

**Town of Cary, North Carolina  
Rezoning – Staff Report  
12-REZ-22 Amendment to the Alston Activity Center Concept Plan  
Planning and Zoning Board Meeting  
December 13, 2012**

**REQUEST**

This request is a proposed amendment to the Alston Activity Center Concept Plan (ACCP) to replace the ~~non-first floor space and~~ vertical mixed use design standard with a more general mixed use design standard.

NOTE: The purpose of the rezoning is to determine whether or not the land uses and densities allowed in the proposed zoning district are appropriate for the site. Technical design standards of the Land Development Ordinance are addressed during review of the site or subdivision plan and can be found at <http://www.amlegal.com/library/nc/cary.shtml>.

**SUBJECT PARCELS**

The subject parcel table below includes all of the properties within the Alston ACCP boundary. The amendment proposed is applicable to Alston area properties that have the Town Center, Neighborhood Center, and/or Special District design zone designation. The Alston Plan includes five design zones: Town Center, Neighborhood Center, Neighborhood General, Neighborhood Edge, and Special District. To view placement of the five different design zone categories, please see Figure III.I, Design Zone Plan, in the Alston ACCP. Design Zone boundaries are conceptual and may vary/shift as needed, so all Alston Plan properties have been included in this case.

<b>Property Owner(s)</b>	<b>County Parcel Number(s) (10 digit)</b>	<b>Real Estate ID(s)</b>	<b>Deeded Acreage</b>
ANBALAGAN, PRASANTH	736006375	406898	0.17
BAI, WENYU & YIXUAN NI	736102526	404774	0.15
BARMAN, DEBOBROTO & RIMA MAJUMD	736005670	406903	0.18
BONILLA, JACQUELINE & ISAAC JR	736003278	406887	0.3
BORSE, VEDANT E & KAJAL V	736007519	404756	0.17
BRANTLEY, ANNIE S	736204937	87541	1.05
BRANTLEY, ANNIE SEAGROVES	736212255	168521	4.65
BRANTLEY, ANNIE SEAGROVES	736206807	168522	0.97
BURKART, DENNIS J SR & ALICE	736003158	406888	0.25
CARY CREEK LTD PTNRP LTD PTNRP	735485345	82438	4.34
CARY CREEK LTD PTNRP LTD PTNRP	735492751	406285	2.31
CARY CREEK LTD PTNRP LTD PTNRP	735383152	406284	34.54
CARY CREEK LTD PTNRP LTD PTNRP	735398050	319337	59.35
CARY CREEK LTD PTNRP LTD PTNRP	735582204	82441	8.02
CARY CREEK LTD PTNRP LTD PTNRP	736309096	82498	0.61
CARY CREEK LTD PTNRP LTD PTNRP	735399949	406283	0.06
CHAPMAN, KURT M & LAUREN E	736001532	406865	0.18
CHEN, XIAN	735092929	404738	0.17
CHINTA, VARUN & PAVITRA PERUPONIA	736008284	404763	0.18

CHIRNALLI, VINAY N & ANUPAMA C	736004364	406885	0.19
CHOUDHURY, RAKESH ROY & RAANE R	736101727	404794	0.2
CLAYTON, PHYLLIS W & LOUISE S	735591114	13469	2.09
DANDAMUDI, SUNIL K & SUNEETA	736000148	406871	0.17
DEAN, RICHARD GRAY & DOROTHY V	735557887	95037	7.4
DISMUKE, DEBORAH HIGH	736029606	86291	2
DIXON, ANTHONY W & SHAUNA C	736009513	404781	0.17
DONG, WEI & KATHERINE Q SONG	736100349	404770	0.15
DUMPALA, SATYA MOHAN REDDY	736102501	404773	0.18
ELIAS, SHINU & SHINE S VARGHESE	736008334	404761	0.16
EVENSON, JOHN ERIC & DONNA MARTIN	735578877	51726	2.61
FANG, XIAOSHAN	736008798	404788	0.15
FERNANDEZ, JILL & EMILITO	736100662	404778	0.17
FISHER, GEORGE W	735553829	97784	8.14
FOREST OAKS INVESTORS LLC	735661054	121629	2.81
FOREST OAKS INVESTORS LLC	735655882	340219	9.01
FOX, NANCY	736102641	404775	0.16
FUNKHOUSER, BARBARA E & JOSEPH A	736102955	404803	0.17
GAN, JIANJUN & XIAOYIN ZHONG	736100527	404779	0.2
GARIMELLA, NAGA B	736006892	406908	0.16
GODBOLE, RAHUL PUSHPAK & NAMRATA	735196849	410562	0.18
H F INVESTORS LLC	735651636	95036	2.04
HART, JONATHAN R & CARLY M	736008192	404742	0.2
HIGH, JAMES DRAUGHAN III	736219709	98159	0.13
HIGHLAND DEVELOPERS INC	736019830	36421	1.53
HU, DIANYOU & XIUYU CUI	736005766	406906	0.16
HUANG, LINGKANG & JUDONG SHEN	736006796	404753	0.16
HUIE, BARRY	736002136	406875	0.17
JEYARAMAN, LATHA	736007240	406895	0.18
JI, MINJIANG	736000385	406868	0.16
JIANG, MING & YINGYING LANG	736002685	406862	0.21
KANAI, YOSUKE & ROSHANAK MADIHAN	736106268	410569	0.16
KANDHUKURI, SRINATH RAO	736006780	404754	0.18
KAO, DAR JEN & MEI LI	736100187	404765	0.17
KNOTT, CLEMON W	736115339	39757	0.68
KNOTT, JUDY M	736207852	39796	1
KNOTT, JUDY P	736204512	160196	3.01
KOLAGANI, RAGHAVA RAO & PADMAJA	736004339	406884	0.22
KOLMAKOV, VALENTIN M	735196833	410561	0.21
KOURA, GURPREET K & BHAJANVIR S	736009397	404768	0.19
KRG PRISA II PARKSIDE LLC	736233114	20203	1.04

