

Ackerman Road

Conditional Zoning

CZ-MP-22-06

Town Council Meeting
January 16, 2024

General Case Information

Applicant:	Construction Masters, LLC
Owners:	Construction Masters, LLC
Location:	0 Ackerman Road
Tract Size:	7.57 +/- acres
Request:	Tier 2 (Master sketch plan + written conditions)

To conditionally rezone 7.57+/- acres from Single-Family Residential (R-40) to Single-Family Residential 9 Cluster(R-9 C255) Conditional not to exceed 21 single family dwelling units. The site is located at and adjacent to 1932 Ackerman Road and may be further identified as Wake County PINs 1629381473 and 1629380782. Zoning conditions are proposed that restrict the range of permissible uses, and architectural and other conditions are also proposed.

Site Location (Aerial)



Bingham Station
Subdivision

Bryan Road
Elementary

Ridgemoor
Subdivision

Adjacent Zoning & Land Use

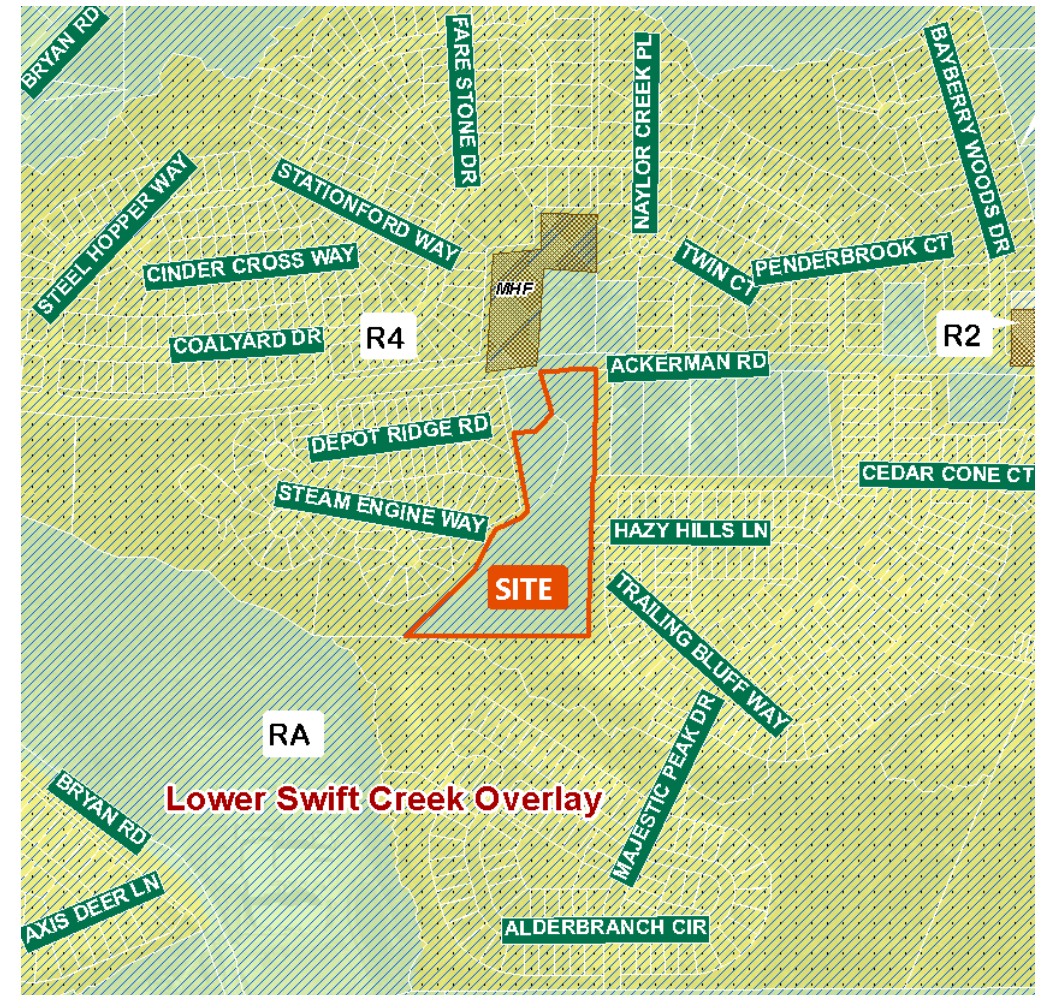
Adjacent Zoning and Land Use:

