

JUN 27 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 #

Payment Method: CASH ___ CHECK X CREDIT CARD ___ Amount: \$ 1900 P&Z HTE# 18-862

pd 6/27/18

APPLICATION FOR REZONING

Associated Annexation Petition Yes No

Traffic Impact Study Yes No
TAR Number: _____ Date 07/18/18
Staff confirmation: Initials JP

This application is deemed sufficiently complete for purposes of submittal.

Planning Staff Signature Scott Ramsey Date 6/27/18

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		Green Level West Office
Name of PDD (if applicable)		
Location	Address	0 Green Level West Road, portion of 2912 Green Level West Road east of Branton Drive
	General Location	East of the intersection of Branton Dr and Green Level West Rd
	Jurisdiction (check one)	<input checked="" 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 <u>Donna Cassidy</u>	Name <u>Charlie Yokley</u>
Firm <u>Net32</u>	Firm <u>McAdams</u>
Address <u>250 Towne Village Dr</u>	Address <u>2905 Meridian Pkwy</u>
City, State, Zip <u>Cary NC 27513</u>	City, State, Zip <u>Durham NC 27713</u>
Phone (area code) <u>1-800-517-1997 xt 230</u>	Phone (area code) <u>919-287-0761</u>
Email <u>dcassidy@net32.com</u>	Email <u>yokley@mcadamsco.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
Wait4It, LLC	0734616440	0197626	1.71
Wait4It, LLC	Portion of: 0734512198	Portion of: 0302177	.27 acre portion of 19.33 acre parcel
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: 5/12/18 No

Existing Zoning	Base Zoning District(s)	R-12 <i>to R-40</i>
	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 checked="" 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>	N/A
Proposed Zoning	Proposed Base Zoning District(s)	O&I - 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	N/A
	Summary of Proposed Development or Purpose of Request	The purpose of the requested rezoning is to allow for the future development of an Office, Business or Professional, with zoning conditions that limit the building area to a maximum of 14,000 <i>15,000</i> sf and a maximum of 2 stories in height.

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: See Attached

- (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: See Attached

- (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: See Attached

- (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: See Attached

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

Applicant's Comments: See Attached

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

Applicant's Comments: See Attached

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 Attached

_____ Chapter, Policy _____

_____ Chapter, Policy _____

_____ Chapter, Policy _____

_____ Chapter, Policy _____



June 18, 2018

Town of Cary
316 N. Academy Street
Cary NC 27513

Rezoning Justification Statements #1: Chapter 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 Comments: The purpose of the requested zoning is to allow for the future development of a general office building on the subject parcel. The subject property is approximately 1.71 acres and is located on a Major Thoroughfare that was recently improved to accommodate additional vehicular traffic that will be generated due to the future development in this area. Due to the location of the parcel, it is better suited for office style development rather than the uses permitted in the R-12 district.

- (2) **The proposed rezoning is consistent with the Comprehensive Plan and the purposes set forth in Section 1.3 of this Ordinance;**

Applicant Comments: The Cary Community Plan designates this area as a Traditional Neighborhood. Traditional Neighborhoods allow for small format commercial development on the edge of residential areas as Incidental Uses. The O&I zoning district is permitted in Traditional Neighborhoods for the listed Incidental Uses.

- (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 Comments: The proposed rezoning will not create an undue burden on Town services or the infrastructure of other service providers.

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

The John R. McAdams
Company, Inc.

Raleigh / Durham, NC
2905 Meridian Parkway
Durham, North Carolina 27713
(919) 361-5000

Charlotte, NC
3436 Toringdon Way
Suite 110
Charlotte, North Carolina 28277
(704) 527-0800

McAdamsCo.com

Designing Tomorrow's Infrastructure & Communities



Town of Cary
316 N. Academy Street
Cary NC 27513

Applicant Comments: The proposed rezoning will not have a significant adverse impact on air or water quality, nor will it generate undue noise. Development of the parcel will meet all local, state, and federal requirements with regards to stormwater management and the preservation of wildlife and existing vegetation.

- (5) **The proposed rezoning is unlikely to have significant adverse impacts on the other property in the vicinity of the subject tract;**

Applicant Comments: The proposed rezoning will not have a significant adverse impact on surrounding properties. Development of the parcel will provide screening, buffers, and other measures to ensure that there is no adverse impact on properties in the area. The proposed use of the parcel is for General Office, which will not have an adverse impact on the surrounding transportation network.

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

Applicant Comments: The subject property is of sufficient size and shape for the proposed rezoning.

Rezoning Justification Statements #2: Describe how the proposed rezoning is consistent with or supported by the visions and policies of the Cary Community Plan.

Growth Framework Map: The Growth Framework Map designates this area as a Traditional Neighborhood. Traditional Neighborhoods allow for small format commercial located at the edge of residential areas as an Incidental Use, with the O&I zoning district being prescribed to serve these types of development. The area to the west of this property, across Branton Drive, is designated as a Destination Center. The rezoning of this property to O&I will allow for a more orderly transition of uses from the intense Destination Center to the existing residential uses to the east.