KRG PRISA II PARKSIDE LLC	736147497	362672	17.09
KRG PRISA II PARKSIDE LLC	736511799	342627	0.37
KRG PRISA II PARKSIDE LLC	736233947	18420	17.63
KRG PRISA II PARKSIDE LLC	736227527	351682	2.87
KRG PRISA II PARKSIDE LLC	736327647	342428	79.9
KUMAR, VIKAS & RITU MUKIM	736000254	406870	0.17
KUTTIKATTIL, NISHA F	736005585	406902	0.18
LI, HONGYAN & YUNHUI CAO	736006450	406899	0.17
LI, MIN	736009565	404780	0.15
LIAO, YI & BINGYAN WU	736002494	406880	0.23
LIU, CHINCHU H & KOCHENG	736007544	404757	0.16
LONG, CHRISTOPHER & SVATI	736002623	406863	0.25
LU, JUN & MINGYAN HUANG	736100995	404805	0.15
MADDULA, KRISHNA KISHORE & ROJA	736005208	406886	0.26
MADIREDDY, VYSHNAVI	736007484	404759	0.16
MAJUMDER, RAJAT & LAGNAJITA DE	736002362	406878	0.16
MALAYAPPAN, HARI KRISHNA	736100259	404767	0.18
MANI, PRASAD & DIVYA SATHYANESAN	736000370	406869	0.16
MARTIN, LYNNE M & KRISTIAN WALBUM	736007225	406896	0.19
MCBRIDE, SONIA	736004617	406859	0.16
MEDURI, MADHAVA KRISHNA	735196945	410563	0.16
MI HOMES OF RALEIGH LLC	735192657	410590	4.84
MI HOMES OF RALEIGH LLC	735196774	410592	0.06
MI HOMES OF RALEIGH LLC	736103326	410593	1.23
MI HOMES OF RALEIGH LLC	736002024	404739	0.16
MI HOMES OF RALEIGH LLC	736009666	404808	0.17
MI HOMES OF RALEIGH LLC	736002120	404740	0.16
MI HOMES OF RALEIGH LLC	736104725	410538	0.15
MI HOMES OF RALEIGH LLC	735194857	410559	0.19
MI HOMES OF RALEIGH LLC	735195798	410560	0.2
MI HOMES OF RALEIGH LLC	736105713	410540	0.16
MI HOMES OF RALEIGH LLC	736105617	410541	0.17
MI HOMES OF RALEIGH LLC	736104690	410542	0.16
MI HOMES OF RALEIGH LLC	736104585	410543	0.15
MI HOMES OF RALEIGH LLC	736104570	410544	0.15
MI HOMES OF RALEIGH LLC	736104475	410545	0.15
MI HOMES OF RALEIGH LLC	736104289	410548	0.15
MI HOMES OF RALEIGH LLC	736104364	410547	0.17
MI HOMES OF RALEIGH LLC	736105718	410539	0.16
MI HOMES OF RALEIGH LLC	736105210	410549	0.17
MI HOMES OF RALEIGH LLC	736104205	410551	0.18

MI HOMES OF RALEIGH LLC	736106040	410564	0.15
MI HOMES OF RALEIGH LLC	736106056	410565	0.15
MI HOMES OF RALEIGH LLC	736106151	410566	0.15
MI HOMES OF RALEIGH LLC	736106363	410570	0.16
MI HOMES OF RALEIGH LLC	736106359	410571	0.17
MI HOMES OF RALEIGH LLC	736106454	410572	0.18
MI HOMES OF RALEIGH LLC	736106671	410577	0.16
MI HOMES OF RALEIGH LLC	736106575	410576	0.17
MI HOMES OF RALEIGH LLC	736102076	410553	0.3
MI HOMES OF RALEIGH LLC	736103044	410554	0.18
MI HOMES OF RALEIGH LLC	736104003	410555	0.17
MI HOMES OF RALEIGH LLC	736106686	410578	0.16
MI HOMES OF RALEIGH LLC	726909520	406910	5.81
MI HOMES OF RALEIGH LLC	735094701	404737	13.54
MI HOMES OF RALEIGH LLC	736003031	404741	0.26
MI HOMES OF RALEIGH LLC	736103964	410588	0.15
MI HOMES OF RALEIGH LLC	736103914	410589	0.15
MI HOMES OF RALEIGH LLC	736106550	410594	0.18
MI HOMES OF RALEIGH LLC	736106782	410579	0.15
MI HOMES OF RALEIGH LLC	736106797	410580	0.16
MI HOMES OF RALEIGH LLC	736107932	410581	0.18
MI HOMES OF RALEIGH LLC	736106973	410582	0.17
MI HOMES OF RALEIGH LLC	736105963	410584	0.15
MI HOMES OF RALEIGH LLC	736104914	410587	0.15
MI HOMES OF RALEIGH LLC	736106913	410583	0.15
MI HOMES OF RALEIGH LLC	736104964	410586	0.15
MI HOMES OF RALEIGH LLC	735194973	410558	0.18
MI HOMES OF RALEIGH LLC	736100936	404806	0.15
MI HOMES OF RALEIGH LLC	736000051	406874	0.18
MI HOMES OF RALEIGH LLC	736104460	410546	0.16
MI HOMES OF RALEIGH LLC	736000047	406873	0.16
MI HOMES OF RALEIGH LLC	736103766	410537	0.15
MI HOMES OF RALEIGH LLC	736103247	410552	0.14
MI HOMES OF RALEIGH LLC	736105913	410585	0.15
MI HOMES OF RALEIGH LLC	736003719	406909	0.86
MI HOMES OF RALEIGH LLC	735193964	410591	0.14
MI HOMES OF RALEIGH LLC	736102337	404744	1.29
MI HOMES OF RALEIGH LLC	736001577	406864	0.19
MI HOMES OF RALEIGH LLC	736007069	406893	0.18
MI HOMES OF RALEIGH LLC	736103716	410536	0.15
MI HOMES OF RALEIGH LLC	736105003	410557	0.16

