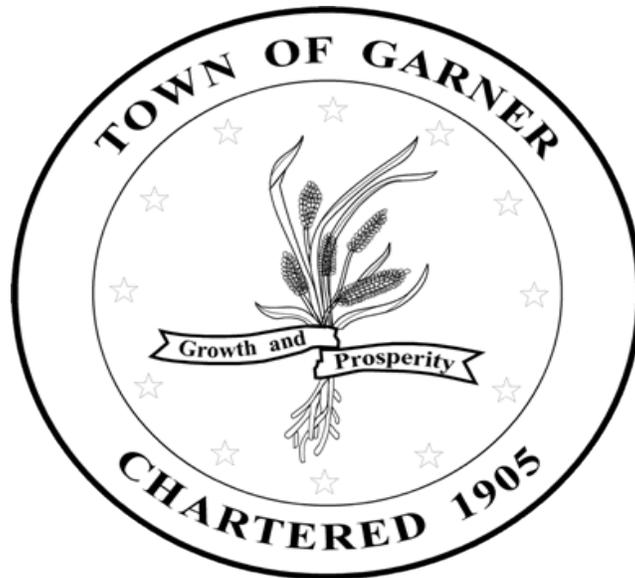


TOWN OF GARNER



TOWN COUNCIL MEETING

July 5, 2016
7:00 P.M.

Garner Police Department
Training Room

**Town of Garner
Town Council Agenda
July 5, 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 Kathy Behringer

C. INVOCATION: Mayor Pro Tem Kathy 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. Recognition of Paul Cox, APWA Award Page 4
Presenter: Keith Pugh, Chapter Awards Chair, NC Chapter of APWA

Presentation to Paul Cox, recipient of the Robert S. Hopson Leadership Service Award. This award is presented by the American Public Works Association to recognize a North Carolina Public Works official working above the supervisory level for outstanding service and meritorious achievement in local government service.

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. Resolution Authorizing Wake County to Collect Property Taxes Page 6

This Resolution gives the Wake County Revenue Administrator authorization to levy and collect real or personal property taxes on behalf of the Town of Garner.

Action: Adopt Resolution No. (2016) 2294

H. PUBLIC HEARINGS

1. Annexation Petition ANX-16-01, Camping World Page 8
Presenter: Jeff Triezenberg, Assistant Planning Director

This annexation petition is associated with the Camping World rezoning and CUP site plan applications. The site is currently located in Wake County's jurisdiction. Council action on the annexation petition is required prior to Council action on the rezoning and CUP applications.

Action: Adopt Ordinance (2016) 3819

2. Rezoning Application CUD-Z-16-05 and Conditional Use Permit-SP-16-15,
Camping World Page 14
Presenter: Jeff Triezenberg, Assistant Planning Director

Request to rezone an 11.84 acre tract located on the south side of US 70 Business at TV Tower Road from Wake County Highway District (HD) to Service Business Conditional Use (SB C185) and request for conditional use permit approval of expanded outdoor sales display areas associated with existing RV Sales and Service use.

Action: Adopt Ordinance (2016) 3820; Approve CUP-SP-16-15

3. Rezoning Application CUD-Z-16-08 and Conditional Use Permit CUP-SB-16-04,
Clifford Road Page 35
Presenter: Brad Bass, Planning Director

Request to rezone a 46.8 acre tract located on Clifford Road from R-40 to R-9 C188 and request for conditional use permit approval of a 115 lot single family subdivision.

Action: Adopt Ordinance (2016) 3821; Approve CUP-SB-16-04

4. Rezoning Application CUD-Z-16-07 and Conditional Use Permit-SP-16-16,
Timber Dr. Office Park Page 53
Presenter: Brad Bass, Planning Director

Request to rezone a 3.49 acre tract located on the south side of Timber Drive, East from R-20 to N-O C187 and request for conditional use permit approval of two office buildings.

Action: Adopt Ordinance (2016) 3822; Approve CUP-SP-16-16

5. Special Use Permit SUP-SB-16-01, McCuller's Walk Subdivision Page 70
Presenter: Jenny Saldi, Senior Planner

Spaulding & Norris, PA is requesting a Special Use Permit for a 94 lot single-family subdivision, on 36.5 acres, off Ten Ten Road as Phase 2 of the McCuller's Walk cluster development. The site can be further identified by Wake County PIN 0699-06-9571.

Action: Approve Special Use Permit SUP-SB-16-01

I. NEW/OLD BUSINESS

1. General Use Rezoning Z-16-02, 1650 Mechanical Boulevard Page 78
Presenter: Brad Bass, Planning Director

Request by Amerco Real Estate Company to rezone a .328 acre tract of land located at 1650 Mechanical Boulevard from Community Retail (CR) to Service Business (SB).

Action: Adopt Ordinance (2016) 3823

J. COMMITTEE REPORTS

K. MANAGER REPORTS

1. garner info

L. ATTORNEY REPORTS

M. COUNCIL REPORTS

N. CLOSED SESSION

Pursuant to 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."

O. ADJOURNMENT

Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: May 2, 2016		
Subject: Recognition of Paul Cox		
Location on Agenda: Presentations		
Department: Administration		
Contact: Stella Gibson, Town Clerk		
Presenter: Keith Pugh, Chapter Awards Chair, NC Chapter of APWA		
Brief Summary: Presentation to Paul Cox, recipient of the Robert S. Hopson Leadership Service Award. This award is presented by the American Public Works Association to recognize a North Carolina Public Works official working above the supervisory level for outstanding service and meritorious achievement in local government service.		
Recommended Motion and/or Requested Action: Presentation only		
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: Congratulations on this tremendous honor and recognition by your peers. Paul Cox is an integral part of what makes Garner a great Town.		
Attachments Yes: <input checked="" type="radio"/> No: <input type="radio"/>		
Agenda Form Reviewed by:	Initials:	Comments:
Department Head:	SG	
Finance Director:		
Town Attorney:		
Town Manager:	RD	
Town Clerk:		

PRESS RELEASE

Mr. Paul Cox (Public Works Director, Town of Garner) was recently recognized by the American Public Works Association (APWA) with the Robert S. Hopson Leadership Service Award. This recognition took place during the 59th Annual American Public Works Association, North Carolina Chapter Conference and Exposition in Concord, NC on Thursday, June 16, 2016.

The Robert S. Hopson Award is presented annually by the North Carolina Chapter to recognize an individual for outstanding service and meritorious achievement in local government. Mr. Paul Cox's nomination package spoke highly of his work ethic, his character and his commitment to personal and professional growth. Paul has been a resident of Garner since 1959 and a Town of Garner employee in various capacities for more than 23 years. Paul and his team of dedicated public works professionals place personal attention to residents as the highest priority and are often praised at town council meetings for their public service. Garner has nearly doubled in size during Paul's career, yet his department has only grown by 6 employees. He leads by example and hires exemplary personnel to increase efficiency, effectiveness and productivity. He believes in providing the proper tools and training to get the job done without sacrificing service levels. Under Paul's leadership and guidance the town became the first APWA Accredited Public Works Agency in North Carolina (one of only 108 agencies nationwide). Paul has served the North Carolina Chapter in several leadership capacities including President of the Streets Division in 2010. He has served as a director on the APWA-NC Executive Board and has chaired the PACE Committee since 2013. He is currently active on the Chapter's 60th Anniversary Committee.

About the Award

The Robert S. Hopson Award is presented annually by the Chapter to recognize individuals who are employed in public works for outstanding service and meritorious achievement in local government service. This award expressly includes managers, Commissioners of Public Works, Public Works Directors, City Engineers, Utility Managers, their assistants or other public works employee above the first line supervisory level. The award is named for Mr. Robert S. Hopson, former Public Works Director for the City of Charlotte. Mr. Hopson served as the Virginia Chapter president in 1962, The national APWA president in 1967 and the North Carolina Chapter president in 1976. Mr. Hopson has Chapter service awards named in his honor in Virginia and NC. The award has been given to a deserving individual each year since 1993. Paul Cox is the 24th recipient of this award.

About APWA

The American Public Works Association (www.apwa.net) is a not--for--profit, international organization of more than 29,450 members involved in the field of public works. APWA serves its members by promoting professional excellence and public awareness through education, advocacy and the exchange of knowledge. APWA is headquartered in Kansas City, Missouri, has an office in Washington, D.C. and 63 Chapters in North America. The North Carolina Chapter has 990 members.

Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: July 5, 2016		
Subject: Authorization for Wake County Revenue to Levy & Collect Garner Property Taxes		
Location on Agenda: Consent		
Department: Finance		
Contact: Pam Wortham, Finance Director		
Presenter: Pam Wortham, Finance Director		
Brief Summary: This Resolution authorizes the Wake County Revenue Administrator to levy and collect property taxes for the Town of Garner for the FY 16-17 budget year.		
Recommended Motion and/or Requested Action: Adopt Resolution (2016) 2294		
Detailed Notes:		
Funding Source:		
Cost:	One Time: <input type="radio"/>	Annual: <input type="radio"/> No Cost: <input checked="" type="radio"/>
Manager's Comments and Recommendations: None		
Attachments Yes: <input checked="" type="radio"/> No: <input type="radio"/>		
Agenda Form Reviewed by:	Initials:	Comments:
Department Head:	PW	
Finance Director:	PW	
Town Attorney:		
Town Manager:	RD	
Town Clerk:		

RESOLUTION NO. (2016) 2294

**A RESOLUTION OF THE GARNER TOWN COUNCIL
AUTHORIZING THE WAKE COUNTY REVENUE ADMINISTRATOR
TO LEVY AND COLLECT PROPERTY TAXES FOR THE TOWN OF GARNER**

BE IT RESOLVED by the Town Council of the Town of Garner, North Carolina, as follows:

The Wake County Revenue Administrator is hereby authorized, empowered, and commanded to levy and collect taxes set forth in the tax records filed in the Office of the Wake County Revenue Administrator in the amounts and from the taxpayers likewise therein set forth.

This resolution bestows the Wake County Revenue Administrator with full and sufficient authority to levy and collect any real or personal property taxes on behalf of the town of Garner, North Carolina.

Witness my hand and official seal, this 5th day of July, 2016.

Ronnie S. Williams
Mayor

ATTEST:

Stella Gibson
Town Clerk

Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: July 5, 2016		
Subject: Annexation Petition ANX-16-01, Camping World		
Location on Agenda: Public Hearings		
Department: Planning		
Contact: Brad Bass, Planning Director		
Presenter: Jeff Triezenberg, Assistant Planning Director		
Brief Summary: This annexation petition is associated with the Camping World rezoning and CUP site plan applications. The site is currently located in Wake County's jurisdiction. Council action on the annexation petition is required prior to Council action on the rezoning and CUP applications.		
Recommended Motion and/or Requested Action: Adopt Ordinance (2016) 3819		
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
July 5, 2016

ANNEXATION APPLICATION:	ANX 16-01
OWNER:	Store Master Funding II, LLC
CONTIGUOUS / SATELLITE:	Satellite
LOCATION OF PROPERTY:	2300 US 70 HWY E
WAKE COUNTY PIN #:	1730833029, 1730827972,1730827832
REAL ESTATE ID #:	0007437, 0067820, 0076780
AREA:	11.84 acres
ZONING:	Wake County Highway District (HD) (Town of Garner Rezoning Pending)
ASSOCIATED DEVELOPMENT PLAN:	Camping World (CUD Z 16-05, CUP SP 16-15)
EXISTING USE:	RV retail sales
RECOMMENDATION	Adopt annexation ordinance
<u>KEY DATES:</u>	<u>KEY DATES:</u>
RESOLUTION TO INVESTIGATE:	June 6, 2016
PUBLIC HEARING:	July 5, 2016
ANNEXATION EFFECTIVE:	July 5, 2016

Return to:
Stella Gibson
Town of Garner
900 7th Avenue
Garner, NC 25729

ORDINANCE NO. (2016)3819
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 July 5, 2016, after due notice by the *Garner Cleveland Record* on June 22, 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 July 5, 2016.

(ANX 16-01) Camping World

An 11.84 acre tract located at 2300 US 70 HWY E; the site can be identified as Wake County PIN 1730833029, 1730827972, 1730827832 and Real Estate ID 0007437, 0067820, 0076780; the property is recorded in Deed Book 015451 Page 02427.

Section 2. Upon and after July 5, 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 5th day of July, 2016.