Chapter 1 – Foundations: The foundations of the Cary Community Plan include future fiscal options, economic policies and strategies, aging and diversifying population, limited land for development, integration of land use and transportation, neighborhood protection and housing choices, new infill and redevelopment opportunities, destination centers, transit-oriented development



Town of Cary
316 N. Academy Street
Cary NC 27513

and demand for 21st century development options. The proposed rezoning complies with the Foundation chapter of the Cary Community Plan.

Chapter 3 – Work: This chapter outlines the need for a strong, local, and diverse economy. The chapter discusses the need to attract young professionals for the future growth of Cary’s economy. This means changes in workplace environments in that a large segment of the workforce wants to choose a job based on lifestyle and no longer want to work in traditional suburban office parks. The present-day workforce wants to work in a more urban environment that offers a mix of nearby dining and shopping options in a walkable setting. In order to remain a competitive location for 21st century businesses and workers, Cary must offer the types of locations and built environments that will enable to successfully compete for businesses that recruit a younger and more mobile workforce. The proposed rezoning is in compliance with the specific policies of the Work chapter listed below.

Policy 1 – Enhance Locational Appeal to Businesses and Workers:
Maintain or enhance Cary’s Locational appeal to businesses and workers. This includes providing a quality of life and a built environment that appeals to, and attracts, both businesses / employers and the workforce of tomorrow.

Applicant Comments: The proposed rezoning complies with this policy. The location of the proposed development will appeal to a variety of businesses, employers, employees, and residents. The development will have access to and from the Triangle Expressway. The design of this project will create a quality of life within the built environment that attracts the workforce of tomorrow. Attention will be paid to be built environment of the parcel to ensure that employees of the business will work in a building that fits their needs as well as providing a comfortable outdoor working space.

Policy 2 – Focus attention on retaining core businesses that are already located in Cary, and support and encourage the local growth of those businesses.

Applicant Comments: The NET32 office is currently located in Cary in a traditional, suburban-style office park. The business is growing and to retain and attract new employees from the current workforce, the owners are looking for a new location in Cary that meets the demands of the next generation of workers. The proposed rezoning will allow for the development of an office



Town of Cary
316 N. Academy Street
Cary NC 27513

building that matches the desires of younger workers when they are looking for employment.

Policy 8 – Support the Locational Needs of New and Expanding Firms: Support new and expanding firms that have different locational needs: Provide a variety of places, including modern industrial park developments with prime office and institutional spaces, mixed use employment centers, and Downtown Cary.

Applicant Comments: The proposed rezoning complies with this policy. The proposed development is a Cary firm that needs to expand their facilities to serve their growing business. The parcel is located across Branton Drive from a future Destination Center, which will allow employees to access a variety of restaurant and other commercial uses.

Chapter 6 – Shape: This chapter discusses the challenge of Cary’s changing land planning. The amount of developable land within the Town limits has decreased over time, requiring the Town to look at new development opportunities, including infill and redevelopment. Cary will need to focus on offering more diverse employment centers, which means offering locations where people can work and shop in a compact, walkable development. The proposed rezoning complies with the specific policies of the Shape chapter listed below.

Policy 6 – Provide Appropriate Transitions Between Land Uses: Support the provision of appropriate transitions between sites having markedly different types or intensities of land uses.

Applicant Comments: The proposed rezoning complies with this policy. The overall development will be designed to mitigate any potential negative impacts to surrounding properties by providing buffers along the property boundaries. The rezoning of the parcel will also allow for an orderly transition of uses from the dense Destination Center to the west and the existing residential uses to the east.

Policy 8 – Preserve and Maintain Cary’s Attractive Appearance and Quality of Development: preserve and maintain Cary’s attractive appearance, with particular attention to the appearance of – and view from – our public spaces, while also encouraging high quality attractive development.



Town of Cary
316 N. Academy Street
Cary NC 27513

Applicant Comments: The proposed rezoning complies with this policy. Views from public spaces will find that the building is designed to be visually appealing and attractive. Parking will be screened from the public right-of-way and adjoining property through the use of perimeter and streetyard buffers and will contribute to the overall attractiveness of the Town.

Sincerely,

THE JOHN R. MCADAMS COMPANY


Charlie Yokley, AICP
Principal Planner

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 DONNA CASSIOY

Signature 

Date May 30, 2019

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 NC

COUNTY OF Wake

I, James E. Mishoe, a Notary Public, certify that Donna Cassidy
(Name of Notary)

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

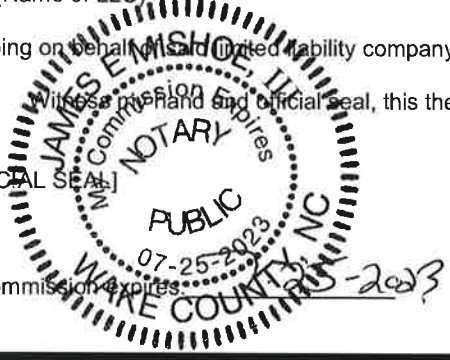
Wait4It, LLC and that he/she as Member / Manager (Circle One)
(Name)

Wait4It, 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 30 day of May, 2019.

