

**Town of Cary, North Carolina
Rezoning - Staff Report
12-REZ-33 Lewter Shop Road
Town Council Meeting
July 25, 2013**

REQUEST

To amend the Town of Cary Official Zoning Map by applying an initial Town of Cary zoning designation to approximately 76.4 acres of land located in Chatham County. The subject property currently has a Chatham County zoning designation of R-1. The applicant has requested a zoning designation of Residential 8 Conditional Use (R-8-CU).

There is a property owner- initiated annexation petition associated with this request, petition number **13-A-01**. Annexation must be approved before initial zoning may be established.

If annexed into the Town of Cary the subject property would also be subject to the Watershed Protection Overlay District (Jordan Lake sub-district).

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)	Chatham County Parcel Number (10-digit)	Real Estate ID	Deeded Acreage
Galaxy Investments, LLC 4208 Six Forks Road Suite 1400 Raleigh NC 27609 and 54 Partners, LLC PO Box 130 Cary, NC 27512	0714831153	0019999	76.4 ±
Total Area			76.4 ±

BACKGROUND INFORMATION

Applicant	Galaxy Investments, LLC 4208 Six Forks Road Suite 1400 Raleigh NC 27609 and 54 Partners, LLC PO Box 130 Cary, NC 27512
Applicant's Contact (Agent)	Glenda Toppe Glenda S. Toppe & Associates 4139 Gardenlake Drive Raleigh, NC 27612
Acreage	76.4 ±
General Location	1500 Block of Lewter Shop Road (State Road 1740) South of the intersection of E. Ferrell Road and Lewter Shop Road

Schedule	Town Council Public Hearing	Planning & Zoning Board	Town Council
	March 28, 2013	May 20, 2013	July 25, 2013
Land Use Plan Designation	Low Density Residential (LDR) Chatham- Cary Joint Land Use Plan		
Existing Zoning District	R-1 Chatham County		
Existing Zoning Conditions	None		
Proposed Zoning District(s)	Residential 8 Conditional Use (R-8-CU) and Watershed Protection Overlay District (Jordan Lake Subdistrict)		
Proposed Zoning Conditions (Conditions #4 and #5 were added after the Town Council Public Hearing.)	<p>1. The density shall be limited to two (2) dwelling units per acre</p> <p>2. Permitted uses shall be limited to single-family-detached, neighborhood recreation, park (public or private), religious institutions, school (public or private)</p> <p>3. No person shall commence or proceed with the construction of any buildings or structures, other than roads or infrastructure, on the subject property until an eastbound right-turn lane and a westbound left-turn lane, are provided on Lewter Shop Road at the entrance to the subject property. The design and location of the turn lanes shall be subject to NCDOT approval and shall be shown on a development plan as approved by the Town of Cary Development Review Committee. The proposed access driveway will be aligned with West Ferrell Road.</p> <p>4. All lots adjacent to the southern and western boundaries of the subject property shall be a minimum of 17,500 square feet. All remaining lots shall be a minimum of 12,000 square feet. (Exhibit A)</p> <p>5. A 40-foot-wide Type B (Semi-opaque) buffer shall be provided adjacent to the southern property line.</p> <p>6. No school, park, public or private athletic field or any related lighting, parking or ancillary uses, shall be located within 500 feet of the southern property line adjacent to the parcels identified by Chatham County Parcel ID numbers 0714-71-7568.000, 0714-81-2549.000 and 0714-81-6592.000.</p> <p>7. <u>Morrisville Parkway and Green Level Church Road:</u> A full signal warrant analysis shall be provided by the developer or owner of the subject property prior to the initial subdivision plat submittal for review. In the event the analysis warrants a signal, and the signalization plan is approved by the Town of Cary and the North Carolina Department of Transportation, the Owner shall construct and install a traffic signal (per Town of Cary standards) at the intersection of Morrisville Parkway and Green Level Church Road as recommended by the TIA on file with the Town of Cary dated June 13, 2013 (13-TAR-359). If a signal is not warranted in the warrant analysis stated above, then the obligation to construct the signal contemplated by this condition shall expire and this condition shall be deemed satisfied.</p> <p>8. <u>NC 751 Highway and Lewter Shop Road:</u> Prior to submitting an application for subdivision plat approval, the Owner shall construct and install a 50-foot-long northbound right-turn lane with associated taper onto NC 751 Highway at its intersection with Lewter Shop Road as recommended by the TIA on file with the Town of Cary dated June 13, 2013 (13-TAR-359). ("751 Improvements"). The Owner shall exercise its best efforts to acquire necessary right of way (together with construction and other easements "Necessary Right of Way") for the NC 751 Highway improvements, including obtaining appraisals and providing written offers to landowners. If the Developer/Owner is not able to acquire Necessary Right of Way after exhausting its best efforts, the Owner may request the assistance of any governmental entity at the state or local level with</p>		

