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 zoning delivers a dense, mixed-use center that responds to the changing demands of retail and revitalizes an aging, failing exclusively commercial center.

(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 proposed rezoning meets the intent of the Cary Community Plan, as described in more detail in Justification Statement #2. It redevelops an existing, largely vacant center with a new economic driver of mixed 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’s Comments: These service providers will be able to fulfill their duties to Cary citizens because the existing development already has significant infrastructure, and the Town is poised to help enhance these services as appropriate for the level of development offered.

(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 proposal will remove a great deal of surface parking and replace it with a grid of streets with street trees, landscaped plazas, and 10 community gathering areas. This has the effect of decreasing the overall impervious surface area and minimizing noise across open surface parking.

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

   Applicant’s Comments: Due to the blight of the existing mall and high percentage of vacant parcels, the redevelopment will enhance the value of nearby properties by replacing this failing asset. The provision of a walkable, mixed-use center in close proximity to existing neighborhoods and other commercial centers should tend to increase those property values and minimize impacts.

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

   Applicant’s Comments: The Cary Community Plan suggests MXD with PDP for this parcel. Thus, this zoning classification is appropriate, and the commitments in the PDP help to illustrate this.
Cary Towne Center
Rezoning Justification Statement #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 subject property is located within a Destination Center in the Future Growth Framework Map of the Cary Community Plan ("CCP"), which specifically lists the Mixed Use District as appropriate zoning for this site. CCP, p. 106. Destination Centers are "intended to contain the greatest development intensities found in Cary" and are arranged "in a walkable pattern with an active pedestrian realm where buildings front streets." The Character of Destination Centers is described as having connected medium and short blocks, street trees, and buildings of about three to seven stories. CCP p. 106. The request, which seeks up to 1,200,000 sf of office, 1,800 residential units, 360,000 sf of commercial and up to 300 hotel rooms, is consistent with these use principles. The site is designed with relatively short blocks, and will be connected via sidewalks and pathways throughout. Height ranges from 1 to 12 stories, but averages at about 4 to 7 stories, consistent with the CCP.

Predominant uses in Destination Centers include mid-rise and high-rise mixed use, plazas, and open space. CCP, p. 106. Incidental uses include commercial, office, multi-family, and civic and institutional uses. Redevelopment Opportunities for existing destination center sites encourage applicants to "create 'main street' design; redevelop surface parking to new uses, improve pedestrian and bicycle crossings; connect to the greenway network; widen sidewalks" and add street trees and outdoor plazas. The proposed rezoning accomplishes each of these design principles as the commitments in the PDP create a main street adjacent to the Belk's pad, repurpose the vast surface parking lots into an urban grid of streets and mixed use, and create a new interior streetscape and system of open spaces conducive to walking and gathering.

Eastern Cary Gateway Special Planning Area

Within this Destination Center, the site is within the Eastern Cary Gateway Special Planning Area ("ECGP"). The ECGP directly supports revitalization of the Property: "Cary Towne Center provides an opportunity to rethink the traditional suburban shopping mall design and create a more vibrant lifestyle center that mixes uses to support the future high density employment based Mixed Use Center to the north and surrounding area neighborhoods." CCP, p. 117. Policy 1 within the ECGP states: "...encourage private entities to develop the Eastern Cary Gateway into a prominent and active mixed use Destination Center with a focus on employment uses, particularly high quality Class A office and supporting commercial and retail, redevelopment of Cary Towne Center, and further development of sports and recreation facilities. The Town will support these efforts by adjusting development regulations and approving projects that support a high level of development intensity and a vertical mix of uses that are needed to create a high density employment district in Cary.... This may include the
development of new zoning standards that include incentives for higher density development.” CCP, p. 117.

The proposed rezoning directly responds to this important policy by redeveloping this failing asset with 1.2 million sf of Class A office, 360,000 sf of retail, and 1,800 residential units set in a walkable, active center. The combination proposed will not only revitalize the Property but complete the gateway area and compliment the Fenton project across Cary Towne Blvd., such that the vision for the entire corridor can be realized and new amenities delivered to attract and retain Cary residents.

