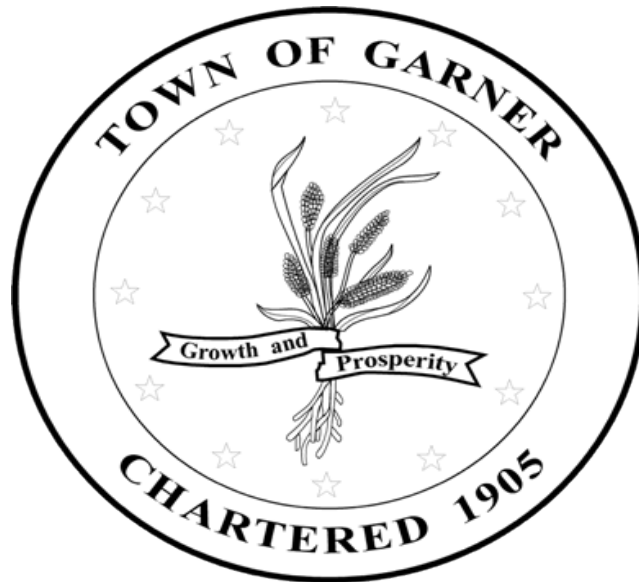


# TOWN OF GARNER



## TOWN COUNCIL MEETING

FEBRUARY 1, 2016  
7:00 P.M.

Garner Police Department  
Training Room

**Town of Garner  
Town Council Agenda  
February 1, 2016**

*Dinner will be served for town officials in the Conference Room at 6:15 p.m.*

The Council will meet in regular session at 7:00 p.m. in the Garner Police Department Training Room located at 912 7<sup>th</sup> Avenue.

A CALL MEETING TO ORDER/ROLL CALL: Mayor Ronnie Williams

The Council will call for a brief recess at 9:00 p.m.

B PLEDGE OF ALLEGIANCE: Council Member Buck Kennedy

C INVOCATION: Council Member Buck Kennedy

D PETITIONS AND COMMENTS

*This portion of the meeting is to receive comments from the public on items not included in this agenda. Citizens should sign up with the Town Clerk to speak prior to the start of the meeting. The Board is interested in hearing your concerns, but may not take action or deliberate on subject matter brought up during the Petitions and Comments segment. Topics requiring further investigation will be referred to the appropriate town officials or staff and may be scheduled for a future agenda.*

E ADOPTION OF AGENDA

F PRESENTATIONS

1. Introduction of Miss Garner Grace Ann Carroll and Miss Garner Outstanding Teen Carlli McIntyre  
Presenter: Harold Garner, Executive Director, Miss Garner Pageant Association
2. Recognize Retirement of Deputy Chief Eric Copeland for his retirement from the Town  
Presenter: Brandon Zuidema, Police Chief
3. Investment Update from PFM Asset Management  
Presenter: Pam Wortham, Interim Finance Director

G CONSENT

*All items on the Consent Agenda are considered routine, to be enacted by one motion and without discussion. If a member of the governing body requests discussion of an item, the item will be removed from the Consent Agenda and considered separately.*

1. Termination of Temporary Construction Easement ..... Page 6  
Presenter: William E. Anderson, Attorney

Prior to the U S 70 roadway improvements project, the Drury Development Corp. and the Yeargan family granted certain temporary construction easements to the Town. The construction work has been completed and Core Properties has requested that documents be filed memorializing the termination of the temporary easements. That is an acceptable

procedure. The form of the proposed documents as prepared by Core's attorney have been approved.

Action: Authorize Execution and Recordation of Notices of Termination

- 2. Lake Benson Dog Park ..... Page 7  
Presenter: Sonya Shaw, Parks, Recreation & Cultural Resources Director

Town staff is requesting Council approve the proposed dog park plan for Lake Benson Park in order for staff to begin the Planning Department's review process.

Action: Approve Lake Benson Dog Park Plan

- 3. Authorization to Investigate Two Voluntary Annexation Petitions ..... Page 10  
Presenter: Brad Bass, Planning Director

The Town of Garner has received two petitions for annexation:

ANX-15-03: 49 acres on Bryan Road, single parcel for future elementary and middle schools.

ANX-15-06: 97 acres on New Bethel Church Road, seven parcels associated with future site of Oak Park Subdivision.