Mayor

ATTEST:

Town Clerk

CERTIFICATION OF TOWN CLERK

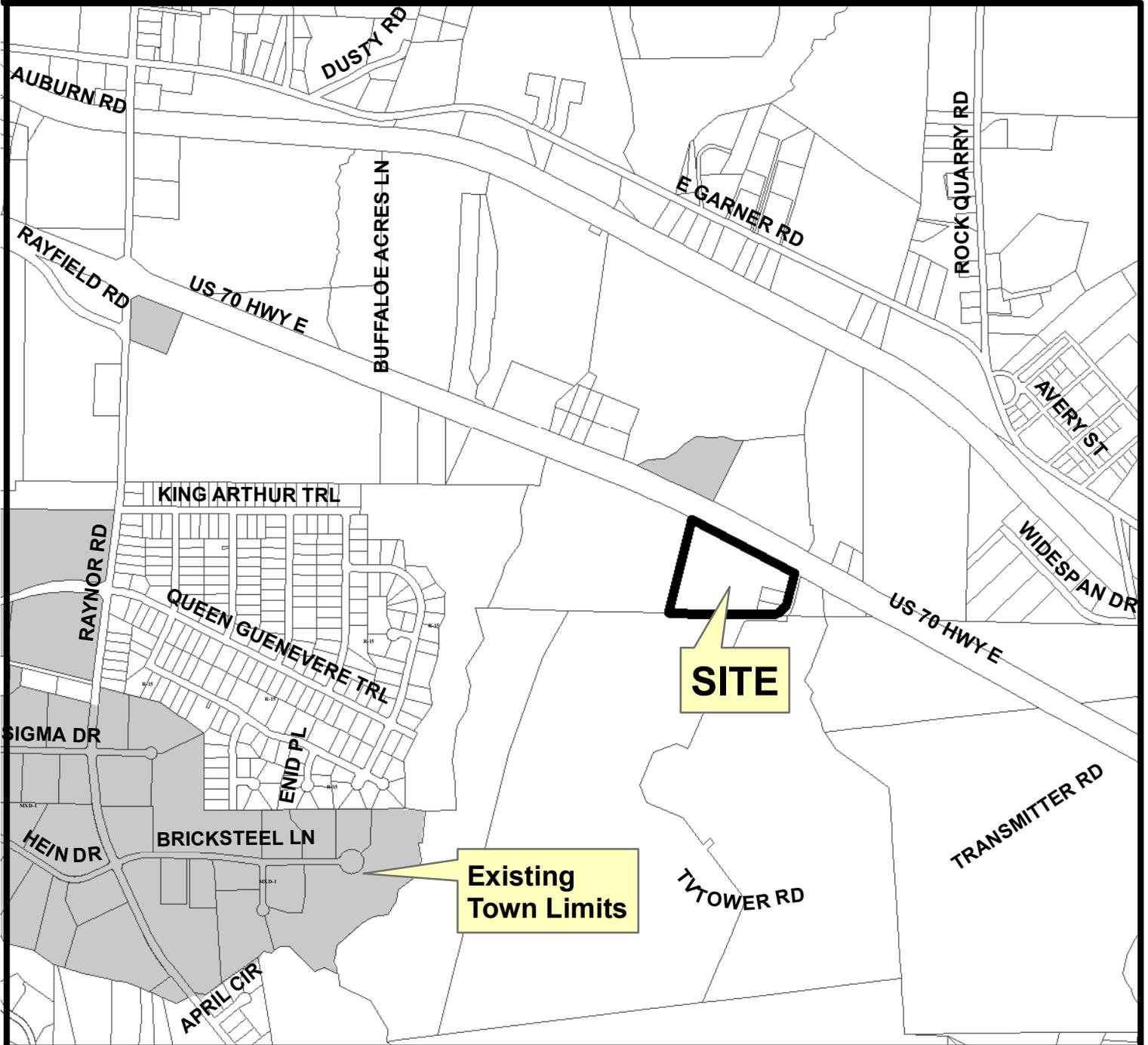
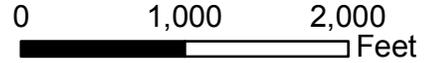
I, Stella Gibson, do hereby certify this is a true copy of Ordinance No. (2016) 3819 adopted by the Town Council at their meeting on July 5, 2016. Said Ordinance is recorded in the office of the Town Clerk, Garner Town Hall, Garner, North Carolina.

IN WITNESS WHEREOF, I have hereunto affixed my hand and the seal of the Town of Garner, this 5th day of July, 2016.

Stella Gibson, Town Clerk

**Town of Garner
Planning Department**

**Annexation
ANX 16-01**



Property Location: 2300 US 70 HWY E
Property Owner: Store Master Funding II, LLC
PIN: 1730833029, 1730827972, 1730827832
Acreage: 11.84
Project: Rezoning CUD-Z-16-05 & CUP-SP-16-15

GARNER POLICE ZONE: 8409

Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: July 5, 2016		
Subject: Rezoning Application CUD-Z-16-05 and Conditional Use Permit-SP-16-15, Camping World		
Location on Agenda: Public Hearings		
Department: Planning		
Contact: Jeff Triezenberg, Assistant Planning Director		
Presenter: Jeff Triezenberg, Assistant Planning Director		
Brief Summary: Request to rezone an 11.84 acre tract located on the south side of US 70 Business at TV Tower Road from Wake County Highway District (HD) to Service Business Conditional Use (SB C185) and request for conditional use permit approval of expanded outdoor sales display areas associated with existing RV Sales and Service use.		
Recommended Motion and/or Requested Action: Approve Ordinance (2016) 3820; Consider Approval of CUP-SP-16-15.		
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: None		
Attachments Yes: <input checked="" type="radio"/> No: <input type="radio"/>		
Agenda Form Reviewed by:	Initials:	Comments:
Department Head:	MBB/jst	
Finance Director:		
Town Attorney:		
Town Manager:		
Town Clerk:		

TOWN OF GARNER
STAFF REZONING REPORT
Town Council Public Hearing
July 5, 2016

APPLICATIONS: CUD-Z-16-05 & CUP-SP-16-15

APPLICANT: FreedomRoads, LLC

OWNER: Store Master Funding II, LLC

LOCATION OF PROPERTY: US 70 Highway E & TV Tower Road

WAKE COUNTY PIN #: 1730-83-3029, 1730-82-7972, 1730-82-7832

AREA: 11.84 acres

TOWN LIMITS: Annexation Petition Filed

PRESENT ZONING: Wake County Highway District (HD)

REQUESTED ZONING: Service Business Conditional Use (SB C185)

OVERLAY DISTRICTS: US 70/401 Thoroughfare Overlay

KEY MEETING DATES:

Planning Commission: June 13, 2016

Public Hearing & Town Council Action: July 5, 2016

EXISTING ZONING

The 11.84-acre rezoning site is currently zoned **Wake County Highway District (HD)**. The Service Business (SB) zoning district is designed to accommodate commercial activities that are more intense in nature than those permitted in neighborhood or community business districts. This district allows merchandise or equipment to be stored and operations to be conducted outside of a building.

The following is a list of permitted uses in the Wake County HD district:

1. All Household Living (except mobile home subdivisions/parks)
2. All Group Living
3. All colleges and universities
4. All cultural exhibits/libraries
5. All Day Care
6. Hospitals
7. Lodge or Private Club
8. All Parks and Recreation
9. Parking, Park and Ride
10. Religious Assembly
11. Governmental
12. School
13. All Animal Services
14. Automated teller machine (freestanding)
15. Financial service – Drive-through facility
16. All other financial services (except pawnshop, currency exchange or payday loan)
17. All Funeral and Interment
18. Gas Station
19. All Lodging
20. All Office
21. Parking, Commercial
22. Recreation and Entertainment, Indoor
23. All Recreation and Entertainment, Outdoor
24. All Retail Sales and Service (except mobile home sales)
25. Vehicle repair/service
26. Vehicle sales, leasing or rental
27. Artisan manufacturing, production and industrial service
28. Limited/light manufacturing, production and industrial service
29. General manufacturing, production and industrial service
30. Self-Service Storage
31. Freight handling, storage and distribution
32. Warehousing
33. Wholesale Trade
34. Land-clearing and inert debris landfills, C&D landfills

35. Recycling collection (household collection only)
36. Airfields and Landing Strips
37. Farm Serving Uses, Class I and II
38. Forestry
39. Solar Energy Systems
40. Special Events
41. Static Transformer Stations, Radio/TV and Towers, Relay Station
42. All Telecommunication Facilities
43. All Water Towers

PROPOSED ZONING

The proposed zoning district is **Service Business Conditional Use District 185 (SB C185)**. The SB district is primarily a commercial district with some office, institutional and light industrial uses permitted as well.

The following is a list of permitted uses in the R-9 C186 district. Prohibited uses are struck through.

1. Security or Caretaker's Quarters
2. Community Center
3. Library, Museum, Art Gallery, Art Center
4. Other Community Service
5. Civil, Service Fraternal Clubs, Lodges and Similar Uses
- ~~6. Adult Day Care~~
- ~~7. Day Care Center~~
8. Business School, College or University Satellite in Single Building
- ~~9. College/University~~
10. Trade/Vocational School
11. Music/Dance/Art Instruction
- ~~12. Funeral Home and Crematorium~~
13. Ambulance Service, Rescue Squad, Police or Fire Station
14. Government, Utility Facility with Outdoor Storage
15. Government Office
16. Medical Clinic
- ~~17. Nursing Care Institution~~
- ~~18. Cemetery~~
19. Public Park, Swimming Pool, Tennis Court, Golf Course
20. Bus Passenger Terminal
21. Taxicab, Limousine Operations or Facility
22. Religious Institution
23. Minor Utility, Elevated Water Storage Tank
- ~~24. Solar Farms (not allowed in overlay)~~
25. Telecommunication Facility
- ~~26. Other Major Utility~~

- ~~27. Bar, Nightclub, Tavern~~
- ~~28. Golf Course or Country Club, Private~~
29. Gym, Spa, Indoor Tennis Court or Pool, Private
30. Indoor Entertainment Facility
- ~~31. Electronic Gaming Centers~~
32. Outdoor Athletic or Entertainment Facility, Private
- ~~33. Sexually Oriented Business (not allowed in overlay)~~
34. Theater
- ~~35. Theater, Drive-In (not allowed in overlay)~~
36. Water Slide, Golf Driving Range, Miniature Golf, Batting Cage or Similar Use
37. Medical Office, Individual
38. Other Office
- ~~39. Bed and Breakfast~~
40. Extended Stay Facility
41. Hotel/Motel
- ~~42. Parking, Commercial~~
43. Restaurant, Drive-In or Outdoor Curb Service
44. Restaurant, Indoor with Seating Only
45. Restaurant with Seating and Drive-Through Window
46. Restaurant, Take-Out Only (Drive-Through or Walk Up)
47. Convenience Store without Fuel Sales
48. Convenience Store with Fuel Sales
- ~~49. Open Air Market~~
50. Personal Service-Oriented Use (excludes commercial greenhouses or any use with outdoor ops)
51. Hair Salons, Barbershops, Beauty Shops
52. Banks or Financial Institution
53. Repair Oriented Use (no outdoor operations)
54. Sales Oriented Use (no outdoor operations)
55. Sales Oriented Use with Outdoor Operations
56. Veterinarian/Kennel, Indoor
57. Veterinarian/Kennel with Outdoor Operations
58. Self-Service Storage
59. Car Wash
60. Vehicle General Repair
61. Vehicle Sales, Rental
62. Vehicle Service, Limited
- ~~63. Vehicle Towing, Storage (not allowed in overlay)~~
64. Flex Space
65. Industrial Use, Indoor
66. Industrial Use with Outdoor Operation
- ~~67. Storage (including Outdoor) (not allowed in overlay)~~
- ~~68. Recyclable Materials Collections Center (not allowed in overlay)~~
69. Wholesale Sales

OVERLAY DISTRICT

This property will be 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. These restrictions were noted in the preceding section; however, a complete list follows:

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

Note: There is an existing residential use directly opposite this site across TV Tower Road.

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

SUMMARY OF ZONING REQUEST

The rezoning site is 11.84 acres and is located on the southwest quadrant of the intersection of US 70 Highway East and TV Tower Road. The site has been zoned Wake County Highway District (HD) since Wake County adopted a new Unified Development Ordinance in 2006. This area was designated as a 2-Mile Community (Secondary Residential) area in the 2006 Garner Comprehensive Growth Plan, but also directly adjacent to Future Employment Center designations and Proposed Open Space Areas. However, it should also be noted that this site is outside the Town’s current ETJ boundary and may not have received as much scrutiny during the comprehensive planning process.

The applicant is requesting to rezone the site from Wake County Highway District (HD) to Service Business Conditional Use (SB C185) and plans to expand the current Vehicle Sales use on site. The US 70/401 Thoroughfare Overlay District will also be applied to this site. (See applications CUD-Z-16-05 and CUP-SP-16-15.)

SURROUNDING ZONING & LAND USE

North:	CU-HC / I-1	One Residence, Vacant Rail Spur Parcel / Viztek
South:	HD	TV Transmission Towers
East:	HD	One Residence, Vacant Land
West:	HD	Vacant Land, Scrap metal/Automotive core purchasing business

NEIGHBORHOOD CHARACTER

This area of the community is predominantly vacant with a few single-family residences in a rural setting. Various commercial and industrial uses are in the general vicinity, and the site sits on a major thoroughfare – US 70 Business. Plans for the extension of NC 540 call for an interchange directly west of the site.

ZONING HISTORY

The only Garner re-zoning in this area occurred with the annexation of the Viztek property on the north side of US 70.

