

NOV 30 2017

For office use only:

Rezoning Case # 17-RE2-33

Payment Method: CASH CHECK CREDIT CARD Amount: \$ _____ P&Z HTE# 18-352

APPLICATION FOR REZONING

Associated Annexation Petition Yes No

Traffic Impact Study Yes No TAR Number: _____
Staff confirmation: Initials ARD Date 11-30-17

This application is deemed sufficiently complete for purposes of submittal.

Planning Staff Signature Kate Doe Date 11-30-17
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 | | Macedonia Senior |
| Name of PDD (if applicable) | | |
| Location | Address | 2410, 2504, 2514, & 2520 Jones Franklin Road & 2721, 2773, & 2809 Macedonia Road |
| | General Location | North side of intersection of Jones Franklin Road and Macedonia Road |
| | Jurisdiction (check one) | <input type="checkbox"/> Cary Corporate Limits <input checked="" 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>Property Owners</u> | Name | <u>Jason Barron</u> |
| Firm | _____ | Firm | <u>Morningstar Law Group</u> |
| Address | _____ | Address | <u>421 Fayetteville St Ste 530</u> |
| City, State, Zip | _____ | City, State, Zip | <u>Raleigh, NC 27601</u> |
| Phone (area code) | _____ | Phone (area code) | <u>(919) 590-0371</u> |
| Email | _____ | Email | <u>jbarron@morningstarlawgroup.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 | |
|---|---------------------------------------|-------------------|---------------------------|------|
| JBM Assoc LLC C/O Nate McMillan 1000 Venetian Ct Cary, NC 27518 | 0772-87-2720 | 0067281 | 0.5 | 2504 |
| | 0772-87-0683 | 0038645 | 0.61 | 2514 |
| | 0772-87-0524 | 0016955 | 0.5 | 2520 |
| | 0772-77-8688 | 0079295 | 3.37 | 2709 |
| Donna W. Jones Kathryn Beck 2092 Winwood Farm Rd Creedmoor, NC 27522 | 0772-77-6861 | 0184035 | 2.55 | 2723 |
| Overby Family Trust Under the Revocable Declaration of Trust by Burke L. Overby C/O Louisa Pepper 8700 Old Stage Rd Raleigh, NC 27603 | 0772-87-1934 | 0070762 | 2.5 | 2410 |
| Larry Lee Woodall III 2721 Macedonia Rd Cary, NC 27518 | 0772-77-8938 | 0115951 | 0.91 | 2721 |
| | | | | |
| Total Acres | | | 10.94 | |

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: 9/27/17 No

| | | |
|------------------------|--|--|
| Existing Zoning | Base Zoning District(s) | Residential Multi-Family (RMF) & Office and Institutional (OI) |
| | Zoning Overlay District(s) <i>Check any that apply</i> | <input checked="" type="checkbox"/> Mixed Use Overlay District (Name: <u>Crossroads</u>) <input type="checkbox"/> Conservation Residential Overlay District <input type="checkbox"/> Airport Overlay District <input checked="" type="checkbox"/> Watershed Protection Overlay District <input type="checkbox"/> Jordan Lake <input type="checkbox"/> Jordan Lake Critical Area <input checked="" type="checkbox"/> Swift Creek <input type="checkbox"/> Historic Preservation Overlay District |
| | Zoning Conditions <i>(if any)</i> | NONE |
| Proposed Zoning | Proposed Base Zoning District(s) | Mixed Use District (MXD) |
| | 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 | NONE |
| | Summary of Proposed Development or Purpose of Request | An approximately 250 unit Congregate Care or Life Care Community. |

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 will facilitate the development of a life care or congregate care community which will offer certain services to its residents. As the Cary Community Plan mentions, the number of the Town's residents over the age of 55 increased from 12% to 18% between 2000 and 2010. This type of use is in high demand as the average age of the population continues to increase.

- (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 rezoning is consistent with the Comprehensive Plan in that the requested district matches guidance in the Cary Community Plan for properties with a Future Growth Framework Map designation of Destination Center. The requested MXD zone is consistent with the Town's view for new development in this region.

- (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: As a potential life or congregate care community, the site has been designed with particular attention paid to the ability of emergency service providers to access the site efficiently. Nothing about the proposed rezoning is expected to hinder the ability of the Town and other service providers from providing the level of services that residents currently enjoy. Thus, sufficient levels of service will be able to be provided to the proposed development without compromising the level of services elsewhere in the Town.

