

TOWN OF CARY
Planning Department

Town of Cary

JUN 21 2018

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

18-REZ-18 PAID

JUN 21 2018

DEVELOPMENT SERVICES

For office use only:

Development Services

Rezoning Case #

Payment Method: CASH ___ CHECK CREDIT CARD ___ Amount: \$ 1900 - P&Z HTE# 18-848

#554

APPLICATION FOR REZONING

Associated Annexation Petition Yes No

Traffic Impact Study Yes TAR Number: _____
 No Staff confirmation: Initials ARD Date 6-20-18

This application is deemed sufficiently complete for purposes of submittal.

Planning Staff Signature Kate Dae Date 6-21-18
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		Veterinary Specialty Hospital Expansion
Name of PDD (if applicable)		N/A
Location	Address	6405 Tryon Road Cary, NC 27518
	General Location	Northeast of the intersection of Tryon Rd and SE Cary Pkwy
	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>Daniel Eisenstadt</u>	Name	<u>Jason Earliwine</u>
Firm	<u>Calico Real Estate</u>	Firm	<u>WithersRavenel</u>
Address	<u>15 E Ridge Pike Ste 220</u>	Address	<u>137 S Wilmington St Ste 200</u>
City, State, Zip	<u>Conshohocken, PA 19428-2122</u>	City, State, Zip	<u>Raleigh, NC 27601</u>
Phone (area code)	<u></u>	Phone (area code)	<u>919-469-3340</u>
Email	<u>Daniel.Eisenstadt@calicorealestate.com</u>	Email	<u>Jearliwine@withersravenel.com</u>

APPLICANT: John G Kuhn 6333 Tryon Rd Cary, NC 27518-7049

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
Cary VSH - Calico LLC 15 E Ridge Pike Ste 220 Conshohocken, PA 19428-2122	0772154701	0023338	3.41
John G Kuhn 6333 Tryon Road Cary, NC 27518-7049	0772156953 (part of)	0126311	3.47 (0.687 portion to be rezoned)
			4.09
Total Acres			0

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: 04/11/2018 No

Existing Zoning	Base Zoning District(s)	OI (Parcel #0772154701) & R40 (Parcel #0772156953)
	Zoning Overlay District(s) <i>Check any that apply</i>	<input checked="" type="checkbox"/> Mixed Use Overlay District (Name: <u>Wellington Park</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)	OI-CU
	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	The Veterinary Specialty Hospital at 6405 Tryon Road would like to reconfigure their existing facility to allow more usable space for additional specialists. The addition of more animal specialists to the practice will increase the demand on parking, causing greater congestion and more spaces needed. The property owner to the north, John Kuhn at 6333 Tryon Road, has offered a portion of his property for the VSH to expand their parking lot. This portion of property would need to be recombined with the VSH parcel and then rezoned to OI-CU.

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 Veterinary Specialty Hospital has found a need to reconfigure their existing facility, in order to add more veterinary specialists to meet the demands of the surrounding community. The existing parking area would be insufficient to meet the requirements of the Town of Cary Land Development Ordinance. Therefore, the VSH must acquire more property in order to expand their existing parking area.
- (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: Yes. The Cary Community Plan describes this area as a Commercial Center, in which OI-CU zoning is appropriate.
- (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: Yes. There will be no issues with public safety or transportation. Educational and recreational facilities are not a factor in this development. Utility services to the expanded facility should not be an issue.
- (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 expansion of the parking area for the VSH will require additional landscaping and also a stormwater control system. These improvements will negate any adverse impacts the expanded impervious surface might bring about.
- (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 additional parking surface will not adversely impact adjacent parcels. The expansion will take place on property that will remain completely surrounded by Mr. Kuhn's parcel. And, as mentioned above, the additional parking will require added landscaping and a stormwater control system.
- (6)** The proposed zoning classification is suitable for the subject property.
Applicant's Comments: Yes. The proposed zoning will be a continuation of the existing OI zoning on the VSH parcel.

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 Cary Community Plan Future Growth Framework map shows this area as a Commercial Center, which typically calls for a mix of office and retail uses anchored by a shopping center containing a supermarket. The veterinary hospital is located near the intersection of Tryon Road and SE Cary Parkway, directly across from the Wellington Park Shopping Center. Office and Institutional zoning remains appropriate for this type of development category.

