

JAN 09 2017

Submit to the Planning Department, P.O. Box 8, 05 Cary, NC 27512

17-REZ-04

For office use only:

Payment Method:  CASH  CHECK  CREDIT CARD Amount: \$ 1250<sup>00</sup> P&Z HTE# 17-0715

**APPLICATION FOR:** (check all that apply)

LAND USE PLAN AMENDMENT (Complete Parts 1, 2 and 4)

REZONING (Complete Parts 1, 2 and 3)

Associated Annexation Petition  Yes  No

Traffic Impact Study Required  Yes TAR Number: n/a  
 No Staff confirmation: Initials AB Date \_\_\_\_\_

PAID

JAN 10 2017

DEVELOPMENT SERVICES

This application is deemed sufficiently complete for purposes of submittal.

Planning Staff Signature [Signature] Date 1/10/2017

Submittal deadlines incorporate sufficiency review of rezoning/land use plan amendment applications. Signature by Planning Staff is required prior to payment of fees and final acceptance of application.

STAFF USE ONLY: Circle applicable Parts: 1 2 3A B1 3B2 3B3 3C1 3C2 3C3 3C4 3D 3E1a 3E1b 3E2 3F 4A 4B

**Check all that apply:** Fees will not be accepted until the application is deemed sufficiently complete and signed by Planning Staff.

**REZONING FEE:**

- \$1,400.00 – General rezoning, or initial zoning associated with owner-initiated annexation petition, 5 acres or greater
- \$300.00 – Initial zoning associated with citizen-initiated annexation petition, less than 5 acres
- \$1,900.00 – Conditional use rezoning (per change of zoning classification requested)
- \$2,500.00 – Mixed Use District Rezoning (New MXD, or major amendment to existing PDP)
- \$500.00 – Mixed Use District Rezoning (Minor amendment to existing PDP - typically less than 50% of floor area, number of units, etc.)
- \$2,500.00 – New application or major amendments to approved Major PDD
- \$1,250.00 – Minor PDD

NOTE: An additional fee of \$150 will be charged for each additional public hearing or neighborhood meeting required due to changes in the request made during the rezoning process.

**LAND USE PLAN AMENDMENT FEE:**

- \$2,000.00 – Land Use Plan Amendment, or land use element of an area plan

<b>Project Name</b>		(Weston Manor)
<b>Name of PDD (if applicable)</b>		Weston PDD AMENDMENT TRACT 0213 (Weston Manor)
<b>Location</b>	<b>Address</b>	Norwell Blvd
	<b>General Location</b>	Property is located between Weston Parkway and NW Cary Parkway
	<b>Jurisdiction (check one)</b>	<input checked="" type="checkbox"/> Cary Corporate Limits <input type="checkbox"/> Cary ETJ <input type="checkbox"/> Wake Co.* <input type="checkbox"/> Chatham Co.* *Submittal of an annexation petition is required if rezoning is requested

## Part 1: Applicant Information

Applicant		Applicant's Contact	
Name	<u>Weston Manor HOA Inc.</u>	Name	<u>Glenda Toppe</u>
Firm	<u>same</u>	Firm	<u>Glenda S Toppe &amp; Assoc.</u>
Address	<u>1000 Darrington Dr. Sk 105</u>	Address	<u>4139 Gardenlake Drive</u>
City, State, Zip	<u>Cary NC 27513</u>	City, State, Zip	<u>Raleigh, NC 27612</u>
Phone (area code)	<u>919-462-0775</u>	Phone (area code)	<u>919-605-7390</u>
Email	<u>mike@wardson.com</u>	Email	<u>glenda@gstplanning.com</u>

## Part 2: Parcel & Owner Information

Property Owner(s) <i>Provide property owner name and address as it appears in the Wake or Chatham County Tax Records,</i>	County Parcel Number(s) (10 digit)	Real Estate ID(s)	Calculated Acres <sup>1</sup>
See Attached Sheet			
<b>Total Acres</b>			

<sup>1</sup> A property survey showing zoning district boundaries and acreages is required if multiple zoning districts are proposed or if the proposed rezoning applies to only a portion of a parcel.

