



Cary Town Council  
Thursday, January 11, 2018  
6:30 PM  
Council Chambers  
316 N. Academy Street, Cary Town Hall, Cary, NC 27513

## 1. COMMENCEMENT

- 1.1 Call to Order
- 1.2 Ceremonial Opening led by Mayor Weinbrecht
- 1.3 Adoption of agenda

## 2. RECOGNITIONS, REPORTS, AND PRESENTATIONS

- 2.1 Manager's Update

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

*Public Speaks Out is the Town Council's opportunity to hear comments from as many citizens as possible. During Public Speaks Out, the Town Council receives comments and refrains from speaking. If a citizen comments about an issue that appears to be something that can be addressed by staff members, Council may ask the manager to have an appropriate staff person follow up.*

*Thanks to everyone in the audience for respecting the business meeting by refraining from speaking from the audience, applauding speakers, or other actions that distract the meeting.*

Anyone who wants to speak during Public Speaks Out should do the following:

- Take a seat in the reserved seats;
- Complete the contact information card located at the seat;
- When it is your turn to speak, proceed to the town clerk from the aisle behind the clerk, and give the clerk your completed contact information card and any handouts you have for the Town Council;
- Step to the podium next to the clerk; state your name clearly;
- Be concise; avoid repetition; limit comments to three minutes or less; designate a spokesperson for large groups; direct comments to the full Town Council and not to an individual Town Council member;
- Speakers may return to their regular seats from any aisle.

## 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 Appointment to vacancies to Advisory Boards (Public Art Advisory Board, and Zoning Board of Adjustment) and Clarification on Mayor's appointment to Friends of Page-Walker Board**

**Speaker:** Virginia Johnson, Town Clerk

**Executive Summary:** **Executive Summary:** There are vacancies on the Public Art Advisory Board, and the Zoning Board of Adjustment. The council liaisons to these boards have suggested appointments to fill these vacancies. The next step is for the appointments to be ratified by Town Council. Also included in this report is clarification of the Mayor appointment to the Friends of the Page Walker (no action required by council.)

**Recommendation:** Staff recommends the approval of the advisory appointments to the Public Art Advisory Board and Zoning Board of Adjustment.

**4.2 Minutes of the December 7, 2017 Quasi-Judicial Meeting (available by 5 p.m. on Tuesday, January 9)**

**4.3 Town Council - Regular Meeting - Dec 14, 2017 6:30 PM**

Proposed Council Action: Council May Take Action

Speaker: Virginia Johnson

**4.4 Ratification of Resolution - 11000 Regency Parkway**

**Speaker:** Chris Simpson, Town Attorney's Office

**Executive Summary:** On December 7 2017, Council reviewed the applicant's request for modification to parking requirements for 11000 Regency Parkway (16-SP-088). Council granted the applicant's request for approval. All the attorneys involved in the hearing have consented to the form of the attached Resolution. Council should review the Resolution to ensure it adequately represents Council's decision in the matter. Any questions about the content of the Resolution should be directed to John Silverstein, who was the attorney representing the Council in this matter.

**Recommendation:** *That Council adopt the attached resolution.*

**4.5 Ratification of Resolution - 323 W. Chatham Street**

**Speaker:** Chris Simpson, Town Attorney's Office

**Executive Summary:** On December 7 2017, Council reviewed the applicant's request for modifications to parking and right-of-way dedication requirements for 323 W. Chatham Street (18-DP-0201). Council granted the applicant's request for approval of the parking modification and the waiver of right-of-way



dedication for W. Chatham Street, and denied the applicant's request for waiver of right-of-way dedication for Dixon Avenue. All the attorneys involved in the hearing have consented to the form of the attached Resolution. Council should review the Resolution to ensure it adequately represents Council's decision in the matter. Any questions about the content of the Resolution should be directed to John Silverstein, who was the attorney representing the Council in this matter.

**Recommendation:** *That Council adopt the attached resolution.*

#### 4.6 Funding Consideration to Acquire Property for Future Cary-Apex Water Treatment Facility Expansion

**Speaker:** Steve Brown, Water Resources

**Executive Summary:** In Cary we have been well-served by long range planning, particularly when it comes to our water needs. A property adjacent to the Cary-Apex Water Treatment Facility has recently become available for purchase, and purchasing it now would position us well for a planned expansion of the facility. It would also be a cost-effective way to help ensure everything is in place to provide high quality water to our citizens now and into the future. The proposed project would include acquisition, historical evaluation and clearing/securing the property in preparation for a future plant expansion project.