Case	Applicant	Location	Zoning Change
CUD-Z-14-01	William Sparkman	US 70 East	Wake County HD to I-1 C172

INFRASTRUCTURE

Water & Sewer Service

The site does not have access to public sewer and will not be required to connect to public water by the City of Raleigh due to the distance and expense of accessing the water main which is located on the opposite side of US 70 Business. The site is currently served by adequate private well and septic service. For more info, see application CUP-SP-16-15.

TRANSPORTATION

The 11.84-acre rezoning site has a little over 900 feet of road frontage along US 70 Business and approximately 550 feet of road frontage along TV Tower Road which wraps around behind the site. US 70 Business is a 4-lane divided median highway with additional turning lanes while TV Tower Road is a 2-lane local road. US 70 Business is maintained by NCDOT and TV Tower Road is a public right-of-way that has not yet been accepted for public maintenance. US 70 Business is classified as a major thoroughfare on the *Garner Transportation Plan* with planned expansion to a 6-lane divided highway. Traffic Counts to the east near Clayton are 33,000 vehicles per day, while they increase slightly to 35,000 vehicles per day just west of Auburn-Knightdale/Raynor roads.

The proposed zoning change from Wake County HD to SB C185 would maintain the overall potential development intensity on the property as both districts would allow high-volume retail sales. Consequently, there is no net change in potential traffic generation anticipated due to this zoning change.

ENVIRONMENT

The rezoning site is not within the 100 and 500-year FEMA flood plains.

Topographic data shows that the area general drains to the west and south.

STAFF COMMENTARY

Conformity to Adopted Town Plans

While the rezoning site generally falls within the boundaries of the 2006 *Comprehensive Growth Plan*, the site may also be considered somewhat outside of it due to the abrupt edge of the Employment Center area boundary coinciding with the current ETJ boundary.

According to the 2006 *Town of Garner Comprehensive Growth Plan*, this area was designated as "**Community Secondary Residential**", but also directly adjacent to Future Employment Center designations and Proposed Open Space. Again, it should also be noted that this site is outside the Town's current ETJ boundary and may not have received as much scrutiny during the comprehensive planning process. The recommended zoning districts for the Community Secondary Residential designation include: R-40, R-20, R-15, TND and PRD with a residential density of 1 to 2.5 dwelling units per acre. However, this designation is also typically found along "Minor Streets" such as a cul-de-sac or lane, and the land use is predominately residential – neither of which are the prevailing pattern.

Alternatively, the Employment Center designation which may be considered to extend along the US 70 Business corridor as staff has suggested would add the recommended zoning districts: SB, I-1, I-2 and MXD. This designation is found along "Major Thoroughfares", "Minor Thoroughfares", and the land use is predominately mixed. Given the presence of US 70 Business and the commercial/industrial nature of the nearest land uses, staff feels this designation is most appropriate for the area.

Given the preceding commentary, the requested zoning change from Wake County Highway District (HD) to Service Business Conditional Use (SB C185) may be deemed consistent with the recommendations of the *Comprehensive Growth Plan* for this area of the community.

STAFF RECOMMENDATION

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

The Planning Commission reviewed this application at their June 13, 2016 meeting.

Rezoning Action

The Planning Commission and staff find that Rezoning Application CUD-Z-16-05 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-16-05 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.

**TOWN OF GARNER
STAFF CONDITIONAL USE PERMIT REPORT**

PROJECT DATA:

Acreage:	11.84 acres
Building Size:	The existing building on site is 28,345 square feet.
Building Material and Color:	Existing – no changes proposed
Parking Spaces:	Existing – no changes proposed 59 paved and marked spaces provided of which 4 are accessible (26 additional gravel spaces)
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:	No changes to building proposed.
Number of fire hydrants provided on-site:	0
Number of fire hydrants within 500 feet of the building:	1
Fire flow:	Fire flow data not required for this existing building.
Landscaping:	Please refer to General Comments.
Lighting:	Existing – no changes proposed
Water/Sewer:	Existing private systems – no public connection required.
Street Access/Sidewalks:	Existing entrance off US 70 Business and 2 entrances off of TV Tower Road. No sidewalk, existing or proposed.

GENERAL COMMENTS

Under the proposed zoning of Service Business Conditional Use (SB C185) the expanded areas for vehicle sales requires the perimeter buffers for the site to meet the requirements of Section 7.1 of the UDO. Furthermore, new vehicle accommodation areas must also meet the landscaping requirements of Section 7.1 of the UDO. Finally, the expansion of impervious area on this 11.84-acre site, also requires the project to meet the stormwater requirements of Section 7.2 of the UDO.

Landscaping – The required corner side buffer between vehicle sales/repair and a single family home is 25 feet. Existing conditions on the site already provide a 6-foot white vinyl privacy fence which achieves the objective of screening the vehicle accommodation areas from adjacent uses which would otherwise be accomplished with landscaping. The applicant has provided the required fence “softening” elements which must cover a minimum of 25% of the fence area as well as street trees which will provide additional partial screening to higher elevations.

The required rear and side buffers between the vehicle sales/repair use and adjacent vacant areas or telecommunication towers is 15 feet, and the requirements are met with existing vegetation.

Finally, the US 70/401 Thoroughfare Overlay District requires a 7.5-foot streetscape buffer along the front of the site. The applicant has proposed a row of shrubs to complement the existing decorative ranch-style white vinyl fence. These shrubs also achieve the requirement to screen vehicle accommodation areas from the public right-of-way. Due to the presence of overhead power lines, the street tree requirement is being met with shorter single-stem Natchez (white) crape myrtles.

Stormwater management – This project is subject to nitrogen and water quantity requirements. The developer is converting an existing dry detention pond to a wet retention pond which will be configured to handle detention of the 1, 10 and 25 year storm events along with reducing nitrogen. Due to the project having preexisting impervious areas, when the nitrogen reduction from the wet pond is considered, the nitrogen export for the site is below the amount allowed in the Neuse rules.

CONSISTENCY WITH ADOPTED TOWN PLANS AND POLICIES:

- 2006 Comprehensive Growth Plan:** This site is near the Employment Center designation and is located in an area that is a logical extension of that designation; therefore, the project may be found to be 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:** The project, as proposed, is consistent with the regulations of the Unified Development Ordinance.

STAFF RECOMMENDATION

Conditional Use Permit Action

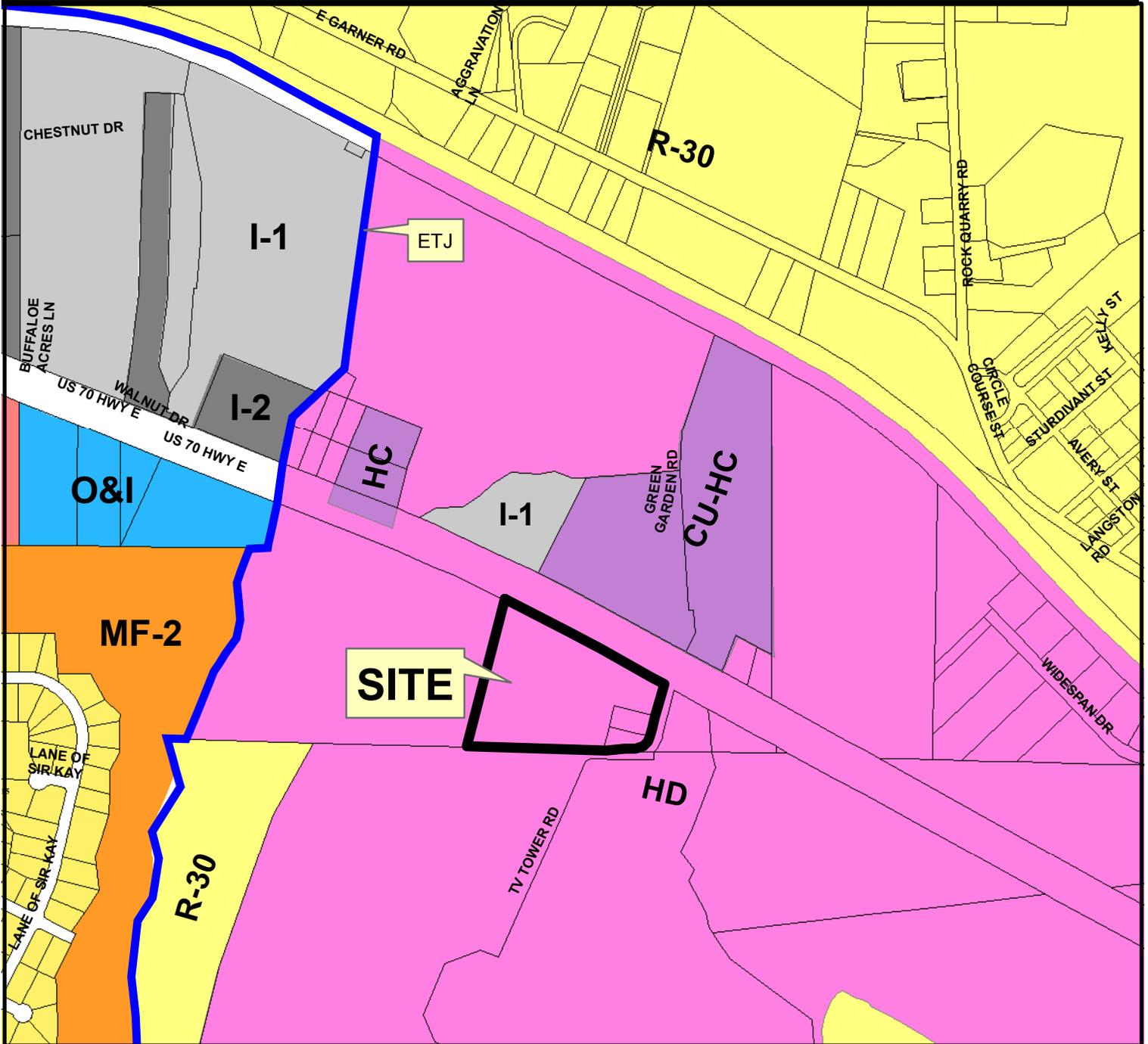
The Planning Commission and staff have reviewed the conditional use permit site plan and recommend approval of Application CUP-SP-16-15, Camping World, with the following condition:

1. Prior to the approval of Construction Drawings, a recombination plat must be recorded with the Wake County Register of Deeds.

Town of Garner Planning Department

Conditional Use Applications CUD-Z-16-05 & CUP-SP-16-15

0 500 1,000 Feet



Project: Camping World
 Owner: Store Master Funding II, LLC
 Applicant: FreedomRoads, LLC
 PIN: 1730833029, 1730827972,
 1730827832

Case: CUD-Z-16-05
 Current Zoning: Wake County Highway District (HD)
 Proposed Zoning: Town of Garner Service Business
 Conditional Use (SB C185)
 Project Acreage: 11.84
 Proposed Overlay: US 70 / 401

Case: CUP-SP-16-15
 Existing: RV Sales
 Proposed: Annexation Petition

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

ORDINANCE NO. (2016) 3820

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 Freedom Roads LLC in Rezoning Application No. **CUD-Z-16-05 (SB C185)**.

Section 2. There is hereby created a new conditional use zoning district, to be known as the Service Business Use District 185 **CUD-Z-16-05 (SB C185)** within this district, all of the regulations that apply to property within the Service Business Use District 185 **CUD-Z-16-05 (SB C185)** 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 in the Service Business Conditional Use District 185 (SB C185) district. Prohibited uses are struck through.

