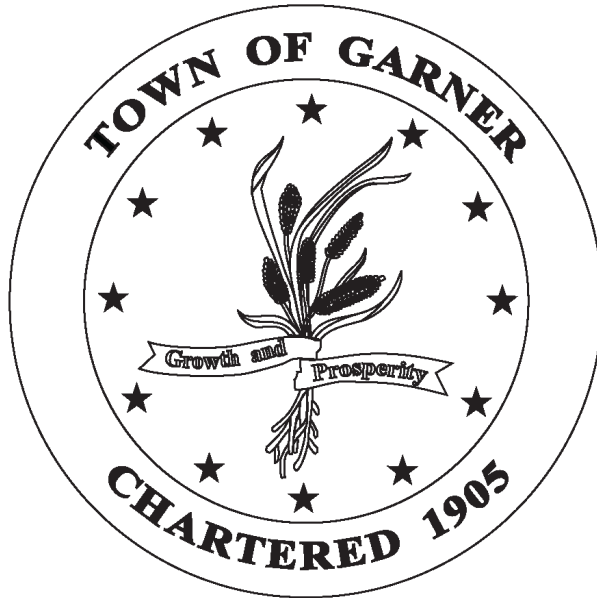


TOWN OF GARNER



TOWN COUNCIL MEETING

March 4, 2019
7:00 P.M.

Garner Town Hall
900 7th Avenue
Garner, NC 27529

**Town of Garner
Town Council Agenda
March 4, 2019**

The Council will meet in regular session at 7:00 p.m. in the Garner Town Hall located at 900 7th 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 act or deliberate on the 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

- G. CONSENT

1. Ordinance Amending FY2018/2019 Operating Budget (Use of Lap funds) Page 3
Presenter: Pam Wortham, Finance Director

Due to a large vacation payout in the Engineering Department, the personnel related line item budget is not sufficient to cover the salaries for the remainder of the fiscal year. We are requesting that lapsing funds from the Inspections Department be moved to Engineering to cover that deficit.

Recommended Action: Consider adopting Ordinance (2019) 3952

2. Conditions within Auburn Village Subdivision Page 5
Presenter: Chris Johnson, Town Engineer

The Engineering Department is seeking approval of twelve (12) stop conditions within the Auburn Village subdivision to serve as basic traffic control measures.

Recommended action: Approve recommended stop conditions

- 3. Council Meeting Minutes Page 12
Presenter: Stella Gibson, Town Clerk

Council meeting minutes from the January 22, 2019 meeting.

Recommended Action: Consider adopting minutes

H. PUBLIC HEARINGS

- 1. UDO-19-01, Bar, Nightclub, Tavern Use in the CBD Page 22
Presenter: Jeff Triezenberg, Planning Director

UDO text amendment submitted by the Downtown Manager's Office on behalf of Mr. Josh Whitaker to add Bar, Nightclub, Tavern to the list of permitted uses in the Central Business District under certain additional standards.

Recommended Action: Refer to Planning Commission for review and recommendation

I. NEW/OLD BUSINESS

- 1. Rezoning Z 18-05 Carroll Property - Purvis Street Page 26
Presenter: Het Patel, Senior Planner

Lee Carroll is requesting to rezone 0.93 +/- acres from Single-Family Residential (R-9) to Central Business District (CBD). This is a general rezoning request; therefore, neither conditions nor a site plan are proposed at this time.

Recommended Action: Consider Adopting Ordinance (2019) 3953

- 2. Recycling Costs
Presenter: Forrest Jones, Director of Public Works Page 37

In years past, the cost All-Star has paid to dispose of our recycled goods has been around \$0 per ton; sometimes they make a few dollars per ton, sometimes they pay a few dollars per ton. Their costs are now dramatically higher due to changes in China, which is a major buyer of recycled commodities.

Recommended Action: Approval to pay a surcharge on the Town's recycling tonnage collected by All-Star Waste

J. COMMITTEE REPORTS

K. MANAGER REPORTS

- 1. garner info

L. ATTORNEY REPORTS

M. COUNCIL REPORTS

N. ADJOURNMENT

Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: March 4, 2019		
Subject: Ordinance Amending FY2018/2019 Operating Budget (Use of Lap funds)		
Location on Agenda: Consent		
Department: Finance		
Contact: Pam Wortham, Finance Director		
Presenter: Pam Wortham, Finance Director		
Brief Summary: Due to a large vacation payout in the Engineering Department, the personnel related line item budget is not sufficient to cover the salaries for the remainder of the fiscal year. We are requesting that lapsing funds from the Inspections Department be moved to Engineering to cover that deficit.		
Recommended Motion and/or Requested Action: Consider adopting Ordinance (2019) 3952		
Detailed Notes:		
Funding Source: From Inspections to Engineering, net cost is \$-0-		
Cost:	One Time: <input type="radio"/>	Annual: <input type="radio"/> No Cost: <input checked="" type="radio"/>
Manager's Comments and Recommendations: 		
Attachments Yes: <input checked="" type="radio"/> No: <input type="radio"/>		
Agenda Form Reviewed by:	Initials:	Comments:
Department Head:	PW	
Finance Director:	PW	
Town Attorney:		
Town Manager:	RD	
Town Clerk:		

ORDINANCE NO. (2019) 3952

ORDINANCE AMENDING ORDINANCE NO. (2018) 3916
WHICH ESTABLISHED THE 2018 – 2019 OPERATING BUDGET

BE IT ORDAINED by the Town Council of the Town of Garner, North Carolina:

Section One. That the GENERAL FUND be amended as follows:

General Fund Budget Changes:

Department/ Category	Description	Current	Amended	Net Change
<i>Expenditures</i>				
10481000-510200	Engineering-Salaries	\$413,634	\$444,634	+\$31,000
10481000-510500	Engineering-FICA	31,854	34,226	+2,372
10481000-510700	Engineering-Retirement	53,091	49,167	+3,924
10470000-510220	Inspections-Salaries Temp	114,171	81,875	-32,296
10470000-510220	Inspections-Salaries	649,206	644,206	-5,000

Section Two. Copies of this ordinance shall be furnished to the Finance Director and the Town Clerk for their direction in the disbursement of the Town's funds and for public inspection.

Duly adopted this 4th day of March, 2019.

Ronnie S. Williams, Mayor

ATTEST: _____
Stella Gibson, Town Clerk

Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: March 4, 2019		
Subject: Stop Conditions within Auburn Village Subdivision		
Location on Agenda: Consent		
Department: Engineering		
Contact: Chris Johnson, Town Engineer		
Presenter: Chris Johnson, Town Engineer		
<p>Brief Summary:</p> <p>The Engineering Department is seeking approval of twelve (12) stop conditions within the Auburn Village subdivision to serve as basic traffic control measures.</p>		
<p>Recommended Motion and/or Requested Action:</p> <p>Approve recommended stop conditions.</p>		
<p>Detailed Notes:</p> <p>See attached memo and maps.</p>		
Funding Source:		
Cost:	One Time: <input type="radio"/>	Annual: <input type="radio"/> No Cost: <input checked="" type="radio"/>
<p>Manager's Comments and Recommendations:</p> 		
<p>Attachments Yes: <input checked="" type="radio"/> No: <input type="radio"/></p>		
Agenda Form Reviewed by:	Initials:	Comments:
Department Head:	CJ	
Finance Director:		
Town Attorney:		
Town Manager:	RD	
Town Clerk:		

TOWN OF GARNER
ENGINEERING DEPARTMENT
MEMORANDUM

TO: Town Council

FROM: Chris Johnson, PE

DATE: March 4, 2019

SUBJECT: Stop Conditions within Auburn Village Subdivision

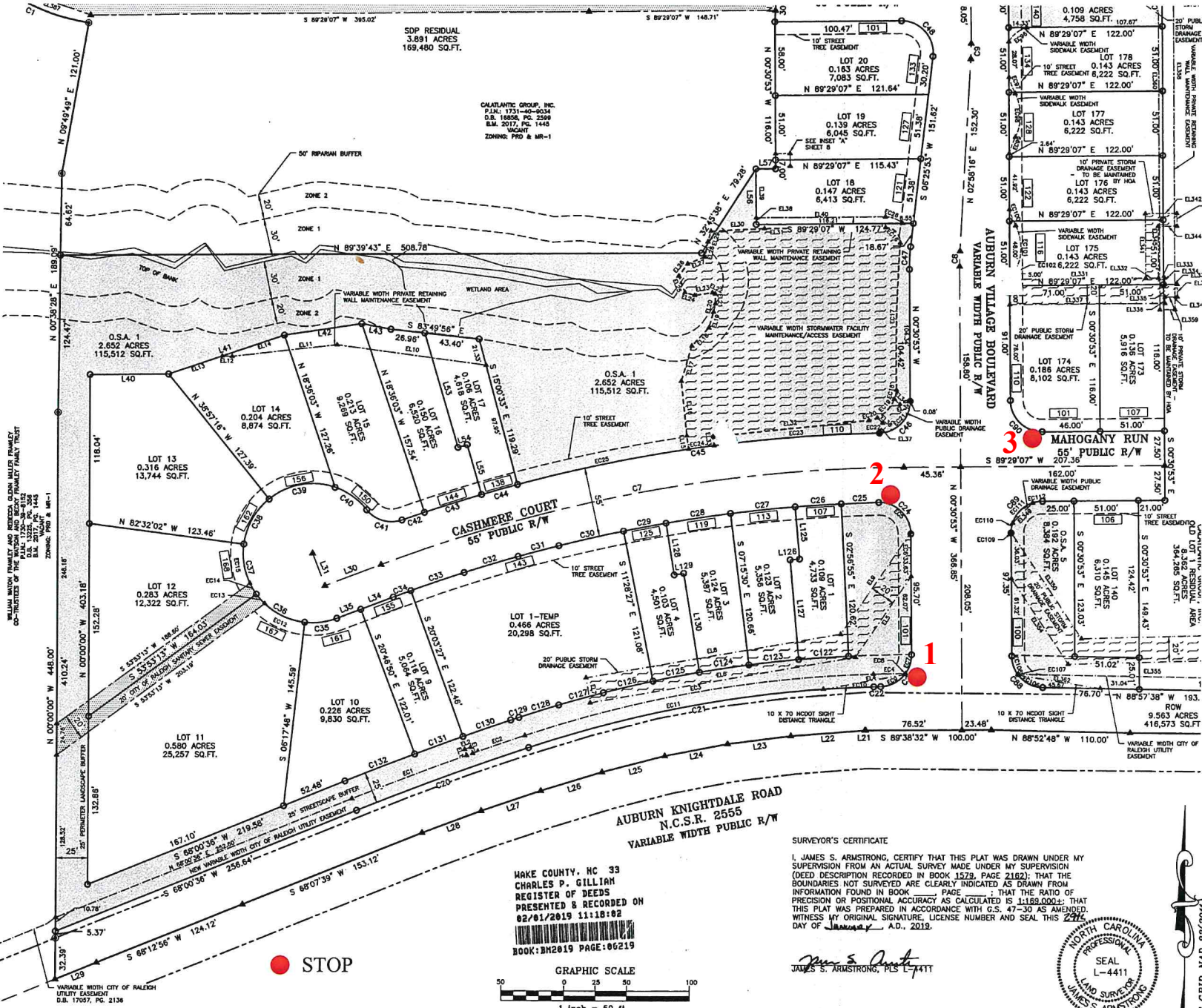
The Engineering Department is recommending the following street intersections for stop conditions:

	<u>Stop Condition</u>	<u>Through Street</u>
1	Auburn Village Boulevard	Auburn Knightdale Road
2	Cashmere Court	Auburn Village Boulevard
3	Mahogany Run	Auburn Village Boulevard
4	Sea Foam Drive	Auburn Village Boulevard
5	Canary Court	Auburn Village Boulevard / Azure Mist Drive
6	Mahogany Run	Auburn Village Boulevard / Azure Mist Drive
7	Jungle Green Drive	Canary Court
8	Jungle Green Drive	Ivory Lane
9	Desert Sand Lane	Azure Mist Drive
10	Magenta Rose Drive	Azure Mist Drive
11	Olivine Drive	Magenta Rose Drive
12	Magenta Rose Drive	Auburn Knightdale Road

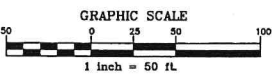
These stop conditions will serve as basic traffic control measures. Please let me know if there are any questions.