The ECGP identifies the Property as site 6, “Mixed Use Center - Commercial Based,” and has the following zoning guidance:

- With Cary Towne Center at its core, this area is ripe for redevelopment. This site is an opportunity for continuing to provide larger scale commercial uses found at lifestyle centers such as North Hills in Raleigh, and use a compact and vibrant form that encourages “park once” shopping and dining experiences.

- Large parking lots and wide streets provide redevelopment opportunities to create small block sizes, vertically mixed uses, and vibrant public spaces.

- Designs will use context sensitive transitions to limit impacts on adjacent residential neighborhoods.

- Development in this area should have a range of mixed uses with a guarantee of significant room for retail, yet flexible and responsive to the market. The following ranges provide a general guide for the mix of uses in this area: 25-50% Residential, 40-65% Retail, 10-35% Office.

- Height is envisioned as predominantly 4-6 stories, but could go higher. CCP, p. 128.

The proposed zoning will directly align with the above policies and will provide for major redevelopment of a declining mall that is losing tenants each month. The plan sets out a new grid of streets with a mix of office, residential, and retail with vertically mixed uses. The retail mix combines existing long-term tenants with service-oriented retailers to support the larger use of office and residential tenants, with heights at 1-12 stories but an average closer to 4-7 stories. The existing sea of surface parking for the mall will be transformed into a vibrant, vertical center of integrated uses and plazas to give residents multiple opportunities to be active and outdoors, in purposeful streetscapes instead of wide asphalt lots. Many of these principles are discussed in below in more detail in specific policies of the CCP.

The design limits impacts to the adjacent Ivy Lane neighborhood by maintaining the significant buffer between the two areas and ensuring the uses closest to this neighborhood are residential, which are naturally of a lesser intensity. While the proposed vision of predominantly office and residential uses with supporting retail differs from the commercial emphasis and suggested
percentages, these policies were created while the Mall was trying to remain a key commercial use. The CCP recognizes these may shift over time and as market demands change.

Cary Community Plan

The request is also consistent with the following Chapters of the Cary Community Plan:

Chapter 2: Live

This Chapter recognizes the importance of providing quality housing options in convenient locations in order allow workers to telecommute or use live/work units. CCP, p. 20. This is intended to attract millennials, who represents the largest source of demand for new rental housing and want connectivity to jobs and shopping opportunities, and Cary’s aging population who may wish to age in Cary but not remain in a traditional suburban home. CCP p. 17-18. The request will provide residential housing (multifamily and townhomes) available to both groups, in an area close to major transportation corridors and employers, and proximate to convenience retail, restaurants, and activities.

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, multi-generational households, young professionals, young families, and members of the local workforce. ...[A]nother objective is to encourage an adequate supply of housing for young adults/millennials and young families including multifamily housing ... located at locations that are walkable to shopping, dining, entertainment, and employment to support recruitment of young talent sought by Cary’s leading employers. CCP, p. 23.

The proposed zoning will provide up to 1,800 units of residential, consisting of townhomes and apartment buildings within a 5 minute walk of the retail core and office corridor. This provides ample opportunities for rental or home ownership in a setting where one can work, shop, and live within walking distance. These types of settings are crucial to attracting young and top talent, in a location with easy access to other jobs.

Policy 4: Provide the Greatest Variety of Housing Options in Mixed Use Centers

Provide the greatest variety of housing types and densities within Destination Centers, Commercial Mixed Use Centers, and Employment Mixed Use Centers as designated by the Future Growth Framework Map.... The mix of housing types could include apartments, condominiums, and live/work units over office and retail; separate apartment complexes and courtyard apartments; townhomes; patio homes; and small multi-family units. The objective of this policy is to have a greater concentration and variety of housing types within Destination Centers. CCP, p. 24.
The proposed rezoning would deliver apartments and townhomes to a site that currently has no residential uses. These units are proposed in standalone buildings, as well as the option for some vertical mixing of residential and ground-floor retail. The addition of this product will provide more options for residents, and will be at a higher, appropriate density for this Destination Center. It will also provide the option of direct live/work combinations, yet concentrate the residential use and locate it in an appropriate area adjacent to existing residential.

