

Vintage Garner

Conditional Zoning
CZ-MP-22-14

Town Council Public Hearing
December 19, 2023

General Case Information

Applicant: Thomas H. Johnson, Jr. - Attorney (Williams Mullen)

Owners: Lee & Hudgins Enterprises, LLC

Location: Fayetteville Road (US 401)

Tract Size: 43.26 +/- acres

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

To rezone approximately 43.26 +/- acres from Light Industrial (LI) and Rural Agricultural (RA) to Commercial Mixed Use (CMX C274) Conditional for a mixed-use development of a maximum of 654 multi-family units and 40,000 square feet of commercial space.

Site Location (Aerial)

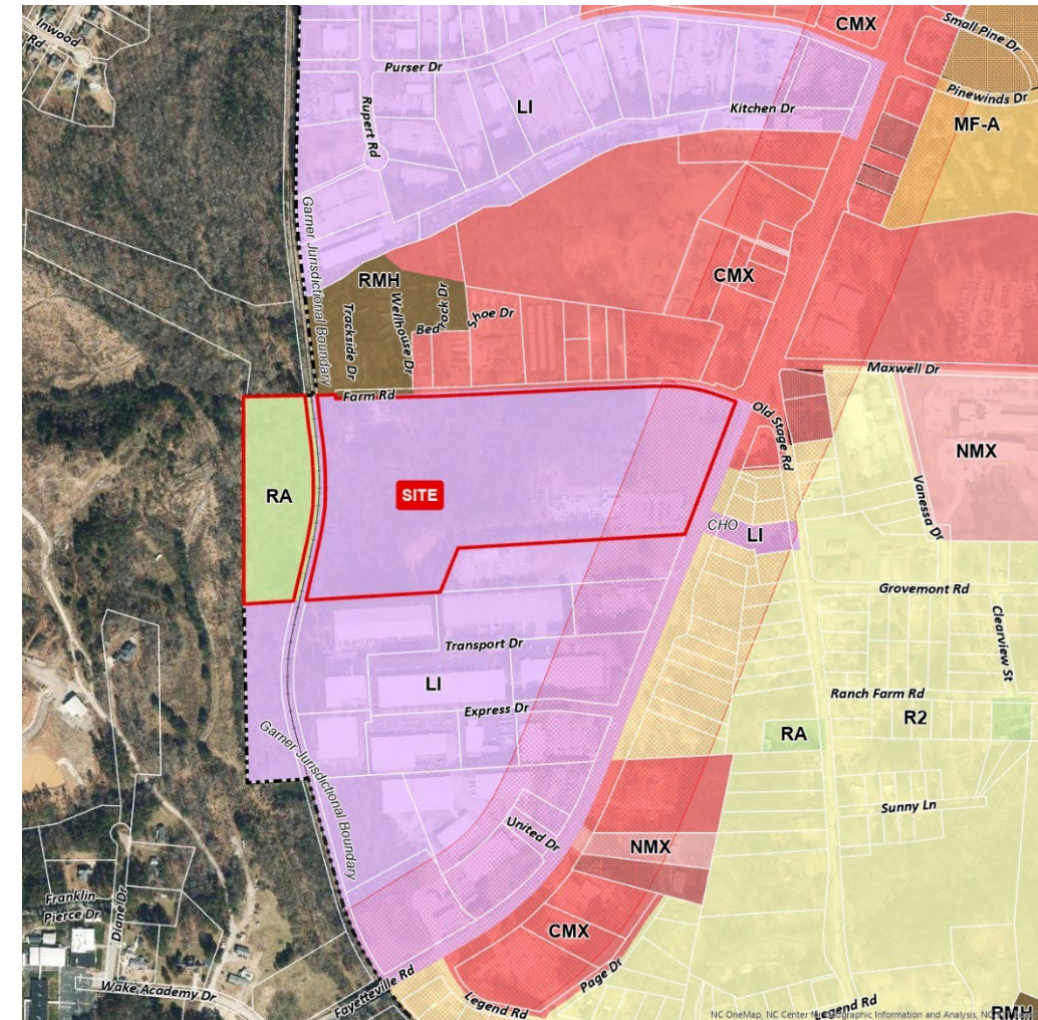


Site Location (Street View)