[OFFICIAL SEAL]



James E. Mishoe
Notary Public
James E. Mishoe
Printed Name of Notary Public

My Commission expires: 07-25-2023

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 Wait4It LLC, 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 3E(1b) Affidavit of Corporate Entity Property Owner

STATE OF NORTH CAROLINA
COUNTY OF WAKE

AFFIDAVIT OF
Wait4It, LLC
(Owner Corporation/LLC/etc.)

I, Donna Cassidy, being first duly sworn, hereby depose and say:

1. I am over eighteen years of age and competent to make this Affidavit. All statements made herein are based upon my personal knowledge.

2. Donna Cassidy (“the Applicant”) is the owner of certain real property located at 0 Green Level West Road and 2820 Green Level West Road (Portion), and identified as PINS 0734616440 & 0734512198 (portion) (“the Property”).

3. On or about June 14, 2018 [insert date], the Applicant submitted to the Town of Cary an Application for a rezoning of the Property (“the Application”).

4. I am the _____ [insert title of person signing] for the Applicant and I have been duly authorized to represent and bind the Applicant and execute this Affidavit.

5. The Applicant has agreed to volunteer the following zoning conditions or provisions in support of the Rezoning:

1. The maximum building square footage permitted is 15,000 square feet.
2. The maximum permitted building height is 35 feet.
3. The following uses shall be the only permitted uses allowed on the properties: "Office, Business or Professional."
4. Health Care office use shall be prohibited.
5. No dumpster is permitted on site.
6. No loading dock will be constructed or permitted on site.
7. Structures on the subject properties shall be constructed using pitched (sloped) roofs. No flat roofs are permitted. Single-slope (“shed” type and butterfly roofs) shall not exceed 33% of the total roof area.
8. Roofing materials shall be neutral, grayscale or a muted color. Primary or high-intensity color roofing is not permitted.
9. A wooden, double-sided privacy fence shall be constructed and maintained within the 40' buffers along the northern and eastern property boundaries and shall be located no less than 3' nor more than 10' from the property lines. The precise location will be determined at the time of development plan submittal.
10. Minimum building setback from the northern and eastern property boundary shall be 70'.
11. Mid-story evergreen trees required as part of the Type A Buffer shall have a minimum height of 10' at the time of installation.
12. If an emergency generator is located on the site, the generator shall be shielded from adjacent residential uses a solid brick or masonry wall a minimum of 4' in height.
13. To achieve a human scale, building facade materials shall not include cast-in-place concrete or pre-cast concrete. Concrete masonry units (CMUs) shall not exceed 8" tall by 16" long in size, and shall only be utilized at the base of the building up to a maximum of 4 feet above average grade as defined by the Land Development Ordinance.
14. The transparency of the ground level facades facing the streets shall not exceed 75%.

6. In addition to the zoning conditions or provisions listed above in paragraph 5, the Applicant, through counsel or otherwise, may offer or consent to at any hearing before the Town of Cary Planning and Zoning Board or Town Council certain additional conditions of approval (which additional conditions of approval, along with the zoning conditions or provisions listed in paragraph 5, are collectively referred to hereinafter as the “Conditions of Approval”).

7. All Conditions of Approval that the Applicant offers in connection with the Rezoning are offered to address the conformance of the development and use of the site to Town ordinances and officially adopted comprehensive plan or other plan and to address the impacts reasonably expected to be generated by the development or use of the site.

8. I intend for the Town to rely on this Affidavit and in offering the Conditions of Approval, I hereby swear that:

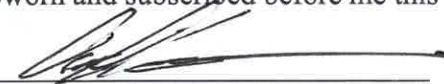
- a. all zoning conditions and provisions are freely offered as proposed zoning laws, based solely on the property owner/applicant's independent judgment; and
- b. the property owner/applicant is not relying upon any statement by the Town staff or any member of the Town Council in connection with the decision to offer any zoning conditions or provisions; and
- c. the property owner/applicant understands that other parties that have standing in the rezoning proceeding are relying on the validity of the zoning conditions and provisions; and
- d. the property owner/applicant intends for all future owners of the property to be bound by the zoning conditions and provisions should the Town Council adopt them as part of the rezoning; and
- e. the property owner/applicant will take all appropriate measures to ensure that future property owners are aware of the zoning conditions and provisions.

Further the Affiant sayeth not.

This the 12 day of Sept, 2019


Name: DONNA CASSIDY
Title:

Sworn and subscribed before me this the 12 day of September, 2019.


Notary Public

My commission expires: July 30, 2024.

[Notarial Seal]

