

CZ-23-02

3412 & 3508 Benson Road

Town Council

October 8, 2024



At a Glance

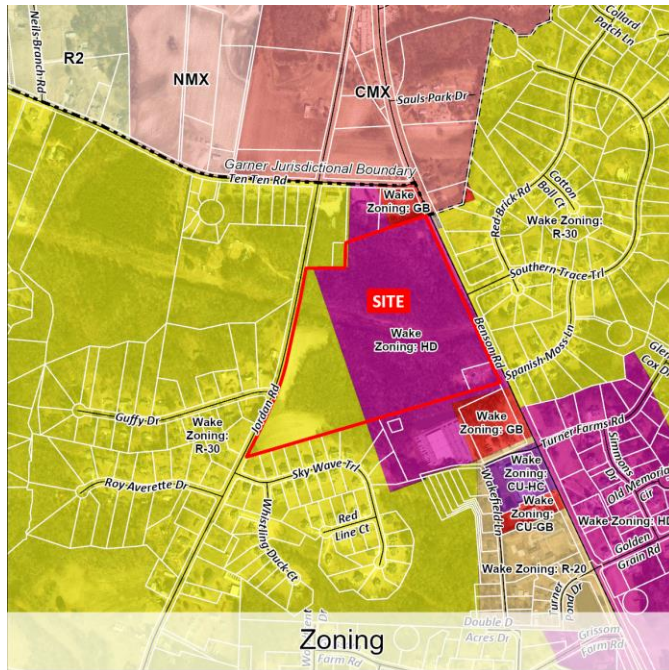
- Applicant: Collier Marsh of Parker Poe Adams and Berstein LLP
- Owner: Crocker, William K Revocable Trust & Crocker, Elizabeth T Revocable TRST, CRS1 LLC
- Request: Tier 1 conditional district rezoning request submitted by Collier Marsh of Parker Poe Adams and Berstein LLP, to rezone approximately 46.42 +/- 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.

Proposal

Rezoning: Commercial Mixed Use (CMX C310) Conditional

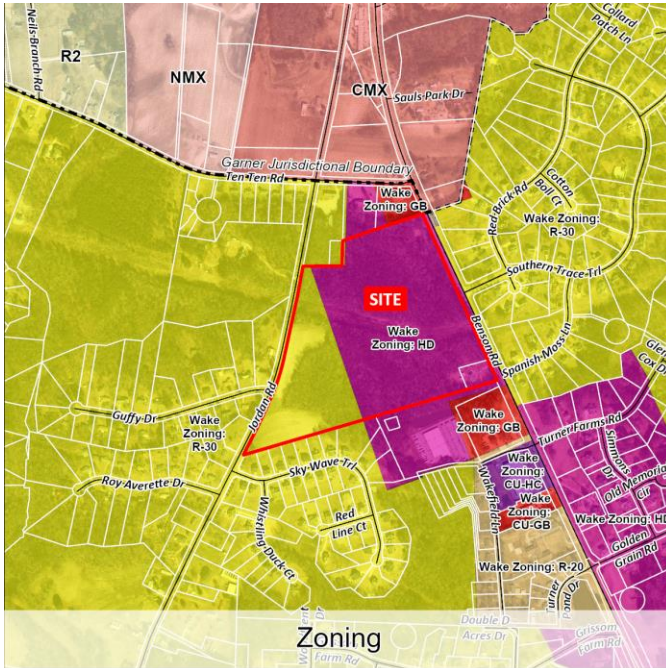
- Narrowed to 33 out of 60 possible uses
- 30 proffered conditions outside of the permitted uses
 2. Only residential uses shall be permitted in Area 2.

3. If a traffic signal is not already required at the property's Benson Road entrance (across from Southern Trace Trail) through future traffic studies or amendments to the submitted traffic impact analysis, a signal warrant analysis shall be performed at this Benson Road entrance concurrent with the submission of a site plan for commercial uses that meet the property's 25,000 square foot requirement. **If the signal warrant analysis determines that a signal is warranted and sufficient right of way exists, the signal shall be constructed by the property owner.**



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4. A minimum of 40% of the site shall be Open Area. As used in this condition, Open Area includes Passive Open Space, Active Open Space, Preserved Tree Cover Area, and project boundary buffers. Within this Open Area, the following additional commitments shall apply:

- a. A minimum of 60% of open space shall be contiguous. Contiguous area can include any open space bisected by public rights of way or streets, provided that a pedestrian crosswalk provides access to the open space on both sides of the street, and that the right-of-way area is not included in the calculation of open space.
- b. A minimum of 20% of the site (or ½ of the required Open Area) will be Preserved Tree Cover Area.

