

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: Currently, the parcel is not within the Town's Corporate Limits or ETJ, but it is within the Town's long range plans. As part of the proposed rezoning, the project area is planned to be annexed into the Town such that it can be developed consistent with the Town's long range plans.

- (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 project area is designated as part of a Destination Center on the Town's Growth Framework Map; however, it is not within a mixed use overlay district. Because it is not within a mixed use overlay district, it cannot be rezoned to MXD. The Map Interpretation section of the Shape Chapter of the Cary Community Plan provides guidance; however, for sites located on boundaries between development categories on the Future Growth Framework Map, like the subject property. These sites should be interpreted in light of the policies relevant to the site and the particular site circumstances. This subject property is bordered on the south by a cemetery, on the east by land in Wake County with a rural designation on the Swift Creek Management Map, and on the north and west by thoroughfares. Given the foregoing, the ideal use on the property would be a low intensity non-residential use such as mini-storage. In this way, the requested rezoning is consistent with the Cary Community 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: Mini-storage is the anticipated use for the subject site. This use is among the lowest intensity of uses allowed within the LDO. The mini-storage facility will not have a strong demand for water, sewer, or other utilities. It also is not anticipated to produce much traffic and will introduce no additional school age children. As a result, the Town and other service providers will be able to provide sufficient services to the project while maintaining current 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 includes the addition of the Swift Creek Watershed Protection Overlay District, which provides significant protections for the natural environment. Thus, the proposed rezoning is unlikely to have significant impacts on the natural environment.

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

Applicant's Comments: Generally speaking, the area within the immediate vicinity of the project is characterized by non-residential uses, most of which are commercial. Buffers also will protect adjacent properties from adverse impacts associated with the proposed rezoning. Also, as previously mentioned, the proposed use is a very low intensity use which should co-exist harmoniously with the surrounding area. Thus, the proposed rezoning is not anticipated to have significant adverse impacts on other property in the vicinity.

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

Applicant's Comments: The subject property is of an adequate shape and size to accommodate the intended use. Thus, the proposed zoning classification is suitable for the subject property.

Rezoning Justification Statement #2 *Required for all rezoning requests*

Describe how the proposed rezoning is consistent with or supported by the visions and policies of the [Cary Community Plan](#). *Attach additional sheet if necessary.*

Growth Framework Map – Though the subject property is not within the Town's ETJ, this area has been designated as part of a Destination Center on the Growth Framework Map. Guidance within the Cary Community Plan suggests that a range of uses is appropriate within a Destination Center. The requested district, as conditioned, would allow for a mini-storage use which is not currently available in proximity to the site.

Shape Chapter, Policy 1

In part, this policy is aimed at clustering commercial services within select Destination Centers across Town to promote smart growth by avoiding strips of retail development along major corridors. In this way, traffic is reduced on major streets by reducing the average length of vehicular trips. The proposed use in this case, mini-storage, will help to minimize traffic congestion along the thoroughfares in the long run as mini-storage is not typically a traffic intense use.

Shape Chapter, Policy 4

To support economic development, this policy is aimed at encouraging infill development, particularly within Destination Centers. This policy champions redevelopment and infill projects because they are necessary for the continued viability of Cary's economic health. Recognizing that such projects are more costly and complicated than greenfield projects, the policy calls for particular support for these projects to encourage the redevelopment of distressed or underperforming sites. The proposed rezoning will facilitate the redevelopment of an existing underutilized site located along Tryon Road.

Shop Chapter, Policy 2

This policy directs new commercial uses to be focused within existing and planned Commercial Mixed Use and Destination Centers. The proposed rezoning seeks to place a new commercial use within a planned Destination Center, consistent with this policy. It is important also to note that the subject property is adjacent to a hub of commercial activities which includes the Swift Creek Shopping Center. In this way, the proposed rezoning is aimed at both prongs of this policy by helping to expand an existing Destination Center by incorporating an area which is planned as part of the same but is not currently with the Town's ETJ.

_____ Chapter, Policy _____