

JUL 31 2017

For office use only:

Development Services

Rezoning Case #

Payment Method: CASH ___ CHECK CREDIT CARD ___ Amount: \$ 1900- P&Z HTE# 18-106
#3842

APPLICATION FOR REZONING	
Associated Annexation Petition	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Traffic Impact Study	<u>Yes</u> TAR Number: 17-TAR-428 No Staff confirmation: Initials _____ Date _____
This application is deemed sufficiently complete for purposes of submittal.	
Planning Staff Signature	<u><i>[Signature]</i></u> Date <u>8/2/17</u>
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: <input checked="" type="checkbox"/> 1 <input checked="" type="checkbox"/> 2 3A B1 <input checked="" type="checkbox"/> 3B2 3B3 3B4 <input checked="" type="checkbox"/> 3C1 <input checked="" type="checkbox"/> 3C2 <input checked="" type="checkbox"/> 3C3 3C4 3D 3E1a 3E1b 3E2 3F	

PAID
AUG 03 2017
DEVELOPMENT SERVICES

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	Airport Blvd. Rezoning	
Name of PDD (if applicable)	N/A	
Location	Address	170 and 180 Airport Blvd.
	General Location	Southwest Intersection of Airport Blvd. and Davis Drive
	Jurisdiction (check one)	<u>Cary Corporate Limits</u> Cary ETJ Wake Co.* Chatham Co.* *Submittal of an annexation petition is required if rezoning is requested

Part 1: Applicant Information

Applicant	Applicant's Contact
Name Libbus, Bisharah, Libbus Enterprise Firm Properties, LLC Address 401 Ironwoods Drive, 5400 Highcroft City, State, Zip Chapel Hill, NC, Cary, NC Phone (area code) Email <i>blibbus@gmail.com</i>	Name Glenda Toppe Firm Glenda S Toppe & Associates Address 4139 Gardenlake Drive City, State, Zip Raleigh, NC 27612 Phone (area code) 919-605-7390 Email glenda@gstplanning.com

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
Libbus, Bisharah 401 Ironwoods Drive Chapel Hill, NC 27516-8726 ✓	PIN 0745365117 (part of) ✓	REID 0029235 (part of) ✓	0.8654 * +/-
Libbus Enterprises Properties, LLC 5400 Highcroft Drive Cary, NC 27519-8808	PIN 0745367213 (part of)	REID 0334354 (part of)	2.6821 **
Total Acres			3.5475

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.

* 0.86 portion of
a 3.29 Acre parcel

** 2.68 portion of a
2.70 Acre parcel

Part 3A: Rezoning Request

Pre-Application Conference: Yes Date: 04/26/17 No

Existing Zoning	Base Zoning District(s)	ORD <i>Office Research & Development</i>
	Zoning Overlay District(s) <i>Check any that apply</i>	Mixed Use Overlay District N/A (Name: _____) Conservation Residential Overlay District N/A Airport Overlay District N/A Watershed Protection Overlay District N/A Jordan Lake Jordan Lake Critical Area Swift Creek Historic Preservation Overlay District N/A
	Zoning Conditions <i>(if any)</i>	N/A
Proposed Zoning	Proposed Base Zoning District(s)	General Commercial Conditional Use
	Proposed Zoning Conditions	No zoning conditions are proposed <u>Zoning conditions are proposed and included in attached affidavit</u>
	Proposed Changes to Overlay Districts	N/A
	Summary of Proposed Development or Purpose of Request	The purpose of the request is to rezone the property to General Commercial Conditional Use (GC-CU) in accordance with the Cary Community Plan.

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 reflects the use identified in the Cary Community Plan.

- (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 property is designated as Commercial Center in the Plan. Commercial uses are a predominant use type in the Commercial Center development category. The zoning classification being requested is General Commercial. The zoning classification is in compliance with the Cary Community Plan.