**Policy 5: Support Residential Development on Infill and Redevelopment Sites**

Support residential development on infill and redevelopment sites that is designed to acknowledge the surrounding context, while supporting other LIVE policies.

This provides redevelopment of a failing retail-only use into a vibrant mixed use center with a substantial amount of residential units. The residential aspects will complement the mix of uses and provide a transition from the surrounding one-story, single-family neighborhood to the east.

**Chapter 3: Work**

These policies are aimed at providing offices in a location that will enable Cary to compete for businesses and major corporate campuses. CCP, pp. 34-35. This chapter emphasizes proximity to major transportation corridors and offering amenities that promote Cary’s high quality of life, including connection to greenways, parks, and choices for shopping, dining, and services. This chapter also provides an inventory of developable land suitable for office development. The inventory does not include the site, but this likely is due to the retail-only use which existed at the time the map was adopted, despite years of attempts at retail redevelopment. CCP, pp. 34-36. The chapter recognizes that there are few remaining premier sites within Cary for major businesses looking to relocate to the area. CCP, p. 36. By providing up to 1.2 million sf of office on this redevelopment site, the proposed zoning is creating a new opportunity for prime office relocation that is not available today.

**Policy 1: Grow A Sustainable and Diversifying Workforce**

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. Growing a diverse workforce will require housing, transportation, shopping, and recreational options that meet the needs of the 21st century workforce.

The proposal delivers a readily-accessible, convenient base of housing in close proximity to I-40 and within 20 minutes of Raleigh and RTP, two major sources of existing employment for a workers of varying skill. It also provides a major source of office space for businesses looking to relocate to a center with incorporated recreational and commercial amenities to attract talent.
Policy 2: 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. In order to remain competitive...a key objective is to provide the types of locations and built environments in our community that will enable us to successfully compete for both the businesses and the workers of today and tomorrow. For example, by encouraging the growth of vibrant and walkable mixed use centers that promote live, work, play environments.

The site is less than half a mile from I-40, and within 20 minutes of both downtown Raleigh and RTP, providing housing options for young professionals, families, and other members of the local workforce. More importantly, it provides a live/play/work option for employers who want to attract talent to a “park once” development with an urban feel. The proposal offers convenient access to a substantial amount of class A office space in a setting that provides dining and service options, allowing employees to stay and spend more time and money in Cary. The vertical mix of office and residential also facilitates the live/work or telecommuting practices that have become commonplace for 21st century workers.

Policy 5: Attract New, High Value Businesses

Attract new businesses that provide a high quality-of-life business culture and higher than average wages relative to the business’s industry. Another intent of this policy is that focusing on industries that pay higher-than-average wages can help to support the growth of the Town’s fiscal base, which can in turn help to support the types of public services and facilities to bolster the Town’s locational appeal.

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 business park developments with prime office and industrial spaces, mixed use employment centers, and Downtown Cary. The intent of this policy addresses the evolving regional and national market for office development, and the locational needs of different business sectors.

Policy 10: Reserve and Provide Employment Sites in Selected Commercial Mixed Use and Destination Centers

Reserve and provide sites for employment and economic development opportunities within a targeted set of new or existing mixed use commercial developments and Destination Centers, as well as within Downtown Cary. The intent of this policy is to address office tenant preference trends for mixed use, walkable environments. This policy supports the inclusion of office and employment uses as being a key and essential element within new Commercial Mixed Use and Destination Centers as identified on the Future Growth Framework map, as well as within Downtown Cary.
Policies 5, 8 and 10 all relate to attracting high-paying jobs to Destination Centers to offer the right mix of uses to attract workers, and the appropriate amenities to retain them as residents or employees. The proposed rezoning provides such a mix, as well as connections to greenways, opportunities for recreation, convenient service and shopping, all within a 5-10 minute walk within the site. These are the types of amenities that are attractive to employers of all different scales and sizes, and will help grow the economic base of Cary.