PIN	Real Estate ID	Owner	Mail Address 1	Mail Address 2	Mail Address 3	Deed Acres
0765251897	0339676	WESTON MANOR HOMEOWNERS ASSN INC THE	OMEGA ASSOCIATION MANAGEMENT INC	160 NE MAYNARD RD STE 210	CARY NC 27513-9676	0.49
0765252583	0339677	WESTON MANOR HOMEOWNERS ASSN INC THE	OMEGA ASSOCIATION MANAGEMENT INC	160 NE MAYNARD RD STE 210	CARY NC 27513-9676	0.11
0765252882	0339251	VREDENBURG, KRISTI L VREDENBURG, MICHAEL R	303 ASHLEY SPRINGS CT	CARY NC 27513-2054		0.33
0765252964	0339252	ZHOU, LI ZHAO, CHUNHUI	305 ASHLEY SPRINGS CT	CARY NC 27513-2054		0.3
0765253388	0339679	WESTON MANOR HOMEOWNERS ASSN INC THE	OMEGA ASSOCIATION MANAGEMENT INC	160 NE MAYNARD RD STE 210	CARY NC 27513-9676	0.3
0765253558	0339280	PACE, NICHOLAS RALEIGH	527 BEXLEY BLUFF LN	CARY NC 27513-2048		0.24
0765253725	0339250	CRAWFORD, JAMES A CRAWFORD, MARIE M	301 ASHLEY SPRINGS CT	CARY NC 27513-2054		0.38
0765254453	0339278	LEHR, KARCSI F JR LEHR, AMY M	519 BEXLEY BLUFF LN	CARY NC 27513-2048		0.28
0765254501	0339279	HAMLIN, GREGORY C HAMLIN, LAURA BARNES	521 BEXLEY BLUFF LN	CARY NC 27513-2048		0.28
0765254770	0339281	BOLES, JEREMIAH C DIMICHELE, LAURA	102 LINTON BANKS PL	CARY NC 27513-2049		0.3
0765255317	0339277	NARAN, PARESH NARAN, JUDY	517 BEXLEY BLUFF LN	CARY NC 27513-2048		0.41
0765255549	0339674	MORRISSEY, BRENDAN MORRISSEY, KRISTIN	520 BEXLEY BLUFF LN	CARY NC 27513-2047		0.35
0765255735	0339282	YUNG, YIU FAI LAU, LEI L	104 LINTON BANKS PL	CARY NC 27513-2049		0.29
0765255997	0339256	TAYLOR, CYNTHIA A TAYLOR, WILLIAM MARK	105 LINTON BANKS PL	CARY NC 27513-2051		0.44
0765256317	0339276	WILKES, JOHN R WILKES, JANET J	515 BEXLEY BLUFF LN	CARY NC 27513-2048		0.37
0765256605	0339673	PULLIAM, ROBERT P PULLIAM, KATHRYN O	514 BEXLEY BLUFF LN	CARY NC 27513-2047		0.31
0765256767	0339283	TOTE, JOHN W III TOTE, ELIZABETH U	108 LINTON BANKS PL	CARY NC 27513-2049		0.32
0765257317	0339275	KINGMAN, PAUL WILDING, MARCELLA	509 BEXLEY BLUFF LN	CARY NC 27513-2048		0.35
0765257652	0339288	WANG, LI WANG, SHIRLEY T	512 BEXLEY BLUFF LN	CARY NC 27513-2047		0.3
0765257743	0339284	RAUSCH, WILLIAM C	110 LINTON BANKS PL	CARY NC 27513-2049		0.26
0765257907	0339257	ZIPKIN, DANIELLA GOULDING, RYAN	107 LINTON BANKS PL	CARY NC 27513-2051		0.5
0765257994	0339258	GILLESPIE, MICHAEL J GILLESPIE, BARBARA	109 LINTON BANKS PL	CARY NC 27513-2051		0.41
