

Jones Sausage Road Assemblage

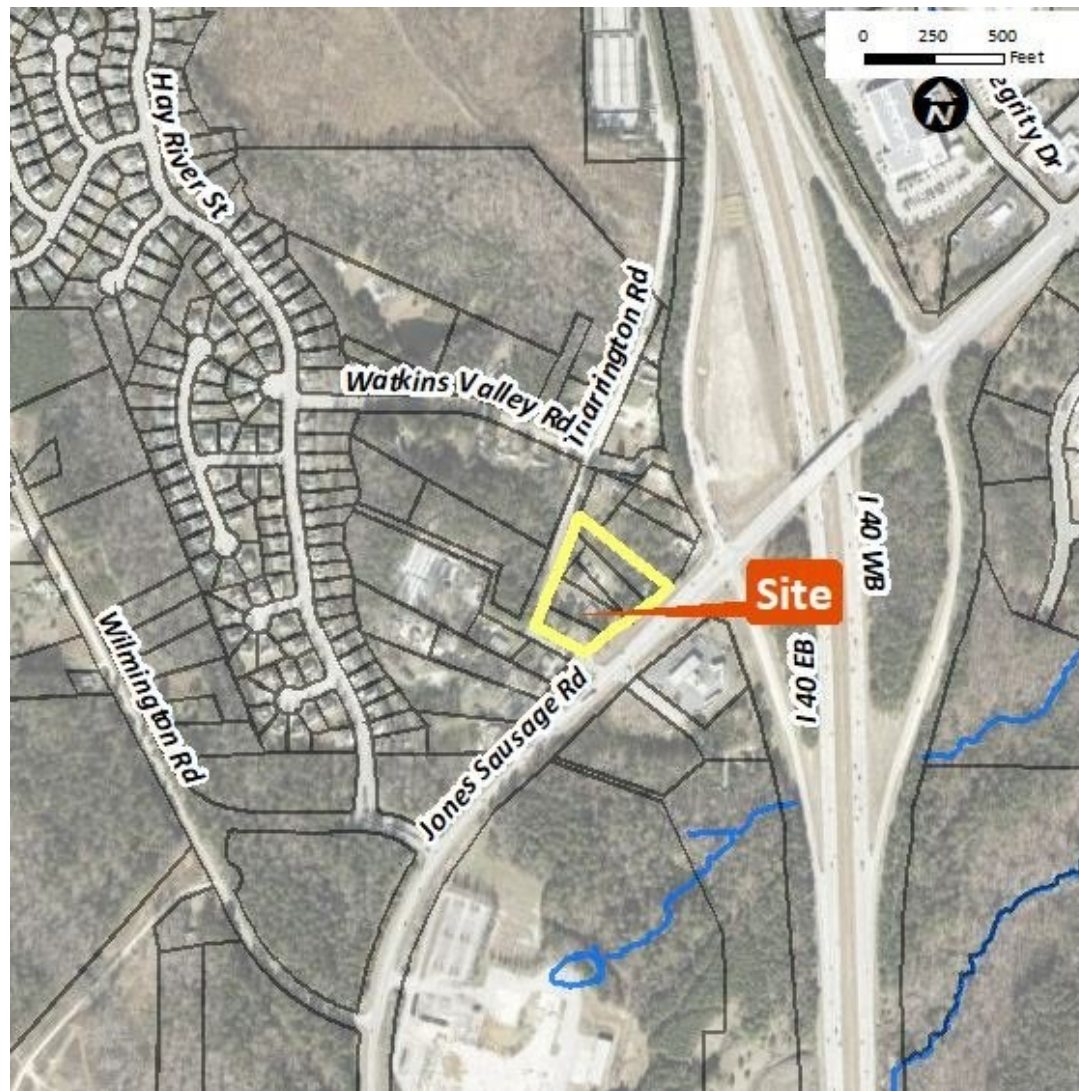
Conditional Zoning Amendment
CZ-23-01

Public Hearing
November 6, 2023

General Case Information

Applicant:	Garner (Jones Sausage 2) PBX LLC
Owners:	Garner (Jones Sausage 2) PBX LLC
Location:	Jones Sausage, Martin Branch and Tharrington Roads
Tract Size:	2.76 +/- acres
Request:	Tier 1 request to conditionally rezone approximately 2.76 +/- acres from Residential 4 (R4) and Commercial Mixed Use (CMX) to Commercial Mixed-Use (CMX 270) Conditional. Use Conditions are proposed.
Note:	Applicant has chosen a Tier 1 conditional district rezoning request which means there is no site plan or specific development proposal at this time. The purpose of this request is to allow for commercial development and include an adjacent total of 0.17 +/- residentially-zoned acres with the already commercially zoned balance of the project site.