- (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 Town and other service providers will be able to provide sufficient services to the subject property while maintaining sufficient levels of service to existing development. The Town is already servicing property in the area of the rezoning. The uses proposed will not place an undue burden on the Town and other services providers.

- (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 is unlikely to have significant adverse impact on the natural environment. The LDO provides regulations to ensure there is no negative impact on the natural environment. Stormwater management will be contained on site.

- (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 a significant adverse impact on other properties in the vicinity of the proposed rezoning. The required buffers in the LDO will be adhered to thus guaranteeing minimal if any impact on the adjacent properties. There are commercial uses currently in the area and other commercial uses that are planned for the area in the future.

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

Applicant's Comments: The proposed zoning classification is suitable for this location. The Cary Community Plan designates the subject property as Commercial Center. The proposed zoning classification is General Commercial. This zoning classification allows commercial uses. There are commercial uses in the area. The property across the street is developing with commercial uses. There is also commercial zoning adjacent to the site in Morrisville. The proposed rezoning will provide the area with additional uses suitable for this location.

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

Growth Framework Map

The Growth Framework Map designates the Property as a Commercial Center. Traditional commercial centers serve the daily retail and service needs of nearby neighborhoods. The location of this Commercial Center is in close proximity to nearby residential neighborhoods. Commercial Centers are typically located at major intersections. This property is located at Airport Boulevard and Davis Drive, a major intersection. These centers are designed to maximize convenience for the nearby neighborhoods. The site is well-connected to adjacent neighborhoods by local and collector streets and sidewalks,

The proposed rezoning to General Commercial CU is in compliance with the Growth Framework Map as well as policies outlined elsewhere in the Cary Community Plan as identified below.

CHAPTER 3. WORK

Policy 2: Enhance Locational Appeal to Businesses and Workers.

The proposed GC-CU zoning will provide employment opportunities as well as retail and support services for nearby residential areas. The retail and support services developed on this site will enhance the level of convenience for nearby residents and workers.

Policy 6: Attract and Nurture Small Businesses

New development on this site will attract new small businesses that would provide retail and service support for the surrounding area.

CHAPTER 4. SHOP

The proposed GC-CU rezoning addresses some of the challenges and opportunities outlined in this chapter. The proposed rezoning is on an infill site that is served by existing infrastructure.

Policy 2: Focus Commercial Uses within Commercial Mixed Use, Destination Centers, Downtown, and Commercial Centers.

The traditional commercial center as defined in the Cary Community Plan “serves the daily retail and service needs of nearby neighborhoods”. The site of this proposed rezoning is located at the intersection of Davis Drive and Airport Boulevard. This site is located precisely on land that is designated as a Commercial Center on the Future

Growth Framework Map in accordance with the policy guidance of this section of the Cary Community Plan.

CHAPTER 6. SHAPE

Commercial Centers, per this chapter, are characterized as 5-10 acres in size with retail anchors and located at major intersections. Appropriate zoning for Commercial Centers specifically includes General Commercial or GC zoning per the description of Commercial Center in this Chapter. The proposed GC-CU provides for both Commercial small format and Commercial medium format use types as Predominant Use Types as specified in this chapter for Commercial Centers. The proposed rezoning envisions the property ultimately being developed for the retail and service needs of the nearby neighborhoods. The intent is to provide a convenient location for the provision of these goods and services.

Policy 1: Distribute Commercial Centers, Commercial Mixed Use Centers, and Destination Centers across Town.

The stated policy is to distribute commercial uses at regular intervals and separated geographically by about a mile or so in most cases so as to avoid continuous strip development.

The stated policy intent is to provide daily shopping and service needs (such as grocery stores, banking, dry cleaning, gas stations, etc) within about a ½ mile to 1 mile of most households. The intersection of Airport Boulevard and Davis Drive is the only intersection, within Cary's planning jurisdiction, north of the intersection of Davis Drive and High House Road that is identified in the Future Growth Framework for commercial use. The site is approximately 3 miles from the Davis Drive/High House Road intersection. The location of the site will support the furtherance of all of the bullet points in this **Policy 1**.

