



# CZ-23-02

# 3412 Benson Road

Public Hearing

June 18, 2024

# At a Glance

**Applicant:** Collier Marsh of Parker Poe Adams and Berstein LLP

**Owner:** Crocker, William K Revocable Trust & Crocker, Elizabeth T Revocable TRST, CRS1 LLC

**Request:** Tier 1 conditional district rezoning request submitted by Collier Marsh of Parker Poe Adams and Berstein LLP, to rezone approximately 49.51 +/- acres from Highway District (HD) and Residential-30 (R-30) (Wake County) to Commercial Mixed Use (CMX C310) Conditional. The site is located at 3412 and 3508 Benson Road and may be further identified as Wake County PIN 1618455504 and 1618553160.



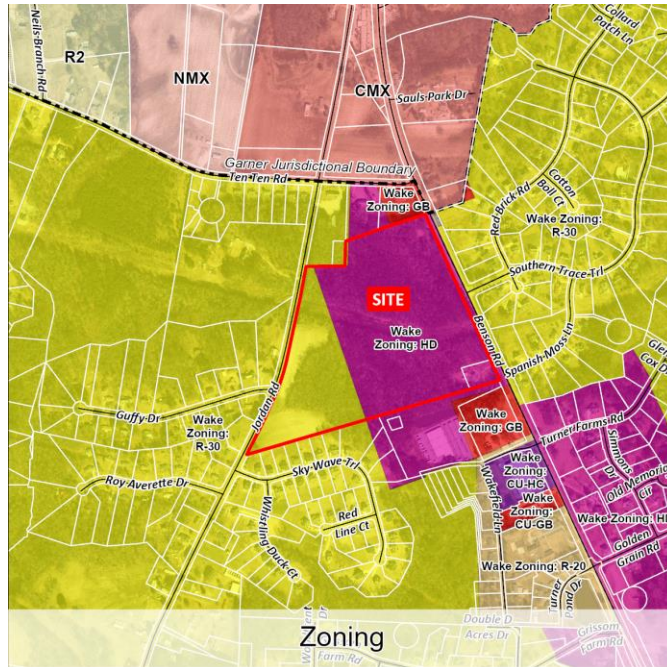
# Zoning and Context

**Zoning:** Wake County Highway District (HD) and Residential-30 (R-30)

- Low Density
- HD includes low density residential with a wide range of nonresidential uses
- Current Use – Vacant

## Context

- R-30 zoning surrounds the site on 3 sides. General Business (GB) and more Highway District (HD) to the north and south of the site.

