

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
Talex Investments Inc			
Trafalgar Properties LLC c/o Laurie and Monty Steckler Corp 215 W. 95th St Apt 11H New York, NY 10025-6356	0734616440	0197626	1.71
Susan Ann Beavers 2820 Green Level West Road Cary NC 27519-8287	Portion of: 0734512198	Portion of: 0302177	.27 acre portion of 19.33 acre parcel
Total Acres			1.98

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	<p>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.</p>

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

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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
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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



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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



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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.



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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 : 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

(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 Susan Ann Beavers
Property Owner Signature *Susan A. Beavers* Date 6-18-2018

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 _____

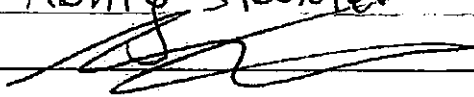
Printed Name _____

Signature _____ Date _____

Member-Managed

Member(s) is/are: *Trafalgar Properties, LLC*

Printed Name *Monty Steckeler*

Signature  Date *5/17/18*

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 DURHAM

I, Roberta Forbes, a Notary Public, certify that Monty Steckler
(Name of Notary) (Name)

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

of The Monty Steckler Corporation, which is a, (Member / Manager) of Trafalgar Properties, LLC
(Name of Corporation) (Circle One) (Name of LLC)

President of The Monty Steckler Corporation, (Member / Manager) of
(Title of Corporate Officer) (Name of Corporation) (Circle One)

Trafalgar Properties, LLC 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 26th day of June, 2018.

[OFFICIAL SEAL]

Roberta Forbes
Notary Public
Roberta Forbes
Printed Name of Notary Public

My Commission expires: June 28, 2019

**ROBERTA FORBES
NOTARY PUBLIC
Wake County, North Carolina
My Commission Expires 06-28-2019**

UNANIMOUS WRITTEN CONSENT OF MEMBERS OF
TRAFALGAR PROPERTIES, LLC

January 2, 2018

The members of Trafalgar Properties, LLC ("Trafalgar") hereby reaffirm, as of the date first written above, that Monty S. Steckler is authorized to sign documents and effectuate transactions on behalf of Trafalgar in his capacity as Executive Vice President and authorized signatory of Trafalgar.

THE LAURIE STECKLER CORPORATION



Arthur Steckler
President

THE BARRIE STECKLER CORPORATION



Arthur Steckler
President

THE MONTY STECKLER CORPORATION



Arthur Steckler
President

THE I SHAWN STECKLER CORPORATION



Arthur Steckler
President

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 PETER VERGES of Talex Investments Inc.
 (Typed or Printed Name) (Typed or Printed Corporation Name)

Signature [Signature] Date May 18, 2018

PROVINCE STATE OF Quebec
 COUNTRY COUNTY OF Canada

Leon Kratzberg, a Notary Public, do hereby certify that Peter Verges
 (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)

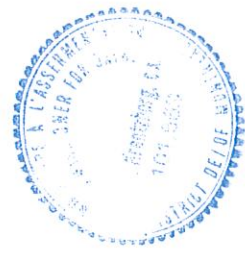
of Talex Investments Inc and that he/she as President / Vice-President
 (Corporation Name) (circle one)

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 18th day of May, 2018.

[OFFICIAL SEAL]

[Signature]
 Notary Public
Leon Kratzberg
 Printed Name of Notary Public



My Commission expires July 2020

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, Susan Ann Beavers, the fee simple owner(s) of the following described property:
Property Owner Name(s)

0734-51-2198 (Portnow)
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 R-40 to 09I-CU
- 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 Dawn Cassidy 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.

Susan A. Beavers
Owners' Signature (s)

6-18-2018
Date

Wake COUNTY, NORTH CAROLINA

SWORN TO AND SUBSCRIBED before me this 18 day of June, 2018



[Signature]
Signature of Notary Public

My Commission Expires: 10/25/2019

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, Talex Investments ; _____, the fee simple owner(s) of the following described property:
Property Owner Name(s)

0734616440

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 R-12 to O&I - CU

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 Donna Cassidy 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.