Site Location

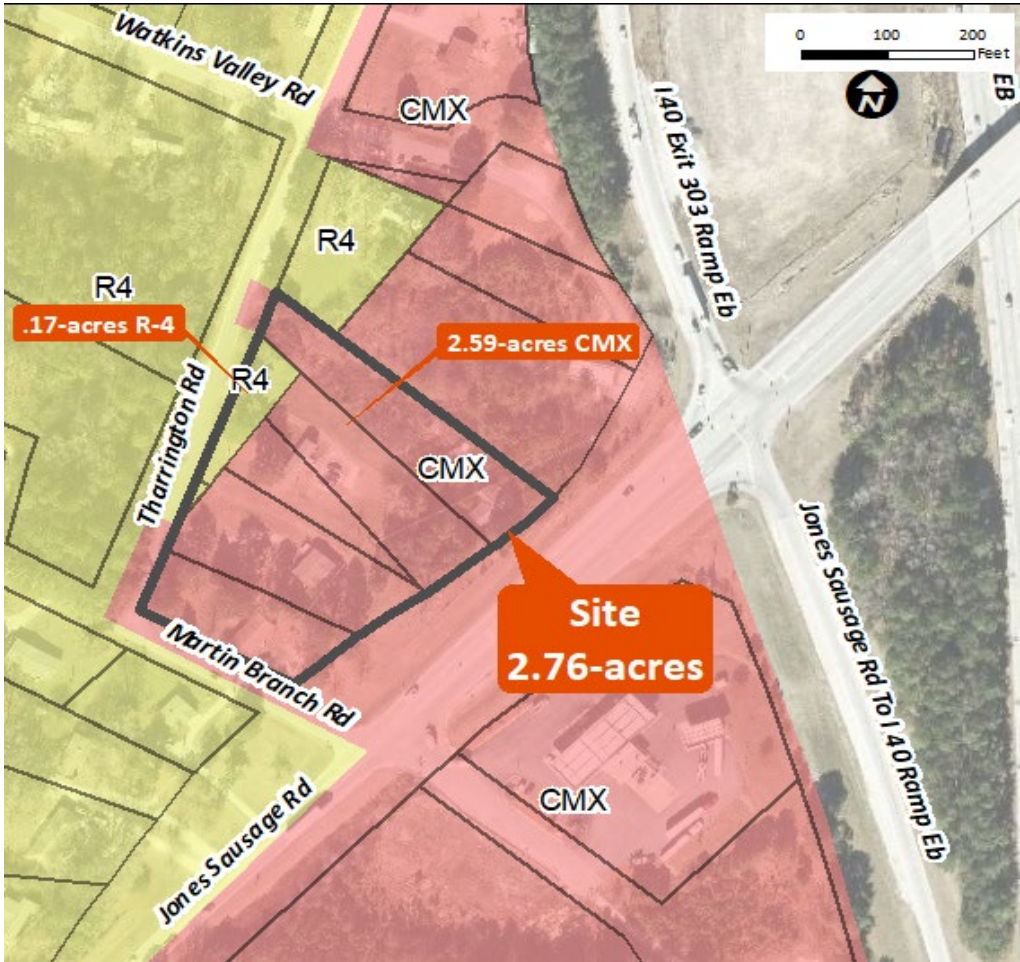


Street View



Adjacent Zoning & Land Use

North:	CMX Residential (and vacant)
South:	R4 Vacant and Residential
East:	CMX Commercial (Fuel Station)
West:	R4 Residential