Action: Adopt Resolution No. (2016) 2280

H PUBLIC HEARINGS

- 1. Conditional Use Permit CUP-SP-15-15, Zaxby's ..... Page 16  
Presenter: Jenny Saldi, Senior Planner

Providence Group Sports and Entertainment is requesting conditional use site plan approval for the construction of a new restaurant, Zaxby's. The property is located in the northwest portion of U.S. Highway 70 and Jones Sausage Road.

Action: Consider Approval of CUP-SP-15-15

I NEW/OLD BUSINESS

J COMMITTEE REPORTS

K MANAGER REPORTS

- 1. garner info
- 2. Buffaloe Road Sidewalk Project
- 3. FY16-17 Budget Hearing

L ATTORNEY REPORTS

M COUNCIL REPORTS

N ADJOURNMENT

Town of Garner  
Town Council Meeting  
Agenda Form

Meeting Date: February 1, 2016		
Subject: Introduction of Miss Garner and Miss Garner Outstanding Teen		
Location on Agenda: Presentations		
Department: Administration		
Contact: Stella Gibson		
Presenter: Harold Garner, Executive Director, Miss Garner Pageant Association		
Brief Summary: Harold Garner will introduce Miss Garner, Grace Ann Carroll and Miss Garner Outstanding Teen, Carlli McIntyre.		
Recommended Motion and/or Requested Action: No action required.		
Detailed Notes:		
Funding Source:		
Cost:	One Time: <input type="radio"/>	Annual: <input type="radio"/> No Cost: <input checked="" type="radio"/>
Manager's Comments and Recommendations: None		
Attachments Yes: <input type="radio"/> No: <input checked="" type="radio"/>		
Agenda Form Reviewed by:	Initials:	Comments:
Department Head:	SG	
Finance Director:		
Town Attorney:		
Town Manager:	RD	
Town Clerk:		

Town of Garner  
Town Council Meeting  
Agenda Form

Meeting Date: February 1, 2016		
Subject: Retirement Recognition - Deputy Chief Eric Copeland		
Location on Agenda: Presentations		
Department: Police		
Contact: Brandon Zuidema		
Presenter: Brandon Zuidema		
Brief Summary: Recognition of Deputy Chief Eric Copeland's retirement from the Town with 25 years of service.		
Recommended Motion and/or Requested Action: Presentation of Town retirement gift along with any other comments.		
Detailed Notes: The Town of Garner greatly appreciates Deputy Chief Copeland's 25 years of dedicated service. His service weapon and badge will be presented as a token of our gratitude for his commitment to the community.		
Funding Source:		
Cost:	One Time: <input type="radio"/>	Annual: <input type="radio"/> No Cost: <input checked="" type="radio"/>
Manager's Comments and Recommendations:		
Attachments Yes: <input type="radio"/> No: <input checked="" type="radio"/>		
Agenda Form Reviewed by:	Initials:	Comments:
Department Head:	BZ	
Finance Director:		
Town Attorney:		
Town Manager:	RD	
Town Clerk:		

Town of Garner  
Town Council Meeting  
Agenda Form

Meeting Date: February 1, 2016		
Subject: Investment Report		
Location on Agenda: Presentations		
Department: Finance		
Contact: Pam Wortham		
Presenter: Craig Robinson, PFM		
Brief Summary:  Craig Robinson with PFM will be here to present the investment performance for the quarter ended December 31, 2015		
Recommended Motion and/or Requested Action: Report only, no action required		
Detailed Notes:		
Funding Source:		
Cost:	One Time: <input type="radio"/>	Annual: <input type="radio"/> No Cost: <input checked="" type="radio"/>
Manager's Comments and Recommendations: None		
Attachments Yes: <input type="radio"/> No: <input checked="" type="radio"/>		
Agenda Form Reviewed by:	Initials:	Comments:
Department Head:		
Finance Director:	PW	
Town Attorney:		
Town Manager:	RD	
Town Clerk:		

