

# Dougher Light Industrial

Conditional Zoning  
CZ-MP-23-01

---

Town Council  
December 5, 2023

# General Case Information

Applicant: Alex Hale, Windsor Commercial

Owners: Dougher Properties 2 LLC

Location: E Garner Rd

Tract Size: 3.75 +/- acres

Request: Tier 2 (Master sketch plan + written conditions)

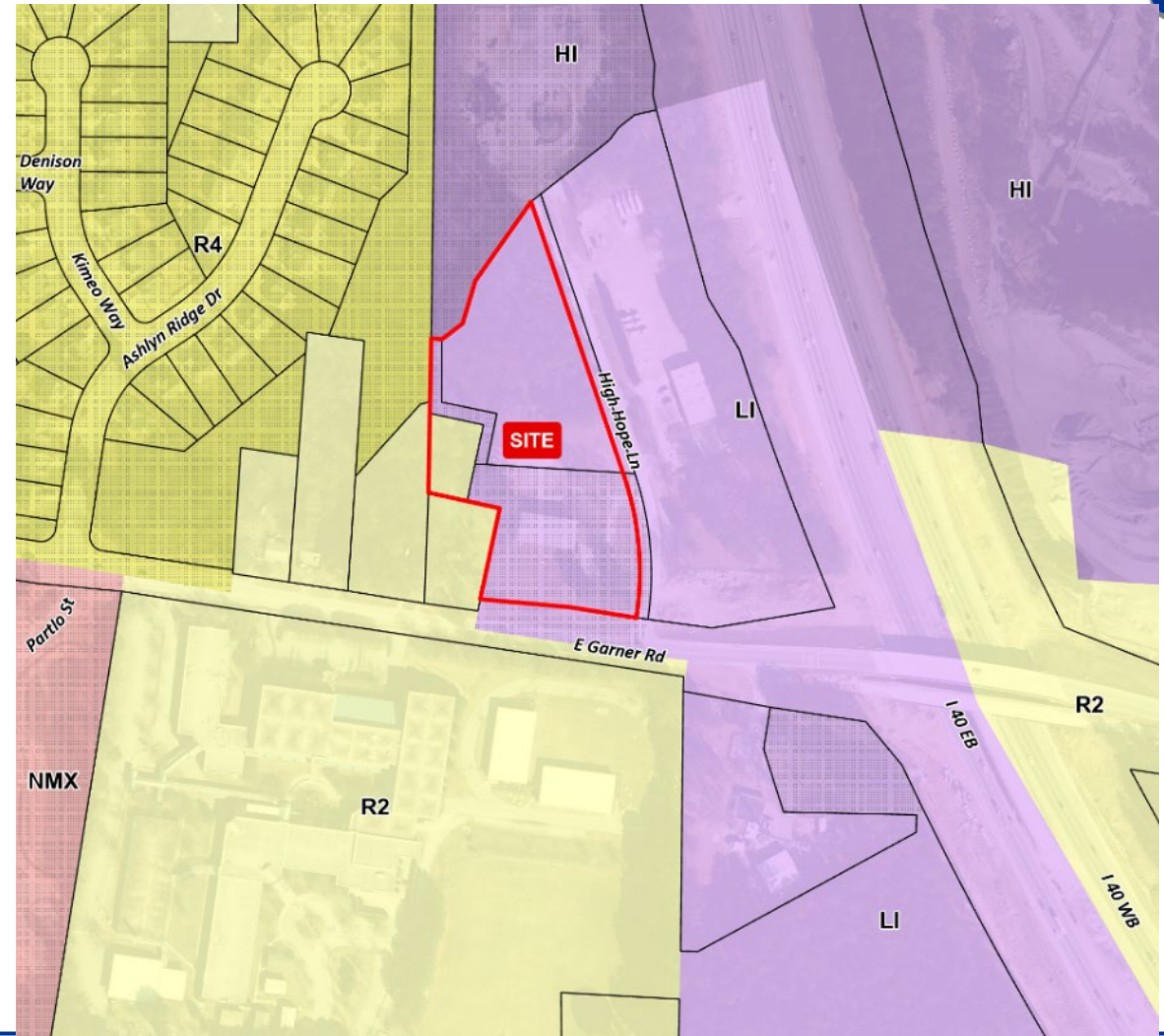
Conditional rezoning request (CZ-MP-23-01) submitted by Windsor Commercial to rezone 3.75 +/- acres from Residential 2 (R2), Light Industrial (LI), Light Industrial (LI C14) Conditional, and Light Industrial (LI C73) Conditional to Light Industrial (LI C271) Conditional for the development of an additional industrial shell building.

# Site Location (Aerial)



# Adjacent Zoning & Land Use

<b>North:</b>	<b>HI</b> <b>ST Wooten Co</b>
<b>South:</b>	<b>LI/R2</b> <b>Industrial/ E Garner</b> <b>Middle School</b>
<b>East:</b>	<b>LI</b> <b>ST Wooten Co</b>
<b>West:</b>	<b>R2/R4</b> <b>Single Family</b> <b>Ashlyn Subdivision</b>



# Proposed Zoning and Conditions

- The following is a list of permitted uses in the LI C271 district:

Use Category	Specific Use	LI C271
<b>Civic and Institutional</b>	Assembly, Civil, Service Fraternal Clubs, Lodges, and Similar Uses	P
	Higher Education	P
	Ambulatory Health & Emergency Care Facility	S
	Religious institution	P
<b>Recreational and Entertainment</b>	Indoor Athletic or Entertainment Facility (not theater)	P
	Outdoor Athletic or Entertainment Facility	S