1. Security or Caretaker's Quarters
2. Community Center
3. Library, Museum, Art Gallery, Art Center
4. Other Community Service
5. Civil, Service Fraternal Clubs, Lodges and Similar Uses
- ~~6. Adult Day Care~~
- ~~7. Day Care Center~~

8. Business School, College or University Satellite in Single Building
- ~~9. College/University~~
10. Trade/Vocational School
11. Music/Dance/Art Instruction
- ~~12. Funeral Home and Crematorium~~
13. Ambulance Service, Rescue Squad, Police or Fire Station
14. Government, Utility Facility with Outdoor Storage
15. Government Office
16. Medical Clinic
- ~~17. Nursing Care Institution~~
- ~~18. Cemetery~~
19. Public Park, Swimming Pool, Tennis Court, Golf Course
20. Bus Passenger Terminal
21. Taxicab, Limousine Operations or Facility
22. Religious Institution
23. Minor Utility, Elevated Water Storage Tank
- ~~24. Solar Farms (not allowed in overlay)~~
25. Telecommunication Facility
- ~~26. Other Major Utility~~
- ~~27. Bar, Nightclub, Tavern~~
- ~~28. Golf Course or Country Club, Private~~
29. Gym, Spa, Indoor Tennis Court or Pool, Private
30. Indoor Entertainment Facility
- ~~31. Electronic Gaming Centers~~
32. Outdoor Athletic or Entertainment Facility, Private
- ~~33. Sexually Oriented Business (not allowed in overlay)~~
34. Theater
- ~~35. Theater, Drive-In (not allowed in overlay)~~
36. Water Slide, Golf Driving Range, Miniature Golf, Batting Cage or Similar Use
37. Medical Office, Individual
38. Other Office
- ~~39. Bed and Breakfast~~
40. Extended Stay Facility
41. Hotel/Motel
- ~~42. Parking, Commercial~~
43. Restaurant, Drive-In or Outdoor Curb Service
44. Restaurant, Indoor with Seating Only
45. Restaurant with Seating and Drive-Through Window
46. Restaurant, Take-Out Only (Drive-Through or Walk Up)
47. Convenience Store without Fuel Sales
48. Convenience Store with Fuel Sales
- ~~49. Open Air Market~~
50. Personal Service-Oriented Use (excludes commercial greenhouses or any use with outdoor ops)
51. Hair Salons, Barbershops, Beauty Shops

52. Banks or Financial Institution
53. Repair Oriented Use (no outdoor operations)
54. Sales Oriented Use (no outdoor operations)
55. Sales Oriented Use with Outdoor Operations
56. Veterinarian/Kennel, Indoor
57. Veterinarian/Kennel with Outdoor Operations
58. Self-Service Storage
59. Car Wash
60. Vehicle General Repair
61. Vehicle Sales, Rental
62. Vehicle Service, Limited
- ~~63. Vehicle Towing, Storage (not allowed in overlay)~~
64. Flex Space
65. Industrial Use, Indoor
66. Industrial Use with Outdoor Operation
- ~~67. Storage (including Outdoor) (not allowed in overlay)~~
- ~~68. Recyclable Materials Collections Center (not allowed in overlay)~~
69. Wholesale Sales

OVERLAY DISTRICT

This property will be 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. These restrictions were noted in the preceding section; however, a complete list follows:

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

Note: There is an existing residential use directly opposite this site across TV Tower Road.

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

The following is a list of zoning conditions for the proposed Service Business Conditional Use District 185 (SB C185) district:

- 1. Prior to the approval of Construction Drawings, a recombination plat must be recorded with the Wake County Register of Deeds.

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
Freedom Roads, LLC	1730833029, 1730827972 and 1730827832	Wake County Highway District (HD)	Service Business Conditional Use District 185 (SB C185)

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 5th day of July 2016.

MAYOR

ATTEST: _____
TOWN CLERK

CERTIFICATION OF TOWN CLERK

I, Stella Gibson, do hereby certify this is a true copy of Ordinance No. (2016) 3820 adopted by the Town Council at their meeting on July 5, 2016. Said Ordinance is recorded in the office of the Town Clerk, Garner Town Hall, Garner, North Carolina.

IN WITNESS WHEREOF, I have hereunto affixed my hand and the seal of the Town of Garner, this 5th day of July, 2016.

Stella Gibson, Town Clerk

REZONING ACTION MOTION WORKSHEET

Application #: CUD-Z-16-05 from Wake County HD to SB C185

Applicant: FreedomRoads, LLC

MOTION TO APPROVE REZONING REQUEST:

I move that the Council find the following regarding rezoning application CUD-Z-16-05

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-16-05 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-16-05.

(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-16-05; 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,

**TOWN OF GARNER
CUP-SP-16-15
CONDITIONAL USE PERMIT**

APPLICANT	FreedomRoads, LLC Attn: Melissa Nance 250 Parkway Dr, Suite 270 Lincolnshire, IL 60069-4346
LOCATION	South side of US 70 Business, west of TV Tower Rd
USE	Vehicle Sales and Vehicle Service, Limited
DATE ISSUED	July 5, 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 3.14E: 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. Prior to the approval of Construction Drawings, a recombination plat must be recorded with the Wake County Register of Deeds.

c: Red Line Engineering, P.C.
Attn: Gary McCabe, P.E.
3305-109 Durham Dr.
Raleigh, NC 27603

Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: July 5, 2016		
Subject: Rezoning Application CUD-Z-16-08 and Conditional Use Permit CUP-SB-16-04, Clifford Road		
Location on Agenda: Public Hearings		
Department: Planning		
Contact: Brad Bass, Planning Director		
Presenter: Brad Bass		
Brief Summary: Request to rezone a 46.8 acre tract located on Clifford Road from R-40 to R-9 C188 and request for conditional use permit approval of a 115 lot single family subdivision.		
Recommended Motion and/or Requested Action: Approve Ordinance 3821; Consider Approval of CUP-SB-16-04.		
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: 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
July 5, 2016**

APPLICATIONS: CUD-Z-16-08 (Conditional Use Rezoning)
CUP-SB-16-04 (Conditional Use Subdivision Plan)

APPLICANT: Hopper Communities

OWNER: Martha Bagley

LOCATION OF PROPERTY: Clifford Road

WAKE COUNTY PIN #: 1629152660

AREA: 46.8 acres

TOWN LIMITS: No (petition to annex will need to be filed)

PRESENT ZONING: R-40

REQUESTED ZONING: R-9 Conditional Use (R-9 C188)

OVERLAY DISTRICTS: Swift Creek Overlay District

KEY MEETING DATES:

Planning Commission: **June 13, 2016**
Town Council Public Hearing & Action: **July 5, 2015**

REZONING REPORT

EXISTING ZONING (R-40)

The existing zoning of the 46-acre site is **Residential 40 (R-40)**. This district allows single-family lots of at least 40,000 square feet (0.91 acres). Under this zoning, the 46-acre rezoning site could accommodate approximately 150-160 single-family lots.

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. Family Care home
5. Group care home
6. Intermediate care home
7. Community center
8. Lodges and fraternal clubs
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 farms
18. Telecommunications facility
19. Other major utility
20. Private golf course or country club
21. Horse stables
22. Bed and breakfast
23. Agriculture or silvi-culture

PROPOSED ZONING (R-9 C188)

The proposed zoning district is **Residential 9 Conditional Use District 188 (R-9 C188)**. The R-9 district is primarily a residential district allowing single-family lots of at least 9,000 square feet (0.21 acres).

The following is a list of permitted uses in the R-9 C188 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. 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 golf course or country club
16. Bed and Breakfast

The following conditions are proposed for R-9 C188.

- 1) Each house must have at a minimum of 1800 sft. of heated floor space
- 2) Each house must have a deck or concrete patio (120 sft. min)
- 3) Each house must be constructed of hardiplank, masonry (brick or stone) or vinyl siding (minimum gauge 0.45) on at least 80% of each side
- 4) Each house must have a masonry foundation with crawl space (not including the garage) or stem wall slab foundation with a minimum height of 12 inches with brick/stone veneer on front and sides. If builder elects to only use brick/stone on front stem wall only, then builder will provide landscaping along the sides approved by the Town of Garner. All foundation sides without brick/stone will be parched concrete.
- 5) Each house will have a two-car garage
- 6) All permitted uses for R-9 Zoning are allowable
- 7) A 15' undisturbed buffer will be provided along the rear property lines lots 7-14 and lots 97-99 as shown on the Clifford Road Preliminary Subdivision Plan.

SUMMARY OF ZONING REQUEST

This 46-acre site is currently zoned R-40 on Clifford Road. The applicant proposes to develop the site into a residential subdivision with public water & sewer.

Conditional use rezoning application CUD Z 16-08 has been filed to rezone the site to R-9 Conditional Use District 188 (R-9 C188). The applicant is proposing development conditions that would apply to each residential structure built on the site.

Conditional use subdivision application CUP SB 16-04 has been filed to develop the site into a 115-lot single-family subdivision.

SURROUNDING ZONING & LAND USE

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

NEIGHBORHOOD CHARACTER

This area of the community along New Bethel Church Road and Clifford 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
CUD Z-15-06	Phyllis King	Oak Park Subdivision	R-40 to R-9 C180

*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. Water is available along Clifford Road. The developer will extend sewer service to the proposed development. Connection will be subject to the Town's utility policy. More information is described in the proposed subdivision plan (CUP-SB-16-04).

TRANSPORTATION

The site has approximately 1,591 feet of frontage along Clifford Road (SR 2706). Clifford Road is a 2-lane facility with a 60' right-of-way. It is maintained by NC DOT and is classified as a future **Minor Thoroughfare** by the *Garner Transportation Plan*. The Average Daily Traffic (ADT) volume is approximately 1,100 vehicles per day (according to 2013 NCDOT counts).

The proposed subdivision site plan (CUP-SB-16-04) shows 115 single-family lots. When fully built out which would probably be over a period of several years, the project could generate approximately 1,101 trips per day to and from the site (Source: Trip Generation by Microtrans).

ENVIRONMENT

The property is outside of any FEMA flood zone. There may be several riparian buffers on site. This will be shown on the proposed plan (CUP-SB-16-04).

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 medium to 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 Town of Garner R-9 Conditional Use District 188 (R-9 C188) is consistent with the recommendations of the *Comprehensive Growth Plan* for this area of the community. The development plan (CUP-SB-16-04) submitted along with this rezoning request shows 115 single-family lots on approximately 46 acres (net density of 2.5 dwelling units per acre).

Conditional Use Permit Report

PROJECT DATA:

Acreage:	46.83 acres
Number of Lots:	115
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.

Landscape and Buffer Requirements:

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

Tree cover requirements are met with existing vegetation.

Buffers are not required along the north and east property lines where single family development is adjacent to single family development. The applicant has added a 15 foot undisturbed buffer along the western property adjoining Sutton Springs Subdivision.

A 20 foot street buffer has been provided along Clifford Road.

A protected stream runs through the property and is shown with the required Neuse River buffer.

Floodplain:	This site does not contain a FEMA designated floodplain.
Stormwater Management:	Please refer to General Comments.
Fire Protection:	The Fire Inspector has reviewed the subdivision plan and has approved it for meeting fire protection requirements.
Water/ Sewer:	<p>Public water and sewer mains will be extended through the site to provide service for the individual lots. Public water and sewer will be extended to the north, south and east property lines.</p> <p>Construction drawing approval from the City of Raleigh shall be required prior to final plat recordation.</p>
Street Access/ Sidewalks:	<p>Three public street entrances are proposed off Clifford Road to serve the development. Street stub outs are provided to the north, south and east.</p> <p>Road widening with curb/gutter and sidewalk improvements along frontage on Clifford is provided; however staff is recommending such improvements be extended on Clifford Road between Street A and F.</p> <p>Left turn lanes are recommended on Clifford Road at Street B and Street F.</p> <p>Preliminary comments from NCDOT for the proposed road improvements are needed prior to Town Council review (plans under review at this time).</p> <p>Sidewalks have been provided as required within the subdivision as required.</p>

General Comments:

Storm-water management – The project is subject to nitrogen and water quantity requirements. The developer is proposing to install a dry detention basin to comply with peak flow requirements. This device will be configured to detain the 1, 10 and 25 year events. The nitrogen export from the developed site is below 10 pounds/acre/year required, but payment to a private mitigation bank will be required to comply with nitrogen removal requirements in the Neuse Rules.

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. The design and locations proposed on this plan must be approved by the Garner Post Master. A condition is proposed to address this.

Consistency with Adopted Town Plans and Policies:

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

2010 Garner Transportation Plan: This project is consistent with the Transportation Plan (subject to final review by NCDOT).

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

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

RECOMMENDATION

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

The Planning Commission reviewed these applications at their June 13, 2016 meeting approval.