	condemnation powers for Necessary Right of Way. If Developer/Owner makes such a written request on all state or local governmental entities with appropriate condemnation powers and can show written documentation that no governmental entity with appropriate condemnation power agrees to assist with the acquisition of Necessary Right of Way in accordance with such entities' standard policies and procedures, then Owner's obligation to construct the NC 751 Highway improvements shall expire and this condition shall be deemed satisfied.
Town Limits	The subject property is located outside the corporate limits and the Town of Cary ETJ. A voluntary annexation petition, 13-A-01 has been submitted by the property owners in conjunction with this rezoning request.
Valid Protest Petition	Per NC General Statutes, 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 Debra.grannan@townofcary.org 919 460-4980

SITE CHARACTERISTICS

Streams: Cary's GIS maps show the presence of a stream buffer along the eastern property line and a stream buffer on one corner of the western property line. Field determination of these features will be required at the time of development plan review.

Floodplain: Cary's GIS maps do not indicate the presence of any floodplain areas on the subject property.

Wetlands: Cary's GIS maps indicate the presence of two small ponds which are designated as wetland areas on the subject property. Field determination will be required at the time of development plan review.

Topography: The center of the subject property is the high-point with an elevation of 358 feet. The topography decreases, gradually at first from the middle of the property moving toward the property lines with minimal changes to the elevation near the northern property line, near Lewter Shop Road. There is a significant drop to an elevation of approximately 300 feet at the southeastern corner of the property.

Adjacent Land Uses and Zoning

- North – Single-Family Residential and Vacant (Chatham County R-1)
- South – Single-Family subdivision with lots ranging from 2.5 to 8 acres in size (Chatham County R-1)
- East – Agricultural (Chatham County R-1)
- West – Vacant (Chatham County R-1)

CONSISTENCY WITH LAND DEVELOPMENT ORDINANCE

Land Use

Density and Dimensional Standards

	Existing Zoning District Chatham County R1	Proposed Zoning District Residential 8 Conditional Use (R-8-CU)
Max. Gross Density Du/ac	1.089	2 *

Min. Lot Size (Sq. Ft.)	40,000 (If developed with well and septic, minimum lot size is 1.5 acres) 80,000 for a two-family dwelling	12,000/17,500**
Minimum Lot Width (Feet)	100 (110 for two-family dwelling)	60 (70 for corner lot)
Roadway Setback (Feet)	40	From thoroughfare: 50 From collector: 30 From other streets: 20
Side Yard Setback (Feet)	25	10
Rear Yard Setback (Feet)	25	20
Maximum Building Height (Feet)	60	35
<p><i>*Max gross density for R-8 zoning district is 5.44 du/ac. Applicant has offered a zoning condition limiting the density to 2 du/ac.</i></p> <p><i>**Minimum lot size for a conventional R-8 zoning district is 8,000 square feet. Applicant has offered a zoning condition that would require a minimum lot size of 17,500 square feet for lots adjacent to the southern and western boundaries and a minimum lot size of 12,000 square feet for all remaining lots.</i></p>		

Landscape Buffer: In accordance with Chapter Seven of the LDO, a 20-foot landscape area is required between two single-family-detached residential uses when lot sizes are 8,000 square feet or greater. This area is not subject to the ownership restrictions applied to other buffers and may be located within the platted portion of lots.

Streetscape: The subject property has very limited frontage along any public right of way. The lot width at the point where the property has access to Lewter Shop Road is only 99 feet wide. If developed as a thoroughfare, then a 50-foot-wide, Type A streetscape would be required along this road frontage.

Traffic: A traffic impact study (13-TAR-359) was completed by the Town's on-call consultant, Hatch Mott MacDonald in December 2012. The study was prepared assuming 152 single-family homes. The applicant was required to conduct a traffic impact study in advance of their rezoning application, since the property could potentially generate 50 or more peak hour trips. Land Use Code (210), in the ITE Trip Generation Manual, indicates that 152 single-family homes would generate 116 a.m. and 153 p.m. peak hour trips.

IMPROVEMENTS RECOMMENDED IN TRAFFIC STUDY

Morrisville Parkway and Green Level Church Road

- Conduct a signal warrant analysis and install a traffic signal when signal warrants are satisfied. Note: the traffic study indicates that anticipated traffic volumes are not yet high enough to satisfy signal warrants; however, the installation of a traffic signal was suggested in order to achieve an acceptable level of service, as outlined in the Town's LDO.