5. 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.

6. A minimum of one open play field in the residential portion of the property measuring ~~8,000~~ **20,000** sf shall be provided. This open playfield shall be a minimum of ~~sixty feet (60')~~ **130** feet wide. This open play field shall count toward the project's Open Area.

7. Area 2 shall include a playground unless area 2 is developed for 55+ age restricted residential or group care.

8. A distinct and identifiable community gathering space of at least 7000 square feet area shall be provided. Within this space a minimum of seven benches, one public art installation, and a minimum of 500 square foot flower bed shall be provided. This community gathering space shall count toward the project's open space.

9. In Area 1, Nonresidential buildings fronting Benson Road shall have a maximum of two bays of parking with one drive aisle located between those buildings and Benson Road.

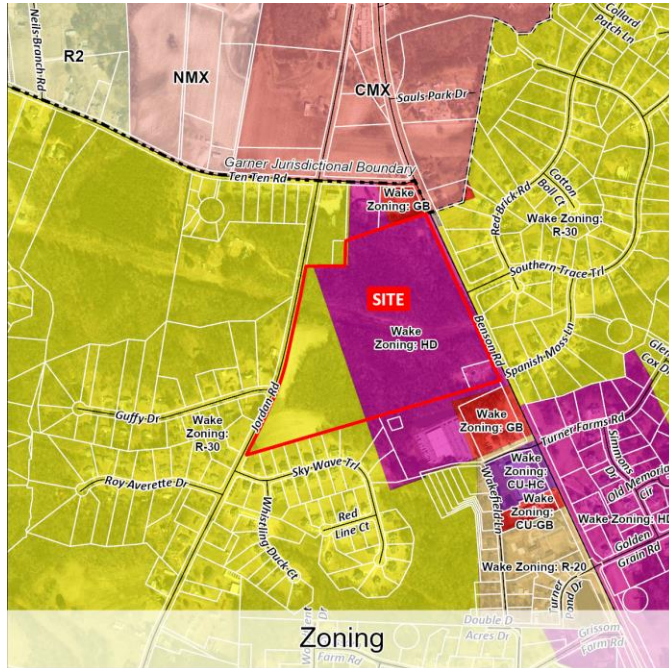
10. In Area 1, Residential buildings fronting Benson Road shall not have any parking located between those buildings and Benson Road.

11. In Area 1, no more than 50% of the Benson Road frontage shall have parking between buildings and the street.

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12. A minimum of 75% of landscaping shall be native species. Landscaping shall also include pollinator friendly plants.
13. The project shall install a minimum of 3 freestanding pole signs up to 4 sf in area, not in conflict with other UDO requirements for signs, to identify wooded or natural condition environmentally sensitive areas.
14. Along the limits of disturbance adjacent to wetlands, the developer shall install double silt fencing prior to any grading or construction with settling pits installed at every double silt fence outlet, more than the required single silt fence per the ordinance.
15. All primary buildings shall be designed to meet the requirements of a green building program. Acceptable green building programs include, but are not limited to, LEED, Energy Star, BREEAM, Green Globes, NGBS, and GreenGuard.
16. Development of the site shall include a minimum of two of the following green stormwater infrastructure (GSI) measures: bio-retention areas, permeable pavement systems, rainwater harvesting (cisterns), green roofs, and planter boxes. Incorporating GSI measures within the project limits does not preclude the ability to use above or below ground stormwater management devices.
17. The internal sidewalk and pathways system of the development will connect all Areas within the development and the system will connect in at least two locations to the future Benson Road public multi-use path.
18. There shall be a maximum of 650 multifamily residential units.
19. Multifamily buildings shall have interior corridors and be elevator served.

