Angelica Cir	0751688620	0406077	0.10
Regency Investment Group LLC	701 Angelica Cir	0751687713	0406070	0.11
Regency Investment Group LLC	702 Angelica Cir	0751688652	0406065	0.10
Regency Investment Group LLC	703 Angelica Cir	0751687736	0406071	0.12
Regency Investment Group LLC	704 Angelica Cir	0751688675	0406064	0.10
Regency Investment Group LLC	705 Angelica Cir	0751687777	0406072	0.10
Regency Investment Group LLC	706 Angelica Cir	0751689607	0406063	0.10
Regency Investment Group LLC	707 Angelica Cir	0751688709	0406073	0.10
Regency Investment Group LLC	708 Angelica Cir	0751689639	0406054	0.10
Regency Investment Group LLC	709 Angelica Cir	0751688832	0406074	0.10
Regency Investment Group LLC	710 Angelica Cir	0751689771	0406053	0.11
Regency Investment Group LLC	711 Angelica Cir	0751688864	0406075	0.11
Foreverhome LLC	715 Angelica Cir	0751689817	0406076	0.13
Mitchell, Stephen T & Sydney	716 Angelica Cir	0751780745	0406052	0.13
Regency Investment Group LLC	717 Angelica Cir	0751689940	0406055	0.11
Foreverhome LLC	718 Angelica Cir	0751780778	0406051	0.11
Foreverhome LLC	719 Angelica Cir	0751689982	0406056	0.11
Foreverhome LLC	720 Angelica Cir	0751781801	0406050	0.11
Bald Eagle Land Development, LLC	721 Angelica Cir	0751780915	0406057	0.11
Bald Eagle Land Development, LLC	722 Angelica Cir	0751781834	0406049	0.10
Bald Eagle Land Development, LLC	723 Angelica Cir	0751780948	0406058	0.10
Bald Eagle Land Development, LLC	724 Angelica Cir	0751781857	0406048	0.11
Bald Eagle Land Development, LLC	725 Angelica Cir	0751790071	0406059	0.13
Bald Eagle Land Development, LLC	726 Angelica Cir	0751781980	0406047	0.11
Foreverhome LLC	728 Angelica Cir	0751782913	0406046	0.11
Foreverhome LLC	730 Angelica Cir	0751782946	0406045	0.11
Bald Eagle Land Development, LLC	732 Angelica Cir	0751792060	0406044	0.11
Neri, Bruce P & Barbara P	736 Angelica Cir	0751793011	0365347	0.12
Burton, Anne M/TR	738 Angelica Cir	0751793052	0365346	0.12
Deloso, Joaquin & Joanne M	740 Angelica Cir	0751794012	0365345	0.19
Gentzler, George L Jr & Conlon, Mary E	744 Angelica Cir	0751794083	0365343	0.13
Wright, Kathy Ann	746 Angelica Cir	0751795034	0365342	0.12
Asrican, Stephen H & Betsey	748 Angelica Cir	0751795074	0365341	0.12
Jones, Laurence G & Brenda J	750 Angelica Cir	0751796027	0365340	0.13
Foreverhome LLC	804 Angelica Cir	0751797210	0365337	0.15
Bald Eagle Land Development, LLC	806 Angelica Cir	0751797234	0365336	0.12
Hudson, Arpie K & WilliamL	808 Angelica Cir	0751797249	0365335	0.11
Nelli, Patrice C	810 Angelica Cir	0751797363	0365334	0.12
Smith, Judith G & James F	812 Angelica Cir	0751797378	0365333	0.11
Riley, Michael TRUSTEE	814 Angelica Cir	0751798403	0365332	0.18
Pickett, Howard C	818 Angelica Cir	0751798419	0365331	0.15
Carney, Thomas Dale & Ann F	820 Angelica Cir	0751798514	0365330	0.13
Bookman, Mark & Marsha	822 Angelica Cir	0751798509	0365329	0.15
Regency Investment Group LLC	1300 English Cottage Ln	0751794584	0406118	0.06
Esteller & Co	1303 English Cottage Ln	0751796507	0380054	0.13
Regency Investment Group LLC	1305 English Cottage Ln	0751796513	0380055	0.11
Foreverhome LLC	1307 English Cottage Ln	0751796418	0380056	0.15
McFaul, Carol B	1311 English Cottage Ln	0751795369	0380057	0.14
Regency Investment Group LLC	1312 English Cottage Ln	0751794552	0406116	0.11
Viehe, Mary L	1313 English Cottage Ln	0751795337	0380058	0.12
Regency Investment Group LLC	1314 English Cottage Ln	0751794510	0406115	0.10
Skulavik, Patricia Yabes & Daniel	1315 English Cottage Ln	0751794395	0380059	0.12
Regency Investment Group LLC	1316 English Cottage Ln	0751793488	0406114	0.10
Pruter, Robert	1317 English Cottage Ln	0751794363	0380060	0.12