MI HOMES OF RALEIGH LLC	736009986	404807	0.15
MI HOMES OF RALEIGH LLC	736104251	410550	0.15
MULA, BHASKARA R & KAVITHA MANDAD	736003170	406889	0.27
MUPPIDI, NAVEEN KUMAR & BHAVANI	736002378	406879	0.17
MUTHUMANICKAM, MANIVANNAN	736100707	404791	0.15
MUTHUSWAMY, RAVI K & SMITA RAVI	736001400	406867	0.16
NAIR, ANOOP & DEEPA M	736008259	404762	0.18
NAIR, DEEPUKUMAR M	736006694	404755	0.18
NALAPALLI, SAMSON PRABHAKAR	736100688	404777	0.17
NC DEPARTMENT OF TRANSPORTATION	736310404	21261	2.08
NC DEPARTMENT OF TRANSPORTATION	736218168	52346	0.12
NUTT, FLOYD DOUGLAS	735681885	51725	13.93
OLURINMADE, OLUWAKEMI A & OLUMID	736008198	404764	0.19
ORI, ADI & IGAL	736002231	406876	0.17
P&L HOLDINGS LLC	736118670	168523	5.71
PANTHER CREEK APARTMENTS LLC	735466240	358573	17.41
PARKER, DANIEL Z & DIANE	736207513	75138	0.6
PATEL, VIDUR S	736008319	404760	0.16
PENDERGRAFT, GEORGE C JR	736200689	141540	2.98
PENDERGRAFT, INEZ W	735199588	78570	39.38
PENDERGRAFT, INEZ W & GEORGE C	736205381	177607	2.75
PETTY, JOHN W	735584609	55089	2.85
PF #5 LLC	735577241	82444	3.96
PRABHU, MANGESH A & DIVYA D KAMBL0E	736101402	404771	0.19
PRESSER, KENNETH D & SUSAN L	735294820	147791	2.7
QU, XIAO & XIANG CHEN	736008738	404785	0.16
REDDY, SREENIVASA A TRUSTEE	736104053	410556	0.15
REX HOSPITAL INC	735664450	355207	2.36
REX HOSPITAL INC	735661485	120865	2.89
REX HOSPITAL INC	735567601	358574	14.47
RIVADENEYRA-VEGA, KEVIN	736003656	406861	0.16
RODRIGUEZ, LIVIA ZHAO & ADRIAN T	736100161	404743	0.16
ROEBEN INVESTMENTS LLC	735495878	289282	5.92
RTP 55 PARTNERSHIP	736128610	159210	57.97
RTP 55 PTNRP	736221835	54841	0.7
RUSSELL, MICHAEL J & AIMEE L	736001416	406866	0.17
SEAGROVES, DONNIE R & SUSAN K	736111742	159195	2
SEAGROVES, JAMES RAY	736112676	62977	0.75
SEAGROVES, JAMES RAY	736114075	101571	2.71
SEAGROVES, JAMES RAY	736210300	168518	1.26
SEAGROVES, JAMES RAY & CAROLE L	736116094	62992	0.83

