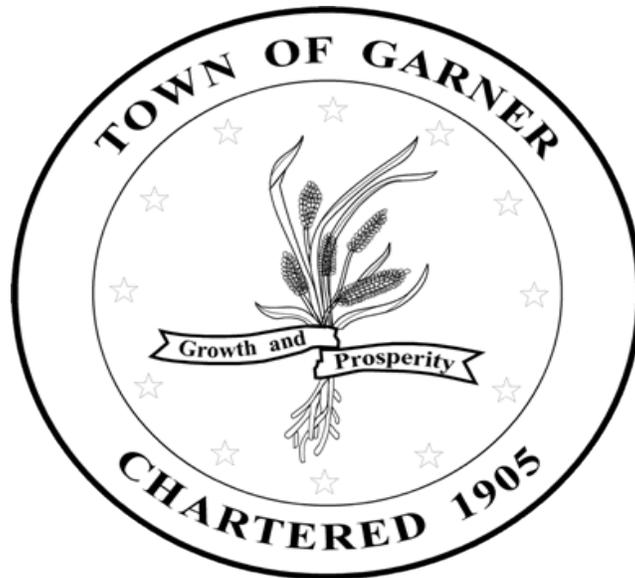


TOWN OF GARNER



TOWN COUNCIL MEETING

APRIL 4, 2016
7:00 P.M.

Garner Police Department
Training Room

**Town of Garner
Town Council Agenda
April 4, 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 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: Mayor Pro Tem Behringer

C. INVOCATION: Mayor Pro Tem Behringer

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. Recognize Retirement of Veronica Weaver for her retirement from the Town Page 4
Presenter: Brandon Zuidema, Police Chief, and Rodney Dickerson, Town Manager

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. Adoption of Minutes from December 7, 2015, February 1, 2016 and February 16, 2016
Council Meetings and January 26, 2016 Work Session Page 5

Action: Adopt Minutes

2. Ordinance Amending FY 2015-2016 Operating Budget Page 28

Budget amendment related to additional costs for GVFR, Inc., associated with the move to 120 E. Main St.

Action: Adopt Ordinance (2016) 3808

H. PUBLIC HEARINGS

1. Annexation Petition ANX-15-06, Oak Park Page 31
Presenter: David Bamford, Senior Planner

Annexation petition associated with the proposed Oak Park development (rezoning and subdivision) located on New Bethel Church Road. The site is currently located in Wake County's

jurisdiction. In order for Council to take action on rezoning and CUP applications the site must be annexed first.

Action: Adopt Ordinance (2016) 3809

2. Conditional Use Rezoning, CUD-Z-15-06 and Conditional Use Permit, CUP-SB-15-06Page 36
Presenter: David Bamford, Senior Planner

Request to rezone 97 acre tract of land on New Bethel Church Road from Wake County R-30/Water Supply Watershed Overlay to Town of Garner R-9 C180/Swift Creek Overlay District and request for conditional use permit approval for a 212 lot residential subdivision.

Action: Adopt Ordinance (2016) 3810; Consider Permit Approval

3. Conditional Use Rezoning, CUD-Z-16-02 and Conditional Use Permit, CUP-SP-16-03 Page 54
Presenter: Jeff Triezenberg, Assistant Planning Director

Request to rezone a .46 acre tract located at 130 Annaron Court from CR to SB CUD C-182 and request for conditional use permit approval of an automotive repair and maintenance business.

Action: Adopt Ordinance (2016) 3811; Consider Permit Approval

4. Order to Close a Portion of Wade Avenue, SC-16-01..... Page 74
Presenter: David Bamford, Senior Planner

A street closing petition has been filed by Danny Shields to close the unimproved portion of Wade Avenue.

Action: Adopt Order to Close a Portion of Wade Avenue

5. Unified Development Ordinance Text Amendment (UDO-16-01) Page 80
Presenter: Brad Bass, Planning Director

A proposed text amendment to the Unified Development Ordinance (UDO) to modify setback requirements in several single-family zoning districts and revise the corner side setback requirement in the CBD zoning district.

Action: Close Public Hearing; Refer to Planning Commission

6. General Use Rezoning Z-16-01, Buffaloe Road Page 88
Presenter: David Bamford, Senior Planner

Request by Christian and Jennifer Olmstead to rezone a 4.72 acre tract of land located at 610 Buffaloe Road from R-40 to R-20.

Action: Close Public Hearing; Refer to Planning Commission

I. NEW/OLD BUSINESS

1. Bryan Road Funding Resolution from Wake County Board of Education Page 97
Presenter: Betty Parker, WCPSS

Wake County Board of Education has applied for statewide funding to assist with the cost of paving Bryan Rd. from Ackerman Rd. to Clifford rd. intersections. Wake County Public School System is in the process of building an elementary school and a future middle school on the

currently unpaved Bryan Rd. which is a NCDOT state-maintained road. The gravel road needs paving for safe public and school bus travel.

Action: Adopt Resolution (2016) 2286

- 2. Proposed Changes to Public Utility Fee Schedule Page 100
Presenter: John Hodges, Assistant Town Manager-Development Services

The Public Works Committee has recommended changes to the Public Utility Fee Schedule in follow up to a discussion at the Council Retreat in February. Council reviewed the proposed changes at the March 29, 2016 Work Session.

Action: Consider Recommended Changes

- 3. Award of Town Hall Construction Contract Page 107
Presenter: Tony Chalk, Town Engineer

Bids were opened on Wednesday, March 30th for the construction of the new Garner Town Hall. Recommend award of the new Town Hall Construction to the low bidder, Resolute Building Corporation.

Action: Award Contract to Resolute Building in the amount of \$6,555,300

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: April 4, 2016		
Subject: Veronica Weaver Retirement		
Location on Agenda: Presentations		
Department: Police Department		
Contact: BD Sechler		
Presenter: Rodney Dickerson and Chief Zuidema		
Brief Summary: Recognition of Veronica Weaver who retired from the Town on April 1, 2016 with over 25 years of dedicated service.		
Recommended Motion and/or Requested Action:		
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: No:		
Agenda Form Reviewed by:	Initials:	Comments:
Department Head:	BD	
Finance Director:		
Town Attorney:		
Town Manager:	RD	
Town Clerk:		

**Town of Garner
Town Council Minutes
December 7, 2015**

The Council met in regular session at 7:00 p.m. in the Council Meeting Room.

CALL MEETING TO ORDER/ROLL CALL: Mayor Ronnie Williams

Mayor Williams, Mayor Pro Tem Marshburn, Council Member Behringer, Council Member Johns, Council Member Kennedy and Council Member Singleton.

PLEDGE OF ALLEGIANCE: Mayor Ronnie Williams

INVOCATION: Reverend Charles Brooks, Poplar Springs Christian Church

CERTIFICATION OF THE 2015 MUNICIPAL ELECTION RESULTS

Motion: Singleton
Second: Johns
Vote: Unanimous

INDUCTION OF MAYOR AND COUNCIL MEMBERS

Honorable Elaine Marshall, Secretary of State, Administered the Oath of Office to Mayor Ronnie Williams and Council Member Jackie Johns, Sr.

Honorable Monica Bousman, Wake County District Judge, Administered the Oath of Office to Council Member Buck Kennedy and Council Member Ken Marshburn.

ELECTION OF MAYOR PRO TEM

Election of Kathy Behringer as Mayor Pro-Tem.

Motion: Marshburn
Second: Kennedy
Vote: Unanimous

PETITIONS AND COMMENTS - None

ADOPTION OF AGENDA - Council Member Singleton requested a closed session pursuant to N.C. General Statutes Section 143-318.11(a)(6) regarding a personnel issue.

Motion: Kennedy
Second: Singleton
Vote: Unanimous

PRESENTATIONS

2014-2015 Popular Annual Financial Report

Emily Lucas, Finance Director, presented the Popular Annual Financial Report. This document, which is a condensed "reader-friendly" version of the CAFR was developed last year and is available to the public via print and online. Ms. Lucas also thanked Rick Mercier, Communications Manager, for his assistance.

CONSENT

Minutes from November 17 Council Meeting and November 24 Work Session

Action: Adopt Minutes

Ordinance Amending FY 2015-2016 Operating Budget

Budget amendment to rollover purchase orders still open on June 30, 2015. These are items or services ordered prior to June 30, 2015, but not received or delivered before this date. This is standard procedure to officially recognize these items as part of the next year's budget, and are accounted for through the assigned fund balance category that sets money aside for these planned expenditures.

Action: Adopt Ordinance (2015) 3798

Ordinance Amending FY 2015-2016 Operating Budget

This budget amendment includes the following changes: transfer of money within the Inspections Department budget; use of contingency funds for speed cushions in Cloverdale; use of fund balance and insurance proceeds to repair damaged Police vehicles; use of fund balance to provide donation to YMCA; use of Park Development Funds to refurbish Thompson Road Park.

Action: Adopt Ordinance (2015) 3799

Agency Funding/Programming Partners Agreements Approved in the FY 2015 – 2016 Budget

Following budget adoption, agreements were prepared and forwarded to each of the agencies receiving appropriations this year. Once approved, the Town will make payment to the organizations in accordance with the schedule set out in each agreement. Agreements have been executed and returned by Resources for Seniors and the Garner Education Foundation, Inc.

Action: Authorize Execution of Agreement

Contractor Pre-Qualification for Town Hall Project

As discussed at the November 24 Council Work Session, approval of a pre-qualification process is required in order to comply with State requirements.

Action: Adopt Ordinance (2015) 3800

Resolution Declaring Unpaid Nuisance Abatements as Liens

The Town has one property where the owner has unpaid, delinquent nuisance abatements. This resolution declares this unpaid fee as a lien on the property and will be collected with the property taxes due.

Action: Adopt Resolution (2015) 2275

Motion: Marshburn

Second: Johns
Vote: Unanimous

PUBLIC HEARINGS

The next two public hearing items are quasi-judicial hearings to consider special use permit applications. The Town Attorney explained the procedures to be followed in these hearings. The Clerk administered an Affirmation of the Oath to the following: Brad Bass, Jenny Saldi, Cliff Sauls, Jessie Mendoza, Rick Baker, Ronnie Johnson.

Mayor Williams asked the Council to disclose any ex parte communications regarding these projects. Hearing none, he moved forward with the applications.

SUP-SP-15-06 – Special Use Permit, VFW

Presenter: Jenny Saldi, Senior Planner

The South Wake County Post 10225 VFW is requesting approval of a special use permit for a new meeting hall. The property is located at 145 Annaron Court and zoned Community Retail (CR).

Ms. Saldi gave the following staff report.

This application proposes the construction of a 5,600 square foot civic meeting hall on a 0.642 acre site. The proposed building will be constructed of metal with a warm grey hardi-plank siding and a brown-orange brick knee-wall. The current zoning on the site is Community Retail (CR) within the US 70/401 Overlay District. The plan as proposed meets the requirements of the Landscape Ordinance and no additional fire hydrants are required. This project requires 19 parking spaces (one handicap accessible). Through an agreement with the property across the street, a total of 26 parking spaces (1 handicap accessible) will be available. Service connections to public water and sewer are proposed. One outstanding comment from the City of Raleigh is to have the proposed grease trap approved before a building permit is issued. This project is subject to nitrogen and water quantity requirements along with watershed water supply protection requirements (85% TSS removal) and water quantity requirements. There is an existing stormwater BMP for the subdivision that provides 85% TSS removal along with detention of the 1, 10 and 25 year storm event. This BMP does not meet the requirement for nitrogen removal and an offset payment to a private mitigation bank is required. There are two monitoring wells on site; however, evidence has been submitted that the well impacted by this development has already been abandoned. This site project, as proposed, is consistent with the Comprehensive Growth Plan, the Thoroughfare Plan, the Parks and Greenway Plan, and with the regulations of the Unified Development Ordinance.

The Planning Commission reviewed this plan at their meeting on November 9, 2015 and unanimously voted to recommend approval of SUP-SP-15-06 with one site specific condition listed on the attached Special Use Permit.

Mayor Williams opened the public hearing.

Mr. Baker stated he is working with the VFW on this project and was present to answer any questions. Mr. Mendoza, Commander of VFW Post 10225 expressed their desire to be a resource to other agencies such as the American Legion. Currently there are approximately 200 members and 160 auxiliary members. Mr. Johnson said he will be maintaining the building. Council Member Marshburn commended the VFW on the work they do.

Mr. Cliff Sauls, Chair of the Planning Commission, reported the Commission recommended unanimous approval of the project subject to the conditions listed on the permit.

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

Action: Find application complete and in compliance; Approve Permit Subject to: 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; 4) Prior to issuance of a building permit, evidence of grease trap approval by the City of Raleigh shall be submitted to the Planning Department.

Motion: Marshburn
Second: Singleton
Vote: Unanimous

SUP-SP-15-09 – Bryan Road Elementary School

Presenter: Jenny Saldi, Senior Planner

CLH Design is requesting special use permit approval for an elementary school to be located off Bryan Road. The zoning is R-40 and is 50.44 acres in size.

Ms. Saldi gave the following staff report.

This application proposes the construction of an elementary school on Bryan Road, between Ackerman Road and Clifford Road. The building is 108,996 square feet and constructed of a combination of red brick, light brown brick, and beige CMU. Parking spaces for elementary schools are based on the number of classrooms; 115 parking spaces (5 handicap accessible) are proposed, which is above the requirement of 90 spaces (4 handicap accessible). The plan as proposed meets the requirements of the Landscape Ordinance. Extension of water and sewer mains are required to provide service to the site; the City of Raleigh has given preliminary approval for the extension.

Street Access/Sidewalks:

- **Three** points of access off Bryan Road
- **Northern Connection**: Bus and staff parking entrance and exit
- **Southern Connection**: Entrance only for parents and visitors
- **Center connection**: Exit only for parents and visitors
- Design allows required queuing for car pool
- **Sidewalks** proposed entire length of tract as part of road improvements

This project is subject to both nitrogen and water quantity requirements. Installation of onsite stormwater wetlands that will provide nitrogen treatment and detention of the 1, 10 and 25 year storm events. No nitrogen offset payment is required with this project.

The portion of Bryan Road between Ackerman Road and Clifford Road is a gravel road. Road improvements are proposed along the frontage of the entire 50 acre tract, leaving approximately 200 feet of gravel road between end of improvements and Ackerman Road and approximately 1,900 feet between improvements and Clifford Road. Along the road frontage for the elementary school portion of the tract, road widening with curb and gutter construction on both sides of the road for two lanes plus a center turn lane is proposed. The remainder of the road frontage will be paved and road widening for half of the recommended future cross-section with curb and gutter construction and sidewalk is proposed on the school side of the road.

WCPSS has not committed to paving the off-site portions of Bryan Road between Ackerman Road and Clifford Road at this time. Staff has been advised that WCPSS is seeking funds from other sources for these improvements.

The current site plan indicates road widening with sidewalk construction along Bryan Road resulting with fill material being placed within the floodway associated with a stream located at the northern property line of the school property. This situation requires a flood study to be completed prior to any road construction. Options on how to address this matter were discussed with WCPSS staff; however, a final decision has not been reached.

Staff requested WCPSS to provide a study to evaluate traffic impacts associated with the development of the Bryan Road Elementary School. According to the study the school is expected to generate 1190 total site trips during a typical weekday. The plan provides 2,350 feet of internal stacking distance (some double stack, some single stack) which is deemed to be adequate.

The study evaluated the following intersections:

Bryan & White Oak Road	Bryan & Ackerman Road
Bryan & Clifford Road	New Bethel Church & NC 50
New Bethel Church & Clifford	Ackerman & Hebron Church Road
Hebron Church & White Oak Rd	

The study found most of the intersections will continue to operate at an acceptable LOS. However, east-bound Bryan Road at White Oak currently has a LOS F during am peak and this will continue under built-out conditions. At the intersection of Hebron Church and White Oak Road eastbound Hebron Church Road will operate at a LOS F. Staff estimates over 200 additional trips will pass through this intersection as a result of the school. The study noted signalization would improve overall operations to a LOS C at this intersection. A signal warrant analysis for this intersection was completed by the Traffic Engineer for WCPSS and it found that multiple warrants are met for signalization. This information was forwarded to NCDOT for their review; we are waiting on the results.

The Town Attorney has provided the following opinions:

- (1) The WCPSS appears to take the position that the Town cannot require off-site improvements for the reason that Bryan Road is a State maintained road.
 - (a) There is no language in the UDO exempting a State road from applicant provided improvements.
 - (b) There is no statute or compelling appellate case law with which I am familiar which requires that result.
 - (c) Various development projects approved by the Town in recent years have required off-site improvements to NCDOT roadways.
 - (d) He is not aware of any developer before now making the claim that NC DOT roads are exempt from such improvements.

- (2) LOS of F is defined by *Highway Capacity Manual* as follows:

“Level of service F is defined as forced or breakdown flow. This condition exists wherever the amount of traffic approaching a point exceeds the amount which can traverse the point. Queues form behind such locations. Operations within the queue are characterized by stop-and-go waves, and they are extremely unstable. Vehicles may progress for several hundred feet or more, and then be required to stop in a cyclic fashion....”

Where the LOS is already a D or an F, such as at the intersection of Hebron Church Road and White Oak Road, because of the lack of a traffic signal, if the Council finds that the introduction of over 200 more trips will make

the situation worse, the fact that an intersection is already at a “D” or an “F” does not of itself mean that additional traffic cannot make it even worse and be the subject of mitigation.

The Town Engineer provided the following statement:

The current condition of Bryan Road is not suitable for the significant increase in traffic that the new school will generate. Per the USDOT Manual on Maintenance of Gravel Roads, average daily traffic volumes of 400 to 500 justify paving a gravel road. The traffic study by Ramey Kemp Associates states that this project generates a total of 1190 site trips exceeding the recommended amounts for a gravel roadway. Paving Bryan Road to NCDOT roadway standards should be required to insure the safe travel of the public.

The Planning Commission reviewed this plan at their meeting on November 9, 2015 and unanimously voted to recommend approval of SUP-SP-15-09 with two site specific conditions listed on the Special Use Permit.

Mayor Williams opened the public hearing.

Council Member Kennedy asked if the flood study was a requirement of the Town or State and if this was addressed in the conditions of the permit. Ms. Saldi said it was a FEMA requirement. Mr. Anderson said this issue had been discussed by Town and WCPSS staff and that maybe the cost of the flood study can be shared. Mayor Pro Tem Marshburn asked the cost of a flood study and how long would it take to accomplish. Mr. Chalk estimated the cost to be around \$50,000 and take 6 to 9 months to complete.

Council Member Singleton suggested making improvements at the intersection of Hebron and White Oak Road at the same time other improvements are made in preparation of the middle school being built.

Mr. Haywood, Wake County Public School System Attorney, stated the property was purchased 8 ½ years ago and intended for an elementary school and a middle school. He also stated based on the application he believes all conditions and technical standards have been satisfied under the UDO and the issues being discussed are not related to the site plan.

Ms. Marcella Gori, Wake County Senior Facility Planner, said the school is anticipated to have 52 classrooms with the newest technology, classes, play fields, structures and amenities. It is anticipated this school will accommodate 800 children. Council Member Singleton asked about the gym/dining combination. Ms. Gori state the cafeteria will share an expandable wall with the gym, which is intended to function as a performance space with seating being located on the vinyl cafeteria side.

