1. COMMENCEMENT

1.1 Call to Order

1.2 Ceremonial Opening led by Council Member Liu

1.3 Adoption of agenda

2. RECOGNITIONS, REPORTS, AND PRESENTATIONS

2.1 Manager's Update

3. PUBLIC SPEAKS OUT (one-hour time limit)

4. CONSENT AGENDA

CONSENT AGENDA items are non-controversial items unanimously recommended for approval by all involved parties. A single vote may be taken for the approval of ALL consent agenda items. Any individual council member may pull items off the consent agenda to discuss them. Items pulled off the consent agenda will be handled with the "DISCUSSION ITEMS" agenda topic.

4.1 Town Council - Regular Meeting - Jun 25, 2020 6:30 PM

4.2 Town Council - Regular Meeting - Jul 23, 2020 6:30 PM

4.3 Town Council - Quarterly - Aug 13, 2020 1:30 PM

4.4 Adjustment to Adopted Meeting Schedule
Speaker: Virginia Johnson, Town Clerk’s Office

Executive Summary: The Council’s 2020 meeting schedule was adopted at the December 12, 2019 meeting and amended to COVID restrictions. Town Hall is closed to the public, and Gov. Cooper has extended Executive Order 141's Safer At Home restrictions which includes restrictions on gatherings of people. Due to the existence of the State of Emergency, the September meetings will either be an electronic or ‘remote’ meeting accessible to the public as listed within the staff report.

Recommendation: Staff recommends the adoption of the adjusted meeting schedule for the September meetings as described in the staff report.
4.5 Bid Award for the Crossroads Emergency Interconnection Project  
**Speaker:** Brian Drake, Utilities  

**Executive Summary:** As part of our commitment to provide exceptional services, our utility infrastructure must keep pace with our community’s needs. Cooperation with our Raleigh neighbors to coordinate interlocal connections not only allows both municipalities to share in the costs of the Crossroads Emergency Interconnection Project but also helps ensure that we can deliver high quality water safely and reliably to our community. The project increases operational flexibility within our system to meet demands and maintenance needs. This will be our third interconnection with Raleigh’s water system so that water can be effectively transferred.

**Recommendation:** Staff recommends that Council award Carolina Civilworks, Inc. the Crossroads Emergency Interconnection Project for $1,808,915.00. Council’s award is a preliminary determination, and no legally binding acceptance of the bid or offer occurs until a written contract has been executed. The award is also subject to the contractor providing all bonds, insurance and other required documents.

4.6 20-A-06 Evangelist and Pendergraft Annexation  
**Speaker:** Wayne Nicholas, Planning & Development Services  

**Executive Summary:** The owners of property located at 1612 Cavalcade Drive (approximately 1,850 east of Green Level Church Road, adjacent to east side of Ridgefield Farms Subdivision at current terminus of Cavalcade Drive) have petitioned for annexation of the property in association with a development plan currently under review. Pursuant to statute, the Town Clerk has determined the petition to be sufficient, and Council must now consider whether to call for a public hearing on the request.

**Associated Case(s):** 20-DP-3300 (Ridgefield Place Subdivision)

**Recommendation:** That Council adopt a resolution calling for a public hearing on September 10, 2020.

4.7 20-A-01 7117 Carpenter Fire Station Road Annexation  
**Speaker:** Wayne Nicholas, Planning & Development Services  

**Executive Summary:** The Town desires to annex a parcel of Town-owned property located at 7117 Carpenter Fire Station Road (approximately 350 feet east of the Carpenter Fire Station Road and Highcroft Drive intersection) to facilitate future development of a neighborhood park and road improvements that include the site and other adjacent Town-owned properties. Pursuant to
statute, the Town Council held a public hearing on the proposed annexation and the matter is now ready for final action.

**Associated Case(s):** None.

**Recommendation:** That Council consider action on the requested annexation.

4.8 **Cary-Holly Springs Interlocal Agreement for Water Interconnections**  
**Speaker:** Sarah Braman, Utilities

**Executive Summary:** Cary’s interconnections with neighboring water systems provide strength and resiliency to the water distribution system, directly benefitting our citizens. This item proposes establishment of an Interlocal Agreement (ILA) with the Town of Holly Springs. Cary has an existing interconnection which has been utilized under temporary letters of agreement that are now expired. The ILA specifies terms of payment, water transfer, and service area conditions relative to the boundary line between Holly Springs and Cary established in a 2003 annexation agreement. Cary is in the process of developing an additional interconnection with Holly Springs and this ILA would support utilization of both interconnections.

**Recommendation:** That Council adopt the attached Interlocal Agreement Between Cary and Holly Springs for Agreement for Emergency Water Supply and authorizing the Town Manager or Deputy Town Manager to execute an Interlocal Agreement substantially like the Agreement attached.