Adjacent Zoning & Land Use

North:	CMX Residential, Mini Storage, Retail
South:	LI Industrial
East:	CMX/R2/LI Convenience Store with fuel sales, vacant
West:	R-40W Landfill



Zoning History

Case	Applicant	Location	Zoning Change
CUD-Z-96-5	Town of Garner	Fayetteville Road	R-40 to SB-C22
CUD-Z-89-3	Longbranch Development Company	Malibu Drive	R-40W & 80W, R-40W, R-40 & 80W, and R-40W to R-12PR-C29, R-12PR-C29, SB-C30 and SB-C30
PD-Z-14-01	Tony M. Tate	Fayetteville Road (Swift Creek Station)	SB C-22, Residential-12 PR C-54, Residential-12 PR C-29 to TND C-2
PD-Z-19-01	Forsyth Investments Company, LLC	Georgia's Landing	Single-Family R-40 to (PRD C6)
CZ-22-06	Four O One South LLC	Fayetteville Road	Wake County HD to Garner LI C268
CZ-MP-22-04	Swift Creek Apartments, LLC	Fayetteville Road	CMX and R4 TND C2 to CMX C261 and MF-B C261

Existing Zoning Summary

The site is currently zoned **Light Industrial (LI)** and **Rural Agricultural (RA)**.

The Light Industrial (LI) District is intended to provide for a limited range of low-intensity industrial uses that are not noxious or offensive due to odors, smoke, dust, noise, fumes, or vibration. Operations are restricted to inside a building with outdoor storage prohibited.

The Rural Agricultural (RA) District primarily accommodates agriculture, silviculture, and rural residential (aka large-lot single-family residential) uses. Other uses typically found in rural areas, including utility structures and other compatible uses are also found in the district. Properties zoned RA are typically found in areas outside the Town's corporate limits where public water and sewer services are not readily available.

Existing Zoning Summary - Overlay District

This property falls within the **Commercial Highway Overlay (CHO)** district.

The Commercial Highway Overlay (CHO) District was established to:

- 1) Provide for functional, efficient transportation corridor;
- 2) Expand economic opportunity;
- 3) Protect community character; and
- 4) Preserve and promote the community's appearance and quality.

The overlay is explained in Article 5.14.2. of the Unified Development Ordinance. None of the prohibited uses are proposed for conditional inclusion.

Proposed Zoning and Conditions

1. The following is a list of permitted uses in the CMX C274:

Use Category	Specific Use	CMX C274	
		Res	Comm
Residential Use**	Multifamily (> 4 Units Per Structure or over 2,500 sq ft footprint)	P	-
	Upper Story Residential	P	-
	Security or Caretaker's Quarters	P	-
	Group Care (with More than 9 residents)	P	-
Civic and Institutional	Assembly, Civil, Service Fraternal Clubs, Lodges and Similar uses	-	P
	Library, Museum, Art Gallery	-	P
	Community Center	-	P
	Emergency Services	-	P
	Hospice	-	P
	Hospital	-	P
	Ambulatory Health & Emergency Servies	-	P
	Religious Institution	-	P
	Other Civic and institutional uses not listed	-	S

*** Any form of group living protected by state or federal statute for use in single-family dwellings shall be permitted according to the specific use standards of the Garner Unified Development Ordinance.*

Proposed Zoning and Conditions

Use Category	Specific Use	CMX C274	
		Res	Comm
Commercial, Office, Retail, Service	Convenience Store, without Fuel Sales	-	P
	Convenience Store, with Fuel Sales	-	P
	Other Restaurant and Food Service Uses Not Listed	-	P
	Day Care Center	-	P
	Gym, Spa, or Pool	-	P
	Personal or Professional Servies (up to 5,000 sq. ft. ground floor footprint)	-	P
	Personal or Professional Services (> 5,000 sq. ft. 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
	Sales / Retail (with outdoor operations up to 25% of total sales area)	-	P
	Veterinarian / Kennel, Indoor	-	P
	Veterinarian / Kennel, with Outdoor Operations	-	P