- (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 subject site is not impacted by streams, wetlands, or other natural features which the Town has set out to protect and preserve. Moreover, the site is ideal in that it is relatively flat such that it may be developed without a significant amount of earthwork or soil disturbing activities. As a result, it is believed that the proposed development will not have a significant 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: A 30' landscape buffer is proposed along both frontages, and a 40' Type A buffer is proposed along the northern property line. These features will serve to protect surrounding properties within the Town of Cary. The proposed rezoning is not anticipated to have any significant adverse impacts on surrounding properties.

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

Applicant's Comments: Not only is the proposed rezoning classification suitable for the site, it is recommended by the Cary Community 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 designation for the subject property is Destination Center. The Cary Community Plan suggests that zoning within a Destination Center should primarily be MXD, which is the zone being requested. Thus, the proposed rezoning is consistent with the Growth Framework Map.

LIVE Chapter, Policy 2

This policy recognizes that Cary's residents reflect a diverse mix of family/household sizes, ages, races and ethnicities, incomes, and needs and abilities. As a result, a diversity of housing products is needed to accommodate the needs of the Town's residents. Specifically, this policy recognizes the need for housing options for Cary's senior population in proximity to services and amenities. The proposed rezoning is consistent with this policy inasmuch as it places senior housing options within a Destination Center which is likely to develop with a mix of uses per the guidance of the Cary Community Plan. Moreover, the subject site is convenient to the Crossroads area, the Swift Creek Shopping Center, and other nearby amenities. Finally, the proposed development would also provide many services and amenities to the residents of the community, which is consistent with the aim and intent of the foregoing policy.

SHAPE Chapter, Policy 2

This policy is aimed at placing higher density housing within targeted locations such as Destination Centers. The proposed development places a fairly dense residential use within a Destination Center consistent with this policy.

LIVE Chapter, Policy 4

This policy is aimed at providing the greatest variety of housing options within Mixed Use Centers, such as a Destination Center. Consistent with this policy, the proposed plan offers housing to seniors who desire to live proximate to shopping and other amenities within the Crossroads area.

_____ Chapter, Policy _____

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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
- 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 Kathryn Beck

Property Owner Signature Kathryn Beck Date 11/22/17

Property Owner Printed Name Donna W. Jones

Property Owner Signature Donna W Jones Date 11/22/17

Property Owner Printed Name Larry Lee Woodall III

Property Owner Signature Larry Lee Woodall III Date 11/22/17

Property Owner Printed Name Overby Family Trust Under the Revocable Declaration of Trust by Burke L. Overby

Property Owner Signature _____ Date _____

Property Owner Printed Name _____

Property Owner Signature _____ Date _____

Property Owner Printed Name _____

Property Owner Signature _____ Date _____

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Property Owner Printed Name Kathryn Beck

Property Owner Signature _____ Date _____

Property Owner Printed Name Donna W. Jones

Property Owner Signature _____ Date _____

Property Owner Printed Name Larry Lee Woodall III

Property Owner Signature _____ Date _____

Property Owner Printed Name Overby Family Trust Under the Revocable Declaration of Trust by Burke L. Overby

Property Owner Signature Rouisa O Pepper Date 11-22-17

Property Owner Printed Name _____

Property Owner Signature _____ Date _____

Property Owner Printed Name _____

Property Owner Signature _____ Date _____

Property Owner Printed Name _____

Property Owner Signature _____ Date _____

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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 Nathaniel McMillan

Signature Nathaniel McMillan Date 11-27-17

Printed Name Michelle McMillan

Signature Michelle McMillan Date 11-27-17

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, Virginia A Marshall, a Notary Public, certify that Nathaniel McMillan & Michelle McMillan
(Name of Notary)

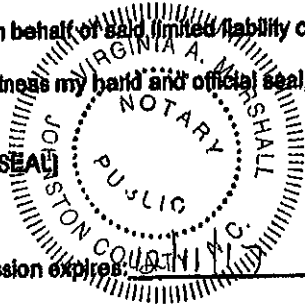
personally came before me this day and acknowledged that he/she/they is/are Member / Manager (Circle One) of
JBM Associates, LLC and that he/she/they, as Member / Manager (Circle One) of
(Name)

JBM Associates, LLC, and that he/she/they, 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 27th day of December, 2017.

[OFFICIAL SEAL]



Virginia A Marshall

Notary Public

Virginia A Marshall
Printed Name of Notary Public

My Commission expires: _____

If member/manager is a corporation:

STATE OF _____

COUNTY OF _____

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

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

of _____, which is a, (Member / Manager) of _____
(Name of Corporation) (Circle One) (Name of LLC)

_____ of _____, (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 _____ 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.