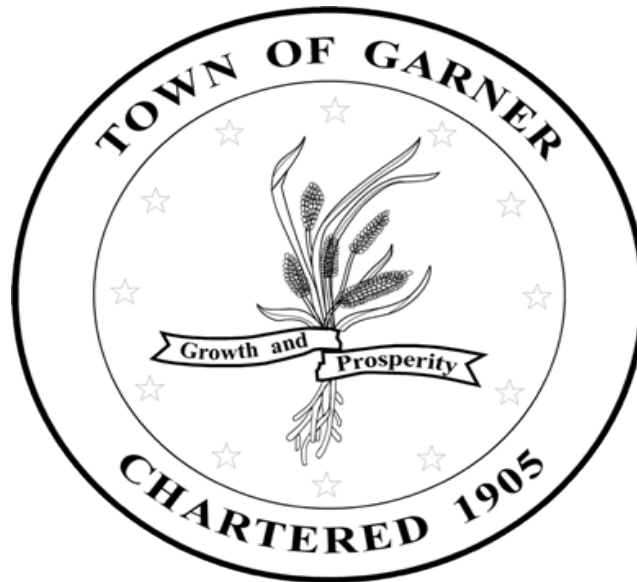


TOWN OF GARNER



TOWN COUNCIL MEETING

SEPTEMBER 5, 2017
7:00 P.M.

Garner Town Hall
900 7th Avenue
Garner, NC 27529

**Town of Garner
Town Council Agenda
September 5, 2017**

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 Council Chambers located at 900 7th Avenue.

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

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

- B. PLEDGE OF ALLEGIANCE: Council Member Gra Singleton

- C. INVOCATION: Council Member Gra Singleton

- 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. City of the Year 2017 Citation Page 4
Presenter: Terry Chatfield of Forty & Eight

Forty & Eight is an independent honor organization of veterans committed to charitable and patriotic aims. This Citation is in recognition of the Town's Veteran's Memorial and other events celebrating veterans.

2. Bullying Prevention Month Proclamation Page 5
Presenter: Shelia Reich, Executive Director-Youth Thrive

Youth Thrive is a collective impact partnership aimed at creating better conditions in which Wake County youth will thrive. To bring attention to this important issue, a Bullying Prevention Campaign is being launched.

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. Council Meeting Minutes Page 6
Presenter: Stella Gibson, Town Clerk

Adopt minutes from the August 22, 2017 Council Meeting.

Action: Adopt Minutes

2. Due Diligence Funding Page 11
Presenter: John Hodges, Asst. Town Manager-Development Services

Staff requests authorization to expend up to \$50,000 from committed Park Development funds to perform due diligence on property that may be identified for future park and recreational use.

Action: Authorize Expenditure

3. Resolution Declaring Unpaid Nuisance Abatements as Liens Page 12
Presenter: Pam Wortham, Finance Director

This Resolution authorizes unpaid nuisance abatement fees to be filed with Wake County Revenue as liens to real property and added to the property owner's tax bill. The property listed has an unpaid abatement more than 30 days old.

Action: Adopt Resolution (2017) 2330

H. PUBLIC HEARINGS

1. Annexation Petition ANX-17-04, Purser Drive Page 15
Presenter: David Bamford, Planning Services Manager

Request for contiguous annexation of 1.399 acres located at 902 Purser Drive. The site is vacant / undeveloped. The Council recently approved the right of way closing along this property.

Action: Adopt Ordinance (2017) 3879

- 2. Annexation Petition ANX 17-05, Evolve Timber Creek Apartments Page 20
Presenter: David Bamford, Planning Services Manager

Request for contiguous annexation of 21.954 acres located on Benson Road. The site is currently under construction.

Action: Adopt Ordinance (2017) 3880

- 3. Conditional Use Site Plan CUP-SP-17-12, White Oak Business Park – Lot 12B Page 25
Presenter: Jenny Saldi, Senior Planner

Request for conditional use site plan approval for an office building with a warehouse. The site is located at 105 Sigma Drive.

Action: Approve CUP-SP-17-12, White Oak Business Park – Lot 12B

I. NEW/OLD BUSINESS

- 1. General Use Rezoning Z-17-04, 601 Tryon Road Page 34
Presenter: David Bamford, Planning Services Manager

Request to change zoning of approximately 28 acres from Industrial 1 (I-1) general use to Community Retail (CR) general use.