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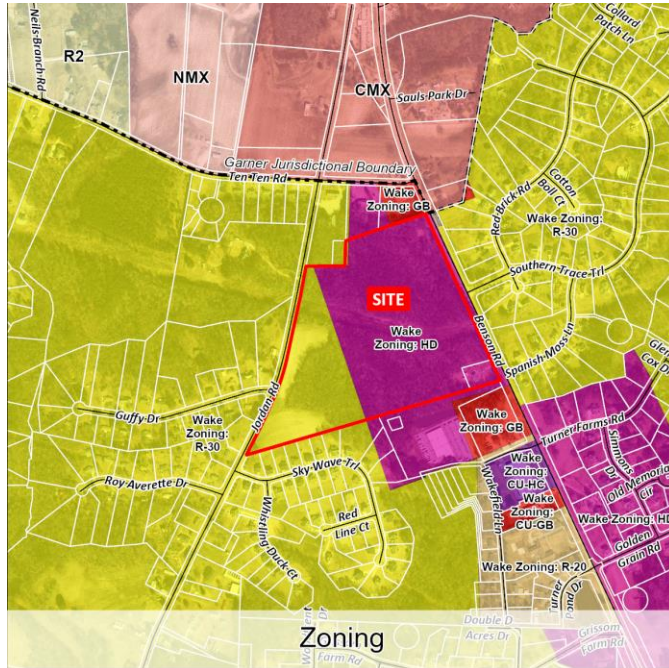
20. Minimum multifamily amenity square footages shall be as follows:

Amenity Type	340 Units or Less	Greater than 340 units
Clubhouse	3,500 sf	5,000 sf
Pool	1,000 sf	1,500 sf
Dog Park	500 sf	500 sf

21. All residential buildings in Areas 1 and 3 shall be a minimum of three stories and a maximum of five stories.

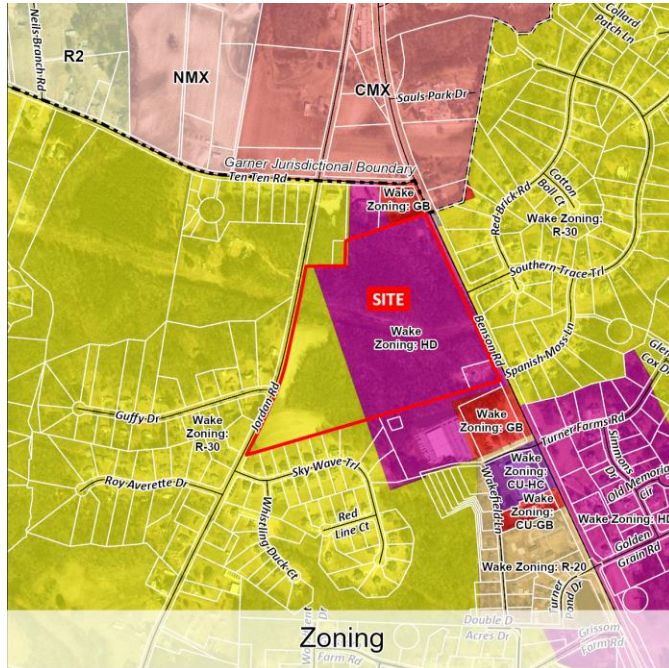
22. Multifamily buildings shall meet the following architectural guidelines:

- a. Vinyl siding is prohibited.
- b. Siding shall vary in color.
- c. Masonry components shall be a minimum of twenty percent (20%) per building. Accessory buildings may only have a masonry wainscot of at least 30" high.
- d. Foundations shall be slab on grade with masonry covering any exposed slab.
- e. Façade plans shall have offsets so as not to allow continuous runs over 24' with a minimum of 1' of depth.
- f. Projecting eaves/rakes shall have a minimum 12" depth on all sides.