Rezoning Action

The Planning Commission and staff find that Rezoning Application CUDZ-16-08 is consistent with the recommendations of the ***Comprehensive Growth Plan*** for this area of the community. Therefore, staff recommends approval of Rezoning Application CUDZ-16-08 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

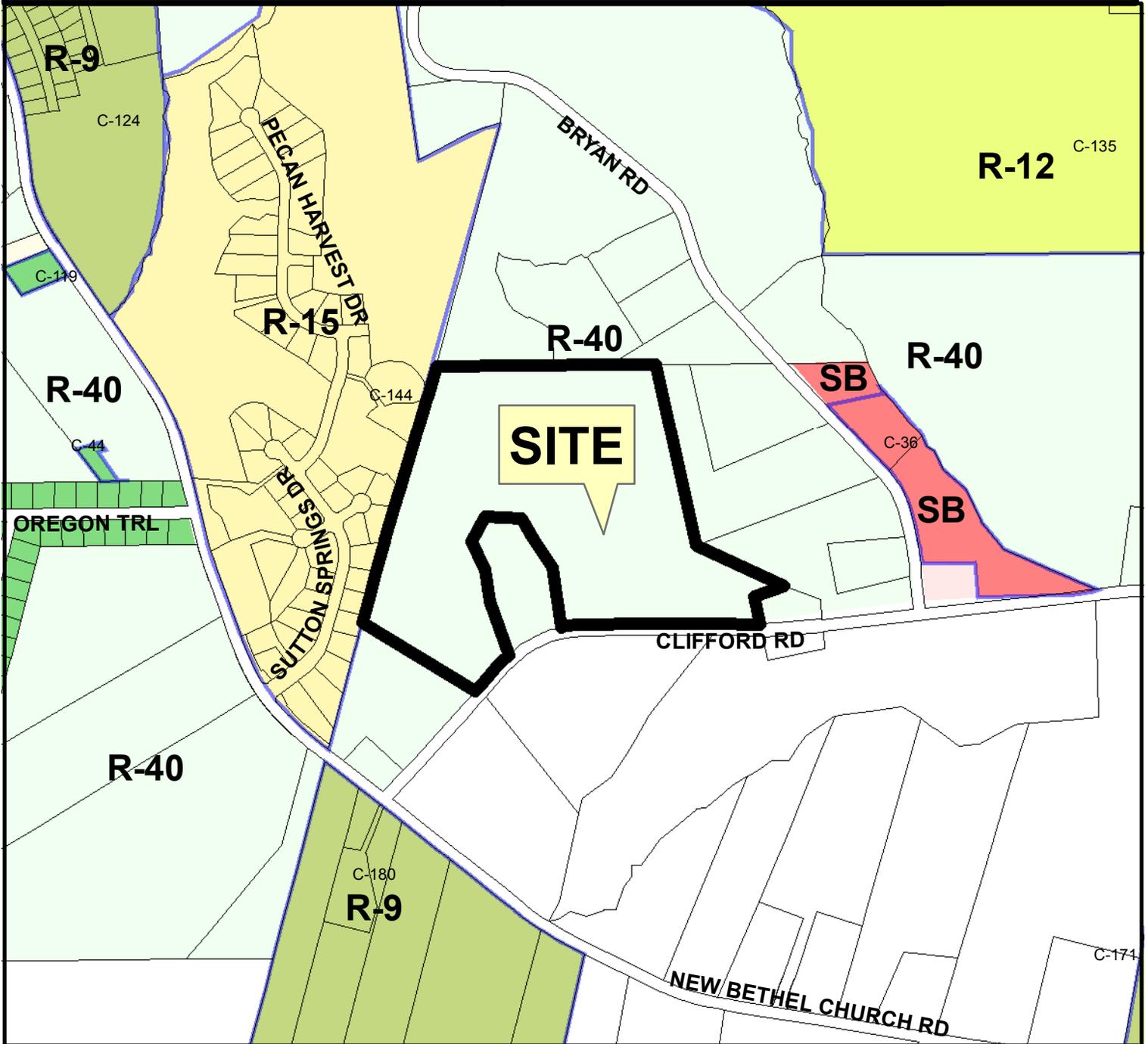
The Planning Commission and staff have reviewed the application and find it to be complete and in compliance with the UDO, therefore we recommend approval of Application CUP-SB-16-04; Clifford Road Subdivision, with six (6) conditions specific to the project as listed on the attached permit.

Town of Garner Planning Department

Conditional Use Applications CUD-Z-16-08 & CUP-SB-16-04



0 500 1,000 Feet



Project: Clifford Road Subdivision
Location: 1709 Clifford Road
Owner: Martha Bagley
Applicant: Hopper Communities
PIN: 1629152660

Case: CUD-Z-16-08
Current Zoning: Residential 40 (R-40)
Proposed Zoning: Residential 9 Conditional Use (R-9 C188)
Project Acreage: 46.8
Overlay: Swift Creek

Case: CUP-SB 16-04
Proposed: Subdivision (115 lots)

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

ORDINANCE NO. (2016) 3821

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 Hopper Communities in Rezoning Application No. **CUD-Z-16-08 (R-9 C188)**.

Section 2. There is hereby created a new conditional use zoning district, to be known as the Residential 9 Conditional Use District 188 (**R-9 C188**) within this district, all of the regulations that apply to property within the Residential 9 Conditional Use District 188 (**R-9 C188**) 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 in the R-9 C188 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. 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 golf course or country club
16. Bed and Breakfast

The following conditions are proposed for R-9 C188.

- 1) Each house must have at a minimum of 1800 sft. of heated floor space
- 2) Each house must have a deck or concrete patio (120 sft. min)
- 3) Each house must be constructed of hardiplank, masonry (brick or stone) or vinyl siding (minimum gauge 0.45) on at least 80% of each side
- 4) Each house must have a masonry foundation with crawl space (not including the garage) or stem wall slab foundation with a minimum height of 12 inches with brick/stone veneer on front and sides. If builder elects to only use brick/stone on front stem wall only, then builder will provide landscaping along the sides approved by the Town of Garner. All foundation sides without brick/stone will be parched concrete.
- 5) Each house will have a two-car garage
- 6) All permitted uses for R-9 Zoning are allowable
- 7) A 15' undisturbed buffer will be provided along the rear property lines lots 7-14 and lots 97-99 as shown on the Clifford Road Preliminary Subdivision Plan.

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
Martha Bagley	1629152660	Residential 40 (R-40)	Residential 9 (R-9- C188)

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 5th day of July 2016.

MAYOR

ATTEST: _____
TOWN CLERK

CERTIFICATION OF TOWN CLERK

I, Stella Gibson, do hereby certify this is a true copy of Ordinance No. (2016) 3821 adopted by the Town Council at their meeting on July 5, 2016. Said Ordinance is recorded in the office of the Town Clerk, Garner Town Hall, Garner, North Carolina.

IN WITNESS WHEREOF, I have hereunto affixed my hand and the seal of the Town of Garner, this 5th day of July, 2016.

Stella Gibson, Town Clerk

REZONING ACTION MOTION WORKSHEET

Application #: CUD-Z-16-08 from R-40 to R-9 C188

Applicant: Hopper Communities

MOTION TO APPROVE REZONING REQUEST:

I move that the Council find the following regarding rezoning application CUD-Z-16-08

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-16-08 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-16-08.

(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-16-08; 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,

**TOWN OF GARNER
CUP-SB-16-04
CONDITIONAL USE PERMIT**

APPLICANT	Hopper Communities 173 Paraggi Court Clayton, NC 27520
LOCATION	1709 Clifford Road
USE	Residential Subdivision (115 lots)
DATE ISSUED	July 5, 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. Road widening with curb/gutter sidewalk improvements shall be extended on Clifford Road between Streets A and F.
2. Left turn lanes shall be provided on Clifford Road at Street B and at Street F.
3. The applicant shall provide documentation from the Garner Post Master the location and design of the mail kiosks is acceptable prior to submittal of construction drawings.
4. A fee-in-lieu of parkland dedication shall be paid to the Town of Garner prior to issuance of each building permit.

5. The applicant shall be responsible for roadway improvements as required by the NC Department of Transportation.
6. Homeowner Association documents must be filed with the first final plat submittal.

Cc: CE Group, Inc.
Attn: Joe Faulkner
301 Glenwood Road
Suite 220
Raleigh, NC 27603

Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: July 5, 2016		
Subject: Rezoning Application CUD-Z-16-07 and Conditional Use Permit-SP-16-16, Timber Drive Office Park		
Location on Agenda: Public Hearings		
Department: Planning		
Contact: Brad Bass, Planning Director		
Presenter: Brad Bass, Planning Director		
Brief Summary: Request to rezone a 3.49 acre tract located on the south side of Timber Drive, East from R-20 to NO C187 and request for conditional use permit approval of two office buildings.		
Recommended Motion and/or Requested Action: Adopt Ordinance (2016) 3822; Consider Approval of CUP-SP-16-16.		
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: 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
STAFF REZONING & CONDITIONAL USE PERMIT REPORT**

**Town Council
July 5, 2016**

APPLICATIONS: CUD-Z-16-07 (Rezoning)
CUP-SP-16-16 (Conditional Use Permit)

APPLICANT: The Lundy Group

OWNER: William Winters

LOCATION: South side of Timber Drive East, east of NC 50 (Benson Rd)

EXISTING USE: Undeveloped

WAKE COUNTY PIN #: Portion of 1720056829, 1720150991

AREA: 3.49 acres

TOWN LIMITS: No (voluntary annexation required)

PRESENT ZONING: R-20 Residential

REQUESTED ZONING: Neighborhood Office Conditional Use (NO-C187)

APPLICABLE OVERLAYS: Timber Drive East Overlay

KEY MEETING DATES:

Planning Commission: June 13, 2016

Public Hearing & Town Council decision: July 5, 2016

GENERAL DESCRIPTION:

Existing Zoning Classifications

The existing zoning of the 3.49-acre site is **Residential 20 (R-20)**. This district allows single-family lots of at least 20,000 square feet (0.46 acres). Under this zoning, the 3.49-acre rezoning site could accommodate approximately 6 single-family lots.

The following is a list of permitted uses in the 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

Proposed Zoning Classification

The proposed zoning for the 3.46-acre site is **Neighborhood Office Conditional Use (NO C187)**. The NO district has been established to accommodate professional office uses. Permissible uses are limited compared to the O&I district which allows a wider range of uses. Single-family uses are also permissible in the NO district. This district is also intended to serve as a transition between residential districts and more intense districts, including commercial districts.

The following is a list of permitted uses in the NO C187 district.

1. Single-family
2. Upper story residential
3. Modular home
4. Family care home
5. Group care home
6. Intermediate care home
7. Adult daycare
8. Child day care
9. Day Care Center
10. Funeral Home and Crematorium
11. Ambulance service, rescue squad, police, fire station
12. Cemetery
13. Public parks, swimming pools, tennis and golf courses
14. Religious institutions
15. Minor utility—elevated water tank
16. Golf course or country club private

- 17. Gym, spa, indoor tennis or pool private
- 18. Hair and beauty salons
- 19. Banks and financial institutions
- 20. Medical office
- 21. Other office
- 22. Bed and breakfast
- 23. Veterinarian / kennel, indoor

The applicant proposes the following site specific zoning condition:

- 1. Construct a 6-foot solid fence along the rear portion of the lot as shown on Site Plan CUP-SP-16-16.

This property is located within the **Timber Drive East Overlay District**. This overlay was adopted in December 2007 in advance of the Timber Drive East extension road project. The overlay applies to a defined boundary between NC 50 and White Oak Road. The overlay district has additional development standards and use restrictions for properties along this proposed corridor. These standards affect new commercial development. There are several uses that are prohibited or restricted within the overlay district. There are also additional landscaping and buffering requirements and design-guidelines. NO Neighborhood Office uses are prohibited by the overlay.

Summary of Zoning Change

This 3.4-acre rezoning site is zoned R-20 along the south side of Timber Drive East, north of Hillandale Subdivision. The applicant has filed 2 applications. Rezoning application (CUD Z 16-07) has been filed to rezone the site to Neighborhood Office Conditional Use (NO C187). Site plan application (CUP SP 16-16) has been filed to develop the site for an office use.

Adjacent Zoning and Land Uses

- North: R-20, Vacant undeveloped
- South: R-20, Hillandale Subdivision (Single-family)
- East: R-20, Vacant/undeveloped land
- West: R-20, Vacant/undeveloped land

Neighborhood Character

This site located in the middle of the Timber Drive East stretch between NC 50 and White Oak Road. While Timber Drive East is a major thoroughfare, there has not been any development this area over the last 5 to 6 years. This area of Timber Drive East consists of large, undeveloped tracts. As the economy improves, more development is anticipated along this thoroughfare.

Zoning History

Planning Department records show these rezoning cases in this area.

Case	Applicant	Location	Zoning Change
Z 78-3	Munn & Fowler	New Rand Road	R-20 to CB (denied)
Z 78-6	Munn & Fowler	New Rand Road	R-20 to CB
Z 86-24	Centermark Inc	Timber Crossing	R-20 to SB C4
Z 87-17	Hardees	Timber / NC 50	R-20 to CB
Z 95-07	Eddie Caudle	Timber / NC 50	R-20 to O&I
CUD Z 93-07	The Eastern Group	North portion of State Employees Credit Union site	R-20 to O&I C47
CUD Z 00-04	Southstar Property	State Employees Credit Union site	O&I to CB (Withdrawn)
CUD Z 01-11	Jonathan Adams	NC 50—next to Credit Union Site	R-20 to O&I C113
CUD-Z-01-09	Sherman Yeargan Jr	Timber Drive East / White Oak Road	R-20 to CR C112
CUD-Z-08-01	Fowler & Williams	East of NC 50 at Timber Drive	R-20, NC, and CR to CR C152 & O&I C152
CUD-Z-12-03	Bobby & Brenda Fowler	Timber Springs Apartments	O&I C152 to MF-2 C164

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

INFRASTRUCTURE

Water & Sewer

Public water and sewer is not immediately available. Water and sewer will be extended to the site. Connections are subject to the Town's Sewer Allocation Policy.

TRANSPORTATION

The rezoning site has approximately 897 feet of road frontage along **Timber Drive East (SR 2812)**. This road has a right-of-way width of approximately 120 feet. Timber Drive East is classified as a Major Thoroughfare on the *Town of Garner's Transportation Plan*. It is a 4-lane divided median facility and maintained by NCDOT. Traffic counts are not available for this section of road. Timber Drive traffic counts are around 16,000 trips per day west of NC 50.

The proposed site plan (CUP-SP-16-16) shows two 10,000 square foot office buildings. Using trip generation calculations for traffic impact estimates, this type of development would generate around 220 trips per day. No significant traffic impacts are anticipated as a result of this zoning change from R-20 to NO C187.