Action: Adopt Ordinance (2017) 3882

- 2. UDO-17-01, Various Minor Text Amendments Page 46
Presenter: Jeff Triezenberg, Planning Director

This proposed text amendment is a collection of corrections and clarifications that planning staff have collected over the past two (2) years. In many cases, there is conflicting and/or duplicate language, a change in terminology or a need to clarify long-standing interpretations. In addition, some corrections to the use table are needed to fix errors in items that were carried forward during the last UDO update process.

Action: Adopt Ordinance (2017) 3881

J. COMMITTEE REPORTS

K. MANAGER REPORTS

- 1. garner info
- 2. Town Hall Updates

L. ATTORNEY REPORTS

M. COUNCIL REPORTS

N. ADJOURNMENT

*La Societe des Quarante Hommes
et Huit Chevaux*



Grand Voiture du North Carolina

This is to certify

Garner, North Carolina

is hereby awarded this Citation

For

CITY OF THE YEAR 2017

*In Testimony whereof, we have here unto set our hands this
15th day of July 2017 at the Grand Promenade
in the City of Burlington, North Carolina*

Attested by:

David E. Van Wormer

David E Van Wormer

Grand Correspondant

Terry F. Chatfield

Terry F Chatfield

Grand Chef de Gare

PROCLAMATION

WHEREAS, bullying is physical, verbal, sexual, or emotional harm or intimidation intentionally directed at a person or group of people; and occurs in neighborhoods, playgrounds, schools, and through technology, and

WHEREAS, various researchers conclude that bullying is the most common form of violence, affecting millions of American children and adolescents annually, as almost thirty percent of the youth in the United States are estimated to be involved in bullying each year, either as a bully or as a victim; and

WHEREAS, targets of bullying are more likely to acquire lifelong physical, emotional, and learning problems, and

WHEREAS, students who are repeatedly bullied often fear such activities as riding the bus, going to school, and attending community activities; and

WHEREAS, children who bully are at greater risk of engaging in more serious violent behaviors; and

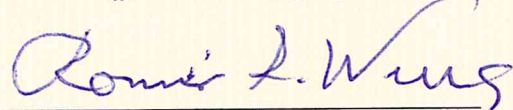
WHEREAS, children who witness bullying often feel less secure, more fearful, and intimidated.

NOW, THEREFORE I, Ronnie S. Williams, Mayor of the Town of Garner, North Carolina, do hereby proclaim October of 2017 as

Bullying Prevention Month

and **BE IT FURTHER RESOLVED** that Town of Garner schools, students, parents, recreation programs, religious institutions, and community organizations be encouraged to engage in a variety of awareness and prevention activities designed to make our community safer for all children and adolescents.

*In Witness Whereof, I have hereunto set my hand
And caused the Great Seal of the Town of Garner,
North Carolina to be affixed the 5th day of September, 2017.*



Mayor Ronnie S. Williams



Town of Garner
Town Council Meeting
Agenda Form

| | | |
|---|---------------------------------|---|
| Meeting Date: September 5, 2017 | | |
| Subject: Council Meeting Minutes | | |
| Location on Agenda: Consent | | |
| Department: Administration | | |
| Contact: Stella Gibson, Town Clerk | | |
| Presenter: Stella Gibson, Town Clerk | | |
| Brief Summary: Adopt minutes from the August 22, 2017 Council Meeting. | | |
| Recommended Motion and/or Requested Action: Adopt Minutes | | |
| Detailed Notes: | | |
| Funding Source: | | |
| Cost: | One Time: <input type="radio"/> | Annual: <input type="radio"/> No Cost: <input checked="" type="radio"/> |
| Manager's Comments and Recommendations: | | |
| Attachments Yes: <input checked="" type="radio"/> No: <input type="radio"/> | | |
| Agenda Form Reviewed by: | Initials: | Comments: |
| Department Head: | SG | |
| Finance Director: | | |
| Town Attorney: | | |
| Town Manager: | RD | |
| Town Clerk: | | |

**Town of Garner
Town Council Meeting Minutes
August 22, 2017**

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

CALL MEETING TO ORDER/ROLL CALL:

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

Staff Present: John Hodges-Asst. Town Manager-Development Services, Matt Roylance-Asst. Town Manager-Operations, Pam Wortham-Finance Director, Rick Mercier-Communications Manager, Michael Gammon-Budget & Special Projects Manager, Brandon Zuidema-Police Chief, William E. Anderson-Town Attorney, and Stella Gibson-Town Clerk.

