

# 401 Crossing

Planned Development District Conditional Zoning  
CZ-PD-22-03

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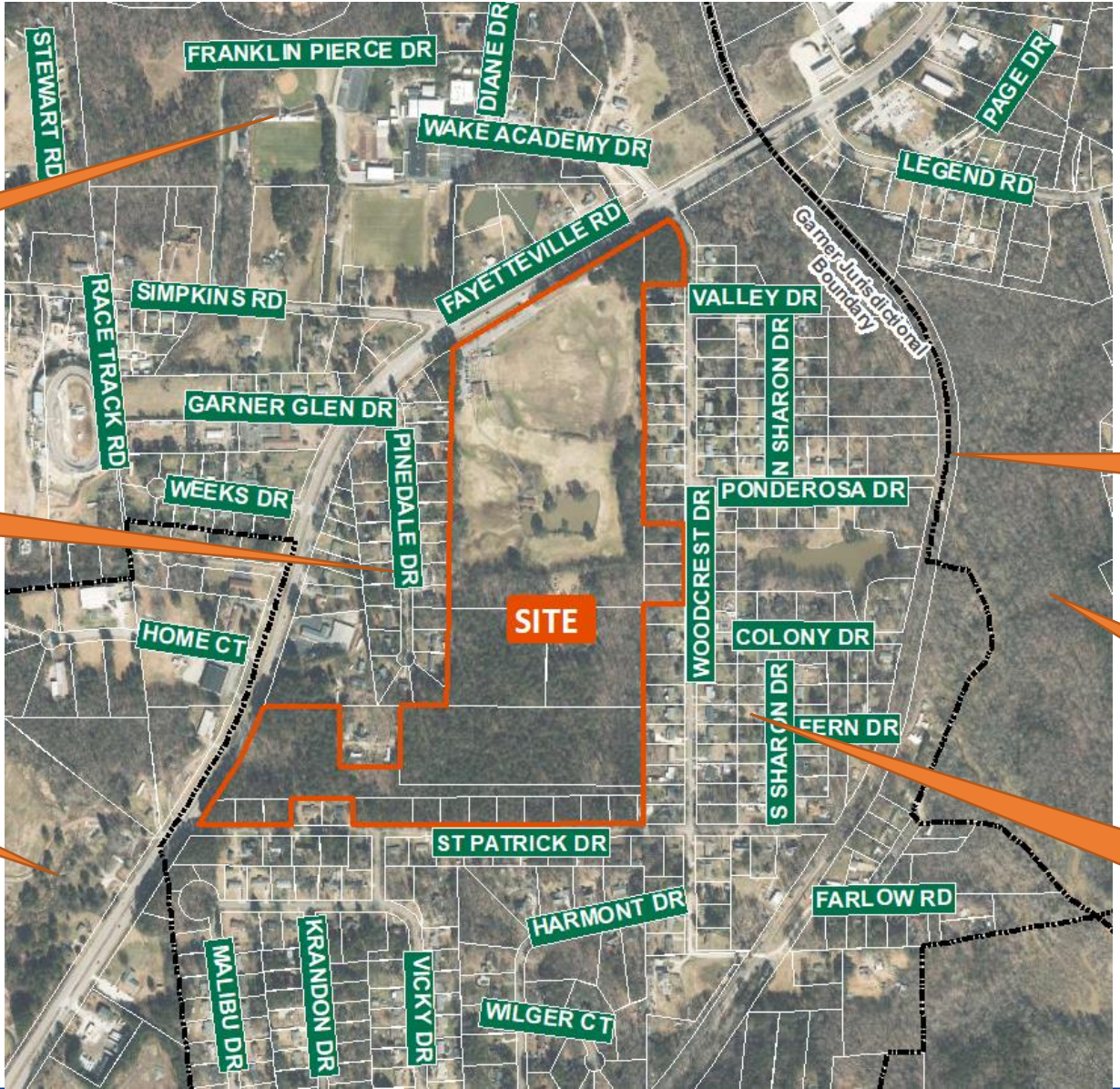
Town Council Meeting  
January 16, 2024

# General Case Information

- Applicant: Laura Holloman, McAdams
- Owners: Johnson, L Alton Heirs, Joseph Ira Lee III, Peter Daniel Hudgins Jr, Lena R Hudgins, The Joseph I Lee Jr Revocable Trust, Ruth Johnson Lee
- Location: US 401 (Fayetteville Road)
- Tract Size: 72.24 +/- acres
- Request: Planned Development District (PUD Book + written conditions)

As of July 5, 2022, the Town Council approved ZTA-22-01 and CZ-22-01, adopting a new Unified Development Ordinance and establishing new zoning districts. The request is now amended to be rezoned from Wake County Residential 40 Watershed (R-40W) to Commercial Mixed Use (CMX C15) Conditional. However, due to permit choice rules, the request is to be considered according to the rules of the former UDO governing the Planned Unit Development (PUD) district. (Although portions submitted as early as 4/29/2022, the initial application deemed complete as of 6/28/2022 with submittal of TIA – no changes to UDO during this time period).