SEAGROVES, ROBERT ERNEST HEIRS	736224307	82778	1.46
SEAGROVES, ROBERT ERNEST HEIRS	736114651	168519	2.92
SEAGROVES, ROBERT ERNEST HEIRS	736112236	168520	2.25
SEARS, DORIS N	735478579	63084	20.73
SINGH, PARAM & KAWALJIT KAUR	736005163	406891	0.3
SISTA, RAMAKRISHNA & LAKSHMI MANTOH	736007469	404758	0.16
SLATE, TERRY E	735675624	101360	19.28
STEPHENS ROAD PTNR LLC	736014245	314175	17.39
STRUBLE RALEIGH LOTS LP	735586323	87540	2.87
SULE, AMBARISH M	736008693	404782	0.15
SUN LIFE ASSURANCE CO OF CANADA	735478031	11750	12.06
SUN, GE & HAIYAN TONG	736007300	406897	0.18
TAMMA, SRINIVAS REDDY & MAHESHWAR	736005761	406905	0.16
THOMAS, BIJU V & JOMA BIJU	736106157	410567	0.15
TRIANGLE BRICK CO	736504838	71196	49.96
TRIANGLE BRICK CO	736405874	71197	0.72
TRIANGLE BRICK CO	735597648	71195	52.28
TRIANGLE FOREST PRODUCTS INC	735683504	302182	13.93
TRIPUROJU, NAGARAJA RAO	736005862	406907	0.18
TUMATI, RAMESH & DEEPTHI JAMPALA	736007155	406894	0.17
VEDAMURTHY, SATISH KUMAR	736102756	404797	0.18
VELUCHAMY, VIMALA	736005074	406892	0.27
VIJAYAKUMAR, PREMA & GOPALAN	736101945	404804	0.17
WADDELL, DAVID W & PHUONG MY	736008669	404784	0.19
WAGHMARE, SUDHIR M	736006435	406900	0.17
WAKE COUNTY BOARD OF EDUCATION	735278154	304612	70.98
WAN, HAIBAO & MEIHUA YANG	736106252	410568	0.15
WANG, JENNY JIE	736100767	404792	0.15
WANG, JUN & ZHOU LI	736000143	406872	0.16
WEI, WEI & TING LI	736004439	406883	0.23
WEN, YING & XIAOQING CHANG	736006500	406901	0.18
WIMBERLY ASSOC	736029301	343091	4.21
XI, GANG & HONG YING	736002247	406877	0.16
XU, HAO MING & XIANG REN	736004054	406890	0.3
ZHANG, NENGYI & ZHIFANG CHENG	736101455	404772	0.2
ZHAO, LEI & HUIXUAN ZHENG	736009758	404789	0.15
ZHAO, ZHENG & GUANGHUI MA	736005666	406904	0.17
ZHI, YUAN & CHAO WANG	736003468	406882	0.22
ZHOU, NAIYUE & YUE XU	736102667	404776	0.17
<b>Total Acres</b>			<b>788.42</b>

**PROJECT SUMMARY**

The Alston Plan includes design standards for each of five design zones: Town Center, Neighborhood Center, Neighborhood General, Neighborhood Edge, and Special District. There are general provisions for all zones as well as design standards specific to each zone. The Town Center, Neighborhood Center, and Special District design zones include standards for “main streets” such as providing non-first floor space and vertical mixed use. Based on economic and market changes over the past four years, as well as property owner input, an amendment to replace the non-first floor space and vertical mixed use design standard with a more flexible mixed use design standard is being proposed.

**BACKGROUND INFORMATION**

Applicant/Agent and Staff Contact	Meredith Chandler, PLA, AICP, Urban Designer/Senior Planner Town of Cary Planning Department 919-460-4983 meredith.chandler@townofcary.org		
Acreage	788.42 ±		
General Location	Interchange of I-540 and NC Highway 55		
Schedule	<b>Public Hearing</b> October 25, 2012	<b>Planning &amp; Zoning Board</b> November 19, 2012	<b>Town Council</b> December 13, 2012
Land Use Plan Designation	Mixed Use (MXD)		
Existing Zoning District(s)	Mixed Use Overlay District, Watershed Protection Overlay District, and varied base districts		
Town Limits	Mix of within Town limits and ETJ		
Valid Protest Petition	No		

**SUMMARY OF PROCESS AND ACTIONS TO DATE**

**Rezoning Process**

As per the LDO 4.4.2(H), Changes to the Preliminary Development Plan Component of an Approved MXD District (Including Activity Center Concept Plans and Mixed Use Sketch Plans), staff may approve changes to approved ACCPs if such changes fall within the criteria allowed for administrative approval under Section 3.19, Minor Modifications, and also provided that such changes do not reduce buffer widths or buffer standards adjacent to residential development and/or change the overall concept of the plan. The proposed amendments do not change any of these items; however, the Alston Plan includes a provision for plan re-evaluation on a regular basis, typically every two years, by Town Council. Staff believes this change to the Alston ACCP fits in with the plan re-evaluation process and should be decided upon by Town Council through the rezoning process.

**Notification**

On October 9, 2012, the Planning Department mailed notification of a public hearing on the request to property owners within 400 feet of the subject property. Notification consistent with General Statutes was or will be published in the Cary News on October 10 and 17, 2012. Notice of the public hearing was posted on the property on October 10, 2012.

**Town Council Public Hearing (October 25, 2012)**

No one spoke at the Town Council public hearing on October 25, 2012. Council members asked staff for clarification on the difference between horizontal mixed use and vertical mixed use. An example of horizontal, or side by side, mixed use are the townhomes adjacent to the shops at Stone Creek Village. An example of vertical mixed use is apartments or condominiums located over shops or office space. Council members also asked about the origin of this request. Staff responded that property owners in the Alston area requested that mixed use requirements offer more flexibility or options for achieving the intent of the Alston ACCP.

### **Planning and Zoning Board Meeting (November 19, 2012)**

The Planning and Zoning Board met to review the Alston ACCP amendment case on November 19, 2012. Board members asked about the difference between the amount of mixed use that may occur as per the current standard versus the proposed standard for the Alston ACCP. Staff responded that this question was difficult to answer with certainty based on variables of building size and placement; however, it is likely that the amount of a second use along a main street may be less with the proposed standard. Board members also asked if the reason for this request was market based, and staff responded that this was one of the factors affecting this proposed amendment to the Alston ACCP. The Planning and Zoning Board unanimously recommended approval of this rezoning request.