Attachment: Auburn Village Phase 1, Final Plat Maps (5 pages)

X:\Projects\SDP-16030\Survey\PLATS\SDP16030-F3.dwg, 1/9/2018 8:46:28 AM, Meadinger, Timothy



WAKE COUNTY, NC 33
CHARLES P. GILLIAN
REGISTER OF DEEDS
PRESENTED & RECORDED ON
02/01/2019 11:18:02
BOOK: BH2019 PAGE: 06219



SURVEYOR'S CERTIFICATE
I, JAMES S. ARMSTRONG, CERTIFY THAT THIS PLAN WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN BOOK 1579, PAGE 2162); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN BOOK _____ PAGE _____; THAT THE RATIO OF PRECISION OR POSITIONAL ACCURACY AS CALCULATED IS 1:118,000; THAT THIS PLAN WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER AND SEAL THIS 27th DAY OF January, A.D., 2019.

James S. Armstrong
JAMES S. ARMSTRONG, PLS L-4411



NC GRID NAD 83(2011)

AUBURN VILLAGE

PHASE 1

ST. MARY'S TOWNSHIP, WAKE COUNTY, NORTH CAROLINA

OWNER: CALATLANTIC GROUP, INC.
909 AVIATION PARKWAY,
SUITE 1500
MORRISVILLE, NC 27560

PROJECT NO. SDP-16030
FILENAME: SDP16030-F3
CHECKED BY: JSA
DRAWN BY: JSA
SCALE: 1"=50'
DATE: 06-12-2018

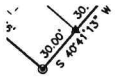


MCADAMS

THE JOHN R. MCADAMS
COMPANY, INC.
2905 Meridian Parkway
Durham, North Carolina 27713
License No.: C-02993
919.361.5000 • McAdamsCo.com

FINAL PLAT

SHEET 2 OF 11



D.M. 2017, PG. 1440
VACANT
ZONING: PRD & MR-1

SURVEYOR'S CERTIFICATE

I, JAMES S. ARMSTRONG, CERTIFY THAT THIS PLAN WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN BOOK 1572, PAGE 2162); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN BOOK _____ PAGE _____; THAT THE RATIO OF PRECISION OR POSITIONAL ACCURACY AS CALCULATED IS 1:169,000.2; THAT THIS PLAN WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED, WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER AND SEAL THIS _____ DAY OF _____ A.D., 2019.

James S. Armstrong
JAMES S. ARMSTRONG, PLS #14411



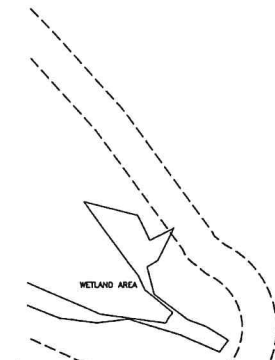
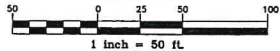
WILLIAM WATSON FRANKLY AND
REBECCA GLEN WELLS
FRANKLY CO-TRUSTEES OF
THE WATSON AND BECKY
FRANKLY FAMILY TRUST
PLS: 1720-38-0102
D.B. 13229, PG. 308
D.M. 2017, PG. 1445
VACANT
ZONING: PRD & MR-1

WAKE COUNTY, NC 34
CHARLES P. GILLIARI
REGISTER OF DEEDS
PRESENTED & RECORDED ON
02/01/2019 11:18:02
BOOK: 2H2019 PAGE: 09220

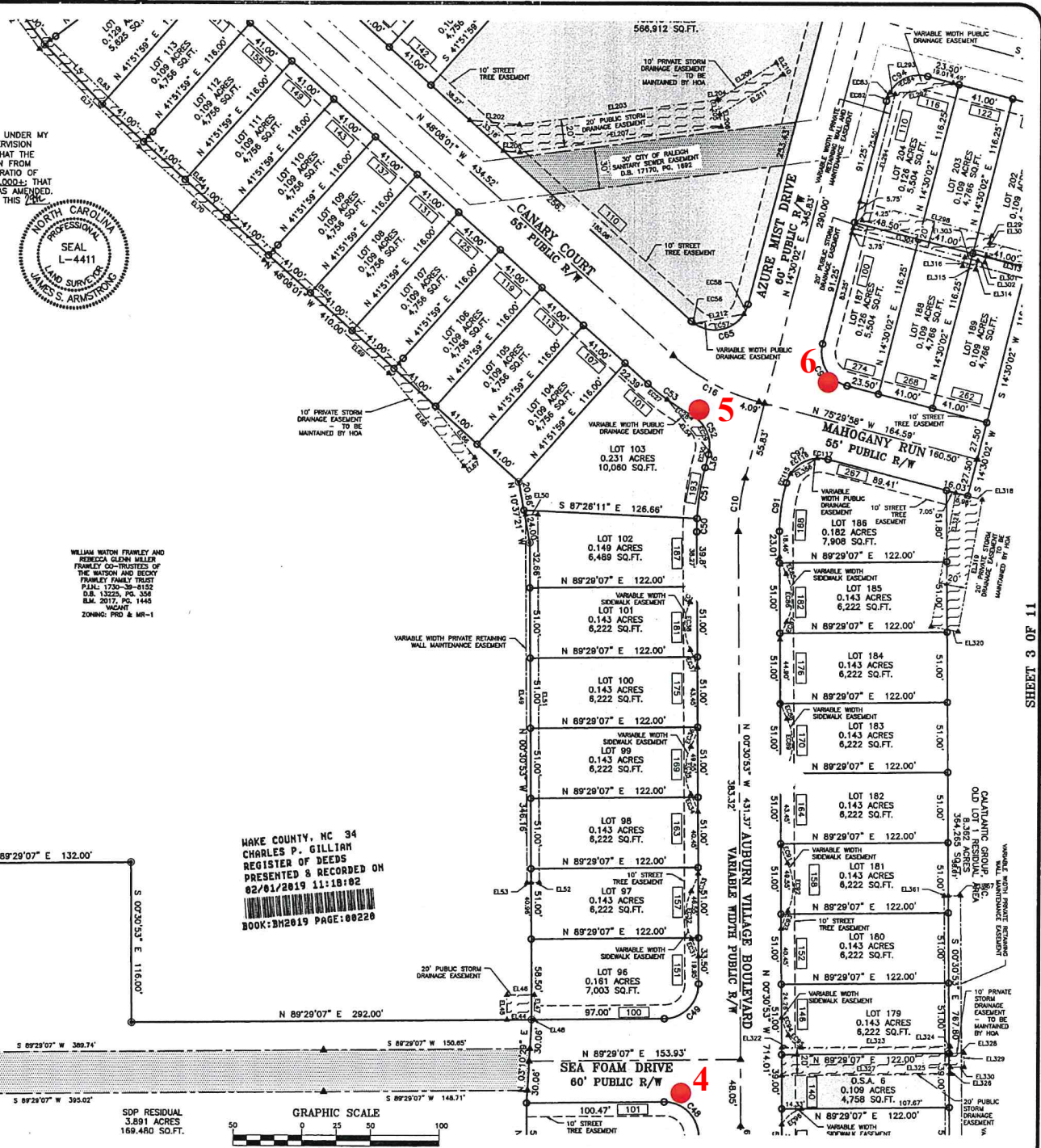
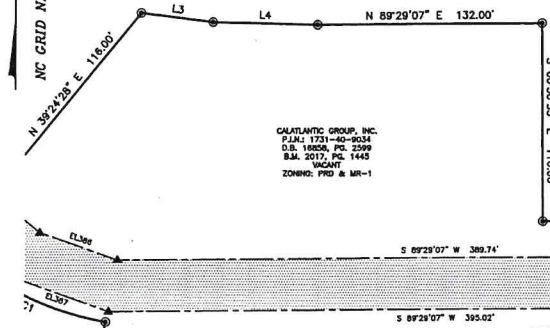
CALATLANTIC GROUP, INC.
P.L.M. 1731-40-9034
D.B. 1805A, PG. 2299
D.M. 2017, PG. 1440
VACANT
ZONING: PRD & MR-1

SDP RESIDUAL
3.891 ACRES
169,480 SQ.FT.

GRAPHIC SCALE



NC GRID NAD 83(2011)