Chapter 4: Shop

These policies focus on redevelopment of underperforming building assets, especially older declining commercial centers to create an active mixed use environment and yield greater economic value for Cary, including the chance to “retrofit...suburban commercial centers into vibrant community destinations.” CCP, p. 45. The first page of this chapter emphasizes the shift in consumer preferences from regional enclosed mall to outdoor retail destinations, using the conversion of North Hills Mall to the successful mixed use development it is today. This recognizes that the “growing trend across the nation is development of lifestyle centers that provide walkable urban environments convenient to home and work. These centers contain additional amenities, such as outdoor entertainment venues, outdoor markets, and public art and gathering spaces.” CCP, p. 46. This chapter recognizes the importance of evolution of aging commercial centers to protect surrounding neighborhoods from the impacts of decline, and that “Cary’s aging commercial centers represent some of the most important opportunities for commercial infill and redevelopment in town.” It also recognizes that this redevelopment is more expensive and challenging than greenfield development, and thus justifies the higher intensity of uses. CCP, p. 47.

Policy 1: Facilitate Redevelopment of Underperforming Commercial Centers

Facilitate the redevelopment and revitalization of Cary’s aging or poorly-performing commercial centers.... Redevelopment of older centers to more vibrant and attractive destinations is preferred over the development of new commercial centers. The intent of this policy statement is to address underdeveloped and underperforming (i.e., aging, blighted, and vacant) commercial centers that are having an impact on community character and property values. Implementation of this policy could include incentives to encourage developers to reinvest in existing commercial centers and redevelop the centers to better meet current retail and shopping preferences.

The proposed redevelopment will take an underperforming, largely vacant, and dated commercial center and replace it with a high-performing asset, delivering shopping and service needs to residents which exceed those currently available.

Policy 3: Support the Development of a Limited Number of Destination Centers

In addition to Downtown, support the development of a limited number of Destination Centers and Commercial Mixed Use Centers that will have Cary’s highest densities and intensities of mixed use development, will be transit supportive, and will have the greatest potential to be high functioning, premier centers. This policy statement encourages the development of a limited
number of high quality, vibrant, mixed use Destination and Commercial Mixed Use Centers that will provide a mix and intensity of uses that is higher than currently found in Cary's existing mixed use or commercial centers. Implementation of this policy will require changes to the Town's Land Development Ordinance to allow for and encourage higher density development in these locations.

The rezoning proposes density and intensity of development appropriate for its designation as a Destination Center, at heights of up to 12 stories. The mix of uses and range of heights are appropriate to accommodate this intensity, and will help to transform the function and vibrancy of this dated center. Modifications to the Town's LDO to facilitate this transformation are included on p. 1 of the PDP.

Chapter 5: Engage

This chapter emphasizes the importance of supporting the parks and recreation needs of Cary's current and future populations.

PRCR Plan Goal 1 - Maintain a diverse and balanced park and open space system as the Town of Cary grows. The intent of this goal is to plan for the recreational and open space needs of the growing population especially in the western and southern sections of Cary. Evaluate open space requirements for future developments and ensure developments are providing adequate open space that maximizes public benefit. Work with developers to set aside important open space that provides trail connectivity, wildlife habitat corridors, and water quality protection.

This proposal offers a pedestrian connections to the existing Town greenway system adjacent to the Triangle Aquatic Center, and to the uses between Cary Town Blvd. and Convention Drive. It also contemplates bicycle connectivity and pathways to the east of the exterior ring road, creating connections to existing facilities and creating new ones. The PDP also commits to ten community gathering areas of various sizes and elements, creating a palette of open space throughout the site.

Chapter 6: Shape

Policy 1: Distribute Destination Centers Across Town

The intent of this policy is to accommodate the daily shopping and services needs of residents and workers, within ½ mile to 1 mile from most households.