Foreverhome LLC	1318 English Cottage Ln	0751793456	0406113	0.10
Avery, Scott A & Amy	1319 English Cottage Ln	0751794320	0380061	0.12
Regency Investment Group LLC	1320 English Cottage Ln	0751793424	0406112	0.10
Howerton Dennis	1321 English Cottage Ln	0751793298	0380035	0.11
Foreverhome LLC	1322 English Cottage Ln	0751792492	0406111	0.10
Becher, Patricia A & Clifford E	1323 English Cottage Ln	0751793266	0380036	0.11
Foreverhome LLC	1324 English Cottage Ln	0751792450	0406110	0.10
Regency Investment Group LLC	1326 English Cottage Ln	0751792328	0406109	0.10
Murphy, Thomas Matthew & Judith Ann	1327 English Cottage Ln	0751793203	0380037	0.13
Regency Investment Group LLC	1328 English Cottage Ln	0751791396	0406108	0.11
Anastos, Joyce	1329 English Cottage Ln	0751792271	0380038	0.11
Ballweg James M & Julie F	1331 English Cottage Ln	0751792139	0380039	0.11
Simonds, John D Jr & Therese	1333 English Cottage Ln	0751792108	0380040	0.11
Foreverhome LLC	1335 English Cottage Ln	0751791166	0380041	0.11
Tomczak, Thomas S	1337 English Cottage Ln	0751791134	0380042	0.12
Wyckoff, Elita	1339 English Cottage Ln	0751790192	0380043	0.12
Regency Investment Group LLC	1343 English Cottage Ln	0751790131	0380044	0.09
Regency Investment Group LLC	1345 English Cottage Ln	0751790009	0380045	0.09
Regency Investment Group LLC	1347 English Cottage Ln	0751699077	0380046	0.11
Regency Investment Group LLC	1349 English Cottage Ln	0751699036	0380047	0.10
Regency Investment Group LLC	1351 English Cottage Ln	0751699005	0380048	0.10
Regency Investment Group LLC	1353 English Cottage Ln	0751698063	0380049	0.10
Regency Investment Group LLC	1355 English Cottage Ln	0751698032	0380050	0.10
Regency Investment Group LLC	1357 English Cottage Ln	0751697090	0380051	0.10
Regency Investment Group LLC	1359 English Cottage Ln	0751697040	0380052	0.12
Regency Investment Group LLC	1360 English Cottage Ln	0751697120	0406097	0.27
Regency Investment Group LLC	1365 English Cottage Ln	0751687914	0380021	0.12
Regency Investment Group LLC	1367 English Cottage Ln	0751687901	0380022	0.10
Regency Investment Group LLC	1369 English Cottage Ln	0751687807	0380023	0.11
Regency Investment Group LLC	1371 English Cottage Ln	0751686883	0380026	0.12
Stokes, Alan & Ivy	1373 English Cottage Ln	0751686746	0380027	0.15
Regency Investment Group LLC	1375 English Cottage Ln	0751686705	0380028	0.11
Regency Investment Group LLC	1377 English Cottage Ln	0751685764	0380029	0.10
Regency Investment Group LLC	1379 English Cottage Ln	0751685724	0380030	0.11
Regency Investment Group LLC	1381 English Cottage Ln	0751684784	0380031	0.11
Dermer, Lynn	1402 Bramante Pl	0751796069	0365339	0.13
Hodges, Carolyn Hardee	1404 Bramante Pl	0751797019	0365338	0.12
Regency Investment Group LLC	14000 Regency Pky	0751689418	0406119	22.32
Total Area				38.1

PROJECT SUMMARY

The subject property is identified as Tract 5 in the Regency Park PDD Land Use and Circulation Plan, dated December 10, 2004, and is located on the west side of Regency Parkway south of US-1. The PDD document allows development of up to 114 dwelling units on Tract 5. A subdivision/site plan (Case Number 05-SP-057 - Renaissance at Regency Townhomes) was approved on March 13, 2006 for Tract 5, and included 114 attached townhome units, with access to Regency Parkway via Angelica Circle.