Joshua Rainke, Wake County Public School System Traffic Engineer reported that signalization is based on the recommended intersections from both the Town of Garner and Wake County. His findings were that the existing conditions of White Oak and Hebron Church and Bryan and White Oak were operating at a failing level due to the heavy traffic levels. Council Member Kennedy inquired about the signalization of the intersection at Ackerman and White Oak and Hebron Church Road. Mr. Rainke shared that the NCDOT was not interested in establishing a signal at the intersection, but that a review of Ackerman/Hebron Church Road was in process. The Bryan/White Oak intersection does not have enough extended volume to warrant a study, and adding an extra lane did not seem to be a viable option. Council Member Singleton asked about the intersection of New Bethel Church Road and Highway 50, and asked if the volumes were included in the study and Mr. Rainke’s response was that they were, and that the analysis did not show any additional issues. The staggered arrival and dismissal times of the elementary and high school will not produce a swell in volume. Currently no traffic analysis has been performed on the impact of the future Middle School, as that will be performed at the time of development. Council Member Kennedy confirmed with Mr. Rainke that a light signal is recommended for the intersection of White Oak and Hebron Church Road.

Mr. Haywood summarized by stating based on the application, the studies, reports and findings, he contended that the petition necessary for the Special Use Permit had been satisfied, but believed that the issue is not the specifics of the site plan. The issue on the table is the fact that Bryan Road is a two lane unpaved road from Ackerman to Clifford. Mr Haywood contends that the paving of the road is not the responsibility of the Wake County School System. Mr. Haywood said when the land was purchased eight and a half years ago, there was a reasonable expectation that the road would have been paved by now. Neither the school system nor the Town is at fault that in the 8.5 years since the property was purchased, the formula for NCDOT funding has changed, and the road has not been paved. He projects a cost of \$2M – \$2.5M dollars to do the necessary paving and related projects. Funds that will be needed for the necessary improvements on schools and that bond money should be used for building schools, not paving roads. Mr. Haywood said he has not seen any written engineering reports that require a paved road to open an elementary school, but suggested that by not doing so would hold up and place in jeopardy the suggested time frame for completion of the Bryan Road Elementary and the renovation of Vandora Springs.

Mr. Haywood stated the Planning Commission attached a condition to the site plan approval with the school system paving Bryan Road. There was a change condition that WCPSS received that stated that the WCPSS will cause the road to be paved. His response is that it is not the job of the WCPSS to pave a state maintained road, but that the authority of the road rests with the NCDOT. He shared NC statutes that state that the NCDOT is charged with the authority, and required to maintain and keep in repair sufficient to accommodate the roads so that school buses can carry students to all public schools. Mr. Haywood's argument is that schools should be considered infrastructure, and the WCPSS is not a typical developer, but a governmental unit addressing a public need, and thus an SUP should be approved without any other needs. The WCPSS will agree, in the matter of paving Bryan Road, to support the Town's request, and is already working with the Town on this point in drafting a letter to the Secretary of NC Department of Transportation. The state and not the school system should pave Bryan Road. By not agreeing to this, the Town of Garner jeopardizes joining in with WCPSS on a ribbon cutting ceremony in June of 2017.

Mr. Haywood petitioned the Town Council to approve the Special Use Permit as it has been submitted by the school system requesting the road issue be set aside and addressed by the right governmental unit that should handle it.

Council Member Kennedy asked if Mr. Haywood was familiar with the dangerous curve on Bryan Road. Mr. Haywood said he was and that the curve would be eliminated. Council Member Kennedy followed up by asking how many other schools in the Wake County school system were built on dirt roads. Mr. Haywood said that he did not have any knowledge regarding that. Reaching out to Mr. Desormeaux, Mr. Kennedy repeated his question and the response was that there were no such schools on dirt roads in Wake County. Mr. Kennedy declared that the site, located on a unimproved dirt road made the purchase price very enticing to the WCPSS, and that they were remiss in their planning in regard as to what would have to be done in order to make it a fully viable school that one could be proud of. Knowing that there could be a potential for a flooding issue, Council Member Kennedy stated that he had a hard time understanding why that would not be some kind of concern to the WCPSS.

Mr. Haywood responded regarding the flood study issue, his understanding is that the WCPSS is proposing sidewalk improvements to a certain location and that there is then a distance from that point to Ackerman Road. Based on this observation he proposed that a joint flood study could be performed and that WCPSS would absorb the cost of that portion of the sidewalk study. He also mentioned that the WCPSS realizes that there is an active developer across the street from the school, and that the road can tie into their road which is where the WCPSS property begins. No flood study was required of the developer. By tying into that development, Mr. Haywood suggests, several of the problems that are divisive are removed. Council Member Kennedy commented that in Mr. Haywood's opening and closing remarks, Mr. Haywood is underscoring that the fate of Vandora Springs Elementary School's renovations hangs in the balance with the Town Council's acceptance of the WCPSS's application. Mr. Haywood's response was that he and his team have worked with

various members of the Town's staff, and that he was open to contacting, on behalf of the Town, other entities that could accomplish the necessary tasks. Once the Town Council approved the application, all efforts could move forward. Mr. Haywood understands that the Secretary of Transportation has received the request sent earlier but cannot speculate on when a response will be issued or how soon action would take place, if approved.

Mr. Anderson asked Mr. Haywood about piggy-backing on the efforts of the developer. Mr. Haywood says that he had no direct knowledge of the situation, but was going by what Mr. Bass and Mr. Chalk had told him. Certain road improvements have already been approved by the Town in relation to that developer's plan for the development of their property. His suggestion is that there could be a tie in to those improvements, taking advantage of a future existing situation. Mr. Anderson remarked that the developer may not make those improvements until two to three years from now, and asked was there a way that the WCPSS could make that happen without a flood study and supporting work and wanted to know what the WCPSS had budgeted for the 3100 feet of work they have committed to repair. Mr. Haywood reached out to his support staff and replied that the improvements for approximately 3320 feet have been budgeted for \$1.9M, and noted that the remaining road estimate (not frontage) was \$1.2M. The \$1.9M quote includes water and other utility infrastructure elements that must be included in the site. The \$1.2M quote would be for basic paving costs for the non-frontage section.

Council Member Singleton brought up the point that the purchase of the property had been approved very recently, in 2013. He confirmed that often the school system makes repairs and adjustments to roads relating to the needs of schools, traffic issues and welfare of drivers and students. Council Member Singleton provided an example of a Garner school where the WCPSS paved a dirt road, Radio Station Road, and made those improvements. Mr. Haywood stated that though a compromise had been made to pave that dirt road, he felt that there was not a legal requirement to do so. Council Member Singleton replied that, by proof of Ms. Saldi's presentation, that the road would not be able to handle the required number of trips that it would be required to deliver and return students without compromising road safety unless it was paved. Council Member Singleton stated that he felt that other surrounding towns (Apex, Raleigh, and Cary) would not have this issue or response from the WCPSS that Garner is experiencing – that is WCPSS proposing a school on a dirt road. It is 2015, not 1915, and normal concerns of emergency responders not being able to access a school need to be brought to light. Council Member Singleton also requested that Mr. Haywood's proposal of pulling in the developer's work be better defined because he has had numerous discussions with Mr. Bass and Mr. Watkins and felt that the facts need to be better clarified and shared with the Council.

Council Member Singleton requested that the Council be shown the details of the Bryan and Ackerman intersection and the subdivision section for clarification. Mr. Bass and Ms. Saldi shared a graphic depicting that the developer's frontage does not connect all the way to Ackerman Road. Mr. Chalk said that in review of the developer's request, that particular need and situation did not trigger a flood study request. Council Member Singleton shared a thought on the developer paving his share, and then the County reimbursing the developer at a later date.

Mr. Haywood questioned the need for a flood study at all. Mr. Chalk responded that the conditions that the developer presented with their design did not warrant a flood study. It was basic with no sidewalk proposed. Much different than that which the school system would be required to do. The request to the WCPSS was to be that of a NCDOT standard, and that a subdivision road would have minimal requirements.

Council Member Kennedy reiterated the fact that he felt that it is the duty and obligation of the WCPSS to pave all necessary roads. It is unethical to delay the construction of this school, due to the resistance of the WCPSS to take responsibility of their obligations. Garner needs to be respected and not given the leftovers. It will not work to be pushed into accepting a substandard proposal, and feels that the Wake County Board of Commissioners could be brought into the conversation to expedite the necessary conditions and plans that the WCPSS seems to be resistant to and that the NCDOT is responsible for.

Mayor Williams commented that a new police department is opening and they would have never built it on a dirt road and the new Town Hall will not be built on a dirt road. He agrees with Council Member Kennedy.

Mayor Pro Tem Behringer stated that we should not use the terminology “we’ll try” or “we’ll see what we can do”, and that Mr. Haywood’s terminology needs to be “we will find a way”. Until that time, the conversation will be circular and without progress.

Mr. Haywood reiterated the fact that he does not believe that the responsibility of paving the road is that of the WCPSS. He believes that it is the responsibility of NCDOT.

Council Member Marshburn spoke of the collaboration necessary to resolve this complex issue, and motioned to place on the December 15 agenda. Resolution by the end of December is desired.

Action: Place on December 15 agenda.

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

Motion: Marshburn
Second: Behringer
Vote: Unanimous

NEW/OLD BUSINESS

Garner Volunteer Fire Rescue (GVFR) Treatment of Holiday Pay

Presenter: BD Sechler, Human Resources Director and Matt Poole, Fire Chief

Review three pay and treatment options for GVFR holiday pay.

Action: Move forward with Master Firefighter Designation effective January 1, 2016 and Option (2) of Pay and Treatment Options (compensate GVFR @ 12.25 hours of holiday pay).

Motion: Singleton
Second: Marshburn
Vote: Unanimous

Intent to Acquire Interests in Real Property

Presenter: William E. Anderson, Town Attorney

This proposed Resolution of Intent to Acquire Interests in Real property, including Right-of-Way, Permanent Drainage Easements and Temporary Construction Easements, for the Montague St. and Purvis St. improvements is undertaken in connection with the Recreation Center. The total cost of all interests in real estate herein is \$8,912.10.

Action: Amend Resolution to correct property owner name and adopt Resolution (2015) 2276.

Motion: Kennedy
Second: Singleton
Vote: Unanimous

McCullers Walk Annexations

Presenter: Jeff Triezenberg, Assistant Planning Director

The Town has received two petitions for voluntary annexation related to a future development proposal tentatively known as McCullers Walk. These two petitions are for parcels currently located outside of Garner's ETJ, but within the Garner Urban Service Area. These parcels are currently under the planning jurisdiction of Wake County. The public hearing on this matter was opened and closed on November 2. Action was tabled. These annexation requests are running parallel to Rezoning Case Z-15-02, as these two parcels must be annexed before Garner zoning may be applied.

Action: Adopt Ordinance (2015) 3802

Motion: Kennedy
Second: Singleton
Vote: Unanimous

McCullers Walk Rezoning Request Z-15-02

Presenter: Jeff Triezenberg, Assistant Planning Director

Request by MBM Property Holdings, LLC to rezone a 99.93 acre tract of land located on Ten-Ten Road adjacent to McCullers Crossing Shopping Center from SB, R-9 and R-40W (Wake County) to MF-1 multifamily.

Action: Approval of Rezoning Request Z-15-02; Adopt Ordinance (2015) 3803

Motion: Marshburn
Second: Behringer
Vote: Unanimous

Amendments to the Unified Development Ordinance (UDO), UDO-15-02

Presenter: Brad Bass, Planning Director

This Ordinance will allow several minor text amendments to various sections of the Unified Development Ordinance regarding rezoning protest petitions, design standards for one and two-family dwellings, sign regulations and the permissible use table. The Planning Commission recommends adoption of this Ordinance.

Action: Adopt Ordinance (2015) 3801

Motion: Singleton
Second: Behringer
Vote: Unanimous

COMMITTEE REPORTS

Council Member Marshburn will serve as Delegate to the Triangle J Board of Directors and Mayor Williams will serve as Alternate.

MANAGER REPORTS

1. garner info
2. Council Meeting Logistics During Transition Period – John Hodges, Assistant Town Manager- Development Services advised Council that the transition to temporary Council meeting space in the Police Building Training Room involves the move of video and sound equipment. The move is scheduled

to begin after the January 19 Council Meeting with completion before the February 1 Council Meeting. Temporary portable sound equipment will be used for the audio recording of the January Work Session.

3. Building Permit Activity Report
4. Mr. Hodges also provided a schedule for the Complete 540 Project and Wake County Transit Meetings. Council Member Kennedy requested a copy of the report be included in the December 15 Council agenda packet. He also indicated he would like to speak at the 540 Public Hearing. Mr. Hodges will assist by providing talking points.

ATTORNEY REPORTS

The Town Attorney reports the recent filing of two sewer assessment collection lawsuits:
Town v. David L. Brewer et al, 15 CVS 15739
Town v. Joseph Brown et al, 15 CVS 15470

COUNCIL REPORTS

Council Member Marshburn

- Expressed appreciation for staff involved in making the weekend Christmas activities a success.
- Congratulated Mr. Watkins on his new position in the City of Burlington.

Mayor ProTem Behringer

- Reported an area at Avery Street and W. Garner Road that needs road repair.
- Expressed appreciation for and invited everyone to see the flowers planted at the east and west ends of Main Street.

Council Member Jackie Johns

- Report debris near the third house on Haywood Street.

Council Member Singleton

- Reported a problem with the timing of the traffic light cycles at Aversboro Road and Timber Drive.
- Felt the Christmas parade was well attended and a big success.

Council Member Kennedy

- Asked what instructions or further discussion is needed regarding the Bryan Road Elementary School between now and next week. Stated he is glad to adopt a resolution for funding; asked about possible funding from CAMPO. Mayor ProTem Behringer suggested approaching the Wake County Commissioners and ask them to weigh in on possible funding. Mr. Watkins suggested that he and Mayor Williams schedule a meeting with Mr. Tennyson and Wake County Public School System representatives to discuss.

Mayor Williams

- Would like to include the development of a Town flag at a future meeting.

CLOSED SESSION

Council Member Kennedy requested to go into closed session Pursuant to N.C. General Statutes Section 143-318.11(a)(6) regarding a personnel matter.

Motion: Singleton
Second: Johns

Vote Unanimous

RETURN TO REGULAR SESSION AND ADJOURNED: 11:13 p.m.

Motion: Behringer
Second: Johns
Vote Unanimous

Respectfully Submitted,
Stella Gibson

Garner Town Council
Work Session Minutes
January 26, 2016

The Garner Town Council met in a Work Session at 6:00 p.m. on Tuesday, January 26, 2016 in the Town Hall Council Meeting Room.

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

Staff Present: Rodney Dickerson-Interim Town Manager, John Hodges-Asst. Town Manager-Development Services, Mari Howe-Downtown Development Director, Michael Gammon-Budget & Special Projects Manager, Brad Bass-Planning Director, Rick Mercier-Communications Manager

CALL MEETING TO ORDER

Mayor Ronnie Williams called the meeting to order at 6:00 p.m.

ADOPTION OF AGENDA

Council Member Marshburn requested to add a closed session to the agenda per N.C.G.S. 143-318-11(a)(6) "to discuss the qualifications, competence, performance, character, fitness, or conditions of appointment of an individual public officer or employee."

Town Attorney Bill Anderson requested to add a closed session to the agenda per N.C.G.S. 143-318.11(a)(5) "to discuss possible real estate acquisition and the Town's negotiating position regarding such real estate".

Action: Agenda revised to include these items.

Motion: Kennedy
Second: Behringer
Vote: Unanimous

Action: Agenda approved.

REPORTS

Wake County Transit Plan

Presenter: Tim Maloney, Wake County Planning Director

Mr. Maloney presented an update of the Recommended Wake County Transit Plan and explained that the Plan is a joint effort between Wake County, Go Triangle, CAMPO, RDU, City of Raleigh, NC State University, Town of Cary, and the Research Triangle Park. Wake County is working with each municipality regarding what needs to be included in the plan to address transit needs in the respective communities. Currently, the Recommended Transit Plan is broken into "Four Big Moves".

1. Stronger Regional Connections
 - Commuter rail from Garner to west Durham (37 miles) – NCRR Corridor
 - Future rail connection into Johnston County and possibly to Wake Forest
 - Expanded regional express bus from Raleigh to RDU, Chapel Hill and Durham

2. Connections to all Communities
 - Bus links from all towns to the urban core
 - New links between some smaller communities
 - Combination of 30 and 60 minute all day service, peak service, and commuter rail
3. Frequent, Reliable Bus Service in Urban Areas
 - Increase the frequent 15 minute service from 17 miles to 83 miles
 - Weekend and evening services will expand
 - Bus Rapid Transit with 15 minute service in key corridors (approx.. 20 miles of BRT)
4. Enhanced Access to Transit
 - Expansion and improvement to many fixed route services across the urban core
 - Expansion and improvement to non-fixed route paratransit services in rural areas
 - Provide 50% match for towns to establish local services

It is anticipated the Recommended Transit Plan will be funded by:

- Half-cent local sales tax
- New \$7 county vehicle registration fee
- Increase from \$5 to \$8 regional vehicle registration fee
- Existing 5% vehicle rental tax
- Fare box revenue

The next step is for Wake County to adopt the Transit Plan in the Spring of 2016. If approved, a Referendum will be pursued in November 2016.

Council Member Marshburn asked if the plan would utilize the tracks of the current railroad system. Mr. Maloney explained that in some areas the same lines would be used, but the plan incorporates tracks in specific areas. The NC Railroad and Norfolk Southern have been involved in this process and are agreeable with this plan.

Mr. Maloney provided an overview of the Recommended Plan Cost through 2027; indicating the project will cost over \$2B for the first 10 years.

Action: Report only; no action.

Financial Report

Presenter: Michael Gammon, Budget & Special Projects Manager

Mr. Gammon provided an overview of the Town's current financial position. At this time, all departments and programs are within budget and no shortfalls or concerning trends have been identified or are expected.

Action: Report only; no action.

DISCUSSION

Rand Mill Road Land Title Question

Presenter: William E. Anderson, Attorney

Mr. Anderson stated he is working with an attorney who represents a purchaser of 208 Griffin Street regarding a 30 foot wide piece of land which presents a title problem to the buyer and seller. This property was the original location of the Town's Public Works Department and was overlooked when the property was sold. Mr. Anderson said the best way to clear up the deeds was to execute a Quit Claim deed for this 30 foot wide piece of land.

Action: Authorize Execution of Quit Claim Deed

Motion: Marshburn
Second: Singleton
Vote: Unanimous

Town of Garner Flag

Presenter: Rick Mercier, Communications Manager

Mayor Williams has requested that we explore the possibility of creating an official Town of Garner Flag. Council Members Kennedy, Johns and Marshburn were in agreement but felt the challenge would be the best way to define Garner on a flag. Mr. Dickerson cautioned against too many identifiers for the town. Council Member Singleton felt the public identified with the Town of Garner by its 'great place to be' logo – it's bright, bold and simple. Mayor Pro Tem Behringer felt this topic should be discussed at the Council's Planning Retreat.

Action: Place on Retreat Agenda for discussion as part of possible rebranding effort.

CLOSED SESSION

Motion: Marshburn
Second: Singleton
Vote: Unanimous

RETURN TO REGULAR SESSION AND ADJOURN: – 9:00 p.m.

Respectfully Submitted,
Stella Gibson

Garner Town Council
Council Meeting Summary
February 1, 2016

The Garner Town Council met in regular session at 7:00 p.m. in the Police Department Training Room.

CALL MEETING TO ORDER: Mayor Ronnie Williams called the meeting to order at 7:00 p.m.

Present: Mayor Ronnie Williams, Mayor Pro Tem Kathy Behringer, Council Member Jackie Johns, Council Member Buck Kennedy, Council Member Ken Marshburn, Council Member Gra Singleton

PLEDGE OF ALLEGIANCE: Council Member Buck Kennedy

INVOCATION: Council Member Buck Kennedy

PETITIONS AND COMMENTS

Mr. Elmo Vance introduced Ms. Marsha A. Timmell, the recipient of the 2016 Martin Luther King, Jr. Dream in Action Award. Ms. Timmell teaches 7th grade at North Garner Middle School and has worked to support education and human and civil rights.