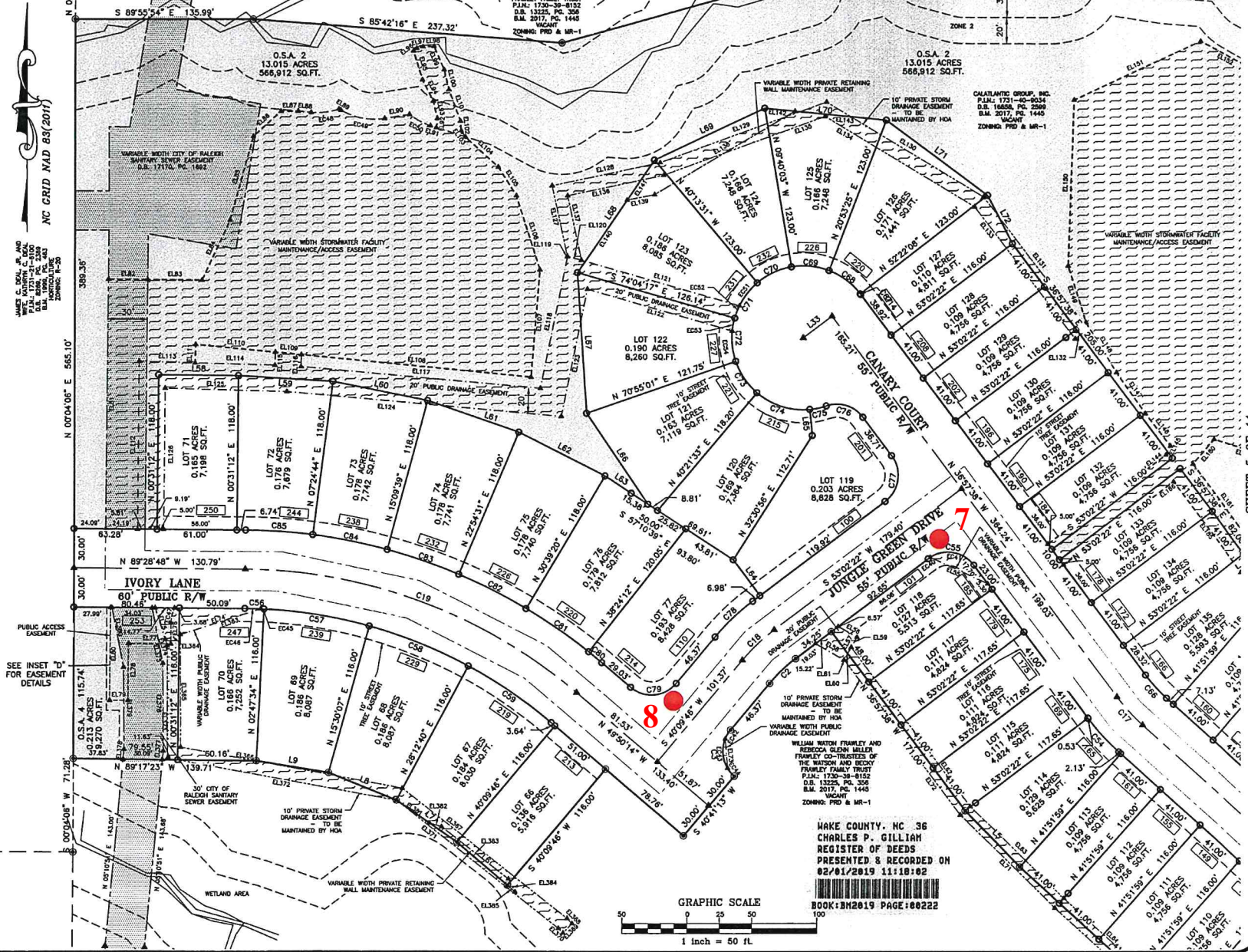
SURVEYOR'S CERTIFICATE

I, JAMES S. ARMSTRONG, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN BOOK 1575, PAGE 2182); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN BOOK _____ PAGE _____; THAT THE RATIO OF PRECISION OR POSITIONAL ACCURACY AS CALCULATED IS 1:182,000; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER AND SEAL THIS 22ND DAY OF FEBRUARY, A.D., 2019.



WILLIAM WATSON FRANKLY AND REBECCA GLENN MILLER FRANKLY CO-TRUSTEES OF THE WATSON AND BECKY FRANKLY FAMILY TRUST P.L.M. 1730-38-8132 D.B. 13225, PG. 306 B.M. 2017, PG. 1445 ZONING: PFD & MR-1

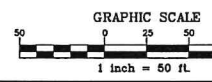
JAMES S. ARMSTRONG, PLS 14411



JAMES C. BOAL, JR. AND WILSON W. BOAL, JR. P.L.M. 1731-40-3034 D.B. 1688, PG. 228 B.M. 2017, PG. 1440 ZONING: PFD & MR-1

CALANTLANTIC GROUP, INC. P.L.M. 1731-40-3034 D.B. 1688, PG. 228 B.M. 2017, PG. 1440 ZONING: PFD & MR-1

WAKE COUNTY, NC 36 CHARLES P. GILLIAM REGISTER OF DEEDS PRESENTED & RECORDED ON 02/01/2019 11:18:02



THE JOHN R. McADAMS COMPANY, INC. 2908 Meridian Parkway Durham, North Carolina 27713 License No.: C-0293 919.361.5000 • McAdamsCo.com



OWNER: CALANTLANTIC GROUP, INC. 909 AVIATION PARKWAY, SUITE 1500 MORRISVILLE, NC 27560 REVISIONS:

AUBURN VILLAGE PHASE 1 FINAL PLAT ST. MARY'S TOWNSHIP, WAKE COUNTY, NORTH CAROLINA SHEET 5 OF 11

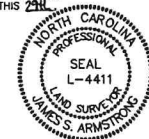
PROJECT NO.: SDP-16030 FILENAME: SDP16030-F3 CHECKED BY: JSA DRAWN BY: JSA SCALE: 1"=50' DATE: 06-12-2018



SURVEYOR'S CERTIFICATE

I, JAMES S. ARMSTRONG, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN BOOK 1823, PAGE 2162); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN BOOK _____ PAGE _____; THAT THE RATIO OF PRECISION OR POSITIONAL ACCURACY AS CALCULATED IS 1:189,000±; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED; WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER AND SEAL THIS 23RD DAY OF February, A.D. 2019.

James S. Armstrong
 JAMES S. ARMSTRONG, PLS L-4411



WILLIAM WATSON FRANKLY AND
 REBECCA OLDM MILLER
 FRANKLY CO-TRUSTEES OF
 THE WATSON AND BECKY
 FRANKLY FAMILY TRUST
 P.L. 1720-30-1132
 D.E. 13225, P.C. 358
 B.M. 2017, P.C. 1445
 VACANT
 ZONING: PFD & MR-1

THE JOHN R. MCADAMS
 COMPANY, INC.
 2905 Meridian Parkway
 Durham, North Carolina 27713
 License No.: C-02983
 919. 981. 9000 • McAdamsCo.com



MCADAMS

OWNER: CALATLANTIC GROUP, INC.
 909 AVIATION PARKWAY,
 SUITE 1500
 MORRISVILLE, NC 27560

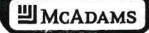
REVISIONS:

AUBURN VILLAGE
 PHASE 1

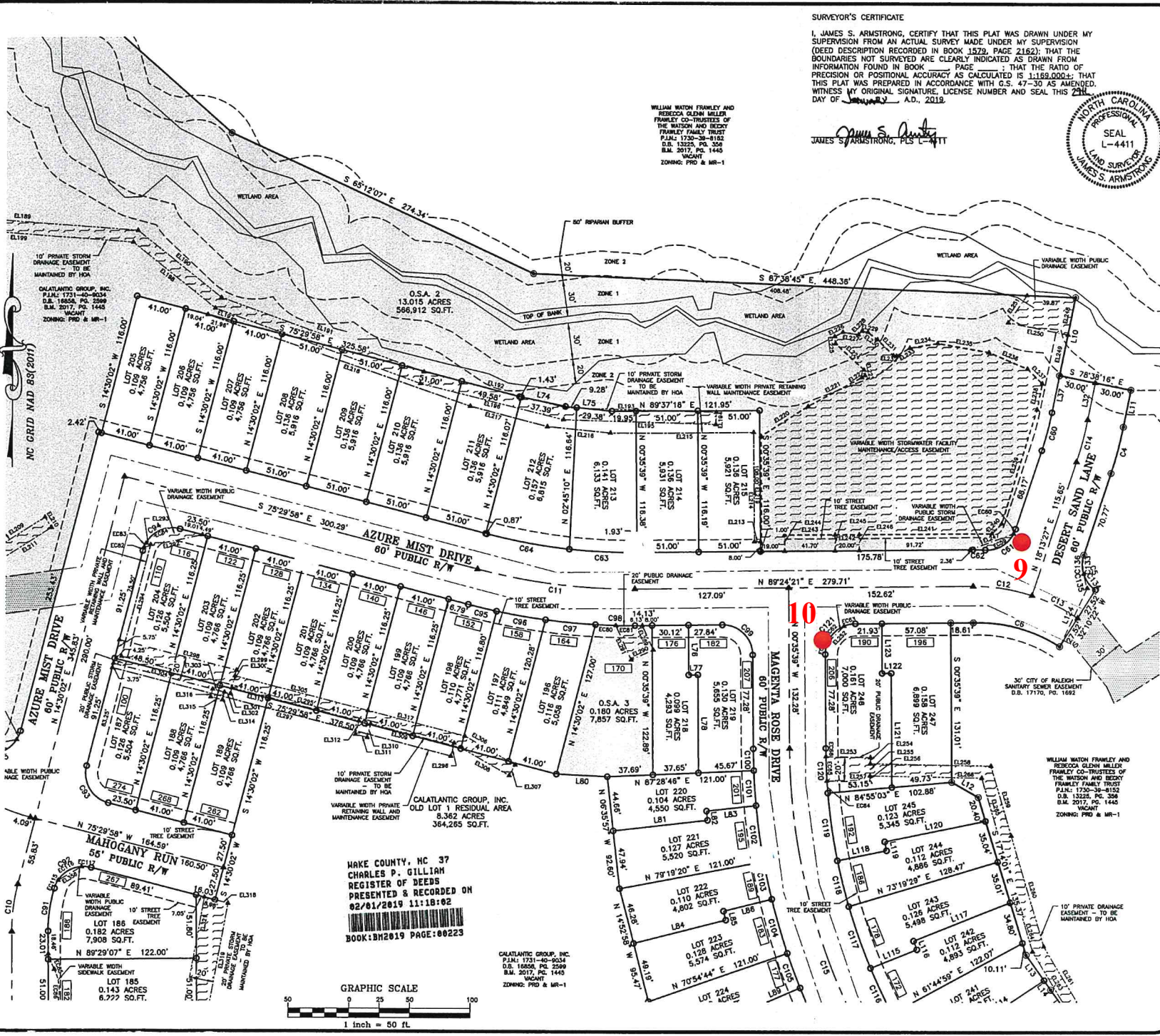
FINAL PLAT

ST. MARY'S TOWNSHIP, WAKE COUNTY, NORTH CAROLINA

PROJECT NO.	SDP-16030
FILENAME	SDP16030-F3
CHECKED BY:	JSA
DRAWN BY:	JSA
SCALE:	1"=50'
DATE:	06-12-2018



SHEET 6 OF 11



WAKE COUNTY, NC 37
 CHARLES P. GILLIAM
 REGISTERED & RECORDED ON
 02/14/2019 11:18:02
 BOOK:BM2019 PAGE:00223

CALATLANTIC GROUP, INC.
 P.L. 1731-60-9034
 D.E. 16808, P.C. 2599
 B.M. 2017, P.C. 1445
 VACANT
 ZONING: PFD & MR-1

X:\Projects\SDP-16030\Survey\PLATS\SDP16030-F3.dwg, 1/9/2019 8:46:26 AM, Harropor, Timobry