Note: The applicant has voluntarily agreed to make this improvement.

NC 751 and Lewter Shop Road Intersection (In Chatham County)

- Construct a northbound right-turn lane with 50 feet of storage and appropriate taper and deceleration distance.

Note: This intersection is not located in the Town of Cary Planning Jurisdiction. Improvements at this intersection, as recommended in the traffic study, are not required; however, Town Council may consider this information in determining whether the associated rezoning meets the criteria and standards for approval.

Note: The applicant has voluntarily agreed to make this improvement.

Lewter Shop Road and West Ferrell Road/ Proposed Site Access*

- Construct an eastbound right-turn lane with 50 feet of storage and appropriate taper (NCDOT requirement)
- Provide a westbound left- turn lane with 50-feet of storage and appropriate taper (NCDOT requirement)
- Align the proposed access driveway with West Ferrell Road (TOC Engineering Standards)

* NCDOT has final approval authority for access to Lewter Shop Road, since this roadway is state-maintained.

Note: The turn lane recommendations, as outlined above, are improvements that are subject to NCDOT approval, based on NCDOT Driveway and Access Policies, but the improvements are not required in order to satisfy acceptable level of service thresholds, as outlined by the Town's LDO.

Note: The applicant has voluntarily offered a zoning condition to address the left and right turning lanes and to align the proposed access driveway with West Ferrell Road.

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

Notification

On March 12, 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 March 13 and 20, 2013. Notice of the public hearing was posted on the property on March 15, 2013.

The Planning Department mailed written notice of a second public hearing on May 8, 2013 and notification was published in the Cary News on May 8 and 15, 2013.

The Planning Department has also provided all meeting dates and staff reports to the Chatham County Planning Department, who in turn share the information with the Chatham County Board of Commissioners.

Neighborhood Meeting

According to the applicant, a neighborhood meeting for the proposed rezoning was held on December 6, 2012. According to the information submitted by the applicant, 12 residents attended the meeting. According to the meeting minutes provided by the applicant, resident questions and concerns focused on building setbacks, buffers, access to the property, utilities and the timing of future development.

Town Council Public Hearing (March 28, 2013)

Staff presented an overview of the case. The applicant provided justification for the request.

During the public hearing, several neighbors expressed their desire for larger lots and for more substantial buffering between existing and proposed developments. One speaker noted that the lot size of the proposed development was not consistent with the surrounding neighborhoods or with the Copperleaf development to which the proposed development was compared.

Several council members noted that larger lot sizes would be more appropriate for the proposed development.

Changes Since the Public Hearing

The applicant has offered new conditions to increase the minimum lot sizes and to provide a buffer between the proposed development and the existing neighborhood to the south.

Planning and Zoning Board Meeting (May 20, 2013)

Staff provided an overview of the request and noted that concerns about lot sizes had been raised at the initial Town Council public hearing, and that the applicant had offered new zoning conditions in response to those concerns.

During the public hearing, Glenda Toppe, representing the applicant, provided a summary of the new zoning conditions that had been submitted by the property owner. An adjacent property owner expressed concern about lighting and noise if athletic fields were allowed on the subject property. The owner of the subject property, Roy Mashburn, spoke and indicated that he was willing to add a zoning condition to address the neighbors' concerns.

The board asked for clarification regarding density limits. Staff explained that if a school or other use was allowed on a portion of the property, the density limits would be applied to the residual land area.

One board member expressed concern about the proposed lot size and asked if athletic fields were allowed under the current zoning. Staff verified that athletic fields were not permitted under Chatham County's R1 district; however, public athletic fields were allowed in R8 zoning districts and private fields could be considered with a Special Use permit. The board asked if traffic mitigations to provide a traffic signal were needed. The engineering staff noted that there was not sufficient volume to justify a signal at this time.

The board made a motion for approval and stated that their expectation was that the applicant would submit a condition regarding athletic fields to the town.

The board forwarded the request to Town Council with a recommendation for approval by a vote of 6-3.

Changes Since the Planning and Zoning Board Meeting

The applicant submitted a zoning condition to address the concerns about possibility of a school or athletic field being located on the subject property.

Town Council Meeting (July 25, 2013)

Staff presented the case and the Planning and Zoning Board Chair delivered the recommendation for approval. The applicant verbally offered to consider additional zoning conditions to address off-site road mitigations. Council voted unanimously to defer action until the specified language and affidavits regarding those conditions could be submitted and reviewed by staff.