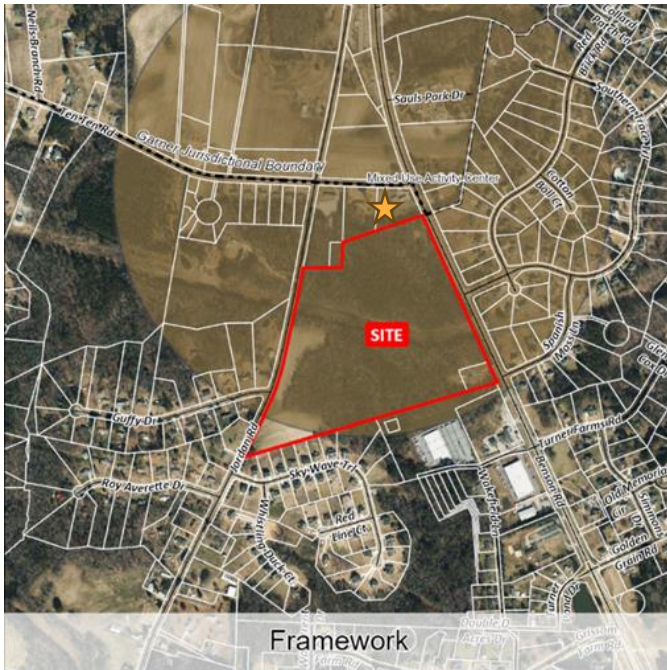




# Framework

## Activity Centers:

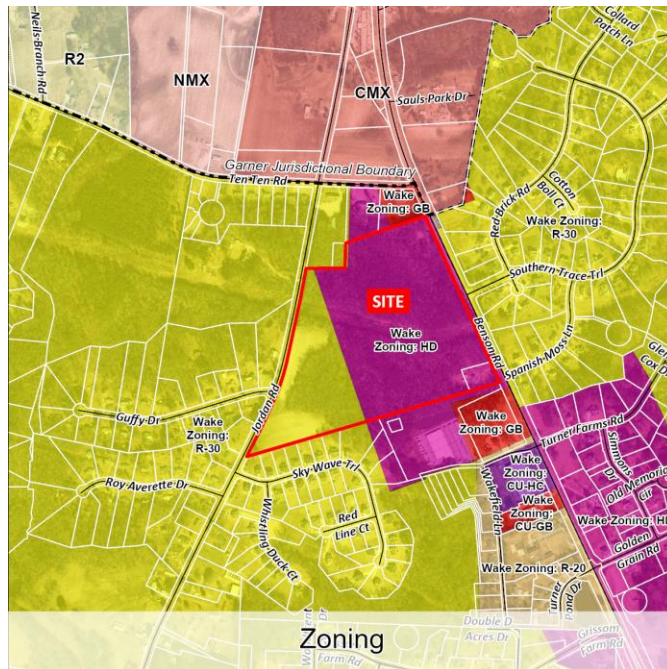
- Benson Rd. (NC 50) is an arterial roadway connecting the Garner town core on its north end, south through rural lands to Ten-Ten Road (Community Activity Center) and further on to the future 540 (Regional Employment Center).
- NCDOT reports the last traffic count for this portion of Benson Rd. as 14,000 AADT (annual average daily trips) in 2021.
- Benson Road has capacity to accommodate growth with continued widening but lacks separate infrastructure for pedestrians and cyclists.



# Proposal

## Rezoning: Commercial Mixed Use (CMX C310) Conditional

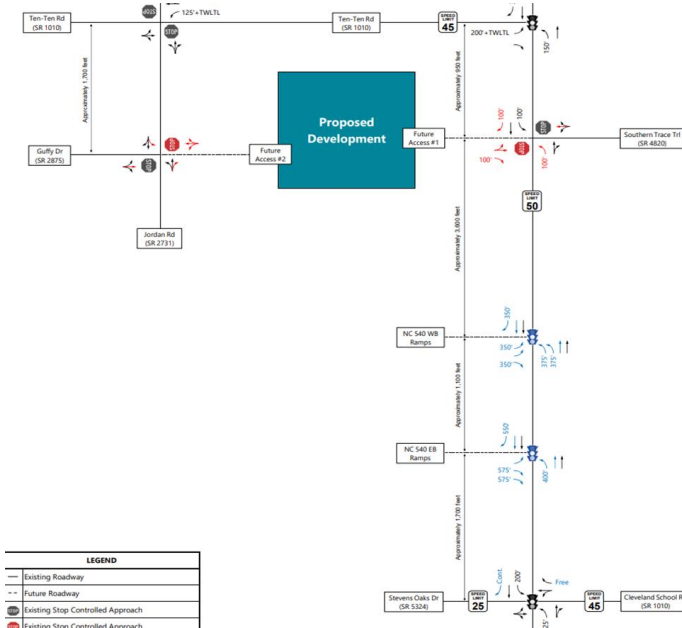
- Narrowed to 33 out of 60 possible uses
- 30 proffered conditions outside of the permitted uses
  - Architectural standards for multi-family and non-residential buildings
  - Multifamily buildings shall have interior corridors and be elevator served
  - Area 2 shall include a playground unless area 2 is developed for 55+ age restricted residential or group care
  - A 45' landscape buffer shall be provided on the property's southern boundary where the property abuts existing single family residential properties unless the UDO requires greater. Within this buffer, a 5' tall berm shall be provided. As set forth in Condition no. 4, this buffer shall count toward the project's Open Area.