Town of Garner  
Town Council Meeting  
Agenda Form

Meeting Date: February 1, 2016		
Subject: Termination of Temporary Construction Easement		
Location on Agenda: Consent		
Department: Legal		
Contact: William E. Anderson		
Presenter: William E. Anderson		
<p><b>Brief Summary:</b></p> <p>As discussed at the January 26 Work Session, prior to the U S 70 roadway improvements project, the Drury Development Corp. and the Yeargan family granted certain temporary construction easements to the Town. The construction work has been completed and Core Properties has requested that documents be filed memorializing the termination of the temporary easements. That is an acceptable procedure. The form of the proposed documents as prepared by Core's attorney have been approved by the Town's attorney.</p>		
<p><b>Recommended Motion and/or Requested Action:</b></p> <p>Authorize execution and recording notices of termination of temporary easement</p>		
<p><b>Detailed Notes:</b></p>     		
<p><b>Funding Source:</b></p>		
Cost:	One Time: <input type="radio"/>	Annual: <input type="radio"/> No Cost: <input checked="" type="radio"/>
<p><b>Manager's Comments and Recommendations:</b></p> <p>Staff is in agreement of releasing easement.</p>		
<p>Attachments Yes: <input type="radio"/> No: <input checked="" type="radio"/></p>		
Agenda Form Reviewed by:	Initials:	Comments:
Department Head:		
Finance Director:		
Town Attorney:	WEA	
Town Manager:	RD	
Town Clerk:		

Town of Garner  
Town Council Meeting  
Agenda Form

Meeting Date: February 1, 2016		
Subject: Lake Benson Dog Park		
Location on Agenda: Consent		
Department: PRCR		
Contact: Sonya Shaw		
Presenter: Sonya Shaw		
Brief Summary:  Town staff is requesting Council approve the proposed dog park plan for Lake Benson Park in order for staff to begin the Planning Department's review process.		
Recommended Motion and/or Requested Action: Approval of Lake Benson Park Dog Park Plan		
Detailed Notes:		
Funding Source: PRCR Park Enhancement Bond		
Cost: \$125,000	One Time: <input checked="" type="radio"/>	Annual: <input type="radio"/> No Cost: <input type="radio"/>
Manager's Comments and Recommendations: Schedule moved out due to Town Hall move and the need to add parking and storm water BMP.		
Attachments Yes: <input checked="" type="radio"/> No: <input type="radio"/>		
Agenda Form Reviewed by:	Initials:	Comments:
Department Head:	SS	
Finance Director:		
Town Attorney:		
Town Manager:	RD	
Town Clerk:		





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**To:** Rodney Dickerson, Interim Town Manager  
**From:** Sonya Shaw, PRCR Director  
Tony Chalk, Engineering Director  
Paul Cox, Public Works Director  
**Date:** 2/1/16  
**Re:** Proposed Dog Park- Lake Benson Park

At the April 20, 2015 Council meeting, Town staff received agreement from Council to further study the proposed dog park site at Lake Benson Park. Since that time, Town Staff has been working with Joel Moulin (McKim & Creed) to design the proposed dog park at Lake Benson Park.

The proposed site is 1.5 acres and will feature two separate play areas for small and large dogs. Each play area will be separated by fencing and include park amenities such as benches, dog fountain, waste stations, and dog play equipment. Cost estimates are within the approved amounts for this project (\$125,000).

With the addition of the dog park comes challenges with the amount of impervious surface at Lake Benson. Each time we add impervious surfaces such as asphalt or concrete for parking or sidewalks, we lose existing parking spaces to account for the difference. Consequently, at the January 19, 2015, Council meeting, Town Council approved storm water BMP design and an estimated 45 additional parking spaces near the proposed dog park.

Construction schedule will depend upon final approval of dog park plan and Public Works workload. Staff estimates beginning the project in late-Spring 2016 and completion during early-Summer 2016. Engineering will handle bidding and construction management of the storm water BMP. Public Works will manage construction of the dog park.

Town staff is requesting Council approve the proposed dog park plan for Lake Benson Park in order for staff to begin the Planning Department's review process.



Town of Garner  
Town Council Meeting  
Agenda Form

Meeting Date: February 1, 2016		
Subject: Authorization to Investigate Two Voluntary Annexation Petitions		
Location on Agenda: Consent		
Department: Planning		
Contact: Brad Bass		
Presenter: Brad Bass		
Brief Summary:  The Town of Garner has received two petitions for annexation:  ANX-15-03: 49 acres on Bryan Road, single parcel for future elementary and middle schools. ANX-15-06: 97 acres on New Bethel Church Road, seven parcels associated with future site of Oak Park Subdivision.		
Recommended Motion and/or Requested Action: Adopt Resolution		
Detailed Notes: See attached Reports.		
Funding Source:		
Cost:	One Time: <input type="radio"/>	Annual: <input type="radio"/> No Cost: <input checked="" type="radio"/>
Manager's Comments and Recommendations: None		
Attachments Yes: <input checked="" type="radio"/> No: <input type="radio"/>		
Agenda Form Reviewed by:	Initials:	Comments:
Department Head:	MBB	
Finance Director:		
Town Attorney:		
Town Manager:	RD	
Town Clerk:		