PLEDGE OF ALLEGIANCE: Council Member Ken Marshburn

INVOCATION: Council Member Ken Marshburn asked Reverend Susan Hobbs of Garner United Methodist Church to deliver the invocation.

PETITIONS AND COMMENTS

ADOPTION OF AGENDA

Motion: Kennedy
Second: Johns
Vote: Unanimous

PRESENTATIONS

Mayor Williams presented the James R. Stevens Service to Garner Award to Richard Gulley. Mr. Gulley, a life-long resident of Garner has served his hometown in innumerable ways during a lifetime of service to the community.

CONSENT

Council Meeting Minutes

Presenter: Stella Gibson, Town Clerk

Adopt minutes from the March 28, 2017, July 18, 2017, July 25, 2017, and August 7, 2017 Council Meetings and closed session minutes from the March 28, 2017, July 18, 2017, and August 7, 2017 Council Meetings.

Action: Adopt Minutes

Agency Funding Approved in the FY 2017/2018 Budget

Presenter: Michael Gammon, Budget and Special Projects Manager

Following the adoption of the budget, agreements were prepared and forwarded to each of the agencies receiving appropriations this year. Once signed, returned, and approved the Town will make the payments to the organizations in accordance with the schedule set out in the agreement. The following agencies have returned fully executed agreements: Garner Civitan Club, Garner Towne Players, InterAct, Miss Garner Pageant.

Action: Authorize Execution of Agreements

Ordinance Amending FY 2017/2018 Operating Budget

Presenter: Pam Wortham, Finance Director

Request to utilize unappropriated fund balance of \$35,000 for costs of a downtown revitalization project for which we received grant funds during FY 2017, additional cost for the Comprehensive Plan contract that was not included in the purchase order, and to utilize unspent Main Street Facade funds from FY 2017.

Action: Adopt Ordinance (2017) 3869

Motion: Kennedy
Second: Johns
Vote: Unanimous

PUBLIC HEARINGS

NEW/OLD BUSINESS

Bond Tracking Report

Presenter: Michael Gammon, Budget & Special Projects Manager

Mr. Gammon and Mr. Chalk provided a brief overview of the status of the bond program, specifically changes and updates from the last report.

Action: No action; report only

COMMITTEE REPORTS

Mr. Hodges announced a Law and Finance Committee Meeting was scheduled for Tuesday, April 29, 2017 at 8:00 a.m.

MANAGER REPORTS

- garner info
- Town Hall Updates – paving work continues; additional work in Council Chambers and lobby is scheduled to begin tomorrow. Suggested dates for the Town Hall grand opening will be provided at

the next Work Session.

- Finance Report
- Garner Technology Site Environmental Report – notice of remedial action plan was received. This may allow the Town to remove some of the monitoring wells on this site earlier than originally expected.
- Garner Recreation Center Update – Mr. Chalk provided a color board of interior finishes for Council review. Council was also asked to stop by the site and review the mock wall.
- NCDOT will be holding an information session for local officials on Thursday, September 7, 2017 at 2:30 p.m. in the Town Hall Training Room.
- The ribbon cutting for Garner Rec Park will be on Saturday at 10:00 a.m. This will also coincide with the start of this seasons Pop-Up Markets.

ATTORNEY REPORTS

COUNCIL REPORTS

Marshburn

- Reported the Wake County transit implementation plan and first bus improvements were made this month. He invited everyone to go to their website and comment on the rollout between now and August 31st.
- Commended the Town's Wellness Committee on the work they are doing.
- Reported attending the Parks and Recreation departments eclipse party on the back lawn of GPAC along with over 100 other citizens.

Behringer

- Reported cars for sale parked on Mechanical Blvd. at Oak City Motors.
- Reported the median on Highway 70 at Yeargan Road needs to be mowed as well as inside Garner Town Square near Kroger and Target.
- Attending the League Conference in September.

Singleton

- Suggested the meeting with the Fire Board be scheduled at the second meeting or work session of the month.

Kennedy

- Asked about placing lights on Mechanical Blvd. to Old Stage Road. Mr. Chalk advised this project could be accomplished in coordination with a larger project such as the superstreet project proposed for the area. If lights are installed now, they may need to be relocated as part of a future project.
- Asked to discuss a finance matter with the Law & Finance Committee.
- Asked when the appropriate time was to invite Davenport to present a bonding capacity update. Ms. Wortham advised the first part of October is likely as this will be after the audit report is received and the revenue savings plan numbers will be updated.
- Reported the Drury Inn site needs mowing.
- Asked what could be done to expedite the repair to the dip on the F. Donald Rohrbaugh bridge.