[Signature]
Owners' Signature (s)

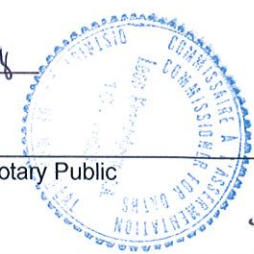
May 18, 2018
Date

COUNTY, NORTH CAROLINA Montreal, Quebec, CANADA

SWORN TO AND SUBSCRIBED before me this 18th day of Montreal, 2018

(Official Seal)

[Signature]
Signature of Notary Public



My Commission Expires: 3/1 2020

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, Trafalgar Properties LLC, the fee simple owner(s) of the following described property:
Property Owner Name(s)

0734616440

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 R-12 to O&I - CU

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 Donna Cassidy 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)

5/17/18
Date

New York COUNTY, ~~NORTH CAROLINA~~ SUFFOLK

SWORN TO AND SUBSCRIBED before me this 17 day of

(Official Seal)

May, 2018
[Signature]
Signature of Notary Public

My Commission Expires: 6/7/2018

JANET GERENA
Notary Public, State of New York
No. 01GE6223275
Qualified in Suffolk County
Commission Expires 06/07/2018

Part 3E(2) Affidavit of Authorized Agent

STATE OF NORTH CAROLINA
COUNTY OF WAKE

AFFIDAVIT OF
Donna Cassidy
(Agent)

I/We, 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/are the owner(s) of certain real property located at 0 & 2912 Green Level West Road, and identified as PINs 0734616440 & 0734512198 (portion) (“the Property”).

3. On or about June 18, 2018 [insert date], the Applicant submitted to the Town of Cary an Application for a rezoning of the Property (“the Application”).

4. Together with the Application, the Applicant submitted a fully executed power of attorney, or a fully executed sales contract, which remains in full force and effect, which grants me the authority to represent and bind the Applicant and execute this Affidavit.

5. I have discussed the following zoning conditions or provisions with the Applicant, and the Applicant has agreed to volunteer the following zoning conditions or provisions in support of the Rezoning:

- 1. Maximum building square footage permitted: 15,000 square feet
- 2. Maximum permitted height: 2 stories
- 3. Permitted Use: Office, Professional

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.

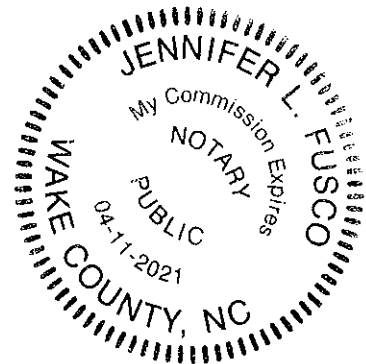
This the 26 day of JUNE, 2018.

Donna Cassido
Name: DONNA CASSIDO
Title: Manager

Sworn and subscribed before me this the 26 day of JUNE, 2018.

Jennifer L. Fusco
Notary Public

My commission expires: April 11, 2021





TOWN OF CARY

Planning Department
316 North Academy Street
Cary, NC 27513
(919) 469-4046 Fax: (919) 462-3840
developmentssupport@townofcary.org
www.townofcary.org

REZONING SUBMITTAL CHECKLIST

Staff Use Only
HTE# - / TOC Project# - REZ -

Please provide this completed form with your rezoning application and payment of application fees. All items listed below must be provided by the submittal deadline before a rezoning application may be accepted as complete.

PROJECT INFORMATION

Project Location 0 & 2912 Green Level West Road
Project Description Proposed development of the parcel is a maximum of 14,000 square feet of office space

SUBMITTAL CHECKLIST

Please check all that apply

[X] Complete Rezoning Application, including:

[X] Applicant's Justification Statement(s)

[X] Owner's signature(s)

Legal Forms

[X] Affidavit(s) of proposed zoning conditions (for Conditional Use (CU), Planned Development District (PDD), or Mixed-Use District (MXD) cases)

[X] Proof of Power of Attorney, or redacted Purchase Contract if applicant is an authorized agent rather than the property owner

[] Disclosure statement (if applicable)

Supporting Materials or Exhibits

[] For MXD rezoning: Preliminary Development Plan and applicable information as specified in Land Development Ordinance (LDO) Section 3.4.5(B)(3)