# Town of Garner Annexation Staff Report

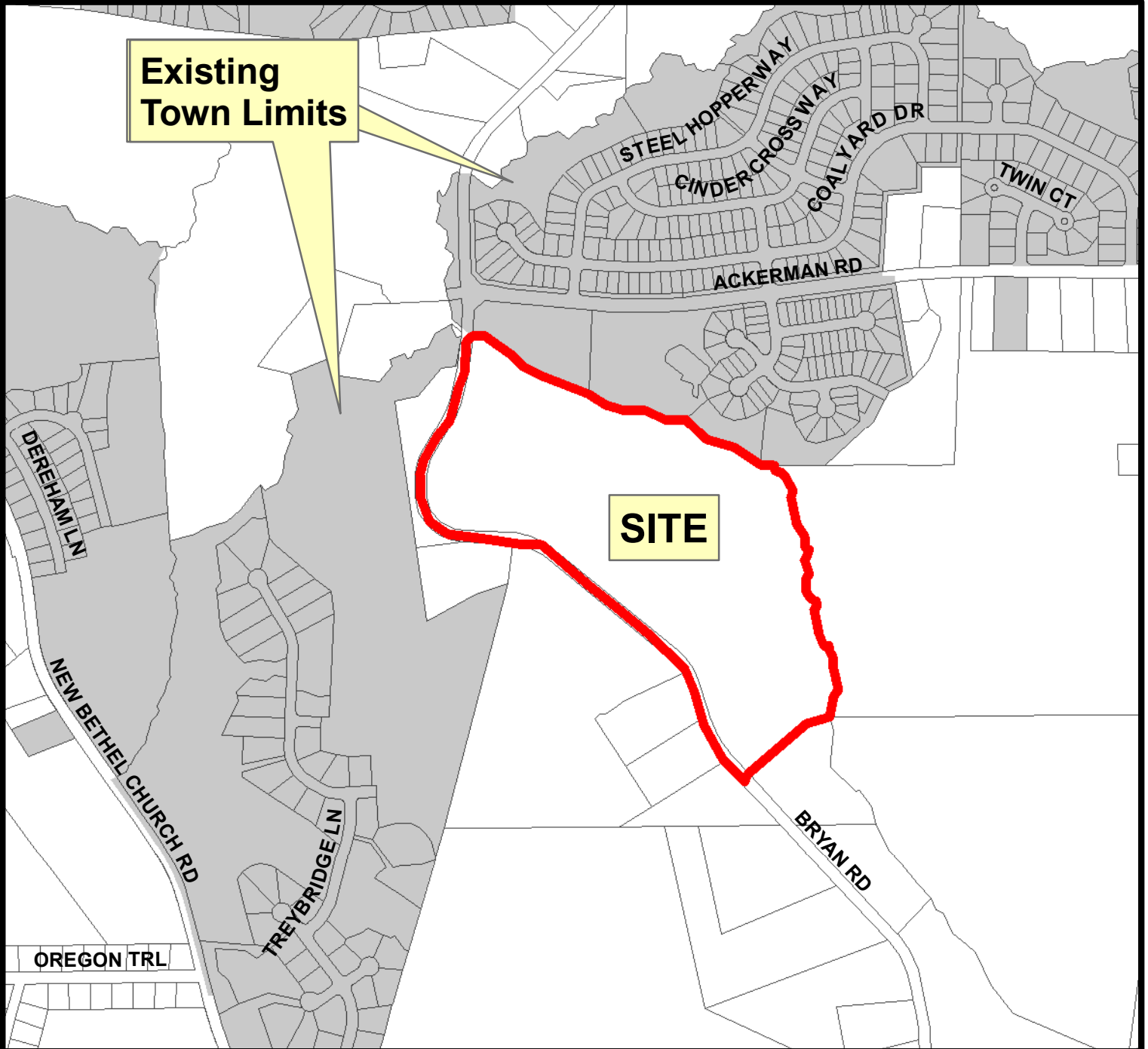
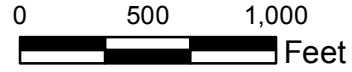
Garner Town Council  
February 1, 2016