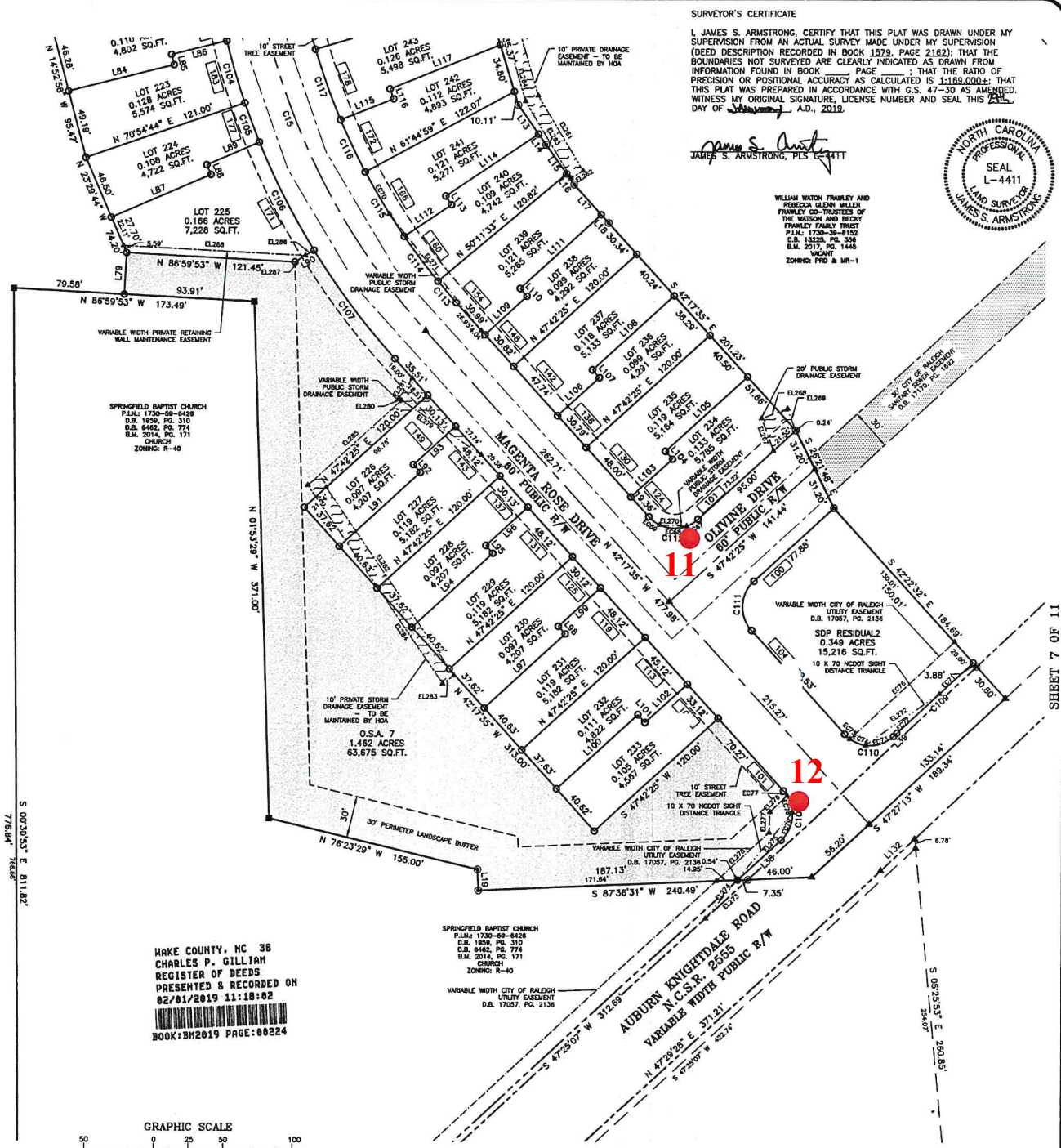
CALATLANTIC GROUP, INC.
 P.L. 1731-60-9034
 D.E. 16808, P.C. 2599
 B.M. 2017, P.C. 1445
 VACANT
 ZONING: PFD & MR-1

NC GRID NAD 83(2011)

NC GRID NAD 83(2011)

CALATLANTIC GROUP, INC.
P.L.M. 1731-40-8034
D.B. 1858A, PG. 2389
B.M. 2017, PG. 1445
VACANT
ZONING: PRD & MR-1

CALATLANTIC GROUP, INC.
OLD LOT 1 RESIDUAL AREA
8.362 ACRES
364,265 SQ.FT.



SURVEYOR'S CERTIFICATE

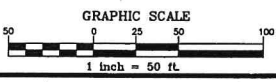
I, JAMES S. ARMSTRONG, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN BOOK 1529, PAGE 2162); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN BOOK _____ PAGE _____; THAT THE RATIO OF PRECISION OR POSITIONAL ACCURACY AS CALCULATED IS 1:118,000±; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER AND SEAL THIS 24th DAY OF January, A.D., 2018.

James S. Armstrong
JAMES S. ARMSTRONG, PLS L1411



WILLIAM WYTON FRANKLEY AND
REBECCA GLEN MILLS
FRANKLEY CO-TRUSTEES OF
THE WYTON AND MILLS
FRANKLEY FAMILY TRUST
P.L.M. 1730-38-1152
D.B. 1322B, PG. 336
B.M. 2017, PG. 1445
VACANT
ZONING: PRD & MR-1

WAKE COUNTY, NC 38
CHARLES P. GILLIAM
REGISTER OF DEEDS
PRESENTED & RECORDED ON
02/01/2019 11:18:02
BOOK: BM2019 PAGE: 00224



THE JOHN R. MCADAMS
COMPANY, INC.
2905 Meridian Parkway
Durham, North Carolina 27713
License No.: C-0293
919. 981. 5000 • McAdamsCo.com

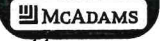


OWNER: CALATLANTIC GROUP, INC.
909 AVIATION PARKWAY,
SUITE 1500
MORRISVILLE, NC 27560

REVISIONS:

AUBURN VILLAGE
PHASE 1
ST. MARY'S TOWNSHIP, WAKE COUNTY, NORTH CAROLINA

PROJECT NO. SDP-16030
FILENAME: SDP16030-F3
CHECKED BY: JSA
DRAWN BY: JSA
SCALE: 1"=50'
DATE: 06-12-2018



Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: March 4, 2019		
Subject: Council Meeting Minutes		
Location on Agenda: Consent		
Department: Administration		
Contact: Stella Gibson, Town Clerk		
Presenter: Stella Gibson, Town Clerk		
Brief Summary: Minutes from the January 22, 2019 meeting.		
Recommended Motion and/or Requested Action: Consider adopting minutes		
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:		
Attachments Yes: <input checked="" type="radio"/> No: <input 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 Minutes
January 22, 2019**

The Council met in regular session at 7:00 p.m. in the Garner Town Hall located at 900 7th Avenue.

CALL MEETING TO ORDER/ROLL CALL: Mayor Ronnie Williams

Present: Mayor Ronnie Williams, Mayor ProTem Ken Marshburn Council Member Kathy Behringer, Council Member Buck Kennedy, and Council Member Gra Singleton.

Staff Present: Rodney Dickerson-Town Manager, John Hodges-Asst. Town Manager-Development Services, Matt Roylance-Asst. Town Manager-Operations, Jeff Triezenberg-Planning Director, David Bamford-Planning Services Manager, Het Patel-Senior Planner, Stacey Harper-Senior Principal Planner, Rick Mercier-Communications Manager, Chris Johnson-Town Engineer, Brandon Zuidema-Police Chief, Pam Wortham-Finance Director, William E. Anderson-Town Attorney, and Stella Gibson-Town Clerk

PLEDGE OF ALLEGIANCE: Mayor Williams asked Boy Scout Keefer Froom to lead the pledge.

PETITIONS AND COMMENTS

ADOPTION OF AGENDA

Add introduction of Town Engineer and remove closed session.

Motion: Marshburn
Second: Singleton
Vote: 4:0

PRESENTATIONS

Council Member Behringer read the Human Trafficking Awareness Week Proclamation.

Introduction of Chris Johnson, Town Engineer

CONSENT

Council Meeting Minutes

Presenter: Stella Gibson, Town Clerk

Minutes from the October 16, 2018 and December 18, 2018 Council Meetings. Closed Session Minutes from December 18, 2018.

Action: Adopted Minutes

Resolution Declaring Unpaid Nuisance Abatements as Liens

Presenter: Pam Wortham, Finance Director

Resolution declaring certain delinquent nuisance abatements as a lien on property. This resolution authorizes Wake County to add these abatement costs to Wake County property tax bills.

Action: Adopted Resolution (2019) 2367

Ordinance Amending FY2018/2019 Operating Budget (Recognize Revenue for Downtown Project)

Presenter: Pam Wortham, Finance Director

Together with United Arts, the Downtown Garner Association (DGA) contracted with Sean Kernick to paint a mural in downtown Garner. United Arts provided \$5,000 towards the project. The remaining \$5,000 was split equally between Full Bloom Coffee and DGA. United Arts provided their funding directly to the artist. DGA and Full Bloom gave the funds to the Town, and the Town will pay the remainder of the project. We are requesting to budget the \$5,000 in revenue and increase our expenditures.

Action: Adopted Ordinance (2019) 3950

Clifford Grove Stop Conditions

Presenter: Chris Johnson, Town Engineer

The Engineering Department is seeking approval for three stop conditions within the Clifford Grove subdivision.

Action: Approved stop conditions within the Clifford Grove subdivision.

Motion: Marshburn
Second: Singleton
Vote: 4:0

PUBLIC HEARINGS

Annexation Petition ANX-18-07, Auburn Village

Presenter: David Bamford, Planning Services Manager

Annexation petition submitted by CalAtlantic Group, Inc. to incorporate 120.01 +/- acres on the west side of Auburn-Knightdale Road.

Action: Adopt Ordinance (2019) 3945

Motion: Singleton
Second: Marshburn
Vote: 4:0

Annexation Petition ANX 18-09, 5105 Fayetteville Road

Presenter: David Bamford, Planning Services Manager

Annexation petition submitted by Midtown Group, LLC to incorporate 0.433 +/- acres with an existing house on the east side of Fayetteville Road for which they are requesting connection to public water.

Action: Adopt Ordinance (2019) 3946

Motion: Marshburn
Second: Singleton
Vote: 4:0

Annexation Petition ANX 18-10, Ashton Forest

Presenter: David Bamford, Planning Services Manager

Annexation petition submitted by Mohler Investments, LLC to incorporate 15.0 +/- acres on the west side of Creech Road.

Action: Adopt Ordinance (2019) 3947

Motion: Marshburn
Second: Singleton
Vote: 4:0

Annexation Petition ANX 18-11, 1504 Creech Road

Presenter: David Bamford, Planning Services Manager

Annexation petition submitted by Douglas Robertson to incorporate 0.8 +/- acres with an existing house located at 1504 Creech Road for which he is requesting connection to public water.

Action: Adopt Ordinance (2019) 3948

Motion: Singleton
Second: Marshburn
Vote: 4:0

General Use Rezoning Z 18-06, Jordan Road

Presenter: Het Patel, Senior Planner

Harold Godwin is requesting a change in zoning for 18.59 +/- acres from Community Retail (CR) to Neighborhood Office (NO) General Use. The site is located at 0 Jordan Road (where Jordan Road ends before NC 50 north of Ten-Ten Road) and may be further identified as Wake County PIN# 1618-38-8558.

Action: Refer to Planning Commission

Mr. Anderson explained the procedures to be followed during the hearing and the Town Clerk administered the Affirmation of Oath. Oath administered to: Het Patel, Stacey Harper, Jeff Triezenberg, David Bamford, Chris Johnson, Randy Miller, and Tom Hester. Mr. Anderson then asked the Council to

disclose any ex parte communications and to state any reasons they could not render a fair decision. Mayor Williams asked Mr. Patel and Ms. Harper to provide the staff reports.

Conditional Use Rezoning CUD-Z-18-08 and Conditional Use Permit CUP-SB-04, Buffaloe Springs Rezoning and Subdivision Plan

Presenters: Het Patel, Senior Planner and Stacy Harper, Principal Planner

Mr. Patel stated Trilandco requested a change in zoning for 24.75 +/- acres from Single-Family Residential (R-40) to Multifamily Residential Conditional Use (MF-1 C-207). Trilandco is also requesting conditional use permit approval for a residential cluster use comprising 77 single-family lots. The site is located on the east side of Buffaloe Road and may be further identified as Wake County PIN#'s 1700-65-4039, 1700-65-1054, and portions of 1700-64-3525, 1700-64-3392 and 1700-75-2389.

