

Mahler's Creek

Conditional Planned District Re-Zoning Request CZ-PD-20-02

Town Council
March 19, 2024

General Case Information

Project Number(s): CZ-PD-20-02, Conditional Planned District Rezoning

Applicant: Burton Engineering

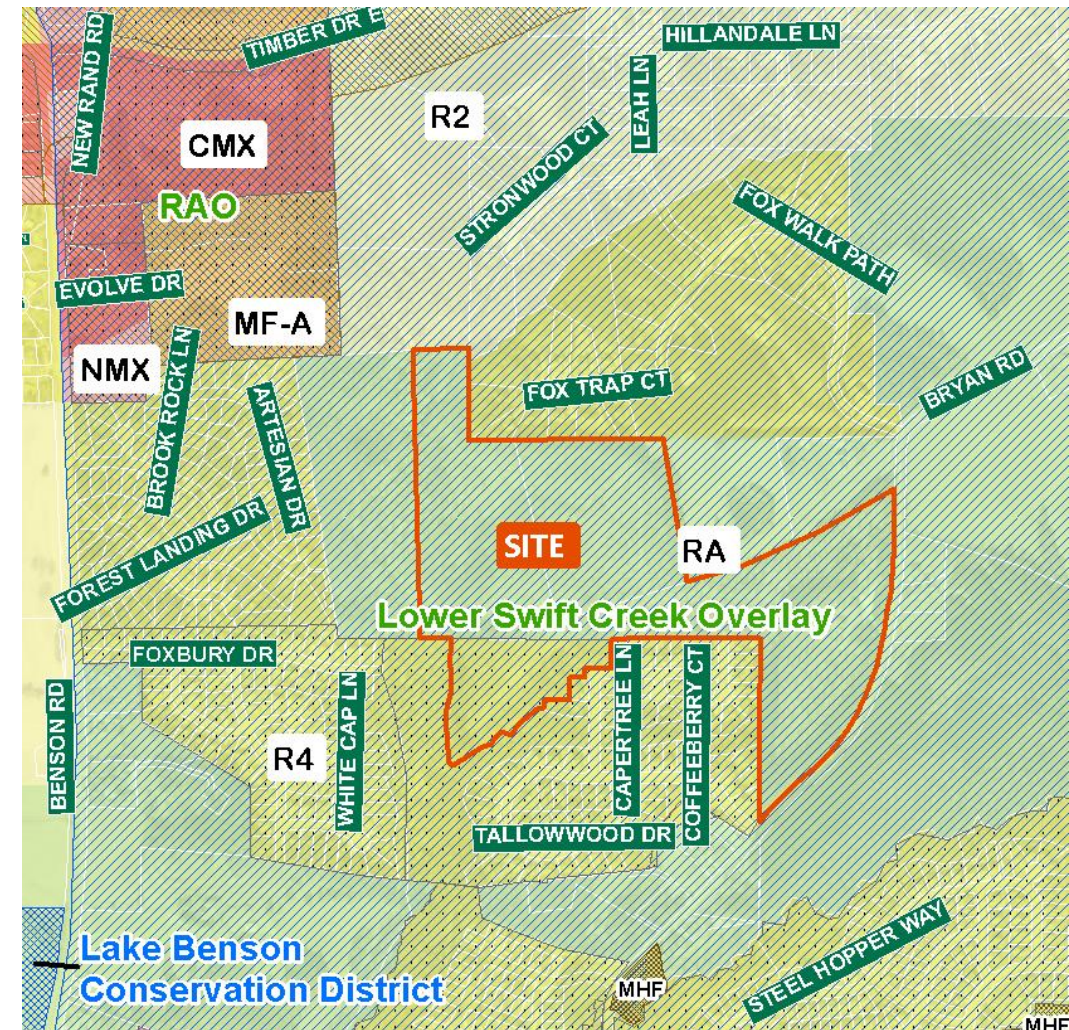
Owner(s): Bryan Road LLC & South Park Development Corp

Request: to rezone approximately 8.6 +/- acres from Single-Family Residential (R-12) and approximately 63.8 +/- acres from Single-Family Residential (R-40) - 72.2 +/- acres total - to Planned Residential Development (PRD C12) Conditional for the development of a residential community of 170 single-family homes on three sizes of lots at a density of 2.4 units per acre.