Williams

- Thanked staff for organizing the James R. Stevens reception.
- Announced Senator Chad Barefoot was retiring.

Council Member Johns had nothing to report.

ADJOURNMENT: 8:02 p.m.

Motion: Marshburn
Second: Johns
Vote: Unanimous

Town of Garner
Town Council Meeting
Agenda Form

| | | |
|---|--|--|
| Meeting Date: September 5, 2017 | | |
| Subject: Expenditures for Due Diligence of Property for Park and Recreational Use | | |
| Location on Agenda: Consent | | |
| Department: Town Manager's Office | | |
| Contact: John Hodges, Assistant Town Manager - Development Services | | |
| Presenter: John Hodges, Assistant Town Manager - Development Services | | |
| <p>Brief Summary:</p> <p>Staff requests authorization to expend up to \$50,000 from committed Park Development funds to perform due diligence on property that may be identified for future park and recreational use.</p> | | |
| <p>Recommended Motion and/or Requested Action:</p> <p>Authorize Expenditure</p> | | |
| <p>Detailed Notes:</p> <p>Staff foresees the need to identify property that may be used to expand park or recreational facilities to support growth and development. Funds authorized would be used to perform due diligence including environmental assessments and ability to develop.</p> | | |
| Funding Source: | | |
| Cost: \$50,000 | One Time: <input checked="" type="radio"/> | Annual: <input type="radio"/> No Cost: |
| <p>Manager's Comments and Recommendations:</p> <p>Acquiring property will position the Town of Garner for long range recreational opportunities.</p> | | |
| Attachments Yes: <input checked="" type="radio"/> No: <input type="radio"/> | | |
| Agenda Form Reviewed by: | Initials: | Comments: |
| Department Head: | JMH | |
| Finance Director: | | |
| Town Attorney: | | |
| Town Manager: | RD | |
| Town Clerk: | | |

Town of Garner
Town Council Meeting
Agenda Form

| | | |
|---|---------------------------------|---|
| Meeting Date: September 5, 2017 | | |
| Subject: Resolution for Delinquent Nuisance Abatements | | |
| Location on Agenda: Consent | | |
| Department: Finance | | |
| Contact: Pam Wortham, Finance Director | | |
| Presenter: Pam Wortham, Finance Director | | |
| Brief Summary: Resolution declaring certain delinquent nuisance abatements as a lien on property. This resolution authorizes Wake County to add these abatement costs to Wake County property tax bills. | | |
| Recommended Motion and/or Requested Action: Adopt Resolution (2017) 2330 | | |
| Detailed Notes: | | |
| Funding Source: N/A | | |
| Cost: | One Time: <input type="radio"/> | Annual: <input type="radio"/> No Cost: <input checked="" type="radio"/> |
| Manager's Comments and Recommendations: N/A | | |
| 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: | | |

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

RESOLUTION NO. (2017) 2330

A RESOLUTION ASSESSING THE COST OF ABATEMENT AGAINST THE PROPERTY ON WHICH THE NUISANCE EXISTED

WHEREAS, the Town Council of the Town of Garner, pursuant to Chapter 160A of the North Carolina General Statutes and Chapter 6, Section 23 of the Town Code of the Town of Garner, Ordinances has the authority to prevent, abate and declare unlawful nuisances and to make the cost of said abatement a lien against the premises where the nuisances existed, said liens to be collected in the nature of property taxes; and,

WHEREAS, the Town of Garner has abated nuisances on the below referenced properties in accordance with the Town Code referred to and has been unable to recover the abatement costs from the stated property owners; and,

WHEREAS, pursuant to North Carolina General Statutes 160A-193 the costs of the abatement involved with the abatement as well as the expenses of the action are a lien on the premises in the nature of a tax, which pursuant to North Carolina General Statutes 105-365.1 can be collected by a tax collector using the remedies provided by law;