# Proposal

## Transportation Notes:

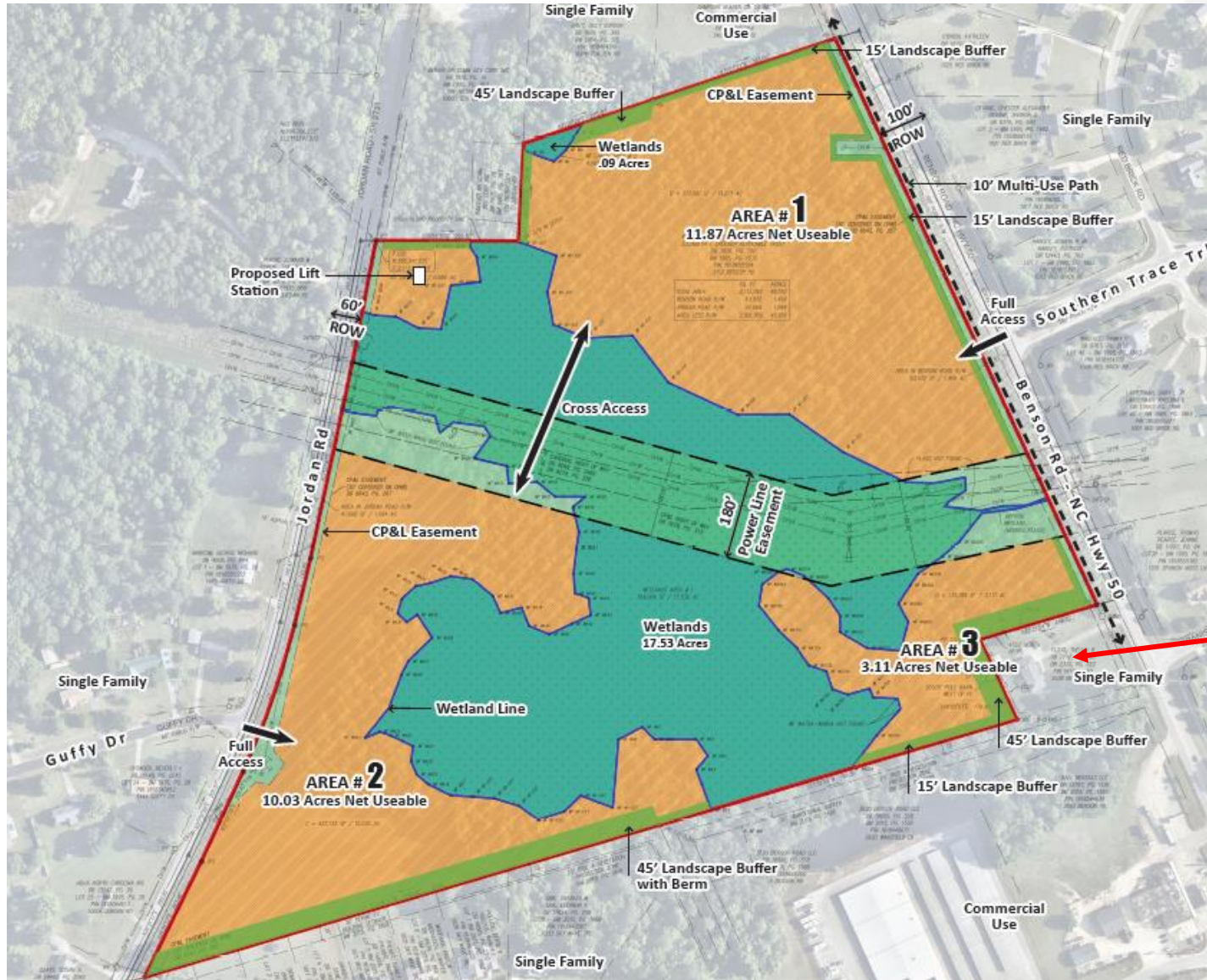
- 4,257 new one-way average daily trips
- AM peak hour: 68 trips in, 150 trips out
- PM peak hour: 210 trips in, 150 trips out
- TIA completed in September 2023
- Congestion Management Unit (NCDOT) requirements
  - Dedicated northbound left turn lane and taper on NC 50 with 100' of storage at Site Access
  - Dedicated southbound right turn lane and taper on NC 50 with 100' of storage at Site Access







# Area Map:

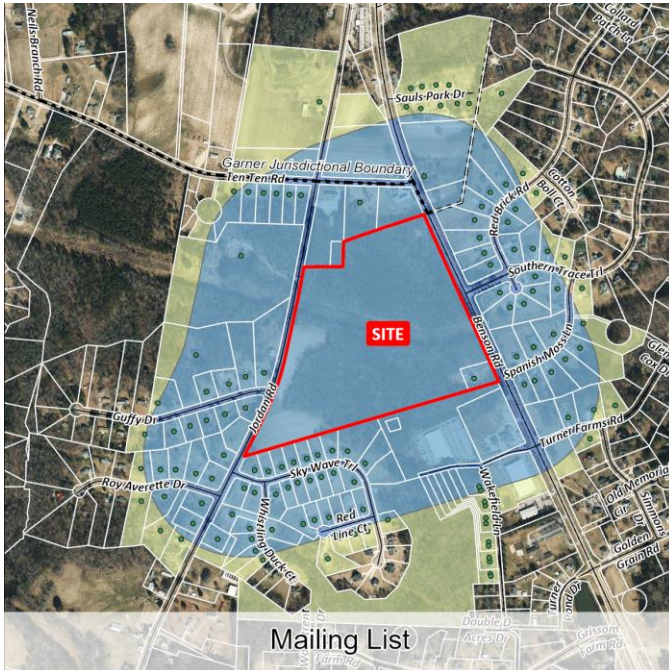


(3508 Benson Road to be added to Area #3)