0765258317	0339274	LANDGUTH, MICHAEL J LANDGUTH, PAGE	507 BEXLEY BLUFF LN	CARY NC 27513-2048		0.35
0765258514	0339287	DODGE, BRYAN G DODGE, SUZANNE J	510 BEXLEY BLUFF LN	CARY NC 27513-2047		0.35
0765258628	0339285	KRISTENSEN, EDWARD F JR KRISTENSEN, MARY M	112 LINTON BANKS PL	CARY NC 27513-2049		0.26
0765258873	0339678	WESTON MANOR HOMEOWNERS ASSN INC THE	OMEGA ASSOCIATION MANAGEMENT INC	160 NE MAYNARD RD STE 210	CARY NC 27513-9676	0.29
0765259344	0339273	CANNADY, MICHAEL L CANNADY, JILL C	505 BEXLEY BLUFF LN	CARY NC 27513-2048		0.57
0765259603	0339286	JAYANTY, RADHAKRISHNA JAYANTY, SATYAVENKATA	114 LINTON BANKS PL	CARY NC 27513-2049		0.26
0765262083	0339253	HARRIS, JASON HARRIS, PAMELA	306 ASHLEY SPRINGS CT	CARY NC 27513-2054		0.44
0765264052	0339254	WALKER, JOHN CHRISTOPHER II WALKER, JANET SECREST	304 ASHLEY SPRINGS CT	CARY NC 27513-2054		0.48
0765350505	0339272	SIEBENALER, KRISTIN VAN, ARNAM ROBERT	200 LINTON BANKS PL	CARY NC 27513-2052		0.28
0765350591	0339271	BRADFORD, JEFFREY D BRADFORD, ANDREA L	202 LINTON BANKS PL	CARY NC 27513-2052		0.33
0765350800	0339259	NAMDE, MADJIMBAYE NAMDE, CAROLYN	113 LINTON BANKS PL	CARY NC 27513-2051		0.46
0765351497	0339270	CALLIHAN, SEAN DAVID CALLIHAN, COURTNEY M	204 LINTON BANKS PL	CARY NC 27513-2052		0.43
0765351772	0339261	BJURSTROM, DAN J BJURSTROM, JENNIFER B	201 LINTON BANKS PL	CARY NC 27513-2053		0.59
0765351821	0339260	NEUMAN, BRANDON S NEUMAN, KATE K	115 LINTON BANKS PL	CARY NC 27513-2051		0.6
0765352367	0339675	WESTON MANOR HOMEOWNERS ASSN INC THE	OMEGA ASSOCIATION MANAGEMENT INC	160 NE MAYNARD RD STE 210	CARY NC 27513-9676	3.2
0765352657	0339262	LANKA, MURALI K LANKA, SARASWATHI P	207 LINTON BANKS PL	CARY NC 27513-2053		0.33
0765352892	0339263	OGREN, TIMOTHY JEROME OGREN, KENDALL	209 LINTON BANKS PL	CARY NC 27513-2053		0.39
0765353500	0339269	OWEN, ROBERT OWEN, ALLISON	206 LINTON BANKS PL	CARY NC 27513-2052		0.34
0765353571	0339268	FERRIS, JAMES M FERRIS, JENNIFER B	208 LINTON BANKS PL	CARY NC 27513-2052		0.36
0765353788	0339264	FREY, DAVID FREY, GAIL	211 LINTON BANKS PL	CARY NC 27513-2053		0.31
0765354564	0339267	COLLOPY, THOMAS K COLLOPY, JEANETTE C	210 LINTON BANKS PL	CARY NC 27513-2052		0.3
0765355622	0339266	SMYRE, JACK LYN SMYRE, TERI SUE	212 LINTON BANKS PL	CARY NC 27513-2052		0.37
0765355714	0339265	LAGALY, SAVANNAH M TRUSTEE LAGALY, NOAH D TRUSTEE	213 LINTON BANKS PL	CARY NC 27513-2053		0.29

