

TOWN OF CARY
Planning Department

JUN 08 2018

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

DEVELOPMENT SERVICES

Development Services

For office use only:

Rezoning Case #

Payment Method: CASH ___ CHECK CREDIT CARD ___ Amount: \$ 1250 P&Z HTE# 19-0031

APPLICATION FOR REZONING

Associated Annexation Petition Yes No

Traffic Impact Study Yes No TAR Number: _____
Staff confirmation: Initials _____ Date _____

This application is deemed sufficiently complete for purposes of submittal.

Planning Staff Signature [Signature] Date 7/17/18

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		MacGregor Centre (Lot 2a) PDD Amendment
Name of PDD (if applicable)		MacGregor Centre
Location	Address	1881 LAKE PINE DR
	General Location	Intersection of Lake Pine Dr. and MacGregor Pines Dr.
	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>Kashayar K. Neshat</u>	Name	<u>Karen Brown</u>
Firm	<u>MacGregor Square Center, LLC</u>	Firm	<u>York Properties</u>
Address	<u>300 Carpathian Way</u>	Address	<u>2108 Clar Avenue</u>
City, State, Zip	<u>Raleigh, NC 27615</u>	City, State, Zip	<u>Raleigh, NC 27605</u>
Phone (area code)	<u>919-270-4270</u>	Phone (area code)	<u>919-863-8066</u>
Email	<u>dmeshat@ncimplant.com</u>	Email	<u>karenbrown@yorkproperties.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
MACGREGOR SQUARE CENTER LLC	0752367108	0327176	2.44
Total Acres			

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: _____ No

Existing Zoning	Base Zoning District(s)	Planned Development District Minor Amended
	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"/> 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)	1. Add Second 'Personal Services' as a Land Use for Lot 2A. <i>SEE EXISTING PDD (MacGregor Centre)</i> 2. Add 'Indoor Commercial Recreation' as a Land Use for Lot 2A.
Proposed Zoning	Proposed Base Zoning District(s)	Planned Development District Minor Amended
	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	N/A
	Summary of Proposed Development or Purpose of Request	1. Add Second 'Personal Services' as a Land Use for Lot 2A. <i>Permitted</i> 2. Add 'Indoor Commercial Recreation' as a Land Use for Lot 2A. <i>Permitted</i>

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: Proposal to add "Personal Services" and "Indoor Commercial Recreation" as land use amendments to existing PDD to meet local demand and add synergistic uses to the existing PDD.

- (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 site lies within the Existing MacGregor Centre PDD and the proposed uses are consistent with the existing uses in the area.

- (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 site frontage is along Lake Pine Drive, and includes accessibility via sidewalks/crosswalks to the public way. Driveway entrance and high visibility from Lake Pine Drive promote public safety and emergency services.

- (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 site is currently landscaped, and no additional structures or other impervious surfaces are proposed. The addition of the proposed land uses will not have any 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: The proposed land uses are consistent with the surrounding areas and the approved land uses for the existing PDD.

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

Applicant's Comments: The site is currently zoned as PDD Minor Amended, and the proposed land uses are consistent with the area. No change to the zoning classification is proposed.

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

WORK
3 Chapter, Policy 2: Enhance Locational Appeal to Businesses and Workers

The MacGregor Centre provides a diverse range of businesses that offer employment opportunities as well as services to the citizens of Town of Cary. The proposed uses are consistent with the area and the rest of the MacGregor Centre PDD.

WORK
3 Chapter, Policy 6: Attract and Nurture Small Businesses

The proposed land uses will allow for new small businesses to operate and flourish within the MacGregor Centre PDD.

_____ Chapter, Policy _____

_____ Chapter, Policy _____

Rezoning Justification Statement #3 *Required only when rezoning to a Planned Development District or amending an existing Planned Development District*
Describe how the proposed rezoning meets the criteria listed below.

Section 3.4.3(E) of the Land Development Ordinance states that Council should consider the following criteria when reviewing proposed rezonings to a Planned Development District.. *These criteria are in addition to those stated in Section 3.4.1(E),*

- (1) The PDD designation is necessary to address a unique situation or represents a substantial benefit to the Town, compared to what could have been accomplished through strict application of otherwise applicable zoning district standards; and

Applicant's Comments: The site is currently located within the MacGregor Centre PDD. The proposed additional uses (Personal Services and Indoor Commercial Recreation) are beneficial to the public and also consistent with the land uses in the PDD and the surrounding areas.

- (2) The request complies with the PDD standards of Section 4.2.3.

Applicant's Comments: No amendments to the PDD are proposed other than adding land uses that are consistent with the surrounding areas.

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
- 3C(5) – Required where property is owned by a Trust

(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 _____

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 _____

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 _____

Signature _____ Date _____

Printed Name _____

Signature _____ Date _____


Printed Name _____

Signature _____ Date _____

Member-Managed

Member(s) is/are:

Printed Name Khashayar K. Neshat

Signature  Date 5-23-18

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 North Carolina

COUNTY OF Johnston

I, Ronda W Currin, a Notary Public, certify that Khashagan K. Neshat
(Name of Notary) (Name)

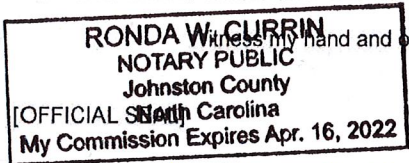
personally came before me this day and acknowledged that he/she is President
(Title of Corporate Officer)

of MacGregor Square Center, LLC, which is a, (Member / Manager) of MacGregor Square Center, LLC
(Name of Corporation) (Circle One) (Name of LLC)

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

NA 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 23rd day of May, 2018.

Ronda W Currin
Notary Public

Ronda W. Currin
Printed Name of Notary Public

My Commission expires: April 16, 2022

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.