**Recommendation:** *Staff recommends that Council approve creation of a new water capital project and appropriate a total of \$700,000 to facilitate this land purchase and associated work. Of this appropriation, \$539,000 (77%) will be supported by Town of Cary unrestricted utility capital reserve fund balance, while the remaining \$161,000 (23%) will be reimbursed to the Town of Cary by the Town of Apex.*

#### 4.7 17-REZ-22 Maple Springs Drive Rezoning

**Speaker:** Debra Grannan, Planning

**Executive Summary:** The applicant, Terramor Homes, Inc., has requested the Town consider an amendment to the Town of Cary Official Zoning Map by applying initial Town of Cary zoning of Residential 12 Conditional Use (R-12-CU) and Watershed Protection Overlay District (Jordan Lake Subdistrict) to approximately 1.1 acres located at 4121 Maple Springs Drive. The subject property is located northwest of the intersection of White Oak Church Road and Green Level West Road and is currently in Wake County's jurisdiction with a zoning designation of Residential 40 Watershed (R-40-W.) The applicant has proposed zoning conditions to limit the density to a maximum of two (2) dwelling units per acre.

There is an associated owner-initiated Annexation Petition 17-A-09.



**Recommendation:** Staff recommends approval of this rezoning request with the conditions as proposed by the applicant. See below for more information on the recommendation.

**Planning and Zoning Board Recommendation:** The Planning and Zoning Board recommended approval by a vote of 8-0.

#### 4.8 17-A-09 Marcia A. Coleman Annexation

**Speaker:** Debra Grannan, Planning

**Executive Summary:** The owners of property located at 4121 Maple Springs Drive (500 feet West of Maple Springs Drive and White Oak Church Road intersection) have petitioned for annexation of the property. 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): Rezoning 17-REZ-22 (Maple Springs Drive)

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

#### 4.9 Walker Street Extension Project Withdrawal of Funds and Project Closure

**Speaker:** Danna Widmar, Town Manager's Office

**Executive Summary:** Design of the Walker St. Extension began in 2007 and included a 1,200 linear foot extension of Walker Street from Cedar Street to Chapel Hill Road and grade separation of the existing NCRR and CSX railroad tracks. The Town secured partial grant funding for the project in 2010; however, the Town has since been unsuccessful in securing additional funds to complete the project. Due to the nearly \$30M shortfall in funding, as well as changing needs and priorities, no work has been done recently on the project.

In recent years, various funding and downtown redevelopment concerns surfaced and in 2017, an interdepartmental team evaluated the Walker Street project and concluded that the project no longer serves the original purpose due to changing priorities for transit, the potential for feasible alternative solutions, the negative impact on redevelopment and continued escalating costs. This evaluation resulted in a recommendation to withdraw funding and repay grant funding on the project.

**Recommendation:** Staff recommends that Council defund the project, decline \$5,484,000 in federal funds, repay \$237,676 to NCDOT for grant funds received and close the project. As all Town funding currently appropriated to the project has been expended, staff recommends that Council appropriate an additional \$237,676 from unrestricted general capital reserve fund



balance to support the repayment of expended grant dollars.

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 17-REZ-29 Twin Lakes PDD Amendment (MU-III North)

Speaker: Katie Drye, Planning

**Executive Summary:** The applicant has requested the Town consider an amendment to the Town of Cary Official Zoning Map for approximately 6.33 acres, located at 3624 Davis Drive. The rezoning request is to amend this portion of the previously approved Twin Lakes Planned Development District (PDD) to allow for the development of 200 age-restricted multi-family dwellings on a portion of the MU-III parcel.

**Recommendation:** *That Council conduct a public hearing on the proposed rezoning request and forward 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 Recommendation:** The recommendation will be provided to Town Council following the P&Z Board meeting.

5.2 17-REZ-26 Regency Park PDD Amendment (Tract 7 West)

Speaker: Mary Beerman, Planning

**Executive Summary:** The applicant has requested the Town consider an amendment to the Town of Cary Official Zoning Map by rezoning approximately 11.37 acres, located at 12040 Regency Parkway, by amending a portion (Tract 7 West) of the previously-approved Regency Park Planned Development District to increase the amount of parking allowed for office use from 3 spaces to 4.85 spaces per 1,000 square feet of floor area.

**Recommendation:** *That Council conduct a public hearing on the proposed rezoning request and forward 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 Recommendation:** The recommendation will be provided to Town Council following the P&Z Board meeting.

