

**TOWN OF CARY  
RESOLUTION APPROVING SKETCH PLAN  
BOJANGLES SKETCH PLAN (17-DP-0893)**

**Subject Property:** 3900 NC 55 HWY  
**PIN#:** 0735-73-6192  
**Total lot/tract size:** 1.71 acres  
**Property Owner:** D Cooke Properties, LLC

At its meeting on December 6, 2018, after conducting a duly advertised quasi-judicial hearing and after considering the application materials, testimony, exhibits, and evidence presented at the hearing or otherwise appearing in the record, and the approval criteria of Section 3.9.2(I) of the Town of Cary Land Development Ordinance (the “LDO”), the Cary Town Council voted 6-1 to APPROVE the proposed sketch plan, based upon the following findings and conditions:

Findings:

1. The Property Owner is seeking approval of a sketch plan for a 4,696 square foot restaurant with drive-through facility in the Town of Cary, NC (“Sketch Plan”).
2. The Subject Property is a 1.71 acre site situated southeast of the intersection of NC Highway 55 and Indian Wells Road.
3. The application and other records pertaining to the site plan are part of the record.
4. Notice has been provided as required by law.
5. The Subject Property is located in the Futrell/Cooke non-residential subdivision, just west of the Carpenter Special Planning Area and Historic District. The Subject Property is located within a General Commercial Conditional Use (GCCU) zoning district, which has conditions pertaining to building size, as well as the allowable mixture of office and commercial uses for the entire subdivision. The zoning also contains architectural requirements pertaining to the types of permitted masonry materials, the roof color and style, and window styles. These architectural zoning conditions will be enforced with the review of the full development plan.
6. The Sketch Plan complies with applicable requirements of the LDO and other Town specifications. Staff approved two modifications requested by the Applicant, an 18% increase in parking and averaging of the width of the streetscape along NC Highway 55. The Applicant requested no modifications that require Town Council consideration.
7. With the requirement for planting the eastern buffer to a Type A standard (see conditions below), the Sketch Plan adequately protects other property from the potential adverse effects of the proposed development, and there are no existing or proposed residential uses on this site.
8. The Sketch Plan provides harmony and unity with the development of nearby properties. The proposed uses and site elements are consistent with those permitted by the GCCU

zoning district. The impact of the scale of the buildings in this proposal is mitigated by the physical separation between the site and the residential neighborhoods to the east.

9. The Sketch Plan provides safe conditions for pedestrians and motorists, and prevents a dangerous arrangement of pedestrian and vehicular ways. Pedestrian walkways are marked on the pavement around the parking area.
10. The Sketch Plan provides for safe ingress and egress of emergency services to the site. The Town of Cary Fire and Police Departments were made aware of the proposed project and expressed no concerns regarding the proposed improvements.
11. The Sketch Plan adequately mitigates traffic congestion reasonably expected to be generated by the project, given the inclusion of the improvements recommended in the traffic assessment performed by Ramey Kemp and Associates.
12. Based upon the uncontroverted competent, substantial, and material evidence appearing in the record, the approval criteria for approval of a Development Plan contained in Section 3.9.2(I) of the Land Development Ordinance have been met, specifically:
  - a. The plan complies with all applicable requirements of the LDO, including all applicable Town specifications and official plans and manuals or documents adopted by the Town;
  - b. The plan adequately protects other property or residential uses located on the property from potential adverse effects of the proposed development;
  - c. The plan provides harmony and unity with the development of nearby properties;
  - d. The plan provides safe conditions for pedestrians and motorists and prevents dangerous arrangement of pedestrian and vehicular ways;
  - e. The plan provides safe ingress and egress for emergency services to the site;
  - f. The plan provides mitigation for traffic congestions impacts reasonably expected to be generated by the project.

ACCORDINGLY, based on the foregoing, the Town Council hereby approves the Sketch Plan subject to the following conditions:

1. The 30-ft average width buffer along the eastern property line adjacent to the rail corridor shall be planted to a Type A standard.
2. The applicant must satisfactorily address all remaining Development Review Committee comments on the master plan set submitted for signature.

Signed, this \_\_\_\_\_ day of January, 2019

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Harold Weinbrecht, Jr., Mayor

**CERTIFICATION**

I, Virginia H. Johnson, Town Clerk of the Town of Cary, North Carolina, do hereby certify the foregoing to be true copy of a Resolution duly adopted at the meeting of the Town Council held on December 6, 2018.

IN WITNESS WHEREOF, I have hereunto set my hand and have caused the seal of the Town of Cary to be affixed this the \_\_\_\_\_ day of January, 2019.

\_\_\_\_\_  
Virginia H. Johnson, Town Clerk

(Seal)