There have been several revisions and minor alterations (all within the parameters established by the original PDD approval) to the original subdivision/site plan approval, allowing creation of more narrow units, and providing for both attached and detached townhome units. As a result, 18 units that were originally planned along the outer (westernmost) side of Angelica Circle were shifted to the interior of Angelica Circle, and their original location was converted to open space. The applicant proposes to rezone the property by amending the PDD to allow development of 23 additional townhome units in the area that originally contained the 18 units that were relocated.

BACKGROUND INFORMATION

Applicant & Agent	Glenda S. Toppe & Associates		
Acreage	38.10±		
General Location	West side of Regency Parkway, south of US 64 Hwy.		
Schedule	Public Hearing June 28, 2012	Planning & Zoning Board July 16, 2012	Town Council August 9, 2012
Land Use Plan Designation	Medium Density Residential (MDR) and Parks, Open Space, Greenways, etc. (PKS/OS)		
Existing Zoning District(s)	Planned Development District (PDD), Major (Regency Park)		
Existing Zoning Conditions	Development limited to 114 residential units		
Proposed Zoning District(s)	Planned Development District (PDD), Major (Regency Park)		
Proposed Zoning Conditions	Development limited to 137 residential units		
Town Limits	Yes		
Valid Protest Petition	No		
Staff Contact	Mary W. Beerman, AICP (919) 469-4342 mbeerman@nc.rr.com		

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 these features will be required at the time of site plan review.

Floodplains or 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 site plan review.

Surrounding Zoning Districts/Land Use:

North - Regency Park PDD – vacant

South - Regency Park PDD (Wyndfall subdivision), and R-20 (Cambridge Subdivision): single-family-detached dwellings

East - Regency Park PDD (Renaissance Manors at Regency Subdivision): single-family-detached dwellings

West - Industrial (I) - vacant

CONSISTENCY WITH LAND DEVELOPMENT ORDINANCE

Land Use

The Regency Park PDD Document specifies the following uses on the subject property (Tract 5): Single-family-detached dwellings; patio dwellings; cottage homes; zero lot line dwellings; cluster homes; townhouses; and semi-detached/attached dwellings. The Land Use Plan Designation for the site is Medium Density Residential (MDR). The existing and proposed uses on Tract 5 are semi-detached/attached dwellings, which are consistent with both the PDD Document and the Comprehensive Land Use Plan.

Density and Dimensional Standards

	Existing Zoning District Planned Development District, Major (Regency Park) (Tract 5)	Proposed Zoning District Planned Development District, Major (Regency Park) (Tract 5)
Number of units	114 total dwelling units	137 total dwelling units <i>(114 lots for detached/attached dwellings have been recorded, and dwelling units have been constructed on 47 of those lots)</i>
Min. Lot Size	Not specified	No change proposed
Minimum Lot Width	Not specified	No change proposed
Front Yard Setback	10 feet	No change proposed
Side Yard Setback	8 feet for corner side	No change proposed
Rear Yard Setback	15 feet	No change proposed
Maximum Building Height	Not specified	No change proposed

Open Space

Approximately 27.1 acres of the site area is designated for open space according to the existing site/subdivision plan. Because the proposed additional units are located within an area designated for development in the existing site plan, the amount of open space will not be reduced.

Landscape Buffer

A 30-foot Type A opaque buffer is required per the existing site/subdivision plan along the western property line to the rear of proposed units.

Streetscape

The required 25-foot streetscape is provided along the frontage on Regency Parkway.

Traffic

The existing approval is for 114 single-family dwelling units, which would generate 90 am and 119 pm peak hour trips using ITE Code 210 Single Family Detached Housing. The proposed 137 single-family homes would generate 106 am and 140 pm peak hour trips using the same ITE code. This increase would create an increase of 16 am and 21 pm peak hour trips. This would not require a traffic study since the Town's Adequate Public Facilities Ordinance requires an increase of 50 peak hour trips or more peak hour trips to require a traffic study.

SUMMARY OF PROCESS AND ACTIONS TO DATE

Neighborhood Meeting

According to meeting minutes and other information prepared by the applicant, a neighborhood meeting was held on January 19, 2012 and attended by 16 residents and property owners.

Notification

On June 12, 2012 the Planning Department mailed notification of a public hearing on the request to owners of property within 400 feet of the subject property. Notification consistent with General Statutes was published in the Cary News on June 13 and 20, 2012. Notice of the public hearing was posted on the property on June 13, 2012.

Town Council Public Hearing (June 28, 2012)

The Town Council conducted a public hearing on June 28, 2012. There were no comments from citizens or council members. The rezoning request was forwarded to the Planning and Zoning Board for review and a recommendation.