The proposed rezoning provides up to 360,000 sf of commercial use within a 5 minute walk of 1,800 residential units, equating to daily shopping and service needs within 1/4 to 1/2 mile of households. It is also located across Cary Towne Center from Fenton and its high-end retail use, which provides for additional shopping needs within less than 1/2 mile.
Policy 2: Focus the Most Intense Types of Development in Strategic Locations

Strive to locate the more dense forms of housing, retail, and office uses in Commercial Mixed Use Centers, Destination Centers, Mixed Use Employment Campuses, and Downtown Cary. Such uses might include multifamily residential and vertically-mixed, multistory commercial and office buildings. Place primary emphasis on siting higher-density housing within a select number of targeted locations.

The proposed zoning is placed within one of five Destination Centers in Cary, and allows both multifamily/townhomes and options for vertically mixed commercial and office buildings. This density and concentration of uses is appropriate in this Destination Center.

Policy 4: Support and Facilitate Redevelopment and Infill Development

To support economic development policies, Cary will support and facilitate redevelopment and infill development, particularly within Commercial Mixed Use and Destination Centers, Downtown Cary, and core neighborhoods.

As stated above, this redevelopment site is within a Destination Center, which is the most dense of all designations. Thus the intensity of the proposed uses is appropriate, and facilitates greater economic investment in the area.

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. The strategies for transition depend on whether there is a desire to separate or connect developments.

The proposed zoning will be adjacent to residential to the east, and but is separated by a large berm associated with a request from this neighborhood during a prior rezoning. Multifamily development and townhomes are both excellent transitions from single family to the future commercial and hotel development in the core of the site. The assisted living and religious assembly buildings to the north of Convention Drive are separated by the road and existing streetscape and do not require additional transition. The remainder of the site is adjacent to transportation corridors, where transition is not needed.
Cary Towne Center
Rezoning Justification Statement #4

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:* The intensity and type of land uses proposed is consistent with the both the Cary Community Plan (“CCP”) and the Eastern Cary Gateway Special Planning Area (“ECGP”). The ECGP envisioned a broad mix of uses on this site, including 25-50% Residential, 40-65% Retail, and 10-33% Office. The PDP commits to a maximum of 1,800 residential units, 360,000 sf of commercial and retail, up to 300 hotel rooms, and 1,200,000 sf of office. Civic and institutional uses are allowed as permitted uses, without regard to percentage or intensity.

*The PDP aligns with the overall intent of this policy, which is to provide a rich mix of uses in relatively balanced proportions. In addition, at the time the ECGP percentages were adopted, the Fenton project across Cary Town Blvd. had not yet been approved and that site was designated for more office than retail. Now, over two years after the ECGP was adopted, office is considered viable on this site, especially considering the anticipated retail uses of the Fenton. Thus, the higher office maximums offered in the PDP reflect the current market demand, but are still in line with the overall use and intensity mix. In order to make this mixed use center successful, it will be important to provide the proposed mix without overcommitting to retail uses. Thus, the PDP commits to a table of minimum and maximum sf and units, as well as a phasing plan to deliver uses in appropriate combinations over time.*

*The Table of Permitted Uses indicates potential uses, and the Use/Intensity Committed Elements Chart provides a corresponding limit of uses and height designations within each development block. Civic and institutional uses are permitted in any development block or phase. This level of density is appropriate for the vision of the ECGP, and concentrates two mixed use centers within the most visible portion of the overall Gateway area.*

(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: The proposal meets the design standards envisioned in the CCP for Destination Centers, which are to be the most dense of commercial centers and arranged in a walkable pattern with an active streetscape. The PDP commits to LDO standards as appropriate, but exceeds those standards in terms of committed streetscape, community gathering areas, and vehicular and pedestrian circulation. The streetscape commitments include building frontages along each of the major exterior corridors, landscaping, and hardscape elements. The PDP also commits to streetscape treatment for the primary urban core area, secondary urban core area, and residential area. These streetscapes include minimum pedestrian corridors and 6, 8, or 12 foot minimum sidewalks depending on context. Provision for bicycle circulation is also contemplated in each streetscape, and four different cross-sections are provided to illustrate the different proposed circulation patterns.