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 Residential 4 (R4) and Rural Agricultural (RA) to Residential 4 (R4 C212) Conditional. However, due to permit choice rules, the request is to be considered according to the rules of the former UDO which was in effect at the time of application (7/2/2020) governing the Planned Residential Development (PRD) district.

Adjacent Zoning & Land Use

- North:** R2, R4
Single-Family Residential
- South:** R4
Single-Family Residential
- East:** RA
Single-Family Residential, Undeveloped
- West:** RA, R4
Open Space, Single-Family Residential



Important Dates Thus Far

- Public Hearing: August 17, 2021
- Planning Commission: September 13, 2021
- Town Council: December 6, 2021 (cont. indefinitely) – until:
“...staff has gathered the information with NCDOT sometime in 2022, and that staff update Council when they get some additional information that will be helpful in moving forward with this particular agenda item and that intersection.”
September 19, 2023 (cont. indefinitely) – until:
“...the amended timeline and agreement [between] Pulte and the Town of Garner is agreed upon which (we hope) will be in the next 30-60 days. In the meantime, we direct the developer to work on amending the agreement, 15-foot side yard information, and the 2 road connections need to be made and any other conditions that the developer may want to add, in particular about this not being a developer initiated rental project.”

Existing Zoning Summary

- ~ 72.2 +/- acres total
- ~ 63.87 +/- acres are zoned Residential 40 (R-40) – all R-40 uses allowed
 - Single-family, modular, manufactured, schools, churches, telecommunications towers, major/minor utilities, solar farms, agriculture, civic lodges, parks
 - 40,000 s.f. lot sizes minimum
- ~ 8.68 +/- acres are zoned Residential 12 (R-12) – all R-12 uses allowed
 - Single-family, modular, cluster developments, schools, churches, community centers
 - 12,000 s.f. lot sizes minimum

As of 7-5-22: Residential 4 (R4) and Rural Agricultural (RA)

Proposed PRD C12 Conditions

1. The following is a list of permitted uses in the PRD C12 District:

Use Category	Specific Use	PRD C12
Household Living **	Single-family detached	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.**

Proposed PRD C12 Conditions

2. The maximum density shall not exceed 2.4 dwelling units per acre.
3. A deviation in lot size and lot percentages per Section 6.12.A, single-family lot sizes in PRD developments. This section establishes a standard of sixty percent (60%) of all single-family lots being at least 12,000 s.f. and forty percent (40%) meeting a 9,000 s.f. lot size against which the percent deviation must be judged. A deviation allowing for some 7,200 s.f. minimum single-family lot sizes is proposed.

Lot Sizes:

Lot Type	Min. Area	Min. Width	Number of Units
Type A Lots	7,200 s.f.	50'	55-65
Type B Lots	9,000 s.f.	60'	70-80
Type C Lots	12,000 s.f.	70'	30-40
PRD Maximum Allowed Units	170 Maximum		

32 to 38%

41 to 47%

17 to 23.5%

Staff commentary: This condition requires a specific finding of the Town Council regarding acceptability.

Proposed PRD C12 Conditions

4. A deviation in some of the building setbacks greater than 20% is requested for the lots from Section 6.12.A, Residential District Development Standards for a PRD development. Lot setbacks are detailed in table below:

	Single Family R-12 (UDO 6.1A)	Single Family R-9 (UDO 6.1A)	Single Family PRD Proposed for 9,000 s.f. and 12,000 s.f. lots	Single Family PRD Proposed for 7,200 s.f. lots
Front Yard	30'	25'	20' 33% / 20%	20' 33% / 20%
Rear Yard	20'	20'	20'	20'
Side Yard	6' min./ 15' combined	6' min./ 15' combined	6' min./ 15' combined	6' min./12' combined 20%
Corner Lot Side Yard	20'	20'	15 25%	12' 40%
Building Separation	N/A	N/A	N/A	N/A

Staff commentary: This condition requires a specific finding of the Town Council regarding acceptability.