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<b>ANNEXATION APPLICATION:</b>	ANX 15-03
<b>OWNER:</b>	Wake County Board of Education
<b>CONTIGUOUS / SATELLITE:</b>	Satellite
<b>LOCATION OF PROPERTY:</b>	8213 Bryan Road
<b>WAKE COUNTY PIN #:</b>	1629176780
<b>REAL ESTATE ID #:</b>	0009427
<b>AREA:</b>	49 acres
<b>ZONING:</b>	R-40
<b>ASSOCIATED DEVELOPMENT PLAN:</b>	Bryan Road Elementary School (E31)
<b>EXISTING USE:</b>	Vacant / undeveloped
<b>RECOMMENDATION:</b>	Authorize Resolution to Investigate (see attached)

**Town of Garner  
Planning Department**

**Annexation  
ANX 15-03**



Property Location: Bryan Road  
Property Owner: Wake County Board of Education  
PIN: 1629176780  
Acreage: 49.94  
Project: Future School Site

**GARNER POLICE ZONE: 8424**



# Town of Garner Annexation Staff Report

Garner Town Council  
February 1, 2016

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**ANNEXATION APPLICATION:** ANX 15-06

**OWNER:** Phyllis King & Annie Bryan

**CONTIGUOUS / SATELLITE:** Satellite

**LOCATION OF PROPERTY:** New Bethel Church Road

**WAKE COUNTY PIN #:** 1619916489, 1629120497, 1629031484,  
1629032823, 1629027659, 1619915933,  
1629023968

**REAL ESTATE ID #:** 0009362, 0009357, 0003033, 0009423  
0177658, 0009358, 0009413

**AREA:** 97 acres

**ZONING:** Wake County R-30

**ASSOCIATED DEVELOPMENT PLAN:** Oak Park Subdivision (CUD Z 15-06, CUP SB 15-06)

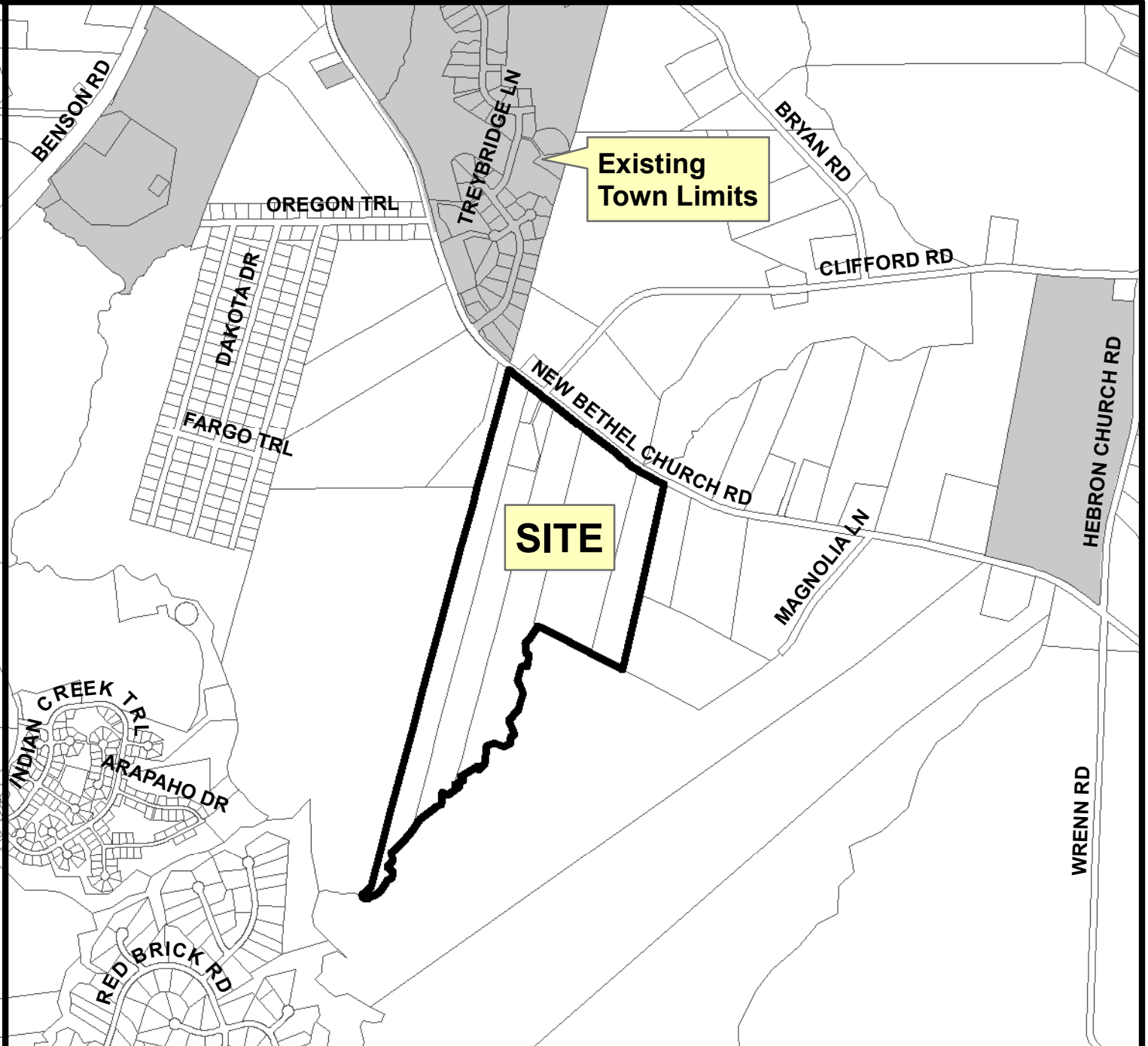
**EXISTING USE:** Vacant / undeveloped

**RECOMMENDATION:** Authorize Resolution to Investigate (see attached)

**Town of Garner  
Planning Department**

**Annexation  
ANX 15-06**

0 1,000 2,000  
Feet



Property Location: New Bethel Church Road  
Property Owner: Phyllis King & Annie Bryan  
PIN: 1629023968, 1619916489, 1629120497,  
1629031484, 1629032823, 1629027659, 1619915933  
Acreage: 97  
Project: Rezoning CUD-Z-15-06 & CUP-SB-15-06

**GARNER POLICE ZONE: 8426**

RESOLUTION NO. (2016)2280

RESOLUTION DIRECTING THE CLERK TO INVESTIGATE  
PETITIONS RECEIVED UNDER G.S. 160A-58

(ANX 15-03) E31 Bryan Road Elementary - Satellite annexation  
(ANX 15-06) Oak Park Subdivision - Satellite annexation

WHEREAS, two petitions requesting annexation were received by the Town Council; and

WHEREAS, G.S. 160A-58.2 provide that the sufficiency of these petitions be investigated by the Town Clerk before further annexation proceedings may take place; and

