APPLICATION FOR REZONING

Associated Annexation Petition  ☐ Yes  ☑ No

Traffic Impact Study  ☑ Yes  TAR Number: 17-TAR-427
☐ No  Staff confirmation: Initials Date

This application is deemed sufficiently complete for purposes of submittal.

Planning Staff Signature  Date

Submit deadlines incorporate sufficiency review of rezoning and 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 3B 3C 3D 3E 3F 3G 3H 3I 3J 3K 3L 3M 3N 3O 3P 3Q 3R 3S 3T 3U 3V 3W 3X 3Y 3Z

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.

<table>
<thead>
<tr>
<th>Project Name</th>
<th>Bainbridge Cary ✓</th>
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<tbody>
<tr>
<td>Name of PDD (if applicable)</td>
<td>NONE</td>
</tr>
<tr>
<td>Address</td>
<td>0 NW MAYNARD RD &amp; 0, 9205, 9209, 9251, 9257, 9263, 9271, 9277, 9281, 9291, 9311, &amp; 9321 CHAPEL HILL RD</td>
</tr>
<tr>
<td>Location</td>
<td>Southwest Quadrant of the intersection of Chapel Hill Road and NW Maynard Rd</td>
</tr>
<tr>
<td>Jurisdiction (check one)</td>
<td>☑ Cary Corporate Limits ☐ Cary ETJ ☐ Wake Co. * ☐ Chatham Co. *</td>
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<tr>
<td>* Submittal of an annexation petition is required if rezoning is requested</td>
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### Part 1: Applicant Information

<table>
<thead>
<tr>
<th>Applicant</th>
<th>Applicant's Contact</th>
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<tbody>
<tr>
<td>Name</td>
<td>Name</td>
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<tr>
<td>Firm</td>
<td>Firm</td>
</tr>
<tr>
<td>Address</td>
<td>Address</td>
</tr>
<tr>
<td>City, State, Zip</td>
<td>City, State, Zip</td>
</tr>
<tr>
<td>Phone (area code)</td>
<td>Phone (area code)</td>
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<tr>
<td>Email</td>
<td>Email</td>
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</tbody>
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### Part 2: Parcel & Owner Information

<table>
<thead>
<tr>
<th>Property Owner(s)</th>
<th>County Parcel Number(s) (10 digit)</th>
<th>Real Estate ID(s)</th>
<th>Deeded Acres</th>
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<tbody>
<tr>
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<td>0754-95-5143</td>
<td>○206620</td>
<td>0.93</td>
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<tr>
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<td>0764-05-0654</td>
<td>○73485</td>
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<tr>
<td>Same as Applicant</td>
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<td>○68037</td>
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<tr>
<td>Same as Applicant</td>
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<td>Same as Applicant</td>
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<td>○6975</td>
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**Total Acres**: 16.06

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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:** 2/15/17  
**No**

<table>
<thead>
<tr>
<th>Existing Zoning</th>
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<tbody>
<tr>
<td><strong>Base Zoning District(s)</strong></td>
<td>R40, R20, and R/R</td>
<td></td>
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</table>
| ☑ Mixed Use Overlay District  
(Name: Northwoods West) |   |   |
| ☐ Conservation Residential Overlay District |   |   |
| ☐ Airport Overlay District |   |   |
| ☐ Watershed Protection Overlay District  
☐ Jordan Lake  
☐ Jordan Lake Critical Area  
☐ Swift Creek |   |   |
| ☐ Historic Preservation Overlay District |   |   |