Mr. Patel also stated Buffaloe Road is a 22-foot wide NCDOT-maintained facility within a 60-foot right of way. This road lacks curb and gutter and sidewalks. Mr. Patel also stated the project is consistent with the 2018 Garner Forward Comprehensive Plan as proposed development has a density of 3.12 dwelling units per acre which is within the recommended density of the future land use map designation, and single-family residences, regardless of subdivision style, are identified as a compatible use within the Medium-Density Residential designation and the rezoning also supports the following principles and recommendations for living spaces: 1) The proposed district permits household living uses that are attractive to younger families with children as well as older residents looking to maintain private but smaller outdoor spaces; 2) The proposed district provides adequate buffers and usable open spaces that help to preserve and protect adjacent housing stock.

Mr. Patel then reviewed the proposed conditions to the project and added staff recommended approval of CUD-Z-18-08 & finds CUP-SB-18-04 in conformity with UDO.

Council Member Kennedy expressed concern regarding the amount of siding proposed to the buildings and asked if there was any discussion to require a specific amount of stone. Ms. Rehab Hamad responded that this was not being proposed as part of the design; however, buyers will have the option to upgrade to stone. She added the Planning Commission found the project was in conformity with requirements and would be in harmony with the surrounding area.

The following expressed their support of the project:

Buddy Gupton, 153 Luxorwind Drive
Jean Stevens, 6528 Malweathers Road
Zackery Davis, 123 Pecan Harvest Drive
Cardiff Shea, 1608 Buffaloe Road
Bill Spence, 120 Spence Lane

Jay Kamm, 2113 Cliffs Edge Drive, Austin, TX, read a statement from his wife whose family owns the property and is in support of the project and asked that they be allowed to develop the property.

The following were opposed to the project:

Jon Richter, 146 Roan Drive
Lack of notification of project, parking, location, cluster housing, zoning

Kathleen Abbey, 107 Lyne Court

Density, traffic, stormwater, noise pollution, lack of public transportation, light issues, location of drainage

Kirk Abbey, 107 Lyne Court

Riparian buffer, zoning

Mark Beasley, 1516 Buffaloe Road

Drainage, trash and debris, stormwater runoff

Carolyn and Chuck Heindel, 305 Tiffany Circle

Location, density, responsibility of correcting erosion issues when complete

Molly Stevens, 313 Tiffany Circle

Runoff

Demian Dellinger., 1311 Sycamore Drive

Impact on adjacent property

Rehab Hamad stated along Tiffany Woods to the northern part of the site plan will be a fence. These lots were widened to 60 ft (which is the same as R-9) which should affect 3 homes on that side of the subdivision. The requested zoning is MF-1 which will allow 3.1 homes per acre. Problems with the creek exists there now. The project is required to have 27% of open space. If the zoning were R-9, only 10% would be required, which would result in the green buffer along Buffaloe going away. The maximum amount of impervious space is 70%; the project is proposing 35%.

Ms. Harper presented the following:

- Tree Cover - Requirement of 12% is met with both existing and proposed plant material. Plan shows 14.42% tree cover area.
- Perimeter Buffers - A 50-foot (30-foot planted and 20-foot open space area) perimeter buffer is provided. A 6-foot tall wooden fence is now being provided between the two buffers.
- Open Space - Required: 25% (6.17 acres), Provided: 26.9% (6.64 acres)
- Parks - Parks, Recreation and Cultural Resources Department recommended fee-in-lieu of park land dedication. A public greenway easement is being dedicated to facilitate future access to Town parks as required by the Garner Forward Transportation Plan.

Inspections Department, together with the Fire Department, reviewed and approved.

Southeast corner of the site falls within 100-year and 500-year FEMA designated floodzone. FEMA designated floodway runs along the east side of the site.

This site is subject to stormwater quality regulations for nitrogen as well as stormwater quantity regulations for detention of the 1, 10 and 25-year storms. A wet retention pond is designed for both water quantity and quality and will reduce the nitrogen below the allowable threshold of 6 pounds per acre per year for residential. A nitrogen offset payment will be required.

Site will be served by City of Raleigh water and sewer infrastructure. 12" water main at Buffaloe Road and 15" sewer main to the east of the site.

One access point on Buffalo Road with stubs to the north for future connectivity. The plans would improve Buffalo Road along the project's frontage with curb, gutter and sidewalks. Sidewalk is provided throughout the subdivision as required.

Lighting for the mail kiosk area will be provided by street lighting and will be reviewed by Engineering at the Construction Drawing phase.

The 2018 Garner Forward Transportation Plan identified Buffalo Road as two-lane facility. It also identifies a greenway connection between Buffalo Road and White Deer Park in this general vicinity. With the proposed improvements along the frontage of Buffalo Road, this project, as proposed, may be found to be in conformity with the 2018 Garner Forward Transportation Plan.

The site falls within the New Urban designation of the Swift Creek Land Management Plan. The New Urban designation allows for up to 6 dwelling units/acre. Furthermore, impervious surface limits are allowed to reach 70% so long as the first inch of rainfall can be retained on-site. The proposed development at 3.12 dwelling units/acre and the proposed stormwater infrastructure is in conformity with the Swift Creek Land Management Plan restrictions.

After sufficient review and plan revisions, staff finds that this project, as proposed, conforms to the regulations of the Unified Development Ordinance so long as the site specific conditions are met.

Site Specific Requirements

- Prior to recordation of the first final plat, an annexation petition shall be submitted to the Garner Planning Department;
- Prior to recordation of the first final plat, documents establishing a Homeowner's Association and restrictive covenants shall be submitted to the Garner Planning Director for a courtesy review;
- Prior to building permit, a fee in lieu of park land dedication shall be paid to the Town of Garner;
- The developer shall be responsible for all roadway improvements required by NCDOT.

The Planning Commission reviewed this request at their November 13, 2018 meeting and denied approval of rezoning request CUD-Z-18-08 based on a lack of compatibility of the proposed district with the present zoning, conforming uses on nearby property and the character of the neighborhood.

Planning Commission did not provide a recommendation on Subdivision Plan Conformity under the requested zoning (CUP-SB-18-04); however, they indicated that they found the plan non-conforming as related to the current R-40 zoning district.

Randy Miller, Project Engineer, stated the NC Department of Water Quality looked at the site and approved. They also determined no features on the site required a riparian buffer. After development of grading for the lots and streets and stormwater only 1.9 acres of the 35 acres drains to Tiffany Woods. Currently, 90% of drainage comes from Tiffany Woods and to the east.

Regarding protection of the spring running along the boundary of Tiffany Woods, there will be a ditch to direct it to the street and while its being graded proper erosion control measures will be in place. After grading it will be stabilized with grass, then the ditch will remain and converted to permanent for any possible water draining and will be directed back to the street.

During construction Wake County will perform inspections after every rain event and record to ensure no sediment is allowed to leave the site. A report will be provided to the Town and the Homeowner's Association (once they take over). After construction if problems occur with erosion it would be the HOA would be responsible for taking care of.

Tom Hester, 228 Fayetteville Street, stated this project will have no negative impact on the adjacent property and would be in harmony with surrounding properties.

Bob Anderson, 1107 S Person Street stated 50% homes will have minimum of 100 sq. ft. of masonry on the front elevation and each side will have minimum of one 1 window or closed shutter.

Hearing no further comments, Mayor Williams closed the hearing and called for a motion.

Action: Move the Town Council accept staff's statements regarding zoning consistency with the Comprehensive Growth Plan, detailed in Section V of the staff report as our own; and therefore move further that the Town Council adopt Ordinance (2019) 3949 approving rezoning request CUD-Z-18-08 as it is reasonable and in the public interest because it will likely allow household living uses that are attractive to younger families with children as well as older residents looking to maintain private but smaller outdoor spaces; allow adequate buffers and usable open spaces that help to preserve and protect adjacent housing stock; and allow the development of an appropriate density of housing in the area in which it is located.

Motion: Marshburn
Second: Behringer
Vote: 3:1

Council Member Kennedy voted nay.

Council Member Kennedy stated the design was well done, the applicants followed the rules, concerns regarding the drainage was well addressed. He would prefer the density to be less. His main two issues were the aesthetics and use of vinyl. However, the Buffaloe family should be able to develop their land, especially when they have adhered to the Town's development requirements.

Action: Move that the Council accept the staff statements regarding plan consistency in Section VII of this report as our own and find the application meets the 10 permit criteria in Section 3.14.D. and therefore approve CUP-SB-18-04, Buffaloe Springs, with the three standard conditions and four site-specific conditions to be listed on the permit that will be prepared separately by staff.

Find CUP-SB-18-04 in conformity with UDO and adopt Ordinance (2019) 3949; add additional condition: a minimum of a 20-foot Greenway dedication to be provided to give access from Buffaloe Road to the rear property line of the development.

Motion: Singleton
Second: Marshburn
Vote: 4:0

UDO-18-02, Neighborhood Meetings

Presenter: Jeff Triezenberg, Planning Director

Mayor Williams opened the hearing and asked Mr. Triezenberg to provide the staff report.

Mr. Triezenberg stated this UDO text amendment submitted by the Planning Department is to require applicant-led neighborhood meetings for any development application including a Conditional Use District Zoning, Planned Development or Special Use Permit request. After discussion regarding methods of notification to affected properties, it was determined the developer should keep a log of who they send notices to and return envelopes that are not delivered to the Town.

Mayor Williams closed the hearing.

Rosa Bonapart expressed concern regarding setting a minimum number of people required to participate in the neighborhood meetings. It was determined this would not meet the notification objectives.

Action: Refer to Planning Commission

NEW/OLD BUSINESS

Wake Transit Community Funding Area Program Application

Presenter: Het Patel, Senior Planner

Mr. Patel provided an update to Wake Transit Community Funding Area Program application process and recommendations for completing application for FY 2020 planning study/technical assistance funds.

Action: Consider approving CFAP Application and authorization for Town Manager to provide Letter of Support. The Town Attorney will refine the contract and bring back for Council's review.

Motion: Marshburn
Second: Kennedy
Vote: 4:0

COMMITTEE REPORTS

MANAGER REPORTS

Finance Report
 Garner info

2019 Town & State Dinner – February 20, 5:00 p.m. at the Raleigh Convention Center

ATTORNEY REPORTS

COUNCIL REPORTS

Council discussed the process in which to fill the vacancy created by the passing of Council Member Johns. Consensus to use an application/interview process.

Kennedy

- Asked about the budget for the Historic Depot project. Mr. Dickerson responded staff met with he Garner Area Historical Society and discussed their plans and requests and narrowed the scope. Staff is currently refining costs and those should be available in the next 2-3 weeks.

- Asked for discussion on how to pay for significant land acquisition and getting utilities to the property. Asked that this matter be brought to a Public Works Committee meeting.

Singleton

- Requested an update on the status of the pavement survey. Mr. Roylance responded this item will be discussed at next week's work session.

Behringer

- Reported a transfer truck parked at the intersection of W. Garner Road and St. Mary's Street.
- Reported streetlights out in the 400 and 500 block of W. Garner Road and Garner Station Blvd. Mr. Dickerson responded the staff has already reported this to Duke Energy.

Council Member Marshburn had nothing to report.

ADJOURNMENT: 10:55 p.m.

