

Vintage Garner

Conditional Zoning
CZ-MP-22-14

Town Council
June 18, 2024

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 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 & Landmarks (Aerial)

Johnson & Son MHP

N/S Railroad

Pope Industrial Park



Ernest Myatt Presbyterian

St. Andrews UMC

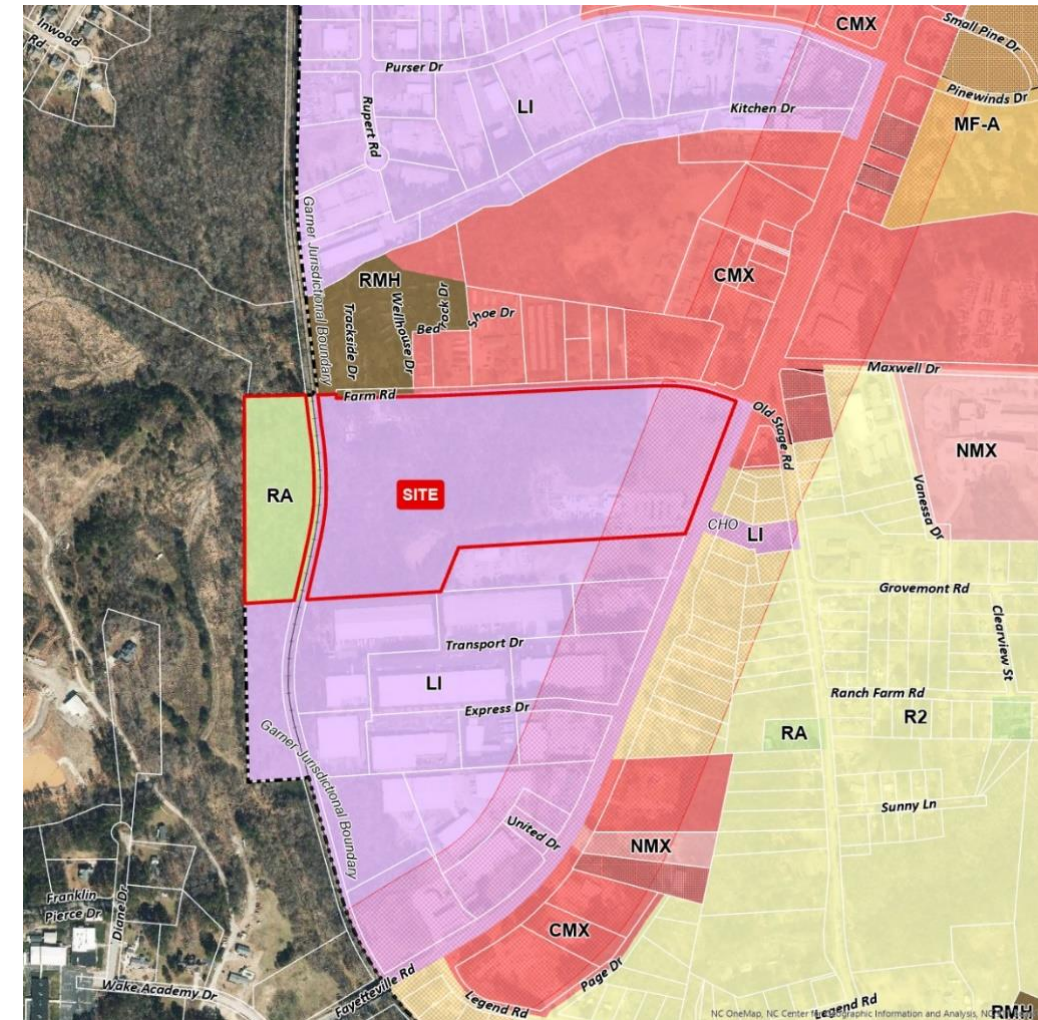
Smith Elementary

Fellowship Baptist

US Hwy 401

Adjacent Zoning & Land Use

North:	CMX/RMH Residential, Mini Storage, Retail
South:	LI Industrial Park
East:	CMX/R2/LI Convenience store with fuel sales, vacant
West:	RA and County R-40W Landfill



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 Services (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.
17. A public transit easement measuring 15' x 20' will be provided along the property's Fayetteville Road frontage, with the exact location of the transit easement to be determined and agreed to by the Town and developer during subdivision or site plan review.

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.