North: RA / Single-Family

South: R4 / Vacant

East: R4 / Ridgemoor Subdivision

West: R4 / Bingham Station



Proposed (R-9 C255)

1. Permitted use table:

Use Category	Specific Use	R-9 C255
Residential Use**	Single-Family Detached	P
	Residential Cluster Subdivision	P

*** 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.*

- All single-family homes shall have at least a 2-car garage. Garage doors shall have carriage door hardware and windows.
- Accent light fixtures a minimum of 8-inches wide or 8-inches tall shall be required above all single-family garage doors.

Proposed (R-9 C255)

4. If masonry is not the predominant single-family first floor finish (greater than 50%), then the front elevations shall have two types of fiber-cement siding patterns, i.e. lap and shake or board and batten.
5. No vinyl siding shall be allowed for single-family homes.
6. At a minimum, all single-family homes shall have at least a 24-inch stone/masonry water table on the front façade.
7. Each single-family home must have a masonry foundation with crawl space (not including garage), turn down slab, or stem wall slab foundation with a minimum height of 12 inches with brick or stone veneer on front and sides.
8. Single-family front elevations with cantilevered projection shall include cosmetic brackets or shelf supports directly beneath it.

Proposed (R-9 C255)

9. All single-family homes shall have a minimum 8-inch eave on the front and rear façade with a minimum 8-inch roof overhang on all sides.
10. An outdoor deck, patio, or screened porch, a minimum of 100 square feet is required as part of all single-family homes.
11. A projecting covered front porch, a minimum of 20 square feet, is required as part of all single-family dwelling units.
12. All single-family dwelling units shall have at least one trimmed window per habitable floor on the side elevation. Window trim shall be a minimum 1X4 board.
13. No more than 21 single family homes will be constructed on the property

Overlay Note

This property falls within the Lower Swift Creek Overlay (LSC) District. The overlay is explained in Article 5.14.3 of the Unified Development Ordinance.

The maximum impervious surface coverage of the new residential development projects and new non-residential development projects, which are defined as those projects approved or permitted after May 31, 2005, are as follows:

- New single-family detached residential subdivision development projects shall be limited to a maximum of 30 percent total impervious surface area.
- New multifamily residential development projects defined to include townhomes, condominiums, apartments, or other attached multifamily housing units shall be limited to a maximum of 50 percent total impervious surface area.

Master Plan

Acreage: 7.57 +/- acres

Max Density:

R-9: 3.0 du/acre

Stream buffer

Single Family Detached Lots



LEGEND:

█	TOWNHOME
█	SINGLE-FAMILY HOME
█	ADJACENT PROPERTY

Lots / Setbacks

Single Family Detached in R-9:

Minimum lot width: 60'

Minimum lot area: 9,000 sqft

Front setback: 25'

Side setback: 6' min/15 combined

Rear setback: 20'

Corner side setback: 20'

Building Height: 35' Max

Cluster residential in R-9:

Minimum lot width: 50'

Minimum lot area: 6,000 square feet

Front setback: 20'

Side setback: 10'

Future Land Use Map

2018 Garner Forward Plan –**CONSISTENT:**

This site is designated as medium density residential (MDR). The MDR designation includes single-family, duplex, triplex, quadplex, and townhome-style residences with no less than two and a half (2.5) nor more than five (5) units per acre. The MDR district encourages context sensitive residential uses that preserve and enhance the culture of adjacent residential communities. This zoning request for R-9 conditional can be considered consistent with both the use and density of the as medium density residential designation



Plan Consistency

2010/18 Garner Transportation – CONSISTENT:

The Town's transportation plan calls for sidewalks along Ackerman Road as a pedestrian recommendation. This project will install curb, gutter, and sidewalks. With these improvements, this project can be considered consistent with the Transportation Plan..