ADOPTION OF AGENDA

Mayor Williams requested to add a closed session to the agenda per N.C.G.S. 143-318-11(a)(6) "to discuss the qualifications, competence, performance, character, fitness, or conditions of appointment of an individual public officer or employee."

Town Attorney Bill Anderson requested to add a closed session to the agenda per N.C.G.S. 143-318.11(a)(5) "to discuss possible real estate acquisition and the Town's negotiating position regarding such real estate".

Action: Agenda revised to include these items.

Motion: Marshburn
Second: Behringer
Vote: Unanimous

Action: Agenda approved.

PRESENTATIONS

Introduction of Miss Garner Grace Ann Carroll and Miss Garner Outstanding Teen Carlli McIntyre
Presenter: Harold Garner, Executive Director, Miss Garner Pageant Association

Mr. Garner advised Council that Miss Garner Outstanding Teen, Carlli McIntyre was not able to attend the meeting due to an illness and introduced Miss Garner Grace Ann Carroll. Miss Carroll is a graduate of NC State currently pursuing a Master's Degree in Nutrition from Meredith College. As Miss Garner, her platform is Healthy Me Healthy NC.

Recognize Retirement of Deputy Chief Eric Copeland for his retirement from the Town
Presenter: Brandon Zuidema, Police Chief

Chief Zuidema recognized the many contributions of Deputy Chief Copeland during his 25 years of service at the Town of Garner and presented his service weapon. Council expressed their appreciation for his service and Interim Town Manager Rodney Dickerson presented a retirement gift from the Town.

Investment Update from PFM Asset Management
Presenter: Pam Wortham, Interim Finance Director

Ms. Wortham introduced Craig Robinson of PFM Asset Management who provided an update of the Town's investment portfolio. Mr. Robinson is scheduled to provide more comprehensive data in the next quarterly update (May 2016).

CONSENT

Termination of Temporary Construction Easement
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

Lake Benson Dog Park
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

Authorization to Investigate Two Voluntary Annexation Petitions
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

Motion: Johns
Second: Singleton
Vote: Unanimous

PUBLIC HEARINGS

Conditional Use Permit CUP-SP-15-15, Zaxby’s
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.

Ms. Saldi gave the following staff report.

This application proposes the construction of a 3,847 square foot building on a 1.097 acre lot. The proposed building will be constructed of red brick, off-white EIFS and gray cultured stone. The current zoning on the site is Service Business Conditional Use (SB C62) in the US 70/401 Overlay District. The plan as proposed meets the requirements of the Landscape Ordinance and the fire code requirements. Parking requirements for restaurants are based on seating; 30 (2 accessible) plus room for 5 cars at the drive-thru window are required, however, 42 spaces (2 accessible) plus stacking for 5 cars at the drive-thru window is proposed. This site does not contain a FEMA designated floodplain. Connections for public water and sewer service are proposed. This site is part of the White Oak Northwest project and is subject to both storm water quality and quantity requirements. The developer is installing an offsite storm water 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. 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.

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.

Mayor Williams asked Council to disclose any ex parte communications. Hearing none, he opened the public hearing.

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

Action: Approved, with no site specific conditions.

Motion: Kennedy
Second: Singleton
Vote: Unanimous

NEW/OLD BUSINESS – None

COMMITTEE REPORTS – None

MANAGER REPORTS

- garner info
- Buffalo Road Sidewalk Project
Mr. Dickerson advised Council that as this project only received two bids when advertised, it will be rebid on February 9. Typically, the Town would like to receive at least three bids. If less than three bids are received during the re-bid process, staff may decide to proceed with the bids received.
- FY16-17 Budget Hearing

Mr. Dickerson advised Council that a budget hearing for FY-16/17 will be held at the February 16 meeting.

- Logistics for Retreat

Mr. Dickerson advised Council that this year's Retreat will be held at the Quorum Center in downtown Raleigh and facilitated by Peg Carlson. Materials for the Retreat should be ready by Wednesday.

- Resurfacing Program

Mr. Dickerson advised Council that the scheduled resurfacing for this fiscal year was completed today.

ATTORNEY REPORTS - None

COUNCIL REPORTS

Council Member Marshburn

- Expressed appreciation for the "safe exchange zone" at the Police Department and felt this was a great service to Garner's citizens.
- Thanked the Interim Manager for arranging the special pickup for unprepared yard waste on February 8 and for the continued Town updates.
- Attended the Broadway Series concert last Saturday and felt it was well attended and very enjoyable.

Mayor Pro Tem Behringer

- Also attended the Broadway Series concert and expressed appreciation of the artist's amazing talent.
- Reported several streetlights along Timber drive not working properly.
- Reported a wire or cable across Penny Street.

Council Member Johns

- Reported a clogged ditch and pipe on the east side of Carroll Street.

Council Member Singleton

- Expressed appreciation for setting up the special pick-up for unprepared yard waste.
- Encouraged everyone to go online and read the article in the Garner Cleveland Record relating to Wake County Commissioners and bond referendums for school construction. He also stated that just because schools are designed, they are not necessarily in the loop to be built.

Council Member Kennedy

- Stated the article mentioned by Council Member Singleton emphasized the age of the Apex High School, however Vandora Springs Elementary School is more than 55 years old. He said he hopes there is no slippage as to the scheduled renovations of Vandora Springs Elementary.
- Expressed concern regarding the advertising signs near Forest Hills Shopping Center.
- Asked when striping would be complete for the resurfacing program.
- Wanted to clarify the debris from the tree trimming operation would be picked up on a different schedule than the February 8 unprepared yard waste pick-up and the regularly scheduled yard waste pick-up.
- Reported the YMCA fundraising campaign was approximately \$440,000 from their goal of raising \$7M.

CLOSED SESSION

Motion: Marshburn
Second: Singleton

Vote: Unanimous

Mayor Williams requested to add a closed session to the agenda per N.C.G.S. 143-318-11(a)(6) "to discuss the qualifications, competence, performance, character, fitness, or conditions of appointment of an individual public officer or employee."

Town Attorney Bill Anderson requested to add a closed session to the agenda per N.C.G.S. 143-318.11(a)(5) "to discuss possible real estate acquisition and the Town's negotiating position regarding such real estate".

RETURN TO REGULAR SESSION AND ADJOURN – 9:30 p.m.

Respectfully Submitted,
Stella Gibson

Garner Town Council
Council Meeting Minutes
February 16, 2016

The Garner Town Council met in regular session at 7:00 p.m. on Tuesday, February 16, 2016 in the Police Department Training Room.

Present: Mayor Ronnie Williams, Mayor Pro Tem Kathy Behringer, Council Member Jackie Johns, Council Member Buck Kennedy, Council Member Ken Marshburn, Council Member Gra Singleton

Staff Present: Rodney Dickerson-Interim Town Manager, John Hodges-Asst. Town Manager-Development Services, Pam Wortham-Interim Finance Director, Michael Gammon-Budget & Special Projects Manager, Rick Mercier-Communications Manager

CALL MEETING TO ORDER/ROLL CALL: Mayor Ronnie Williams called the meeting to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE: Scout Troops 391 and 392

INVOCATION: Council Member Marshburn

PETITIONS AND COMMENTS: None

ADOPTION OF AGENDA - Council Member Marshburn requested to add a closed session to the agenda per N.C.G.S. 143-318-11(a)(6) "to discuss the qualifications, competence, performance, character, fitness, or conditions of appointment of an individual public officer or employee."

Action: Agenda revised to include this item.

Motion: Johns
Second: Singleton
Vote: Unanimous

Action: Agenda approved.

PRESENTATIONS: None

CONSENT

Resolution Declaring Unpaid Nuisance Abatements as Liens

This Resolution contains an unpaid nuisance abatement fee that needs to be declared as a lien by the Town Council so that Wake County can attach it to the property tax bills.

Action: Adopt Resolution (2016) 2280

Revised Resolution of Intent to Acquire Interests in Real Estate

The Town Attorney revisited the valuations of the Covington and Carroll properties. Although the additional right-of-way easements from both are on Purvis Street, these properties have Main Street addresses and unlike their Purvis Street neighbors, are valued as commercial properties. The valuations proposed to be used for compensation for additional right-of-way reflect Wake County valuation. The proposed figures are set forth in the revised Resolution.

Action: Adopt Resolution (2016) 2281

Resolution Setting Public Hearing for Annexations, ANX-15-03 Bryan Road Elementary School and ANX-15-06 Oak Park Subdivision

This Resolution sets a Public Hearing on March 7, 2016 for annexations relating to Bryan Road Elementary School (ANX 15-03) and Oak Park Subdivision (ANX 15-06).

Action: Adopt Resolution (2016) 2282

Motion: Singleton
Second: Marshburn
Vote: Unanimous

PUBLIC HEARINGS

Preliminary Public Hearing on Fiscal Year 2015-16 Budget

Presenter: Michael Gammon, Budget & Special Projects Manager

Staff made a presentation that introduced the FY 2016-17 budget process, provided a preliminary outlook regarding revenues, made a presentation regarding FY 2016-17 recommended budget priorities and reviewed the budget calendar.

Action: Receive Public Input

NEW/OLD BUSINESS

Bond Tracking Report

Presenter: Michael Gammon, Budget & Special Projects Manager

A brief overview was provided regarding the status of the bond program, specifically changes and updates from the last report. The Bond Project Tracking Report was included in the agenda package.

Action: No action; report only.

Buffaloe Road Sidewalk Project

Presenter: Tony Chalk, Town Engineer

Bids were opened on Tuesday, February 9th for this project. Only two bids were submitted with the original bid. Project was advertised again and bids were opened.

Action: Award Bid to Narron Contracting in the amount of \$1,074,322.20

Motion: Kennedy
Second: Singleton
Vote: Unanimous

COMMITTEE REPORTS: None

MANAGER REPORTS

1. garner info
2. Building & Permit Report
3. Finance Report

ATTORNEY REPORTS: None

COUNCIL REPORTS

Council Member Kennedy

- Stated he felt the Council Retreat was productive and asked for a list of budget items discussed for this year's budget.

Council Member Singleton

- Expressed appreciation for the information prepared by staff for the Council Retreat.
- Provided a list of locations where sidewalks were being constructed or planned to be constructed in Garner. He added that in addition to the sidewalk projects, a Greenway project was being discussed.

Council Member Johns

- Stated the Retreat went well and hopes to accomplish many of the items discussed.

Mayor Pro Tem Behringer

- Stated the Retreat went well, appreciated the information prepared and looks forward to carrying out the Retreat plan throughout the year.

Council Member Marshburn

- Stated the Retreat went well.
- Asked about the project being constructed at the corner of Timber Drive and Highway 50. Mr. Hamm advised this is a City of Raleigh project to replace old or undersized water lines.
- Invited everyone to attend one of the many performances at the GPAC.

CLOSED SESSION

Motion: Kennedy
Second: Marshburn
Vote: Unanimous

Per N.C. General Statutes Section 143-318.11(a)(5) to discuss "possible real estate acquisition and the Town's negotiating position regarding such real estate."

Per N.C. General Statutes Section 143-318.11(a)(6) to discuss "the qualifications, competence, performance, character, fitness, or conditions of appointment of an individual public officer or employee."

RETURN TO REGULAR SESSION AND ADJOURN – 9:20 p.m.

Respectfully Submitted,
Stella Gibson

Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: April 4, 2016		
Subject: Budget Amendment		
Location on Agenda: Consent		
Department: Finance		
Contact: Pam Wortham, Interim Finance Director		
Presenter: Pam Wortham, Interim Finance Director		
Brief Summary: Budget amendment related to additional costs for GVFR, Inc., associated with the move to 120 Main St.		
Recommended Motion and/or Requested Action: Adopt Ordinance (2016) 3808		
Detailed Notes: See attached report		
Funding Source: See attached report		
Cost:	One Time: <input type="radio"/>	Annual: <input checked="" type="radio"/> No Cost:
Manager's Comments and Recommendations: The costs have been discussed with GVFR leadership and are consistent with preliminary estimates. Other monthly charges such as the electrical and cleaning will continue to flow through the Town, but can easily be attributed to the use of 120 E. Main Street.		
Attachments Yes: <input checked="" type="radio"/> No: <input type="radio"/>		
Agenda Form Reviewed by:	Initials:	Comments:
Department Head:	PJW	
Finance Director:	PJW	
Town Attorney:		
Town Manager:	RD	
Town Clerk:		

FINANCE DEPARTMENT MEMORANDUM

TO: RODNEY DICKERSON, TOWN MANAGER
FROM: PAM WORTHAM, INTERIM FINANCE DIRECTOR
SUBJECT: BUDGET AMENDMENT – GVFR
DATE: APRIL 4, 2016

GENERAL FUND

Allocate additional \$9,291 to GVFR, Inc. for additional costs associated with the move to 120 E. Main St. These funds will cover the new telephone system, CAD computer and monthly charges, and the monthly cable charges. This money will come from the Public Safety reserve, and leave a balance of approximately \$250 in the reserve.

If you have any questions or concerns, please let me know. Thank you.

ORDINANCE NO. (2016) 3808

ORDINANCE AMENDING ORDINANCE NO. (2015) 3775
WHICH ESTABLISHED THE 2015 – 2016 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
Revenues				
10309000-472081	F/B Appropriated for Public Safety	\$153,413	\$153,413	+\$9,291
Expenditures				
10531000-524353	Contract Services-GVFR	\$2,385,503	\$2,394,794	+\$9,291

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 April, 2016.

Ronnie S. Williams, Mayor

ATTEST: _____
Stella Gibson, Town Clerk

Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: April 4, 2016		
Subject: Annexation Petition ANX-15-06		
Location on Agenda: Public Hearings		
Department: Planning		
Contact: Brad Bass, Planning Director		
Presenter: David Bamford, Senior Planner		
Brief Summary: Annexation petition associated with the proposed Oak Park development (rezoning and subdivision) located on New Bethel Church Road. The site is currently located in Wake County's jurisdiction. In order for Council to take action on rezoning and CUP applications the site must be annexed first.		
Recommended Motion and/or Requested Action: Adopt Ordinance (2016) 3809		
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: 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
April 4, 2016

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

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: Adopt annexation ordinance

KEY DATES:

RESOLUTION TO INVESTIGATE: February 1, 2016

PUBLIC HEARING: April 4, 2016

ANNEXATION EFFECTIVE: April 4, 2016

Return to: Stella Gibson
Town of Garner
900 7th Avenue
Garner, NC 27529

ORDINANCE NO. (2016) 3809
AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE
TOWN OF GARNER, NORTH CAROLINA

WHEREAS, the Town Council of the Town of Garner has been petitioned under G.S. 160A-58.1 to annex the area described below; and

WHEREAS, the Town Council has by resolution directed the Town Clerk to investigate the sufficiency of the petition; and

WHEREAS, the Town Clerk has certified the sufficiency of the petition and a public hearing on the question of this annexation was held at 912 7th Avenue in the Town of Garner Police Department Training Room at 7:00 PM on April 4, 2016, after due notice by the *Garner Cleveland Record* on February 24, 2016, and

WHEREAS, the Town Council finds that the area described therein meets the standards of G.S. 160A-58.1(b), to wit:

- a. The nearest point on the proposed satellite corporate limits is not more than three (3) miles from the corporate limits of the Town of Garner;
- b. No point on the proposed satellite corporate limits is closer to another municipality than to the Town of Garner;
- c. The area described is so situated that the Town of Garner will be able to provide the same services within the proposed satellite corporate limits that it provides within the primary corporate limits;
- d. No subdivision, as defined in G.S. 160A-376, will be fragmented by this proposed annexation;

WHEREAS, the Town Council further finds that the petition has been signed by all the owners of real property in the area who are required by law to sign; and

WHEREAS, the Town Council further finds that the petition is otherwise valid, and that the public health, safety and welfare of the Town of Garner and of the area proposed for annexation will be best served by annexing the area described;

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

Section 1. By virtue of the authority granted by G.S. 160A-58.2, the following described non-contiguous territory is hereby annexed and made part of the Town of Garner as of April 4, 2016.

(ANX 15-06) Oak Park Subdivision

A 97-acre site on New Bethel Church Road owned by Phyllis King, Anne Bryan, and David Bagwell; the properties can be identified as Wake County PINs 1629023968, 1619916489, 1629120497, 1629031484, 1629032823, 1629027659, and 1619915933 or Real Estate IDs 0009362, 0009357, 0003033, 0009423, 0177658, 0009358, and 0009413

Section 2. Upon and after April 4, 2016, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the Town of Garner and shall be entitled to the same privileges and benefits as other parts of the Town of Garner said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

Section 3. The Mayor of the Town of Garner shall cause to be recorded in the office of the Register of Deeds of Wake County, and in the office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 above, together with a duly certified copy of this ordinance. Such a map shall also be delivered to the Wake County Board of Elections, as required by G.S. 163-288.1.

Adopted this 4th day of April, 2016.

Mayor

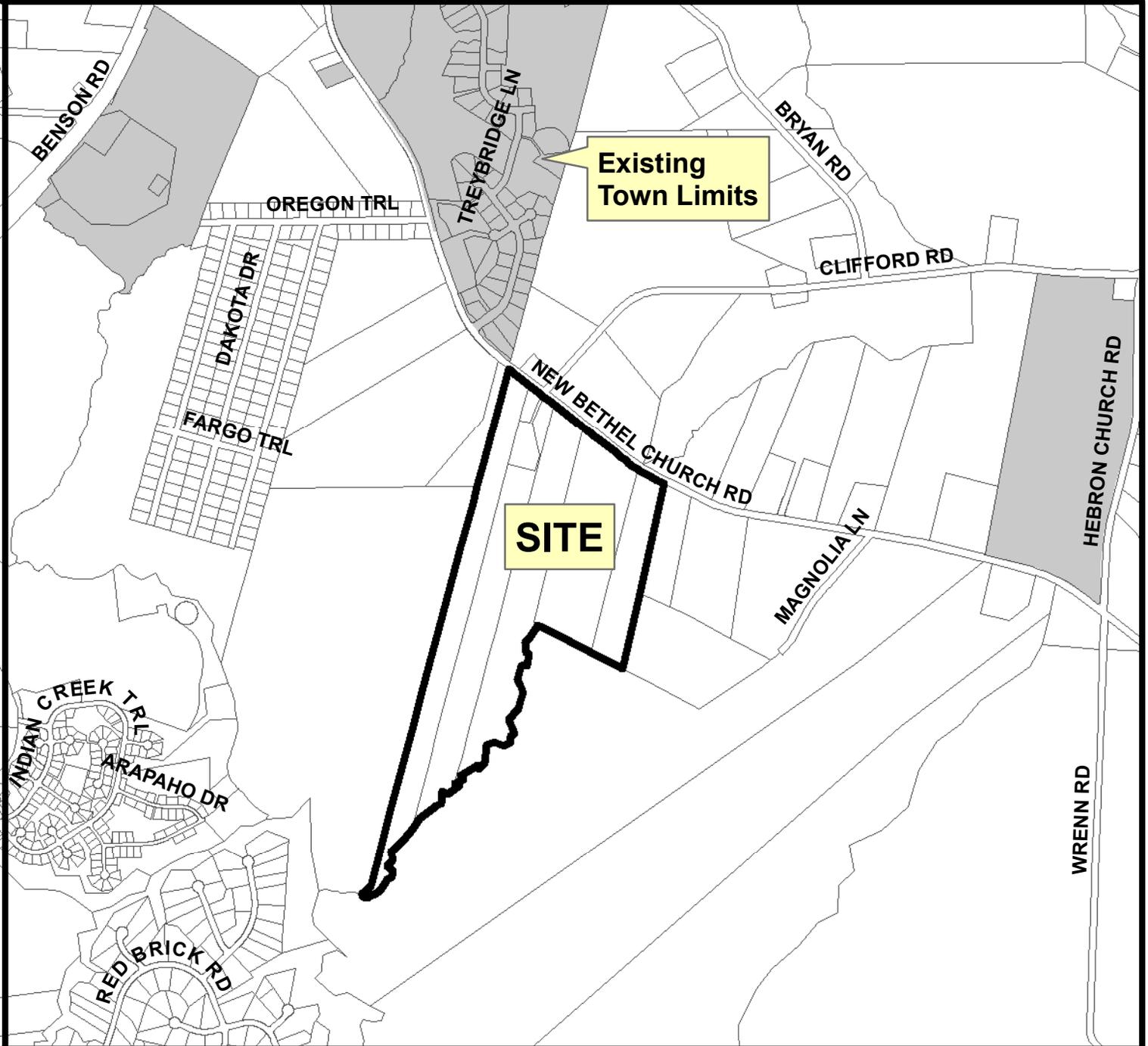
ATTEST:

Town Clerk

**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

Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: April 4, 2016		
Subject: Rezoning Application CUD-Z-15-06 and Conditional Use Permit Application CUP-SB-15-06		
Location on Agenda: Public Hearings		
Department: Planning		
Contact: Brad Bass, Planning Director		
Presenter: David Bamford, Senior Planner		
Brief Summary: Request to rezone 97 acre tract of land on New Bethel Church Road from Wake County R-30/Water Supply Watershed Overlay to Town of Garner R-9 C180/Swift Creek Overlay District and request for conditional use permit approval for a 212 lot residential subdivision.		
Recommended Motion and/or Requested Action: Adopt Ordinance No. (2016) 3810 and by separate motion grant CUP-SB -15-06 subject to six site specific conditions.		
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: 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 Rezoning & Conditional Use Permit
Staff Report**

**Town Council
April 4, 2016**

APPLICATIONS: CUD Z-15-06 (Conditional Use Rezoning)
CUP SB-15-06 (Conditional Use Subdivision Plan)

APPLICANT: Oak Park Developers LLC / Douglas Ball

OWNER: Phyllis King

LOCATION OF PROPERTY: New Bethel Church Road

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

AREA: 97 acres

TOWN LIMITS: No (petition to annex has been filed)

PRESENT ZONING: Wake County R-30 with Water Supply Watershed Overlay
(WSO-3NC)

REQUESTED ZONING: Town of Garner Residential 9 Conditional Use (R-9 C180)

OVERLAY DISTRICTS: Swift Creek Overlay District

KEY MEETING DATES:

Planning Commission: **March 14, 2016**
Town Council Public Hearing & Action: **April 4, 2016**

REZONING REPORT

EXISTING ZONING

The 97.95-acre site is currently zoned **Wake County Residential 30 (R-30)**. This district allows residential single-family uses on 30,000 s.f. lots. This district also allows nonresidential uses, and some require Board of Adjustment approval (special use permit).