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

Project Master Plan



Storm Water

Apartments

Community Amenity

Commercial

Community Amenity

Perimeter Buffers

Project Master Plan



Project Master Plan



Parks & Open Space



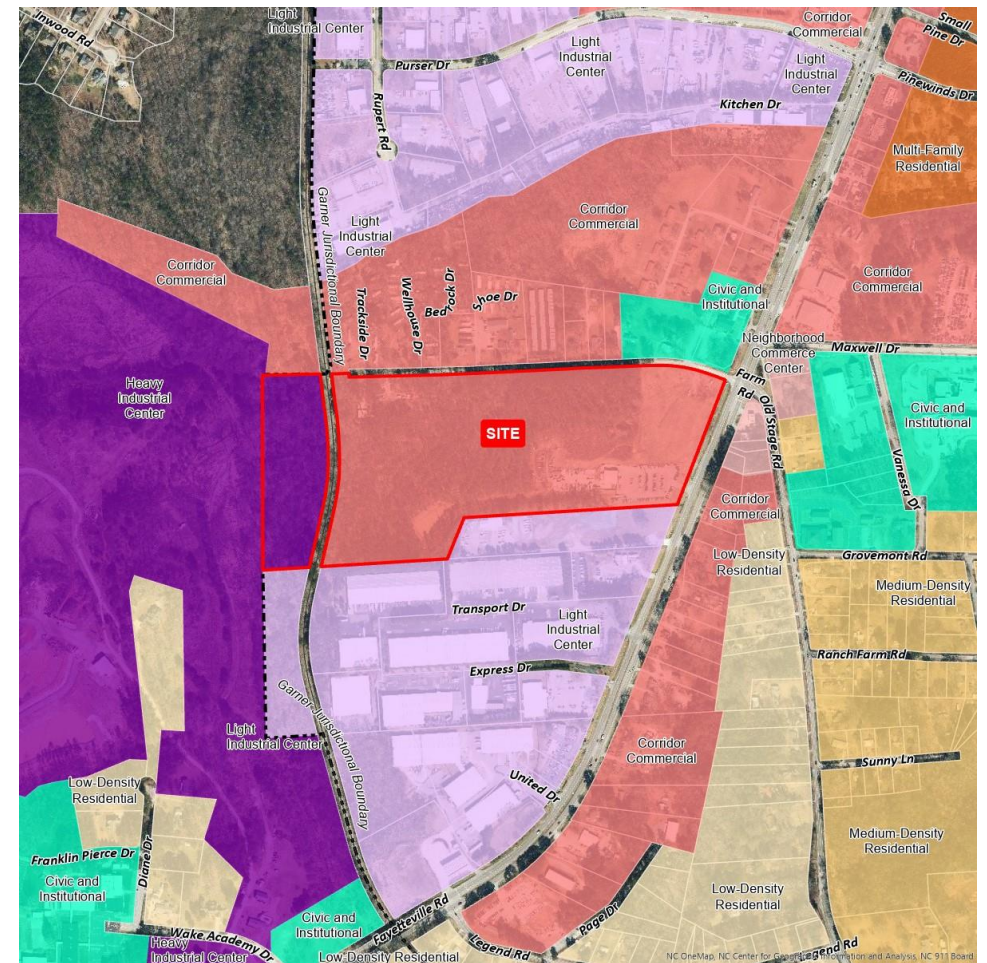
Parks & Open Space



Future Land Use Map

2018 Garner Forward Plan – **SOMEWHAT CONSISTENT:**
Corridor Commercial (CRC) and Heavy Industrial Center (HIC).

The **Corridor Commercial** designation is typically located along highways and major arterials. It emphasizes commercial centers that have individual driveways and separated parking lots, unique signage, and differentiated building materials and styles along a major arterial roadway. These centers are less likely to have any foot traffic, and oriented towards the roadway with little accessibility from the rear or sides of the properties. Permitted uses may include operations with outdoor storage and outdoor sales display areas. For these uses, special emphasis should be placed on landscaping and screening. Used along these corridors should be attractively landscaped and screened as these corridors are gateways into the community for the traveling public.