DRAFT

Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: March 4, 2019		
Subject: UDO-19-01, Bar, Nightclub, Tavern Use in the CBD		
Location on Agenda: Public Hearings		
Department: Planning		
Contact: Jeff Triezenberg, AICP, GISP; Planning Director		
Presenter: Jeff Triezenberg, AICP, GISP; Planning Director		
Brief Summary: UDO text amendment submitted by the Downtown Manager's Office on behalf of Mr. Josh Whitaker to add Bar, Nightclub, Tavern to the list of permitted uses in the Central Business District under certain additional standards.		
Recommended Motion and/or Requested Action: Refer to Planning Commission for review and recommendation.		
Detailed Notes: See attached staff report.		
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 checked="" type="radio"/> No: <input type="radio"/>		
Agenda Form Reviewed by:	Initials:	Comments:
Department Head:	JT	
Finance Director:		
Town Attorney:		
Town Manager:	RD	
Town Clerk:		

TO: Honorable Mayor and Town Council Members

FROM: Jeff Triezenberg, AICP, GISP; Planning Director

SUBJECT: *UDO-19-01, Bar, Nightclub, Tavern Use in the CBD*

DATE: March 4, 2019

I. BACKGROUND

The Planning Department is actively engaged with the Downtown Garner Association, the association’s manager and various association subcommittees. Over the months, the Department has examined the Unified Development Ordinance closely in how it applies to the Central Business District. More often than not, anticipated barriers to desired redevelopment have been found not to be present; however, in addition to a couple found last year, another has been identified and is introduced now for consideration at the request of the Downtown Development Manager’s office.



Preliminary draft language changes are shown in the following section of this report. Staff will be on hand to discuss the exact nature of the amendments that are being proposed. Staff considers all of these items as positive in nature and in support of **Garner Forward** promoting downtown as an area that is “fostering downtown’s reputation as the destination for local flavor and flair in Garner” but would like to take the opportunity to share, take suggestions and answer any questions from management, the Mayor and Town Council Members.

II. PROPOSED TEXT CHANGES

USE		RESIDENTIAL DISTRICTS								NONRESIDENTIAL DISTRICTS								
P = Permitted by right		P* = Permitted subject to standards								S = Special use permit required								
Use Category	Specific Use	R-40	R-20	R-15	R-12	R-9	R-MH	MF-1	MF-2	NO	NC	CBD	OI	CR	SB	I-1	I-2	Notes
COMMERCIAL, OFFICE, RETAIL																		
Entertainment (see 5.2F.1)	Bar, Nightclub, Tavern											S		S	S	P*	P*	5.3C.2

5.3. Specific use standards

C. Commercial, office and retail uses.

2. Bar, nightclub, tavern. A bar, nightclub or tavern shall not be permitted within 500 feet of any residential use or residential district.

a. In the CR, SB, I-1 and I-2 districts, a bar, nightclub or tavern shall not be permitted within 500 feet of any residential use or residential district.

b. In the CBD district, a bar, nightclub or tavern may only be located on parcels with frontage on Main Street between Montague and Griffin Streets.

c. In the CBD district, a bar, nightclub or tavern shall have a minimum of 250 square feet devoted to food preparation (kitchen, food refrigeration/freezers, etc.)

d. In the CBD district, a bar, nightclub or tavern shall be open no later than 1:00am.

III. RECOMMENDATION

Planning staff recommends that upon conducting the public hearing and receiving public comment, the Council close the hearing and refer the matter to the Planning Commission which will meet on March 18th to review the request and make a recommendation. Barring any delay, the matter is scheduled to come back to Council on April 1st for consideration of final action.

Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: March 4, 2019		
Subject: Z-18-05, Carroll Property - Purvis Street		
Location on Agenda: Old/New Business		
Department: Planning		
Contact: Het Patel, AICP; Senior Planner - Transportation and Land Use		
Presenter: Het Patel, AICP; Senior Planner - Transportation and Land Use		
Brief Summary: Lee Carroll is requesting to rezone 0.93 +/- acres from Single-Family Residential (R-9) to Central Business District (CBD). This is a general rezoning request; therefore, neither conditions nor a site plan are proposed at this time.		
Recommended Motion and/or Requested Action: Consider approval of Z-18-05 and consider adoption of Ordinance (2019) 3953.		
Detailed Notes: The public hearing was held on December 18, 2018, and the Planning Commission reviewed this request at their February 18, 2019 meeting, recommending approval. See attached staff report for additional information.		
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 checked="" type="radio"/> No: <input type="radio"/>		
Agenda Form Reviewed by:	Initials:	Comments:
Department Head:	JT	
Finance Director:		
Town Attorney:		
Town Manager:	RD	
Town Clerk:		

Planning Department Staff Report

TO: Mayor and Town Council Members

FROM: Het Patel, AICP; Senior Planner – Transportation and Land Use

SUBJECT: *General Use Rezoning – Z-18-05, Carroll Property – Purvis Street*

DATE: March 4, 2019

I. PROJECT AT A GLANCE

Rezoning Application:	Z-18-05 General Use Rezoning
Applicant:	Lee F. Carroll
Owner:	Lee F. Carroll
Property Location:	109 & 111 Purvis Street
Wake Count PIN(s):	1711-62-8227 & 1711-62-8130
Area:	0.93 +/- acres
Town Limits:	Yes
Present Zoning:	Single-Family Residential (R-9)
Requested Zoning:	Central Business District (CBD) Note: This is a general use request. No conditions are proposed.
Key Meeting Dates:	
Town Council Public Hearing:	December 18, 2018
Planning Commission:	February 18, 2019
Town Council Action Hearing:	March 4, 2019

II. BACKGROUND / REQUEST SUMMARY

The applicant owns two (2) contiguous properties on Purvis Street (109 Purvis Street and 111 Purvis Street). The applicant wants to rezone the two (2) parcels approximately 0.93-acres from **Residential R-9 (R-9)** to **Central Business District (CBD)**. The applicant owns two (2) additional contiguous parcels to the north along W Main Street, these parcels are already zoned Central Business District (CBD). This rezoning would provide the owner with more flexibility to develop all four (4) contiguous parcels under the Central Business District (CBD) zoning.

NOTE: If the southern parcel (PIN: 1711-62-8130) is rezoned to CBD and developed as such, there would be perimeter buffer of 25-55 feet depending on the proposed uses at the time of the site plan application. The existing use of the southern parcel is single-family residential, which is being used as a rental property and has a total width of approximately 56 feet at the narrowest point. Therefore, depending on the intensity of the proposed use when an application for site plan review is received, half or majority of the southern parcel identified may have to be used as the perimeter buffer to meet the Town's Unified Development Ordinance (UDO) requirements.



III. ZONING ANALYSIS

Existing: The existing zoning of the 0.93-acre site is **Single-Family Residential (R-9)**. Residential districts are designed to create and maintain residential neighborhoods composed primarily of single-family dwellings and, as special uses, such institutional, public, and other compatible uses that are designed, constructed and maintained so as not to detract from the quality of each district. The R-9 district allows single-family lots of at least 9,000 square feet (.20 acres).

The following is a list of permitted uses in the R-9 district:

1. Single-Family Detached
2. Residential Cluster
3. Single-Family Residential Subdivision
4. Modular Home
5. Family Care Home
6. Group Care Home
7. Intermediate Care Home

- | | |
|--|--|
| 8. Community Center (SUP) | 14. Public Park, Swimming Pool,
Tennis Court, Golf Course (SUP) |
| 9. Child Day Care (up to 3 as home
occupation) | 15. Religious Institution |
| 10. Family Child Day Care (up to 8 in-
home) | 16. Minor Utility, Elevated Water
Storage Tank |
| 11. School, Public or Private (SUP) | 17. Golf Course or Country Club,
Private (SUP) |
| 12. Ambulance Service, Police or Fire
Station (SUP) | 18. Bed and Breakfast (SUP) |
| 13. Cemetery | |

Proposed: The proposed zoning of the 0.93-acre site is **Central Business District (CBD)**. This district is intended to provide for and maintain the Main Street business district.

The following is a list of permitted uses in the CBD district.

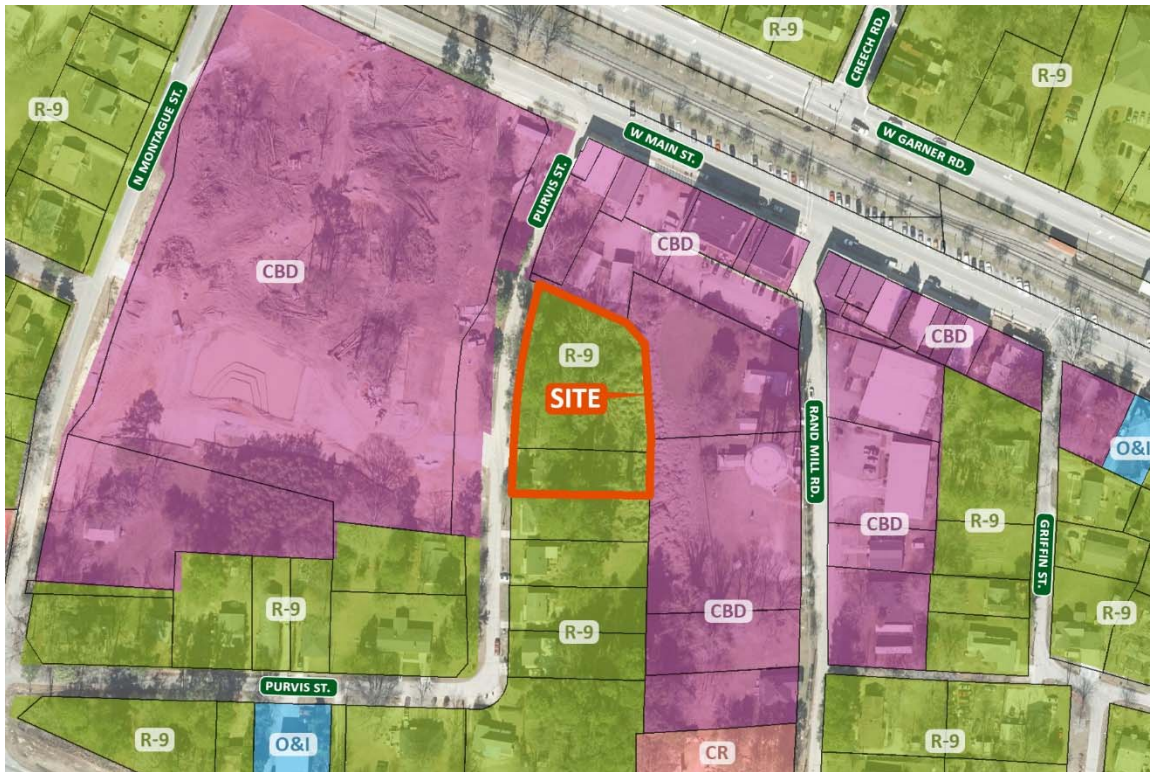
- | | |
|---|---|
| 1. Townhouse | Pool, Private |
| 2. Condominium | 22. Theater (SUP) |
| 3. Upper-Story Residential | 23. Medical Office, Individual |
| 4. Community Center (SUP) | 24. Other Office |
| 5. Library, Museum, Art Gallery, Art
Center | 25. Bed and Breakfast (SUP) |
| 6. Other Community Service (SUP) | 26. Parking Commercial (SUP) |
| 7. Civil, Service Fraternal Clubs,
Lodges and Similar Uses (SUP) | 27. Restaurant, Indoor with Seating
Only |
| 8. Business School, College or
University Satellite | 28. Restaurant, Take-Out Only
(drive-through or walk-up) |
| 9. Trade/Vocational (SUP) | 29. Convenience Store without Fuel
Sales |
| 10. Music, Dance, Art Instruction | 30. Open Air Market (SUP) |
| 11. Funeral Home and Crematorium | 31. Personal Service-Oriented Use
(excludes commercial
greenhouses or any use with
outdoor operations) |
| 12. Ambulance Service, Rescue
Squad, Police or Fire Station
(SUP) | 32. Hair Salons, Barbershops, Beauty
Shops |
| 13. Government Office (SUP) | 33. Banks or Financial Institutions |
| 14. Hospital (SUP) | 34. Repair Oriented Use (no outdoor
operations) |
| 15. Medical Clinic | 35. Sales Oriented Use (no outdoor
operations) |
| 16. Cemetery | 36. Veterinarian/Kennel, Indoor |
| 17. Public Park, Swimming Pool,
Tennis Court, Golf Course | 37. Outdoor athletic facility /
outdoor entertainment |
| 18. Religious Institution | 38. Manufacturing Indoor only |
| 19. Minor Utility – Elevated Water
Storage Tank | |
| 20. Golf Course or Country Club,
Private (SUP) | |
| 21. Gym, Spa, Indoor Tennis Court or | |

Zoning History: The Planning Department’s rezoning database contains the following rezoning cases in this area.