# Site Location (Aerial)



Wake Christian Academy

Pinedale Acres County Subdivision

Georgia's Landing Subdivision

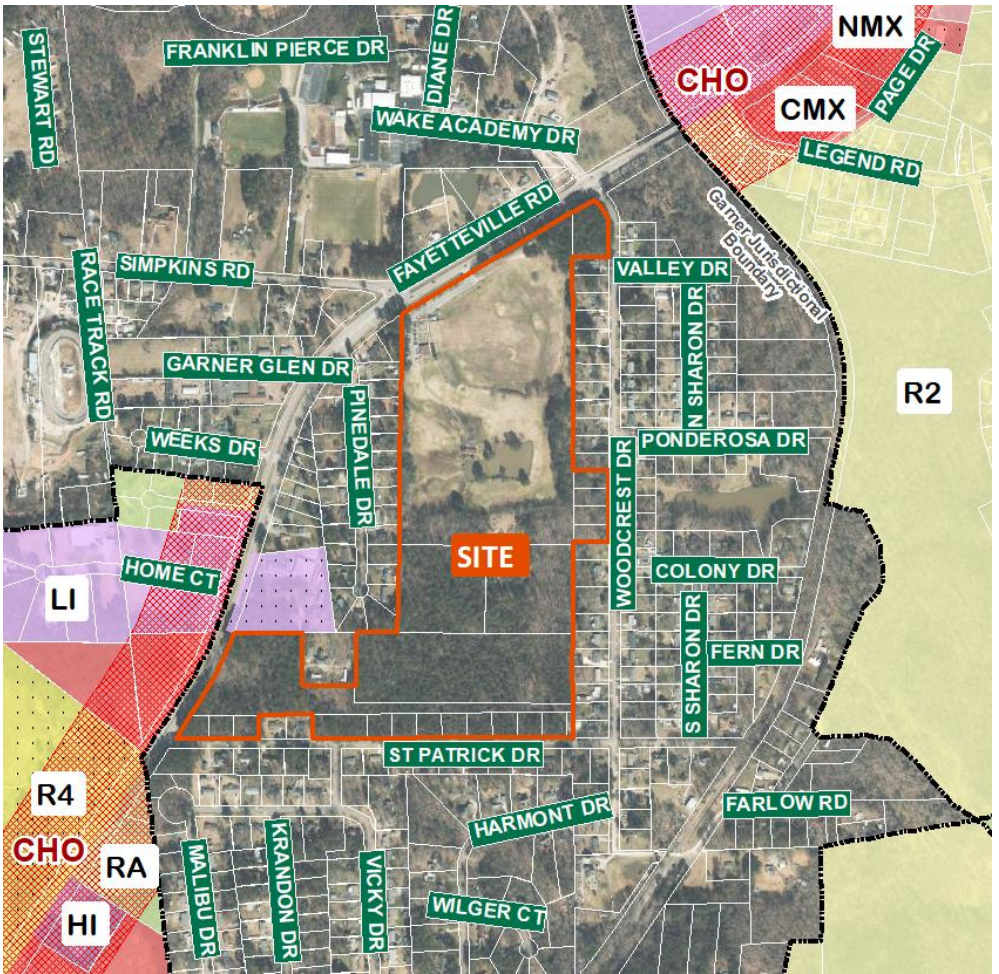
N/S Railroad

Town Park Property

Colonial Heights County Subdivision

# Adjacent Zoning & Land Use

- North:** Wake County R-40W  
Single Family Residential/ Wake Christian Academy
- South:** Wake County R-40W  
Single Family Residential / Colonial Heights
- East:** Wake County R-40W  
Single Family Residential / Colonial Heights
- West:** Wake County R-40W / Light Industrial (LI)  
Single Family Residential / Pinedale Acres / Commercial/ Crown Flooring