NOW, THEREFORE BE IT RESOLVED THAT THE TOWN COUNCIL OF THE TOWN OF GARNER hereby confirms the cost of the abatement of the nuisances set out herein, pursuant to the General Statutes above referenced, confirms the same as liens against the premises, and requests the Wake County Tax Collector to collect the same in the nature of unpaid taxes:

| LOCATION | PROPERTY OWNER(S) | REAL ESTATE ID | COST |
|----------------------|----------------------|----------------|-----------|
| 506 Buck Branch DR | Virginia Gibson | 10899 | \$ 209.83 |
| 100 Foggy Morning CT | AMH NC Properties | 216153 | 80.90 |
| 316 W. Garner RD | Alfred Charles Avery | 2821 | 286.48 |
| 320 W. Garner RD | Willie Woods Heirs | 79561 | 209.83 |
| 1407 Harth DR | Feng Wang | 99166 | 308.89 |
| 406 Hilltop RD | Lura Perry Heirs | 54775 | 923.53 |
| 1317 Sycamore DR | Perry Jenkins | 35430 | 241.26 |
| 222 Weston RD | Theodor Thomas | 32789 | 195.38 |
| 236 Weston RD | TGS Properties LLC | 65596 | 237.76 |

This resolution shall become effective upon adoption, recorded at the Wake County Registry and a copy thereof forwarded to the Tax Collector for Wake County.

Duly adopted this the 5th day of September, 2017.

(Town Seal)

Ronnie S. Williams, Mayor

ATTEST:

Stella Gibson, Town Clerk

Town of Garner
Town Council Meeting
Agenda Form

| | | |
|---|---------------------------------|---|
| Meeting Date: September 5, 2017 | | |
| Subject: Annexation Case # ANX-17-04, Purser Drive | | |
| Location on Agenda: Public Hearings | | |
| Department: Planning | | |
| Contact: David Bamford, AICP; Planning Services Manager | | |
| Presenter: David Bamford, AICP; Planning Services Manager | | |
| Brief Summary: This is a request by Dynamic Properties LLC for annexation of 902 Purser Drive. The site is vacant / undeveloped. The Council recently approved the right of way closing along this property. | | |
| Recommended Motion and/or Requested Action: Adopt Ordinance (2017) 3879 | | |
| 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: N/A | | |
| Attachments Yes: <input checked="" type="radio"/> No: <input type="radio"/> | | |
| Agenda Form Reviewed by: | Initials: | Comments: |
| Department Head: | JT | |
| Finance Director: | | |
| Town Attorney: | | |
| Town Manager: | RD | |
| Town Clerk: | | |

Planning Department Staff Report

TO: Mayor & Town Council

FROM: David Bamford, AICP; Planning Services Manager

SUBJECT: ***ANX-17-04: 902 Purser Drive***

DATE: September 5, 2017

ANNEXATION APPLICATION: ANX 17-04

OWNER: Dynamic Properties LLC

CONTIGUOUS / SATELLITE: Contiguous

LOCATION OF PROPERTY: 902 Purser Drive

WAKE COUNTY PIN #: 0791965115

REAL ESTATE ID #: 056372

AREA: 1.399 acres

ZONING: SB

ASSOCIATED DEVELOPMENT PLAN: None. Council recently approved closing the street right of way along this property.

EXISTING USE: Vacant / undeveloped

RECOMMENDATION: Adopted annexation ordinance

KEY DATES:

