

18-REZ-23

PAID

TOWN OF CARY  
Planning Department

AUG 23 2018

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

For office use only: DEVELOPMENT SERVICES Rezoning Case #

Payment Method: CASH \_\_\_ CHECK  CREDIT CARD \_\_\_ Amount: \$ 1900- P&Z HTE# 19-118  
#3671

### APPLICATION FOR REZONING

Associated Annexation Petition  Yes  No

Traffic Impact Study  Yes TAR Number: \_\_\_\_\_  
 No Staff confirmation: Initials KRD Date 8-22-18

This application is deemed sufficiently complete for purposes of submittal.

Planning Staff Signature Katie Dye Date 8-22-18  
*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 ③B1 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.

<b>Project Name</b>		6800 Holly Springs Road
<b>Name of PDD (if applicable)</b>		
<b>Location</b>	<b>Address</b>	6800 Holly Springs Road Raleigh, NC 27606
	<b>General Location</b>	Near Intersection of Holly Springs Road and Cary Parkway
	<b>Jurisdiction (check one)</b>	<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	Cokesbury Holdings	Name	Spencer Mobley
Firm	ERA Dream Living Realty	Firm	ERA Dream Living Realty
Address	311 S. Harrington St #100	Address	311 S. Harrington St #100
City, State, Zip	Raleigh, NC 27603	City, State, Zip	Raleigh, NC 27603
Phone (area code)	919-795-8776	Phone (area code)	919-612-0006
Email	jamie@dreamlivingrealty.co	Email	

**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 <sup>1</sup>
Cokesbury Holdings LLC (Jamie Dawson)	077252215	0057021	2.03
<b>Total Acres</b>			<b>2.03</b>

<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.

Wake County records have not yet been updated based on recent sale 01/8-20-14

### Part 3A: Rezoning Request

Pre-Application Conference:  Yes Date: \_\_\_\_\_  No

Existing Zoning	Base Zoning District(s)	(R40) Residential 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"/> Airport Overlay District <input type="checkbox"/> Watershed Protection Overlay District <input type="checkbox"/> Jordan Lake <input type="checkbox"/> Jordan Lake Critical Area <input 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)	Residential 20 R20cu Conditional Use (R-20-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	
	Summary of Proposed Development or Purpose of Request	This request is being made in order to rezone 6800 Holly Springs Road from R40 to R20cu in order to dedicate the right away and subdivide the existing lot into two (less than one acre lots).

## 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 rezoning of this property meets the current challenge posed by the trend of progressive development of the Holly Springs road corridor. Haphazard private development has resulted in greater visual disparity in this area. The proposed rezoning, and subsequent subdividing of this lot, would aid in providing more aesthetical consistency on Holly Springs Road.*
- (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: Throughout out the pre-application process, the owner has researched and implemented any applicable suggestions in order to be consistent with the Town's Comprehensive Plan and Section 1.3. That will remain a goal throughout the rezoning process.*
- (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: There is a possibility of annexation in the future, but the current property is not hindered no does it hinder the provision of public 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 current structure and property is unlikely to have significant adverse impacts on the natural environment as the purpose of this rezoning is to subdivide the lot, preserve the current house, and allow for the building of a home on the neighboring lot while maintaining and incorporating the aesthetics of the area.*
- (5) The proposed rezoning will not have significant adverse impacts on other property in the vicinity of the subject tract; and  
*Applicant's Comments: This proposed rezoning is being undertaken in order to provide housing options in a desirable area so any concerns or suggestions from the council and public well certainly be welcomed. Minimizing impacts, be it small or significant, will be a primary consideration throughout this process.*
- (6) The proposed zoning classification is suitable for the subject property.  
*Applicant's Comments: In conversations with Town of Cary staff, and having referred to precedent set by previous nearby rezoned properties, R20cu has been deemed the most suitable classification for 6800 Holly Springs Road.*

**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

6 Chapter, Policy 8

The location of 6800 Holly Springs Road inherently puts it in the public view. This will certainly be taken into consideration throughout the rezoning process via public and council input and implementation of needed conditions. All development and improvement to this property will be done with the view of the public in mind.

Chapter, Policy

8 Chapter, Policy 8

The Town of Cary's desire to integrate resiliency and adaptation in to planning practices certainly is consistent with the proposed rezoning of 6800 Holly Springs Road.

6 Chapter, Policy 5

The proposed rezoning, and possible subdivision, of this parcel is consistent with the vision of the Town of Cary to revitalize redevelopment corridors, such as the growing area around Holly Springs Road. The improvement of the existing structure and building of an appropriate house on the other lot would both improve the visual appeal of the corridor and prevent the decline of an existing home.

**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 Jamie W. Dawson

Signature [Handwritten Signature]

Date 8/20/18

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 North Carolina

COUNTY OF Wake

I, Deshaun Sellers, a Notary Public, certify that Jamie Dawson  
(Name of Notary)

personally came before me this day and acknowledged that he/she is Member / Manager (Circle One) of

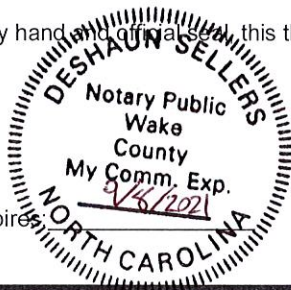
Cotosbury Holdings, LLC and that he/she, as Member / Manager (Circle One)  
(Name)

Cotosbury Holdings, 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 20 day of August, 2018.

[OFFICIAL SEAL]



Deshaun Sellers  
Notary Public

Deshaun Sellers  
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: \_\_\_\_\_