The following is a list of permitted uses for Wake County's R-30 District. A few uses require a general permit while a majority of those listed below require a special use permit by the Board of Adjustment. Most nonresidential development is allowed only at "activity center" locations designated in the County's Land Use Plan, and only for those uses appropriate for that particular type of activity center.

Uses requiring a special use permit are marked with * below.

1. Detached single-family
2. Attached dwellings
3. Cluster development
4. Schools
5. Libraries
6. Museums
7. Art galleries
8. Churches
9. Daycares *
10. Community centers *
11. Government buildings *
12. Outdoor recreation facilities *
13. Convenience stores *
14. Automotive service and repair *
15. Banks *
16. Drug stores *
17. Book stores *
18. Antique shops*
19. Hardware stores *
20. Indoor retail *
21. Barbershops *
22. Beauty salons *
23. Shoe repair *
24. Laundries self-service *
25. Cemeteries *
26. Mining *
27. Landfills *

This site is located within Wake County's **Water Supply Watershed (Non Critical Area) Overlay District (WSO-3NC)**. The Water Supply Watershed Non Critical Area Overlay District applies only to land within the watershed of an existing or planned source of public drinking water that is classified as WS-III by the State (e.g., the Swift Creek water supply watershed), and only to that part of the watershed beyond its critical area (as delineated on the Swift Creek Land Management Plan), and only to land whose underlying zoning is not R-80W or R-40W.

The District's regulations are intended to ensure that residential and/or nonresidential development allowed by the underlying zoning district occurs at intensities low enough to minimize pollution of the water supply source from storm water runoff. The District limits impervious surface coverage from new development to 24% of a site's area, although impervious surface coverage from existing development is not counted when applying the limit, and residential developments are exempt from the limit where lot size is 20,000 square feet or more (2 dwelling units per acre or less).

As in other zoning districts intended to protect water supply watersheds, all development must provide and maintain between a 30 to a 100-foot-wide buffer of land along water bodies and drainage-ways. Development must also set buildings back at least 20 feet from these buffers.

PROPOSED ZONING

The proposed zoning district is Town of Garner **Residential 9 Conditional Use 180 (R-9 C180)**. The R-9 district is established to provide for the development of single-family residential units at urban densities on lots of at least 9,000 square feet. In addition, the R-9 district also allows schools, churches, parks, and in-home daycares. The applicant has proposed that several R-9 uses be excluded or prohibited from ever going on the site.

The following is a list of permitted uses in the R-9 C180 district. Prohibited uses are highlighted below.

1. Single-family site built and modular homes
2. Residential cluster
3. Family Care Home
4. Group Care Home
5. Intermediate Care Home
6. Community Center
7. In-home Child Day care (up to 3 children)
8. Family Day care (up to 8 in home)
9. School
10. Public safety: fire, police, rescue squad, ambulance
11. Cemetery
12. Public Parks, swimming pool, tennis courts, golf course
13. Churches, religious institutions
14. Minor utility, elevated water storage tank
15. Private parks, country clubs, golf courses
16. Bed and Breakfast

The site will also be located within the **Town of Garner Swift Creek Conservation Overlay District**. The overlay district provides regulations to protect water quality in this watershed by

requiring limits on the amount of impervious surface areas permissible for new residential and non-residential development.

1. New single family detached residential subdivision development projects shall be limited to a maximum of 30% total impervious surface area.
2. New multi-family residential development projects defined to include townhomes, condominiums, apartments, or other attached multi-family housing units as determined by the Planning Director, shall be limited to a maximum of 50% total impervious surface area.
3. New non-residential development projects shall be limited to a maximum of 70% of total of impervious surface area.

SUMMARY OF ZONING REQUEST

This 97-acre site is currently zoned Wake County R-30 and is located on New Bethel Church Road across from its intersection with Clifford Road. The applicant proposes to develop the site into a residential subdivision with public water & sewer.

Conditional use rezoning application CUD Z 15-06 has been filed to rezone the site to Town of Garner R-9 Conditional Use District 180 (R-9 C180). The applicant is proposing to restrict the range of R-9 allowable uses.

Conditional use subdivision application CUP SB 15-06 has been filed to develop the site into a 212-lot single-family subdivision.

An annexation petition (ANX 15-06) has also been filed since the site is outside of Garner's corporate limits, and the development will connect to public water & sewer.

SURROUNDING ZONING & LAND USE

North:	R-40 (Town of Garner), Farming, low density residential R-15 (Town of Garner)
South:	R-30 (Wake County), Farming, low density residential
East:	R-30 (Wake County), low density residential
West:	R-30 (Wake County), Farming, low density residential

NEIGHBORHOOD CHARACTER

This area of the community along New Bethel Church Road contains a mixture of vacant tracts, agricultural uses, and single-family homes. Overall residential density is low. However, three (3) new schools are proposed in this vicinity on Bryan Road, and this will change the character of this area in the future as new development occurs. Residential density in this area is expected to increase over time and as the schools come on-line.

ZONING HISTORY

Our records show the following zoning cases in this vicinity.

Case	Applicant	Location	Zoning Change
CUD Z-87-04	Curtis Dail and Harold Bagwell	Centennial Park site	NB* to SB C7
CUD Z-91-05	Wade & Dora Bryan	Bryan Road and Clifford Rd	R-40 to SB C36 and NB
CUD Z-93-04	Henry A. Thompson	New Bethel Church Road	R-40 to R-5 C44
CUD Z-03-02	Henry A. Thompson	New Bethel Church Road	R-40 to R-5 C119
CUD Z-04-02	Horace Tart	Glens at Bethel	R-40 to R-9 C124
CUD Z-04-03	Town of Garner	Centennial Park	SB C7 to R-12 C125
CUD Z-06-01	Glennjan, LLC	Ackerman Rd	R-40 to R-12 C135
CUD Z-06-10	Matthew Sutton	Sutton Springs	R-40 to R-15 C144
CUD Z 10-01	Capital Bank	Sutton Springs	R-15 C144 to R-15 C159 (DENIED)
CUD Z-12-02	Sheetz, Inc.	NC 50 & New Bethel Church Road	R-40 to CR C163 (DENIED)
CUD Z-13-06	Wake County Board of Education	H8 South Garner High School	Wake County R-30 to Town of Garner R-9 C170

*NB was Neighborhood Business under the previous *Land Use Ordinance*. It is comparable to Neighborhood Commercial (NC) under the current *Unified development Ordinance*.

INFRASTRUCTURE

Public water & sewer service is nearby. The developer will extend sewer service to the proposed development. Sewer connection will be made at Sutton Springs. Water connection will be made in the vicinity of Clifford Road.

TRANSPORTATION

The site has approximately 1,677 feet of frontage along New Bethel Church Road (SR 2703). New Bethel Church Road is a 2-lane facility with a 60' right-of-way. It is maintained by NCDOT and is classified as a **Minor Thoroughfare** by the *Garner Transportation Plan*. The Average Daily Traffic (ADT) volume is approximately 3,700 vehicles per day (according to 2011 NCDOT counts). The *Garner Transportation Plan* recommends a future right of way width of 65-feet and a total of 3 lanes.

The proposed subdivision site plan (CUP-SB-15-06) shows 212 single-family lots. When fully built out which would probably be over a period of several years, the project could generate approximately 2,029 trips per day to and from the site (Source: Trip Generation by Microtrans).

ENVIRONMENT

Some portions of the site are within a flood plain, riparian buffer, or wetlands area. These areas will be designated on the proposed subdivision site plan (CUP-SB-15-06). The site drains from north to southeast.

STAFF COMMENTARY

Conformity to Adopted Town Plans

According to the *Town of Garner Comprehensive Growth Plan*, the rezoning site is designated as a **Secondary Residential Area** for the Neighborhood Center at New Bethel Church Road and Hebron Church Road. The Neighborhood Center is designed to serve the daily needs of the surrounding residential population. These centers are pedestrian scaled with a limited mixed use area at the center. At the core, generally located at the intersection of minor arterials, is an area of mixed-use development with neighborhood scaled convenience retail/service, schools, professional offices, churches, civic functions, formal open spaces and higher density residential.

The **Secondary Residential Area** for this Neighborhood Center is designed to accommodate low density residential. The recommended zoning districts include: R-12, R-15, R-20, R-40, and RMH (Manufactured Home Parks). The recommended residential density range is 1 to 3 dwelling units per acre.

The requested zoning change from **Wake County R-30** to **Town of Garner R-9 Conditional Use District 180** (R-9 C180) is consistent with the recommendations of the *Comprehensive Growth Plan* for this area of the community. The development plan (CUP-SB-15-06) submitted along with this rezoning request shows 211 single-family lots on approximately 97 acres (net density of 2.18 dwelling units per acre).

Conditional Use Permit CUP-SB-15-06

PROJECT DATA:

Acreage: 97.95 acres

Number of Lots: 212 lots

Minimum Lot Size: 9,000 square feet

Parks and Open Space: Open space requirements have been met. This open space will be owned and maintained by the homeowner's association for the subdivision.

The Parks, Recreation and Cultural Resources Department is recommending a fee-in-lieu of parkland dedication, which is currently \$1,147.00 per dwelling unit.

A Greenway Easement has been proposed, which runs along the creek, from the southern property line to the north at New Bethel Church Road. Labeled as greenway easement; should be Public Greenway Easement.

Landscape and Buffer Requirements:

The plan as proposed meets the requirements of the Landscape Ordinance.

Tree cover requirements are met with existing vegetation mostly within the protected Neuse River buffers.

The only required perimeter buffer is 25 feet wide along a portion of the western boundary. The buffer will be planted by the developer and maintenance, restrictions, etc. addressed in the restrictive covenants.

The eastern section of the site has a stream running the length of the property which is protected by a Neuse River buffer. One crossing is proposed which will require NCDEQ approval.

A 20 foot tree and sign easement is proposed along New Bethel Church Road, which will be planted with street trees and evergreen shrubs to provide some privacy for adjacent residences and enhance the entrance to the subdivision. Please refer to General comments.

Floodplain:

This site does contain a FEMA designated floodplain at the southern tip of the property; no development is proposed within the floodplain.

Stormwater Management:

Please refer to General Comments.

Fire Protection:

The Fire Inspector has reviewed the plans and reports fire protection requirements have been met.

Water/ Sewer:

Extension of public water and sewer lines are proposed with this plan. A pump station is required and is shown on the plans; details to be worked out during construction drawing review.

Construction drawing approval from the City of Raleigh shall be required prior to final plat recordation.

Street Access/ Sidewalks:

Two entrances are proposed off New Bethel Church Road. Stub outs to the east, west and south are proposed allowing connection in the event these properties are developed.

Road widening with curb/gutter and sidewalk construction along the majority of the project's frontage on New Bethel Church Road is proposed. Road improvements stop before the Neuse River Buffer due to an existing culvert and the expense to modify the culvert design to accommodate the road improvements.

Staff is awaiting preliminary comments from NCDOT for the proposed road improvements along New Bethel Church Road at this time (including whether left turn lanes for either street entrance is needed).

Sidewalks have been provided as required within the subdivision and along a portion of New Bethel Church Road. Please refer to General Comments.

General Comments:

Landscaping – The landscape plan has been designed to provide an evergreen break between New Bethel Church Road and adjacent lots where no existing vegetation remains to provide a buffer. Staff is of the opinion until the road improvements are complete and the lots graded, it is difficult to determine if there will be sufficient existing vegetation within the 20 foot easement to provide a buffer. As such, we have recommended a condition that the proposed evergreen design be continued on lots where there is insufficient existing vegetation or if a new design is desired, the plan be submitted for Town approval.

Storm-water management – This project is subject to nitrogen and water quantity requirements and water quantity requirements. Several dry detention ponds are being shown to control the 1, 10 and 25 year storm events. Nitrogen loading rates do not require that treatment devices have to be constructed; however, payment to a private mitigation bank will be required.

Sidewalk - Typically, required road improvements are provided along the entire length of the property. In this instance, the road improvements stop before the Neuse River Buffer due to an existing culvert and the expense to modify the design to accommodate the road improvements. As a result, sidewalk is not provided across the entire property frontage. As this link may become important as more properties develop between this development and the high school to the east, a fee-in-lieu of sidewalk construction shall be collected at time of plat recordation.

Mail kiosks – New residential subdivisions are no longer provided door to door mail delivery. The post office is requiring subdivisions to provide centralized kiosks for mail delivery and pick up. Location and design of proposed kiosk must be approved by the Town of Garner Post Master. Approval from the Garner Post Master was received for this subdivision.

Consistency with Adopted Town Plans and Policies:

2006 Comprehensive Growth Plan: The project is consistent with the Comprehensive Growth Plan.

2010 Garner Transportation Plan: The project is consistent with the Transportation Plan as noted.

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.

STAFF RECOMMENDATION:

The Town Council will need to vote on the rezoning application prior to voting on the conditional use permit application.

Rezoning Action

Staff finds that Rezoning Application CUD-Z-15-06 is consistent with the recommendations of the **Comprehensive Growth Plan** for this area of the community. Therefore, staff recommends approval of Rezoning Application CUD-Z-16-06 as submitted.

Note: The Council will need to use the attached **Rezoning Motion Form** as a guide when making a motion on the attached Ordinance regarding this rezoning application.

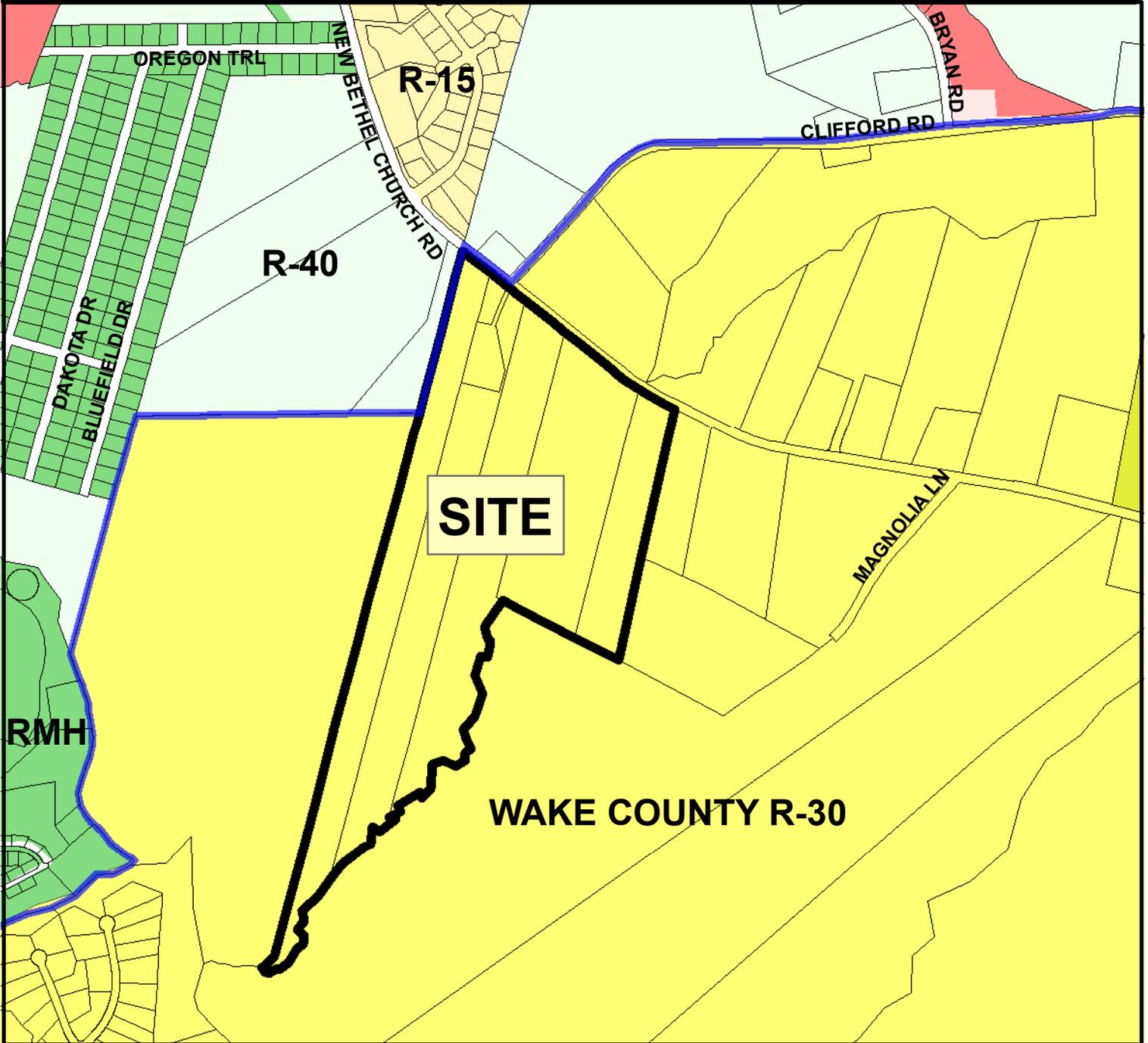
Conditional Use Permit Action

The Planning Commission and staff have reviewed the application and find it to be complete and in compliance with the UDO, therefore we recommend approval of Application CUP-SB-15-06, Oak Park Subdivision, with six (6) conditions specific to the project as listed on the attached permit.

