Part 3B: Applicant’s Rezoning Justification Statement(s)

Rezoning Justification Statement #1 Required for all rezoning requests
Describe how the proposed rezoning meets the criteria listed below.

Section 3.4.1(E) of the Land Development Ordinance states that Council should consider the following criteria when reviewing all proposed rezonings:

1. The proposed rezoning corrects an error or meets the challenge of some changing condition, trend, or fact;
   Applicant’s Comments: The proposed rezoning reflects the changing conditions in the Alston area. The Alston ACCP was initially adopted in March 2006. Development patterns and the housing market demands as well as demographics have changed since then thus resulting in the need for the proposed rezoning.

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 is consistent with the Cary Community Plan. The property is located within a Destination Center on the Future Growth Framework Map. The LDO specifically states that property within a Destination Center may be rezoned to MXD consistent with the Cary Community Plan. Both multi-family and single-family attached, townhomes are allowable uses in Destination Centers. Multi-family and townhouses are proposed. The uses proposed are compatible with adjacent uses. This rezoning if approved will also become an amendment to the Alston Regional Activity Center Concept Plan.

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: Other properties in the immediate vicinity of the subject are being served by the Town of Cary. The Town will be able to provide sufficient services to the subject property while maintaining sufficient levels of service to existing development.

4. The proposed rezoning is unlikely to have significant adverse impacts on the natural environment, including air, water, noise, stormwater management, wildlife, and vegetation;
   Applicant’s Comments: The proposed rezoning will not have an adverse impact on the natural environment. Development of the parcel will meet all local, state, and federal requirements with regard to stormwater management, and the preservation of wildlife and existing vegetation. This will ensure there will be no negative impacts.

5. The proposed rezoning will not have significant adverse impacts on other property in the vicinity of the subject tract; and
   Applicant’s Comments: The proposed rezoning will not have a significant adverse impact on other property in the vicinity of the subject property. Streetscapes will comply with the requirements of the LDO and Alston ACCP. Development of the parcel will provide screening, buffers, transportation improvements and other measures to ensure that there is not adverse impact on properties in the area as shown on the PDP. The uses proposed are compatible with the uses immediately surrounding the subject property either in construction or plan review.

6. The proposed zoning classification is suitable for the subject property.
   Applicant’s Comments: The subject properties are of sufficient size and shape for the proposed rezoning. The subject property is located within a Destination Center and the Alston Regional Activity Center. Higher densities and intensities of development are envisioned at this location. Given the planned and existing uses in the vicinity of the subject rezoning, the mix of uses proposed are in compliance with the Cary Community Plan. Adding multi-family uses as an option provides the planned development with multi-housing options in one location for those people wanting to live in this part of Cary. The proposed PDP complies with the standards of the Alston Regional Activity Center Concept Plan. Given the development patterns that are currently in the immediate vicinity of the proposed rezoning, the proposed zoning classification is suitable for the subject property.
REZONING JUSTIFICATION STATEMENT #2
FOR
ALSTON AVENUE REZONING

Describe how the proposed rezoning is consistent with or supported by the Cary Community Plan.

Growth Framework Map:
The Growth Framework Map designates this property as being within a Destination Center. The proposed rezoning to MXD, which also requires a Preliminary Development Plan (PDP), is in conformance and compliance with both the Growth Framework map and numerous policies in multiple chapters of the Cary Community Plan as identified below. Multi-story multi-family housing is specifically mentioned as a use in the Destination Center designation. The current zoning is R-40 with a MUOD (Overlay District) and approved ACCP. The proposed MXD zoning with a PDP containing multi-story multi-family and townhomes is congruent with the Growth Framework Map in the Cary Community Plan.

The property is also subject to The Alston Activity Center Concept Plan, which was adopted 10 years prior to the Cary Community Plan in 2006. The Alston Area Plan does not permit the proposed uses to be developed even though they are uses identified in the Cary Community Plan. In the intervening 10 years between the adoption of the Alston Area Plan and the Cary Community Plan, there has been significant change in the area as well as in the development trends within Cary. Therefore, the base district rezoning from the current R-40 zoning designation to MXD zoning with a PDP is the appropriate mechanism to permit the development of uses identified by the Cary Community Plan but prohibited by the Alston Activity Center Concept Plan. The PDP will also officially amend the ACCP.

Describe How the Proposed Rezoning is Consistent With or Supported by the Visions and Policies of the Cary Community Plan.

The first chapter of the Cary 2040 Community Plan (CCP) is Foundations. The foundations of the CCP include future fiscal options; economic policies and strategies; acknowledgement of the aging and diversifying population within Cary; limited land for development; integration of land use and transportation; neighborhood protection and housing choices; new infill and re-development opportunities, destination centers, and demand for 21st Century development options. The following analysis of the policies associated with appropriate chapters of the CCP describes how the proposed rezoning to MXD with a PDP complies with the CCP.

Chapter 2: Live

Policy 2: Provide more housing choices for all residents: “Provide high quality housing in suitable areas that can accommodate a variety of lifestyles, household sizes, ages, cultures, market preferences, and incomes. This includes dwellings for young families, young professionals, members of the local workforce, and for empty nesters among others.
The proposed rezoning complies with this policy because it directly addresses the stated desire/need in the CCP to provide more housing alternatives to a broad spectrum of the population.

**Policy 4: Provide the greatest variety of housing options and densities within Mixed Use Centers.**

This policy provides guidance that the greatest variety of housing types and densities are to be located in Destination Centers as designated on the Future Growth Framework. The policy goes on to specifically identify apartments and townhomes as appropriate uses.

