

TOWN OF CARY
 Planning Department

PAID

Submit to the Planning Department, P.O. Box 8005, Cary, NC 27512

APR 27 2017

17-REZ-14

For office use only:

DEVELOPMENT SERVICES

Rezoning Case #

Payment Method: CASH CHECK CREDIT CARD Amount: \$ 2500 P&Z HTE# 17-1189

#1070

APPLICATION FOR REZONING

Associated Annexation Petition Yes No

Traffic Impact Study Yes TAR Number: 17-TAR-422
 No Staff confirmation: Initials _____ Date _____

This application is deemed sufficiently complete for purposes of submittal.

Planning Staff Signature Mary Beerman Date 4/26/2017

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 3B4 3C1 3C2 3C3 3C4 3D 3E1a 3E1b 3E2 3F

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 or Minor Amendment to Existing 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.

Project Name		Eastern Cary Gateway Mixed Use Development
Name of PDD (if applicable)		N/A
Location	Address	950 W Chatham Street
	General Location	North of Cary Towne Blvd
	Jurisdiction (check one)	<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>State of North Carolina</u> Firm <u>State Property Office</u> Address <u>116 W Jones Street</u> City, State, Zip <u>Raleigh, NC 27603-1300</u> Phone (area code) _____ Email _____	Name <u>Glenda S Toppe</u> Firm <u>Glenda S Toppe & Associates</u> Address <u>4139 Gardenlake Drive</u> City, State, Zip <u>Raleigh, NC 27612</u> Phone (area code) <u>919-605-7390</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)	Deeded Acres ¹
State of North Carolina State Property Office 116 W Jones St Raleigh, NC 27603-1300	PIN 0774311292 (part of)	REID 0112863 (part of)	273.19 (part of)
Total Acres			92.10

¹ 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.

Part 3A: Rezoning Request

Pre-Application Conference: Yes Date: 01/13/16

Existing Zoning	Base Zoning District(s)	
	Zoning Overlay District(s) <i>Check any that apply</i>	<input checked="" type="checkbox"/> Mixed Use Overlay District (Name: Eastern Cary Gateway Special Planning Area) <input type="checkbox"/> Conservation Residential 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
	Zoning Conditions (if any)	NONE
Proposed Zoning	Proposed Base Zoning District(s)	Mixed Use District (MXD) with PDP
	Proposed Zoning Conditions	<input type="checkbox"/> No zoning conditions are proposed <input checked="" type="checkbox"/> Zoning conditions are proposed and included in attached affidavit
	Proposed Changes to Overlay Districts	
	Summary of Proposed Development or Purpose of Request	The request is to rezone the property to MXD with a Preliminary Development Plan (PDP). The proposed rezoning is in compliance with the Cary Community Plan (CCP). The PDP depicts a mixed use development with uses that include office, residential, retail, commercial, hotel and outdoor community gathering areas.

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 rezoning meets the changing conditions and trends identified in the Cary Community Plan. The changing conditions include offering more housing choices for the changing demographics in Cary. This includes housing options for millennials and seniors. The Preliminary Development Plan also provides an area specifically designated for office development as identified in the Eastern Gateway Plan. The Preliminary Development Plan shows a vibrant destination center that offers office, residential, retail and commercial uses in a compact walkable environment.
- (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 rezoning is consistent with the Cary Community Plan. The Chapters and Policies that the proposed rezoning comply with are found in Rezoning Justification #2.
- (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: The property is located in the Town Limits. The adjacent properties are currently being served by the Town. The Town can provide services to this 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;
Applicant's Comments: The proposed rezoning will not have a significant adverse impact on the natural environment. Environmentally sensitive areas are being protected. The development will comply with Town regulations for stormwater management and all other environmental regulations.
- (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 rezoning will not have an adverse impact on the area. The rezoning will establish a successful, functional and distinctly unique and vital Destination Center as identified in the Cary Community Plan. The proposed Plan will be a catalyst in the redevelopment of the Eastern Cary Gateway Planning Area and have a positive economic benefit to the area.
- (6) The proposed zoning classification is suitable for the subject property.
Applicant's Comments: The proposed rezoning classification is suitable for the subject property. The Preliminary Development Plan identifies the proposed uses for the property. The Preliminary Development Plan becomes a part of the rezoning thus providing assurances that the property will develop as envisioned by the Eastern Cary Gateway Plan.

Rezoning Justification Statement #2 *Required for all rezoning requests*

Describe how the proposed rezoning is consistent with or supported by the visions and policies of the [Cary Community Plan](#). *Attach additional sheet if necessary.*

Growth Framework Map: The Growth Framework Map designates the Property as a Destination Center. The property is also in the Eastern Cary Special Planning Area the ("ECG Plan"). The proposed rezoning is in compliance with the Growth Framework Map and the policies outlined in the Shape Chapter. The rezoning also complies with other policies found in the Cary Community Plan as identified below.

_____ Chapter, Policy _____

REFER TO ATTACHED PAGES FOR COMPLIANCE WITH CHAPTERS AND POLICIES OF THE CARY COMMUNITY PLAN.

_____ Chapter, Policy _____

_____ Chapter, Policy _____

_____ Chapter, Policy _____