### **CRITERIA FOR CONSIDERATION IN REVIEWING REZONINGS**

Section 3.4.1(E) of the Land Development Ordinance sets forth the following criteria that should be considered in reviewing rezonings:

1. The proposed rezoning corrects an error or meets the challenge of some changing condition, trend or fact;
2. The proposed rezoning is consistent with the Comprehensive Plan set forth in Section 1.3 (LDO);
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;
4. The proposed rezoning is unlikely to have significant adverse impacts on the natural environment, including air, water, noise, stormwater management, wildlife and vegetation;
5. The proposed rezoning will not have significant adverse impacts on property in the vicinity of the subject tract;
6. The proposed zoning classification is suitable for the subject property.

### **AMENDMENTS TO THE ALSTON ACTIVITY CENTER CONCEPT PLAN**

#### **Background**

The Alston ACCP was approved by Town Council on March 23, 2006. (The term "ACCP" preceded the name Mixed Use Sketch Plan and Preliminary Development Plan.) The plan specifies allowed uses and development limits, and sets design standards including site design requirements, circulation character, streetscape entry features, and public art locations.

On December 11, 2008, council approved amendments to the Alston Plan as part of a re-evaluation process. These amendments included addressing issues from Chapter II, Allowed Uses and Development Limits, and Chapter III, Design Standards, of the ACCP. Some key topics that required clarification were the identification of responsibility for residential unit type mixes, signage, application of the circulation type plans, streetscape entry features, and public art.

#### **Current Standards**

The Town Center and Special District design zone standards in the Alston Plan include the following non-first floor space and vertical mixed use requirement:

*An amount equal to 50% of commercial and office building footprints located along the "main street" will be provided in non-first floor space along that "main street". Of this non-first floor square footage, 20% will contain uses that are different than what is on the first floor of the building that the non-first floor space is located in.*

The Neighborhood Center design zone standards include the following non-first floor space and vertical mixed use requirement:



*An amount equal to 40% of commercial and office building footprints located along the “main street” will be provided in non-first floor space along that “main street”. Of this non-first floor square footage, 15% will contain uses that are different than what is on the first floor of the building that the non-first floor space is located in.*

**Proposed Standard**

For the Town Center, Neighborhood Center, and Special District design zones, the above standards are proposed to be replaced with the following main street mixed use requirement:

*At least two different uses, mixed vertically or horizontally, are required along a main street. The floor space for one use may not exceed 80% of the total square footage along that main street.*

Staff believes this wording will provide the flexibility to respond to current market trends and proposed projects within the Aston Activity Center.

**APPLICABLE COMPREHENSIVE AND/OR AREA PLAN REQUIREMENTS**

**Northwest Area Plan**

As per the Northwest Area Plan, the land use designation for the entire Alston ACCP area is Mixed Use (MXD). The proposed amendments have no impact on the Northwest Area Plan.

**Parks, Recreation & Cultural Resources Facilities Master Plan**

The proposed amendments to the Alston ACCP have no impact on the Parks, Recreation and Cultural Resources Master Plan.

**Growth Management Plan**

The proposed amendments to the Alston ACCP have no impact on the Growth Management Plan.

**Affordable Housing Plan**

The proposed amendments to the Alston ACCP have no impact on the Affordable Housing Plan.

**Comprehensive Transportation Plan**

The proposed amendments to the Alston ACCP have no impact on the Comprehensive Transportation Plan.

**Open Space Plan**

The proposed amendments to the Alston ACCP have no impact on the Open Space Plan.

**Historic Preservation Master Plan**

The proposed amendments to the Alston ACCP have no impact on the Historic Preservation Master Plan.

**STAFF OBSERVATION**

The proposed amendment to the Alston ACCP, to replace the non-first floor space and vertical mixed use design standard with a more general mixed use design standard, provides flexibility for how to meet the intent for mixed use and “24/7” activity. Mixed Use developments may be achieved by providing different uses adjacent to each other or mixed vertically within the same building.

ORDINANCE FOR CONSIDERATION

**12-REZ-22 Amendments to the Alston Activity Center Concept Plan**

AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE TOWN OF CARY TO CHANGE THE ZONING OF PROPERTY CONTAINING APPROXIMATELY 788.42 ACRES LOCATED AT THE INTERSECTION OF NC HIGHWAY 55 AND I-540 BY AMENDING THE DESIGN STANDARDS FOR THE ALSTON ACTIVITY CENTER CONCEPT PLAN

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CARY:

Section 1: The Official Zoning Map is hereby amended by rezoning the area described as follows:

