

NOV 09 2018

For office use only:

Rezoning Case # 18-PEZ-29

Payment Method: CASH  CHECK  CREDIT CARD  Amount: \$ 1900<sup>00</sup> P&Z HTE# 19-265

**APPLICATION FOR REZONING**

Associated Annexation Petition Yes  No

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

This application is deemed sufficiently complete for purposes of submittal.

Planning Staff Signature [Signature] Date 11/09/18

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.

<b>Project Name</b>		Towns-at-Olde Carpenter 2832 Carpenter Upchurch
<b>Name of PDD (if applicable)</b>		Rd
<b>Location</b>	<b>Address</b>	2832 Carpenter Upchurch Road
	<b>General Location</b>	Intersection of Carpenter Upchurch Road and Morrisville Parkway
	<b>Jurisdiction (check one)</b>	<u>Cary Corporate Limits</u> Cary ETJ Wake Co.* Chatham Co.* *Submittal of an annexation petition is required if rezoning is requested

<b>Part 1: Applicant Information</b>	
<b>Applicant</b>	<b>Applicant's Contact</b>
Name Olde Carpenter LLC Address 1933 Morrisville Carpenter Rd. City, State, Zip Cary, NC 27519-9734 Phone (area code) 919-468-0747 Email <a href="mailto:oldecarpenter@bellsouth.com">oldecarpenter@bellsouth.com</a>	Name Glenda Toppe Firm Glenda S. Toppe & Associates Address 4139 Gardenlake Drive City, State, Zip Raleigh, NC 27612 Phone (area code) 919-605-7390 Email <a href="mailto:glenda@gstplanning.com">glenda@gstplanning.com</a>

<b>Part 2: Parcel &amp; Owner Information</b>			
<b>Property Owner(s)</b> <i>Provide property owner name and address as it appears in the Wake or Chatham County Tax Records,</i>	<b>County Parcel Number(s)</b> <b>(10 digit)</b>	<b>Real Estate ID(s)</b>	<b>Deeded Acres <sup>1</sup></b>
Olde Carpenter LLC 1933 Morrisville Carpenter Rd Cary, NC 27519-9734	PIN 0735900661	REID 0011746	Portion of 25.37(actual acreage to be rezoning 13.822 acres)
<b>Total Acres</b>	Portion of 25.37 (13.822 acres to be rezoned)		
<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 Conference: Yes Date: 09/12/18 No

<b>Existing Zoning</b>	<b>Base Zoning District(s)</b>	<b>GC-CU and RMF-C; Morrisville Parkway ACCP</b>
	<b>Zoning Overlay District(s)</b> <i>Check any that apply</i>	Mixed Use Overlay District (Name: <u>Morrisville Parkway</u> )  Conservation Residential Overlay District  Airport Overlay District  Watershed Protection Overlay District Jordan Lake Jordan Lake Critical Area Swift Creek  Historic Preservation Overlay District
	<b>Zoning Conditions</b> <i>(if any)</i>	<b>See Attached Zoning Conditions and Morrisville Parkway ACCP.</b>
<b>Proposed Zoning</b>	<b>Proposed Base Zoning District(s)</b>	<b>Residential Multi-Family-Conditional Use (RMF-CU)</b>
	<b>Proposed Zoning Conditions</b>	<b>1. Uses shall be limited to townhouses and neighborhood recreation. 2. The maximum density shall be eight (8) dwelling units per acre. 3. There shall be a minimum of 5,000 square feet of Community Gathering space</b>
	<b>Proposed Changes to Overlay Districts</b>	<b>Refer to revised ACCP Map.</b>
	<b>Summary of Proposed Development or Purpose of Request</b>	<b>The request is to rezone the subject property to RMF-CU to allow townhouses at a density of eight (8) dwelling units per acre.</b>

## 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 proposed rezoning reflects a change in conditions since the property was first rezoned in July 22, 1999. The subject property is no longer suitable for commercial development.*
  
- (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 subject property is located in the Traditional Neighborhood on the Future Growth Framework Map. Under the Predominant Land Use Types, single-family attached townhouses are listed. The use proposed is townhouses and neighborhood recreation. The rezoning complies with the policy of providing additional housing options for all residents. The location of the subject property is ideal for the use proposed. The proposed rezoning is consistent with the Cary Community Plan and the Future Growth Framework Map.*
  