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 Bid Award for the 2018 Water Main Replacement Project

**Speaker:** Alex Lopez, Water Resources

**Executive Summary:** Safe, high quality, and dependable water service plays a vital role in the quality of life of our citizens. Through the Town's yearly water main replacement program, staff works to maintain high quality water service for our citizens. Proactively replacing aging pipes in the well-established areas of Town helps to ensure that our water infrastructure remains strong and continues to provide sustainable water flow to support our still growing community. This year's water main replacement project includes the replacement of approximately 22,000 linear feet of water mains, divided into two projects. These improvements will help to increase system resiliency and strengthen the Town's water infrastructure, supporting the goals outlined in the Imagine Cary Community Plan.

**Recommendation:** *Staff recommends that Council award Pipeline Utilities, Inc. both the 2018 Water Main Replacement Project – Part A contract (including the bid alternate) for \$2,656,999.50, and the 2018 Water Main Replacement Project – Part B contract for \$3,100,000. The recommendation of these awards to Council represents a preliminary determination, and no legally binding acceptance of the bids or offers occurs until the Town has executed written agreements for each of the contracts. The contract awards are subject to the contractor providing all bonds, insurance and other required documents and executing a contract in a form agreeable to the Town.*

## 6.2 Cary Parkway and High House Road Intersection Improvements Construction Bid Award

**Speaker:** Amir Nezarati, Transportation & Facilities

**Executive Summary:** The award of the Cary Parkway and High House Road Intersection Improvements Project is a major milestone of a 10 year project which has advanced through detailed analysis, design, and public outreach. Cary's growth, including residential and commercial development, has resulted in increased traffic volumes and congestion at this intersection. The project design is the result of extensive public input with the goals to reduce congestion while maintaining and enhancing the aesthetic features of this signature intersection.

**Recommendation:** *That Council award the construction of the Cary Parkway and High House Road Intersection Improvements Project to Fred Smith Company for \$2,727,000 and adopt the attached Resolution documenting this award. The recommendation of award by Council represents a preliminary determination and no legally binding acceptance of the bid or offer occurs until the Town has executed a written agreement. The contract*



*award is subject to the contractor providing all bonds, insurance, and other required documents and executing a contract in a form agreeable to the Town. The contract award is also subject to NCDOT concurrence. Staff further recommends that Council authorize the Town Manager to enter into a supplemental grant agreement with NCDOT accepting an additional \$550,000 in grant funding for the project and appropriate an additional \$440,089 of transportation development fee fund balance from the general capital reserve fund to address grant match requirements.*

### 6.3 17-REZ-07 Urban Drive Rezoning

**Speaker:** Meredith Gruber, Planning Department

**Executive Summary:** The applicant has requested the Town consider an amendment to the Town of Cary Official Zoning Map by rezoning property located at 110 Urban Drive from Town Center – Medium Density Residential (TC-MDR) to Town Center – Mixed Use – Conditional Use (TC-MXD-CU) to allow development of townhomes, multifamily dwellings, and/or a neighborhood recreation center.

**Staff Recommendation:** *Staff recommends approval of this rezoning request with the revised conditions as proposed by the applicant. See below for more information on the recommendation.*

**Planning and Zoning Board Recommendation:** The Planning and Zoning Board recommended denial by a vote of 7 – 1.

This rezoning has an associated Consistency and Reasonableness Statement incorporated into the suggested Motions accompanying this agenda item.

### 6.4 17-REZ-05 White Oak PDD

**Speaker:** Meredith Gruber, Planning

**Executive Summary:** The applicant has requested the Town consider an amendment to the Town of Cary Official Zoning Map by rezoning properties located at 1609 and 1621 White Oak Church Road, consisting of approximately 18.93 acres, from Residential 40 and Residential 40 Conditional Use (R-40 and R-40 CU) to Planned Development District (PDD). The Proposed PDD would allow a 10,000-square foot day care, a maximum of 30 townhomes, and a maximum of 60 age-restricted multi-family dwelling units. The proposed PDD would also include the existing religious assembly use on the property.

**Staff Recommendation:** *Staff recommends approval of this rezoning request with the conditions as proposed by the applicant. See below for more information on the recommendation.*



**Planning and Zoning Board Recommendation:** The Planning and Zoning Board recommended approval by a vote of 5 – 3.

This rezoning has an associated Consistency and Reasonableness Statement incorporated into the suggested Motions accompanying this agenda item.

**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](mailto: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](http://www.youtube.com/TownofCaryChannel).*