<table>
<thead>
<tr>
<th>Zoning Conditions (if any)</th>
<th>NONE</th>
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<tr>
<th>Proposed Zoning</th>
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<tbody>
<tr>
<td><strong>Proposed Base Zoning District(s)</strong></td>
<td>Mixed Use District (MXD)</td>
<td></td>
</tr>
<tr>
<td><strong>Proposed Zoning Conditions</strong></td>
<td>☐ No zoning conditions are proposed</td>
<td>✓ Zoning conditions are proposed and included in attached affidavit</td>
</tr>
<tr>
<td><strong>Proposed Changes to Overlay Districts</strong></td>
<td>Consistent with proposed Preliminary Development Plan</td>
<td></td>
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| Summary of Proposed Development or Purpose of Request | The applicant is seeking to rezone to allow for the development of multifamily units within the Mixed Use Overlay District |   |
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 aims to correct the existing hodgepodge of base zoning categories found in this area to make the underlying zoning more consistent with the Cary Community Plan and LDO. These parcels are within the Northwoods West Mixed Use Overlay District and therefore should be zoned MXD. Moreover, as recently as the July 14, 2017 edition of the News & Observer, the Town Manager was quoted as saying “Do we have housing for young people and seniors? No. It’s all for middle-aged or younger people. So as people age in this community, they are not going to be able to stay here if we don’t get more apartments or more maintenance-free living, nor are we going to be able to attract young people to come live here.” The proposed rezoning addresses the problem outlined by the Town Manager.

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 LDO and the Comprehensive Plan. The Comprehensive Plan designates this area as a Commercial Center within the Shape Chapter. Specifically, the LDO, in Section 3.4.5, states that property with a Commercial Center designation may be rezoned to MXD consistent with the Comprehensive Plan. Thus, the proposed rezoning is consistent with the Comprehensive 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 proposed rezoning will not reduce the Town’s ability to provide municipal services to the project site or the surrounding areas.

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 project site is ideal in that it is not particularly close to any major natural features. To be sure, the property is bounded by the railroad corridor to the south, Chapel Hill Road to the north, and NW Maynard Road to the east. West of the property is the Historic Nancy Jones House. None of these features are anticipated to be adversely impacted by development consistent with the proposed rezoning. The proposed rezoning, therefore, is unlikely to have significant adverse impacts 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: As was stated above, the property is bounded by the railroad corridor to the south, Chapel Hill Road to the north, and NW Maynard Road to the east. West of the property is the Historic Nancy Jones House. None of these features are anticipated to be adversely impacted by development consistent with the proposed rezoning.

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

   Applicant’s Comments: The subject property is of sufficient size and shape for the proposed rezoning.
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 subject area is designated as a Commercial Center on the Growth Framework Map of the Cary Community Plan. The project area also is within the Northwoods West Mixed Use Overlay District. Combined, these two facts suggest that an MXD zoning district would be the most appropriate district for the project area. This is consistent with the Cary Community Plan and the LDO.

Shape Chapter, Policy 1

The intent of this policy is to accommodate the daily shopping and services needs of residents and workers while avoiding strip retail development along major roadways. This policy recognizes the importance of providing these needs within about 1/2 to 1 mile of most households. The proposed project would add housing opportunities to an area that already is characterized by non-residential uses. Consistent with this policy, housing opportunities near goods and services provides more options to access daily shopping, dining, and services needs by walking, biking, or driving, due to close proximity to the home. In turn, this can reduce traffic on major streets and shorten the length of vehicle trips. The proposed rezoning will complement the existing commercial uses located at the intersection of Chapel Hill Road and NW Maynard.

Shape Chapter, Policy 3

The intent of this policy is to accommodate the growing public and market preferences for mixed use development. Mixed use development can occur either vertically or horizontally; however, vertical integration requires an appropriate mix of height, density, and intensity in order to be economically feasible. Horizontal integration, by contrast, does not require much height and moreover, can later be scaled or intensified to meet demand. This policy recognizes that horizontal mixed use is likely to occur first before vertical integration will be feasible. The proposed rezoning is a prime example of this policy at work. The area already is characterized by non-residential uses and relatively low height. Therefore, in order to provide the mix of uses contemplated as part of the Northwoods West Mixed Use Overlay District, more residential opportunities, like those proposed as part of this rezoning, are necessary. The associated PDP limits building height in the proposed development to ensure a harmonious development throughout this section of the Northwoods West Mixed Use Overlay District.