# Proposed Conditions

1. The following is a list of permitted uses in the PD C15 District:

Use Category	Specific Use	PD C15
Household Living*	Two-Family Dwelling	P
	Townhouse	P
	Multifamily (triplex and higher, including Apartment)	P
Community Service	Library, Museum, Art Gallery, Art Center	P
Day Care	Adult Day Care	P
	Day Care Center	P
Educational Facilities and Services	Music/Dance/Art Instruction	P
Health Care	Medical Clinic	P
Institutions	Nursing Care Institution	P
Entertainment	Theater	P
	Gym, Spa, Indoor Tennis Court or Pool, Private	P
	Indoor Entertainment Facility	P
	Outdoor Athletic or Entertainment Facility, Private	P
	Water Slide, Golf Driving Range, Miniature Golf, Batting Cage or Similar Use	P
Office	Medical Office, Individual	P
	Other Office	P

# Proposed PD C15 Conditions

<b>Religious Institution</b>		P
<b>Restaurants</b>	Restaurant, Drive-In or Outdoor Curb Service	P
	Restaurant, Indoor, with Seating Only	P
	Restaurant with Seating and Drive-Through Window	P
	Restaurant, Take-Out Only (Drive-Through or Walk Up)	P
<b>Retail Sales and Service</b>	Personal Service Oriented Use (excludes commercial greenhouses or any use with outdoor operations)	P
	Hair Salons, Beauty Shops, Barbershops	P
	Banks or Financial Institution	P
	Repair Oriented Use (No Outdoor Operations)	P
	Sales Oriented Use (No Outdoor Operations)	P
	Veterinarian/Kennel, Indoor	P
<b>Vehicle Sales and Service</b>	Car Wash (accessory use only)	P
	Convenience Store with Fuel Sales (minimum retail area 3,000 sf)	P
	Vehicle Service, Limited	P

# Proposed PD C15 Conditions

2. Open space, **estimated to be between 25% and 35%** of the total developable land area (Garner UDO Section 8.2) shall contain a minimum of three (3) of the following elements: paved walking trails; cornhole boards; butterfly garden; seat wall; bench; dog park; community garden; cut flower garden; playground; enhanced landscaping.
3. The existing pond will remain as an environmental and amenity feature. The pond's area shall remain either its current size or greater. The pond shall include at least two of the following:
  - Benches
  - Gazebo
  - Enhanced landscaping
  - Natural (paved) walking trail(s)
4. On-site recreational facilities shall include:
  - A pool
  - Playground
  - Fitness center
  - Passive open space

# Proposed PD C15 Conditions

5. Perimeter buffer shall be a minimum of 30 feet. Existing trees and vegetation will be used with supplemental native plants.
6. Outside of protected environmental areas, perimeter buffers shall be supplemented with evergreen plant material to achieve 50% evergreen material within the buffer.
7. All supplemental landscaping added to the perimeter buffer landscaping shall utilize native plant material.
8. Foundation condition - will follow developer standards for foundation band board.
  - Townhomes shall have a 12" foundation band board.
  - Cottages shall have an 8" foundation band board.
9. A varied color palette shall be utilized on buildings for each residential portion of the development to include a minimum of two color families for siding and shall include varied trim, shutter, and accent colors complimenting the siding color.



# Proposed PD C15 Conditions

10. Townhomes, cottages, and duplexes that have frontage on a right-of-way shall have trim around the windows on rear and side elevations.
11. The following shall apply to townhome buildings: Roof line cannot be a single mass; it must be broken up either horizontally and/or vertically between, at a minimum, every other unit.
12. Three of the following decorative elements shall be used on each building: decorative shake, board and batten siding, decorative porch rails and posts, shutters, decorative functional foundation and roof vents, recessed windows, decorative windows, decorative brick or stone, decorative gables, decorative cornices, or metal roofing.
13. Fences not exposed to common open spaces or surrounding stormwater ponds shall be powder-coated aluminum picket type fencing.

# Proposed PD C15 Conditions

14. Vinyl siding shall be prohibited as a building material except as a trim option.
15. All garage doors shall be affixed with carriage door adornments and windows.
16. Multifamily amenity area shall include:
  - A minimum 3,000 sf clubhouse;
  - A minimum 2,500 sf swimming pool;
  - Dog Wash Station;
  - Parcel/Mail Room
  - Coworking Area;
  - Elevators;
  - Covered Parking;
  - All to be constructed within 18 months of issuance of multi-family building permit.