111 LINTON BANKS PL

0765254991 0339255 Varadarajan, Rupashree & Mysore D 302 Ashley Springs Ct Cary NC 27513-2054 0.37

### Part 3A: Rezoning Request

Pre-Application Meeting:  yes    Date: \_\_\_\_\_     no

<b>Existing Zoning</b>	<b>Base Zoning District(s)</b>	PDD
	<b>Zoning Overlay District(s)</b> <i>Check any that apply</i>	<input type="checkbox"/> Mixed Use Overlay District (Name: _____) <input type="checkbox"/> Conservation Residential Overlay District <input type="checkbox"/> Thoroughfare Overlay District <input type="checkbox"/> Airport Overlay District <input type="checkbox"/> Watershed Protection Overlay District <input type="checkbox"/> Jordan Lake <input type="checkbox"/> Jordan Lake Critical Area <input type="checkbox"/> Swift Creek <input type="checkbox"/> Historic Preservation Overlay District
	<b>Zoning Conditions (if any)</b>	Refer to Approved Weston PDD Document
<b>Proposed Zoning</b>	<b>Proposed Base Zoning District(s)</b>	PDD
	<b>Proposed Zoning Conditions</b>	<input type="checkbox"/> No zoning conditions are proposed <input checked="" type="checkbox"/> Zoning conditions are proposed and included in attached affidavit
	<b>Proposed Changes to Overlay Districts</b>	N/A
	<b>Summary of Proposed Development or Purpose of Request</b>	The only change is to delete one of the conditions for O&I 3: The internal sidewalk network will connect to the Black Creek Greenway to the east by a private, 6' asphalt trail and bridge.
<b>Applicable Area Plan (if any)</b>		<input type="checkbox"/> Town Center Area Plan <input type="checkbox"/> Southeast Area Plan <input type="checkbox"/> Southwest Area Plan <input type="checkbox"/> Northwest Area Plan <input type="checkbox"/> Chatham/Cary Joint Land Use Plan <input type="checkbox"/> Carpenter Community Plan <input type="checkbox"/> Alston Activity Center Concept Plan <input type="checkbox"/> Other  <input checked="" type="checkbox"/> None applicable to site
<b>Land Use Plan</b>		<b>Existing Plan Designation:</b> Residential
		<b>Associated Land Use Plan Amendment Submitted</b> <input type="checkbox"/> yes <input checked="" type="checkbox"/> no

## Part 3B: Applicant's Rezoning Justification Statement(s)

### Rezoning Justification Statement #1 *Required for all rezoning requests*

Describe how the proposed rezoning meets the criteria listed below.

Section 3.4.1(E) of the Land Development Ordinance states that Council should consider the following criteria when reviewing all proposed rezonings:

- (1) The proposed rezoning corrects an error or meets the challenge of some changing condition, trend, or fact;

*Applicant's Comments:* The proposed amendment deletes the condition requiring a connection to Black Greenway. In 2009 the bridge was damaged and repaired and then re-certified/re-permitted by the Town of Cary. Due to another natural event in 2016, the bridge was damaged and removed. Due to the location of the bridge, the bridge will continue to be damaged during natural events. The residents will still have access to the Black Greenway by way of the North Cary Park.

- (2) The proposed rezoning is consistent with the Comprehensive Plan and the purposes set forth in Section 1.3 of this Ordinance;

*Applicant's Comments:* The proposed PDD amendment is consistent with the Comprehensive Plan. No change is proposed to the land use category. The land use remains residential.

- (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;

*Applicant's Comments:* There is an approved subdivision on the site. The Town is currently serving the property.

- (4) The proposed rezoning is unlikely to have significant adverse impacts on the natural environment, including air, water, noise, stormwater management, wildlife, and vegetation;

*Applicant's Comments:* The proposed amendment will not have an adverse impact on the natural environment.

- (5) The proposed rezoning will not have significant adverse impacts on other property in the vicinity of the subject tract; and

*Applicant's Comments:* The proposed amendment will have no adverse impact on the properties in the vicinity of the subject tract.

- (6) The proposed zoning classification is suitable for the subject property.

*Applicant's Comments:* The location of the bridge is environmentally challenged. Given the amount of water that collects in the creek during storms, the bridge will continue to be subject to sustained serious damage. With the removal of the zoning condition, there will still be access to the greenway. There is a connection to the greenway at the North Cary Park that can be accessed by the residents via a sidewalk that runs along Norwell Blvd. to the Park.

**Rezoning Justification Statement #2** *Required only when rezoning to a Planned Development District or amending an existing Planned Development District*  
Describe how the proposed rezoning meets the criteria listed below.

Section 3.4.3(E) of the Land Development Ordinance states that Council should consider the following criteria when reviewing proposed rezonings to a Planned Development District.. *These criteria are in addition to those stated in Section 3.4.1(E),*

- (1) The PDD designation is necessary to address a unique situation or represents a substantial benefit to the Town, compared to what could have been accomplished through strict application of otherwise applicable zoning district standards; and

Applicant's Comments: The condition that was originally agreed to is no longer practical. The bridge location is subject to continual damage during natural events. Access is available from Weston Manor to the Black Creek Greenway via sidewalk that runs along Norwell Blvd. to the North Cary Park which has a connection to the Black Creek Greenway.