Zoning History

Case	Applicant	Location	Zoning Change
CUD-Z-97-06	Charles Elam & Associates	Hay River Street	Heavy Industrial (I-2) to Multi Residential (MR-1)
CUD-Z-98-01	BD partnership	Jones Sausage Road	Heavy Industrial (I-2) to Service Business (SB C76) Conditional
CUD-Z-03-01	Jones & Cnossen Engineering, PPLC	Ashlyn Ridge Drive	Single-Family Residential (R-20) to Single-Family Residential (R-9 C118) Conditional
CUD-Z-05-05	CLH Design, P.A.	Jones Sausage Road	Residential Cluster District 3 (RCD-3 C107) Conditional to Residential 20 (R-20 C134) Conditional
CUD-Z-18-04	Garner Road Partners, LLC	White Oak Ridge Road	Single-Family Residential (R-20) to Multifamily Residential 2 (MF-2 C203) Conditional Use

Proposed Commercial Mixed Use (CMX 270) Conditional

1. Permitted Use Table (15 selected from the generally permitted list of 60):

Use Category	Specific Use	CMX
Overnight Accommodation	Hotel/Motel	P
Commercial, Office, Retail, Service	Medical Office	P
	Other Office Uses Not Listed	P
	Restaurant, Sit-down Establishment	P
	Restaurant, with Drive-In or Outdoor Curb Service	P
	Convenience Store, without Fuel Sales	P
	Convenience Store, with Fuel Sales	P
	Personal or Professional Services (up to 5,000 sqft ground floor footprint)	P
	Personal or Professional Services (> 5,000 sqft ground floor footprint)	P
	Banks or Financial Institution	P
	Banks or Financial Institution, with Drive-thru or Vehicular ATM	P
	Sales / Retail (no outdoor operations)	P
Industrial, Manufacturing, Warehousing, Waste Services and Transportation	Microbrewery / Microdistillery	P
	Minor Utility	P
	Concealed Telecommunication Facility	P

Proposed Commercial Mixed Use (CMX 270) Conditional

2. At the discretion of the Town of Garner Engineering Department, prior to issuance of a building permit and/or recordation of a subdivision plat (whichever is earlier), the property owner shall dedicate a sign easement adjacent to the Jones Sausage Road right of way of sufficient size for a 60-square-foot community service sign. The location of the easement to be granted to the Town under this condition shall be determined by the property owner. The easement granted to the Town pursuant to this condition may prohibit the Town from constructing a sign within the easement area that (a) is taller than other permitted freestanding signs on the property, or (b) would limit the property Owner's ability to place a freestanding sign along the property's Jones Sausage Road frontage.
3. Tractor units and semitrailer trucks shall not be permitted to park between the primary building(s) and Jones Sausage Road except when loading or unloading goods or equipment or refueling on site. To the extent that tractor units or semitrailer trucks are permitted to park elsewhere on the property, the parking area shall be screened from adjoining properties by a combination of evergreen trees and shrubs. Tractor units and semitrailer trucks permitted to park on the property shall be required to shut off their engines while parked.

Proposed Commercial Mixed Use (CMX 270) Conditional

4. The following uses shall provide two (2) electric vehicle charging stations: Hotel/Motel, Office Uses (including Medical Office), regardless of building size.
5. Exterior building materials for principal buildings shall be limited to brick, simulated brick, stone, simulated stone, concrete masonry, cementitious siding, wood, metal, and/or glass. Corrugated metal panels and vinyl siding shall not be installed on any building exterior.
6. Each principal structure shall have a stone or simulated stone wainscoting along the base of the building at least (36") in height.
7. Metal poles or supports for canopy structures and freestanding signs shall be boxed or otherwise screened.
8. The front façade of any primary building shall include at least one tower or similar feature that extends vertically at least 18 inches above the roofline. For the purposes of this condition, the roofline shall mean the top of the parapet or at the eave.

Overlay Notes

The Limited Access Highway Overlay applies to either side of I-40 within the Garner zoning jurisdiction, as well as to all future interstate development including the future I-540 and is measured from the outside right-of-way line of the roadway at its farthest point (including access ramps and interchanges and rights-of-way for those same areas) a distance of 1,250 feet, as shown on the Official Zoning Map.

The rezoning site is subject to the additional standards of this overlay district.