Proposed Zoning and Conditions

Use Category	Specific Use	CMX C274	
		Res	Comm
Recreation and Entertainment	Indoor Athletic or entertainment Facility	-	P
	Outdoor Athletic or Entertainment Facility	-	P
	Public Park, Passive open Space, Nature Park	-	P
	Other Indoor Recreational and Entertainment Uses not Listed	-	S
Industrial, Manufacturing, Warehousing, Waste Services and Transportation	Microbrewery / Microdistillery	-	P
Utilities	Minor Utility	P	P
	Telecommunications Facility	P	P
	Concealed telecommunication Facility	P	P

Proposed Zoning and Conditions

2. Maximum building height for multifamily buildings shall be 57 feet and may be attained in accordance with provisions of UDO Section 5.6.8.C by providing increased building setbacks beyond the minimum required, as shown on master plan approved as part of conditional rezoning case CZ-MP-22-14.
3. Buildings 1 and 8 as shown on the master plan approved as part of conditional rezoning case CZ-MP-22-14 will have a minimum 2,500 square feet of coworking space each.
4. EV parking spaces shall be provided within the Residential and Commercial areas shown on the master plan approved as part of conditional rezoning case CZ-MP-22-14 at a rate of 1 EV space per 50 parking spaces (garages not included); locations and details to be determined and shown on the site plan submitted for review of this development.

Proposed Zoning and Conditions

5. Applicant shall provide a mural on the side of one of the commercial/retail buildings interior to the site, with details regarding location and timing to be determined and shown on the site plan submitted for review of this development.
6. All plant material to be installed in the development shall consist of native/non-invasive species, with details regarding plant type, location and timing of installation to be determined and shown on the site plan submitted for review of this development.
7. An enhanced pedestrian corridor with associated design elements including pedestrian-scale lighting shall be provided consistent as shown on the master plan approved as part of conditional rezoning case CZ-MP-22-14, with details to be determined and shown on the site plan submitted for review of this development.

Proposed Zoning and Conditions

8. Fencing to be installed around the SCM will be consistent with UDO requirements and shall be determined and shown on the site plan submitted for review of this development.
9. An additional ten feet (10') shall be added to the required Neuse River Riparian Buffer and shown on the site plan submitted for review of this development.
10. A shared parking agreement consistent with UDO provisions/requirements will be provided between the multi-family residential use area and the commercial use area shown on the master plan approved as part of conditional rezoning case CZ-MP-22-14, with details regarding parking agreement to be determined and shown on the site plan submitted for review of this development.
11. All multifamily buildings will have a flat roof, with HVAC equipment mounted on the roof and screened by parapet walls.

Proposed Zoning and Conditions

12. All multifamily and commercial/retail entrances will include annual planting beds to be changed out at least two times per year.
13. A trail will be provided around the SCM as shown on the master plan approved as part of conditional rezoning case CZ-MP-22-14, with details regarding specific location and material to be determined and shown on the site plan submitted for review of this development.
14. A dog park amenity area containing a minimum of 3,000 square feet will be provided as part of Phase 1 or Phase 2 of the multi-family portion of the development, with details regarding specific location and design to be determined and shown on the site plan submitted for review of this development.

Proposed Zoning and Conditions

15. A minimum of 10,000 square feet of active outdoor open space will be provided at buildings containing leasing and indoor amenities for the residential units including but not limited to a swimming pool, corn hole, bocce ball, etc. Location(s) and other use/design details regarding the active outdoor space will be determined and shown on the site plan submitted for review of this development.
16. A public plaza containing a minimum of 4,000 square feet will be provided adjacent to commercial development on Lot 1 or Lot 2 shown on the master plan, with details regarding specific location(s) and other design-related details to be determined and shown on the site plan submitted for review of this development.

Community Information

Overall Neighborhood Character: A mixed area of existing residential, light industrial and highway-oriented development. The area is heavily influenced by US 401 as the primary traffic facility in the immediate vicinity.

