

PAID

OCT 18 2018

TOWN OF CARY
Planning Department

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

DEVELOPMENT SERVICES

For office use only:

Rezoning Case #

18-BEZ-27

Payment Method: CASH ___ CHECK ___ CREDIT CARD Amount: \$ 1250 P&Z HTE# 19-229

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 Way Smith Date 10/18/18
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		Weston PDD (O&I <u>1C</u>) Amendment
Name of PDD (if applicable)		Weston PDD
Location	Address	3001 Weston Parkway
	General Location	Southside of Weston Parkway and in between Old Reedy Creek and Southhill Drive
	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>Steve Reid</u>	Name	<u>Jamie Loyack</u>
Firm	<u>RedStorm Entertainment</u>	Firm	<u>HagerSmith Design PA</u>
Address	<u>2000 Centregreen Way, Ste 300</u>	Address	<u>300 South Dawson St</u>
City, State, Zip	<u>Cary, NC 27513</u>	City, State, Zip	<u>Raleigh, NC 27602</u>
Phone (area code)	<u>(919) 460-1776</u>	Phone (area code)	<u>919-838-5109</u>
Email	<u>steve.reid@redstorm.com</u>	Email	<u>jloyack@hagersmith.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
Red Storm Entertainment Inc 2000 Centregreen Way , Ste 300 Cary , NC 27513	0765574341	0158999	5.32 acres
Total Acres	5.32		

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: 7/18/2018 No

Existing Zoning	Base Zoning District(s)	PDD Major: (Weston PDD)
	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>	See Existing Weston PDD
Proposed Zoning	Proposed Base Zoning District(s)	PDD-Major: (Amendment to Weston PDD)
	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	No changes
	Summary of Proposed Development or Purpose of Request	1. Reduce portion of streetscape buffer to 30' (Existing=50'). 2. Reduce perimeter buffer to the Western property buffer to 10' (Existing = 25'). LADJCEST 3. Allow increase of parking over the maximum permitted. (Allow no more than 260 surface parking spaces).

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;

This request proposes to amend conditions to a portion of the existing Weston PDD and continue the support of the existing use. Due to construction phasing, site constraints, a waterline easement and unused access easement, there are a number of inefficiencies to the existing parking lot layout. These inefficiencies and site constraints make a parking deck infeasible and therefore, the project requires more surface parking.

- (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 is within the Employment Mixed Use district of the Cary Community Plan and serves as an office use. Office use is an allowable use in the Weston PDD and identified as an appropriate use in the Cary Community Plan. This request does not constitute a change of use.

- (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: This is an existing building that currently has access to all Town of Cary services and other service providers. These improvements will not require an upgrade of services to the current facilities. A multi-use trail will be provided to replace the existing 5' sidewalk that currently exists along the Weston Parkway frontage of the subject property.

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

This request will not disturb the existing mature 30' streetscape buffer along Weston Parkway. A landscape plan will be provided to add supplementary landscape along the Western property line and in the Weston Parkway streetscape to provide adequate buffering. Stormwater measures will be taken to meet Town of Cary and NCDEQ stormwater requirements.

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

Applicant's Comments: There is no change in the existing use or expansion of the existing building. The project preserves almost all of the existing mature vegetative buffers. Additional landscape will be planted to supplement the existing buffers that are being reduced. Additional surface parking will meet TOC Stormwater requirements.

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

Applicant's Comments: The current zoning classification is PDD and this request does not propose a change to the current zoning classification.

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 property is identified and located on the Growth Framework Map as Employment Mixed Use District. The requests to amend the Weston PDD are consistent with the Cary Community Plan as presented below.

3 Work Chapter, Policy **2**

Enhance Locational Appeal to Businesses and Workers:

The applicant's business currently leases space in the Weston PDD. They are relocating their business into an existing vacant building in the Weston PDD due to its desirability in location. The site's proximity to existing residential and retail centers make it attractive to compete for and retain employees.

3 Work Chapter, Policy **3**

Retain and Grow Existing Cary Businesses:

The applicant is relocating out of their existing space in the Weston PDD to another location in Weston in preparation of future growth. By redeveloping this underutilized property and building, the applicants request will allow them the opportunity to grow their existing business in Cary.

3 Work Chapter, Policy **5**

Attract New , High Value Businesses:

The applicant is a Vibrant Successful Technology Company that focuses on video game development. The positions at companies are known to have higher than average wages/salaries than other business types in the Triangle. This will help continue to support the Town's fiscal base.

5 Engage Chapter, Policy **2**

PRCR Plan Goal 2 - Provide Cary citizens with a highly functional, safe, well-maintained greenway network that provides recreation, transportation, and education opportunities and wildlife benefits:

By providing a multi-use greenway trail along Weston Parkway the project will support the future greenway planned along Weston Parkway on the Planned Bike and Pedestrian Routes Map identified in the Town of Cary Community Plan.