WHEREAS, the Garner Town Council, deems it advisable to proceed in response to these requests for annexation;

NOW, THEREFORE, BE IT RESOLVED by the Garner Town Council, North Carolina:

That the Town Clerk is hereby directed to investigate the sufficiency of the above described petitions and to certify as soon as possible to the Town Council the result of her investigation.

Duly adopted this 1<sup>st</sup> day of February, 2016.

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MAYOR

ATTEST:

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TOWN CLERK



Town of Garner  
Town Council Meeting  
Agenda Form

Meeting Date: February 1, 2016		
Subject: CUP-SP-15-15		
Location on Agenda: Public Hearings		
Department: Planning		
Contact: Jenny Saldi		
Presenter: Jenny Saldi		
<b>Brief Summary:</b>  Providence Group Sports and Entertainment is requesting conditional use site plan approval for the construction of a new restaurant, Zaxby's. The property is located in the northwest portion of US HWY 70 and Jones Sausage Road and can be further identified as a portion of Wake County PIN 1720297392.		
<b>Recommended Motion and/or Requested Action:</b> Approval with no conditions specific to the site		
<b>Detailed Notes:</b> Please see attached Staff report		
Funding Source:		
Cost:	One Time: <input type="radio"/>	Annual: <input type="radio"/> No Cost: <input checked="" type="radio"/>
<b>Manager's Comments and Recommendations:</b> None		
Attachments Yes: <input checked="" type="radio"/> No: <input type="radio"/>		
Agenda Form Reviewed by:	Initials:	Comments:
Department Head:	MBB	
Finance Director:		
Town Attorney:		
Town Manager:	RD	
Town Clerk:		

**Town of Garner  
Conditional Use Permit  
Staff Report  
Town Council Public Hearing  
February 1, 2016**

**PROJECT NUMBER:** CUP-SP-15-15, Zaxby's

**APPLICANT:** Providence Group Sports & Entertainment

**OWNER:** Yeargan Trust

**PLAN PREPARED BY:** Timmons Group

**KEY MEETING DATES:**

**Planning Commission:** January 11, 2016

**Town Council Public Hearing:** February 1, 2016

**GENERAL DESCRIPTION:**

**Proposed Use:** Drive-thru restaurant

**Location:** Parcel within White Oak NW

**PIN#:** 1720-29-7392

**Town Limits:** In

**Zoning Classification of the Site:** Service Business Conditional Use District 62 (SB-CUD 62) within the US 70/401 Overlay District