# Proposed PD C15 Conditions

17. Multi-family apartments shall not use vinyl siding and shall have:
  - Cementitious siding that shall vary in type and color with brick, shakes, board and batten, or stone accents provided as decorative features - the masonry component shall be a minimum of fifty percent (50%) per building;
  - Other accessory buildings may only have a masonry wainscot;
  - Offsets in the plane of each facade for each apartment building;
  - Either masonry embellishment or 1x4 casing on all windows.
18. Multi-family apartments shall be located a minimum of 60 feet from existing single-family [residential lot/structure](#).
19. Non-residential buildings shall have architectural treatments such as varying roof forms, façade articulation, breaks in roof, walls with texture materials and ornamental details as well as landscaping may be incorporated to add visual interest. Large expanses of blank walls, greater than 25' in length or height, shall be broken up with architectural features such as windows, awnings etc. to reduce visual impacts.
20. Adjacent to all perimeter property lines, maximum building height will be limited to four stories.

# Proposed PD C15 Conditions

21. Non-residential building roof features shall include flat roofs with parapet, hip roofs or awnings with metal or canvas material.
22. Amenities that will serve a particular phase shall be built concurrently with that phase.
23. All off-street parking shall meet minimum parking standards outlined in the UDO.
24. Access shall be granted to the now or formerly known as the Carleton property (REID# 001329/PIN# 0790787494) via an access easement.
25. All road frontage improvements shall be made in accordance with the approved TIA (diagram showing committed improvements immediately following this sheet).
26. Streets shall be improved per TOG standards. Each street section shall be improved as follows, Fayetteville Road should be improved to half of a 6-lane thoroughfare with curb, gutter, and a 10' asphalt side path. St. Patrick Dr. and Woodcrest should be improved to half of a major local section with curb, gutter, and sidewalk.

# Proposed PD C15 Conditions

27. Construction entrance shall be located on the subject property.
28. Related construction parking shall be located on site.
29. Developer shall perform a phase I Environmental Assessment as part of their routine diligence. If contamination is found, and the developer is admitted into the NC Brownfield Program, the developer will follow conditions provided there-under by NC DEQ.

*The following conditions have been proffered by the applicant as of Friday, 1/12/24:*

30. Post-development peak runoff shall not exceed pre-development peak runoff for the 24-hour, 1-year, 10-year, 25-year **and 100-year storm** events.
31. The owner will provide at least 20 dwelling units within the master plan area as affordable for a period of no less than 5 years for households earning no more than 120% AMI. If the total number of dwelling units on the property exceeds 700 dwelling units, then the total number of dwelling units that must be designated as affordable by this terms of this condition shall be no less than 10% of the total number of units in excess of 500 dwelling units. This obligation will begin upon issuance of a certificate of occupancy for the 500th dwelling unit constructed on the property, but some or all of these 20 dwelling units may be designated as affordable in satisfaction of this condition prior to that time.

# Master Plan General Information

**Area:** 72.24 +/- acres total

- Residential: 68 +/- Acres
- Commercial: 5 +/- Acres

*Note: UDO requires all residential to be built or guaranteed prior to non-residential areas being occupied (Section 6.11.D.).*

## Units/Bldg Size:

Land Use	Percentage	Maximum Units/SF Allowed
Single-Family Residential	25-40%	250-300 units
Multi-Family Residential	30-45%	400-500 units
Commercial, Office & Retail	4-10%	45,000 sf
Open Space	25%-35%	-

# Project Master Plan



# Future Land Use Map

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

The site of the request is designated as an **Active Recreation (ACR)** and **Low Density Residential (LDR)**. The Active Recreation designation refers to ballparks, recreation centers, parks, and other areas designated for public engagement in health and community focused activities. In some cases, stand-alone recreational facilities that charge fees (e.g., YMCA) are included in this designation, but lands and structures are generally public owned and open to the public. The LDR category would be mostly traditional county-approved subdivisions—anything that could be sustained on individual well and septic—with less than two and a half (2.5) units per acre.





# Future Land Use Map Continued

The site of the request is located within a Commercial Future Area of Change (outlined in orange and white below). The Commercial Future Area of Change designation recognizes that conditions within the area, particularly related to water and sewer availability, could impact future land uses, and that it was not unexpected that a commercial land uses could be introduced within that larger region.