Proposed PRD C12 Conditions

Conditions 5 through 27 – see staff report

Highlights include:

- no vinyl siding
- crawl space construction (no slab)
- 25-foot setback with extra landscaping adjacent to existing homes (edited since PC)
- 10” overhangs
- 2,400 heated square feet minimum
- Side windows with shutters (edited since PC)
- 2-car garages (min.) with decorative doors
- greenway construction (.25-miles public; 1.25-miles private)
- sunroom, deck, patio or screened porch (100 s.f. minimum)
- pool (2,000 s.f. min), kid’s pool (500 s.f. min) and clubhouse (2,000 s.f. min)
- 14% min tree save
- Sidewalk connection from Mahler’s Creek to entrance of Everwood (along Bryan Rd)
- Traffic calming to be installed at the 2 proposed interior connections (edited since PC)

Proposed PRD C12 Conditions

20. An 8' tall solid fence shall be installed along the Bryan Road frontage of the major amenity lot. Additionally, enhanced landscaping at the rate of 20 evergreen shrubs every 100 linear feet of fence shall be installed on both sides of the fence. Shrubs shall be 24" tall at time of installation. Fence shall be composite material or equivalent approved by the Town.

26. A turnaround on the Mahlers Creek development shall be provided at the end of Coffeeberry Court. Turnaround shall be screened on the Mahlers Creek side with Leyland Cypress (or equivalent approved by the Town) and shall be 8' in height at installation.

Proposed PRD C12 Conditions

27. The development is located in the White Oak/Bryan Corridor Impact Area as defined in the Development Agreement dated December 19, 2022, and recorded in the Wake County Registry at Book 19234 Pages 690 (the “Development Agreement”). Consistent with the terms of Article 6 of the Development Agreement, prior approval of the first final subdivision plat of any portion of the development the developer shall either (1) enter into a Cost Share Agreement with Pulte Home Company LLC or (2) make a Corridor Fee Payment to the Town.

General Information

Acreage:

- 72.2 +/- acres

Units and Lot Information:

