



# CZ-24-002 Gateway 540

Town Council  
November 4, 2024

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## At a Glance



**Applicant:** Beth Blackman of Timmons Group

**Owner:** Forsyth Development & Investment Company LLC; Forsyth Investments Company LLC; Benson Road Land Company LLC

**Request:** Tier 1 conditional district rezoning request to rezone 97.15 +/- acres from Highway District (HD) and Residential-30 (R-30) (Wake County) to Light Industrial (LI C311) Conditional and the Limited Access Highway (LHO) and Lower Swift Creek Conservation (LSC) overlay districts. The site is located at 3530, 3540, 3544, and 3550 Parrish Farm Road; 3933 and 4009 Benson Road; 7001 and 7013 Cleveland School Road; and 5600 Painters Road.

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# Proposal

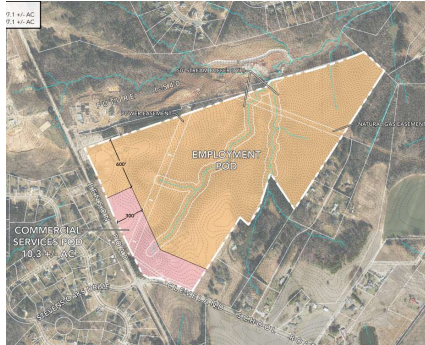


## Rezoning: Light Industrial (CMX C311) Conditional

- Narrowed to 31 out of 41 possible uses – see staff report
- 11 proffered conditions outside of the permitted uses

### 2. Definitions

- a. Area for Development: as used herein, the “Area for Development” means and refers to the area included in a survey for Gateway 540 LLC by Aleyse J. Gilbert PLS dated March 17, 2024, submitted to the Town of Garner for annexation and encompassing 97.15 acres and attached hereto as Exhibit A.
- b. Commercial Services Pod: as used herein, the “Commercial Services Pod” means and refers to that portion of the Area for Development depicted on the attached Exhibit B as Commercial Services Pod commencing 600’ south of the northern boundary of the site at Benson Road and consisting of an area measuring 300’ deep along the Benson Road frontage of the Area for Development to Cleveland School Road and thence along the entire Cleveland School Road frontage.
- c. Employment Pod: as used herein, the “Employment Pod” means and refers to all of the Property less the Commercial Services Pod as depicted on the attached Exhibit B as Employment Pod.



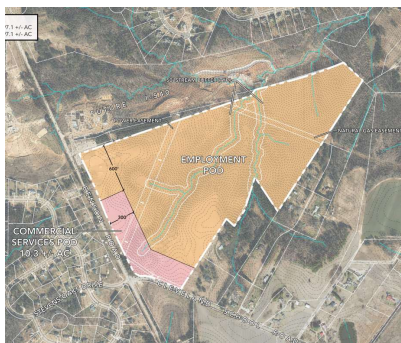
# Proposal



## Rezoning: Light Industrial (CMX C311) Conditional

3. Permitted Uses within Commercial Services Pod. It being the intent of preserving meaningful developable land for typical commercial uses along the Benson Road and Cleveland Road frontages, the following uses identified in the Permitted Use Table are the only uses permitted within the Commercial Services Pod:
  - a. Bar, Nightclub, Tavern
  - b. Indoor Athletic or Entertainment Facility (not theater)
  - c. Hotel/Motel
  - d. Other Office Uses Not Listed
  - e. Medical Office
  - f. Other Restaurant and Food Services Not Listed
  - g. Restaurant, Sit-Down Establishment
  - h. Convenience Store, without Fuel Sales
  - i. Convenience Store, with Fuel Sales
  - j. Personal or Professional Services (up to 5,000 sq ft ground floor footprint)
  - k. Person or Professional Services (> 5,000 sqft ground floor footprint)
  - l. Sales/Retail (no outdoor operations)
  - m. Sales/Retail (with outdoor operations up to 25 percent of total sales area)
  - n. Sales/Retail (with outdoor operations > 25 percent of total sales area)
  - o. Veterinarian/Kennel, Indoor

The uses identified in this Paragraph 3 are the “Commercial Services Uses”.