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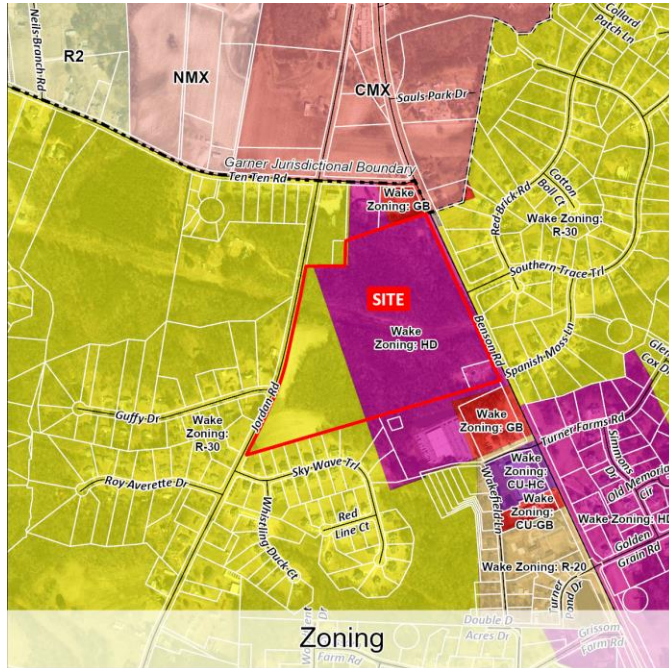


23. At full build-out of the site, there shall be a minimum of 25,000 square feet of nonresidential uses.
24. Nonresidential buildings shall not have residential buildings located between them and Benson Road.
25. Nonresidential buildings shall meet the following architectural guidelines:
 - a. Architectural treatments such as varying roof forms, façade articulation, breaks in roofs, and walls with texture materials shall be incorporated to add visual interest.
 - b. Large expanses of blank walls, greater than 25' in length or height, shall be broken up with windows or other architectural features to reduce visual impacts.
 - c. Roof features may include flat roofs with parapet, hip roofs, canopies or awnings with metal material.
 - d. Windows and storefront glazing shall be divided to be either square or vertical in proportion so that each section is taller than it is wide.
26. For Non-Residential buildings located within Area 1, building transparencies shall meet or exceed the higher requirements of UDO Section 9.2.3 for the Neighborhood Mixed Use District (NMX). Primary frontage (ground floor/street level) will meet or exceed 50% transparency. Other ground floor public frontages will meet or exceed 33% transparency. Upper floor public frontages will meet or exceed 20% transparency.

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27. For Non-Residential buildings, at least 55% of the primary building materials shall be brick, stone, decorative/scored concrete masonry units or fiber cement panels. Vinyl siding shall be prohibited.
28. Non-Residential building facades shall exceed the articulation requirements of UDO Section 9.2.6. Façade articulations shall be further emphasized by material changes or material color changes.
29. All Non-Residential building and suite entrances shall be covered by awnings, colonnades, or canopies with a minimum of 20 square foot area or entrances shall be under covered walkways adjacent to the primary façade.
30. Non-Residential buildings and building clusters shall provide outdoor gathering/dining spaces or patios. These outdoor spaces shall be a minimum size of 10% of the building first floor footprint(s) of the building(s) they serve and shall be adjacent to or within 150 feet. Patios shall be constructed of masonry pavers, decorative colored or stamped concrete, artificial turf, and/or rubber surfacing. Additionally, these outdoor gathering/dining spaces shall include atmospheric/architectural lighting, partial covering to provide shade and a minimum of 20 linear feet of permanent seating for each 1000 square feet of patio or gathering/dining space area.
31. A minimum of five percent (5%) of multifamily units constructed with the development shall be provided as Affordable Housing units (the “Affordable Housing Units”). The Affordable Housing Units shall have rents that are affordable for households earning 100% of the U.S. Department of Housing and Urban Development (HUD) Area Median Income (AMI) as stipulated by the most recently published North Carolina Housing Finance Agency (NCHFA) Low-Income Housing Tax Credit (LIHTC) Multifamily Tax Subsidy Program (MTSP) income and rent limits for the Raleigh, NC MSA area, as defined by the U.S. Department of HUD and updated annually. The Affordable Housing Units shall be restricted for an affordability period of thirty years starting from the date of issuance of the first multifamily residential Certificate of Occupancy (the “Affordable Period”) for the development. Following completion of the Affordable Period, this Affordable Housing condition shall expire, the property owner shall be relieved of all obligations set forth in this Affordable Housing condition, and the Affordable Housing Units may be freely marketed and leased at market-rate rents.