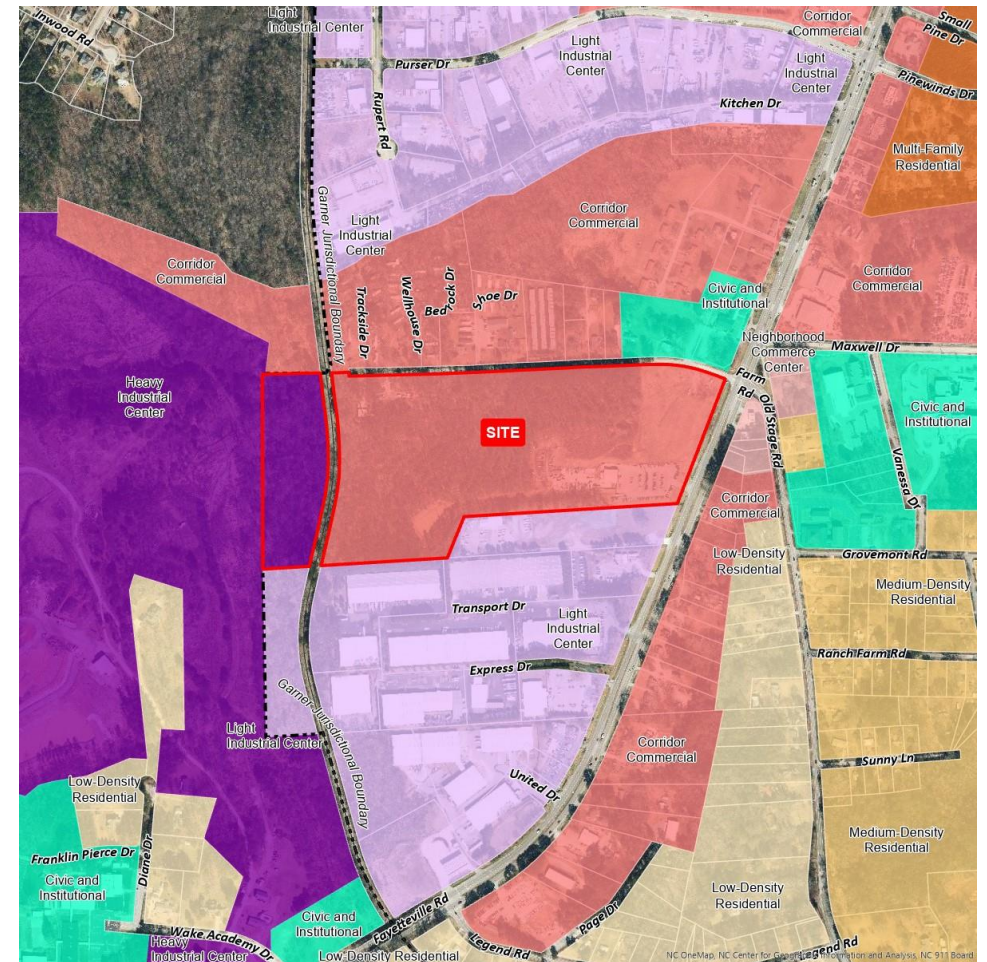


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Future Land Use Map

2018 Garner Forward Plan – **SOMEWHAT CONSISTENT:** Corridor Commercial (CRC) and Heavy Industrial Center (HIC).

Heavy Industrial Centers support large-scale, on-site manufacturing and production uses, including assembly and processing; regional warehousing and distribution; bulk outdoor storage; and utilities. These areas are located near major transportation hubs (controlled-access freeways, Class I railroads, and/or airports with airfreight handling capabilities). Noise attenuation, wider/higher buffering requirements, and larger sites are more commonplace than in the Light Industrial Center category.

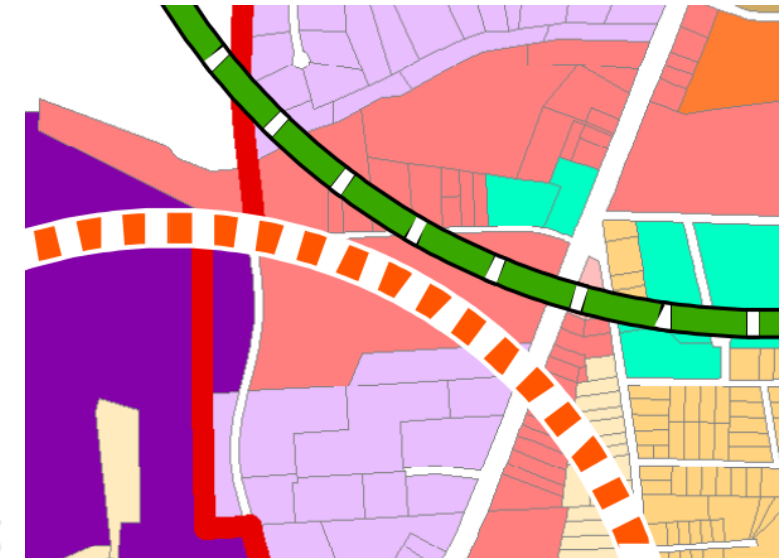


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Future Land Use Map

The site of the request is also located within a Commercial Future Area of Change (outlined in an orange and white dash) and a Mixed-Use Area of Change (outlined in a long green dash). The Area of Change designations recognize that conditions within the area, particularly related to the availability of public water and sewer, could influence future land uses, and that it was not unexpected that commercial and mixed-use land uses might then be introduced within that general vicinity.