# Review

## Observations:

- The layering of a community activity center with a mixed-use area supports development that is mixed use and will serve the broader economic, entertainment and housing needs in the community.
- TIA will need to be updated to reflect increased number of dwelling units and retail sq. ft.
- Neighborhood Meeting – August 28, 2023
  - 164 letters mailed; 40 attendees
  - Full meeting information attached to staff report





# Review - Framework Consistency

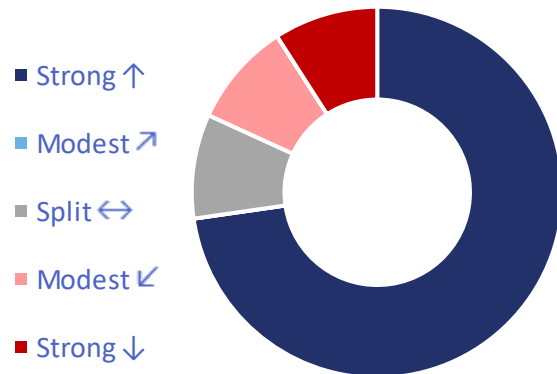
## 11 Growth Framework criteria evaluated

- 8 strongly consistent
- 1 split modest
- 1 modestly inconsistent
- 1 strongly inconsistent

The Zoning District and Transportation Choices criteria were rated negatively due to the Commercial Mixed Use (CMX) district not being listed on the Character Area Crosswalk in the Mixed-Use Area, as well as the absence of separate infrastructure for pedestrians and cyclists

Note: the transportation choice is a pre-existing condition and therefore did not result in the lowest rating being given by staff

GROWTH FRAMEWORK  
CONSISTENCY



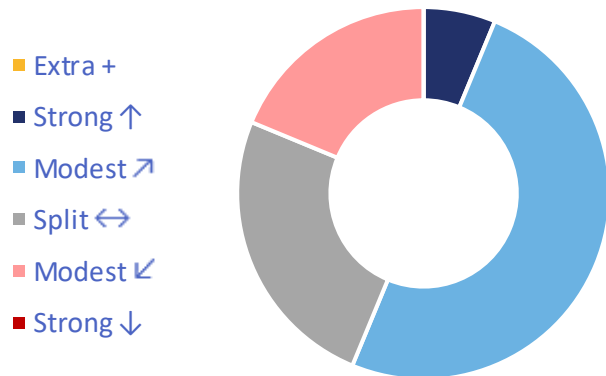
# Review - Land Use and Community Character Consistency



16 criteria determined applicable or possible to meaningfully address

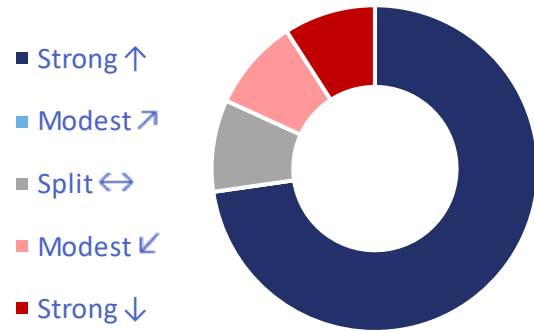
- 1 strongly consistent
- 8 modestly consistent
- 4 split
- 3 modestly inconsistent

LAND USE AND COMMUNITY CHARACTER CONSISTENCY

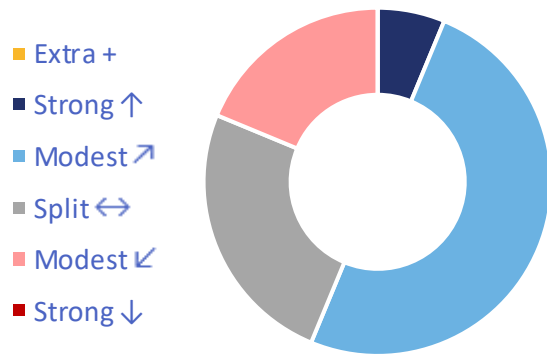


# Review - Overall

GROWTH FRAMEWORK  
CONSISTENCY



LAND USE AND COMMUNITY  
CHARACTER CONSISTENCY



- In the absence of any strong non-supporting criteria and a strong level of consistency with the Plan’s growth framework outside of the CMX zoning district not being a recommended district for the Mixed Use Area typology, staff supports an overall finding of consistency at this time
- Full detail of consistency review attached to staff report





## Next Steps

- Finish conducting and close the public hearing
- Planning Commission findings of plan consistency and recommendation to approve or deny
- Town Council findings of reasonableness and decision to approve or deny