**PARCEL & OWNER INFORMATION**

Property Owner(s)	County Parcel Number	Deeded Acreage	Existing and Proposed Zoning District
ANBALAGAN, PRASANTH	736006375	0.17	Mixed Use Overlay District, Watershed Protection Overlay District, and varied base districts
BAI, WENYU & YIXUAN NI	736102526	0.15	
BARMAN, DEBOBROTO & RIMA MAJUMD	736005670	0.18	
BONILLA, JACQUELINE & ISAAC JR	736003278	0.3	
BORSE, VEDANT E & KAJAL V	736007519	0.17	
BRANTLEY, ANNIE S	736204937	1.05	
BRANTLEY, ANNIE SEAGROVES	736212255	4.65	
BRANTLEY, ANNIE SEAGROVES	736206807	0.97	
BURKART, DENNIS J SR & ALICE	736003158	0.25	
CARY CREEK LTD PTNRP LTD PTNRP	735485345	4.34	
CARY CREEK LTD PTNRP LTD PTNRP	735492751	2.31	
CARY CREEK LTD PTNRP LTD PTNRP	735383152	34.54	
CARY CREEK LTD PTNRP LTD PTNRP	735398050	59.35	
CARY CREEK LTD PTNRP LTD PTNRP	735582204	8.02	
CARY CREEK LTD PTNRP LTD PTNRP	736309096	0.61	
CARY CREEK LTD PTNRP LTD PTNRP	735399949	0.06	
CHAPMAN, KURT M & LAUREN E	736001532	0.18	
CHEN, XIAN	735092929	0.17	
CHINTA, VARUN & PAVITRA PERUPONIA	736008284	0.18	
CHIRNALLI, VINAY N & ANUPAMA C	736004364	0.19	
CHOUDHURY, RAKESH ROY & RAANE R	736101727	0.2	
CLAYTON, PHYLLIS W & LOUISE S	735591114	2.09	
DANDAMUDI, SUNIL K & SUNEETA	736000148	0.17	
DEAN, RICHARD GRAY & DOROTHY V	735557887	7.4	
DISMUKE, DEBORAH HIGH	736029606	2	
DIXON, ANTHONY W & SHAUNA C	736009513	0.17	
DONG, WEI & KATHERINE Q SONG	736100349	0.15	

DUMPALA, SATYA MOHAN REDDY	736102501	0.18
ELIAS, SHINU & SHINE S VARGHESE	736008334	0.16
EVENSON, JOHN ERIC & DONNA MARTIN	735578877	2.61
FANG, XIAOSHAN	736008798	0.15
FERNANDEZ, JILL & EMILITO	736100662	0.17
FISHER, GEORGE W	735553829	8.14
FOREST OAKS INVESTORS LLC	735661054	2.81
FOREST OAKS INVESTORS LLC	735655882	9.01
FOX, NANCY	736102641	0.16
FUNKHOUSER, BARBARA E & JOSEPH A	736102955	0.17
GAN, JIANJUN & XIAOYIN ZHONG	736100527	0.2
GARIMELLA, NAGA B	736006892	0.16
GODBOLE, RAHUL PUSHPAK & NAMRATA	735196849	0.18
H F INVESTORS LLC	735651636	2.04
HART, JONATHAN R & CARLY M	736008192	0.2
HIGH, JAMES DRAUGHAN III	736219709	0.13
HIGHLAND DEVELOPERS INC	736019830	1.53
HU, DIANYOU & XIUYU CUI	736005766	0.16
HUANG, LINGKANG & JUDONG SHEN	736006796	0.16
HUIE, BARRY	736002136	0.17
JEYARAMAN, LATHA	736007240	0.18
JI, MINJIANG	736000385	0.16
JIANG, MING & YINGYING LANG	736002685	0.21
KANAI, YOSUKE & ROSHANAK MADIHAN	736106268	0.16
KANDHUKURI, SRINATH RAO	736006780	0.18
KAO, DAR JEN & MEI LI	736100187	0.17
KNOTT, CLEMON W	736115339	0.68
KNOTT, JUDY M	736207852	1
KNOTT, JUDY P	736204512	3.01
KOLAGANI, RAGHAVA RAO & PADMAJA	736004339	0.22
KOLMAKOV, VALENTIN M	735196833	0.21
KOURA, GURPREET K & BHAJANVIR S	736009397	0.19
KRG PRISA II PARKSIDE LLC	736233114	1.04
KRG PRISA II PARKSIDE LLC	736147497	17.09
KRG PRISA II PARKSIDE LLC	736511799	0.37
KRG PRISA II PARKSIDE LLC	736233947	17.63
KRG PRISA II PARKSIDE LLC	736227527	2.87
KRG PRISA II PARKSIDE LLC	736327647	79.9
KUMAR, VIKAS & RITU MUKIM	736000254	0.17
KUTTIKATTIL, NISHA F	736005585	0.18
LI, HONGYAN & YUNHUI CAO	736006450	0.17