# Consistency with other Plans

## 2010/18 Garner Transportation Plan – **CONSISTENT**

The 2018 Garner Transportation Plan shows US 401 to be improved to a Six Lane Divided section. This project will have two points of access along US 401 (Fayetteville Road). Additional turn lanes will be added at the project site, in addition to U-turn and acceleration lanes. Pavement widening, curb, gutter and sidewalks will also be required along the US 401 frontage. With these improvements, this project may be considered consistent with the Transportation Plan.

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

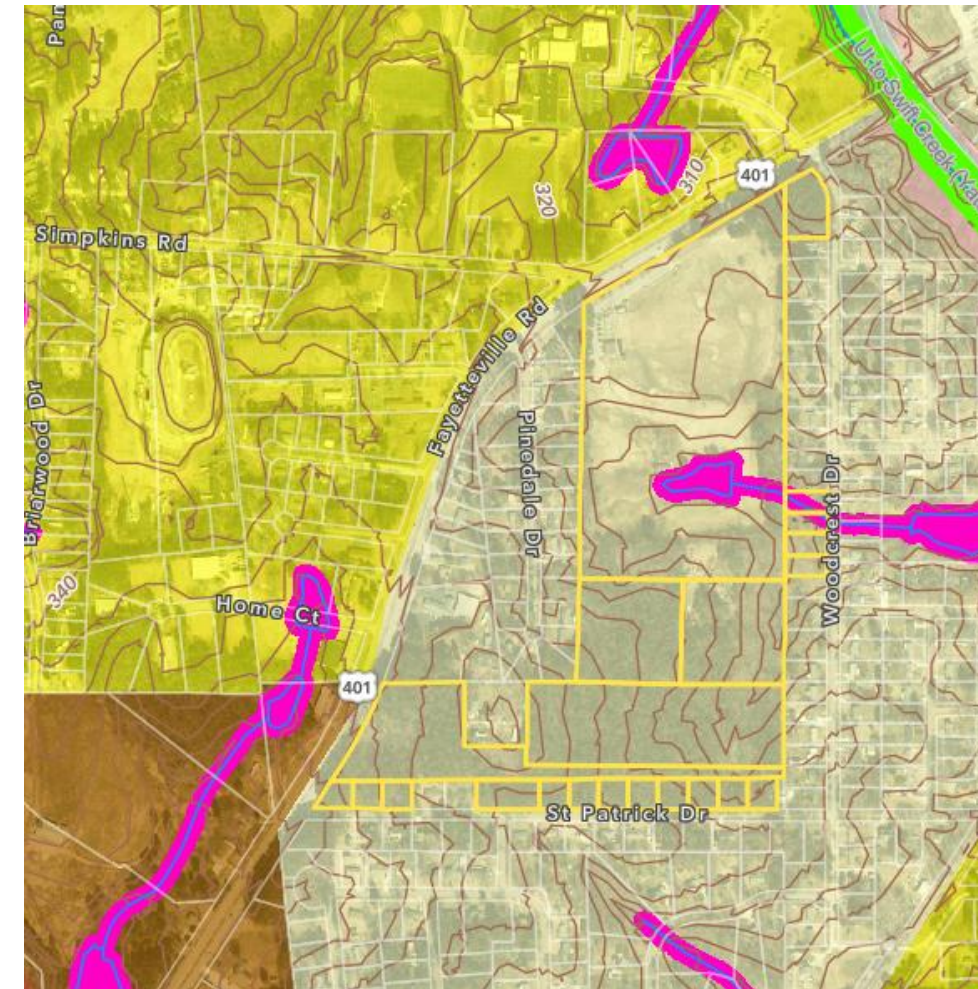
A portion of this project falls within a parkland search area; however, the plan has been reviewed by Parks, Recreation, and Cultural Resources staff, who have not indicated a desire for parkland dedication. There is no planned greenway proposed within the project boundary. With the payment of fee in lieu of parkland dedication this project can be considered consistent with the Parks, Recreation, Greenways and Cultural Resources Master Plan.

# Consistency with other Plans

## Swift Creek Land Management Plan– **CONSISTENT**

This project falls within the Swift Creek Land Management Plan (SCLMP) which is both an interlocal agreement and State law protecting Swift Creek and its associated lakes as a WS-II watershed whose goal is to protect the water quality within the watershed and prohibit industrial wastewater discharges. Member jurisdictions are required to maintain stormwater regulations in keeping with the recommended performance standards of the SCLMP. Garner's regulations are largely contained within Article 11 of the Unified Development Ordinance.