Policy 4: Support and Facilitate Redevelopment and Infill Development.

The proposed rezoning is for an undeveloped site at an intersection in a primarily developed area where Cary and Morrisville share land use regulatory authority boundaries. While it may be on the periphery of Cary's jurisdiction, it is an infill site because most of the surrounding area has been developed. Commercial Center infill development on this site will enable Cary to utilize and capitalize on existing investments in infrastructure and reduce the need for costly capital improvements.

Policy 6: Provide Appropriate Transitions Between Land Uses.

The proposed rezoning will provide a transition from the site immediately to the west on Airport Boulevard that is currently developed for warehouse purposes. The GC-CU proposed zoning will enable a more controlled and tasteful development to occur at the southeast quadrant of the intersection of Airport Boulevard and Davis Drive. Further-

more, Cary's Land Development Ordinance (LDO) will require the necessary to ensure appropriate transitions between all adjacent uses.

Policy 8: Preserve and Maintain Cary's Attractive Appearance and Quality of Development.

The proposed development for the property will include ample landscaping and design features to ensure that the site will maintain Cary's commitment for maintaining and enhancing the visual character of the community.



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	Bisharah Libbus	
Property Owner Signature		Date June 23, 2017
Property Owner Printed Name	NADIA LIBBUS	
Property Owner Signature		Date June 24, 2017
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(2): LIMITED LIABILITY COMPANY - The area to be rezoned is owned by a limited liability company properly registered with the State of North Carolina. If 'member managed' all members must sign. If 'manager managed' all managers must sign. (Must be notarized).

~ **Manager-Managed**

Manager(s) is/are:

Printed Name CHARLIE ABED

Signature *Charlie Abed* Date

6/22/17

Printed Name _____

Signature _____ Date

Printed Name _____

Signature _____ Date

~ **Member-Managed**

Member(s) is/are:

Printed Name CHARLIE ABED

Signature Charlie Abed Date

6/22/17

Printed Name _____

Signature _____ Date

Printed Name _____

Signature _____ Date

If member/manager is an individual:

STATE OF _____

COUNTY OF _____

I, _____, a Notary Public, certify that _____
(Name of Notary)

personally came before me this day and acknowledged that he/she is Member / Manager (Circle One) of
_____, LLC and that he/she, as Member / Manager (Circle One)
(Name)

_____, LLC and that he/she, as Member / Manager, being authorized voluntarily executed the
(Name of LLC) (Circle One)

foregoing on behalf of said limited liability company for the purposes stated therein.

Witness my hand and official seal, this the ____ day of _____, 20____.

[OFFICIAL SEAL]

Notary Public

Printed Name of Notary Public

My Commission expires: _____

If member/manager is a corporation:

STATE OF NC

COUNTY OF Wake

I, NELSON HAWKINS, a Notary Public, certify that Charlie Abed
(Name of Notary) (Name)

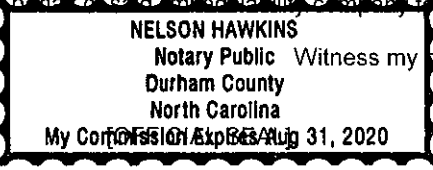
personally came before me this day and acknowledged that he/she is member manager
(Title of Corporate Officer)

of LIBBUS ENT. PROP LLC, which is a, (Member / Manager) of LIBBUS ENT PROP LLC
(Name of Corporation) (Circle One) (Name of LLC)

_____, (Member / Manager) of
(Title of Corporate Officer) (Name of Corporation) (Circle One)

_____, being authorized to do so, voluntarily executed the foregoing on
(Name of LLC)

behalf of said limited liability company for the purposes stated therein.



Witness my hand and official seal, this the 22nd day of JUNE, 2017.
Nelson Hawkins
Notary Public
NELSON HAWKINS
Printed Name of Notary Public

My Commission expires: Aug 31, 2020

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