Case	Applicant	Location	Zoning Change
CUD-Z-97-05	Town of Garner	E Main St	R-9 to O&I C70
CUD-Z-16-03	Town of Garner	Recreation Center	R-9, O&I C104, CBD to CBD C183

Adjacent Zoning and Land Uses:

- North:** Central Business District (CBD) Full Bloom Coffee Roasters
- South:** Single-Family Residential (R-9) Single-Family detached
- East:** Central Business District (CBD) Town of Garner Water Tower
- West:** Central Business District (CBD) Garner Recreation Center



Overall Neighborhood Character: This area along Purvis Street is located south of W Main Street. This area contains a mix of zoning districts from CBD, R-9 and O&I. Uses include single-family detached (south along Purvis Street), commercial retail and office uses north of the site along W Main Street.

IV. STATEMENTS OF ZONING CONSISTENCY WITH THE COMPREHENSIVE PLAN

2018 Garner Forward Comprehensive Plan: According to the *2018 Garner Forward Comprehensive Plan* and the Future Land Use map, the rezoning site falls within the **Town Center** category, and the surrounding tracts in this area are also designated primarily as Town Center. Active Recreation (Garner Recreation Center) is across Purvis Street from the site and Utilities (Garner Water Tower) is along Rand Mill Rd. and is behind the site.

The **Town Center** land use category is intended for both the traditional downtown core (accompanied by historic overlay considerations) and other concentrations of development near transit stops, established government uses, and other diverse, mixed-use locations are part of the Town Center designation. Uses and buildings are located on small blocks with streets designed to encourage pedestrian activity. Buildings typically stand a minimum of two stories in height with residential units above storefronts served by rear-loading, shared, and / or on-street parking.



Zoning Consistency Statement: This request, Z 18-05, seeks to rezone the property from R-9 (approximate net development density of 3.15 units per acre) to CBD. The requested CBD district is consistent with the *2018 Garner Forward Comprehensive Plan's* future land use designation of Town Center and the *Comprehensive Plan's* guiding principles of “building on and conserving the existing character” and “commercial development”, including the following practices and policies identified within respective guiding principle:

- Market a healthy brand that celebrates the local flair of Garner and emphasizes the Town’s positive evolution (pg. 58 of Comp Plan);
- Encourage redevelopment and reuse of existing sites and buildings that are complimentary to the surrounding area (pg. 58 of Comp Plan); and,
- Ensure that existing regulations allow new kinds of hybrid office, retail, industrial, and even housing combinations in commercial areas of town (pg. 71 pf Comp Plan).

Additionally, the requested rezoning is consistent with the predominant zoning of the area along Purvis Street and West Main Street and would allow the types of businesses at the described location which will enhance the Town’s economic development.

V. PUBLIC HEARING

The public hearing for this application was held on December 18, 2018. The owner and applicant spoke in favor for the project. A person with an interest in an adjacent property spoke at the public hearing and asked about the “ultimate intent” of the zoning change. Mr. Carroll responded that we would like to move his business along Purvis Street and has another project for Main Street. He also indicated possibility of including upper-story residential.

VI. RECOMMENDATIONS

Based on the preceding statements regarding consistency with Town plans, which is being forwarded to the Town Council as their own, the Planning Commission voted unanimously at their February 18, 2019, meeting to recommend approval of this request.

Staff has no objections to rezoning application Z-18-05 and recommends approval as submitted. Please refer to the Motion Worksheet on the following pages for assistance.

Z-18-05, Carroll Property – Purvis Street

Rezoning Motion Worksheet

Choose one (1) of the following three (3) options: *(staff recommendation is highlighted below)*

1. Find Consistent with the Comprehensive Plan and Approve:

- 2. Find Inconsistent with the Comprehensive Plan and Deny:
- 3. Find Inconsistent with the Comprehensive Plan and Approve:

1. Find Consistent with the Comprehensive Plan and Approve:

“I move that the Town Council accept staff’s statements regarding zoning consistency with the Comprehensive Growth Plan, detailed in Section IV of the staff report, as our own; and I therefore move further that the Town Council adopt Ordinance No. (2019) 3953 approving rezoning request Z-18-05 as it is reasonable and in the public interest because it will likely select as many reasons as appropriate from below list or provide your own reasoning”

- Market a healthy brand that celebrates the local flair of Garner and emphasizes the Town’s positive evolution;
- Encourage redevelopment and reuse of existing sites and buildings that are complimentary to the surrounding area;
- Ensure that existing regulations allow new kinds of hybrid office, retail, industrial, and even housing combinations in commercial areas of town;
- Or provide your own reason: _____

2. Find Inconsistent with the Comprehensive Plan and Deny:

“I move that the Town Council find the rezoning request inconsistent with the Comprehensive Growth Plan for the following reason(s): provide your reasoning and therefore, I move further that the Town Council reject the recommendation of the Planning Commission and deny rezoning request number Z-18-05.”

3. Find Inconsistent with the Comprehensive Plan and Approve:

"I move that the Town Council find that although the rezoning request is inconsistent with the Comprehensive Growth Plan, detailed in Section IV of the staff report, it is reasonable and in the public interest because it will likely select as many reasons as appropriate from below list or provide your own reasoning

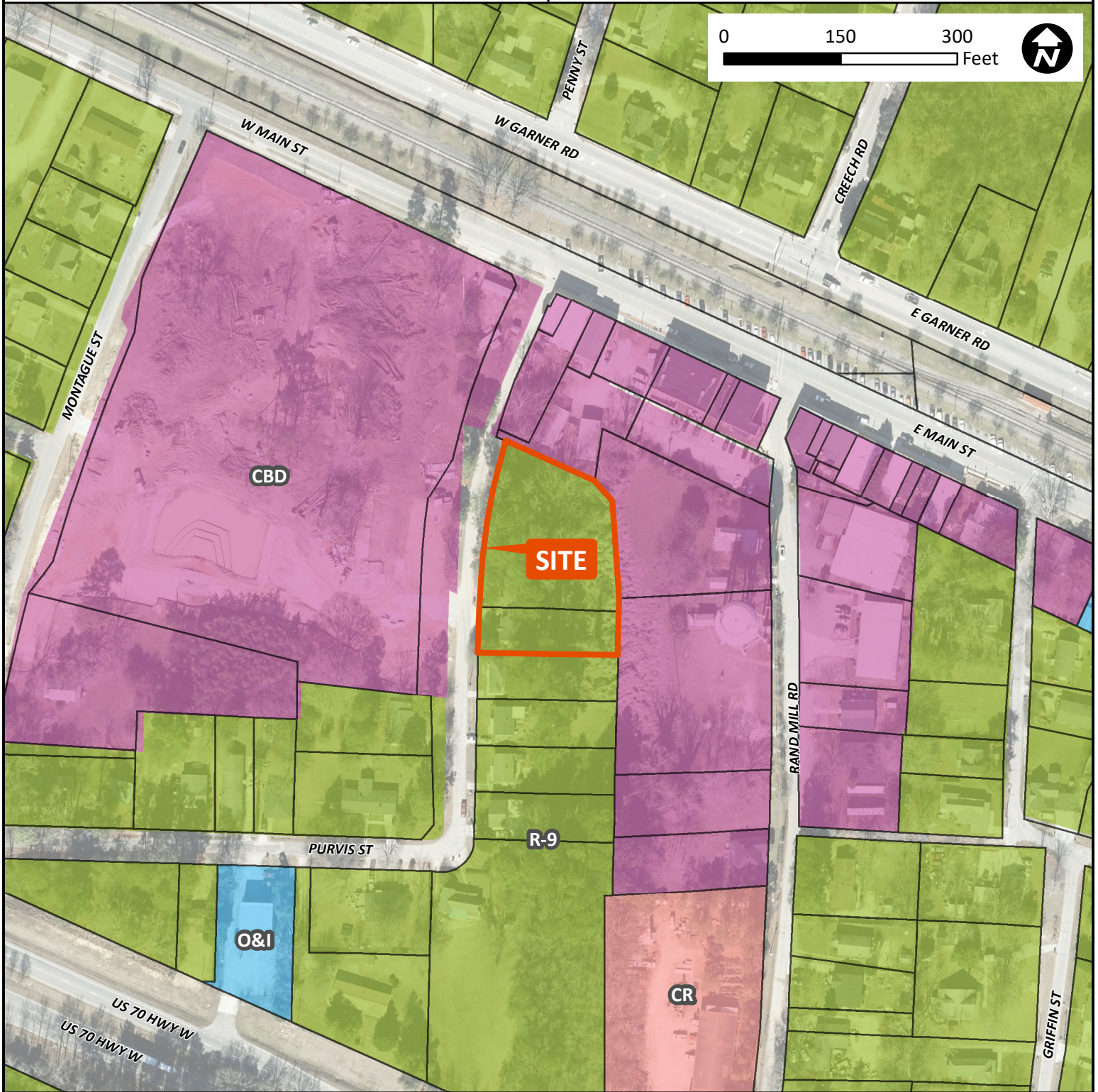
- Allow the development of an appropriate density of housing in the area in which it is located;
- Allow appropriate types of business at the described location which will provide opportunities for access to goods and/or services useful to the surrounding area;
- Allow appropriate types of business at the described location which will provide employment opportunities for citizens;
- Allow the types of businesses at the described location which will enhance the Town's economic development;
- Allow the types of businesses at the described location which will likely enhance the Town's tax base;

and therefore, I move further that the Town Council adopt Ordinance No. (2019) 3953 approving rezoning request number Z-18-05, and in so doing, also amend the Town's Comprehensive Growth Plan from designating the subject property as Town Center to identify future land use map designation."