ENVIRONMENT

The rezoning site is not within the 100 or 500-year flood plain areas as delineated by the FEMA Flood Insurance Rate Maps. No other environmental features appear to be present on this site.

STAFF COMMENTARY

Conformity to Adopted Town Plans

According to the 2006 *Town of Garner Comprehensive Growth Plan*, the rezoning site is located within a **Community Primary Residential** area around the Community Core at NC 50 and Timber Drive. The Community Core Area is designed to accommodate community-scale retail services. The recommended zoning districts for the **Community Primary Residential** area include: MF2, MF1, R9, R12, R15, TND, and PUD. Recommended density is 2.5 to 6 units per acre.

The rezoning site is within 250 feet of the boundary of the **Community Mixed Use** area. The recommended zoning districts for a **Community Mixed Use** area include: NC, O&I, NO, MXD, MF 1, MF2, PUD, TND.

The rezoning site is within 730 feet west of the boundary of the **Regional Center** designated around the I-40 interchange at US 70 and also along Timber Drive East around the White Oak area. 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, large office buildings, The development of higher density residential (apartments) are often incorporated in these areas to provide housing options close to employment.

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.

Staff believes the requested zoning change from R-20 to NO-C187 is reasonably consistent with the Comprehensive Growth Plan. The site falls within an area designated as a Primary Residential Area (low density residential). The location with property frontage along Timber Drive, East tends to serve as a transition area between the roadway and lower density residential uses located to the south. Low density residential along Timber Drive does not seem appropriate for this location. Instead a transitional zoning district such as Neighborhood Office (NO) would appear to be a better zoning and land use fit in staff's opinion.

CONDITIONAL USE PERMIT REPORT

PROJECT DATA:

Acreage:	3.49 acres
Building Size:	Two (2) 10,000 s.f. buildings
Building Material and Color:	Primary Brick is wire-cut red brick; Accent Brick is wire-cut beige brick; Beige EIFS is used as a secondary material
Landscape and Buffer Requirements:	<p>The plan as proposed meets the requirements of the Landscape Ordinance.</p> <p>Tree cover requirements are met with new and existing vegetation.</p> <p>Buffers are shown as required. There are two small areas, one in the southern landscape buffer and one in the western landscape buffer that need may additional plant material installed. Staff will propose a condition to address this matter.</p>
Parking Spaces:	<p>Parking meets the standards for general office or medical office uses.</p> <ul style="list-style-type: none">- 67 spaces required for general office use- 100 spaces required for medical office use. <p>100 spaces provided; 4 are accessible</p>
Floodplain:	No FEMA designated floodplain or riparian buffers are located on the property.
Stormwater Management:	Please refer to General Comments.

Fire Protection:

The Fire Inspector has reviewed the plans and has noted that fire flow calculations provided must be provided with construction drawings. If the flow is insufficient an additional fire hydrant will be required.

A condition is proposed to address this.

Water/ Sewer:

Off-site public water and sewer extensions are required to the site. The applicant is responsible for the extensions.

These two items require construction drawing approval from Raleigh prior to issuance of a building permit. A condition has been added to address this matter.

Street Access/ Sidewalks:

Timber Drive, East is a control access roadway (as required by NCDOT). The site is served by an existing full service driveway that was designed as part of the Timber Drive, East construction project.

General Comments:

Stormwater management – The project is subject to nitrogen and water quantity requirements. The developer is proposing to install a dry detention basin to comply with peak flow requirements. This device will be configured to detain the 1, 10 and 25 year events. The nitrogen export from the developed site is below the 10 pounds/acre/year required, but payment to a private mitigation bank will be required to comply with nitrogen removal requirements in the Neuse Rules.

Consistency with Adopted Town Plans and Policies:

2006 Comprehensive Growth Plan: This site falls within a designated Neighborhood Core Area and Primary Residential Area, the project is deemed to be consistent with the Plan.

2010 Garner Transportation Plan: This project, as proposed, is consistent with the Transportation 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, except as noted above.

RECOMMENDATION:

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

The Planning Commission reviewed these applications at their June 13, 2016 meeting.

Rezoning Action

The Planning Commission and staff find that Rezoning Application CUD-Z-16-07 is reasonable in that it provides a better zoning and land use transition between Timber Drive, East and single family development located to the south. Therefore, the Planning Commission and staff recommend approval of Rezoning Application CUD-Z-16-07 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.

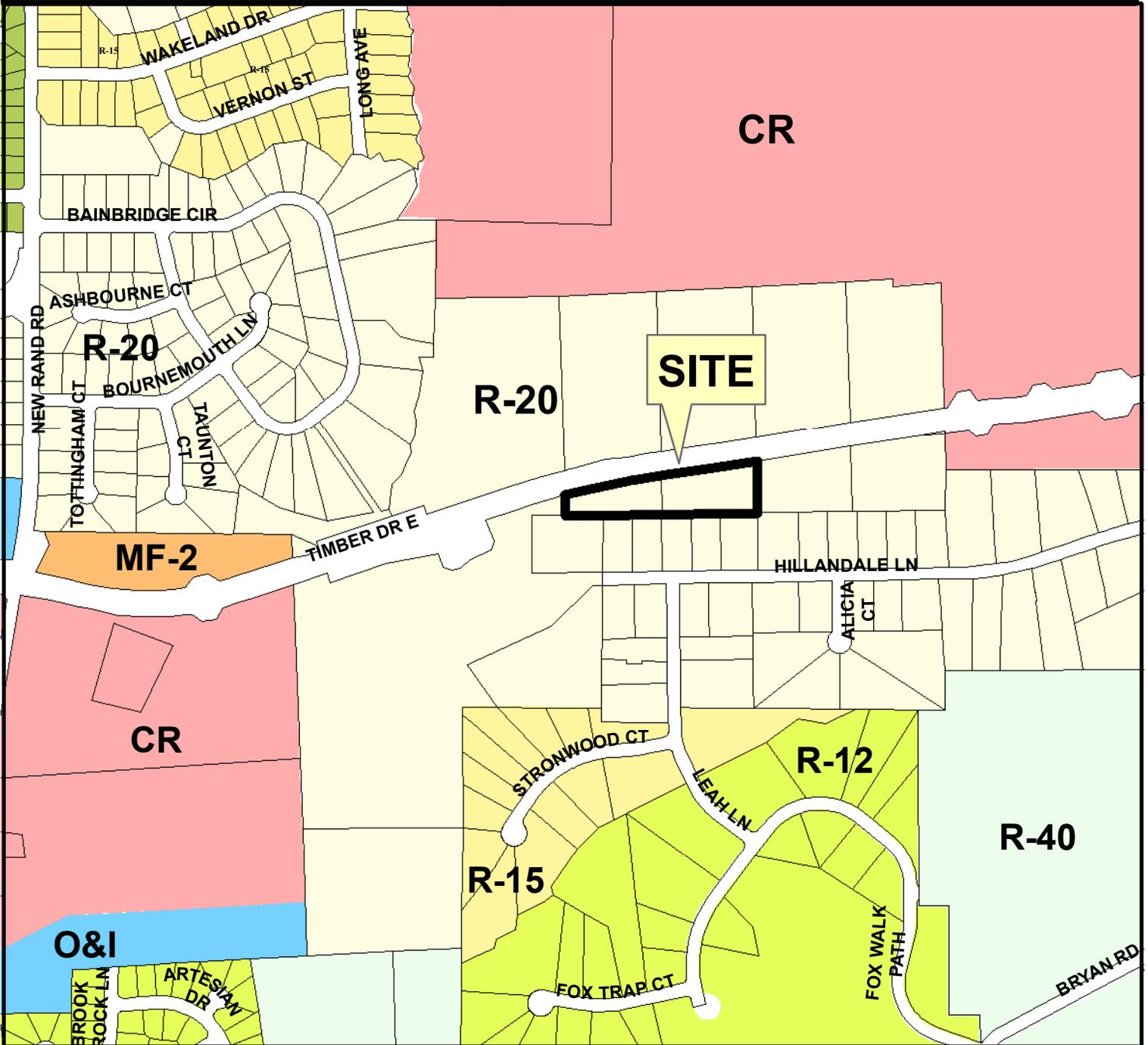
Conditional Use Permit Action

The Planning Commission and staff have reviewed the conditional use permit site plan and recommend approval of Application CUP-SP-16-16, Timber Drive Office Park, with the five (5) conditions specific to the project as listed on the attached permit.

**Town of Garner
Planning Department**

**Conditional Use Applications
CUD-Z-16-07 & CUP-SP-16-16**

0 500 1,000 Feet



Project: Timber Drive Office Park
 Owner: William Winters
 Applicant: The Lundy Group
 PIN: Portion of 1720056829, 1720150991

Case: CUD-Z-16-07
 Current Zoning: Residential 20 (R-20)
 Proposed Zoning: Neighborhood Office
 Conditional Use (NO C187)
 Project Acreage: 3.49
 Overlay: Timber Drive East

Case: CUP-SP-16-16
 Existing: Vacant
 Proposed: Office

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

ORDINANCE NO. (2016) 3822

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 The Lundy Group in Rezoning Application No. **CUD-Z-16-07 (NO C187)**.

Section 2. There is hereby created a conditional use zoning district, to be known as the **Neighborhood Office Conditional Use (NO C187)** within this district, all of the regulations that apply to property within the **Neighborhood Office Conditional Use (NO C187)** 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 in the NO C187 district.

1. Single-family
2. Upper story residential
3. Modular home
4. Family care home
5. Group care home
6. Intermediate care home
7. Adult daycare
8. Child day care
9. Day Care Center
10. Funeral Home and Crematorium
11. Ambulance service, rescue squad, police, fire station
12. Cemetery
13. Public parks, swimming pools, tennis and golf courses
14. Religious institutions

- 15. Minor utility—elevated water tank
- 16. Golf course or country club private
- 17. Gym, spa, indoor tennis or pool private
- 18. Hair and beauty salons
- 19. Banks and financial institutions
- 20. Medical office
- 21. Other office
- 22. Bed and breakfast
- 23. Veterinarian / kennel, indoor

The following is a site specific condition for the Neighborhood Office Conditional Use (NO C187) district:

- 1. Construct a 6-foot solid fence along the rear portion of the lot as shown on the CUP-SP-16-16 site plan.

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
William Winters	Portion of 1720056829, 1720150991	Residential 20 (R-20)	Neighborhood Office Conditional Use (NO C187)

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 5th day of July 2016.

MAYOR

ATTEST: _____
TOWN CLERK

CERTIFICATION OF TOWN CLERK

I, Stella Gibson, do hereby certify this is a true copy of Ordinance No. (2016) 3822 adopted by the Town Council at their meeting on July 5, 2016. Said Ordinance is recorded in the office of the Town Clerk, Garner Town Hall, Garner, North Carolina.

IN WITNESS WHEREOF, I have hereunto affixed my hand and the seal of the Town of Garner, this 5th day of July, 2016.

Stella Gibson, Town Clerk

REZONING ACTION MOTION WORKSHEET

Application #: CUD-Z-16-07 from R-20 to N-O C187

Applicant: The Lundy Group

MOTION TO APPROVE REZONING REQUEST:

I move that the Council find the following regarding rezoning application CUD-Z-16-07

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-16-07 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-16-07.

(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-16-07; 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,

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

APPLICANT	The Lundy Group Attn: Trey Adams 3708 Forestview Road, Suite 103 Raleigh, NC 27612
LOCATION	South side of Timber Drive East, east of NC 50 (Benson Rd)
USE	Office Building
DATE ISSUED	July 5, 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. Prior to C.O. issuance, the applicant shall be responsible for installing additional landscape material in perimeter buffers if the Planning Department determines that additional material is needed.
2. Prior to building permit issuance, the applicant must recombine the property into one lot.
3. The applicant shall provide fire flow calculations to the Fire Inspector at the time construction drawings are submitted. Should the flow be determined by the Fire Inspector to be insufficient; then an additional on-site fire hydrant shall be required.

4. Construction drawing approval by the City of Raleigh is required prior to building permit issuance.
5. The dumpster detail shall be revised to meet the Town's standard gate requirements.

Cc: CE Group, Inc.
Attn: Joe Faulkner
301 Glenwood Ave
Suite 220
Raleigh, NC 27603

Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: July 5, 2016		
Subject: SUP-SB-16-01 McCuller's Walk Subdivision		
Location on Agenda: Public Hearings		
Department: Planning		
Contact: Jenny Saldi, Senior Planner		
Presenter: Jenny Saldi, Senior Planner		
Brief Summary: Spaulding & Norris, PA is requesting a Special Use Permit for a 94 lot single-family subdivision, on 36.5 acres, off TenTen Road as Phase 2 of the McCuller's Walk cluster development. The site can be further identified by Wake County PIN 0699-06-9571.		
Recommended Motion and/or Requested Action: Approve with four (4) site specific conditions		
Detailed Notes: Please refer to 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
Special Use Permit
Staff Report
Town Council Public Hearing
July 5, 2016**

PROJECT NUMBER: SUP-SB-16-01; McCuller's Walk, PH 2 -
Subdivision

APPLICANT: Spaulding & Norris, PA

OWNER: Ten Ten WEH LP

PLAN PREPARED BY: Spaulding & Norris, PA

KEY MEETING DATES:

Planning Commission: June 13, 2016

Board of Aldermen Public Hearing: July 5, 2016

GENERAL DESCRIPTION:

Proposed Use: Single Family Residential Subdivision

Location: North side of Ten Ten Road, near its intersection
with Fayetteville Road (401), adjacent to the
recently approved apartments

PIN#: 0699-06-9571, 0699-05-6426

Town Limits: This tract is inside the Town Limits.