Changes Since the Town Council Meeting

The applicant has offered new zoning conditions that address all the traffic mitigations suggested by the Traffic Study 13-TAR-359. The new conditions are contained within this report.

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

Future Land Use Recommendations. The governing land use element of the Comprehensive Plan for the subject parcel is the Chatham-Cary Joint Land Use Plan, adopted in June 2012. The Joint Plan recommends that the subject parcel be developed as Low Density Residential (LDR). The Joint Plan defines LDR as including residential development at up to two dwellings per acre. Appropriate housing types include single-family-detached, duplex, patio home, semi-detached/attached dwelling, and townhouses. Multi-family housing is not envisioned. The plan document also notes that “a variety of neighborhood-compatible and complimentary civic, institutional, and utility uses may also be considered within any LDR area, such as churches, parks, schools, libraries, daycare facilities, telecommunication towers, utility pump stations, and electric utilities.”

Planning History. The first time that the subject parcel was included in Cary's Land Use Plan was with adoption of the townwide Land Use Plan in 1996. The 1996 Plan recommended the parcel for Low Density Residential (LDR). However, that land use recommendation ended in 2003, when the Town removed all portions of Chatham County south of New Hope Church Road from the Cary Land Use Plan. A future land use recommendation for the property was reinstated in June 2012 with adoption of the new Joint Plan.

Land Use Recommendations for Adjacent Parcels. The properties immediately north, east, west, and southeast of the site are also recommended for LDR uses. To the south, there is an existing large-lot county subdivision, designated as Very Low Density Residential (VLDR) on the Joint Plan Map. VLDR is defined as single-family residential at no more than one dwelling per acre. Lot sizes in that subdivision average somewhat more than four acres.

Density Transitions. The Joint Plan's definition for LDR also includes the statement that “larger lots and/or lower densities may be used when needed to form acceptable transitions”, for example to adjacent large-lot rural home sites or subdivisions or farms. In the case of the subject parcel, it is bounded to the north, south, and west by all three of these uses. To the west, the site is bounded by a stream that will have an associated buffer. Cary's buffer standards will require a minimum 20-foot perimeter buffer to the north, south, and west.

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 nearest Cary public water and sewer service is available somewhat less than a mile east of the site, at the Copperleaf PDD. The subject parcel is, however, in a different drainage basin than Copperleaf, and gravity sewer service will need to be evaluated with any future development plan. The subject parcel is also located approximately one mile west of existing Town Limits.

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 located about three miles west of the Western Wake Expressway, and about 4.2 miles by road to the nearest interchange at Green Level West Road. The site is about five miles from the southern limits of Research Triangle Park, or about six miles by road. The nearest neighborhood-sized, supermarket-anchored shopping center is about 3.5 miles distant at Cary Park PDD.

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

Analysis: At present, there is no basis for evaluating this Guiding Principle as part of this rezoning.

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

Analysis: The site is located within the Rural Buffer Boundary, or urban services boundary, as defined by the 2012 Chatham-Cary Joint Land Use Plan.

Affordable Housing Plan

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

- Goal #3. Facilitate the creation of a reasonable proportion of the Town of Cary's housing as affordable units through additional homeownership opportunities for individuals and families earning between 60% and 80% of area median income and affordable apartments for individuals and families earning up to 60% of the area median income.
- Goal #8. Assure a quality living environment and access to public amenities for all residents, present and future, of the Town of Cary, regardless of income.

Comments: The proposed zoning, as currently structured, is unlikely to help advance Goal #3; it is, however, likely to conform to Goal #8 to some extent. The site is convenient to parks and open space opportunities, including the American Tobacco Trail (ATT) approximately one mile east of the site, as well as a future joint Town/Wake County park site on the ATT, also about one mile east of the site.

Comprehensive Transportation Plan

Lewter Shop Road is not currently designated on Cary's Comprehensive Transportation Plan (CTP). It is an extension of Morrisville Pkwy., which is a minor thoroughfare on Cary's CTP.

Existing Section: 2-lane, undivided road with approximately 70 feet of right-of-way

Future Section: 2-lane, undivided rural classification as an extension of Cary's CTP in 52 feet of right-of-way

Sidewalks: Not required

Bicycle Lanes: Not required

Transit: There are no existing transit routes in the vicinity of the subject property

Status of Planned Improvements: N/A

Parks, Recreation & Cultural Resources Facilities Master Plan

This site was not in the study area for the Parks, Recreation and Cultural Resources Facilities Master Plan, and the Chatham-Cary Joint Land Use Plan did not address parks, recreation or cultural resources facilities. However, staff recommends requesting greenway easement be dedicated to the Town running along the length of the eastern property boundary beginning at the Lewter Shop Road driveway and frontage, as a placeholder for a future greenway network to serve this area.