Planning and Zoning Board Meeting (July 16, 2012)

The Planning and Zoning Board considered the proposed rezoning at its meeting on July 16, 2012, and recommended approval by a vote of 8-1. The dissenting vote expressed general concern with making changes to approved plans, and the principal of having a level of assurance once there are expectations with the original approval.

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.

COMPREHENSIVE PLAN RECOMMENDATIONS AND ANALYSIS

Land Use Plan

With regard to recommended land uses, the governing element of the Comprehensive Plan is the townwide Land Use Plan. The Land Use Plan recommends that the area covered by Tract 5 of the PDD be developed as Medium Density Residential, except for the stream and perimeter areas which are designated as Open Space. The specific portion of Tract 5 that is proposed for 23 additional dwellings is designated as Medium Density Residential.

Medium Density Residential (MDR) is typically defined as single-family housing at three to eight dwellings per acre, with housing that typically includes types such as single-family-detached, semi-detached/attached homes, townhomes, patio homes, and/or duplexes. Multi-family housing is typically not envisioned within most MDR areas. A variety of neighborhood-compatible and complimentary institutional uses may also be considered within MDR areas, such as churches, schools, and daycare facilities. As shown in the following table, the proposed PDD amendment keeps Tract 5 within the middle of the 3-8 unit/acre density range that is recommended for MDR:

	Dwelling Units	Density
Existing Zoning for Tract 5	114	4.31
Proposed Zoning for Tract 5	137	5.18

Growth Management Plan

The Growth Management Plan includes the following Guiding Principles which are relevant to this case:

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

Analysis: The site is an infill area, with ample public services available nearby and adjacent.

2. L1 Guiding Principle: Concentrate growth near existing and planned employment centers and available and planned infrastructure to minimize costly service-area extensions.

Analysis: The site is within the Regency Park PDD, which includes a mix of housing and office park, and which itself constitutes a major employment center.

3. L2 Guiding Principle: Ensure that future growth protects sensitive natural resources and protects open space.

Analysis: The existing PDD requirements for Tract 5 include a substantial amount of protected open space, part of a large, planned, open space network for the Regency PDD.

4. A1 Guiding Principle: Increase permitted densities in preferred growth areas to encourage desired forms of development.

Analysis: As an infill area within an existing PDD, this site can be considered a "preferred growth area." As such, the proposed rezoning helps to support this Guiding Principle.

Affordable Housing Plan

The Affordable Housing Plan includes the following goals that are relevant to this case:

- Provide for a full range of housing choices for all income groups, families of various sizes, seniors, and persons with special challenges.

Analysis: The proposed PDD amendment does provide additional townhome dwellings, which will further help to diversify the overall Cary housing stock.

- 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: The site is within walking distance of the office employment areas of the Regency PDD, and approximately 1-½ to 2 miles from additional employment areas along Crescent Green, Crescent Commons, Western Wake Medical Center, and MacGregor Office Park. Proximity to transit service is discussed under "Comprehensive Transportation Plan," below.

Comprehensive Transportation Plan

Regency Parkway is designated as a Collector Avenue.

Existing Section: 2 lanes, Approximately 70-foot ROW

Future Section: 2 lanes with turn lane (where necessary), 58-foot to 70-foot ROW required depending on collector avenue section.

Sidewalks: Required on both sides

Bicycle Lanes: 4-foot striped bike lanes required

Transit Requirements: No Requirements

Status of Planned Improvements: Infrastructure has been constructed.

Transit Service: The nearest bus service is provided by Triangle Transit Route #305, with service along Tryon Road. The nearest Route #305 stop is approximately 1-½ miles east of the entrance to Tract 5. The nearest Town of Cary fixed-route C-Tran bus service is provided by Route #5, along Crescent Green and into Crescent Commons shopping center, with its nearest stop approximately 1-¾ mile east of the entrance to Tract 5.

Parks, Recreation & Cultural Resources Facilities Master Plan

According to the Parks, Recreation and Cultural Resources Facilities Master Plan a multi-use trail is proposed along the property frontage on Regency Parkway; this trail has already been constructed.

A recreation payment-in-lieu will be required for residential development in accordance with the Land Development Ordinance.

Open Space Plan

The Open Space Plan does not identify any notable priority open space or natural resources on the subject tract, other than some riparian areas that are already protected by the PDD’s designated open space for Tract 5.

Historic Preservation Master Plan

The site contains no known historic structures.