Zoning Classification of the Site: Multi-family 1 (MF-1)

Adjacent Zoning and Land Uses:

North: MF-1 - McCuller's Walk Phase 1 (apartments) and
Phase 3 (townhomes)

South: Wake County R-40W – Single family homes

East: Railroad;

West: MF-1 - McCuller's Walk Phase 1 (apartments)
Fuquay Varina R-30 – Single family homes

Neighborhood Character: Residential neighborhoods supporting the
commercial development along Fayetteville Road.

PROJECT DATA:

Acreage: 36.54 acres

Number of Lots: 94

Minimum Lot Size: Required 5,000 square feet
Proposed 5,505 square feet

Parks and Open Space: Required 10% - 3.65 acres
Provided 27% - 9.89 acres
This open space will be owned and maintained by the homeowner's association for the subdivision.

The entire cluster development is required to provide no less than 25% open space. Phase 1 (apartments) and Phase 2 (subdivision) combined are at 35.7%

The Parks, Recreation and Cultural Resources Department has recommended a fee-in-lieu of parkland dedication for this project. The current rate for single family homes is \$1,147.00 per dwelling unit.

Landscape and Buffer Requirements:

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

Tree cover requirements are met with existing vegetation.

The 20 foot street buffer along Ten Ten Road has been landscaped with street trees and evergreen shrubs.

A typical 100 foot section has been provided for the required 35 foot buffer, adjacent to the railroad, and the 30 foot buffer, adjacent to the single family homes to the south. These typical plans will be used to fill in areas within the buffer void of existing vegetation needed to meet screening standards.

A protected stream runs through the property and is shown with the required Neuse River buffer. The buffer will remain undisturbed.

Floodplain:	This site does not contain a FEMA designated floodplain.
Stormwater Management:	Please refer to General Comments.
Fire Protection:	The Fire Inspector has reviewed and approved the plan.
Water/ Sewer:	Public water and sewer mains will be extended to serve the project and provide service for the individual parcels. Sewer has been extended to the south property line for future needs. Construction drawing approval from the City of Raleigh shall be required prior to final plat recordation.
Street Access/ Sidewalks:	Two new streets off Ten-Ten Road will provide access for the subdivision. Neither will have signals as determined by the signal warrant analysis done by the project's traffic engineer. Sidewalks have been provided as required. Please refer to General Comments.

General Comments:

This project is Phase 2 of the three phases of McCuller's Walk Cluster Development. Phase 1 is the apartment development recently approved. Phase 3 is the townhome development yet to be submitted.

Storm-water management – This project is subject to nitrogen and water quantity requirements along with watershed water supply protection requirements (85% TSS removal) and water quantity requirements. The developer is proposing utilizing a combination of a wet detention pond along with two constructed wetlands to reduce nitrogen, reduce the peak runoffs and provide 85% TSS removal. The post development runoff quantities will be reduced to predevelopment levels. The project will comply with nitrogen reduction and 85% TSS removal requirements. However, payment to a private mitigation bank will be required to comply with nitrogen removal requirements in the Neuse Rules.

Road improvements – A Traffic Impact Analysis was conducted during the rezoning process for the entire cluster development, comprising the apartments, single family home subdivision and townhomes. NCDOT was involved during the rezoning process and stated required improvements along Fayetteville Road (401) and Ten Ten Road. It appears these improvements have been provided; however, we have not received preliminary approval from NCDOT. A condition has been

recommended requiring the developer to provide any additional improvements required by NCDOT. Attached to this Staff report is a summary of road improvements, from the Transportation Engineer, which will be completed as part of Phase 1 (apartments).

Mail kiosks – A letter of approval from the Postmaster was received for location and design of the required mail kiosks.

Future amenity – The area identified as “future amenity” is the temporary site of the construction trailer for the apartments. As the design of this amenity is unknown at this time a site plan, for Staff approval, will be required prior to improvements.

Building setbacks – The setbacks for the individual residences must meet the standards outlined for cluster development. The 10 foot rear setback is only permitted when the lot abuts the open space, otherwise it is 15 feet. Although the setbacks shown on individual lots scale correctly, the site data table does not reflect the 15 foot setback. A condition has been recommended to insure the setback is picked up correctly as the plan moves forward to final plat and building permits.

Consistency with Adopted Town Plans and Policies:

2006 Comprehensive Growth Plan: The majority of this site falls within the Mixed Use designation for the Community Core at Fayetteville Road (401) and Ten Ten Road; the project is consistent with the Comprehensive Growth Plan.

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

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

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

RECOMMENDATION:

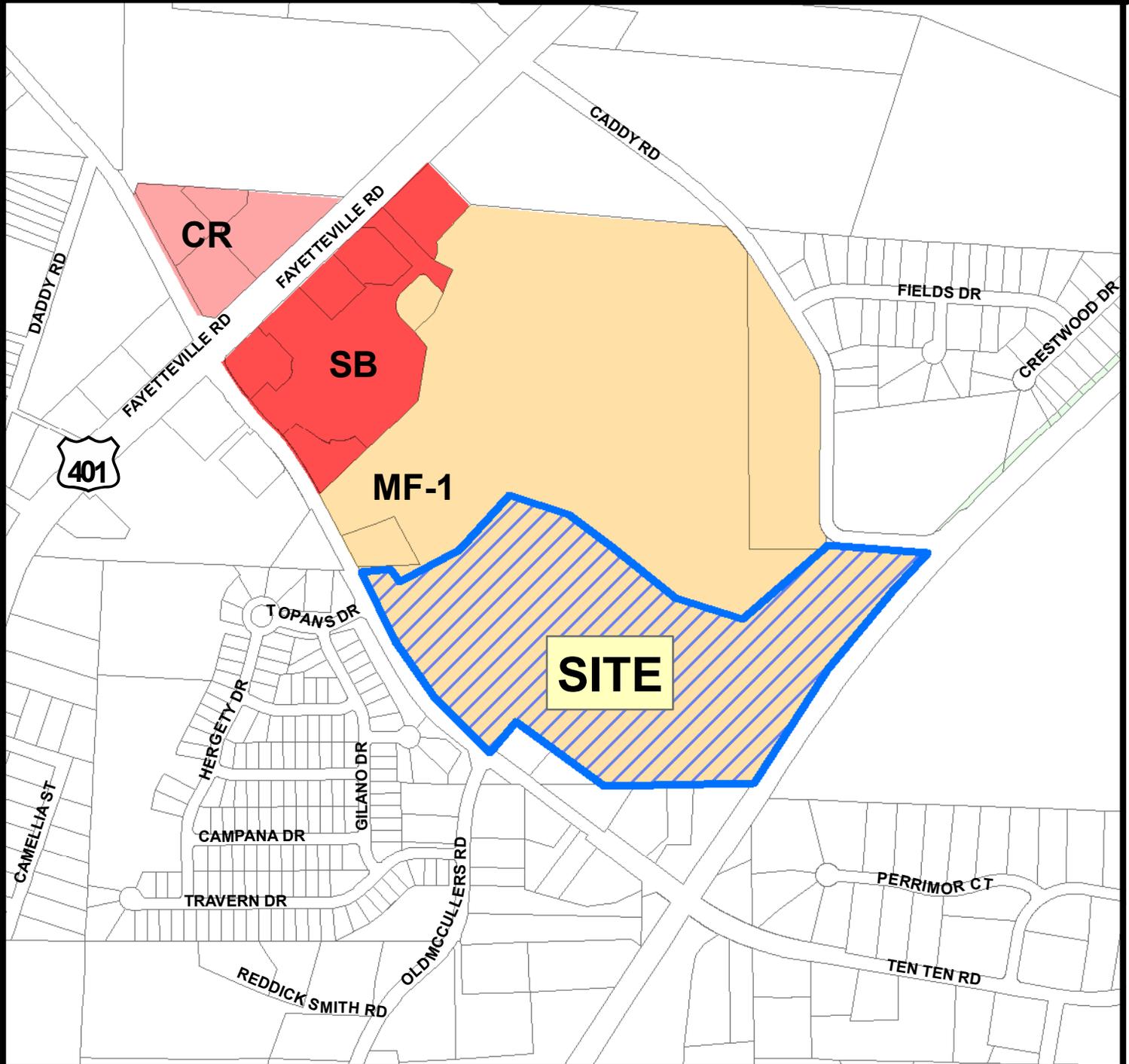
The Planning Commission reviewed this subdivision plan at their meeting on June 13, 2016 and voted unanimously to recommend approval of SUP-SB-16-01, McCuller’s Walk Subdivision with the four site specific conditions listed on the attached permit.



Town of Garner Planning Department

Special Use Permit SUP-SB-16-01

0 300 600 1,200 Feet



Project: McCullers Walk Phase 2
 Applicant: Spaulding + Norris PA
 Owner: Ten Ten Weh LP
 Location: Ten Ten Road & US 401
 Pin: 0699069571

Proposed Use: Residential (94 Lots)
 Current Zoning: MF-1
 Overlay: US 401 / US 70
 Other: Swift Creek Land Management Plan
 Acreage: 36.5

**TOWN OF GARNER
SUP-SB-16-01
SOCIAL USE PERMIT**

APPLICANT	Ten Ten WEH LP c/o Spaulding & Norris, PA 972 Trinity Road Raleigh, NC 27607
LOCATION	Ten Ten Road (S.R.1010) and US 401 east of McCuller's Shopping Ctr.
USE	McCuller's Walk Subdivision
DATE ISSUED	July 5, 2016

I. COMPLETENESS OF APPLICATION

The application is complete.

II. COMPLIANCE WITH ORDINANCE REQUIREMENTS

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

III. GRANTING THE APPLICATION

The application is granted, subject to the following conditions:

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

IV. SPECIFIC TO THE PROJECT

1. Lots which are not adjacent to open space shall maintain a 15 foot rear setback as required by cluster development standards.
2. The developer shall be responsible for any additional road improvements required by NCDOT.
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 parkland dedication shall be paid to the Town of Garner prior to issuance of each building permit.

Brian Duncan

From: Andy Archer <aarcher@rameykemp.com>
Sent: Thursday, April 21, 2016 3:47 PM
To: trelmore@ncdot.gov
Subject: McCullers Walk

Reid,

Thanks for taking a look at the McCullers walk phasing information. I have put together a summary of our previous discussions, below. If you can please verify this with Brad Bass, it should be what he needs.

Phasing:

Phase 1 will consist of the apartment units. Offsite improvements will consist of the following:

- Construction to limit access at the shopping center entrance at US 401 to a left-in / right-in / right-out.
- Construction to limit access to Caddy Road at US 401 to a left-in / right-in / right-out.
- Construction of a full movement access, opposite the existing residential access, on Ten Ten Road.
- Construction of half of the future full section of Ten Ten Road along the site frontage.
- The Ten Ten access will be utilized as the construction access.

Phase 2 will consist of the single family homes. Offsite improvements will consist of the following:

- The existing full access intersection on Ten Ten Road (opposite the existing residential development) will be restricted to a left-in / right-in / right-out.
- Construction of a full access intersection opposite the existing Old McCullers Road on Ten Ten Road.

Phase 3 will consist of townhomes. Offsite improvements will consist of the following:

- Widening along the site frontage of Caddy Road to Town of Garner collector street standards.
- Improvement of Caddy Road to handle the increase traffic load. The existing road may not be built to NCDOT standards.

Aside from phasing, the other item of much discussion was signalization.

- Signal warrant analysis was performed for full build scenario at the intersection of Old McCullers and Ten Ten Road. This intersection did not meet warrants. It is also worth noting the controlling side street volume was Old McCullers, not the site driveway.
- Signal warrant analysis was not performed for the intersection of Ten Ten Road and the site access / existing residential development. However, with significantly less side street traffic than Old McCullers, this intersection would not meet signal warrants.
- Signal warrant analysis for the intersection of the shopping center and US 401 was not performed. Prior conversation with NCDOT lead us to believe NCDOT would not be in support of a signal at this location. While a warrant analysis was not performed, the volumes at this intersection seem low enough for the left-in to the site that a signal would not be warranted.
- Signal warrant analysis was not performed for the intersection of US 401 and Caddy Road. However, do to the low volume of traffic utilizing Caddy Road, a signal would not be warranted at this location.

Thanks!