Traffic: The project will have approximately 700 feet of frontage along Fayetteville Road and 1,800 feet of frontage along Farm Road to be widened and improved. As general background information only, the NCDOT average daily traffic count history in this area is as follows:

<i>Fayetteville Road</i>	• Year 2011 – 28,000	• Year 2017 – 30,000
	• Year 2013 – 28,000	• Year 2019 – 32,500
	• Year 2015 – 30,000	• Year 2021 – 30,500

Community Information

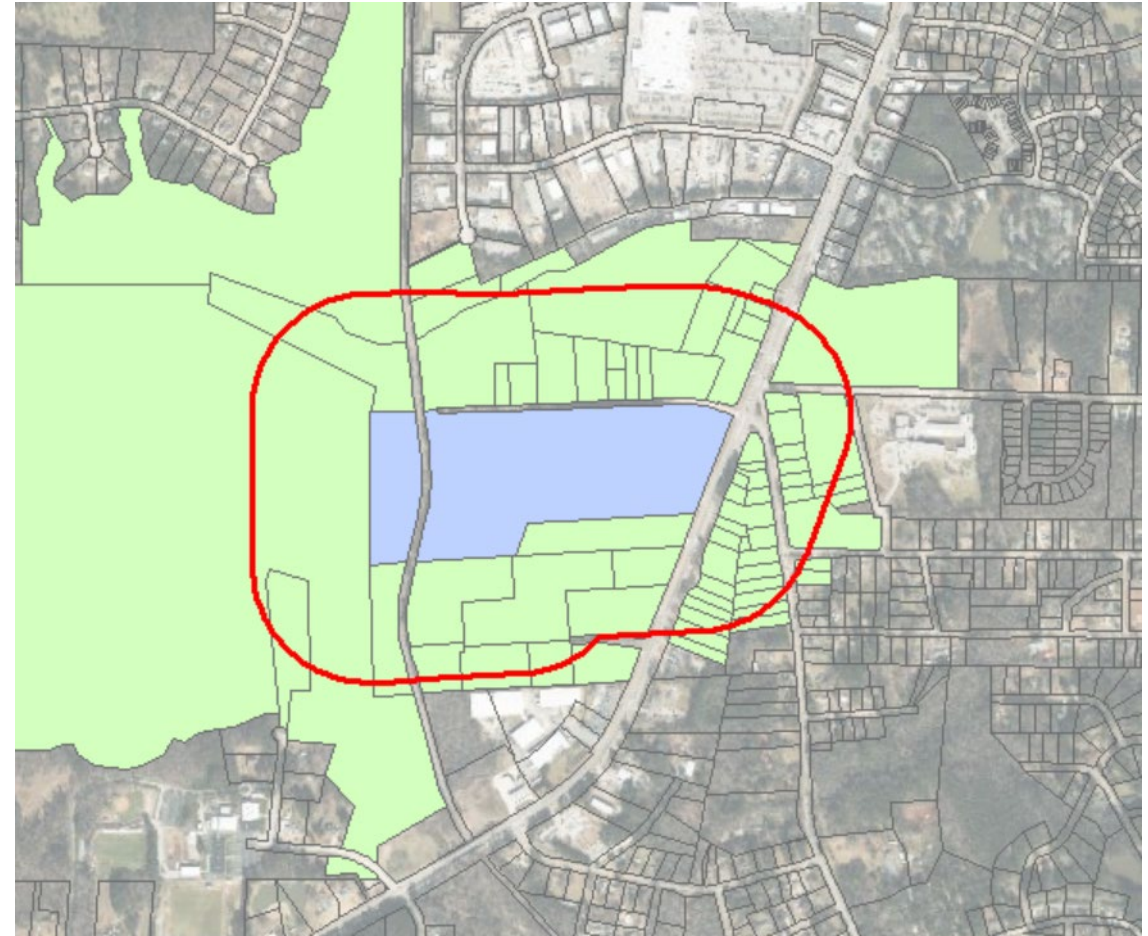
Traffic: A traffic impact analysis (TIA) was required by both the Town and NCDOT. It was completed in November of 2022. NCDOT's Congestion Management Unit recommended:

- the addition of an additional left turn lane on Farm Road,
- an additional south bound right turn lane at the intersection of Farm Road and US 401,
- a dedicated southbound right-turn lane at site driveway 1, and
- an additional U-turn lane at the Leonard Building's driveway south of the project boundary.

Community Information

First Required Neighborhood Meeting: A neighborhood meeting was held October 6, 2022, at 6:00 PM in the Avery Street Recreation Center. All owners and occupants within 800 feet were invited via first class mail notice. There were approximately 3 people in attendance.