Community Information

Overall Neighborhood Character:

- This site is located at the intersection of Martin Branch, Tharrington and Jones Sausage roads, across from Speedway, LLC.
- Jones Sausage Road is transforming into a four-lane collector roadway and handles high volumes of traffic during the morning and afternoon peak hours.
- Jones sausage Road connects I-40 to neighborhoods, schools and commercial/industrial development further along the Jones Sausage Road corridor and ultimately to other minor collectors such as E. Garner, New Rand and Creech Roads.

Community Information

Traffic: For general context only, the NCDOT annual average daily traffic (AADT) count history in this area is as follows. These average counts are conducted every two years by NCDOT across the entire state and differ from TIAs which focus on peak hour only counts conducted primarily by privately contracted traffic engineers:

Jones Sausage Road

- Year 2011 – 13,000
- Year 2013 – 11,000
- Year 2015 – 15,000
- Year 2017 – 17,000
- Year 2019 – 18,000
- Year 2021 – 22,000

Martin Branch & Tharrington Roads

(not collected)

Community Information

Neighborhood Meeting: Staff identified 54 properties and 39 additional occupants within the notification radius as shown below and provided the list to the applicant for first class mailed notices.

The neighborhood meeting was held on March 30, 2023, at the Garner Senior Center at 205 E, Garner Road with 2 persons in attendance.

Information included in agenda packet.



Community Information

Public Hearing Meeting 1: Public Hearing Summary: The town council opened the public hearing on July 18, 2023. There were questions about the future land use plan and plan consistency, the status of the local area plan with the GEDC, GEDC's opinion on the plan, the effect of the rezoning on neighboring properties, and issues pertaining to the road network, planned road improvements, and potential signalization at this intersection.

There were comments from the public regarding potential road widening along Tharrington Road and comments from the chairman of the GEDC regarding the plan for the greater area, noting the area is called out as a “back door” to Garner in the CLUE plan.

The council voted 5-0 to continue the hearing to a future date.

Community Information

Garner Economic Development Corporation: At the July 17, 2023 Town Council Public Hearing the Garner Economic Development Corporation (GEDC) expressed concern about the rezoning of the Jones Sausage Assemblage due to a lack of information about the rezoning and the fact that the GEDC was planning a land use and transportation study of a larger area, including the Assemblage. Since that time the GEDC has advanced its study and is close to issuing a "proceed order" to a consultant team. Further, the GEDC has a better understanding of the rezoning request and a comfort level about working with the property owner during GEDC's study. The owner of the Jones Sausage Assemblage will be invited to be a member of the study's Property Owner/Stakeholder Committee. The GEDC understands the need for proceeding with the rezoning (CZ-23-01) public hearing, and has no objection.

Plan Consistency (PC Meeting)

When considering a rezoning request, the Planning Commission is required by state statute to make a written recommendation regarding the consistency of the zoning proposal with the Town's current Comprehensive Plan and other applicable adopted plans. Specifically, a comprehensive plan is only advisory in nature and has no independent regulatory effect; nor does it expand, diminish or alter the scope of the Town of Garner UDO. A determination of inconsistency with the Plan does not preclude a rezoning request from being found to be reasonable. In those cases where the request is deemed inconsistent yet reasonable, an amendment to the Comprehensive Plan is automatically made upon approval of the request.

Staff offers that the Planning Commission shall review consistency with the following plans:

- 2018 Garner Forward Comprehensive Plan

Reasonableness (TC Action Meeting)

In addition to approving a statement regarding plan consistency upon the advice of the Planning Commission, the Town Council must also approve a statement of reasonableness when making their decision. Sources of reasonableness may include other sections of the 2018 *Garner Forward Comprehensive Plan* providing guidance on keeping the Town's character, living spaces, working places, recreation opportunities and transportation. Other adopted Town plans and policies providing guidance on parks, greenways, cultural resources and more may serve as sources as well. The Town Council may find that a rezoning request furthers the efforts to achieve specific goals and objectives stated within these plans and policies; and thereby render said request a reasonable one. The converse may also apply.

Public Hearing Recommendation

Staff recommends that once the Town Council has heard comments, concerns and questions from the general public that Conditional Zoning request CZ-23-01 be referred to the Planning Commission for their review and recommendation regarding plan consistency.