**Town of Garner
Planning Department**

**Conditional Use Applications
CUD-Z-15-06 & CUP-SB-15-06**

0 500 1,000 2,000 Feet



Project: Oak Park Subdivision
Location: New Bethel Church Road
Owner: Phyllis King
Applicant: Douglas Ball
PIN: 1629023968, 1619916489
1629120497, 1629031484, 1629032823
1629027659, 1619915933

Case: CUD-Z-15-06
Current Zoning: Wake County R-30
Proposed Zoning: Town of Garner
R-9 Conditional Use (R-9 C180)
Project Acreage: 97
Overlay: Swift Creek

Case: CUP-SB 15-06
Proposed: Single-Family

REZONING ACTION MOTION WORKSHEET

Application #: CUD-Z-15-06 from Wake Co. R-30 to Town of Garner R-9 C180

Applicant: Oak Park Developers, LLC

MOTION TO APPROVE REZONING REQUEST:

I move that the Council find the following regarding rezoning application CUD-Z-15-06

reasonably complies with the Town's Comprehensive Growth Plan (OR)

does not comply with the Comprehensive Growth Plan;

(AND) that the zoning application CUD-Z-15-06 is reasonable and in the public interest because it will likely (use as many of the following as are appropriate):

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) I therefore move that the Council

accept the recommendation of the Planning Commission and adopt Ordinance No. _____ approving rezoning request number CUD-Z-15-06.

(OR)

adopt Ordinance No. _____ approving rezoning request number Z _____

MOTION TO DENY REZONING REQUEST:

I move that the Council

deny rezoning request number CUD-Z-15-06; OR

deny rezoning request number Z-_____;

(AND) reasons for denying the Application include that it is not reasonable and is not in the public interest, because (use as many of the following as are appropriate):

it does not comply with the comprehensive long range plan,

would allow the development of an excessive density of housing for the area in which it is located;

it would likely lead to an unacceptable additional level of traffic in the area in which it is located;

it would allow types of business at the described location which will not be appropriate for the area in which it is located,

Return to: Stella Gibson
Town of Garner
900 7th Avenue
Garner, NC 27529

ORDINANCE NO. (2016) 3810

AN ORDINANCE AMENDING THE TEXT OF THE GARNER UNIFIED DEVELOPMENT ORDINANCE TO CREATE A NEW CONDITIONAL USE ZONING DISTRICT AND TO AMEND THE OFFICIAL ZONING MAP TO APPLY THE NEW ZONING CLASSIFICATION

WHEREAS, The Town Council has received a petition requesting that a new conditional use zoning district be established and that this new district classification be applied to the applicant's property.

WHEREAS, the Town Council is authorized by the Town Charter to establish conditional use zoning districts:

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF GARNER ORDAINS:

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 present zoning to that requested by **Oak Park Developers LLC** in Rezoning Application No. **CUD-Z-15-06 (R-9 C180)**.

Section 2. There is hereby created a new conditional use zoning district, to be known as the Residential 9 Conditional Use District 180 (**R-9 C180**) within this district, all of the regulations that apply to property within the Residential 9 Conditional Use District 180 (**R-9 C180**) zoning district shall be applicable and that all other uses are prohibited except those that are listed as permissible shall require a conditional use permit:

The following is a list of permitted uses for the proposed R-9 C180 district:

1. Single-family site built
2. Residential cluster
3. Intermediate Care Home
4. Community Center
5. School
6. Public Parks, swimming pool, tennis courts, golf course
7. Churches, religious institutions
8. Minor utility, elevated water storage tank
9. Bed and Breakfast

Section 3. The official Zoning Map of the Town of Garner is amended by changing the zoning classification of the property identified below and as shown on a map in application file:

Owner(s)	Tract No.	Existing Zoning	New Zoning
Phyllis King	1629023968 1619916489 1629031484 1629032823 1629027659 1619915933	Wake County R-30 with Water Supply Watershed Overlay (WSO-3NC)	Residential 9 Conditional Use District 180 (R-9 C180) and Swift Creek Overlay District

Section 4. The Planning Department shall change the Official Zoning Map displayed for the public to reflect this change immediately following adoption of this ordinance. In addition, a copy of this ordinance shall be filed in the Planning Department.

Section 5. All provisions of any town ordinance in conflict with this ordinance are repealed.

Section 6. 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.

Section 7. This ordinance shall become effective upon adoption.

Duly adopted this ____ day of April 2016.

MAYOR

ATTEST: _____
TOWN CLERK

**TOWN OF GARNER
CUP-SB-15-06
CONDITIONAL USE PERMIT**

APPLICANT	Oak Park Developers LLC Attn: Douglas Ball 1401 Aversboro Road Garner, NC 27529
LOCATION	Intersection of New Bethel Road and Clifford Road
USE	Single Family Residential Subdivision
DATE ISSUED	April 4, 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 including Section 3.14 E. Special use review criteria.

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) Written approval from the State, for road crossing the Neuse River buffer, shall be submitted to the Engineering Department prior to construction drawing approval.
- 2) Infrastructure construction plan approval from Raleigh Public Utility Department is required.
- 3) Documentation establishing a Homeowner's Association and Restrictive Covenants shall be submitted to the Town of Garner Planning Department prior to first final plat recordation.
- 4) A fee-in-lieu of sidewalk installation for 420 linear feet along New Bethel Church Road shall be collected at time of plat recordation.
- 5) A fee-in-lieu of parkland dedication shall be paid to the Town of Garner prior to issuance of each building permit.

- 6) The applicant shall be responsible for all proposed road improvements on New Bethel Church Road including street locations as required by NCDOT.

Cc: Timmons Group
Attn: Keith Roberts
5410 Trinity Road
Raleigh, NC 27607

Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: April 4, 2016		
Subject: Rezoning Application CUD-Z-16-02 and Conditional Use Permit Application CUP-SP-16-03		
Location on Agenda: Public Hearings		
Department: Planning		
Contact: Brad Bass, Planning Director		
Presenter: Jeff Triezenberg, Assistant Planning Director		
Brief Summary: Request to rezone a .46 acre tract located at 130 Annaron Court from CR to SB CUD C-182 and request for conditional use permit approval of a automotive repair and maintenance business.		
Recommended Motion and/or Requested Action: Adopt Ordinance (2016) 3811 and by separate motion grant CUP-SP-16-03 with no site specific conditions.		
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: 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 Rezoning & Conditional Use Permit
Staff Report

Town Council
April 4, 2016

REZONING & CONDITIONAL USE PERMIT :	CUD-Z-16-02 CUP-SP-16-03
APPLICANT:	Scattered Wrenches Inc
OWNER:	1529 Properties LLC
LOCATION OF PROPERTY:	130 Annaron Court
WAKE COUNTY PIN #:	1701371249
AREA:	0.46 acre
TOWN LIMITS:	Yes
PRESENT ZONING:	Community Retail (CR)
OVERLAY:	US 70/401 Overlay
REQUESTED ZONING:	Service Business Conditional Use C182 District (SB C182)

KEY MEETING DATES:

Planning Commission:	March 14, 2016
Town Council Public Hearing & Action:	April 4, 2016

EXISTING ZONING

The rezoning site is currently zoned **Community Retail (CR)**. The CR zoning district is designed to accommodate commercial activities that serve the entire community for retail uses. Outdoor operations, outdoor storage and outdoor retail sales are not permitted in the CR district. Uses are only permitted within an enclosed building.

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

1. Townhouse or Condominium
2. Upper-Story Residential
3. Community Center
4. Library, museum, art center
5. Other Community service
6. Lodges and fraternal clubs
7. Adult Day Care
8. Day Care Center
9. Business School, college or university satellite
10. College/university
11. Trade/vocational schools
12. Music, dance art instruction
13. Funeral home crematorium
14. Ambulance, rescue squad, police, fire station
15. Government office
16. Hospice
17. Hospital
18. Emergency Care Facility
19. Medical Clinic
20. Mental Health facility
21. Group Care Facility
22. Handicapped Institution
23. Intermediate care institution
24. Cemetery
25. Public parks, swimming pools, tennis courts, golf courses
26. Religious institutions
27. Minor utility, elevated water tank
28. Telecommunication facility
29. Bars and nightclubs
30. Private golf or country club
31. Private gym, spa, indoor tennis, pool
32. Indoor entertainment facility
33. Electronic gaming center

34. Movie Theaters
35. Bank, financial institution
36. Medical office, individual
37. Other office
38. Bed and breakfast
39. Hotel and motels
40. Commercial Parking
41. Restaurant, indoor with seating only
42. Restaurant with drive-through window
43. Restaurant take out only or walk up
44. Convenience store without fuel sales
45. Convenience store with fuel sales
46. Repair oriented use indoor only
47. Personal service use indoor only
48. Hair and beauty salons
49. Sales oriented use (indoor operations only)
50. Veterinarian/kennel indoor
51. Vehicle service-limited

PROPOSED ZONING

The proposed zoning is **Service Business Conditional Use (SB C182)**. The Service Business (SB) zoning district has been established to accommodate commercial activities that are more intense in nature than those permitted in the Neighborhood Commercial (NC) or Community Retail (CR) districts. The SB general use district also allows for the outdoor storage of merchandise or equipment and allows operations to be conducted outside of a building.

The property owner has proposed the following use restrictions.

1. All Community Retail (CR) uses that are also allowed in the Service Business (SB) district would be permissible on the site.
2. The SB use "Vehicle General Repair" would be permissible on the site.

The following is a list of permitted uses in the SB C182 district. Uses prohibited and not allowed on the site are shaded in gray.

1. Security or caretaker's quarters
2. Community Center
3. Library, museum, art center

4. Other Community service
5. Civil, service fraternal club, lodges and similar uses
6. Adult Day Care
7. Day Care Center
8. Business School, college or university satellite
9. College/university
10. Trade/vocational schools
11. Music, dance art instruction
12. Funeral home crematorium
13. Ambulance, rescue squad, police, fire station
14. Government, utility with outdoor storage
15. Government office
16. Medical Clinic
17. Cemetery
18. Public parks, swimming pools, tennis courts, golf courses
19. Bus passenger terminals
20. Taxi or limo operations/facility
21. Religious institutions
22. Minor utility, elevated water tank
23. Telecommunication facility
24. Other major utility
25. Bars and nightclubs (prohibited within 500 feet of residential use/zoning)
26. Private golf or country club
27. Private gym, spa, indoor tennis, pool
28. Indoor entertainment facility
29. Outdoor entertainment facility, private athletic
30. Sexually oriented business (prohibited within 1,000 feet of residential use/zoning)
31. Movie theater
32. Electronic gaming center
33. Drive-in Theaters
34. Water-slides, golf driving ranges, miniature golf, batting cages or similar uses
35. Medical office, individual
36. General office use
37. Bed and breakfast
38. Extended stay facility (prohibited within 500 feet of residential use/zoning)
39. Hotel and motels
40. Commercial Parking
41. Restaurant, curbside or drive-in service
42. Restaurant, indoor with seating only
43. Restaurant, indoor with drive-through window
44. Restaurant, take out only, drive-through or walk up

45. Convenience store without fuel sales
46. Convenience store with fuel sales
47. Open air market
48. Repair oriented use (indoor only)
49. Personal service use (indoor operations)
50. Banks and financial institutions
51. Sales oriented use (indoor operations only)
52. Sales oriented use (outdoor operations)
53. Veterinarian/kennel indoor
54. Veterinarian/kennel outdoor (prohibited within 500 feet of residential use/zoning)
55. Self-service storage
56. Car wash (prohibited within 500 feet of residential use/zoning)
57. Vehicle repair (storage restricted to rear of building, 30-day storage limit)
58. Vehicle sales and rental (storage restricted to rear of building)
59. Vehicle service-limited
60. Vehicle towing, storage (prohibited within 500 feet of residential use/zoning)
61. Flex space
62. Light Industrial use indoor
63. Light Industrial use with outdoor storage of tenant supplies
64. Light Industrial use with outdoor operations
65. Warehouse and freight movement with indoor storage
66. Warehouse and freight movement with outdoor storage
67. Recyclable materials collection center
68. Wholesale sales

OVERLAY DISTRICT

This property falls within the **US 70/401 Thoroughfare Overlay District**. This overlay district has additional development standards and use restrictions for properties with frontage along these 2 corridors. The overlay is explained in Article 4.11 of the *Unified Development Ordinance*. There are several uses that are prohibited or restricted within the overlay district.

Overlay prohibited uses

- a. Drive-in movie theaters
- b. Adult cabarets and establishments
- c. Outside storage of goods not related to sale or use on premises
- d. Scrap materials, salvage yards, junkyards, automobile graveyards
- e. Mining or quarrying operations; including on-site sales of products; coal or aggregate sale and or storage; concrete mixing plant;
- f. Reclamation landfill
- g. Commercial greenhouse operations

- h. Recyclable material collection centers

Overlay prohibited uses adjacent to or within 150 feet of existing residential uses

- a. Hotel/motels
- b. Pool halls/bowling alleys only
- c. Bars/night clubs/ABC-permitted private clubs

Overlay restricted uses with additional standards (site layout, screening)

- a. Uses with outdoor storage, display, or goods for sale
- b. Manufactured home sales lots
- c. Motor vehicle sales lots
- d. Automobile service centers
- e. Automobile repair and body shops
- f. Veterinarians or kennels
- g. Truck terminals
- h. Car washes

Zoning and Land Uses

North-	CR	Commercial
South-	R-15	Greenbrier Subdivision (Residential)
East-	CR	Commercial
West-	CR	Commercial

Zoning Request Summary

This property is currently zoned Community Retail (CR). The existing use is light vehicle maintenance and service. The applicant has indicated to staff that they wish to use the property for “vehicle general repair.” Since this proposed use is not permitted in CR, the applicant is requesting SB zoning. This is a conditional use rezoning application with many SB uses prohibited on the site. The proposed zoning would allow all CR uses permitted in the SB district plus “vehicle general repair” as the only SB use. A companion site plan has been submitted (see CUP-SP-16-03).

Neighborhood Character

US 401 in this area is predominantly commercial. Major shopping outlets are located at the intersection of US 401 and Garner Station Boulevard. The rezoning site is about a quarter-mile south of this intersection. As one moves south from the intersection of US 401 and Garner

Station Boulevard, uses are more intense in nature (outdoor storage).

Zoning History

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

Case	Applicant	Location	Zoning Change
Z-78-5	Pearl Buffaloe	HWY 401 & Maxwell Dr	CB to SB
Z-84-13	John Converse	HWY 401	CB to MF-2
Z-85-20	John Converse	East of HWY 401	MR-1 to MF-1 (denied)
CUD-Z-89-03	Long Branch Development	HWY 401	R-40W to R-12
CUD-Z-93-10	Aaron Hale	HWY 401	CB to SB (withdrawn)
CUD-Z-94-11	Telerent Leasing	HWY 401	R-40 to SB (withdrawn)
Z-99-01	Pinewinds Townhomes	Pinewinds Drive	CB to MF-1 (withdrawn)
CUD-Z-06-05	Namee Barakat	4809 Fayetteville Rd	CR to SC C139
CUD-Z-15-04	Eric Williams	4803 Fayetteville Rd	CR to SB C178

*** Note: CB was the Community Business Zoning District under the previous version of the *Land Use Ordinance*. All CB districts were re-named to Community Retail (CR) in the *Unified Development Ordinance*, effective October 1, 2003.**

INFRASTRUCTURE

Public Water & Sewer

The property is in the town limits and is connected to public water and sewer. No changes are proposed.

TRANSPORTATION

The rezoning site has approximately 100 feet of road frontage on Annaron Court. Annaron

Court is a Town-maintained road with a right of way width of 60 feet.

Annaron Court has access to US 401 which is classified as a **Major Thoroughfare** on the *Garner Transportation Plan* and is maintained by NCDOT. In this vicinity, US 401 has 4 through lanes and a center turning lane; it also has a right-of-way width of 150 feet. Average daily traffic counts (ADT) are estimated at 37,000 in this area according to 2013 NCDOT data.

The site is currently zoned Community Retail (CR), and the existing use is “light vehicle service.” Rezoning this site to SB C182 should not increase traffic to and from the site. This is because the site is already zoned CR which allows a wide-range of uses. The proposed zoning would allow all CR uses permitted in the SB district plus “vehicle general repair” as the only SB use.

ENVIRONMENT

This site is not located within the 100 year flood plain as delineated by the FEMA Flood Insurance Rate Maps.

LONG RANGE PLAN & STAFF COMMENTARY

According to the *Town of Garner Comprehensive Growth Plan* map, the rezoning site is within the **Regional Center** along US 401. A **Regional Center** is designed to target a regional population. In these areas, the land uses are primarily non-residential which incorporates large areas of retail and large office buildings. However the development of higher density residential (apartments) is often incorporated in these centers and provides housing options close to employment with direct access to the freeway. These centers also include park or natural areas for general public use and to mitigate the impacts of intensive development.

The recommended zoning districts for a Regional Center include: O&I, PUD, SB, CR, MXD, and MF-2. The recommended residential density range is 13+ dwelling units per acre.

The requested zoning change from CR to SB C182 is consistent with the recommendations of the *Comprehensive Growth Plan*. The prevailing zoning and land use pattern of this area of the community is medium to heavy commercial. The predominate zoning along the US 401 corridor is SB.

Conditional Use Permit CUP-SP-16-03

PROJECT DATA:

Acreage:	0.46 acres
Building Size:	The existing building on site is 2765 square feet.
Building Material and Color:	Existing – no changes proposed
Parking Spaces:	34 spaces required of which 2 must be accessible 14 marked spaces provided of which 1 is accessible
Floodplain:	This site does not contain a FEMA designated floodplain.
Stormwater Management:	Please refer to General Comments.
Fire Protection:	The plan, as proposed, meets fire code requirements.
Building Sprinklered:	
Number of fire hydrants provided on-site:	1
Number of fire hydrants within 500 feet of the building:	4
Fire flow:	Fire flow data not required for this existing building.
Water/ Sewer:	Existing
Street Access/ Sidewalks:	Existing entrances off Annaron Court. No sidewalk, existing or proposed.

General Comments:

Under the proposed zoning of Service Business (SB) the vehicle repair shop will be required to adhere to the following standards per 5.3C.11 *Vehicle general repair*:

Outdoor storage is restricted to the rear of a building and must be 100 percent screened from all street views. No vehicles shall be stored for more than 30 days.

Landscaping – The required perimeter buffer between a vehicle repair shop and a single family home is 45 feet. The existing conditions on site provide a 25 foot perimeter buffer for the southern property line. The applicant has provided landscaping along the southern property line inside an existing solid wood fence. The applicant has also proposed to repair and damaged portion of the solid wood fence to match existing.

The required perimeter buffer between a vehicle repair shop and a restaurant is 25 feet. Biscuitville sits adjacent to the west of the project site. The existing structure is 10 feet from the western property line. A black vinyl chain link fence with black vinyl slats has been proposed for this property line.

The required perimeter buffer between a vehicle repair shop and an office is 25 feet. An office park is adjacent to the eastern property line. The parking and vehicle storage area is a variable 5 to 10 feet from the eastern property line. A black vinyl chain link fence with black vinyl slats has been proposed for this property line.

The applicant has proposed a black vinyl chain link gate with black vinyl slats to the rear storage area.

Parking – New or expanding vehicle repair facilities are required to provide five spaces per bay and one space per employee. This requirement is the same for both uses: Vehicle Service – Limited and Vehicle General Repair. The intent of this requirement is to provide parking for vehicles dropped off for service and vehicles waiting to be picked up after service.

After redesigning the parking layout to allow a minimum 24 foot travel lane to the rear portion of the property, the applicant may store an additional 5 vehicles in unmarked spaces in the rear (southern) portion of the property. This results in an overnight storage capacity of 13 vehicles to the rear of the building while maintaining the 24 foot travel lane (8 marked spaces plus 5 unmarked).