Second Required Neighborhood Meeting: A neighborhood meeting was held April 12, 2023, at 6:00 PM in the Avery Street Recreation Center. There were approximately 3 people in attendance.



Public Hearing Summary - Oct 17

Council questions and concerns revolved around:

- clarifying the location of site driveways off Farm Road,
- clarifying building height maximums, and receiving a verbal commitment from the applicant that these will be 4-story elevatored apartment buildings,
- asking if any of the units will be designated for workforce housing,
- clarifying if this project falls within the critical Swift Creek Watershed area and the stormwater quantity and quality requirements,
- commenting that capture of the 100-year storm had been proffered another project to the south,
- questioning the sizes and nature (e.g. passive vs. active) of amenity/open spaces,

Public Hearing Summary - Oct 17

- requesting a large open green space for children to play,
- commenting on an appreciation for the inclusion of commercial acreage along the 401 frontage,
- questioning if the commercial area meets the intent of the Garner Forward comprehensive plan,
- questioning the process for parking reductions,
- clarifying the proposed phasing and property lines shown on the plan.

The Town Council continued the public hearing to their regular meeting of November 21, 2023, on a vote of 5 to 0.

Public Hearing – Nov 21

At the request of the applicant, the Town Council continued the public hearing to their regular meeting of December 19, 2023, on a vote of 5 to 0.

Master Plan General Information

Area: 43.26 +/- acres
Residential: 37 +/- Acres
Commercial: 6 +/- Acres

Units/Bldg Size:

Multifamily: 654 units max. (~15.29 du/acre)
Commercial: 40,000 sq ft retail/commercial

Master Plan General Information

Lots/Setbacks:

CMX – Large Residential Structures:

Front setback: 10'
 Side (all) setback: 10' (also see building separation)
 Rear setback: 20'

All setbacks increase 10' adjacent to lots with single-family detached or duplex residential units.

Maximum height: 45' (up to 57' w/ additional setback)

Building Separation: 20' min.

CMX – Non-residential Structures:

Front setback: 15'
 Side setback: 10' (also see building separation)
 Corner Side setback: 15'
 Rear setback: 25'

All setbacks increase 10' adjacent to lots with single-family detached or duplex residential units.

Maximum height: 45' (unlimited w/ add'l setback and SUP)

Building Separation: 20' min.

Project Master Plan



Project Master Plan



Project Master Plan



Landscape/Buffer Requirements

Tree Canopy Cover: Sliding scale from 18-20% to be met. Master Plan envisions 20% (8.20 +/- acres) of preservation.

Perimeter Buffers:

- 15' perimeter buffer along southern property line
- Street buffer along Farm Road
- Street buffer along US 401

Street Trees: Must be provided approximately every 40 feet along all roadways. Additional street trees to be provided in Vehicle Service Areas along property lines at a rate of approximately 1 every 40 feet.

Parks & Open Space

Total open space required: 10% (4.24 +/- acres min.)

- Total open space planned: Master Plan envisions 14% (6.3 +/- acres)
- Active open space required: (25% of total required) 1.06 acres.
- Active open space provided: 2.24 acres

Open space areas will be maintained by the property manager. The required open space will be met with a combination of qualifying conservation areas and recreation space. Recreation space will consist of a **minimum 0.16 +/- acre dog park, two 0.75 +/- acre pools and associated amenities, 0.58 +/- acre parklet including 150ft x 60ft open play field, playground, and dog park, private trails, a public plaza.**

Parks & Open Space



Environment & Floodplain

There are FEMA designated floodplains and an associated 50-foot conservation buffer at the western boundary of the project, adjacent to the railroad. This area of the property is reserved for stormwater management and tree preservation.



Infrastructure: Water/Sewer

The site will be served by City of Raleigh water and sewer infrastructure. Water will connect to existing service in US 401 and the line will be extended through the site and along public streets. A new sanitary sewer pump station will be installed on site with a force main feeding into existing lines in Maxwell Drive. Sewer lines will be extended to adjacent and upstream properties per the Raleigh Water policy.



Infrastructure at Preliminary Plat Review

- Lighting for streets and common areas required to meet UDO regulations.
- Stormwater management devices to meet UDO regulations.
- Water lines and hydrant spacing required to meet Garner Fire and Raleigh Water rules and regulations.
- All landscaping and parking requirements will also be verified.