- (2) The request complies with the PDD standards of Section 4.2.3.

Applicant Comments: Yes

**Rezoning Justification Statement #3** Required only when rezoning to or amending the Preliminary Development Plan component of a Mixed Use District  
Describe how the proposed rezoning meets the criteria listed below.

N/A

In addition to the criteria for a general rezoning specified in Section 3.4.1(E), rezoning requests to a MXD district shall be reviewed for compliance with the following criteria contained in LDO Section 4.5.2(E), as applicable [i.e., it may not be reasonable or practical to expect that some existing or partially-built mixed use districts (formerly activity center concept plans or mixed use sketch plans) to achieve certain design standards]:

**(1) Intensity, Type, and Mix of Uses**

The preliminary development plan includes an appropriate intensity, type, and mix of land uses, as outlined by the guidelines contained in the Land Use Plan. This shall be assessed in relation to the scale of the activity center and the mix and relationship of existing and planned uses in the activity center, including residential, commercial, office, and institutional uses;

**(2) Site Design**

The preliminary development plan shows how the proposed mixed use development will meet or exceed Town site design guidelines and other established Town standards, including connections and linkages to immediately adjacent properties;

**(3) Expected Land Uses**

The extent to which the proposed development provides the expected land uses, including medium- and higher-density housing, outlined by the numerical and other guidelines contained in the Land Use Plan;

**(4) Public Spaces**

The preliminary development plan includes some formal outdoor space(s) for public use, such as a park, village green, or plaza, with larger mixed use centers including more such space than smaller centers; and

**(5) Scale and Context**

The preliminary development plan demonstrates that the proposed development is appropriate for the context and location, responds to the unique conditions of the area, and provides reasonable transitions within and adjacent to the district.

**Part 3C : Owner's Signature(s)** Completion of the applicable sub-section(s) is required for all rezoning requests except requests to rezone to a General Use District

Check applicable sub-section(s)

- 3C(1) – Required where property owner is an Individual
- 3C(2) – Required where property owner is a Limited Liability Company (LLC)
- 3C(3) – Required where property owner is General Partnership (GP),  
Limited Partnership (LP) or Limited Liability Partnership (LLP)
- 3C(4) – Required where property owner is a Corporation

(Attach additional sheets if necessary)

**Part 3C(1): Individual** All owners must sign, including husband & wife, and all joint tenants.  
(Notary not required)

Property Owner Printed Name \_\_\_\_\_

Property Owner Signature \_\_\_\_\_ Date \_\_\_\_\_

Property Owner Printed Name \_\_\_\_\_

Property Owner Signature \_\_\_\_\_ Date \_\_\_\_\_

Property Owner Printed Name \_\_\_\_\_

Property Owner Signature \_\_\_\_\_ Date \_\_\_\_\_

Property Owner Printed Name \_\_\_\_\_

Property Owner Signature \_\_\_\_\_ Date \_\_\_\_\_

Property Owner Printed Name \_\_\_\_\_

Property Owner Signature \_\_\_\_\_ Date \_\_\_\_\_

Property Owner Printed Name \_\_\_\_\_

Property Owner Signature \_\_\_\_\_ Date \_\_\_\_\_

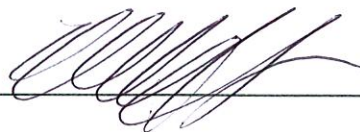
Property Owner Printed Name \_\_\_\_\_

Property Owner Signature \_\_\_\_\_ Date \_\_\_\_\_



**Part 3C(4): CORPORATION** – The area to be rezoned is owned by a corporation properly registered with the State of North Carolina. **(Must be notarized).**

The President/Vice President is Michael L. Hunter of Weston Manor HOA Inc.  
(Typed or Printed Name) (Typed or Printed Corporation Name)

Signature  Date 1/9/17

STATE OF North Carolina  
COUNTY OF Wake

Vickie S Ryals, a Notary Public, do hereby certify that Michael L. Hunter  
(Name of Notary) (Name of President/Vice President)

personally came before me this day and acknowledged that he/she is President/Vice-President  
(circle one)

of Weston Manor HOA Inc. and that he/she as President/Vice-President  
(Corporation Name) (circle one)

being authorized to do so, voluntarily executed the foregoing on behalf of said corporation for the purposes stated therein.