- Not to exceed 170 units total

Product A – 55-65 Units

50' minimum lot width

Lots minimum 7,200 square feet

Product B – 70-80 Units

60' minimum lot width

Lots minimum 9,000 square feet

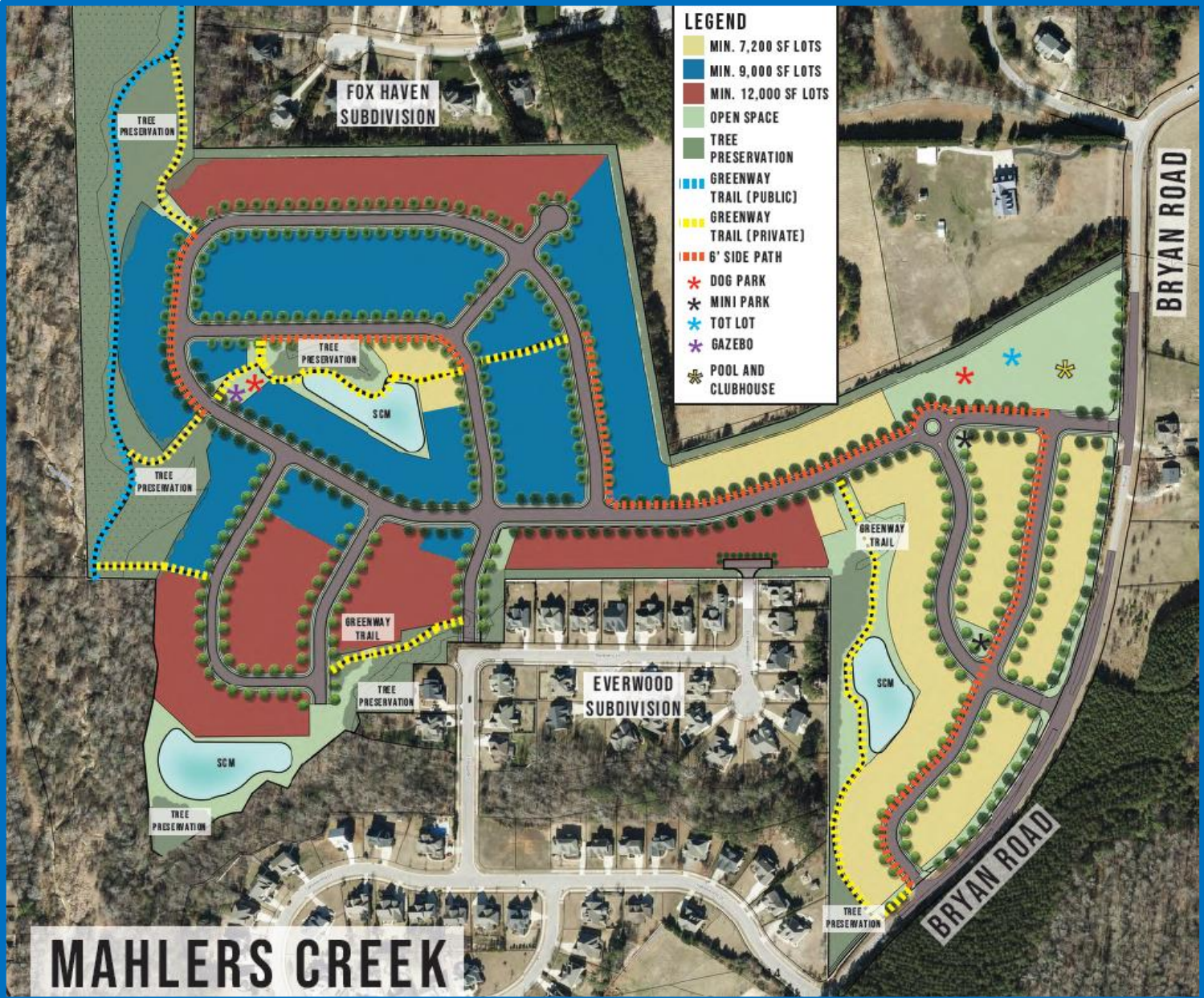
Product C – 30-40 units

70' minimum lot width

Lots minimum 12,000 square feet

Setbacks For All Unit Types – ~~20' front; 20' rear; 5' side; 10' corner~~ (modified as previously noted)