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

These comments were reviewed and approved by the Town's Greenways Committee on February 21, and the Parks, Recreation & Cultural Resources Advisory Board on March 4, 2013.

Open Space Plan

According to the Open Space Plan, over half of the site is forested with mixed hardwoods and conifers; according to aerial maps the center portions of the site have been cleared (possibly for agricultural purposes).

Historic Preservation Master Plan

2002 Chatham County aerial photography reveals a grouping of buildings on the property, and the Chatham County real property database indicates a small dwelling of about 1,200 square feet. However, 2010 aerial photography shows the site as being cleared of structures.

Summary Observations

- The case seems generally consistent with the overall land use recommendations of the Chatham-Cary Joint Land Use Plan.
- Since the initial public hearing, the applicants have added conditions aimed at addressing the Joint Plan's recommendations for density transitions, by (a) providing a minimum 17,500 sq. ft. lot size adjacent to the southern and western property boundaries, and (b) providing a 40-ft. Type B buffer adjacent to the southern property boundary. Whether or not these conditions satisfy the Joint Plan's recommendation for "acceptable transitions" is a matter to be evaluated by the Town's governing boards. The zoning conditions have been shared with the Chatham County Planning Department and staff has not received any word of objections from them or the Chatham County Commissioners.
- In evaluating whether or not the case conforms with the Growth Management Plan, the governing boards may wish to evaluate the location of the site with respect to the location of the nearest utilities and Town Limits, as well as proximity to RTP and major employers.

OTHER REFERENCE INFORMATION

At the time of preparing this staff report, information regarding the projected range of additional students was not available from Chatham County. Information contained in this table is based on multipliers used by Wake County Schools and may not accurately represent student estimates from Chatham County.

Schools	Type ¹	Projected Range of Additional Students ²
<i>The subject property is located within the Chatham County School District.</i>	Elementary School	44 to 63
	Middle School	9 to 23
	High School	10 to 29
Total Projected range of additional students ²		63 to 115

² The *Projected Range 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 153 three-bedroom homes could yield 63 additional students, while 153 homes with greater than three bedroom units could yield 115 students. The basis for making this calculation is based on multipliers provided by the 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

12-REZ-33 Lewter Shop Road

AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE TOWN OF CARY BY APPLYING INITIAL ZONING OF RESIDENTIAL 8 CONDITIONAL USE (R8-CU) TO APPROXIMATELY 76 ACRES LOCATED IN THE 1500 BLOCK OF LEWTER SHOP ROAD, OWNED BY GALAXY INVESTMENTS, LLC AND 54 PARTNERS, LLC. 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)	Chatham County Parcel Number (10-digit)	Real Estate ID	Deeded Acreage
Galaxy Investments, LLC 4208 Six Forks Road Suite 1400 Raleigh NC 27609 and 54 Partners, LLC PO Box 130 Cary, NC 27512	0714831153	0019999	76.4 ±
Total Area			76.4 ±

Section 2:

That this Property is rezoned from a Chatham County designation of R1 to Residential 8 Conditional Use (R-8-CU) and to the Watershed Protection Overlay District (Jordan Lake sub-district) subject to the individualized development conditions set forth herein, if any, 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:

1. The density shall be limited to two (2) dwelling units per acre
2. Permitted uses shall be limited to single-family-detached, neighborhood recreation, park (public or private), religious institutions, school (public or private)
3. No person shall commence or proceed with the construction of any buildings or structures, other than roads or infrastructure, on the subject property until an eastbound right-turn lane and a westbound left-turn lane, are provided on Lewter Shop Road at the entrance to the subject property. The design and location of the turn lanes shall be subject to NC DOT approval and shall be shown on a development plan as approved by the Town of Cary Development Review Committee. The proposed access driveway will be aligned with West Ferrell Road.
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5. A 40-foot-wide, Type B (Semi-opaque) buffer shall be provided adjacent to the southern property line.

6. No school, park, public or private athletic field or any related lighting, parking or ancillary uses, shall be located within 500 feet of the southern property line adjacent to the parcels identified by Chatham County Parcel ID numbers 0714-71-7568.000, 0714-81-2549.000 and 0714-81-6592.000.

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

Adopted and effective: August 22, 2013

Harold Weinbrecht, Jr.
Mayor

Date