

8-17-16 CPA withdrawn  
 2-2-17 Changed to TR-CU  
 3-29-17 Changed conditions to 9  
 6-2-17 " to R-8-CU units

TOWN OF CARY

Drye / Donachie  
 REZ/CPA

TOWN OF CARY  
 Planning Department

JUL 29 2016

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

For office use only:

Payment Method: CASH  CHECK  CREDIT CARD  Amount: \$3900.00 P&Z HTE# 17-0108

**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: \_\_\_\_\_  
 No Staff confirmation: Initials KRD Date 8-1-16

16-REZ-24  
 16-CPA-05 CPA withdrawn 8-17-16 (KRD)

This application is deemed sufficiently complete for purposes of submittal.

Planning Staff Signature Kathie R Day Date 8-3-16  
 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>		Trimble Ave. Residential
<b>Name of PDD (if applicable)</b>		
<b>Location</b>	<b>Address</b>	Trimble Ave.
	<b>General Location</b>	At SE corner of Trimble Ave. and Palmetto Drive
	<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>Bethel Baptist Church of Cary</u>	Name <u>William Hood</u>
Firm _____	Firm _____
Address <u>1111 W. Chatham St.</u>	Address <u>302 Jefferson St., Suite 225</u>
City, State, Zip <u>Cary, NC 27511</u>	City, State, Zip <u>Raleigh, NC 27603</u>
Phone (area code) <u>919.467.6789</u>	Phone (area code) <u>919.740.3577</u>
Email _____	Email <u>william b hood la</u>

@ gmail . 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 Calculated Acres <sup>1</sup>
Bethel Baptist Church of Cary ✓ PO Box 383 Cary, NC 27512	0753855229 ✓	0024049 ✓	2.58 ✓
<b>Total Acres</b>			2.58 ✓

<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.

### Part 3A: Rezoning Request

Pre-Application Meeting:  yes Date: 6-18-16  no

Existing Zoning	Base Zoning District(s)	R-40
	Zoning Overlay District(s) <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 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 (if any)	N/A
Proposed Zoning	Proposed Base Zoning District(s)	<del>RMF, CU (Residential Multifamily Conditional Use)</del> <del>TR, CU (Transitional Residential Conditional Use)</del> <u>2/2/17</u>
	Proposed Zoning Conditions	<input type="checkbox"/> No zoning conditions are proposed <u>R-8-CU 6/2/2017 CMP</u> <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	To develop a single family <del>attached</del> neighborhood <u>7 units</u> <del>(townhome), or patio homes</del> with a maximum of <del>28</del> <u>6</u> units <u>detached dwellings</u> <u>per acre</u> <u>7 units</u> <u>CMP 6/2/2017</u> <u>2/2/17</u>
Applicable Area Plan (if any)	<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	
Land Use Plan	Existing Plan Designation:	Low-Density Residential (LDR) <u>Heritage Neighborhood</u>
	Associated Land Use Plan Amendment Submitted	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no <u>CPA withdrawn 8-17-16</u>

**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 CHRIS M. PETERSEN of BETHEL BAPTIST CHURCH OF CARY  
TRUSTEE (Typed or Printed Name) (Typed or Printed Corporation Name)

Signature C. M. PETERSEN Date 6/2/2017

STATE OF NC

COUNTY OF Johnston

Florence Allen, a Notary Public, do hereby certify that Chris M. Peterson  
(Name of Notary) (Name of President/Vice President)  
Trustee

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

of Bethel Baptist Church of Cary 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 2 day of June, 2017.

OFFICIAL SEAL  
Notary Public, North Carolina  
County of Johnston  
Florence Allen

Florence Allen  
Notary Public  
Florence Allen  
Printed Name of Notary Public

My Commission expires 3/6/21

## 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;

There was no error.

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

The proposed rezoning is now consistent with the current Comprehensive Plan. Our proposal is to seek R8-CU zoning which will allow a maximum of nine single family homes. The applicant believes this is appropriate for this infill site, and provides for the right use of this land in an existing single family development.

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;

Sufficient infrastructure exists in the area for streets, utilities, etc. Town services as well as emergency service will be able to be provided to the proposed neighborhood. A traffic study is not required because of the small number of units and peak hour trips.

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

The proposed low/medium density single family detached development would not adversely affect the natural environment. Stormwater management, stream buffer protection, and tree conservation will be regulated by the Town and complied with.

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

The proposed owner occupied single family detached should not adversely the surrounding properties.

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

We believe the proposed rezoning is suitable for the subject property based on the overall character of the larger neighborhood which contains single family, institutional, commercial and townhome development along Old Apex Road and West Chatham Streets. We believe a mixture of uses is appropriate in this setting and that the proposed single family detached homes can complement the existing development.

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

STATE OF NORTH CAROLINA  
COUNTY OF WAKE

AFFIDAVIT OF

BETHEL BAPTIST CHURCH OF CARY  
(Owner Corporation/LLC/etc.)

I, CHRIS M. PETERSEN, 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. BETHEL BAPTIST CHURCH OF CARY ("the Applicant") is the owner of certain real property located at 113 TRIMBLE AVENUE, and identified as WAKE COUNTY PIN 0753855229 ("the Property").

3. On or about 7-29-16 [insert date], the Applicant submitted to the Town of Cary an Application for a rezoning of the Property ("the Application").

4. I am the TRUSTEE [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. The property will be developed for a maximum of seven (7) single family detached homes.
2. Any plat that divides the subject property shall include notes substantially similar to the following:
  - a. All homes will be built on a crawl space foundation which will be faced with brick on the front.
  - b. All homes will have a covered front porch facing Trimble Avenue.
  - c. All homes will have driveways that will allow two vehicles to park side by side (minimum driveway parking pad of 18' x 18').
  - d. Individual storage space shall be provided for each dwelling unit. Such storage space shall be attached to the principal structure and located in the rear yard, and include an external access point.
  - e. All lots will have frontage on Trimble Avenue.
  - f. All homes will have a minimum roadway setback of 30 feet from the Trimble Avenue right-of-way.

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").

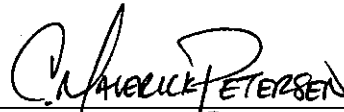
7. All Conditions of Approval that the Applicant offers in connection with the Rezoning are offered to address the conformance of the development and use of the site to Town ordinances and officially adopted comprehensive plan or other plan and to address the impacts reasonably expected to be generated 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 2 day of JUNE, 2017.



Name: CHRIS M. PETERSEN

Title: TRUSTEE

Sworn and subscribed before me this the 2 day of June, 2017.

  
Notary Public

My commission expires: 3/6/21

[Notarial Seal]

Notary Public, North Carolina  
County of Johnston  
Florence Allen