**Adjacent Zoning and Land Uses:**

**North:** SB – Undeveloped tract within White Oak NW

**South:** US 70; CR - Undeveloped

**East:** SB – Restaurant under construction (White Oak NW)

**West:** SB – Undeveloped parcel within White Oak NW

**Neighborhood Character:** Three of four quadrants of the US 70, White Oak and Jones Sausage Road intersection, are commercially developed

**PROJECT DATA:**

**Acreage:** 1.097 acres

**Building Size:** 3,847 square feet with 90 seats

<b>Building Material and Color:</b>	The red brick, off-white EIFS and stone veneer, proposed for the building, are all approved materials from the Unity of Development Plan for White Oak NW.
<b>Landscape and Buffer Requirements:</b>	<p>The plan as proposed meets the requirements of the Landscape Ordinance.</p> <p>Tree cover requirements are met with proposed vegetation.</p> <p>Buffers are shown as required. Three of the four sides are street buffers. The east property line requires a perimeter buffer which has been modified to accommodate an access easement.</p>
<b>Parking Spaces:</b>	<p>Parking requirements for restaurants are based on seating.</p> <p>Required – 30 ( 2 accessible) plus room for 5 cars at the drive-thru window</p> <p>Proposed – 42 spaces (2 accessible) plus stacking for 5 cars at the drive-thru window</p>
<b>Floodplain:</b>	This site does not contain a FEMA designated floodplain.
<b>Stormwater Management:</b>	Please refer to General Comments.
<b>Fire Protection:</b>	The Fire Inspector has reviewed and approved the proposed fire protection for this project.
<b>Water/ Sewer:</b>	Connections for public water and sewer service are proposed. Please refer to General Comments.
<b>Street Access/ Sidewalks:</b>	Entrance into the site is from the northern most drive off the access easement shared with the adjacent restaurant. Except for the area north of the building, there is a one way traffic pattern around the building with two points of exit onto the access easement.

**General Comments:**

Storm-water management – This site is part of the White Oak Northwest project and is subject to both stormwater quality and quantity requirements. The developer is installing an offsite stormwater BMP designed to handle detention of the 1, 10 and 25 year storms and provide some nitrogen removal. An offset payment to a private mitigation bank was also required.

**Consistency with Adopted Town Plans and Policies:**

**2006 Comprehensive Growth Plan:** This site falls within the Regional Center designation at the US 70/Jones Sausage/White Oak Road intersection; the project is consistent with the Comprehensive Growth Plan.

**2010 Garner Thoroughfare Plan:** This project, as proposed, is consistent with the Thoroughfare Plan.

**Parks & Greenway Plan:** This project, as proposed, is consistent with the Parks and Greenway Plan.

**Unified Development Ordinance Regulations:** This project, as proposed, is consistent with the regulations of the Unified Development Ordinance.

**RECOMMENDATION:**

The Planning Commission, at their meeting on January 11, 2016, unanimously voted to recommend approval of CUP-SP-15-15 – Zaxby’s with no site specific conditions.