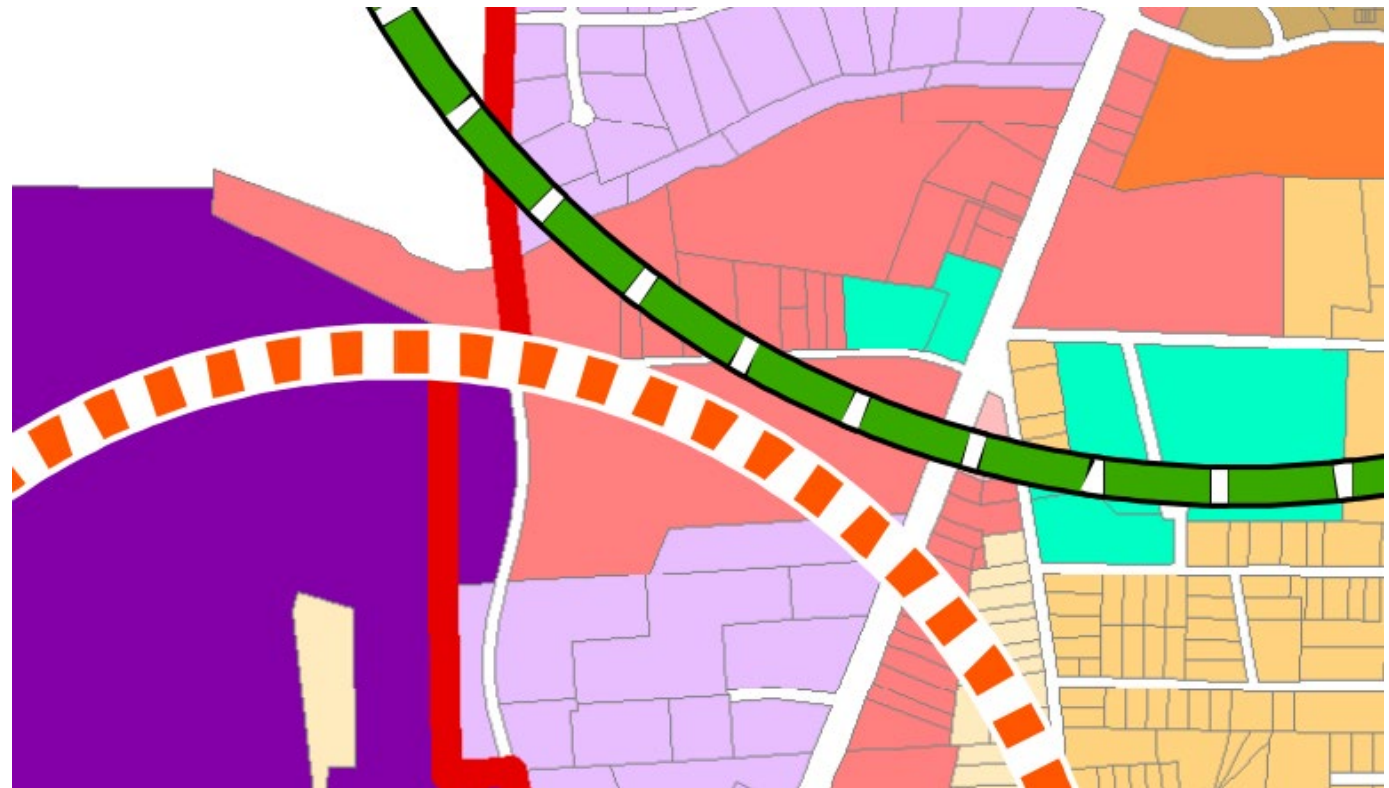
Plan Consistency (PC Meeting)

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. These plans include:

- 2018 Garner Forward Comprehensive Plan
- 2010/18 Garner Transportation Plan
- Parks, Recreation, Greenways and Cultural Resources Master Plan

Plan Consistency (PC Meeting)

Preview of 2018 Comp Plan's Future Land Use Map: (site is currently designated as corridor commercial in red, while being at the edge of both a mixed-use and commercial focus area of change)



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.

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-MP-22-14 be referred to the Planning Commission for their review and recommendation regarding plan consistency.