Andy

Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: July 5, 2016		
Subject: General Use Rezoning Z-16-02, 1650 Mechanical Blvd.		
Location on Agenda: Old/New Business		
Department: Planning		
Contact: Brad Bass, Planning Director		
Presenter: Brad Bass, Planning Director		
Brief Summary: Request by Amerco Real Estate Company to rezone a .328 acre tract of land located at 1650 Mechanical Boulevard from Community Retail (CR) to Service Business (SB).		
Recommended Motion and/or Requested Action: Adopt Ordinance (2016) 3823		
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: 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
Rezoning
Staff Report**

Town Council
July 5, 2016

REZONING &	Z-16-02
APPLICANT:	Amerco Real Estate Company
OWNER:	Amerco Real Estate Company
LOCATION OF PROPERTY:	1650 Mechanical Boulevard
WAKE COUNTY PIN #:	Portion 1701498099
AREA:	0.328-acres (14,000 s.f.)
TOWN LIMITS:	Yes
PRESENT ZONING:	Community Retail (CR)
OVERLAY:	None
REQUESTED ZONING:	Service Business (SB)

KEY MEETING DATES:

Town Council Public Hearing:	June 6, 2016
Planning Commission:	June 13, 2016
Town Council Action:	July 5, 2016

EXISTING ZONING

The 0.328-acre 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. Nursing Care Institution
25. Cemetery
26. Parks, swimming pools, tennis courts, golf courses
27. Religious institutions
28. Minor utility, elevated water tank
29. Telecommunication facility
30. Bars and nightclubs
31. Private golf or country club
32. Private gym, spa, indoor tennis, pool
33. Indoor entertainment facility
34. Electronic gaming center
35. Movie Theaters
36. Bank, financial institution
37. Medical office, individual
38. Other office
39. Bed and breakfast
40. Hotel and motels
41. Commercial Parking
42. Restaurant, indoor with seating only
43. Restaurant with drive-through window

44. Restaurant take out only or walk up
45. Convenience store without fuel sales
46. Convenience store with fuel sales
47. Repair oriented use indoor only
48. Personal service use indoor only
49. Hair and beauty salons
50. Sales oriented use (indoor operations only)
51. Veterinarian/kennel indoor
52. Vehicle service-limited

PROPOSED ZONING

The proposed zoning for the 0.328 portion is **Service Business (SB)**. 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 following is a list of permitted uses in the SB district.

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. Ambulance, rescue squad, police, fire station
12. Government, utility with outdoor storage
13. Government office
14. Medical Clinic
15. Cemetery
16. Parks, swimming pools, tennis courts, golf courses
17. Bus passenger terminals
18. Taxi or limo operations/facility
19. Religious institutions
20. Minor utility, elevated water tank
21. Telecommunication facility
22. Other major utility
23. Bars and nightclubs (prohibited within 500 feet of residential use/zoning)
24. Private golf or country club
25. Private gym, spa, indoor tennis, pool
26. Indoor entertainment facility
27. Electronic gaming center
28. Outdoor entertainment facility, private athletic
29. Sexually oriented business (prohibited within 1,000 feet of residential use/zoning)
30. Theater
31. Drive-in Theaters
32. Water-slides, golf driving ranges, miniature golf, batting cages or similar uses
33. Bank, financial institution

34. Medical office, individual
35. General office use
36. Bed and breakfast
37. Extended stay facility (prohibited within 500 feet of residential use/zoning)
38. Hotel and motels
39. Commercial Parking
40. Restaurant, curbside or drive-in service
41. Restaurant, indoor with seating only
42. Restaurant, indoor with drive-through window
43. Restaurant, take out only, drive-through or walk up
44. Convenience store without fuel sales
45. Convenience store with fuel sales
46. Open air market
47. Repair oriented use (indoor only)
48. Personal service use (indoor operations)
49. Banks and financial institutions
50. Sales oriented use (indoor operations only)
51. Sales oriented use (outdoor operations)
52. Veterinarian/kennel indoor
53. Veterinarian/kennel outdoor (prohibited within 500 feet of residential use/zoning)
54. Self-service storage
55. Car wash (prohibited within 500 feet of residential use/zoning)
56. Vehicle repair (storage restricted to rear of building, 30-day storage limit)
57. Vehicle sales and rental (storage restricted to rear of building)
58. Vehicle service-limited
59. Vehicle towing, storage (prohibited within 500 feet of residential use/zoning)
60. Flex space
61. Light Industrial use indoor
62. Light Industrial use with outdoor storage of tenant supplies
63. Light Industrial use with outdoor operations
64. Warehouse and freight movement with indoor storage
65. Warehouse and freight movement with outdoor storage
66. Recyclable materials collection center
67. Wholesale sales

Adjacent Zoning and Land Uses

North-	SB	Commercial
South-	CR	Commercial
East-	CR & SB	Commercial
West-	SB	Commercial

Zoning Request Summary

The applicant owns 2 tracts. One tract is 3 acres, used as a mini-storage facility, and zoned Service Business (SB). The other tract is 1 acre. The front portion (0.328-acres) is zoned Community Retail (CR). The applicant wants to rezone the front portion so the whole tract is zoned SB. No development plan is proposed at the time of this rezoning.

Neighborhood Character

This area along US 401, US 70, and Mechanical Boulevard is in a high activity area. The uses along US Highways 401 and 70 are primarily retail and service. More intense uses, including light industrial, are along Mechanical Boulevard. Traffic volumes are high along the major thoroughfares.

Zoning History

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

Case	Applicant	Location	Zoning Change
Z 81-11	Town of Garner	1600 Mechanical Blvd	O&I-1 to O&I
Z-81-14	Town of Garner	1542 Mechanical Blvd	R-10 to R-15
Z-81-12	Town of Garner	1602 Mechanical Blvd	O&I-1 to O&I
Z-81-15	Town of Garner	1540 Mechanical Blvd	R-10 to R-15
Z-81-13	Town of Garner	1700 Mechanical Blvd	NB,I-1 to CB, I-1
Z-83-17	U-Haul	Mechanical Blvd	CB to SB
Z-83-18	Vic Byrd	Mechanical Blvd	R-15 to SB
Z-84-14	Vic Byrd	Mechanical Blvd	R-20 to SB
Z-85-15	William Moody	1538 Mechanical Blvd	R-15 to I-1
Z-85-18	William Moody	Mechanical Blvd	R-10 to I-1
CUD-Z-94-4	Stuart Sneed	Gateway Plaza (Lowes)	CB to SB C51
CUD-Z-99-05	Estate of Mamie Stephenson	1517 & 1501 US 70 W	CB to SB C90
CUD-Z-03-04	C.R. Fish	Old Mechanical Blvd	SB C81 to SB C121

* 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 has access to public water and sewer. No changes are proposed.

TRANSPORTATION

The rezoning site has approximately 78 feet of frontage along Mechanical Boulevard (SR 2538). Mechanical Boulevard is classified as a **Minor Thoroughfare** on the *Garner Transportation Plan* and is maintained by NCDOT. In this vicinity, Mechanical Boulevard is 2 lanes with a right-

of-way width of 60 feet. Average daily traffic counts (ADT) are estimated at 2,700 in this area according to 2013 NCDOT data.

The site is currently zoned Community Retail (CR). Rezoning the 0.328-acre portion to SB 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.

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 and US 70 W. 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 is consistent with the recommendations of the *Comprehensive Growth Plan* and with the prevailing zoning and land use pattern of this area of the community. The predominate zoning of properties with frontage along Mechanical Boulevard is SB.

RECOMMENDATION:

The public hearing was held on June 6, 2016. There were no comments or concerns from the public. The Planning Commission meeting was held on June 13, 2016, and they voted to recommend approval of this request. Staff has no objections to Rezoning Application Z-16-02. Staff recommends Council adopt the attached ordinance rezoning the property to Service Business (SB).

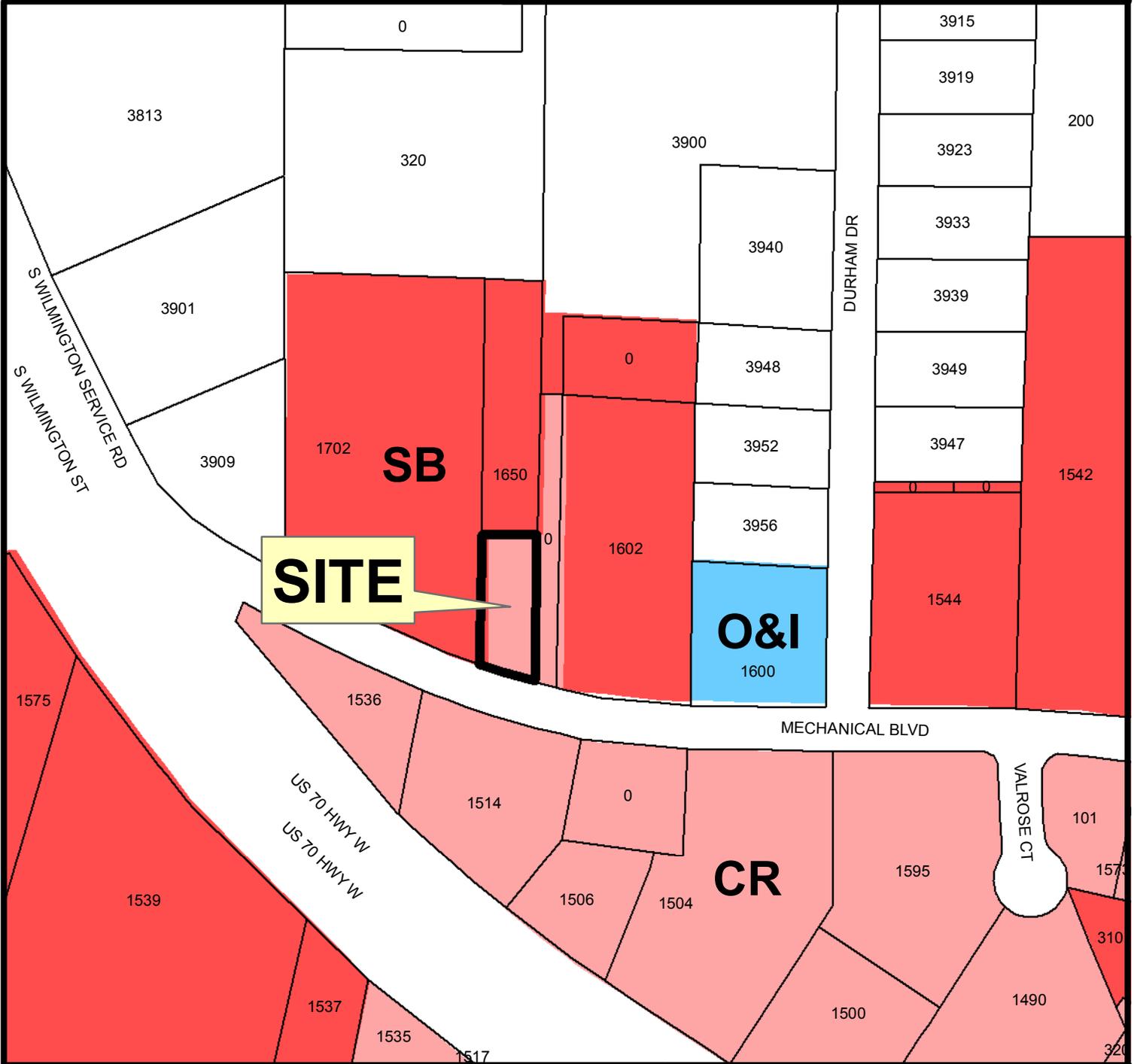


**Town of Garner
Planning Department**

General Use Rezoning

Z-16-02

0 150 300
Feet



OWNER: Amerco Real Estate Company
LOCATION: 1650 Mechanical Blvd
PARCEL PIN: 1701498099

CURRENT USE: Undeveloped
CURRENT ZONING: CR
PROPOSED ZONING: SB
ACREAGE: 1
ACREAGE TO BE REZONED: 0.32

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

ORDINANCE NO. (2016) 3823

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

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF GARNER

Section 1. That the Official Zoning Map of the Town of Garner and Extraterritorial Jurisdiction be amended by changing the zoning classification of the property described below from its current zoning of Community Retail (CR) to Service Business (SB) general use district as requested in Rezoning Application No. **Z-16-02** by Amerco Real Estate Company.

0.328 acres identified as a portion of Wake County PIN # 1701498099

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

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

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

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

Duly adopted this 5th day of July, 2016.

MAYOR

ATTEST: _____
TOWN CLERK

CERTIFICATION OF TOWN CLERK

I, Stella Gibson, do hereby certify this is a true copy of Ordinance No. (2016) 3823 adopted by the Town Council at their meeting on July 5, 2016. Said Ordinance is recorded in the office of the Town Clerk, Garner Town Hall, Garner, North Carolina.

IN WITNESS WHEREOF, I have hereunto affixed my hand and the seal of the Town of Garner, this 5th day of July, 2016.

Stella Gibson, Town Clerk