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

The site is not designated as a park land search area. In addition, there is no proposed greenway corridor proposed for this location; therefore, this rezoning master plan can be considered consistent with the PRCR Master Plan.

Public Hearing Summary (December 20)

The Town Council conducted a public hearing at their meeting on December 20, 2022.

- There were questions about the open space calculations and what spaces qualify, the building locations and distance from the right of way, the proposed density, and the buffered stream.
- Comment of concern about setting a precedent for the density of infill development in this area (regarding the previously proposed townhomes and single-family masterplan)
- There were comments from the public regarding opposition to the townhomes (previously proposed), density, protection of the creek, connection to stub street in Bingham Station, and sight distance/ limited visibility along Ackerman Rd.

The Town Council closed the public hearing and by a vote of 4 to 1 recommended the conditional rezoning request be sent to the Planning Commission.

Plan Consistency (PC Meeting)

October 9, 2023 – Points of Discussion

- Asking how this proposal compares to the adjacent subdivisions in terms of density and lot size;
- Clarifying that the dwelling units per acre calculation included the portion of the property where there is a buffered stream;
- Commenting that the town may need to lead a project to fill in sidewalk gaps along Ackerman Road;
- Inquiring about the stormwater and the flow of water across the site;
- Inquiring about any existing wetlands on the property and the proposed drainage easements and clarifying that those easements would also function as maintenance and access easements;
- Asking if any runoff from the adjacent property would be captured through this development;
- Asking for clarifications about the stream crossings, the proposed mail kiosk locations, and the road improvements along Ackerman Road;

Plan Consistency (PC Meeting)

- Inquiring about the dimension of roof overhangs, the number of homes allowed to be built on site, the building materials, number of windows, and the orientation of the homes;
- Suggestion to position the homes to maximize natural light and energy efficiency;
- Inquiring about the open space, passive recreation areas, and if there is any wildlife present in the stream;
- Suggestion to limit mass grading of the site and work to preserve more trees around the perimeter; and
- Clarifying the naming of the subdivision since there is no vehicular connection between the north and south portion of the project.
- Questions and comments from the public included:
- Expressing concerns related to stormwater, tree preservation, and traffic/safety.

December 11, 2023: the case was briefly discussed to clarify that the masterplan utilizes the R-9 cluster dimensional standards.

Consistency Statement

We, the Planning Commission, find this request to rezone approximately 7.57 +/- acres from Single-Family Residential (R-40) to Single-Family Residential (R-9 C255) Conditional for the development of up to 21 single-family detached homes in either traditional or cluster subdivision form consistent with the Town of Garner's adopted plans, including the Future Land Use Map's designation of Medium-Density Residential.

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.

Recommended Motion

CZ-MP-22-06, Ackerman Road <i>Zoning Amendment Motion Worksheet</i>	
Choose one of the following motions (<i>staff recommendation highlighted in green</i>):	
CONSISTENT AND REASONABLE	“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. (2024) _____ approving rezoning CZ-MP-22-06 , as the request is reasonable and in the public interest because it will likely (<u> select all applicable reasonableness options on next page and/or provide your own reasoning </u>).”
CONSISTENT BUT NOT REASONABLE	“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 CZ-MP-22-06 , as the request is not reasonable nor in the public interest because it will likely not (<u> select all applicable reasonableness options on next page and/or provide your own reasoning </u>).”