3 Chapter, Policy 3 Retain and Grow Existing Cary Businesses

The economic growth of existing businesses and retention of those businesses within Cary is the key factor driving this policy. This facility is owned by Mars, Inc., which has a long history of growing successful pet care businesses worldwide. As the Veterinary Specialty Hospital continues to grow in demand, reconfiguration of the building and expansion of the parking areas is becoming necessary to keep up with that demand. The surrounding community has come to depend on the services provided by the veterinary hospital and as the community continues to grow, so too will the demand for services. Mars, Inc. intends to position this facility for further success over the coming decades.

3 Chapter, Policy 8 Support the Locational Needs of New and Existing Firms

The veterinary hospital is situated within an existing Commercial Center designated by the Cary Community Plan. This policy aims to allow ample space for existing office uses to expand with the growing needs of the surrounding community. The veterinary hospital is poised to reconfigure its facility and expand its specialty staff to meet the growing needs of the community.

6 Chapter, Policy 6 Provide Appropriate Transitions Between Land Uses

The neighboring land uses are mostly residential and, therefore, a natural buffer will help smooth the transition between these uses. The applicant proposes to retain as much existing vegetation as possible while supplementing where needed to create a buffer that meets all of the requirements of the Town of Cary Land Development Ordinance.

6 Chapter, Policy 8 Preserve and Maintain Cary's Attractive Appearance and Quality of Development

The reconfiguration of the existing veterinary hospital and the additional parking area will continue to maintain an attractive appearance and provide an appropriate buffer between neighboring parcels and Tryon Road, so as to continue the visual quality encouraged in 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.*

8 Chapter, Policy 3 Encourage Environmentally Responsible Stormwater Management

The veterinary hospital lies within the Swift Creek Watershed Protection Overlay District. Further development at this site will strictly adhere to the regulations provided in the Town of Cary Land Development Ordinance in order to protect the existing watershed. Stormwater control systems will be developed to minimize the effects of rain water erosion and help to further protect the surrounding environment.

8 Chapter, Policy 5 Protect and Restore Open Space and the Natural Environment

The veterinary hospital parcel abuts a tributary of the Lynn Branch. The required stream buffer will remain in tact and all development at this site will follow the requirements of the Cary Land Development Ordinance in order to preserve the environmental integrity of the site. As stated above, the property also lies within the Swift Creek Watershed which will prohibit over-development of the site and require its own set of standards.

8 Chapter, Policy 9 Preserve and Protect the Urban Tree Canopy

The development team will be conducting a tree survey on the site in order to recognize specific trees which will be retained as part of the required perimeter landscape buffer yard. Any trees that can be retained in the buffer will only enhance the quality of the development and preserve as much natural vegetation as possible.

_____ Chapter, Policy _____

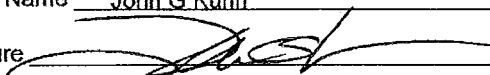
Part 3C : Owner's Signature(s) Completion of the applicable sub-section(s) is required for all rezoning requests except requests to rezone to a General Use District

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 John G Kuhn
Property Owner Signature  Date 6/2/18

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 _____

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 Cary VSH - Calico LLC

Manager(s) is/are:

Printed Name Daniel Eisenstadt, Managing Member

Signature  Date 6/1/18

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 Pennsylvania

COUNTY OF Montgomery

I, Margaret Pugh, a Notary Public, certify that Daniel Eisenstadt
(Name of Notary)

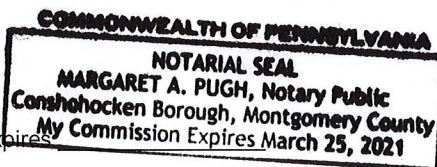
personally came before me this day and acknowledged that he/she is Member / Manager (Circle One) of
CarVUSH-Calico, LLC and that he/she, as Member / Manager (Circle One)

CarVUSH-Calico, 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 1 day of June, 2018.

[OFFICIAL SEAL]



Margaret A Pugh
Notary Public

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: _____