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 current zoning classification is PDD. This request does not consider changing the current zoning classification.

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

Applicant's Comments: This PDD amendment is a request to reduce the PDD buffer widths along Weston Parkway from 50' to 30' and reduce the buffer width along the Western Property Line from 25' to 10' to allow a parking expansion on the site. A multi-use trail/greenway will be included as part of the project to provide better pedestrian connection and support the future Greenway Trail planned along Weston Parkway.

Rezoning Justification Statement #4 Required only when rezoning to or amending the Preliminary Development Plan component of a Mixed Use District
Describe how the proposed rezoning meets the criteria listed below. N/A

In addition to the criteria for a general rezoning specified in Section 3.4.1(E), rezoning requests to a MXD district shall be reviewed for compliance with the following criteria contained in LDO Section 4.5.2(E), as applicable [i.e., it may not be reasonable or practical to expect that some existing or partially-built mixed use districts (formerly activity center concept plans or mixed use sketch plans) to achieve certain design standards]:

(1) Intensity, Type, and Mix of Uses

The preliminary development plan includes an appropriate intensity, type, and mix of land uses, as outlined by the guidelines contained in the Comprehensive Plan. This shall be assessed in relation to the scale of the Mixed Use Overlay District and the mix and relationship of existing and planned uses, including residential, commercial, office, and institutional uses;

Applicant's Comments:

(2) Site Design

The preliminary development plan shows how the proposed development will meet or exceed Town site design guidelines and other established Town standards, including connections and linkages to immediately adjacent properties;

Applicant's Comments:

(3) Expected Land Uses

The extent to which the proposed development provides the expected land uses, including medium- and higher-density housing, outlined by the numerical and other guidelines contained in the Comprehensive Plan;

Applicant's Comments:

(4) Public Spaces

The preliminary development plan includes some formal outdoor space(s) for public use, such as a park, village green, or plaza; and

Applicant's Comments:

(5) Scale and Context

The preliminary development plan demonstrates that the proposed development is appropriate for the context and location, responds to the unique conditions of the area, and provides reasonable transitions within and adjacent to the district.

Applicant's Comments:

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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 Steve Reid of Red Storm Entertainment, Inc
(Typed or Printed Name) (Typed or Printed Corporation Name)

Signature [Handwritten Signature] Date 10-18-18

STATE OF NC

COUNTY OF Wake

Jairo Arias Pareja a Notary Public, do hereby certify that Steve Reid
(Name of Notary) (Name of President/Vice President)

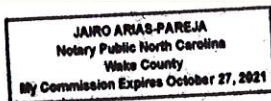
personally came before me this day and acknowledged that he/she is President / Vice-President
(circle one)

of Red Storm Entertainment Inc 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 18 day of Oct, 2018.

[OFFICIAL SEAL]



Jairo Arias Pareja
Notary Public

Jairo Arias Pareja
Printed Name of Notary Public

My Commission expires 10/27/2021

Part 3D: Authorized Agent Authorization (must be notarized, and signed by property owner(s) identified in Part 3C. Attach additional sheets if necessary)

Required if the owner(s) of property proposed to be rezoned to a Conditional Use, Planned Development, or Mixed Use Zoning District wish to authorize another individual or entity to represent them through the public hearing process, and make binding statements and commitments regarding the request.

One of the following must be included as an attachment to this application:

- Power of Attorney stating that the agent is authorized to represent and bind the property on behalf of the property owner.

OR

- If the agent is the contract purchaser of the property, a redacted copy of a fully executed sales contract containing a clause or clauses allowing an application to be filed.

I/We, _____, the fee simple owner(s) of the following described property:
Property Owner Name(s)

PIN, Real ID Number or Legal Description

hereby petition the Town of Cary to amend the Zoning Map to: *(check all that apply)*

- Change the zoning district(s) from _____ to _____
- Amend zoning conditions applicable to an existing conditional use district
- Amend the PDD document and/or Master Plan for the _____ Planned Development District
- Amend the Preliminary Development Plan for the _____ Mixed Use District

and affirm that _____ is hereby designated to act as my/our agent
Authorized Agent

and to file the attached application for the stated amendment(s) and make binding statements and commitments regarding the amendment request(s).

I certify that I have examined the application and that all statements and diagrams submitted are true and accurate to the best of my knowledge. Further, I understand that this application, attachments and fees become part of the Official Records of the Town of Cary, North Carolina and are not returnable.

Owners' Signature (s)

Date

_____ COUNTY, NORTH CAROLINA

SWORN TO AND SUBSCRIBED before me this _____ day of _____, 20____

(Official Seal)

Signature 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.