The PDP also commits to community gathering areas well over the LDO minimum of 5,000 sf. The PDP includes a minimum of 10 community gathering areas, of at least 1,500 sf each, totaling over 87,000 sf, which is over seventeen times the minimum required. The PDP commits to a combination of hardscape, landscape, and seating elements within these gathering areas.

A Design Guidebook will also accompany the submittal and will provide concepts and imagery for the look and feel of the paving, landscaping, residential architecture, plazas, lighting, signage, and community gathering areas. The Design Guidebook will provide flexibility in design to achieve a unique look and feel for the center, and provide guidance for the development plan process.

Finally, the PDP establishes appropriate connections to adjacent property by including pedestrian connections to each corridor and a network to connect to adjacent property owners. While there is no direct connection to Ivy Lane, a streetside trail will run the length of the berm and connect the site from north to south.

(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: The PDP proposes up to 1,800 residential units along the southern and eastern area of the site. This can include a mix of multifamily and townhome products, in heights up to 8 stories thus satisfying the medium- to higher-density housing goal. This proposal delivers the expected density the Town anticipated, while still providing a mix of key uses. The ECGP envisioned 25-50% Residential, 40-65% Retail, and 10-35% Office use. The PDP commits to a maximum of 1,800 residential units, 360,000 sf of commercial and retail, up to 300 hotel rooms, and 1,200,000 sf of office. Civic and institutional uses are allowed as permitted uses, without regard to percentage or intensity. Thus the overall envisioned mix of uses is provided in this proposal.
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: The PDP contains ten community gathering areas of at least 1,500 sf each. The PDP commits to a combination of hardscape, landscape, and seating elements. As illustrated in the PDP, these areas are distributed throughout the site and provided in a majority of the development blocks. A central, linear gathering area is committed in development blocks 11 and 14, which are the blocks which will encompass the urban core and have the ability to provide vertically mixed uses. This area is conducive to a gathering place for shopping, dining, and respite, located centrally to the site and easily walkable from other development blocks.*

(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: As detailed above and in Rezoning Justification Statement #2, the proposed mixed-use development satisfies the planning designations for this area and for the ECGP and CCP. It appropriately provides a substantial amount of office, residential, and supporting retail uses at a site targeted for significant redevelopment.*

The provision of office as a permitted use is appropriately focused in development blocks 1 – 5 and 12 – 16, which are the most visible and accessible areas of the site, adjacent to Cary Towne Boulevard, Maynard Road, and Walnut Street. The potential areas for office use are designated at heights ranging from 4 – 12 stories on Cary Towne Boulevard and 1 – 8 stories along Walnut Street. Focusing potential for office uses along these corridors provides the highest traffic uses along the most direct access routes, reducing excessive trips through the site. Potential residential uses at 2 – 6 stories are allowed in development blocks 6, 7, and 9. This places low- to mid-rise residential uses adjacent to the only residential use that borders the site - an existing, established neighborhood. The neighborhood is separated from the site by a 100 foot berm that will remain, as well as a new ring road and street side trail. Residential uses area also allowed in other development blocks, with varying height maximums associated with context and adjacent development block.

*By contrast, commercial uses are allowed in any block except for 6, which is adjacent to the neighborhood in a location where the berm levels out. The heights here are limited to 5 stories, but could be as low as 2 stories to be congruent with the existing homes. Throughout the site, the development blocks are planned for heights and uses to provide reasonable transitions from residential to commercial or to office.*
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 zoning delivers a dense, mixed-use center that responds to the changing demands of retail and revitalizes an aging, failing exclusively commercial center.

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 proposed rezoning meets the intent of the Cary Community Plan, as described in more detail in Justification Statement #2. It redevelops an existing, largely vacant center with a new economic driver of mixed 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’s Comments: These service providers will be able to fulfill their duties to Cary citizens because the existing development already has significant infrastructure, and the Town is poised to help enhance these services as appropriate for the level of development offered.