- (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 Town can provide services to the subject property while maintaining sufficient levels of service to existing development. The Town is currently providing services to adjacent properties.*
  
- (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 proposed rezoning will not have an adverse impact on the natural environment. All development will comply with Town of Cary environmental regulations. This will ensure there will be no negative impacts.*
  
- (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 rezoning will not have a significant adverse impact on other property in the vicinity of the subject property. Buffers and streetscapes will comply with the requirements of the LDO. The use proposed is compatible with the uses immediately surrounding the subject property.*
  
- (6) The proposed zoning classification is suitable for the subject property.  
*Applicant's Comments: The proposed zoning classification is suitable for this location. The Cary Community Plan encourages more housing choices for all residents. The Traditional Neighborhoods Development Category allows for a moderate housing mix. This location has been challenged for many years due to changes in traffic patterns at the intersection of Carpenter Upchurch Road and Morrisville Parkway. These changes have lead to the subject property not being a viable option for commercial development. Commercial development opportunities have gone elsewhere in the area. Given the development patterns that are currently in the immediate vicinity of the proposed rezoning, the proposed zoning classification is suitable for the subject property.*

**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: **SEE ATTACHMENT.**

\_\_\_\_\_ Chapter, Policy \_\_\_\_\_

\_\_\_\_\_ Chapter, Policy \_\_\_\_\_

\_\_\_\_\_ Chapter, Policy \_\_\_\_\_

\_\_\_\_\_ Chapter, Policy \_\_\_\_\_

**Rezoning Justification Statement #2:** Describe how the proposed re-zoning is consistent with or supported by the visions and policies of the Cary Community Plan.

### **Growth Framework Map**

The property submitted for rezoning is identified on the Future Growth Framework Map as being in the Traditional Neighborhood category. The proposed rezoning to RMF-CU of an approximate 13.8 acre portion of this property is in accord with both the Predominant Use Types (single family attached townhomes) as well as Appropriate Zoning (typical) listed in the Cary Community Plan for Traditional Neighborhoods.

### **Chapter 1. Foundations**

The property proposed for rezoning is bounded on the north by Morrisville Parkway, on the west by Carpenter Upchurch Rd; on the south by the Heritage Pines development, and on the east by land that is currently zoned for residential multi-family development. The current base zoning of the 13.8 acres is B2-CU (GC-CU as per the current LDO) with a small amount of RMF-12CU (RMF-CU as per the current LDO). The property was last rezoned in 1999 when its location was near the western frontier of Cary's growth. The B2-CU zoning was intended to accommodate commercial development at the intersection of the two roads bounding the site. In 2004, the Town adopted an overlay district for the subject property known as Morrisville Parkway Activity Center Concept Plan (ACCP). This overlay district also identified the subject property being considered rezoning as a commercial site. Changes to traffic patterns due to medians between 2010 and 2012 that were constructed at the intersection of Morrisville Parkway and Carpenter Upchurch Rd. along with rezonings that were approved by the Town at more significant intersections to commercial uses caused commercial development to leapfrog over this site. There are now at least 4 sites within 1- 2 miles or a 5 minute or less drive of this property that are designated as either Commercial Center Mixed Use or Destination Center on the Future Growth Framework Map. These commercial land use designations have rendered commercial development of this site under its current B2-CU zoning as effectively obsolete. Commercial developers have looked at this site and due to the geometry of

the intersection of Carpenter Upchurch Rd and Morrisville Pkwy, they have passed over the site due to the inability for their end users to have safe and convenient access to the site. The Town is currently removing the medians that were constructed over 6 years ago to restore the intersection; however, it is too late to bring viable commercial to this site as commercial users have moved onto Alston, Parkside, and the Davis Drive corridor. The property is now an infill residential site in the quadrant area bounded by NC 55 on the West and Davis Drive on the East and from High House Road on the south to Morrisville Parkway on the north.

## **Chapter 2. Live**

The Live chapter addresses a number of themes that relate to the proposed rezoning including: acknowledgement of the need to provide a more diverse housing stock; the fact that households are becoming smaller and the number of single person households is increasing; the need to capture next generation employees by offering lifestyle choices, and the need to support housing affordability. These themes are relevant to the proposed rezoning through its conformance with these themes.