Given the availability of public water and sewer, the request may be considered somewhat consistent with the current adopted land use map due to the site's location within and adjacent to the commercial and mixed-use areas of change. Additional opportunities exist for redevelopment within the mixed-use area of change to supplement supporting residential inventory around new commercial uses and existing civic/institutional uses to the north and east of the site. The applicant has worked to incorporate commercial uses along US 401, and under the direction of NCDOT has limited the number of driveways along that frontage to help support movement of traffic along the re-designed



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 one point of access along US 401 (Fayetteville Road) and three points of access on Farm Road. Additional turn lanes will be added at the project site. Pavement widening, curb, gutter and sidewalks will also be required along the frontage. With these improvements, this project may be considered consistent with the Transportation Plan.

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

- This project does not fall within a parkland search area. The plan has been reviewed by Parks, Recreation, and Cultural Resources staff, who have not indicated a desire for the dedication of park land. 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.

Planning Commission Meeting

- Mentioning the new Garner Forward plan - but clarifying that it was not considered formally for the consistency review of this project – but that “somewhat consistent” is a nod to the new plan review process as well.
- Clarifying that residential - at least multifamily of certain densities - is permitted within the CMX district,
- Clarifying the open space calculations and percentages,
- Questioning the inclusion of the outdoor sales uses and the gas station use,
- Questioning noise pollution from both US 401 and the racetrack, and whether or not the developer has considered impacts on the proposed apartments,
- Clarifying the components proposed for stormwater retention and treatment, the saving of trees to assist with stormwater treatment, and that the Town has approved underground stormwater BMPs before,
- Appreciating the enhanced pedestrian corridors and facilities and the layout of the green spaces and multiple parklets and amenity centers and building layout for traffic calming purposes,

Planning Commission Meeting

- Questioning whether a traffic movement/dedicated left turn lane has been considered for turning north off of Farm Road going north but clarifying that NCDOT has already committed to the superstreet which won't allow that,
- Clarifying that 450' of storage on the U-turn to head north on US 401 is sufficient,
- Questioning public transit access along the US 401 frontage and whether an easement could be provided for a future stop,
- Clarifying hardscape vs. landscape in the plaza area and trying to connect a nearby green space in the residential area into the commercial space, and questioning whether any of the hardscape could be permeable,
- Clarifying whether building material commitments have been made or not and commenting on the desire for high quality building materials,
- Stating the desire for suitable housing for Garner citizens - quality construction but priced appropriately,

Planning Commission Meeting

- Appreciating the plan being well ordered and organized, tree-lined corridors and thinking about the streetscape, art in the public space,
- Expressing the possibility of more building frontage along US 401 and questioning whether or not there was any discussion of incorporating higher densities and taller buildings,
- Questioning whether or not there was discussion of additional stubs to the south, and clarifying the legend for the building types and how it matches up to the drawing,
- Appreciating the Neighborhood Activity Center and the vision for that area, including the trail network, but encouraging that it will make for a nice walking experience around the SCM,
- Stating that the main street idea could be strengthened, and that including a roundabout might be of help,
- Stating that more Light Industrial in this location is not supported by the commission
- Encouraging sustainable design moving forward including charging stations, southern exposures, transit stop, trees, etc.

Consistency Statement

We, the Planning Commission, find this request 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 to be somewhat consistent with the Future Land Use Map given the availability of public water and sewer and the site's location within and adjacent to the commercial and mixed-use areas of change. We further find that the project is consistent with other adopted plans including the 2010/18 Garner Transportation Plan and the PRGCR Master Plan.

Adopted on a unanimous vote of 7-0 and recommending approval of this case to the Town Council.

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

Staff has highlighted the most likely motion for both approving (in green – staff recommendation) and denying (in red) the applicant’s request.

<p>1. CONSISTENT AND 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, as our own; and I further move that the Town Council adopt Ordinance No. (2022) _____ approving rezoning CZ-MP-22-14, as the request is 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>2. CONSISTENT BUT NOT 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, as our own; however, I also move that the Town Council deny rezoning CZ-MP-22-14, as the request is not reasonable nor in the public interest because it will likely not (<u><i>select all applicable reasonableness options on next page and/or provide your own reasoning</i></u>).”</p>