4.9 **19-REZ-18 Young Property**  
**Speaker:** Katie Drye, Planning & Development Services

**Executive Summary:** The applicants have requested that Cary amend the Town of Cary Official Zoning Map by annexing and applying an initial zoning of Transitional Residential Conditional Use (TR-CU) to approximately 91.93 acres, at 10201 and 10209 Morrisville Parkway. The site is located partially in Chatham County and partially in Wake County and has a current zoning of Chatham County R-1 and Wake County Residential 40 Watershed District (R-40W). Proposed zoning conditions would allow a maximum of 190 detached dwellings and commit to preservation of a historic house. The applicant has submitted a concept plan that illustrates buffers, development areas, circulation, and open space.

An annexation petition (19-A-10 Young, Emerson and Hill Annexation) is associated with this request.

**Recommendation:** Staff recommends approval of this rezoning request with the conditions as proposed by the applicant.
**Planning and Zoning Board Determination:** The Planning and Zoning Board found the request to be consistent with the Imagine Cary Community Plan by a vote of 8-0.

### 4.10 19-A-10 Young, Emerson and Hill Annexation

**Speaker:** Katie Drye, Planning & Development Services

**Executive Summary:** The owners of two properties, one located at 10201 Morrisville Parkway in Wake County and the other located at 10209 Morrisville Parkway in Wake County and Lewter Shop Road in Chatham County (approximately 900 feet west of the White Oak Church Road and Morrisville Parkway intersection), have petitioned for annexation in association with a request to rezone the properties. Pursuant to statute, the Town Council held a public hearing on this request and the matter is now ready for final action.

**Associated Case(s):** 19-REZ-18 (Young Property Rezoning)

**Recommendation:** That Council consider action on the requested annexation in association with proposed rezoning case 19-REZ-18 (Young Property Rezoning).

### 4.11 Street Renaming of Heater Alley to Heater Cottage Alley

**Speaker:** Debra Grannan, Planning & Development Services

**Executive Summary:** Heater Alley runs between Fairview Road and E. Park Street in downtown Cary. Homes that front S. Walker Street and Keener Street have used Heater Alley as a rear access to their property. With the recent interest in building accessory dwelling units in the Town Center Cottage Business District, staff determined safest and most efficient way to address these units is to assign addresses from the access street or alley. Since there is an existing Heater Drive in Cary, a new name is necessary.

**Recommendation:** Staff recommends that Council direct staff to rename Heater Alley to “Heater Cottage Alley.”

### 4.12 19-REZ-16 Silverton PDD Amendment Parcel G (O&I Portion)

**Speaker:** Erin Puckett, Planning & Development Services

**Executive Summary:** The applicant has requested Cary consider an amendment to Cary’s Official Zoning Map by amending a portion of the previously approved Silverton Planned Development District consisting of approximately 2.24 acres, located at 1700 Evans Road, with zoning conditions that include limiting the use and density to 60 multi-family residential units, providing a minimum of 1,200 square feet of community gathering space, and providing a preliminary development plan (PDP) showing
the general location of buildings and parking as well as the provision of a public art element. The existing Mixed Use Overlay District (MUOD) will remain.

**Recommendation:** Staff recommends approval of this rezoning request with the conditions as proposed by the applicant.

**Planning and Zoning Board Determination:** The Planning and Zoning Board found the request to be consistent with the Imagine Cary Community Plan by a vote of 8-0.

### 4.13 Downtown Business Improvement District Mitigation Fee Ordinance

**Speaker:** Ted Boyd, Town Manager’s Office

**Executive Summary:** In 2012, Council created a Downtown Business Improvement District (BID) to support redevelopment and investments in Cary’s downtown. Since 2012, Cary has been paying certain development fees to help advance the timing of private investment taking place within the BID. Given the success of the BID in revitalizing the downtown core, and as part of achieving the vision of the Imagine Cary Community Plan, a Downtown BID Mitigation Fee Ordinance is proposed. This revision will redefine the purpose of the BID and the eligibility requirements for future development and redevelopment projects to qualify for payment by Cary of certain development fees.

**Recommendation:** Staff recommends Council adopt the attached BID Fee Mitigation Ordinance.

### 4.14 Ratification of Adoption of Street Closing Order for Portions of Old White Oak Church Road

**Speaker:** Kelly Promer, Transportation and Facilities

**Executive Summary:** At the July 23, 2020 Council meeting, Council held a public hearing to consider closing portions of Old White Oak Church Road right-of-way and, at the conclusion of the hearing, Council adopted a Street Closure Order closing the same. Due to differing interpretations of state law regarding public hearings held during remote meetings, ratification of the adoption of the order is recommended.

**Recommendation:** Ratify the July 23, 2020 adoption of the Street Closing Order for Portions of Old White Oak Church Road.

### 5. PUBLIC HEARINGS

The rules printed on the agenda for “Public Speaks Out” apply to the remainder of the public hearings, except that speakers are allowed five minutes. Thank you for respecting the business meeting by refraining from speaking from the audience, applauding speakers, or other actions that distract the meeting.
5.1 **PRCR Master Plan Addendum and Amendment to Imagine Cary Community Plan**  
**Speaker:** Sandi Bailey, Transportation and Facilities

**Executive Summary:** The Chatham-Cary Joint Land Use Plan was adopted in 2012, the same year as the PRCR Master Plan, both of which are components of the Imagine Cary Community Plan. The Joint Land Use Plan did not include a parks and greenways planning component but did list it as a future implementation item. This PRCR Master Plan Addendum fulfills that recommendation of the Joint Land Use Plan. Development is occurring in the joint land use area and adoption of this master plan addendum will ensure that recreation infrastructure grows with the community.