Summary of Comprehensive Plan Analysis

Comprehensive Plan Element	Summary of Plan Analysis
Land Use Plan	Consistent with Plan recommendations
Parks, Recreation, & Cultural Resources Master Plan	Consistent with Plan recommendations
Growth Management Plan	Consistent with Plan recommendations
Affordable Housing Plan	Moderately supportive of some Plan goals
Comprehensive Transportation Plan	Consistent with Plan recommendations
Open Space Plan	Consistent with Plan recommendations
Historic Resources Plan	Not applicable to case

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>	Assigned Schools	20 th Day Enrollment ¹	Permanent Seating Capacity	Average Percent Occupied	Projected Range of Additional Students ²
	Penny Rd ES	625	747	84	2-8
	Dillard Dr. MS	1170	1179	99	1-5
	Athens Dr. HS	1927	2011	96	1-4
					4-17

Total Projected range of additional students²

¹ Current Enrollment and Building Capacity is based on the 20th day of the school year for 2010-2011 as supplied by the Wake County Public School System. School assignment will be determined at the time of development.

² The Projected Number of Additional Students is a rough approximation. The actual number of students will vary depending on variables, such as the number of bedrooms, dwelling size, and other factors. For example: a site with 12 three-bedroom homes could yield six additional students, while 12 homes with greater than three bedroom units could yield 10 students. The basis for making this calculation is based on multipliers provide from Wake County Schools Office of Student Assignment. At rezoning, student yield can not be accurately determined due to unknown variables.

STAFF OBSERVATION

The staff observation based on review of the proposed request is that the proposed rezoning is consistent with the Comprehensive Plan and all other applicable plans and is reasonable and in the public interest for the reasons set forth in the staff report and presentation.

APPLICANT'S JUSTIFICATION STATEMENT

The following statements are provided by the applicant (shown below in italics) in response to the criteria established in the application (shown below in bold) and do not necessarily represent the views or opinions of the Town of Cary. Any statements as to the type, the quality, or the physical features are at the direction of the applicant and may be formulated into a condition:

1. Any issues with the size of the tract?

Response: The size of the tract is appropriate for the proposed use. The property is of ample size to accommodate the additional 23 lots. Any development that occurs on the site will be in harmony with the existing development.

2. How is the request compatible with the comprehensive plan (i.e. Land Use, Transportation, Open Space and Historic Resources)?

Response: The request is compatible with the comprehensive plan. The land use plan designates the tract as mixed residential and the proposed use is also mixed residential. The request will comply with all elements of the Town's Comprehensive Plan. The proposed use can be served by Town of Cary services. Furthermore, the provisions in the adopted PDD and any other applicable LDO regulations will provide the necessary protection to the property owners in the area. The proposed use is compatible with existing development in the area.

3. What are the benefits and detriments to the owner, neighbors and the community?

Response: The additional 23 lots will enable the development to be a more viable community. The development will be required to meet the standards in the approved Regency Park PDD and any other applicable Town of Cary regulations. The Town will be able to provide sufficient public safety, transportation and utility facilities and services to the subject property while maintaining sufficient levels of service to existing development. There are town services in close proximity to the site. There are no significant natural or historic resources on the site. Sewer and water lines are available to the subject property.

4. How are the allowable uses with the proposed rezoning compatible with, or how do they relate to, the uses currently present on adjacent tracts?

Response: The proposed use is compatible with the adjacent development and is compatible with current land uses in the area. Other property in the vicinity of the proposed PDD amendment is currently developed for the same type of residential use proposed. The existing residential property owners and all adjacent property owners will be adequately protected by the provisions in the PDD and any other applicable LDO.

5. What reductions/amendments and/or modifications to the development standards of the LDO are being requested and how are they justified? (PDD, new or amended) Applicants must list these items and/or clearly highlight them within the Planned Development document.

Response: The same standards for Tract 5 as per the approved Regency Park PDD are being maintained.

ORDINANCE FOR CONSIDERATION

12-REZ-08 Renaissance Cottages at Regency

AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE TOWN OF CARY TO CHANGE THE ZONING OF APPROXIMATELY 38.10 ACRES LOCATED IN RENAISSANCE COTTAGES AT REGENCY ON THE WEST SIDE OF REGENCY PARKWAY BY AMENDING TRACT 5 OF THE REGENCY PARK PLANNED DEVELOPMENT DISTRICT (PDD) TO INCREASE THE NUMBER OF RESIDENTIAL UNITS ALLOWED FROM 114 TO 137.