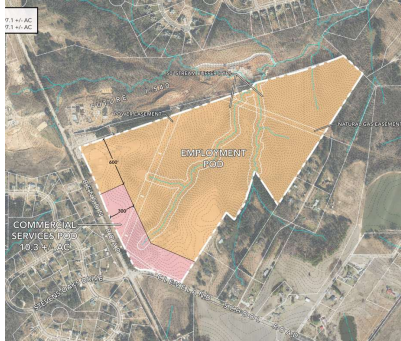


# Proposal



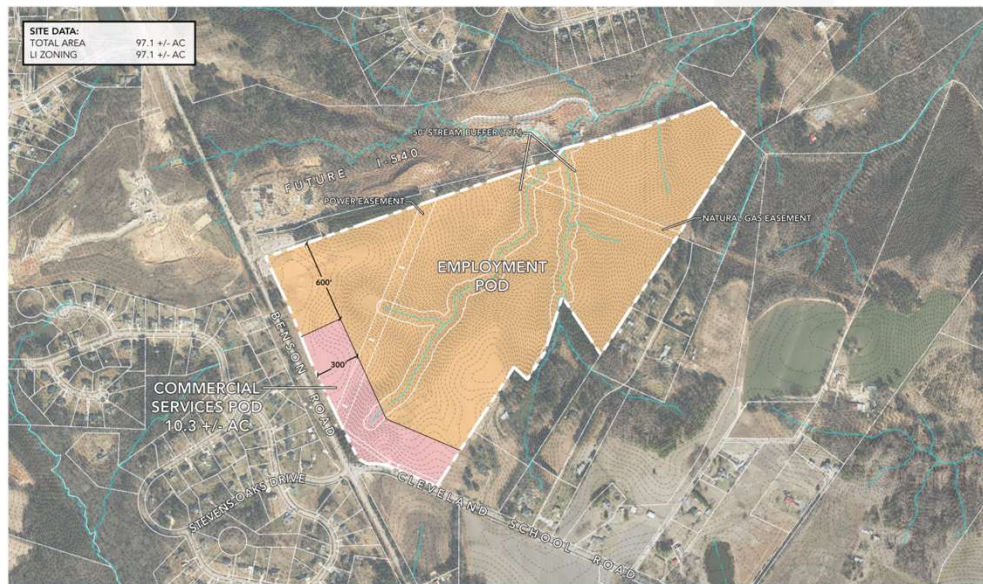
Rezoning: Light Industrial (CMX C311) Conditional

- 4. Permitted Uses within Employment Pod. Subject to the maximum amount of Commercial Services Uses provided in paragraph 5, all uses listed in Paragraph 1 (Permitted Use Table) are permitted within the Employment Pod.
- 5. Maximum Amount of Commercial Services Uses. No more than 25% of the gross land area (platted lots, as well as half of any fronting rights-of-ways lying within the boundary of the original Area for Development) shall be developed for Commercial Services Uses.
- 6. Maximum Amount of Flex Space Uses. For a period of ten (10) years following the date of the certificate of occupancy for the first building within the Employment Pod, no more than 25% of the gross land area of the Employment Pod (platted lots, as well as half of any fronting rights of way of the original Area of Development) shall be used for Flex Space uses.



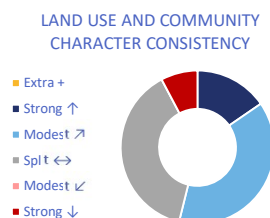
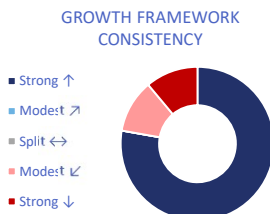
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# Area Map



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## Review - Overall



- Staff can support an overall finding of consistency based on the revised request.
- Full detail of consistency review attached to staff report.

## Planning Commission Meeting



Questions and comments from the Planning Commission consisted of:

- Clarifying question regarding the elimination of one of the proposed site access points;
- Question if there would be an update to the traffic impact analysis now that 540 has been opened;
- Question regarding the choice of uses to generate the TIA;
- Question how the applicant can overcome the overly broad nature of the request in terms of uses;
- Question regarding the minimum and maximum height of the building;
- Appreciation expressed to applicant for refining the list of permitted uses;
- Clarifying questions in response the neighborhood meeting regarding residential uses and restaurants within the proposal;
- Question if the proposal will come back before the Planning Commission;
- Assistant Manager Hodges offered that the Economic Development Department could come back to provide updates on the status of the development.

# PC Adopted Consistency Statement



We, the Planning Commission, find that with a modest level of land use and community character consistency and a fairly strong level of consistency with the Plan’s growth framework, this request, to rezone 97.15 +/- acres from Highway District (HD) and Residential-30 (R-30) (Wake County) to Light Industrial (LI C311) Conditional and the Limited Access Highway (LHO) and Lower Swift Creek Conservation (LSC) overlay districts is consistent with the Town’s adopted land use plans.



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# 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 # CZ-24-002 to the Town Council.

Motion – Voiland

Second – Avent

Vote – Unanimous (5-0)



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# 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 65 of the agenda packet for draft motions:

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

Deny	③ Consistent but Not Reasonable	④ Inconsistent and Not Reasonable
	① Consistent and Reasonable	② Inconsistent but Reasonable

# Area Map