Shop Chapter, Policy ______

While there is no policy on point, the Shop Chapter recognizes that times have changed such that convenience and automobile accessibility no longer are the primary factors in commercial center design. Instead, walkability and connected public spaces attract visitors to modern commercial centers. To that end, the Shop Chapter calls for Commercial Centers that include residential uses that are walkable and connect to the development. This type of horizontal integrations is precisely what is being proposed in the requested rezoning.

Shape Chapter, Policy 5

This policy flags specific corridors for revitalization or redevelopment. Among those corridors list are portions of Maynard and Chapel Hill Road, where the subject property sits. The proposed rezoning will facilitate new infill development along this targeted corridor which not only will enhance these corridors, but also will work to support the redevelopment of nearby downtown Cary.
Rezoning Justification Statement #4  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.

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 Comprehensive Plan. This shall be assessed in relation to the scale of the Mixed Use Overlay District and the mix and relationship of existing and planned uses, including residential, commercial, office, and institutional uses;

   Applicant's Comments: The PDP includes an appropriate intensity and type of use. The mix of uses is achieved throughout the Northwoods West Mixed Use Overlay District. Specifically, this intersection contains multiple non-residential uses including a home improvement store, bank, church, restaurants, and more. The intensity and density of the use proposed in the PDP also makes sense given that the parcels front onto a heavily traveled intersection within the Town of Cary.

(2) **Site Design**
The preliminary development plan shows how the proposed development will meet or exceed Town site design guidelines and other established Town standards, including connections and linkages to immediately adjacent properties;

   Applicant's Comments: The PDP demonstrates how the development will meet or exceed the Town’s standards. Connectivity for this parcel is somewhat limited due to it being bounded on the south by the railroad corridor. The east and north sides of the project area are existing roads where entrances will be provided.

(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 Comprehensive Plan;

   Applicant's Comments: The proposed development will provide higher density multifamily housing opportunities consistent with guidance found throughout the Cary community 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; and

   Applicant's Comments: The PDP incudes a dog park and public art as well as an amenity center with outdoor pool.

(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.

   Applicant's Comments: The proposed development is ideal given the context and location of the project area. By providing residential opportunities proximate to existing shopping areas, the development responds to the conditions of the area to provide quality living options consistent with the Cary Community Plan.
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**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
- [x] 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)*

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

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<thead>
<tr>
<th>Property Owner Printed Name</th>
<th>Property Owner Signature</th>
<th>Date</th>
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4820-6741-2813, v. 3
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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 Balasubramaniam Ramalinga

Signature  
Date 8/21/17

Printed Name

Signature  
Date

Printed Name

Signature  
Date

Printed Name

Signature  
Date

☐ Member-Managed

Member(s) is/are:

Printed Name

Signature  
Date

Printed Name

Signature  
Date

Printed Name

Signature  
Date
If member/manager is an individual:

STATE OF North Carolina

COUNTY OF Wake

I, Jodi O. Kite, a Notary Public, certify that Balasubramaniam Ramalingam personally came before me this day and acknowledged that he/she is Member/Manager (Circle One) of Lotus Investments, LLC and that he/she, as Member/Manager (Circle One) of Lotus Investments, LLC and that he/she, as Member/Manager, being authorized voluntarily executed the foregoing on behalf of said limited liability company for the purposes stated therein.

Witness my hand and official seal, this the 24th day of August 2017.

[OFFICIAL SEAL]

JODI O. KITE
Notary Public, North Carolina
Wake County
My Commission Expires June 26, 2021

My Commission expires: 06/26/2021

If member/manager is a corporation:

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 __________________________ (Name)

of __________________________, which is a, (Member/Manager) of __________________________ (Title of Corporate Officer)

of __________________________, (Member/Manager) of __________________________ (Name of Corporation) (Circle One) (Name of LLC)

__________________________ (Title of Corporate Officer) (Name of Corporation) (Circle One)

__________________________ (Name of LLC)

being authorized to do so, voluntarily executed the 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: ________________
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.