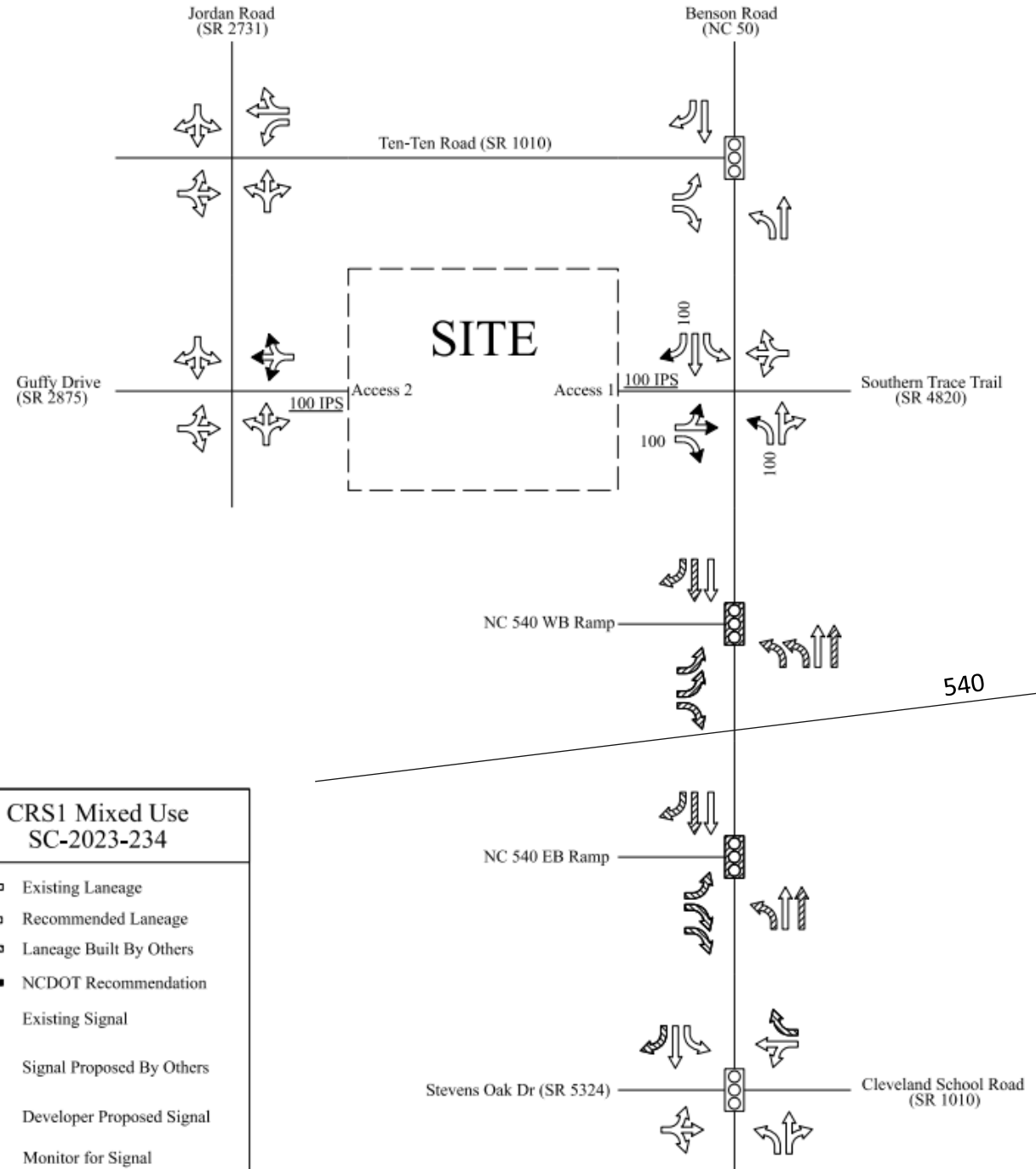


Proposal

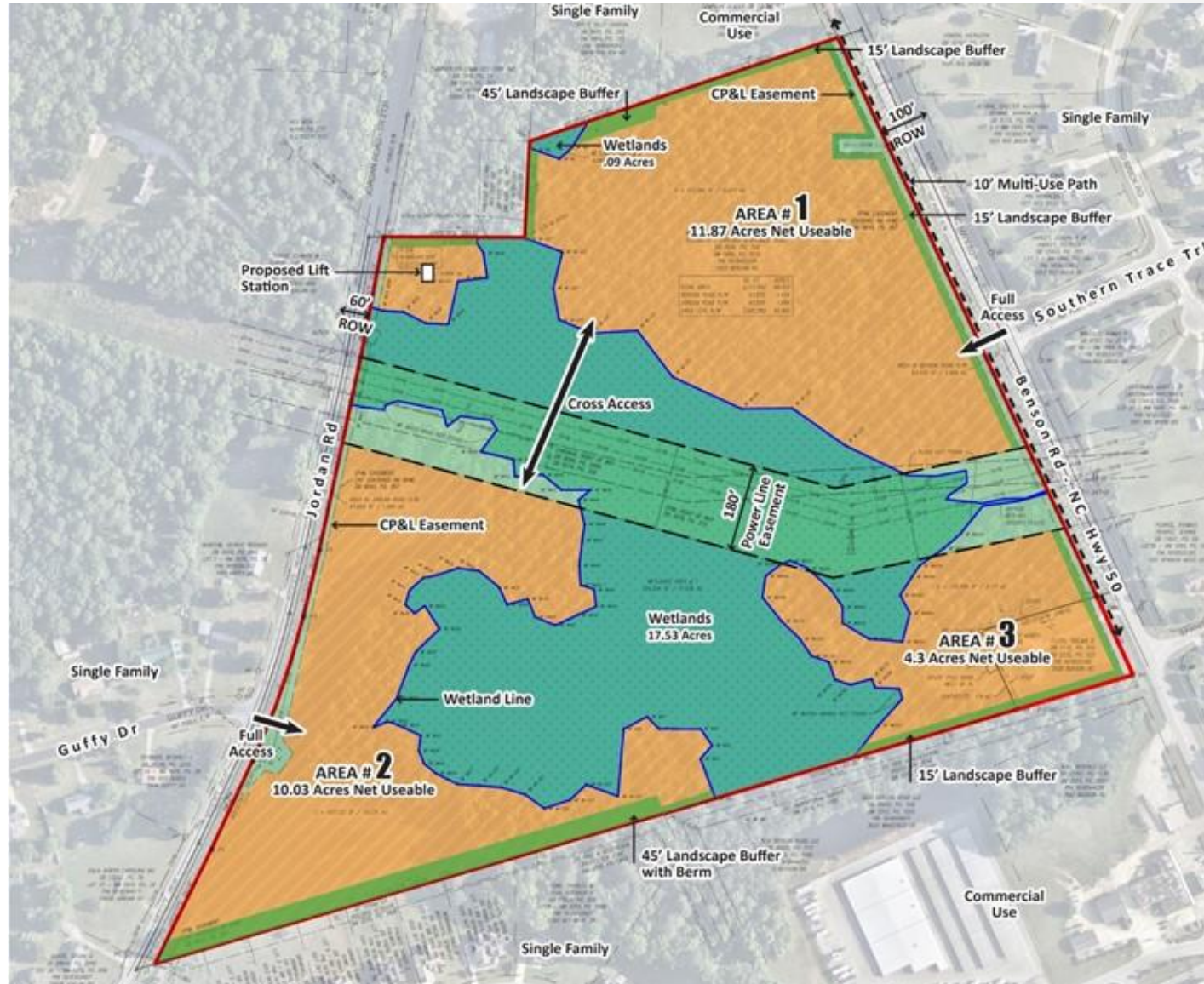
Transportation Notes:

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:

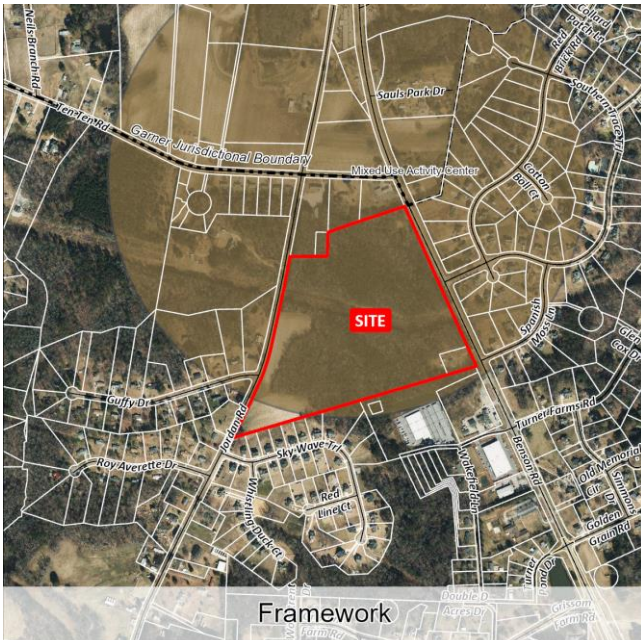


Review - Framework Consistency

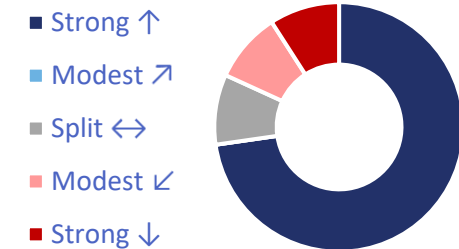
11 Growth Framework criteria evaluated.

Final results:

- 8 strongly consistent
- 1 split modest
- 1 modestly inconsistent – Auto-only transportation is a pre-existing condition
- 1 strongly inconsistent – CMX District not a recommended Character Area Crosswalk choice



GROWTH FRAMEWORK CONSISTENCY

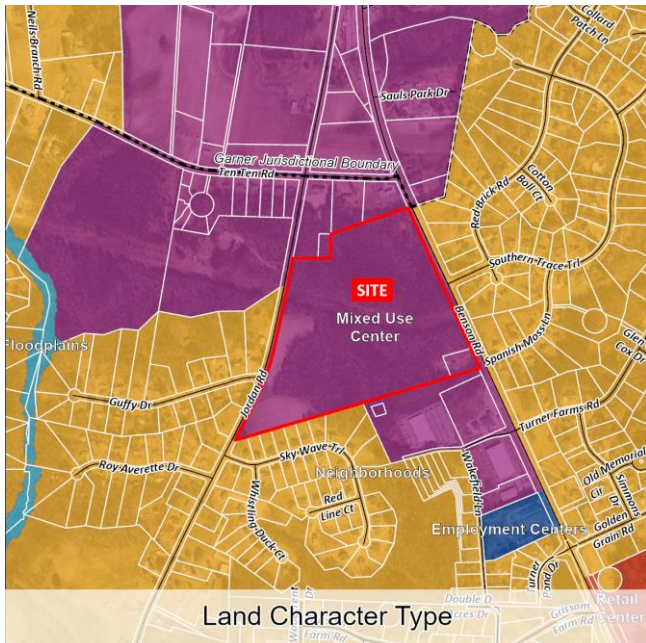


Review - Land Use and Community Character Consistency

16 criteria determined applicable or possible to meaningfully address.

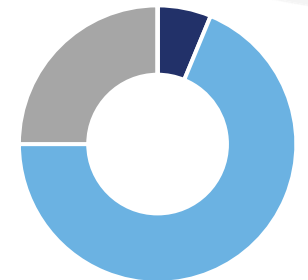
Final results:

- 1 strongly consistent
- 11 modestly consistent
- 4 split



LAND USE AND COMMUNITY CHARACTER CONSISTENCY

- Extra +
- Strong ↑
- Modest ↗
- Split ↔
- Modest ↘
- Strong ↓





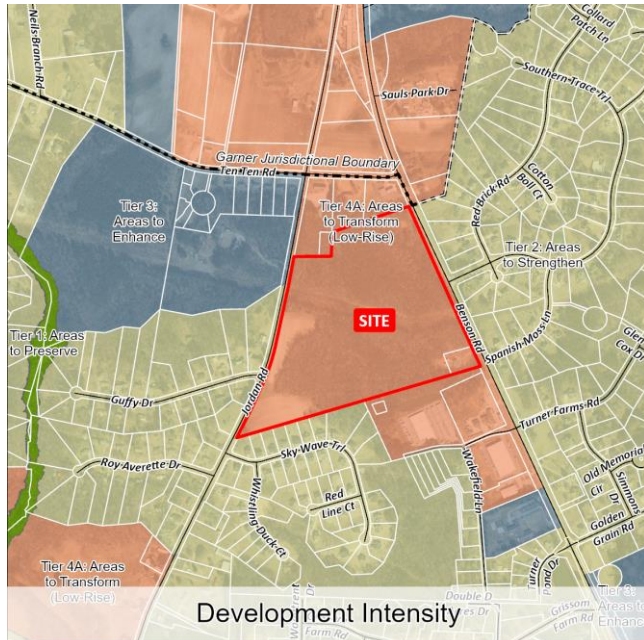
Planning Commission Meeting

Questions and comments from the Planning Commission consisted of:

- Concern regarding the percentage of units reserved for affordable housing and AMI being too high to have an impact on affordable housing particularly for the local workforce;
- Question regarding road lane build out along Benson Road;
- Question regarding the protection of the wetlands post construction;
- Question regarding the cross section across the wetlands;
- Question regarding the type of neighborhood commercial uses;
- Question regarding the existing home and if it would remain or be demolished;
- Questions about the connectivity across the wetlands to Jordan Rd.;
- Comment to ensure that it is communicated clearly that there may be more access points than the two shown on the area map;
- Clarification regarding when residential and non-residential will be developed;
- Clarification regarding green building standards throughout the site;
- Question where pool amenity would be located; and
- Question where the play area would be located and how would it be accessible throughout the site.

PC Adopted Consistency Statement

We, the Planning Commission, find that in the absence of any strong non-supporting comprehensive plan criteria (*aside from the zoning district choice which warrants further discussion if it should be appropriate*) and a strong level of consistency with the Plan’s growth framework, this request to rezone 46.42 +/- acres from Highway District (HD) and Residential-30 (R-30) (Wake County) to Commercial Mixed Use (CMX C310) Conditional is consistent with the Town’s adopted land use plans.



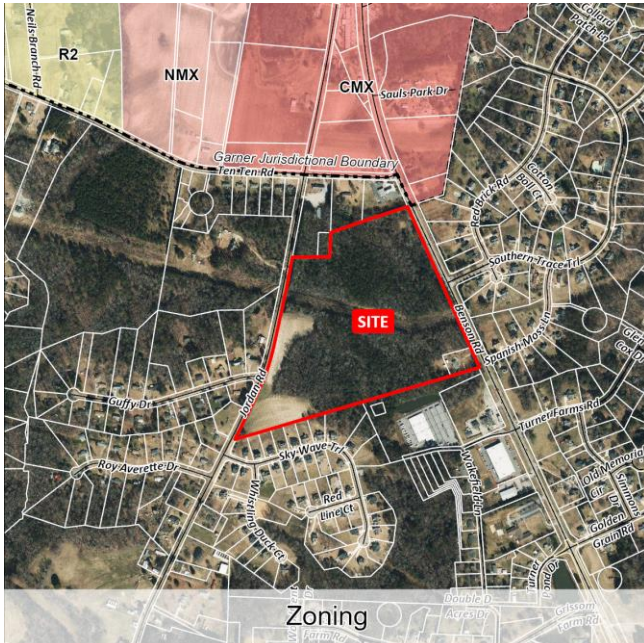
PC's Motion to Recommend Approval

I move that the Planning Commission accept the consistency statement drafted herein as our own written recommendation regarding the consistency of the request with the Town's adopted land use plans and recommend approval of case number CZ-23-02.

Motion – Carson

Second – Avent

Vote – Unanimous (5-0)





Reasonableness

1. Consistency (or lack thereof) with the Comprehensive Plan and other adopted plans.
2. Compatibility with the present zoning and conforming uses of nearby property and with the character of the neighborhood.
3. Suitability of the subject property for uses permitted by the current versus the proposed district.
4. Whether the proposed change tends to improve the balance of uses or meets a specific demand in the Town.
5. Availability of sewer, water, transportation infrastructure, stormwater facilities, and other necessary infrastructure generally suitable and adequate for the proposed use.
6. Preservation of key features of the natural environment.



Draft Motions

See page 62 of the agenda packet for draft motions:

- to find consistent and reasonable (approve), or
- to find consistent and unreasonable (deny).

<i>Approve</i>	① Consistent and Reasonable	② Inconsistent but Reasonable
<i>Deny</i>	③ Consistent but Not Reasonable	④ Inconsistent and Not Reasonable