**Policy 5: Support residential development on infill and redevelopment sites.**

The property proposed for the rezoning has become an infill site over the past 10 years. There is adjacent development under construction between this site’s eastern boundary and NC 55 as well as proposed development on the southern boundary of this site between it and I-540. Cary’s growth march to the west of NC 55 has in this northwest portion of town has created this infill development pocket of land.

**Chapter 3: Work**

**Policy 1: Grow a sustainable and diversifying workforce that meets the needs of Cary’s businesses over time and that supports and attracts future economic growth.**

Part of growing and sustaining a diverse workforce means having diverse housing options in locations with good access to transportation corridors that will enable the workforce to travel to their workplaces in reasonable amounts of time. The proposed rezoning will add to sustaining and diversifying the workforce because of its location and because of its proximity to major transportation corridors.

**Chapter 6: Shape**

**Policy 2: Focus the most intense types of development in strategic locations.**

This policy goes on to say that more dense forms of housing should be located in destination centers (where this site is located). This policy also identifies that destination centers occupy the highest level of the hierarchy of intensity of development.

**Policy 3: Encourage mixed use development.**

The proposed rezoning mixes higher density multi-family units side by side with townhomes within the boundary of the proposed project. This mixing of uses side by side within a project is supported within this Policy 3 in the second bullet point. The Destination Center designation covers a significant amount of acreage. This policy 3 recognizes that “mixed use areas may emerge either “whole – cloth” in individual development projects, or as the aggregate result of a
number of single-use projects.” Within the Destination Center there is a tremendous mix of uses. The proposed rezoning is consistent with this policy 3.

Policy 4: Support and facilitate redevelopment and infill development.

As previously noted, the property proposed for rezoning has become an infill site as development has marched to and beyond its borders and boundaries. As this policy recognizes, the treatment of infill sites is intimately tied to Cary’s future economic health. The proposed development plan is complementary to existing developments, adjacent projects under construction, and projects being considered for development. The proposed development will also efficiently use the town’s existing and proposed infrastructure.

Policy 6: Provide appropriate transitions between land uses.

The proposed rezoning complies with this policy. The overall development is designed to mitigate any potential impact on adjacent parcels. The uses proposed are similar to existing and proposed uses in the vicinity of the proposed rezoning. Buffers and streetscapes will help in providing appropriate transitions. The architecture of the proposed development will be compatible with development in the area which will also contribute to appropriate transitions.

Policy 6: Preserve and maintain Cary’s attractive appearance and quality of development.

The proposed rezoning is required to comply with the design standards in the Alston Plan. These standards include the road network, placement of buildings, walkability and other details. In addition, the proposed rezoning will have to be developed in accordance with Cary’s LDO. Together, the Alston Plan and the LDO will ensure a high quality and attractive development.
Rezoning Justification Statement #4  Required only when rezoning to or amending the Preliminary Development Plan component of a Mixed Use District
Describe how the proposed rezoning meets the criteria listed below.

REFER TO ATTACHMENT

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

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

Applicant’s Comments:

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

Applicant’s Comments:

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

Applicant’s Comments:

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

Applicant’s Comments:

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

Applicant’s Comments:
Rezoning Justification Statement #4  Required only when rezoning to or amending the Preliminary Development Plan component of a Mixed Use District
Describe how the proposed rezoning meets the criteria listed below.

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 PDP includes the appropriate intensity, type, and mix of uses identified in the Cary Community Plan and Alston Activity Center Plan. The proposed uses fit well within the scale of this Destination Center.

(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 PDP complies with the design guidelines and other established Town standards.

**HUMAN SCALE:** Buildings will front Alston Ave. The street network is laid out to protect all the public spaces and separate pedestrians from vehicular traffic. Amenities are located on the site so all residents will have access to gathering spaces.

**SENSE OF PLACE:** Sense of place will be achieved through quality of design. Buildings within the proposed development will be architecturally compatible with surrounding uses in Alston and within the project. There will also be high quality landscaping that will tie the entire project together.

**CONNECT USES:** The PDP provides for a well planned interior street network. The PDP complies with the road network requirements of the Alston Activity Center Concept Plan and Town of Cary. The Alston Plan stresses the importance of road connectivity for both pedestrians and vehicles. Connections to the existing Hawthorne development and the planned Alston Townhomes are also being provided for a logical street network.

**PROVIDE TRANSITIONS:** The proposed development takes into account transitions both within the planned community and with adjacent developments. Amenities are located throughout the development to help break up building
locations on the subject property. Appropriate streetscapes and buffers provide orderly transitions between the proposed development and current and planned development adjacent to the subject property.

REDUCE PARKING IMPACTS: The impact of parking is minimized by locating buildings to hide parking along Alston Avenue. A parking reduction is also being requested to minimize excessive parking impacts.

PLAN FOR PEDESTRIANS, BICYCLISTS, AND TRANSIT USERS: The planned community accommodates both pedestrian and vehicular traffic. There is an extensive sidewalk system for pedestrians. The PDP layout is also safe for bicyclists.

(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 proposed development provides the expected land uses found in Destination Centers. The density is appropriate for both Destination Centers and the Alston Activity Center Concept Plan.

(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 planned community has an extensive system of open space and community gathering spaces. These include both active and passive areas for residents of the development to use. A clubhouse and pool amenity are a central fixture in the development. All residents have easy access to these public spaces.

(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: The PDP demonstrates that the planned development is appropriate for context and location. The intensity of development is appropriate for Destination Centers and the Alston Activity Center Concept Plan. The location of the property with its proximity to NC HWY 55 and 540 and RTP make it an ideal site for the uses planned and the intensity of development proposed. The project will be harmonious to the surrounding uses that consists of the Hawthorne apartments (under construction) and the planned Alston Townhomes that are in review. The design of the project takes into account the surrounding development and will fit contextually into this part of Cary.