LI, MIN	736009565	0.15
LIAO, YI & BINGYAN WU	736002494	0.23
LIU, CHINCHU H & KOCHENG	736007544	0.16
LONG, CHRISTOPHER & SVATI	736002623	0.25
LU, JUN & MINGYAN HUANG	736100995	0.15
MADDULA, KRISHNA KISHORE & ROJA	736005208	0.26
MADIREDDY, VYSHNAVI	736007484	0.16
MAJUMDER, RAJAT & LAGNAJITA DE	736002362	0.16
MALAYAPPAN, HARI KRISHNA	736100259	0.18
MANI, PRASAD & DIVYA SATHYANESAN	736000370	0.16
MARTIN, LYNNE M & KRISTIAN WALBUM	736007225	0.19
MCBRIDE, SONIA	736004617	0.16
MEDURI, MADHAVA KRISHNA	735196945	0.16
MI HOMES OF RALEIGH LLC	735192657	4.84
MI HOMES OF RALEIGH LLC	735196774	0.06
MI HOMES OF RALEIGH LLC	736103326	1.23
MI HOMES OF RALEIGH LLC	736002024	0.16
MI HOMES OF RALEIGH LLC	736009666	0.17
MI HOMES OF RALEIGH LLC	736002120	0.16
MI HOMES OF RALEIGH LLC	736104725	0.15
MI HOMES OF RALEIGH LLC	735194857	0.19
MI HOMES OF RALEIGH LLC	735195798	0.2
MI HOMES OF RALEIGH LLC	736105713	0.16
MI HOMES OF RALEIGH LLC	736105617	0.17
MI HOMES OF RALEIGH LLC	736104690	0.16
MI HOMES OF RALEIGH LLC	736104585	0.15
MI HOMES OF RALEIGH LLC	736104570	0.15
MI HOMES OF RALEIGH LLC	736104475	0.15
MI HOMES OF RALEIGH LLC	736104289	0.15
MI HOMES OF RALEIGH LLC	736104364	0.17
MI HOMES OF RALEIGH LLC	736105718	0.16
MI HOMES OF RALEIGH LLC	736105210	0.17
MI HOMES OF RALEIGH LLC	736104205	0.18
MI HOMES OF RALEIGH LLC	736106040	0.15
MI HOMES OF RALEIGH LLC	736106056	0.15
MI HOMES OF RALEIGH LLC	736106151	0.15
MI HOMES OF RALEIGH LLC	736106363	0.16
MI HOMES OF RALEIGH LLC	736106359	0.17
MI HOMES OF RALEIGH LLC	736106454	0.18
MI HOMES OF RALEIGH LLC	736106671	0.16
MI HOMES OF RALEIGH LLC	736106575	0.17

MI HOMES OF RALEIGH LLC	736102076	0.3
MI HOMES OF RALEIGH LLC	736103044	0.18
MI HOMES OF RALEIGH LLC	736104003	0.17
MI HOMES OF RALEIGH LLC	736106686	0.16
MI HOMES OF RALEIGH LLC	726909520	5.81
MI HOMES OF RALEIGH LLC	735094701	13.54
MI HOMES OF RALEIGH LLC	736003031	0.26
MI HOMES OF RALEIGH LLC	736103964	0.15
MI HOMES OF RALEIGH LLC	736103914	0.15
MI HOMES OF RALEIGH LLC	736106550	0.18
MI HOMES OF RALEIGH LLC	736106782	0.15
MI HOMES OF RALEIGH LLC	736106797	0.16
MI HOMES OF RALEIGH LLC	736107932	0.18
MI HOMES OF RALEIGH LLC	736106973	0.17
MI HOMES OF RALEIGH LLC	736105963	0.15
MI HOMES OF RALEIGH LLC	736104914	0.15
MI HOMES OF RALEIGH LLC	736106913	0.15
MI HOMES OF RALEIGH LLC	736104964	0.15
MI HOMES OF RALEIGH LLC	735194973	0.18
MI HOMES OF RALEIGH LLC	736100936	0.15
MI HOMES OF RALEIGH LLC	736000051	0.18
MI HOMES OF RALEIGH LLC	736104460	0.16
MI HOMES OF RALEIGH LLC	736000047	0.16
MI HOMES OF RALEIGH LLC	736103766	0.15
MI HOMES OF RALEIGH LLC	736103247	0.14
MI HOMES OF RALEIGH LLC	736105913	0.15
MI HOMES OF RALEIGH LLC	736003719	0.86
MI HOMES OF RALEIGH LLC	735193964	0.14
MI HOMES OF RALEIGH LLC	736102337	1.29
MI HOMES OF RALEIGH LLC	736001577	0.19
MI HOMES OF RALEIGH LLC	736007069	0.18
MI HOMES OF RALEIGH LLC	736103716	0.15
MI HOMES OF RALEIGH LLC	736105003	0.16
MI HOMES OF RALEIGH LLC	736009986	0.15
MI HOMES OF RALEIGH LLC	736104251	0.15
MULA, BHASKARA R & KAVITHA MANDAD	736003170	0.27
MUPPIDI, NAVEEN KUMAR & BHAVANI	736002378	0.17
MUTHUMANICKAM, MANIVANNAN	736100707	0.15
MUTHUSWAMY, RAVI K & SMITA RAVI	736001400	0.16
NAIR, ANOOP & DEEPA M	736008259	0.18
NAIR, DEEPUKUMAR M	736006694	0.18