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)	Property Address	County Parcel Number(s) (10-digit)	Real Estate ID(s)	Deeded Acreage
Anastos, Joyce	1329 English Cottage Ln	0751792271	0380038	0.11
Asrican, Stephen H & Betsey	748 Angelica Cir	0751795074	0365341	0.12
Avery, Scott A & Amy	1319 English Cottage Ln	0751794320	0380061	0.12
Bald Eagle Land Development, LLC	726 Angelica Cir	0751781980	0406047	0.11
Bald Eagle Land Development, LLC	721 Angelica Cir	0751780915	0406057	0.11
Bald Eagle Land Development, LLC	724 Angelica Cir	0751781857	0406048	0.11
Bald Eagle Land Development, LLC	725 Angelica Cir	0751790071	0406059	0.13
Bald Eagle Land Development, LLC	722 Angelica Cir	0751781834	0406049	0.10
Bald Eagle Land Development, LLC	723 Angelica Cir	0751780948	0406058	0.10
Bald Eagle Land Development, LLC	732 Angelica Cir	0751792060	0406044	0.11
Bald Eagle Land Development, LLC	806 Angelica Cir	0751797234	0365336	0.12
Ballweg James M & Julie F	1331 English Cottage Ln	0751792139	0380039	0.11
Becher, Patricia A & Clifford E	1323 English Cottage Ln	0751793266	0380036	0.11
Bookman, Mark & Marsha	822 Angelica Cir	0751798509	0365329	0.15
Burton, Anne M /TR	738 Angelica Cir	0751793052	0365346	0.12
Carney, Thomas Dale & Ann F	820 Angelica Cir	0751798514	0365330	0.13
Deloso, Joaquin & Joanne M	740 Angelica Cir	0751794012	0365345	0.19
Dermer, Lynn	1402 Bramante Pl	0751796069	0365339	0.13
Esteller & Co	1303 English Cottage Ln	0751796507	0380054	0.13
Foreverhome LLC	728 Angelica Cir	0751782913	0406046	0.11
Foreverhome LLC	1322 English Cottage Ln	0751792492	0406111	0.10
Foreverhome LLC	1307 English Cottage Ln	0751796418	0380056	0.15
Foreverhome LLC	715 Angelica Cir	0751689817	0406076	0.13
Foreverhome LLC	730 Angelica Cir	0751782946	0406045	0.11
Foreverhome LLC	1318 English Cottage Ln	0751793456	0406113	0.10
Foreverhome LLC	718 Angelica Cir	0751780778	0406051	0.11
Foreverhome LLC	1324 English Cottage Ln	0751792450	0406110	0.10
Foreverhome LLC	719 Angelica Cir	0751689982	0406056	0.11
Foreverhome LLC	720 Angelica Cir	0751781801	0406050	0.11
Foreverhome LLC	700 Angelica Cir	0751688620	0406077	0.10
Foreverhome LLC	1335 English Cottage Ln	0751791166	0380041	0.11
Foreverhome LLC	804 Angelica Cir	0751797210	0365337	0.15
Gentzler, George L Jr & Conlon, Mary E	744 Angelica Cir	0751794083	0365343	0.13
Hodges, Carolyn Hardee	1404 Bramante Pl	0751797019	0365338	0.12
Howerton Dennis	1321 English Cottage Ln	0751793298	0380035	0.11
Hudson, Arpie K & WilliamL	808 Angelica Cir	0751797249	0365335	0.11
Jones, Laurence G & Brenda J	750 Angelica Cir	0751796027	0365340	0.13
McFaul, Carol B	1311 English Cottage Ln	0751795369	0380057	0.14
Mitchell, Stephen T & Sydney	716 Angelica Cir	0751780745	0406052	0.13
Murphy, Thomas Matthew & Judith Ann	1327 English Cottage Ln	0751793203	0380037	0.13
Nelli, Patrice C	810 Angelica Cir	0751797363	0365334	0.12
Neri, Bruce P & Barbara P	736 Angelica Cir	0751793011	0365347	0.12
Pickett, Howard C	818 Angelica Cir	0751798419	0365331	0.15
Pruter, Robert	1317 English Cottage Ln	0751794363	0380060	0.12
Regency Investment Group LLC	717 Angelica Cir	0751689940	0406055	0.11