Master Plan

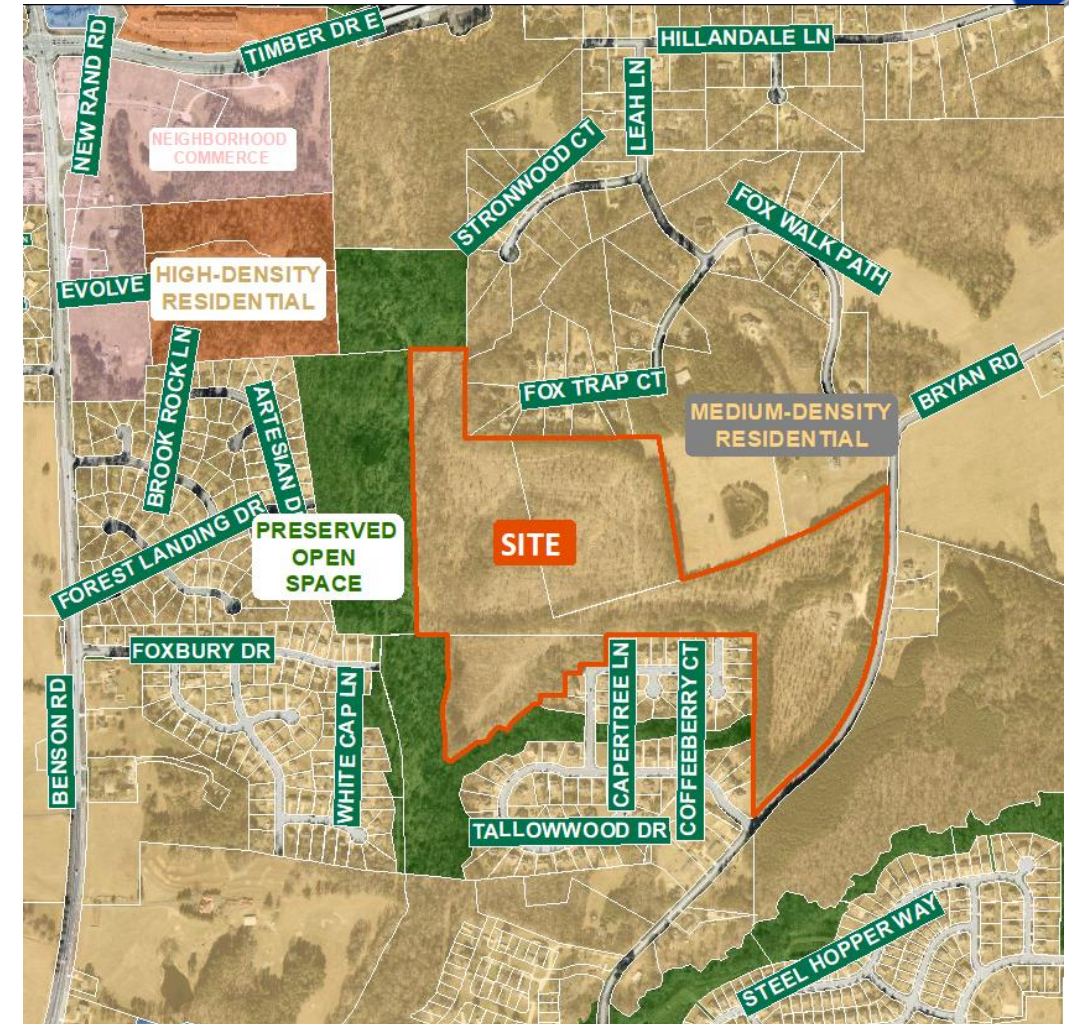


Garner Forward Comprehensive Plan

2018 Garner Forward Land Use Map

INCONSISTENT:

- The site of the request is designated as **Medium-Density Residential (MDR)**.
- The MDR land use category 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.
- 2.4 units per acre proposed – not consistent (however MDR does call attention to context – context supports being LDR)
- Single-Family proposed – consistent



Garner Transportation Plans

CONSISTENT:

The Transportation Plans recommends Bryan Road as a 3-lane facility; there is a recommendation for paved shoulder bicycle facility and sidewalk along Bryan Road; there are no transit recommendations that apply to this site. With the proposed improvement of half of the Town's Major Collector, which is a 3-lane section with bike lanes and sidewalk, along the frontage of the project these plans may be considered consistent with Garner's Transportation Plans.

Parks Recreation Greenways & Cultural Resources Master Plan

CONSISTENT:

The site is not designated as a park land search area; however, the plan does recommend a greenway path along the west side of this project. The proposed project includes a public greenway on the west side, with a trail connection to the internal trails; as such, staff finds this project consistent with the Parks, Recreation, Greenways and Cultural Resources Master Plan.

Consistency Statement

In a unanimous vote, the Planning Commission adopted the following statement about plan consistency – “This request to rezone approximately 8.68 +/- acres from Single-Family Residential (R-12) and 63.87 +/- acres from Single-Family Residential (R-40) to Planned Residential Development (PRD C12) Conditional is inconsistent with the future land use map’s recommended density range of 2.5 to 5 units per acre for Medium-Density Residential land use as the request only achieves a density of 2.4 units per acre, even though the proposed use of single-family residential is consistent with the Plan’s recommended land uses.”

As part of their unanimous vote, the Planning Commission also recommended approval of the proposal with the following modification to the proposed planned district regulations – that the deviation allowing 7,200 square foot lots be removed.

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.

Comments

Staff has also commented on how the planned development path under the old ordinance provides for potential improved outcomes vs. traditional development.

Applicant has agreed to proffer the new UDO's minimum side setback requirements for single-family detached dwelling units: 6' on each side.

Applicant has short presentation to address the questions and directives given to them at the last meeting.

Motion Options

Staff has provided drafts for motions to both approve or deny:

<p>3. INCONSISTENT YET REASONABLE</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> cite and insert land use plan evidence </u>); yet, I also move that the Town Council adopt Ordinance No. (2024) <u> </u> approving rezoning CZ-PD-20-02, as the request is still reasonable and in the public interest because it will likely (<u> select all applicable reasonableness options and/or provide your own reasoning </u>).”</p>
<p>4. INCONSISTENT NOR REASONABLE</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> cite and insert land use plan evidence </u>); and I further move that the Town Council deny rezoning CZ-PD-20-02, as the request is not reasonable nor in the public interest because it will likely not (<u> select all applicable reasonableness options and/or provide your own reasoning </u>).”</p>

Master Plan