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 proposal will remove a great deal of surface parking and replace it with a grid of streets with street trees, landscaped plazas, and 10 community gathering areas. This has the effect of decreasing the overall impervious surface area and minimizing noise across open surface parking.

5. The proposed rezoning will not have significant adverse impacts on other property in the vicinity of the subject tract, and

   Applicant’s Comments: Due to the blight of the existing mall and high percentage of vacant parcels, the redevelopment will enhance the value of nearby properties by replacing this failing asset. The provision of a walkable, mixed-use center in close proximity to existing neighborhoods and other commercial centers should tend to increase those property values and minimize impacts.

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

   Applicant’s Comments: The Cary Community Plan suggests MXD with PDP for this parcel. Thus, this zoning classification is appropriate, and the commitments in the PDP help to illustrate this.
April 15, 2019

Mr. Scot Berry
Director of Planning and Development Services
Town of Cary
316 North Academy Street
Cary, North Carolina 27513

RE: Cary Town Center Mixed-Use Destination Center - Modification Justification Statements
    Case Number: 19-REZ-XX
    SPEC-18102

We offer the following justifications for the requested modifications associated with the Cary Towne Center Mixed-Use Destination Center. Overall, these requested modifications serve to provide flexibility to better accomplish Community Plan Policies and Land Development Ordinance objectives, in a manner that achieves an equal or greater public purpose.

REQUESTED MODIFICATIONS TO DEVELOPMENT STANDARDS

1. Land Development Ordinance Section 7.2.3 (g)(1)
The developer may remove existing vegetation, grade within, and replant all required buffers adjacent to Cary Towne Boulevard, Walnut Street and SE Maynard Street.

   Justification Statement: To implement the development intensities prescribed in the Eastern Cary Gateway Special Planning Area and establish an aesthetically pleasing built environment through the frontage of the property, it will be necessary to grade within and replant all required buffers adjacent to Cary Towne Boulevard, Walnut Street and SE Maynard Street. Grading and replanting this frontage will result in a much more attractive streetscape for the following reasons:
   > Due to potential roadway widening and establishment of new sidewalks and/or streetside trails, grading through the buffer will eliminate or reduce the need for retaining walls along the frontages.
   > The area within the streetscapes of all frontages of the site contain a predominately vegetation that was planted as part of the original mall development. These plantings are in poor shape and need to be replaced.
   > Revegetation will ultimately result in a more aesthetically pleasing environment that responds to the urban form described for this site in the Cary Community Plan..

2. Land Development Ordinance Section 7.2.5 (c)
The three champion trees identified on sheet C-1 may be removed. Replacement caliper inches will be provided on-site in accordance with the LDO.

   Justification Statement: To implement the development intensities prescribed in Eastern Cary Gateway Special Planning Area it will be necessary to remove one champion trees as identified on sheet C-1.
3. **Land Development Ordinance Section 7.2.4 (c)(5)**
   Streetscape buffers will be provided on internal streets in accordance with the Design Guidebook.
   
   **Justification Statement:** To create an active, attractive, functional and integrated streetscape experience within the project where buildings front on internal streets, alternate streetscape buffers are proposed on all internal vehicular circulation routes in accordance with the Design Guidebook.

4. **Land Development Ordinance Section 7.8.2 (c)(8)(c)**
   Additional spaces for visitor parking for residential uses are not required.
   
   **Justification Statement:** Due to the mixed-use nature of the site and the availability of transit, visitor parking will not be necessary.

5. **Land Development Ordinance Section 7.2.4 (D)**
   Alternate planting standards as outlined in the PDP along Cary Towne Blvd, Walnut Street and SE Maynard Street are permitted.
   
   **Justification Statement:** To create a more active, attractive, functional and integrated urban streetscape within the project, alternate streetscape standards are proposed within the PDP.

6. **LAND DEVELOPMENT ORDINANCE SECTION 9.1.4 (C)**
   The use of banners, roof signs and digital signs shall be permitted in accordance with the approved design guidebook.