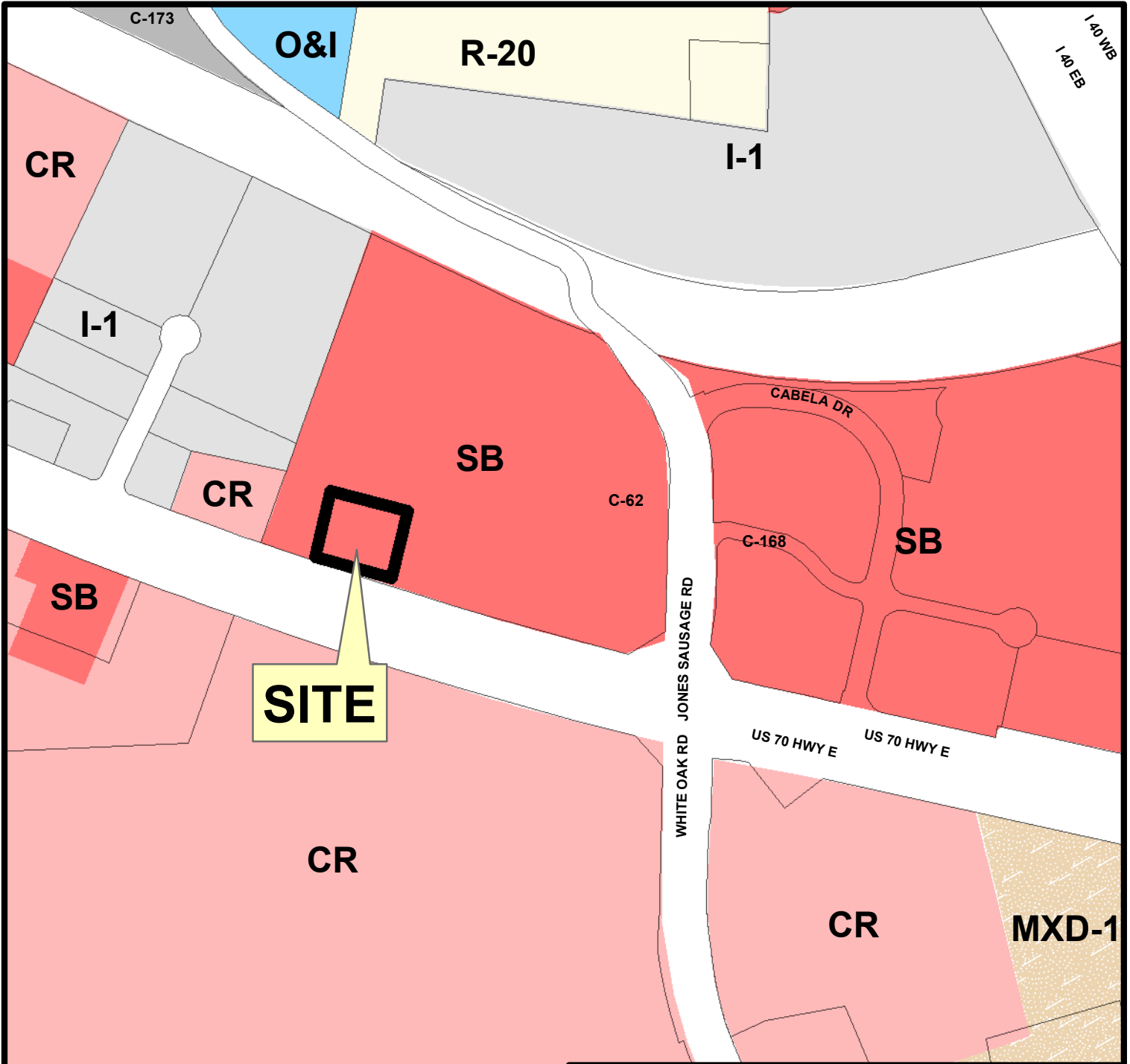


# Town of Garner Planning Department

## Conditional Use Permit

### CUP-SP-15-15

0 100 200 400 600 Feet



Project: Zaxbys  
 Applicant: Providence Group Sports & Entertainment  
 Owner: Sherman Yeargan Trust  
 Location: US 70 HWY E & Jones Sausage Rd  
 Pins: 1720297392

Proposed Use: Restaurant  
 Current Zoning: SB C62  
 (Service Business Conditional Use)  
 Acreage: 1.097  
 Overlay: US 70 / 401

**TOWN OF GARNER  
CUP-SP-15-15  
CONDITIONAL USE PERMIT**

<b>APPLICANT</b>	Providence Group Sports & Entertainment Attn: Travis Kelley 2500 Regency Parkway, Ste C8 Cary, NC 27518
<b>LOCATION</b>	Parcel within White Oak NW - US 70 and Jones Sausage
<b>USE</b>	Restaurant
<b>DATE ISSUED</b>	February 1, 2016

**I. COMPLETENESS OF APPLICATION**

The application is complete.

**II. COMPLIANCE WITH ORDINANCE REQUIREMENTS**

The application complies with all applicable requirements of the Unified Development Ordinance.

**III. GRANTING THE APPLICATION**

The application is granted, subject to the following conditions:

- 1) The applicant shall complete the development strictly in accordance with the plans submitted to and approved by this Town Council, a copy of which is filed in the Town Hall. Any deviations from or changes in these plans must be pointed out specifically to the administrator in writing and specific written approval obtained as provided in the Unified Development Ordinance.
- 2) If any of the conditions affixed hereto or any part thereof shall be held invalid or void, then this permit shall be void and of no effect.
- 3) All applicable permit approvals shall be obtained by the applicant.

**IV. SPECIFIC TO THE PROJECT**

- 1) None

c: Timmons Group  
ATTN: Rick Baker  
5410 Trinity Road, Ste 112  
Raleigh, NC 27603