**Recommendation:** That Council hold the public hearing on this item and defer action to a future meeting.

5.2 **20-A-05 Recchie Annexation**  
**Speaker:** Debra Grannan, Planning & Development Services

**Executive Summary:** The owners of property located at 6200 Blanche Drive (in the northwest corner of the Azalea Drive and Blanche Drive intersection) have petitioned for annexation so that the property may be connected to Cary utilities. Pursuant to statute, the Town Council must hold a public hearing before taking action on the request.

**Associated Case(s):** None

**Recommendation:** That Council conduct a public hearing and defer action on requested annexation to a future council meeting.

5.3 **19-REZ-31 Cornerstone Mixed Use Plan Amendment Rezoning**  
**Speaker:** Debra Grannan, Planning & Development Services

**Executive Summary:** The applicant has requested Cary consider an amendment to Cary’s Official Zoning Map by amending the previously approved zoning for approximately 1.8 acres at 1744 High House Road by rezoning the property to Mixed Use District (MXD) with an associated Preliminary Development Plan (PDP). The PDP proposes a bank (up to 3,500 square feet in size) with a drive-through facility (separate drive-up ATM). The property is currently zoned Residential 40 within the Mixed Use Overlay District and is part of the Cornerstone Mixed Use Sketch Plan (MUSP) approved in 2007. This request proposes to change the base zoning of the property to MXD. If the rezoning is approved, the site would remain within the Mixed Use Overlay District, but the uses allowed under the previously approved MUSP (up to 6,000 square feet of commercial or office use) would
no longer be permissible and the property could only be developed in accordance with the associated PDP included in this request.

**Recommendation:** That following the public hearing, Council forward the request to the Planning and Zoning Board. Staff will provide a recommendation on the rezoning request when the case is brought back to Council for action.

**Planning and Zoning Board Determination:** The Board will provide a written determination regarding consistency with the Imagine Cary Community Plan following its meeting.

### 5.4 Requested Amendments to Fenton Development Agreement

**Speaker:** Russ Overton, Deputy Town Manager

**Executive Summary:** In November 2018, Cary entered into a Development Agreement (“DA”) with the Master Developer of the Fenton development. The Master Developer has been working to evolve the Fenton project from a preliminary plan to reality, and final grading and the construction of utilities, stormwater, retaining walls and other site infrastructure are underway. A search for building construction financing has led the Master Developer to determine that several changes to the DA would be beneficial to the success of the project, and the Master Developer has thus requested amendments to the DA. These requested amendments do not change the overall structure or reimbursable amounts of the original DA; however, they do seek to provide more rights to investors and lenders in the Fenton project to protect their investment in the event that the Master Developer defaults on their responsibilities. The proposed amendment continues to maintain the Master Developer’s responsibility to ensure compliance with the DA and the zoning for Fenton, including the Preliminary Development Plan and Design Guidebook.

**Recommendation:** That Council (1) hold a public hearing on the proposed amended and restated Development Agreement; and (2) consider adoption of a resolution [to be provided in advance of the public hearing] that adopts an Ordinance approving the “Development Agreement [Restated] for the Fenton Mixed-Use Development” (“Agreement”) and authorizing the Town Manager or Deputy Town Manager to execute an agreement substantially like the Agreement and to provide such notices and take such action as Agreement contemplates.

### 6. DISCUSSION ITEMS

(any item pulled from the **CONSENT AGENDA** [item 4 on this agenda] will be discussed during this portion of the agenda)

#### 6.1 20-REZ-01 Fenton Mixed Use Development Amendment
Speaker: Debra Grannan, Planning & Development Services

Executive Summary: Cary has received a request to amend the zoning conditions associated with the existing Mixed Use District (MXD) zoning for the 92-acre Fenton Mixed Use Development located on the north side of Cary Towne Boulevard between I-40 and Adams Elementary School. Previously approved conditions regarding the overall amount of floor area, number of dwelling units, traffic improvements and design/architecture will remain in place. This request proposes changes to the Preliminary Development Plan (PDP) to provide additional flexibility to better accommodate tenant needs now that the project is under construction.

Recommendation: Staff recommends approval of this rezoning request with the conditions as proposed by the applicant.

Planning and Zoning Board Determination: The Planning and Zoning Board found the request to be consistent with the Imagine Cary Community Plan by a vote of 8-0.

7. CLOSED SESSION

Closed Session will be called if necessary.

8. ADJOURNMENT

Please contact Town Clerk Virginia Johnson with any questions about this agenda or to request an auxiliary aid or service to participate in the meeting: virginia.johnson@townofcary.org, 919-469-4011, TDD 919-469-4012.

Meetings are cablecast live on Cary TV on the following channels: AT&T Uverse Channel 99, Google Channel 142 and Spectrum Channel 11. Meetings are available the following day at www.youtube.com/TownofCaryChannel.