7. **LAND DEVELOPMENT ORDINANCE SECTION 9.2.3**
   Restrictions on sign color limitations shall not be applicable to the urban core area in accordance with the approved design guidebook.

8. **LAND DEVELOPMENT ORDINANCE SECTION 9.2.4**
   Restrictions on illumination of signs shall not be applicable to the urban core area in accordance with the approved design guidebook.

9. **LAND DEVELOPMENT ORDINANCE SECTION 9.2.6 (b)**
   Restrictions on neon signs shall not be applicable to the urban core area in accordance with the approved design guidebook.

10. **LAND DEVELOPMENT ORDINANCE SECTION 9.2.8**
    A master signage plan shall not be required; all signage regulations shall be governed by the approved design guidebook.

11. **LAND DEVELOPMENT ORDINANCE SECTION 9.2.5 (g)**
Additional monument signs shall be allowed in accordance with the approved design guidebook. Dimensional requirements may be exceeded by up to 25 percent. The required percentage of masonry shall not be applicable.

12. LAND DEVELOPMENT ORDINANCE SECTION 9.2.5 (f)
Additional principal ground signs shall be allowed in accordance with the approved design guidebook.

Justification Statement (modifications 6-12): Due to the unique urban, mixed-use nature of the site, alternate signage standards are proposed in accordance with the PDP and Design Guidebook.

13. Land Development Ordinance Section 7.8.2 (h)(1) - Reduction in Number of Parking Spaces
As part of the review and approval of development plans, the planning director may approve a reduction of up to thirty (30) percent in the number of required parking spaces, if justification is provided satisfying the criteria in section 7.8.2 (h)(1) of the LDO.

Justification Statement: To maximize the development intensities prescribed in Eastern Cary Gateway Special Planning Area’s Destination Center, and take advantage of counter-cyclical parking scenarios associated with the mixed-use nature of the project in an urban development, we request administrative flexibility for staff to be able to reduce the required parking by up to 30% as part of the review and approval of development plans, if justification is provided satisfying the criteria in section 7.8.2 (h)(2)(a) of the LDO.

14. Land development ordinance section 3.9.2 (f)(1) – Approval by Town Council
Drive-through facilities shall be approved by the planning director as part of the development plan review if they are consistent with the preliminary development plan. No other requirements of section 3.9.2 (f)(1) are altered by this modification.

Justification Statement: In order to mitigate the appearance of drive-through staking lanes from Cary Towne Boulevard, Walnut Street and SE Maynard Street, the developer has added a condition to the PDP that prohibits staking between the front of any building and these frontages.

15. Roadway design standards
Minimum full movement intersection spacing on Cary Town Boulevard, SE Maynard and Walnut Street shall be in accordance with the PDP.

Justification Statement: The project proposes to maintain the existing site access points, except for Site Drive #4 which we are shifting slightly further from the intersection of SE Maynard Street and Walnut Street. The existing access points do not currently comply with the intersection spacing standards.

16. Traffic analysis, land development ordinance section 3.9.2 (f)(1)(d)
In lieu of the requirements of section 3.9.2(f)(1)(d), the Town Council shall have final decision making authority on all development plans (1) for which a maximum building height (stories) on the building committed elements table for any individual building is exceeded; or (2) that, if approved, would
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result in an exceedance of the maximum overall permitted square footage for any land use per the proposed density limitations in the PDP. In that case, the development plan shall be reviewed in a quasi-judicial proceeding pursuant to the criteria contained in LDO section 3.9.2(i). All other development plans shall be reviewed administratively by staff. This modification to section 3.9.2(f)(1) does not affect section 3.19 or any other section of the LDO that may require town council review of a modification.

Justification Statement: Due to the changing nature of a mixed-use project of this magnitude and the desire to create a fluid project that can react to changing market demands, this modification will allow for a much quicker approval of changes to the density limitations without having to rezone the entire property again.

Sincerely,

MCADAMS

Bob Zumwalt, RLA
Director, Planning + Design