# Proposed Zoning and Conditions

<b>Commercial, Office, Retail, Service</b>	Other Office Uses Not Listed	P
	Medical Office	P
	Convenience Store, with Fuel Sales	P
	Personal or Professional Services (up to 5,000 sq. ft. ground floor footprint)	P
	Personal or Professional Services (<5,000 sq. ft.)	P
	Sales/Retail (no outdoor operations)	P
	Sales/Retail (with outdoor operations up to 25% of total sales area)	P
	Parking Lot or Deck, Commercial	P
	Self Storage, Mini Storage	P
	Veterinarian / Kennel, Indoor	P
	Veterinarian / Kennel with Outdoor Operations	S
Vehicle Sales, Retail, Service, Repair	P	

# Proposed Zoning and Conditions

Industrial, Manufacturing, Warehousing, Waste Services and Transportation	Flex Space, Other Light Industrial, Manufacturing, Warehousing, or Transportation Not Listed	P
	Microbrewery / Microdistillery	P
	Wholesale Sales	P
	Industrial, Manufacturing, or Production, Indoor Only	P
Utilities	Minor Utility	P
Agriculture and Miscellaneous	<del>Greenhouse, Nursery (commercial), Outdoor Operations</del>	<del>P</del>

Planning Commission noted this use not permitted in overlay – removed from conditions.

# Proposed Zoning and Conditions

2. 100% of plant material shall be native species.
3. EFIS shall be limited to 25% of the building.
4. SCM fence shall be black aluminum picket type.



# Master Plan General Information

Area: 3.75 +/- acres

Units/Bldg Size: Existing 5,000 sq. ft. building  
Proposed 16,000 sq. ft. building

## Lots and Setbacks:

Minimum lot width: 100 Feet

Front setback: 50 feet

Side setback: 25 feet

Rear setback: 50 feet

Corner side setback: 35 feet

Maximum height: 50 feet

# Master Plan

Perimeter Buffers

Stream Buffer

Proposed Building

Cross access easement

Existing Building

Multiuse Path



# Planning Commission Discussion

The Planning Commission conducted their meeting on November 13, 2023.

Questions/comments included:

- clarifications of property lines,
- clarifying a typo on the neighborhood meeting summary, and
- removing commercial greenhouse operations since they are prohibited by the CHO.

# Future Land Use Map

## 2018 Garner Forward Plan – **CONSISTENT:**

The site of the request is designated as a Light-Industrial Center (LIC). Light Industrial Centers support small to medium -scale, on-site manufacturing and production uses including warehousing, light manufacturing, distribution, medical research /laboratory, and assembly operations.

These areas are almost exclusively found near major transportation corridors to support delivery to individual customers or other transport, distribution, or manufacturing/ assembly centers. Noise attenuation is seldom required, and buffering is typically vegetated landscaping to shield loading and outdoor storage areas from nearby property owners.



# Consistency with other Plans

## *2010/18 Garner Transportation Plan - **CONSISTENT:***

The project will have two points of access on High Hope Lane, a private access easement. Curb, gutter and a multi-use path will be required along the E Garner Road frontage. With these improvements, this project may be considered consistent with the Transportation Plan.

## *Parks, Recreation, Greenways and Cultural Resources Master Plan – **CONSISTENT:***

The site does not fall within a designated park land search area. However, Garner Road is identified as a greenway corridor, so with the sidewalk requirement along East Garner Road being upgraded to a 10' asphalt side path, this proposal may be considered consistent with the PRGCR Master Plan.

# Consistency Statement

On a unanimous vote of 5-0, the Planning Commission voted to accept the following consistency statement drafted by staff and recommended approval of CZ-MP-23-01 to the Town Council:

“We, the Planning Commission, accept the staff’s consistency analysis and find this request to rezone 3.75 +/- acres from Residential 2 (R2), Light Industrial (LI), Light Industrial (LI C14) Conditional, and Light Industrial (LI C73) Conditional to Light Industrial (LI C271) Conditional for the development of an additional industrial shell building – as illustrated in the applicant’s proffered use conditions and master plan – is consistent with the Town of Garner’s adopted plans, including the Future Land Use Map’s designation of Light Industrial Center.”

## 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.

# Reasonableness Staff Commentary

In addition to findings of plan consistency, staff would also note the following in support of a motion to approve CZ-MP-23-01 as presented:

1. The proposed industrial uses are a continuation and expansion of current on-site operations that involves a minimal expansion of the existing Light Industrial zone.



# Recommended Motion

Refer to worksheet beginning on **Page 77** of your packet for motion to approve or deny CZ-MP-23-01, Dougher Light Industrial

<p><b>1. CONSISTENT AND REASONABLE</b></p>	<p>“I move that the Town Council accept the Planning Commission’s written statement regarding consistency of the zoning amendment request with adopted land use plans, detailed in Section VI of the staff report, as our own; and I further move that the Town Council adopt Ordinance No. (2022) _____ approving rezoning <b>CZ-MP-23-01</b>, as the request is reasonable and in the public interest because it will likely ( _____ <i>select all applicable reasonableness options on next page and/or provide your own reasoning</i> _____ ).”</p>
<p><b>2. CONSISTENT BUT NOT REASONABLE</b></p>	<p>“I move that the Town Council accept the Planning Commission’s written statement regarding consistency of the zoning amendment request with adopted land use plans, detailed in Section VI of the staff report, as our own; however, I also move that the Town Council deny rezoning <b>CZ-MP-23-01</b>, as the request is not reasonable nor in the public interest because it will likely not ( _____ <i>select all applicable reasonableness options on next page and/or provide your own reasoning</i> _____ ).”</p>



# Master Plan