Regency Investment Group LLC	701 Angelica Cir	0751687713	0406070	0.11
Regency Investment Group LLC	703 Angelica Cir	0751687736	0406071	0.12
Regency Investment Group LLC	707 Angelica Cir	0751688709	0406073	0.10
Regency Investment Group LLC	706 Angelica Cir	0751689607	0406063	0.10
Regency Investment Group LLC	656 Angelica Cir	0751687588	0406078	0.10
Regency Investment Group LLC	607 Angelica Cir	0751697157	0406092	0.09
Regency Investment Group LLC	625 Angelica Cir	0751695010	0406085	0.09
Regency Investment Group LLC	623 Angelica Cir	0751695014	0406086	0.12
Regency Investment Group LLC	617 Angelica Cir	0751695171	0406087	0.12
Regency Investment Group LLC	652 Angelica Cir	0751687524	0406080	0.11
Regency Investment Group LLC	0 Angelica Cir	0751686617	0406081	0.29
Regency Investment Group LLC	631 Angelica Cir	0751685818	0406082	0.10
Regency Investment Group LLC	627 Angelica Cir	0751685916	0406084	0.09
Regency Investment Group LLC	654 Angelica Cir	0751687556	0406079	0.10
Regency Investment Group LLC	611 Angelica Cir	0751696185	0406090	0.09
Regency Investment Group LLC	557 Angelica Cir	0751790208	0406101	0.10
Regency Investment Group LLC	553 Angelica Cir	0751790371	0406105	0.10
Regency Investment Group LLC	1312 English Cottage Ln	0751794552	0406116	0.11
Regency Investment Group LLC	1300 English Cottage Ln	0751794584	0406118	0.06
Regency Investment Group LLC	14000 Regency Pky	0751689418	0406119	22.32
Regency Investment Group LLC	549 Angelica Cir	0751791335	0406107	0.11
Regency Investment Group LLC	1326 English Cottage Ln	0751792328	0406109	0.10
Regency Investment Group LLC	1316 English Cottage Ln	0751793488	0406114	0.10
Regency Investment Group LLC	1314 English Cottage Ln	0751794510	0406115	0.10
Regency Investment Group LLC	1365 English Cottage Ln	0751687914	0380021	0.12
Regency Investment Group LLC	1369 English Cottage Ln	0751687807	0380023	0.11
Regency Investment Group LLC	1371 English Cottage Ln	0751686883	0380026	0.12
Regency Investment Group LLC	0 Angelica Cir	0751684765	0380033	0.02
Regency Investment Group LLC	1343 English Cottage Ln	0751790131	0380044	0.09
Regency Investment Group LLC	1345 English Cottage Ln	0751790009	0380045	0.09
Regency Investment Group LLC	1349 English Cottage Ln	0751699036	0380047	0.10
Regency Investment Group LLC	1353 English Cottage Ln	0751698063	0380049	0.10
Regency Investment Group LLC	1359 English Cottage Ln	0751697040	0380052	0.12
Regency Investment Group LLC	1305 English Cottage Ln	0751796513	0380055	0.11
Regency Investment Group LLC	708 Angelica Cir	0751689639	0406054	0.10
Regency Investment Group LLC	648 Angelica Cir	0751686563	0406069	0.11
Regency Investment Group LLC	609 Angelica Cir	0751697126	0406091	0.09
Regency Investment Group LLC	555 Angelica Cir	0751790239	0406102	0.10
Regency Investment Group LLC	535 Angelica Cir	0751791237	0406117	0.28
Regency Investment Group LLC	551 Angelica Cir	0751791303	0406106	0.10
Regency Investment Group LLC	561 Angelica Cir	0751699235	0406099	0.10
Regency Investment Group LLC	1351 English Cottage Ln	0751699005	0380048	0.10
Regency Investment Group LLC	705 Angelica Cir	0751687777	0406072	0.10
Regency Investment Group LLC	1377 English Cottage Ln	0751685764	0380029	0.10
Regency Investment Group LLC	704 Angelica Cir	0751688675	0406064	0.10
Regency Investment Group LLC	603 Angelica Cir	0751698220	0406094	0.10
Regency Investment Group LLC	559 Angelica Cir	0751699276	0406100	0.09
Regency Investment Group LLC	1328 English Cottage Ln	0751791396	0406108	0.11
Regency Investment Group LLC	0 Angelica Cir	0751688952	0406098	0.33
Regency Investment Group LLC	1375 English Cottage Ln	0751686705	0380028	0.11
Regency Investment Group LLC	1355 English Cottage Ln	0751698032	0380050	0.10
Regency Investment Group LLC	1357 English Cottage Ln	0751697090	0380051	0.10
Regency Investment Group LLC	709 Angelica Cir	0751688832	0406074	0.10
Regency Investment Group LLC	702 Angelica Cir	0751688652	0406065	0.10
Regency Investment Group LLC	1347 English Cottage Ln	0751699077	0380046	0.11