NALAPALLI, SAMSON PRABHAKAR	736100688	0.17
NC DEPARTMENT OF TRANSPORTATION	736310404	2.08
NC DEPARTMENT OF TRANSPORTATION	736218168	0.12
NUTT, FLOYD DOUGLAS	735681885	13.93
OLURINMADE, OLUWAKEMI A & OLUMID	736008198	0.19
ORI, ADI & IGAL	736002231	0.17
P&L HOLDINGS LLC	736118670	5.71
PANTHER CREEK APARTMENTS LLC	735466240	17.41
PARKER, DANIEL Z & DIANE	736207513	0.6
PATEL, VIDUR S	736008319	0.16
PENDERGRAFT, GEORGE C JR	736200689	2.98
PENDERGRAFT, INEZ W	735199588	39.38
PENDERGRAFT, INEZ W & GEORGE C	736205381	2.75
PETTY, JOHN W	735584609	2.85
PF #5 LLC	735577241	3.96
PRABHU, MANGESH A & DIVYA D KAMBLOE	736101402	0.19
PRESSER, KENNETH D & SUSAN L	735294820	2.7
QU, XIAO & XIANG CHEN	736008738	0.16
REDDY, SREENIVASA A TRUSTEE	736104053	0.15
REX HOSPITAL INC	735664450	2.36
REX HOSPITAL INC	735661485	2.89
REX HOSPITAL INC	735567601	14.47
RIVADENEYRA-VEGA, KEVIN	736003656	0.16
RODRIGUEZ, LIVIA ZHAO & ADRIAN T	736100161	0.16
ROEBEN INVESTMENTS LLC	735495878	5.92
RTP 55 PARTNERSHIP	736128610	57.97
RTP 55 PTNRP	736221835	0.7
RUSSELL, MICHAEL J & AIMEE L	736001416	0.17
SEAGROVES, DONNIE R & SUSAN K	736111742	2
SEAGROVES, JAMES RAY	736112676	0.75
SEAGROVES, JAMES RAY	736114075	2.71
SEAGROVES, JAMES RAY	736210300	1.26
SEAGROVES, JAMES RAY & CAROLE L	736116094	0.83
SEAGROVES, ROBERT ERNEST HEIRS	736224307	1.46
SEAGROVES, ROBERT ERNEST HEIRS	736114651	2.92
SEAGROVES, ROBERT ERNEST HEIRS	736112236	2.25
SEARS, DORIS N	735478579	20.73
SINGH, PARAM & KAWALJIT KAUR	736005163	0.3
SISTA, RAMAKRISHNA & LAKSHMI MANTOH	736007469	0.16
SLATE, TERRY E	735675624	19.28

STEPHENS ROAD PTNR LLC	736014245	17.39
STRUBLE RALEIGH LOTS LP	735586323	2.87
SULE, AMBARISH M	736008693	0.15
SUN LIFE ASSURANCE CO OF CANADA	735478031	12.06
SUN, GE & HAIYAN TONG	736007300	0.18
TAMMA, SRINIVAS REDDY & MAHESHWAR	736005761	0.16
THOMAS, BIJU V & JOMA BIJU	736106157	0.15
TRIANGLE BRICK CO	736504838	49.96
TRIANGLE BRICK CO	736405874	0.72
TRIANGLE BRICK CO	735597648	52.28
TRIANGLE FOREST PRODUCTS INC	735683504	13.93
TRIPUROJU, NAGARAJA RAO	736005862	0.18
TUMATI, RAMESH & DEEPTHI JAMPALA	736007155	0.17
VEDAMURTHY, SATISH KUMAR	736102756	0.18
VELUCHAMY, VIMALA	736005074	0.27
VIJAYAKUMAR, PREMA & GOPALAN	736101945	0.17
WADDELL, DAVID W & PHUONG MY	736008669	0.19
WAGHMARE, SUDHIR M	736006435	0.17
WAKE COUNTY BOARD OF EDUCATION	735278154	70.98
WAN, HAIBAO & MEIHUA YANG	736106252	0.15
WANG, JENNY JIE	736100767	0.15
WANG, JUN & ZHOU LI	736000143	0.16
WEI, WEI & TING LI	736004439	0.23
WEN, YING & XIAOQING CHANG	736006500	0.18
WIMBERLY ASSOC	736029301	4.21
XI, GANG & HONG YING	736002247	0.16
XU, HAO MING & XIANG REN	736004054	0.3
ZHANG, NENGYI & ZHIFANG CHENG	736101455	0.2
ZHAO, LEI & HUIXUAN ZHENG	736009758	0.15
ZHAO, ZHENG & GUANGHUI MA	736005666	0.17
ZHI, YUAN & CHAO WANG	736003468	0.22
ZHOU, NAIYUE & YUE XU	736102667	0.17

Section 2

That this Property is rezoned, subject to the individualized development conditions set forth in the “Alston Activity Center Concept Plan” document adopted March 23, 2006, and as amended December 11, 2008, and on file in the Planning Department, amended as follows:

Current Standards

The Town Center and Special District design zone standards in the Alston Plan include the following non-first floor space and vertical mixed use requirement:

*An amount equal to 50% of commercial and office building footprints located along the “main street” will be provided in non-first floor space along that “main street”. Of this non-first floor*

*square footage, 20% will contain uses that are different than what is on the first floor of the building that the non-first floor space is located in.*

The Neighborhood Center design zone standards include the following non-first floor space and vertical mixed use requirement:

*An amount equal to 40% of commercial and office building footprints located along the "main street" will be provided in non-first floor space along that "main street". Of this non-first floor square footage, 15% will contain uses that are different than what is on the first floor of the building that the non-first floor space is located in.*

#### Revised Standard

For the Town Center, Neighborhood Center, and Special District design zones, the above standards are replaced with the following main street mixed use requirement:

*At least two different uses, mixed vertically or horizontally, are required along a main street. The floor space for one use may not exceed 80% of the total square footage along that main street.*

and subject to all the requirements of the Cary Land Development Ordinance (LDO) and other applicable laws, standards, policies and guidelines, all of which shall constitute the zoning regulations for the approved district and are binding on the Property.

#### Section 3

The conditions proposed to address conformance of the development and use of the Property to ordinances and officially adopted plans, to address impacts reasonably expected to be generated by the rezoning, and to promote the public health, safety and general welfare, and accepted and approved by the Town are set forth in the "Alston Activity Center Concept Plan" document adopted March 23, 2006, and as amended December 11, 2008 and on file in the Planning Department, amended as described above in Section 2.

Adopted and effective: TBD

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Harold Weinbrecht, Jr.  
Mayor

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Date