The existing building has 6 service bays. The operation of the business will require at most 4 employees. The resulting parking requirement is 34 spaces, two of which need to be accessible. The project site is marked with 14 spaces (8 in the rear, 6 in front), 1 of which is accessible in the front. Since the site was previously approved for the servicing of vehicles with this number of

spaces and the user is not changing, only the ability for the applicant to store a specified number of vehicles overnight, staff recommends that the normal minimum parking requirement be waived.

Storm-water management – This project is a redevelopment of an existing parcel that is not adding to the existing impervious surface; as such, nothing is required for stormwater management.

Lighting – The applicant is proposing replacing the existing wall pack lighting with full cut-off wall packs. No additional lighting is proposed.

Consistency with Adopted Town Plans and Policies:

- | | |
|---|---|
| 2006 Comprehensive Growth Plan: | This site falls within the Regional Center designation; 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 Town Council will need to vote on the rezoning application prior to voting on the conditional use permit application.

Rezoning Action

Based upon the consistency of this request with the recommendations of the Town’s Long Range

Plan for this area of the community, the Planning Commission and staff recommend approval of the rezoning request as submitted. The requested zoning change from CR to SB C182 is consistent with the *Comprehensive Growth Plan*. Restrictions on permitted uses are proposed by the applicant.

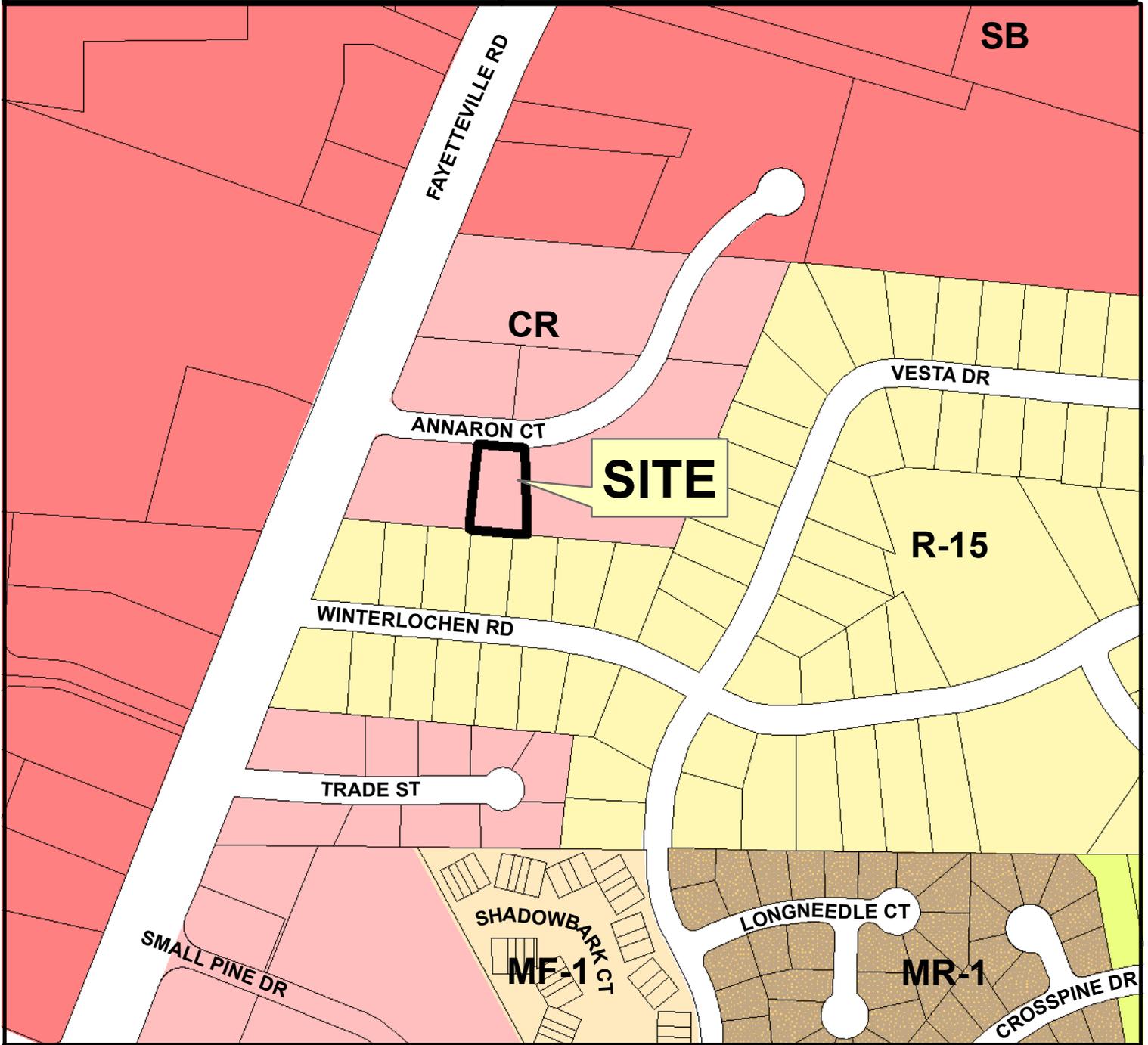
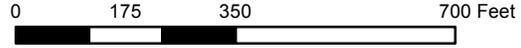
Note: The Council will need to use the attached **Rezoning Motion Form** as a guide when making a motion on the attached Ordinance regarding this rezoning application.

Conditional Use Permit Action

The Planning Commission and staff have reviewed the application and finds it to be complete and in compliance with the UDO, therefore we recommend approval of Application CUP-SP-16-03, Scattered Wrenches, Inc.

**Town of Garner
Planning Department**

**Conditional Use Applications
CUD-Z-16-02 & CUP-SP-16-03**



Project: Matt's Auto Shop
Location: 130 Annaron Court
Owner: 1529 Properties LLC
Applicant: Scattered Wrenches Inc
PIN: 1701371249

Case: CUD-Z-16-02
Current Zoning: Community Retail (CR)
Proposed Zoning: Service Business
Conditional Use (SB C182)
Project Acreage: 0.46
Overlay: US 70 / 401

Case: CUP-SP 16-03
Proposed: Auto repair

REZONING ACTION MOTION WORKSHEET

Application #: CUD-Z-16-02 from CR to SB C182

Applicant: Scattered Wrenches, Inc

MOTION TO APPROVE REZONING REQUEST:

I move that the Council find the following regarding rezoning application CUD-Z-16-02

reasonably complies with the Town's Comprehensive Growth Plan (OR)

does not comply with the Comprehensive Growth Plan;

(AND) that the zoning application CUD-Z-16-02 is reasonable and in the public interest because it will likely (use as many of the following as are appropriate):

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) I therefore move that the Council

accept the recommendation of the Planning Commission and adopt Ordinance No. _____ approving rezoning request number CUD-Z-16-02.

(OR)

adopt Ordinance No. _____ approving rezoning request number Z _____

MOTION TO DENY REZONING REQUEST:

I move that the Council

deny rezoning request number CUD-Z-16-02; OR

deny rezoning request number Z-_____;

(AND) reasons for denying the Application include that it is not reasonable and is not in the public interest, because (use as many of the following as are appropriate):

it does not comply with the comprehensive long range plan,

would allow the development of an excessive density of housing for the area in which it is located;

it would likely lead to an unacceptable additional level of traffic in the area in which it is located;

it would allow types of business at the described location which will not be appropriate for the area in which it is located,

Return to: Stella Gibson
Town of Garner
900 7th Avenue
Garner, NC 27529

ORDINANCE NO. (2016) 3811

AN ORDINANCE AMENDING THE TEXT OF THE GARNER UNIFIED DEVELOPMENT ORDINANCE TO CREATE A NEW CONDITIONAL USE ZONING DISTRICT AND TO AMEND THE OFFICIAL ZONING MAP TO APPLY THE NEW ZONING CLASSIFICATION

WHEREAS, The Town Council has received a petition requesting that a new conditional use zoning district be established and that this new district classification be applied to the applicant's property.

WHEREAS, the Town Council is authorized by the Town Charter to establish conditional use zoning districts:

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF GARNER ORDAINS:

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 present zoning to that requested by Scattered Wrenches in Rezoning Application No. **CUD-Z-16-02 (SB C182)**.

Section 2. There is hereby created a new conditional use zoning district, to be known as the Service Business Conditional Use District 182 (SB **C182**) within this district, all of the regulations that apply to property within the Service Business Conditional Use District 182 (**SB C182**) zoning district shall be applicable and that all other uses are prohibited except those that are listed as permissible shall require a conditional use permit:

The following is a list of permitted uses for the proposed SB C182 district:

1. Community Center
2. Library, museum, art center
3. Other Community service
4. Civil, service fraternal club, lodges and similar uses
5. Adult Day Care
6. Day Care Center
7. Business School, college or university satellite
8. College/university
9. Trade/vocational schools
10. Music, dance art instruction
11. Funeral home crematorium
12. Ambulance, rescue squad, police, fire station
13. Government office
14. Medical Clinic
15. Cemetery
16. Public parks, swimming pools, tennis courts, golf courses
17. Religious institutions
18. Minor utility, elevated water tank
19. Telecommunication facility
20. Bars and nightclubs (prohibited within 500 feet of residential use/zoning)

21. Private golf or country club
22. Private gym, spa, indoor tennis, pool
23. Indoor entertainment facility
24. Movie theater
25. Electronic gaming center
26. Medical office, individual
27. General office use
28. Bed and breakfast
29. Hotel and motels
30. Commercial Parking
31. Restaurant, indoor with seating only
32. Restaurant, indoor with drive-through window
33. Restaurant, take out only, drive-through or walk up
34. Convenience store without fuel sales
35. Convenience store with fuel sales
36. Repair oriented use (indoor only)
37. Personal service use (indoor operations)
38. Banks and financial institutions
39. Sales oriented use (indoor operations only)
40. Veterinarian/kennel indoor
41. Vehicle repair (storage restricted to rear of building, 30-day storage limit)

The following is a list of use restrictions for the proposed SB C182 district:

1. All Community Retail (CR) uses that are also allowed in the Service Business (SB) district would be permissible on the site.
2. The SB use "Vehicle General Repair" would be permissible on the site.

Section 3. The official Zoning Map of the Town of Garner is amended by changing the zoning classification of the property identified below and as shown on a map in application file:

Owner(s)	Tract No.	Existing Zoning	New Zoning
Scattered Wrenches	1701371249	Community Retail (CR)	Service Business Conditional Use District 182 (SB C182) and

Section 4. The Planning Department shall change the Official Zoning Map displayed for the public to reflect this change immediately following adoption of this ordinance. In addition, a copy of this ordinance shall be filed in the Planning Department.

Section 5. All provisions of any town ordinance in conflict with this ordinance are repealed.

Section 6. 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.

Section 7. This ordinance shall become effective upon adoption.

Duly adopted this ____ day of April 2016.

MAYOR

ATTEST: _____
TOWN CLERK

**TOWN OF GARNER
CUP-SP-16-03
CONDITIONAL USE PERMIT**

APPLICANT	Scattered Wrenches, Inc. 267 Timber Drive Garner, NC 27529
LOCATION	130 Annaron Court
USE	General automotive maintenance and repair with outdoor storage
DATE ISSUED	April 4, 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 including Section 3.14 E. Special use review criteria.

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

No conditions specific to the site.

Cc:

Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: April 4, 2016		
Subject: Street Closing SC-16-01, unimproved portion of Wade Avenue		
Location on Agenda: Public Hearings		
Department: Planning		
Contact: Brad Bass, Planning Director		
Presenter: David Bamford, Senior Planner		
Brief Summary: A street closing petition has been filed by Danny Shields to close the unimproved portion of Wade Avenue.		
Recommended Motion and/or Requested Action: Adopt the Order to close the unimproved portion of Wade Avenue.		
Detailed Notes: See attached Staff Report and associated documents.		
Funding Source:		
Cost:	One Time: <input type="radio"/>	Annual: <input type="radio"/> No Cost: <input checked="" type="radio"/>
Manager's Comments and Recommendations: Town of Garner has no future use for the property and has no objection to the disposition.		
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 Road Closing Staff Report

Garner Town Council
April 4, 2016

ROAD CLOSING APPLICATION:	SC-16-01
APPLICANT:	Danny Shields
OWNERS:	Danny & Valerie Shields and Hazel Tinnin
TOWN LIMITS:	Yes
LOCATION:	Between 1101 Park Avenue (Shields) and 1007 Park Avenue (Tinnin)
WAKE COUNTY PINS #:	1710184784, 1710186734
RIGHT OF WAY LENGTH:	150 Feet – Town of Garner
RIGHT OF WAY WIDTH:	50 Feet – Town of Garner
RIGHT OF WAY AREA:	0.16 Acres (7,050 S.F.) – Town of Garner
ASSOCIATED DEVELOPMENT PLANS:	There is no development plans associated with this request. This is an unimproved right of way for Wade Avenue that was never built. It was originally set-up for connectivity and platted in Book of Maps 1959, Page 148. The issue of connectivity was settled in 2008 when 7 lots behind Park Avenue were developed into a cul-de-sac (Book of Maps 2008, Page 01317). Mr. Shields wishes to close this right of way in order to build an accessory structure (meet setbacks) and also to correct some encroachment issues. His driveway encroaches into the right of way.
RECOMMENDATION:	Adopt Order closing portion of Wade Avenue

Return to: Stella Gibson
Town of Garner
900 7th Avenue
Garner, North Carolina 27529

NORTH CAROLINA
WAKE COUNTY

**ORDER TO CLOSE A CERTAIN ROAD
IN THE TOWN OF GARNER, NORTH CAROLINA**

At the April 4, 2016 meeting of the Town Council of the Town of Garner, North Carolina convened at 7:00 p.m., there was duly presented to the Council a Petition by Danny Shields to close the unimproved portion of Wade Avenue in between 1101 and 1007 Park Avenue.

The Town Council fixed the 4th day of April, 2016 as the time of hearing on the question of closing the said road hereinafter described.

The Mayor announced that the meeting was open for hearing and that the Council would hear any interested person who desired to be heard on the question of closing said road.

At the conclusion of the presentation of the facts and evidence in support of the Petition, the following resolution was offered:

That upon the basis of facts and information presented by the Petitioners and their representatives, the Town Council of the Town of Garner, North Carolina do adopt the following findings and make the following order:

1. There is a portion of the Wade Avenue right-of-way located in between 1101 and 1007 Park Avenue that is unimproved and is not open to traffic; it is approximately 50 feet wide by 150 feet long.
2. The portion of right-of-way sought to be closed is located within the corporate limits of the Town of Garner.
3. That the attached map depicts the unimproved portion of Wade Avenue sought to be closed and abandoned.
4. That a certified letter was mailed to all adjoining property owners on March 16, 2016.

5. No individual living or entity owning property in the vicinity of said road will be deprived of reasonable ingress and egress to said entity's property or otherwise inconvenienced by the closing of said proposed road listed herein; that the closing of the said proposed road is not contrary to the public interest.
6. Notice of this Petition was given by publication in *The Garner-Cleveland Record*, newspaper in Wake County, for four successive weeks on March 9, 16, 23, and 30th 2016.

NOW THEREFORE, IT IS HEREBY RESOLVED AND ORDERED:

1. That pursuant to the provisions of the N.C. General Statutes 160A-299 and the power and authority contained therein the aforementioned unimproved portion of Wade Avenue is hereby abandoned and closed.
2. That a certified copy of this Order be filed in the Office of the Register of Deeds of Wake County.

Duly adopted this _____ day of _____ 2016

Ronnie S. Williams, Mayor

ATTEST: _____
Stella Gibson, Town Clerk

**Town of Garner
Planning Department**

**SC 16-01
Wade Avenue
(Unimproved Right-of-Way)**



Applicant: Danny Shields (1101 Park Avenue)
Request: Close unused / unimproved portion of Wade Avenue right-of-way
Right of Way: 50 feet wide
Street length: Approximately 150 feet
Street Location: In between 1101 & 1007 Park Avenue

Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: April 4, 2016		
Subject: Unified Development Ordinance Text Amendment UDO-16-01		
Location on Agenda: Public Hearings		
Department: Planning		
Contact: Brad Bass, Planning Director		
Presenter: Brad Bass, Planning Director		
Brief Summary: A proposed text amendment to the Unified Development Ordinance (UDO) to modify setback requirements in several single-family zoning districts and revise the corner side setback requirement in the CBD zoning district.		
Recommended Motion and/or Requested Action: Open public hearing, receive public comments, close public hearing and refer matter to the Planning Commission.		
Detailed Notes: See attached memorandum and associated documents.		
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:		

TO: Rodney Dickerson
Town Manager

FROM: Brad Bass, AICP
Director of Planning

DATE: March 29, 2016

SUBJECT: UDO Text Amendment Setback Requirements

Background

Over the last year or so staff has met with various developers/builders regarding potential single-family residential projects in Garner. One of the re-occurring themes we heard in those conversations was the need for the Town to consider revising its side yard setback requirements in the single-family residential zoning districts, particularly in the smaller districts that require connection to public water and sewer (R-15, R-12 and R-9).

Staff did a quick survey of other Wake County municipalities and concluded some minor adjustments to setback requirements may be needed (see attachment). This matter has also come up during the review of the proposed Oak Park Subdivision located on New Bethel Church Road. Please see the attached letter from Mr. Tony Tate regarding setbacks requirements for single-family development. At the February 23rd work session staff advised that the corner side yard setback distance required in the Central Business District (CBD) needed to be modified based on our review of the proposed Recreation Center site plan.

Summary of Text Change

Single-Family Residential Districts	R-40	R-20	R-15	R-12	R-9
Lot Dimensions:					
Minimum Lot Area	40,000 sq. ft.	20,000 sq. ft.	15,000 sq. ft.	12,000 sq. ft.	9,000 sq. ft.
Minimum Lot Width	100 ft.	90 ft.	80 ft.	70 ft.	60 ft.
Minimum Yards:					
Front Yard	35 ft.	35 ft.	30 ft.	30 ft.	25 ft.
Rear Yard	25 ft.	25 ft.	25 ft., 20 ft.	25 ft., 20 ft.	25 ft., 20 ft.
Side Yard	10 ft.	10 ft.	10 ft., 6' minimum 15' combined	10 ft., 6' minimum 15' combined	10 ft., 6' minimum 15' combined
Corner Lot Side Yard	25 ft.	25 ft.	25 ft., 20 ft.	25 ft., 20 ft.	20 ft.
Maximum Height	35 ft.	35 ft.	35 ft.	35 ft.	35 ft.

Standard	NO	NC	CBD	OI	CR	SB	I-1	I-2
Minimum Yards:*								
Front yard	35 ft.	35 ft.	None	35 ft.	35 ft.	35 ft.	50 ft.	50 ft.
Rear yard	25 ft.	0/25 ft.	0/15 ft.	25 ft.	0/25 ft.	0/25 ft.	0/50 ft.	0/50 ft.
Side yard	0/15 ft.	10/15 ft.	0/15 ft.	10/15 ft.	10/15 ft.	0/25 ft.	0/25 ft.	0/25 ft.
Corner lot side yard	35 ft.	35 ft.	35 ft. 20 ft.	35 ft.	35 ft.	35 ft.	35 ft.	35 ft.

Recommendation

At the March 7th meeting, Council set a public hearing for April 4th to formally review the proposed text amendment regarding setback requirements. After conducting the public hearing and receiving public comment, the Council will need to close the hearing and refer the matter to the Planning Commission which will meet on April 11th to review the request. Barring any delay, the matter is scheduled to come back to Council on April 19th for action consideration.

A copy of the proposed text amendment is enclosed for Council's review. Should you have questions, please advise.