Regency Investment Group LLC	605 Angelica Cir	0751697199	0406093	0.09
Regency Investment Group LLC	615 Angelica Cir	0751696113	0406088	0.10
Regency Investment Group LLC	613 Angelica Cir	0751696154	0406089	0.10
Regency Investment Group LLC	619 Angelica Cir	0751695110	0406095	0.16
Regency Investment Group LLC	1320 English Cottage Ln	0751793424	0406112	0.10
Regency Investment Group LLC	1379 English Cottage Ln	0751685724	0380030	0.11
Regency Investment Group LLC	711 Angelica Cir	0751688864	0406075	0.11
Regency Investment Group LLC	0 Angelica Cir	0751794265	0380062	1.54
Regency Investment Group LLC	629 Angelica Cir	0751685912	0406083	0.10
Regency Investment Group LLC	0 Angelica Cir	0751685805	0406096	0.03
Regency Investment Group LLC	1367 English Cottage Ln	0751687901	0380022	0.10
Regency Investment Group LLC	1381 English Cottage Ln	0751684784	0380031	0.11
Regency Investment Group LLC	710 Angelica Cir	0751689771	0406053	0.11
Regency Investment Group LLC	1360 English Cottage Ln	0751697120	0406097	0.27
Regency Investment Group LLC	0 English Cottage Ln	0751686998	0380032	0.06
Riley, Michael TRUSTEE	814 Angelica Cir	0751798403	0365332	0.18
Simonds, John D Jr & Therese	1333 English Cottage Ln	0751792108	0380040	0.11
Skulavik, Patricia Yabes & Daniel	1315 English Cottage Ln	0751794395	0380059	0.12
Smith, Judith G & James F	812 Angelica Cir	0751797378	0365333	0.11
Stokes, Alan & Ivy	1373 English Cottage Ln	0751686746	0380027	0.15
Tomczak, Thomas S	1337 English Cottage Ln	0751791134	0380042	0.12
Venezie, Ronald D & Michelle A	646 Angelica Cir	0751686522	0406068	0.10
Viehe, Mary L	1313 English Cottage Ln	0751795337	0380058	0.12
Wright, Kathy Ann	746 Angelica Cir	0751795034	0365342	0.12
Wyckoff, Elita	1339 English Cottage Ln	0751790192	0380043	0.12
Total Area				38.1

Section 2: That this Property is rezoned by amending the previously-approved Regency Park Planned Development District subject to the individualized development conditions set forth in: the January 27, 2005 "Regency Park Planned Development District" document on file in the Planning Department, as modified to increase the maximum number of dwelling units allowed in Tract 5 from 114 to 137; 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 January 27, 2005 "Regency Park Planned Development District" document on file in the Planning Department, as modified to increase the maximum number of dwelling units from 114 to 137;

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

Adopted and effective: August 9, 2012

Harold Weinbrecht, Jr.
Mayor

Date

Option 1 (if rezoning is approved):

CONSISTENCY AND REASONABLENESS STATEMENT

12-REZ-08 Renaissance Cottages at Regency

THE TOWN COUNCIL OF THE TOWN OF CARY HEREBY STATES:

Section 1: Rezoning 12-REZ-08 is consistent with elements of the Comprehensive Plan.

Section 2: Based upon information presented at the public hearings and by the applicant, and based upon the recommendations and detailed information developed by staff and/or the Planning & Zoning Board contained in the staff report, and considering the criteria of Section 3.4.3(E) of the Town of Cary Land Development Ordinance, Rezoning 12-REZ-08 is reasonable and in the public interest.

Approved: August 9, 2012

Harold Weinbrecht, Jr.
Mayor

Date

Option 2 (if rezoning is denied):

CONSISTENCY AND REASONABLENESS STATEMENT

12-REZ-08 Renaissance Cottages at Regency

THE TOWN COUNCIL OF THE TOWN OF CARY HEREBY STATES:

Section 1: Rezoning 12-REZ-08 is consistent with elements of the Comprehensive Plan.

Section 2: Based upon information presented at the public hearings and by the applicant, and based upon the recommendations and detailed information developed by staff and/or the Planning & Zoning Board contained in the staff report, and considering the criteria of Section 3.4.3(E) of the Town of Cary Land Development Ordinance, denial of Rezoning 12-REZ-08 is reasonable and in the public interest.

Approved: August 9, 2012

Harold Weinbrecht, Jr.
Mayor

Date