The site is designated Existing Urban Non-Compliance. Residential density maximums are controlled by the underlying zoning and impervious surface limits may be increased to 70% with the 1" of rainfall detained. With the proposed preliminary stormwater infrastructure, this plan may be considered in conformity with the SCLMP.



# Consistency of Request (PC Meeting)

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

Items discussed:

- Clarifying the number of SCMs that will be provided with the development;
- Clarifying if the open space calculations may include the retention ponds;
- Expressing an appreciation for the mixing of housing types and the commercial component, as emphasized in the new Garner Forward plan; however, there were questions whether there was enough commercial included in the proposal;
- Expressing concern with the proposed density, incongruity of character with the existing neighborhood, and greater impacts on this region of town;
- Commenting that the recreational open spaces looked to be designed as an afterthought;
- Expressing appreciation for the multi-layered product, central spaces, and intrigue for the cottage court concept, but concern for the density of the development;

# Consistency of Request (PC Meeting)

- Inquiring if the apartments would have any mixed use included on the ground floor;
- Asking if there was any consideration to do single-family detached closest to St. Partick Drive and why the development does not integrate/connect into the existing community;
- Inquiring about the cottage units and asking if there is any precedent for that type of product in the Triangle;
- Clarifying the proposed density of the project;
- Clarifying if the community would be age restricted;
- Asking for additional information about the parking requirements;
- Questioning if the character of the architecture matches the character of the existing neighborhood and recommending the inclusion of elements such as front entries and front porches that allow for interaction with neighbors;
- Questioning the walkability of the neighborhood, considering the distance from the commercial to the furthest residential units;

# Consistency of Request (PC Meeting)

- Clarifying if duplexes would be included in the development;
- Asking about the environmental study and if additional soil testing would occur; and
- Clarifying the growth rate used in the TIA, and expressing additional construction traffic concerns.

Three citizens spoke in opposition to the project. Neighbor concerns centered around:

- Desiring access to active recreation spaces and trails;
- Lamenting the loss of the existing open land;
- Noting inconsistencies with the existing Future Land Use Map in effect and the draft new Garner Forward comprehensive plan;
- Noting a lack of compatibility with the existing neighborhood;
- Expressing concerns over the proposed density and character of the proposed development;
- Commenting on stormwater and flooding concerns;
- Clarifying the rules of the Swift Creek Land Management Plan; and
- Noting impacts to wildlife and other environmental concerns.

# Consistency Statement

On a unanimous vote of 5-0, the Planning Commission voted to accept the following consistency statement drafted by staff and recommended denial of CZ-PD-22-03 to the Town Council by citing the inconsistency with the 2018 Garner Forward plan's future land use map and concerns that the proposal was not in keeping with the community's character:

“We, the Planning Commission, accept the staff's consistency analysis and find this request to rezone approximately 72.24 +/- acres from Wake County Residential 40 Watershed (R-40W) to Town of Garner Planned Unit Development (PD C15) Conditional for a mixed-use development of a maximum of 300 single-family residential units (platted individual residential lots, 25-40% land area proposed, max allowed 40%), 500 multifamily residential units (multiple units on common lots, 30-45% land area proposed, max allowed 45%), and 45,000 square feet of commercial space (land area proposed 4-10%, max allowed 15%) inconsistent with the Future Land Use Map's designation of Active Recreation (ACR) and Low Density Residential (LDR) in both use and density, despite introducing a commercial component as the plan envisioned would likely occur. However, the project is consistent with other adopted plans including the 2010/18 Garner Transportation Plan, the PRGCR Master Plan, and the Swift Creek Land Management 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.



# Recommended Motions

<p><b>3. INCONSISTENT YET 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, and find the request inconsistent due to (<u>      <i>cite and insert land use plan evidence</i>      </u>); yet, I also move that the Town Council adopt Ordinance No. (2024) _____ approving rezoning <b>CZ-PD-22-03</b>, as the request is still reasonable and in the public interest because it will likely (<u>      <i>select all applicable reasonableness options on next page and/or provide your own reasoning</i>      </u>).”</p>
<p><b>4. INCONSISTENT NOR 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, and find the request inconsistent due to (<u>      <i>cite and insert land use plan evidence</i>      </u>); and I further move that the Town Council deny rezoning <b>CZ-PD-22-03</b>, as the request is not reasonable nor in the public interest because it will likely not (<u>      <i>select all applicable reasonableness options next page and/or provide your own reasoning</i>      </u>).”</p>



# Project Master Plan



# PRCR parkland search area