ORDINANCE NO. (2016) _____

**AN ORDINANCE TO AMEND ORDINANCE NO. (2003) 3250 ENTITLED
 “THE GARNER UNIFIED DEVELOPMENT ORDINANCE FOR THE TOWN OF
 GARNER AND ITS EXTRATERRITORIAL JURISDICTION” BY AMENDING THE
 UNIFIED DEVELOPMENT ORDINANCE TO REVISE SETBACK REQUIREMENTS
 IN VARIOUS ZONING DISTRICTS**

Section One. Amend Section 6.1 entitled “Residential district development standards” by revising the table to as follows:

6.1. Residential district development standards.

A. Single-family residential dimensional standards.

	Single-Family Residential Districts					
	R-40	R-20	R-15	R-12	R-9	RMH
Lot Dimensions:						
Minimum Lot Area	40,000 sq. ft.	20,000 sq. ft.	15,000 sq. ft.	12,000 sq. ft.	9,000 sq. ft.	5,000 sq. ft.* 70 ft. in Park
Minimum Lot Width	100 ft.	90 ft.	80 ft.	70 ft.	60 ft.	50 ft. in Subdiv.
Minimum Yards:						
Front Yard	35 ft.	35 ft.	30 ft.	30 ft.	25 ft.	25 ft.
Rear Yard	25 ft.	25 ft.	25 ft. 20 ft.	25 ft. 20 ft.	25 ft. 20 ft.	25 ft.
Side Yard	10 ft.	10 ft.	40 ft. 6' minimum 15' combined	40 ft. 6' minimum 15' combined	40 ft. 6' minimum 15' combined	10 ft.
Corner Lot Side Yard	25 ft.	25 ft.	25 ft. 20 ft.	25 ft. 20 ft.	20 ft.	25 ft.
Maximum Height	35 ft.	35 ft.	35 ft.	35 ft.	35 ft.	35 ft.
Maximum Gross DU/Acre (Applies to Cluster Only)	0.8	1.5	2.0	2.5	3.0	—

Section Two. Amend Section 6.9 entitled “Nonresidential district standards” to read as follows:

Standard	NO	NC	CBD	OI	CR	SB	I-1	I-2
Lot Dimensions:								
Lot area, minimum	6,000 sq. ft.	6,000 sq. ft.	6,000 sq. ft.	6,000 sq. ft.	6,000 sq. ft.	6,000 sq. ft.	None	None
Lot width, Minimum	60 ft.	60 ft.	60 ft.	60 ft.	60 ft.	60 ft.	100 ft.	100 ft.
Lot depth, minimum	None	None	None	None	None	None	None	None
Minimum Yards:*								
Front yard	35 ft.	35 ft.	None	35 ft.	35 ft.	35 ft.	50 ft.	50 ft.
Rear yard	25 ft.	0/25 ft.	0/15 ft.	25 ft.	0/25 ft.	0/25 ft.	0/50 ft.	0/50 ft.
Side yard	0/15 ft.	10/15 ft.	0/15 ft.	10/15 ft.	10/15 ft.	0/25 ft.	0/25 ft.	0/25 ft.
Corner lot side yard	35 ft.	35 ft.	35 ft.	35 ft. 20 ft.	35 ft.	35 ft.	35 ft.	35 ft.
Maximum Height	35 ft.	35 ft.	None	None	None	None	None	None
Maximum Net DU/Acre	6,000 sq. ft. per single family detached dwelling unit	6,000 sq. ft. per unit	6,000 sq. ft. per unit	6,000 sq. ft. per unit	None	None	None	None

Section Three. Ordinance No. (2015) _____entitled Garner Unified Development Ordinance and Its Extraterritorial Jurisdiction as noted for deletion where applicable in Section One IS hereby repealed.

Section Four. All ordinances or portions thereof in conflict with this ordinance are hereby repealed.

Duly adopted this _____ day of _____, 2016.

MAYOR

ATTEST: _____
TOWN CLERK

APPROVED AS TO FORM: _____
TOWN ATTORNEY

USE: single-family detached

TOWN / CITY	ZONE	SIDE SETBACK	CORNER SIDE
Fuquay-Varina	R-40, R-30	10 feet	30 feet
	R-20, R-15	8 feet	20 feet
	R-10, R-8, R-6, R-4	6 feet	15 feet
Apex	RA, RR	15 feet	15 feet
	Low Density (LD)	8 feet min / 20 feet combined	18 feet
	Medium Density (MD)	6 feet min / 16 feet combined	15 feet
	HDSF	8 feet	15 feet
Cary	R-80, R-40	15 feet	20 feet
	R-20, R-12	10 feet	20 feet
	R-8	5 feet min / 20 feet combined	20 feet
	TR (Transitional)	3 feet min / 6 feet combined	10 feet
Raleigh	R1 (40,000 s.f.)	10 feet	20 feet
	R2 (20,000 s.f.)	10 feet	20 feet
	R4 (10,000 s.f.)	5 feet	10 feet
	R6 (6,000 s.f.)	5 feet	10 feet
	R10 (4,000 s.f.)	5 feet	10 feet
Wendell	RA, RR	10 feet	40 feet
	R2 (15,000 s.f.)	10 feet	30 feet
	R3 (10,000 s.f.)	20% of lot width combined	25 feet
	R4 (6,000 s.f.)	20% of lot width combined	25 feet
Holly Springs	R-30, R-20	10 feet	20 feet
	R-15	7 feet	20 feet
	R-10	6 feet	20 feet
	R-8	5 feet	20 feet
Knightdale	RR1	10 feet	35 feet
	General Res 3 (GR3)	20% of lot width combined *	10 feet
	General Res 8 (GR8)	20% of lot width combined *	10 feet
	Urban Res (UR12)	20% of lot width combined *	10 feet
	Res Mixed (RMX)	20% of lot width combined *	10 feet
	Neighborhood (NMX)	20% of lot width combined *	10 feet
	Town Center (TC)	20% of lot width combined *	0 feet

* no less than 5 feet for lots 60 feet in width or greater

* no less than 3 feet for lots less than 60 feet in width



Tony M. Tate Landscape Architecture, P.A.

Mr. Brad Bass, Planning Director
Town of Garner Planning Department
900 Seventh Avenue
Garner, NC 27529

Date: December 1, 2015

Re: Text Change to the Garner UDO

Mr. Bass,

In conjunction with the submittal of the Oak Park Subdivision and Rezoning request filed today, we are requesting that the Town of Garner consider a Text Change to the Town of Garner Unified Development Ordinance Article 6.1A Residential District Development Standards, Single Family Residential Dimensional Standards specifically in regards to Side Yard and Corner Side Setbacks. We propose that the side yard setback for the Zoning District in question be 20% of the minimum lot width and the corner sides be reduced as shown. See example below;

Lot Dimensions	Single Family Residential Districts					
	R-40	R-20	R-15	R-12	R-9	RMH
Min. Lot Area	40,000	20,000	15,000	12,000	9,000	5,000
Min. Lot Width	100	90	80	70	60	50
Side Yard Existing	10	10	10	10	10	10
Side Yard Proposed	10	9	8	7	6	5
Corner Side Existing	25	25	25	25	20	25
Corner Side Proposed	25	25	20	20	15	15

In the current UDO Standards, the lot width decreases with the decreasing size of the lot square footage in the zoning district, but the side yard setback remains constant across all Zoning Districts at 10 ft. even in Cluster Developments where lot sizes are reduced. We feel that current development trends and local precedent for the changes requested are a reasonable update and amendment to the UDO.

We look forward to working with you on this requested change.

Sincerely,

Tony M. Tate, PLA, ASLA

5011 Southpark Dr., Suite 200 · Durham, North Carolina 27713
Telephone: (919) 484-8880 · Fax: (919) 484-8881 · Email: tony@tmtla.com

Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: April 4, 2016		
Subject: General Use Rezoning Z-16-01		
Location on Agenda: Public Hearings		
Department: Planning		
Contact: Brad Bass, Planning Director		
Presenter: David Bamford, Senior Planner		
Brief Summary: Request by Christian and Jennifer Olmstead to rezone a 4.72 acre tract of land located at 610 Buffaloe Road from R-40 to R-20.		
Recommended Motion and/or Requested Action: Conduct the public hearing and refer the rezoning application to the Planning Commission.		
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:	MBB	
Finance Director:		
Town Attorney:		
Town Manager:	RD	
Town Clerk:		

**TOWN OF GARNER
STAFF REZONING REPORT**

**Town Council Public Hearing
April 4, 2016**

REZONING APPLICATION:

Z-16-01

APPLICANT:

Christian & Jennifer Olmstead

OWNER:

Christian & Jennifer Olmstead

LOCATION OF PROPERTY:

610 Buffaloe Road

WAKE COUNTY PIN #:

1619478101

AREA:

4.72 acres

TOWN LIMITS:

Yes

PRESENT ZONING:

Residential 40 (R-40)

REQUESTED ZONING:

Residential 20 (R-20)

OVERLAY DISTRICTS:

Lake Benson

KEY MEETING DATES:

Public Hearing

April 4, 2016

Planning Commission:

April 11, 2016

Town Council Action:

May 2, 2016

CONTRAST BETWEEN EXISTING AND PROPOSED ZONING

Existing Zoning Classification

The existing zoning of the 4.72-acre site is **Residential 40 (R-40)**. This district allows single-family lots of at least 40,000 square feet (0.91 acres) in size. Under this zoning, staff estimates that the site could be developed into approximately 3 to 4 dwelling units.

The following is a list of permitted uses in the R-40 district.

1. Single-family site built and modular homes
2. Residential Cluster
3. Manufactured Home
4. Civil, lodges, fraternal clubs
5. Family Care home
6. Group care home
7. Intermediate care home
8. Community center
9. Child day care up to 3 as home occupation
10. Family child day care up to 8 in home
11. School public or private
12. Public safety facilities (fire, police, rescue, ambulance)
13. Cemetery
14. Public parks, swimming pools, tennis and golf courses
15. Religious institutions
16. Minor utility—elevated water tank
17. Solar Farm
18. Telecommunication Facility
19. Other major utility
20. Private golf course or country club
21. Horse stables and related facilities
22. Bed and breakfast
23. Agriculture or silvi-culture

Proposed Zoning Classification

The proposed zoning of the 4.72-acre site is **Residential 20 (R-20)**. This district allows single-family lots of at least 20,000 square feet (0.91 acres) in size. Under this zoning, staff estimates that the site could be developed into approximately 6 - 8 dwelling units. To achieve this density connection to public utilities likely will be needed.

The following is a list of permitted uses in the proposed R-20 district.

1. Single-family site built and modular homes
2. Residential Cluster
3. Family Care home
4. Group care home
5. Intermediate care home
6. Community center
7. Child day care up to 3 as home occupation
8. Family child day care up to 8 in home
9. School public or private
10. Public safety facilities (fire, police, rescue, ambulance)

11. Cemetery
12. Public parks, swimming pools, tennis and golf courses
13. Religious institutions
14. Minor utility—elevated water tank
15. Private golf course or country club
16. Bed and breakfast
17. Agriculture or silvi-culture

LAKE BENSON OVERLAY

The rezoning site is located in the Lake Benson Overlay District. This conservation district restricts residential density to no more than 2.5 units per acre.

SUMMARY OF ZONING REQUEST

The 4.72-acre site is zoned R-40 and contains a single-family house. The property owner has plans to subdivide out additional lots less than 40,000 square feet. The requested zoning district is R-20.

SURROUNDING ZONING & LAND USE

North:	R-40	Single-family
South:	R-20	Single-family
East:		Lake Benson
West:	R-20	Single-family

NEIGHBORHOOD CHARACTER

The land use along Buffaloe Road is predominately single-family on ½-acre lots or larger. There are no commercial uses in this area. The City of Raleigh water treatment plant is located approximately 1,900 feet to the east on Benson Road.

ZONING HISTORY

The following is a list of rezoning cases in this area of Garner.

Case	Applicant	Location	Zoning Change
CUD-Z-87-05	Norwood Adams	City of Raleigh Water Treatment Plant	R-40 to SB C8
Z-95-03	Margaret Williford	Summer's Walk	R-40 to R-12 (Approved in 1995)
CUD-Z-00-02	Bobby Thompson	Buffaloe Road	R-40 to R-20 & R-12

			(Denied in 2000)
CUD-Z-00-03	Margaret Williford	Autumn Oaks	R-40 to R-12 C99 (approved in 2000)
CUD-Z-04-07	Margaret Williford	Rosemoor Place	R-40 to R-20 C129

INFRASTRUCTURE

Water & Sewer Service

A 12" public water line is available along Buffalo Road. Public sewer is not available to the rezoning site, and it is located approximately 375 feet to the north near Briarhaven Court.

TRANSPORTATION

The rezoning site has approximately 651 feet of road frontage along Buffalo Road (SR 2711). Buffalo Road is a 2-lane facility with a 60' right-of-way. It is maintained by NC DOT. Buffalo Road is classified as a **minor thoroughfare** on the *Garner Transportation Plan*. Traffic counts are estimated at 2,600 trips per day along this road (NCDOT 2013 AADT).

The proposed zoning change from R-40 to R-20 would slightly increase the development intensity on the property. Under the current R-40 zoning, the site could accommodate approximately 3 - 4 dwelling units generating approximately 38 trips per day to and from the site. Under the proposed R-20 zoning, the site could accommodate approximately 6 - 8 single-family units generating approximately 77 trips per day to and from the site.

Estimated trips per day were generated using "Trip Generation Version 6" software.

ENVIRONMENT

The rezoning site has approximately 0.26-acres (11,325 square feet) within the 100 and 500-year FEMA flood plains. This area is located at the south rear corner of the property.

Topographic data shows that the property slopes from north to south towards the lake.

COMPREHENSIVE GROWTH PLAN

According to the *Town of Garner Comprehensive Growth Plan*, the rezoning site is designated as a **Secondary Residential Area** for the Neighborhood Center at New Bethel Church Road and Benson Road. The Neighborhood Center is designed to serve the daily needs of the surrounding residential population. These centers are pedestrian scaled with a limited mixed use area at the center. At the core, generally located at the intersection of minor arterials, is an area of mixed-use development with neighborhood scaled convenience retail/service, schools, professional offices, churches, civic functions, formal open spaces and higher density residential.

The **Secondary Residential Area** for this Neighborhood Center is designed to accommodate low density residential. The recommended zoning districts include: R-12, R-15, R-20, R-40, and RMH (Manufactured Home Parks). The recommended residential density range is 1 to 3 dwelling units per acre.

The requested zoning change from R-40 to R-20 is consistent with the recommendations of the Comprehensive Growth Plan for this area of the community. No specific development plan is proposed at this time, but the property owner indicated that they may subdivide out at least 1 lot less than 40,000 square feet in size.

STAFF RECOMMENDATION

Staff will provide a recommendation at the Planning Commission meeting on April 11, 2016.

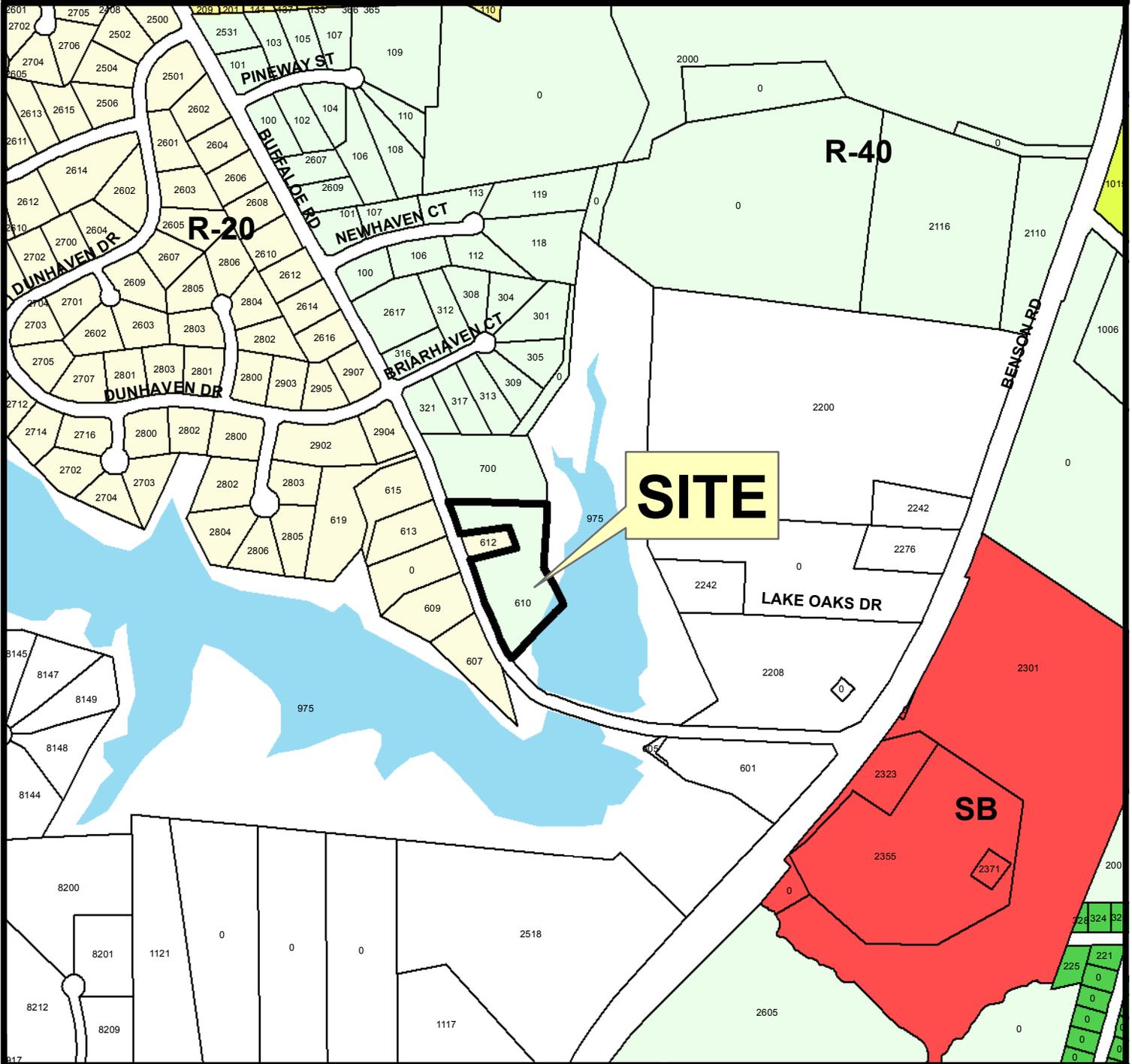


**Town of Garner
Planning Department**

General Use Rezoning

Z-16-01

0 250 500 1,000
Feet



OWNER: Christian & Jennifer Olmstead
LOCATION: 610 Buffalo Road
PARCEL PIN: 1619478101

CURRENT USE: Residential
CURRENT ZONING: R-40
PROPOSED ZONING: R-20
ACREAGE: 4.72

March 25, 2016

David Bamford, AICO
Town of Garner
900 7th Avenue
Garner, NC 27529

Dear Mr. Bamford:

My name is Thomas B. Banks. I live directly across Buffalo Rd., from the proposed rezoning of 4.74 acres at 610 Buffalo Rd., Garner.

I have been in this house for approximately 18 years. During all of that time, the property has been zoned R-40. The map you sent with the notice of rezoning shows the entire south side of Buffalo Rd. is zoned R-20. That is either a mistake on the part of the Town, the Town rezoned my property without notifying me, or there is deliberate deception.

I have approximately 1.72 acres. When I was planning the enlargement of the house in which I live, the Town of Garner severely limited the size of that expansion. The Town also denied a permit to pave the drive and denied a permit to build a storage building on the lot. Those denials were supposedly based upon a ridiculously low impervious surface requirement. Several years later, a strong storm broke and uprooted approximately 20 trees on the east end of my lot. When I started cleaning up that area, the Town sent policemen here to stop such cleanup.