**Policy 2: Provide more housing choices for all residents.** Provide high quality housing in suitable areas that can accommodate a variety of lifestyles, households, ages, cultures, market preferences and incomes. This includes dwellings for aging seniors and empty nesters, multigenerational households, young professionals, young families and members of the local workforce. The proposed rezoning complies with this policy because it will result in the provision of a housing product, townhomes, which can reach a wide and diverse spectrum on the housing market.

**Policy 3. Provide for more housing options in new neighborhoods.** This policy goes on to state that its intent is “to make available an increased mix of housing options in developing parts of town.” The increased mix might be provided either within individual developments or within multiple proximate developments which together create a “diverse housing mix.” The site is bounded by housing for seniors, on the south, roadways on the west and north, and property zoned RMF on the east. This is effectively an infill site in what has become, over the past 19 years a substantially more developed part of Cary. By providing for townhome

development, the proposed rezoning creates an additional housing type option at a location that makes sense as recognized by the Growth Framework Map.

**Policy 5. Support residential development on infill and redevelopment sites that is designed to acknowledge the surrounding context while supporting other Live policies.** The Growth Framework Map identifies the 13.8 acres as a traditional neighborhood, even though it is currently zoned for non-residential development. As mentioned, this has become an infill site surrounded on three sides by either roadways or existing residential development. This infill site will acknowledge both the existing development to the south and the remaining undeveloped site to the east via the Town's LDO requirements and proper site design.

#### **Chapter 4. Work**

The intent of this chapter is to respond to the economic challenges and opportunities facing Cary including employment and workforce options.

**Policy 1.** Support the growth of a sustainable and diverse workforce that meets the needs of Cary's businesses over time, and that supports and attracts future economic growth. The proposed rezoning is located in an area of west Cary that continues to grow and develop. The site is located along good transportation corridors that enable future residents to commute to anywhere in the region and be close to commercial support services. The proposed rezoning will support the growth of a sustainable workforce because of its location and the wide spectrum of the potential home buying public that it will appeal to.

#### **Chapter 6. Shape**

The intent of this chapter is to recognize that undeveloped land in Cary is becoming scarce (82% developed as of 2015) and that land use planning policy and regulatory guidance is necessary to ensure that Cary continues to develop in a cohesive, high quality, and attractive manner.

**Policy 4 .** Support and facilitate redevelopment and infill development. This policy recognizes the benefits of infill development and efficiently using and capitalizing on existing infrastructure. The proposed rezoning will enable infill development and the utilization of existing municipal infrastructure.



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**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 \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

\_\_\_\_\_

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 \_\_\_\_\_

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: \_\_\_\_\_

**Part 3C(3): GENERAL PARTNERSHIP, LIMITED PARTNERSHIP OR LIMITED LIABILITY PARTNERSHIP** – The area to be rezoned is owned by a partnership, ALL general partner(s) must sign. **(Must be notarized).**

**The General Partner(s) is/are:**

Printed Name \_\_\_\_\_  
Signature \_\_\_\_\_ Date \_\_\_\_\_  
\_\_\_\_\_

Printed Name \_\_\_\_\_  
Signature \_\_\_\_\_ Date \_\_\_\_\_  
\_\_\_\_\_

Printed Name \_\_\_\_\_  
Signature \_\_\_\_\_ Date \_\_\_\_\_  
\_\_\_\_\_

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 the General Partner of

\_\_\_\_\_  
(Name of Partnership)

\_\_\_\_\_, and that he/she, as General Partner, being authorized

to do so, voluntarily executed the foregoing on behalf of said entity 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: \_\_\_\_\_

**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 \_\_\_\_\_ of \_\_\_\_\_  
Name) (Typed or Printed Name) (Typed or Printed Corporation)

Signature \_\_\_\_\_  
Date \_\_\_\_\_

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

\_\_\_\_\_, a Notary Public, do hereby certify that \_\_\_\_\_  
(Name of Notary) (Name of President/Vice President)

personally came before me this day and acknowledged that he/she is \_\_\_\_\_  
(circle one)

of \_\_\_\_\_ and that he/she as \_\_\_\_\_  
(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 \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

[OFFICIAL SEAL]

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Printed Name 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.**