Master Plan

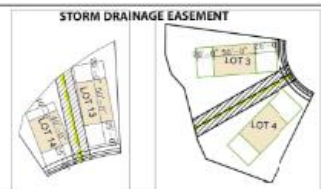
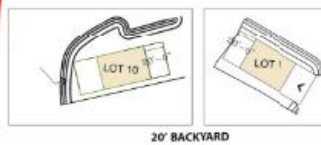
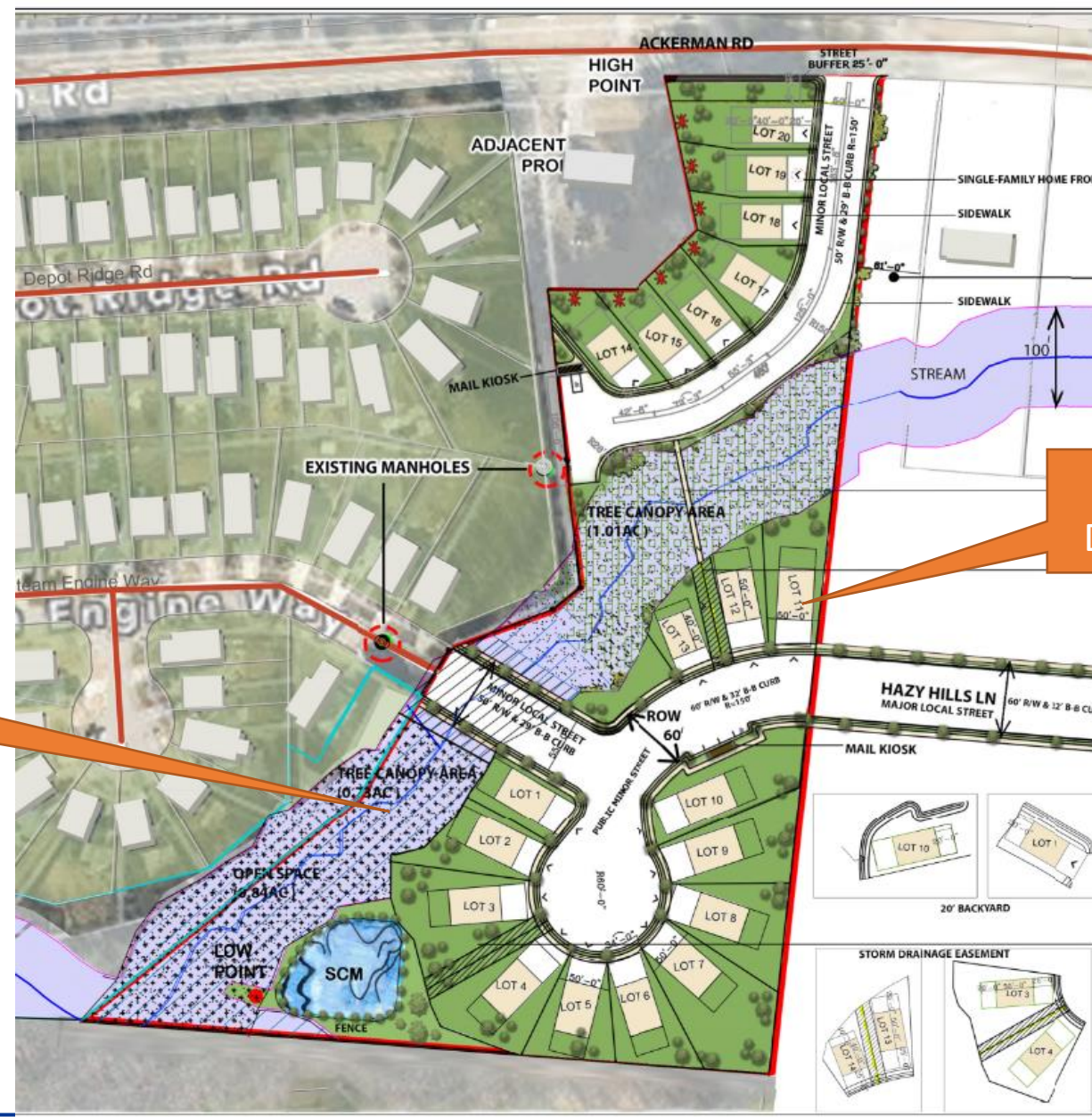
Acreage: 7.57 +/- acres

Max Density:

R-9: 3.0 du/acre

Stream buffer

Single Family Detached Lots



LEGEND:

	TOWNHOME
	SINGLE-FAMILY HOME
	ADJACENT PROPERTY

Master Plan

Acreage: 7.57 +/- acres

Max Density:

R-9: 3.0 du/acre

MF-1: 6.0 du/acre

Stream buffer

Townhouse Units

Single Family Detached Lots



LEGEND:

	TOWNHOME
	SINGLE-FAMILY HOME
	ADJACENT PROPERTY