Witness my hand and official seal, this the 9<sup>th</sup> day of January, 2017.



Vickie S Ryals  
Notary Public

Vickie S. Ryals  
Printed Name of Notary Public

My Commission expires 5/23/21

### **Part 3E: Affidavit Signed by Property Owner or Authorized Agent**

*Completion of the applicable sub-section(s) is required for all rezoning requests except requests to rezone to a General Use District. Must be notarized*

Check applicable sub-section(s)

- 3E(1a)** – Required where the property owner maintains sole authority to make binding statements and commitments regarding the request, and the property owner is one or more individuals.
- and/or
- 3E(1b)** – Required where the property owner maintains sole authority to make binding statements and commitments regarding the request, and the property owner is a corporate or similar entity.

**OR**

- 3E(2)** – Required where the property owner has authorized another individual or entity to represent him/her through the public hearing process and make binding statements and commitments regarding the request. *(Selection of this option requires submittal of Power of Attorney or redacted sales contract per Part 3D above)*

#### **NOTE:**

**Each time proposed zoning conditions are revised after the initial submittal, a new affidavit must be provided to the case planner.**

**Part 3E(1b) Affidavit of Corporate Entity Property Owner**

STATE OF NORTH CAROLINA  
COUNTY OF WAKE

AFFIDAVIT OF  
Weston Manor HOA Inc.  
(Owner Corporation/LLC/etc.)

I, Michael L. Hunter, being first duly sworn, hereby depose and say:

1. I am over eighteen years of age and competent to make this Affidavit. All statements made herein are based upon my personal knowledge.

2. Weston Manor HOA Inc ("the Applicant") is the owner of certain real property located at Norwell Blvd., and identified as See Attachment ("the Property").

3. On or about 01/09/17 [insert date], the Applicant submitted to the Town of Cary an Application for a rezoning of the Property ("the Application").

4. I am the Vice President [insert title of person signing] for the Applicant and I have been duly authorized to represent and bind the Applicant and execute this Affidavit.

5. The Applicant has agreed to volunteer the following zoning conditions or provisions in support of the Rezoning:

1. Pedestrian crossing at project entrance to connect this site with Bexley. (Existing)

6. In addition to the zoning conditions or provisions listed above in paragraph 5, the Applicant, through counsel or otherwise, may offer or consent to at any hearing before the Town of Cary Planning and Zoning Board or Town Council certain additional conditions of approval (which additional conditions of approval, along with the zoning conditions or provisions listed in paragraph 5, are collectively referred to hereinafter as the "Conditions of Approval").

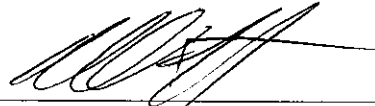
7. All Conditions of Approval that the Applicant offers in connection with the Rezoning are offered to address the conformance of the development and use of the site to Town ordinances and officially adopted comprehensive plan or other plan and to address the impacts reasonably expected to be generated by the development or use of the site.

8. I intend for the Town to rely on this Affidavit and in offering the Conditions of Approval, I hereby swear that:

- a. all zoning conditions and provisions are freely offered as proposed zoning laws, based solely on the property owner/applicant's independent judgment; and
- b. the property owner/applicant is not relying upon any statement by the Town staff or any member of the Town Council in connection with the decision to offer any zoning conditions or provisions; and
- c. the property owner/applicant understands that other parties that have standing in the rezoning proceeding are relying on the validity of the zoning conditions and provisions; and
- d. the property owner/applicant intends for all future owners of the property to be bound by the zoning conditions and provisions should the Town Council adopt them as part of the rezoning; and
- e. the property owner/applicant will take all appropriate measures to ensure that future property owners are aware of the zoning conditions and provisions.

Further the Affiant sayeth not.

This the 9<sup>th</sup> day of January, 2017.



Name: Michael L. Hunter  
Title: Vice President

Sworn and subscribed before me this the 9<sup>th</sup> day of January, 2017.

Wickie S Ryals  
Notary Public

My commission expires: 5/23/21