Town of Garner Planning Department

General Use Applications Z-18-05



Applicant: Lee F. Carroll
Owner: Lee F. Carroll
Location: 109 & 111 Purvis Street
Pin #: 1711-62-8227 & 1711-62-8130

Current Zoning: Single-Family Residential 9 (R-9)
Proposed Zoning: Central Business District (CBD)
Acreage: 0.93 +/-
Overlay: n/a

Return to:
Stella Gibson
Town of Garner
900 7th Avenue
Garner, NC 27520

ORDINANCE NO. (2019) 3953

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE TOWN OF GARNER AND ITS EXTRATERRITORIAL JURISDICTION

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF GARNER:

Section 1. That the Official Zoning Map of the Town of Garner and Extraterritorial Jurisdiction be amended by changing the zoning classification of the property described below from its current zoning of Single-Family Residential (R-9) to Central Business District (CBD) general use district as requested in Rezoning Application No. Z-18-05 by Lee F. Carroll.

Owner(s)	Tract No.	Acres	Existing Zoning	New Zoning
Lee & Alice Carroll	1711-62-8227 and 1711-62-8130	0.93 +/-	Single-Family Residential (R-9)	Central Business District (CBD)

Section 2. That all ordinances or portions thereof in conflict with this ordinance are hereby repealed.

Section 3. That this ordinance shall become effective upon its adoption.

Section 4. That the Planning Department shall change the Official Zoning Map displayed for the public to reflect this change immediately following adoption.

Section 5. That the Town Clerk shall cause a duly certified copy of this ordinance to be recorded in the office of the Wake County Register of Deeds.

Duly adopted this 4th day of March 2019.

Ronnie S. Williams, Mayor

ATTEST: _____
Stella L. Gibson, Town Clerk

Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: March 4, 2019		
Subject: Recycling Cost		
Location on Agenda: Old/New Business		
Department: Public Works		
Contact: Forrest Jones, Director of Public Works		
Presenter: Forrest Jones, Director of Public Works		
<p>Brief Summary:</p> <p>In years past, the cost All-Star has paid to dispose of our recycled goods has been around \$0 per ton – sometimes they make a few dollars per ton, sometimes they pay a few dollars per ton. Their costs are now dramatically higher largely due to policy changes in China, which is a major buyer of recycled commodities.</p>		
<p>Recommended Motion and/or Requested Action:</p> <p>Approval to pay a surcharge on the Town's recycling tonnage collected by All-Star Waste</p>		
Detailed Notes:		
Funding Source:		
Cost: \$60,000.00	One Time: <input type="radio"/>	Annual: <input checked="" type="radio"/> No Cost: <input type="radio"/>
Manager's Comments and Recommendations:		
Attachments Yes: <input checked="" type="radio"/> No: <input type="radio"/>		
Agenda Form Reviewed by:	Initials:	Comments:
Department Head:	FJ	
Finance Director:		
Town Attorney:		
Town Manager:	RD	
Town Clerk:		

Recycling Market Rate Change

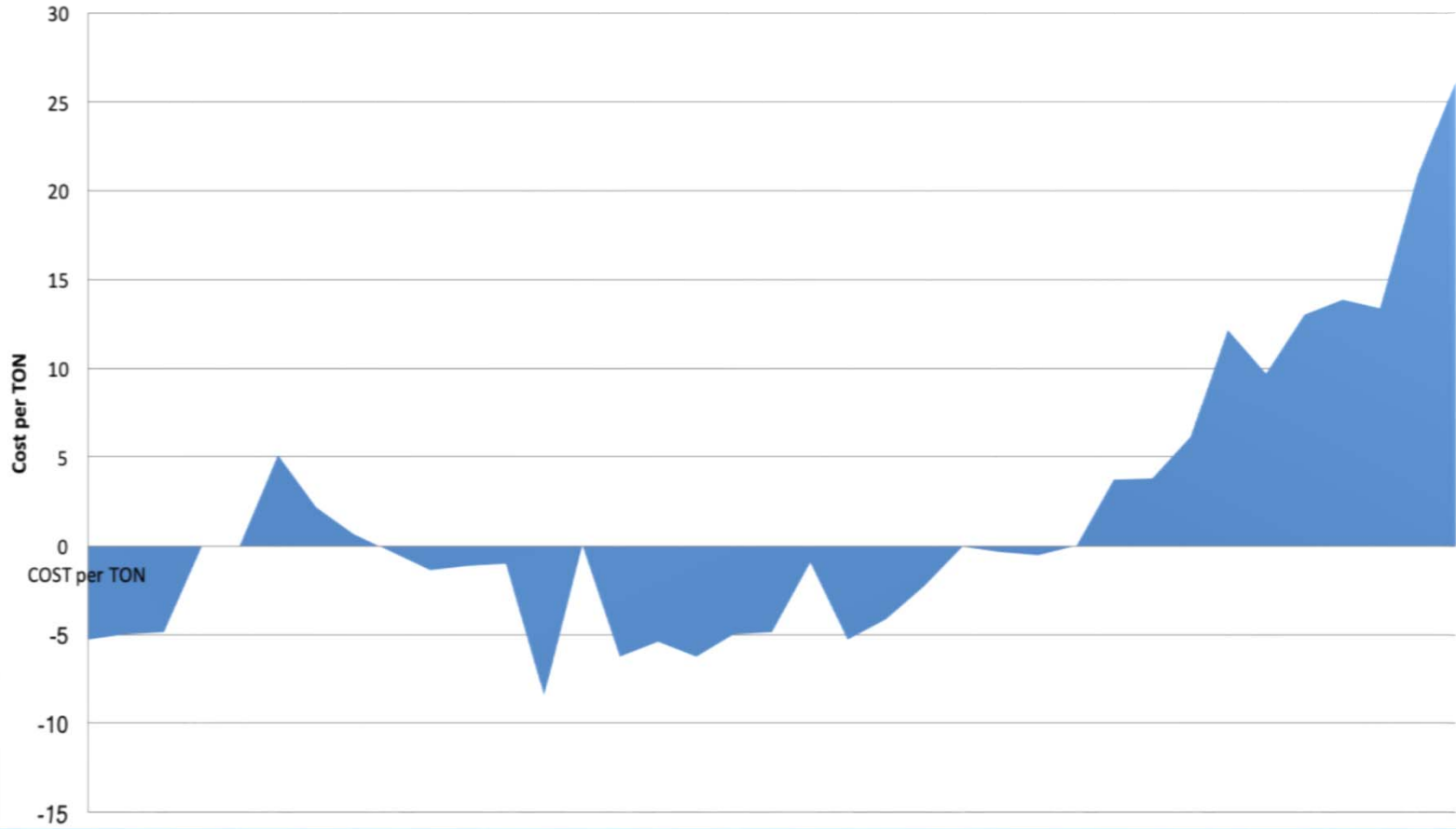
Contributing Factors

- ▶ Changes that impacted our ability to dispose of recycling
 - ✓ Demand has decreased - China has refined their processes to generate their own material and need less of our materials
 - ✓ Supply remains the same

Recycling Cost

- ▶ Town of Garner Recycling History
 - ✓ Some years All Star has made a few dollars a ton, and some years they have paid a few dollars a ton
 - ✓ Early this year, their cost dramatically increased
 - ✓ Current recycling average: 135 tons/month

Last 36 Months



Contract Review

- ▶ “...The contractor may petition the town at any time for additional rate adjustments at reasonable times on the basis of unusual changes in its costs of operations...” (Item # 16)
 - ✓ Revised laws
 - ✓ Ordinances
 - ✓ Changes in disposal charges
 - ✓ Other major factors beyond contractor and Town control
- ▶ Recommendation
 - ✓ Consider paying a monthly surcharge for recycling based on actual cost

Reports



PUBLICSTUFF

garner info

BOARD REPORT

Id	Title	Description	Current Status	Address	Date Created
5372023	Construction Without Permit	There has been what looks like a 3-4" PVC pipe place in a shallow trench coming from what appears to be the rear of the property and dumps out in the ditch at the front of the property. Not sure as to what is going to be coming from the pipe but etherway it will be adding to the already "messed" up drainage on New Rand Rd. Places that should be going through a drainage pipe that is clogged and then the water is forced to then travel down the road and erode driveways etc..I looked for any permits pulled to do such work and was unable to locate any. Thank you for your time and effort.	Submitted	104 New Rand Rd, Garner	12/27/2018
5385300	Misc. - Streets	This utility box was exposed by the builders while working on the sidewalks at Preakness Place Subdivision. The site manager is failing to correct the problem despite homeowner request. Located on Oakton Ridge Place, between Sheldon Place and Preakness Place.	In Progress		12/30/2018
5459649	Pothele/ Pavement Repair	The street gutter at the end of our driveway is cracking and coming up in peices. We will soon just have a big hole and non drivable driveway. Requesting for repair. Please contact Mike @ 602-295-7895. Thank you.	In Progress	1405 Buckingham Rd, Garner	1/16/2019
5462061	Pothele/ Pavement Repair	Pothele at intersection	In Progress	1-101 Saint Marys St, Garner	1/16/2019
5475272	Pothele/ Pavement Repair	Pothele on side of road	In Progress	1010 Meadowbrook Dr, Garner	1/18/2019

5500042	Animal Concern - Non Emergency	at least six feral cats running amok back and forth from houses behind me and houses across street from me. they are constantly fighting (occasionally bleeding on my back deck), urinating on (spraying) my car's wheels, and making all kinds of noises in the middle of the night just outside my window which disrupt my sleep and work my dogs into a frenzy. they also continue to mate just multiplying the problem.	In Progress	145 Parkhaven Ln, Garner, NC 27529, USA	1/24/2019
5552087	Neighborhood Speeding	In the last week I have observed 2 different cars, on 2 different occasions pass someone in the turn lane. The person they are passing appears to be going to speed limit. The person passing is not only speeding, but also doing so in the turn lane. Both time happened btw 9-9:30am.	In Progress	300 W Garner Rd, Garner, NC 27529	2/6/2019
5576505	Construction Without Permit	The construction company that built Preakness Place dug out this utility box in my yard and refused to fix this. This is unsightly and a safety issue.	Submitted	154 Belmont Ridge Dr, Garner	2/12/2019
5582916	Litter Pickup	My previous complaint #5558222 has not been completed. My concern was on Timber Dr from Hwy 70 to Vandora Springs Rd, and I see no improvement at all. Please take a second look especially between Grovemont and Woodland, it's full of litter. Thank you	Received	Timber Dr, St Marys	2/13/2019

5599138	Pipe and Storm Drain Maintenance	<p>There is an issue with the storm drain pipe running alongside my property. It seems that there is no outlet for the water, other than into my back yard. This has caused significant erosion over time and now the water from the neighborhood street, pools in my yard, taking days if not a full week to dry out. Aside from the obvious appearance concerns, this also causes massive weed outbreaks, acts as a bed for mosquitoes in the summer, and the continued erosion can add risk to the trees falling and potentially damaging the housing structure. Picture is attached of the ponding issue. I also have video showing it coming from from the storm drain, but unable to upload.</p> <p>Please let me know what can be done about this. Thank you, Brian Comp</p>	Received	118 Acentala Ct, Raleigh	2/16/2019
5639293	Ditch/ Surface Drainage Problem	<p>This corner/exit ramp/curb is a hot mess....and has been for a long time. When it rains, it's even worse. I don't know what the fix is, but it needs attention & a fix that will be a long term solution to the continuous issue at this spot.</p>	Submitted	200-202 Vandora Springs Rd, Garner	2/26/2019