[] For PDD rezoning or amendment: Master Land Use Plan and PDD Document

[] For Conditional Use cases: Concept plan (optional), per LDO Section 3.4.2(C)(2)

[] Annexation Petition (required if any portion of the property is outside of Town Limits AND extraterritorial jurisdiction (ETJ))

[X] Property Survey (if rezoning proposes multiple zoning districts or applies to a portion of a parcel)

[] Traffic Study/Traffic Impact Analysis (TIA) (if applicable, draft TIA results must have been submitted to the Town prior to submitting Rezoning Application)

[X] Rezoning Application Fee: \$ 1,900 (see Operating Budget, Attachment A for fees)

Staff will perform a completeness check of your application package within the first week after submittal, at which time incomplete applications will be returned to the applicant.

If you have any questions, please contact us at (919) 469-4046 or DevelopmentSupport@townofcary.org.

APPLICANT VERIFICATION

I hereby certify that the information provided is complete and accurate, and that any incomplete or missing information may result in the application being returned to the applicant without review.

Charlie Yockey
Applicant Name (print)

[Signature]
Applicant Signature

6-18-18
Date

Email Yockey@mcadamsco.com

Phone (919) 287-0761



TOWN OF CARY

Planning Department
316 North Academy Street
Cary, NC 27513
(919) 469-4046 Fax: (919) 462-3840
developmentssupport@townofcary.org
www.townofcary.org

REZONING
SUBMITTAL CHECKLIST

Staff Use Only
HTE# _____ / TOC Project# _____ - REZ - _____

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Legal Forms
Affidavit(s) of proposed zoning conditions
Proof of Power of Attorney
Disclosure statement
Supporting Materials or Exhibits
Annexation Petition
Property Survey
Traffic Study/Traffic Impact Analysis
Rezoning Application Fee: \$ 1,900

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APPLICANT VERIFICATION

I hereby certify that the information provided is complete and accurate, and that any incomplete or missing information may result in the application being returned to the applicant without review.
Applicant Name (print) Charles Yonkey
Applicant Signature [Signature]
Date 6-18-18
Email cwyonkey@gmail.com
Phone (919) 287-0761

Date: June 18, 2018

HAND DELIVER

To: Planning Department
Town of Cary
316 N. Academy Street
Cary NC 27513

Re: NET32 Rezoning
Conditional Use Rezoning

Job #: SPEC-18028

I am sending you the following items:

- Drawings
- Specifications
- Plans
- Letter
- Submittal
- Prints
- Statement of Qualifications
- Other _____


QUANTITY	UNIT	DESCRIPTION
1	COPY	Rezoning Submittal Checklist
1	COPY	Application for Rezoning
1	COPY	Rezoning Justification Statement
1	COPY	Agreement for Purchase of Real Property
1	COPY	Survey Exhibit and Legal Description
1	CHECK	\$1,900 Payment for Rezoning Application Fee

Transmitted as checked below:

- For approval
- For your use
- As requested
- For review + comment
- Other _____
- Other _____

Remarks: _____

Copy to: _____

Signature: 

 Charlie Yokley, AICP
 Principal Planner, Planning + Design

BEAVERS TRACT

BEGINNING AT A POINT ON THE EASTERN RIGHT OF WAY OF BRANTON DRIVE THE SOUTHWESTERN CORNER OF LOT 1 AS SHOWN ON BOOK OF MAPS 1973 PAGE 14 OF THE WAKE COUNTY REGISTER OF DEEDS; THENCE WITH SAID COMMON LINE SOUTH 89°00'05" EAST A DISTANCE OF 100.50 FEET TO A CONCRETE MONUMENT THE NORTHWEST CORNER OF THE 1.831 ACRE TRACT AS SHOWN ON BOOK OF MAPS 1993 PAGE 1080; THENCE WITH THE WESTERN LINE OF SAID TRACT SOUTH 00°47'25" EAST A DISTANCE OF 230.83 FEET TO AN IRON PIPE ON THE RIGHT OF WAY OF BRANTON DRIVE; THENCE WITH SAID RIGHT OF WAY NORTH 24°01'33" WEST A DISTANCE OF 254.62 FEET TO THE POINT OF BEGINNING; CONTAINING 11,594 SQUARE FEET OR 0.27 ACRES.