Why would the Town now even consider a rezoning and a major relaxation of its rules?

It appears the Town is seriously considering rezoning the land in question to R-20. It is reasonable to assume that houses built on those 20,000 ft. lots will be smaller homes, that they will have paved driveways, garages and generally be of significantly less value than existing homes.

Under the circumstances, we have little alternative except to formally oppose the proposed rezoning. This letter constitutes notice of our opposition.

The subject property is now odd shaped because of parcels cut out earlier. We would have no objection to the narrow frontage on Buffalo Rd. being rezoned to accommodate a single family home, but I strongly object to the larger portion of the lot on the east end of the property being rezoned.



Thomas B. Banks and Sara W. Banks

Real Estate ID **0107765**

PIN # **1619466722**

Account Search

Location Address
607 BUFFALOE RD

Property Description
LO6 DUNHAVEN PT 1 PH3

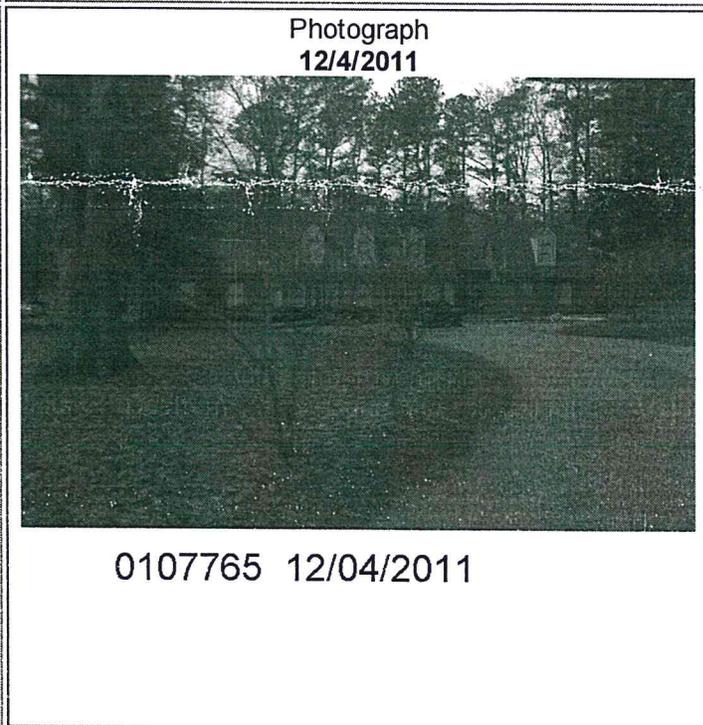
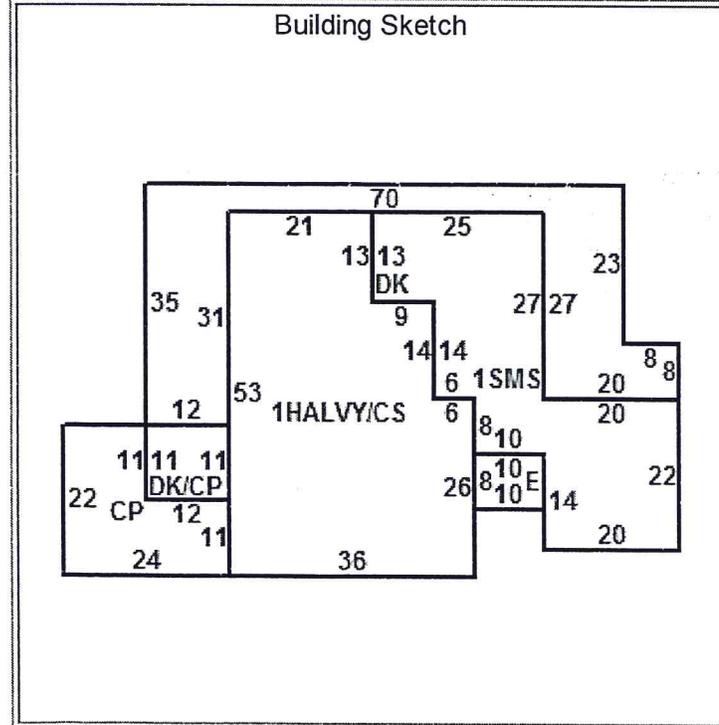
[Pin/Parcel History](#) [New Search](#)



[Account](#) | [Buildings](#) | [Land](#) | [Deeds](#) | [Notes](#) | [Sales](#) | [Photos](#) | [Tax Bill](#) | [Map](#)

Building Location Address 607 BUFFALOE RD		Building Description 16GA004	Card 01 Of 01
Bldg Type 01 Single Family	Year Blt 1982 Eff Year 1982	Base Bldg Value \$267,885	
Units 1	Addns 1996 Remod 1996	Grade B 120%	
Heated Area 3,512	Int. Adjust.	Cond % B 76%	
Story Height 1.5 Story		Market Adj.	
Style Conventional	Other Features One Fireplace	Market Adj.	
Basement Crawl Space		Accrued % 76%	
Exterior Aluminum Vinyl		Incomplete Code	
Const Type		Card 01 Value \$244,311	
Heating Central		All Other Cards	
Air Cond Central		Land Value Assessed \$128,000	
Plumbing 2.5 BATH		Total Value Assessed \$372,311	

Main and Addition Summary					Other Improvements						
Story	Type	Code	Area	Inc	Units	DesItem	Code	Year	%ADJ	Inc	Value
M	1H	ALVY/CS	1629								
A		CP	396								
B		DK/CP	132								
C		DK	1040								
D	1	SMS	1069								
E		STP	80								
F											
G											
H											



Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: April 4, 2016		
Subject: Bryan Road Funding Resolution for WCPSS		
Location on Agenda: Old/New Business		
Department: Administration		
Contact: Rodney Dickerson		
Presenter: Betty Parker, WCPSS		
Brief Summary: Wake County Board of Education has applied for statewide funding to assist with the cost of paving Bryan Rd. from Ackerman Rd. to Clifford Rd. intersections. Wake County Public School System is in the process of building an elementary school and a future middle school on the currently unpaved Bryan Rd. which is a NCDOT state-maintained road. The gravel road needs paving for safe public and school bus travel.		
Recommended Motion and/or Requested Action: Adopt Resolution (2016) 2286		
Detailed Notes: Estimated cost of road project is \$2,178,054 Contingency Funds requested is \$678,054		
Funding Source: Statewide Project Funds		
Cost:	One Time: <input type="radio"/>	Annual: <input type="radio"/> No Cost: <input checked="" type="radio"/>
Manager's Comments and Recommendations: Presently, there are no costs to the Town of Garner associated with the approval of the Resolution. However, the Town of Garner has agreed to participate in the signalization design and installation costs.		
Attachments Yes: <input checked="" type="radio"/> No: <input type="radio"/>		
Agenda Form Reviewed by:	Initials:	Comments:
Department Head:		
Finance Director:		
Town Attorney:		
Town Manager:	RD	
Town Clerk:		

RESOLUTION RELATING TO SUPPORT FOR THE WAKE COUNTY BOARD OF EDUCATION'S REQUEST TO THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR STATEWIDE PROJECT FUNDS (BRYAN ROAD ELEMENTARY SCHOOL PROJECT)

WHEREAS, in 2007 the Wake County Board of Education (WCBOE) acquired a ±50 acre site at 8317 Bryan Road for location of a future elementary school and middle school, and

WHEREAS, at the time of acquisition the school site lied within Town of Garner's planning jurisdiction on the northern side of Bryan Road (S.R. 2707) between its intersections with Ackerman Road and Clifford Road, and has since been annexed; and

WHEREAS, the portion of Bryan Road (S.R. 2707) between Ackerman Road (S.R. 2709) and Clifford Road (S.R. 2706) is a gravel road; and

WHEREAS, North Carolina Department of Transportation (NCDOT) had identified funding and scheduled the improvement of Bryan Road, but delayed the project with the intention of collaborating with WCBOE at such time the elementary and/or middle school projects were funded so that all improvements could be contracted together to realize economies of design and construction; and

WHEREAS, the initially identified NCDOT funding is no longer available, and subsequent changes to NCDOT funding methods that shifted project prioritization from County-wide to State-wide no longer have the Bryan Road paving included at a level that is likely to be funded anytime soon; and

WHEREAS, the WCBOE submitted a site plan to Town of Garner (Town) for development of an elementary school on the site with a capacity of approximately 800 students that is slated to open August of 2017; and

WHEREAS, to provide for safe public vehicular and school bus travel, the Town Council clearly articulated its desire that the portion of Bryan Road between its intersections with Ackerman Road and Clifford Road be paved appropriately to safely support the type and quantity of vehicular and school bus traffic that is reasonably expected to use the road; and

WHEREAS, if the estimated costs of paving Bryan Road to current NCDOT and Town standards between its intersections with Ackerman Road and Clifford Road were included in the elementary school project, the estimated project costs will significantly exceed the WCBOE's project budget; and

WHEREAS, as the paving of Bryan Road is necessary and appropriate, addresses safety concerns for pedestrians and vehicular traffic, and benefits the public schools and the

community at large, NCDOT, WCBOE and Town, pursued a collaborative approach to address the improvements to Bryan Road to benefit the community; and

WHEREAS, NCDOT, WCBOE and Town have collaborated in identification of road section profiles for the paving of Bryan Road that differ from current NCDOT and Town standards which all parties supported and which will help reduce the costs of project costs attributable to road improvements, with the expectation that WCBOE would also submit a Statewide Contingency Funds request to NCDOT to further defray costs; and

WHEREAS, although the consensus road section profiles don't fully comport with the Town's comprehensive plans, Town approved WCBOE's site plan with road improvements as described in the consensus approach; and

WHEREAS, WCBOE has prepared and submitted a Request for Statewide Project Funds request to NCDOT for allocation of Contingency funds in the amount of \$678,054 to reimburse a portion of WCBOE estimated project costs attributable to road improvements, which Request was sponsored by the following current North Carolina House and Senate members: Speaker Pro Tempore Paul Stam, Representative Darren Jackson, and Senator Chad Barefoot; and

WHEREAS, pursuant to the guidelines for requesting Statewide Project Funds, submittal of resolutions of support by WCBOE and Town is needed to supplement the WCBOE's request.

NOW, THEREFORE, BE IT RESOLVED, that the Town of Garner:

(1) Maintains that the road improvements collaboratively identified and included as requirements of the WCBOE elementary school project are necessary and appropriate, addresses safety concerns for pedestrians and vehicular traffic, and will benefit the public schools, the Town and the community at large; and

(2) Supports and strongly encourages NCDOT approval of the Request for Statewide Project Funds submitted by WCBOE; and

(2) Requests that the Mayor transmit a copy of this Resolution, upon adoption, to the Secretary of Transportation for the State of North Carolina, the Wake County Board of Education, and all North Carolina legislators who sponsored the Request for Statewide Project Funds.

Duly adopted this _____ day of April, 2016.

Ronnie S. Williams, Mayor

ATTEST:

Stella Gibson, Town Clerk

Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: April 4, 2016		
Subject: Proposed Changes to Public Utility Fee Schedule		
Location on Agenda: Old/New Business		
Department: Development Services		
Contact: John Hodges, Assistant Town Manager		
Presenter: John Hodges, Assistant Town Manager		
<p>Brief Summary:</p> <p>The Public Works Committee has recommended changes to the Public Utility Fee Schedule in follow up to a discussion at the Council Retreat in February.</p> <p>Council discussed the proposed changes at the March 29, 2016 Work Session and authorized adding the recommended changes to the April 4 agenda.</p>		
<p>Recommended Motion and/or Requested Action:</p> <p>Approve recommended changes to the Public Utility Fee Schedule</p>		
<p>Detailed Notes:</p> <p>Recommended Changes:</p> <ol style="list-style-type: none"> 1. Reduce Capacity Replacement Fee from \$10.89 per gallon to \$2.00 per gallon (\$1.00 water + \$1.00 sewer) 2. Cease Collection of Utility Development Fee of \$7.18 per gallon 3. Reinstate Acreage Fees per the schedule shown in the attached 		
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:	JMH	
Finance Director:		
Town Attorney:		
Town Manager:	RD	
Town Clerk:		

Public Utility Fees

Recommended Changes

Town Council Meeting

April 4, 2016

TOWN OF GARNER
Development Services



Background

- Garner currently charges two fees originally developed to fund capacity purchases
- Revenues from both fees restricted to purchase of capacity
- Approaching payoff of debt associated with capacity purchases

TOWN OF GARNER
Development Services



Current Fee Structure

Capacity Replacement Fee

- \$10.89 per gallon water/sewer allocated

Utility Development Fee

- \$7.18 per gallon water/sewer allocated

Total Public Utility Fees

- \$18.07 per gallon water/sewer allocated

TOWN OF GARNER
Development Services



Why Change?

- Develop relevant and sustainable utility development model
- Encourage development
- Increase competitiveness in the region
- Align with Council's Strategic Priorities

TOWN OF GARNER
Development Services



Proposed Fee Structure

Reduce Capacity Replacement Fee

- \$2.00 per gallon - \$1.00 water + \$1.00 sewer per gallon allocated
- Revenue meets current debt obligation

Re-instate Acreage Fees

- \$1,750 - \$4,575 per acre developed
- Fee assigned for each zoning district
- Charge each for water and sewer

TOWN OF GARNER
Development Services



Proposed Fee Structure

Zoning Districts	Acreage Fee Charged Each - Water & Sewer
R-40, R-20, R-15, R-12, R-9, RCD-1, RCD-2	\$ 1,750.00
MR-1	\$ 1,990.00
R-5 or RMH	\$ 2,745.00
MF-1	\$ 2,690.00
MF-2	\$ 3,195.00
NO, O&I, NB, CB, SB, MXD	\$ 4,180.00
I-1, I-2	\$ 4,575.00

TOWN OF GARNER
Development Services



Comparison Project 1

Townhome project on 15 acres with 90 units

Existing Fee Structure

- $\$18.07/\text{gallon} \times 22,500 \text{ gallons} = \$406,575$

Proposed Fee Structure

- $\$2.00/\text{gallon} \times 22,500 = \$45,000 +$
- $15 \text{ acres} \times \$5,380 = \$80,700$
- Total Fees = $\$125,700$

TOWN OF GARNER
Development Services



Comparison Project 2

Residential project on 100 acres zoned R-9 with 300 units

Existing Fee Structure

- $\$18.07/\text{gallon} \times 75,000 \text{ gallons} = \$1,355,250$

Proposed Fee Structure

- $\$2.00/\text{gallon} \times 75,000 = \$150,000 +$
- $100 \text{ acres} \times \$3,500 = \$350,000$
- Total Fees = $\$500,000$

TOWN OF GARNER
Development Services



Comparison Project 3

Retail project on 2 acres using 1,500 gallons water/sewer

Existing Fee Structure

- $\$18.07/\text{gallon} \times 1,500 \text{ gallons} = \$27,105$

Proposed Fee Structure

- $\$2.00/\text{gallon} \times 1,500 = \$3,000 +$
- $2 \text{ acres} \times \$8,360 = \$16,720$
- Total Fees = $\$19,720$

TOWN OF GARNER
Development Services



Comparison Project 4

Commercial project on 30 acres using 25,000 gallons water/sewer

Existing Fee Structure

- $\$18.07/\text{gallon} \times 25,000 \text{ gallons} = \$451,750$

Proposed Fee Structure

- $\$2.00/\text{gallon} \times 25,000 = \$50,000 +$
- $30 \text{ acres} \times \$8,360 = \$250,800$
- Total Fees = $\$300,800$

TOWN OF GARNER
Development Services



Recommendation

- The Public Works Committee recommended adoption of the proposed changes
- Council discussed the proposed changes at the March 29, 2016 Work Session and authorized adding the recommended changes to the April 4 agenda for consideration

TOWN OF GARNER
Development Services



Recommended Fee Structure

1. Reduce Capacity Replacement Fee from \$10.89 per gallon to \$2.00 per gallon (\$1.00 water + \$1.00 sewer)
2. Cease Collection of Utility Development Fee of \$7.18 per gallon
3. Reinstate Acreage Fees per the schedule below

Zoning Districts	Acreage Fee Charged Each - Water & Sewer
R-40, R-20, R-15, R-12, R-9, RCD-1, RCD-2	\$ 1,750.00
MR-1	\$ 1,990.00
R-5 or RMH	\$ 2,745.00
MF-1	\$ 2,690.00
MF-2	\$ 3,195.00
NO, O&I, NB, CB, SB, MXD	\$ 4,180.00
I-1, I-2	\$ 4,575.00

TOWN OF GARNER
Development Services



Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: April 4, 2016		
Subject: Award of Town Hall Construction Contract		
Location on Agenda: Old/New Business		
Department: Engineering		
Contact: Tony Chalk, Town Engineer		
Presenter: Tony Chalk, Town Engineer		
Brief Summary: Bids were opened on Wednesday, March 30th for the construction of the new Garner Town Hall. Recommend award of the new Town Hall Construction to the low bidder, Resolute Building Corporation.		
Recommended Motion and/or Requested Action: Award contract to Resolute Building.		
Detailed Notes: See attached memo.		
Funding Source: Bond Project funding.		
Cost:	One Time: <input checked="" type="radio"/>	Annual: <input type="radio"/> No Cost: <input checked="" type="radio"/>
Manager's Comments and Recommendations: Bids are within estimate, therefore, I recommend approval of pre-qualified contractor.		
Attachments Yes: <input checked="" type="radio"/> No: <input type="radio"/>		
Agenda Form Reviewed by:	Initials:	Comments:
Department Head:	TC	
Finance Director:		
Town Attorney:		
Town Manager:	RD	
Town Clerk:		

**Town of Garner
Engineering Department
Memorandum**

To: Rodney Dickerson
Town Manager

From: Tony Chalk PE PLS
Town Engineer

Date: March 30, 2016

Re: Town Hall construction bids

Bids were received and opened today for construction of the new Town Hall and roadway improvements associated with the project.

The apparent low bidder was Resolute Building Corporation in the amount of \$6,555,300 for the base bid, with the building and site work bid totaling \$6,235,300 and the offsite road improvements bid coming in at a cost of \$320,000. The last estimate by ADW for the building construction was \$7,028,804 and the offsite road work was estimated at approximately \$600,000. Obviously the bid received from Resolute is lower than estimates and is within the funds designated for the construction of this project. I recommend award of the contract base bid to Resolute Building Corporation.

There were also 3 alternates which the contractor priced. Alternate 1 was the construction of the parking lot for additional library parking that was bid separately in order to have pricing information for Wake County. Alternate 2 was to install a new generator in lieu of reinstalling the existing generator that was at Town Hall and Alternate 3 was the upgrade of some finishes in the building. The amount bid for each alternate was:

Alternate 1	Alternate 2	Alternate 3
\$129,308	\$70,000	\$13,300

Wake County staff has indicated that the price for the parking lot construction is within their budget to construct and, if awarded, Wake County will be financially responsible for the construction of the parking lot addition. A formal agreement with Wake County would be placed on their agenda for approval by the County Commissioners on April 18th and the agreement could be then placed on the agenda for the Town Council meeting on the 19th. I recommend that Alternate 1 be included in the contract award.

I also recommend award of the other two alternates. The existing generator at Town Hall is 10 years old and equipment of this nature typically has to be replaced every 20 years. The finishes upgrade is mainly to install higher end baseboards throughout the building similar to what is being installed in the lobby areas and with funds available this seems to be a reasonable upgrade to the building.

Bid tabulations of all of the bids received will be available prior to the Council meeting but are not ready to include with the agenda package. Since the contractors bidding were prequalified by the Town, no references need to be checked prior to award of the contract.