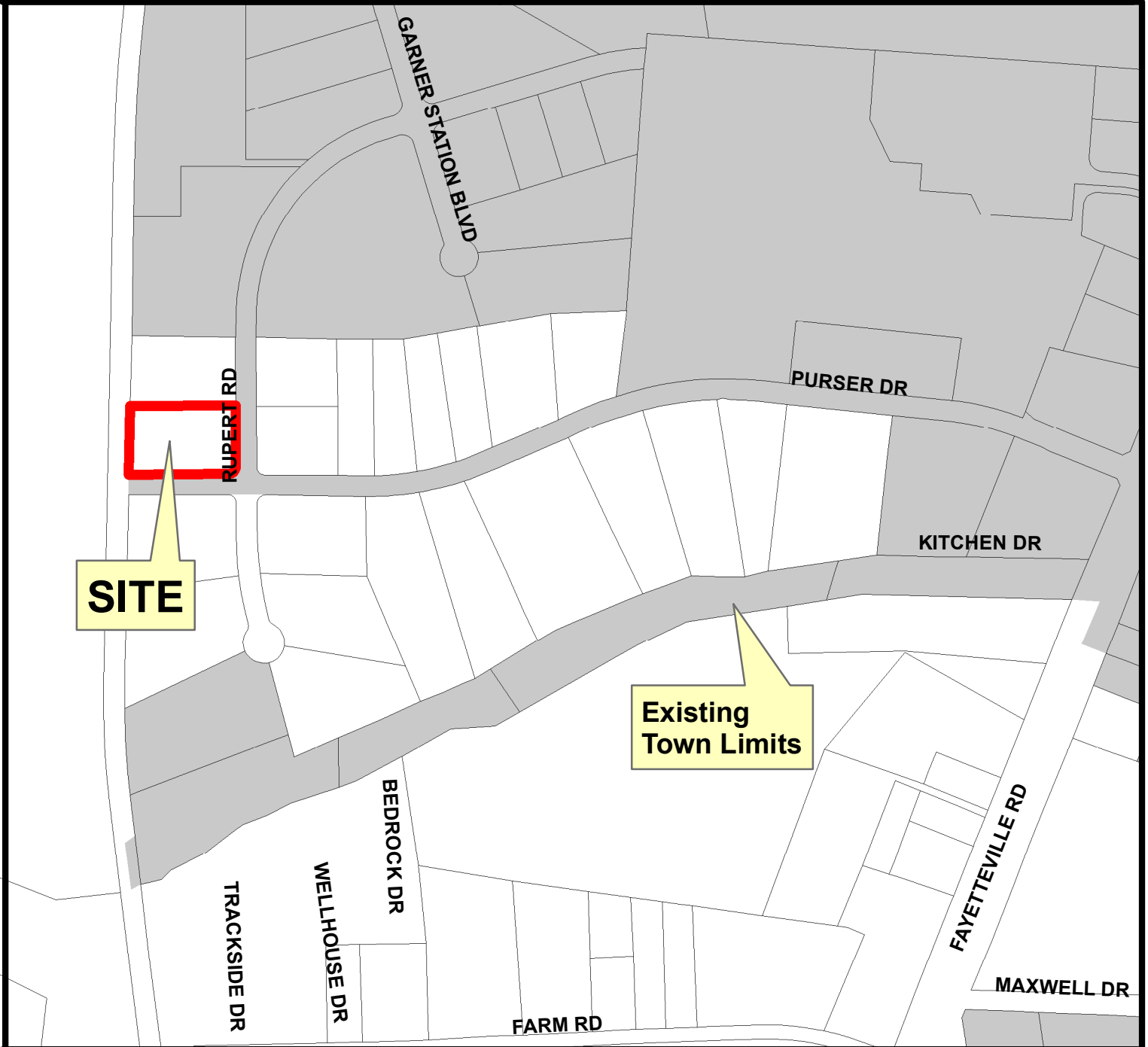
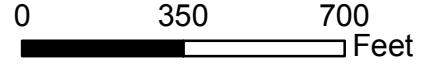
SET PUBLIC HEARING: August 7, 2017

PUBLIC HEARING: September 5, 2017

ANNEXATION EFFECTIVE: September 5, 2017

**Town of Garner
Planning Department**

**Annexation
ANX 17-04**



Project: Dynamic Properties LLC
Property Location: 902 Purser Drive
Property Owner: Dynamic Properties LLC
Pin: 0791965115
Acreage: 1.39

GARNER POLICE ZONE:

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

ORDINANCE NO. (2017) 3879

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF GARNER,
NORTH CAROLINA

WHEREAS, the Town Council has been petitioned under G.S. 160A-31, as amended, to annex the area described herein; and

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

WHEREAS, the Town Clerk has certified the sufficiency of said petition, and a public hearing on the question of this annexation was held at the Town Hall at 7:00 p.m. on September 5, 2017, after due notice by publication in the *Garner-Cleveland Record* on August 23, 2017; and

WHEREAS, the Town Council does hereby find as a fact that said petition meets the requirements of G.S. 160A-31, as amended;

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

Section 1. By virtue of the authority granted by G.S. 160A-31, as amended, the following described territory, is hereby annexed and made part of the Town of Garner as of September 5, 2017.

(ANX-17-04) 902 Purser Drive

A 1.38-acre tract located at 902 Purser Drive; the site can be identified as Wake County PIN 0791965115; the property is recorded in Deed Book 016491, Page 01051, and also as Lot 5 in Book of Maps 1986, Page 930.

Section 2. Upon and after the 5th day of September, 2017, 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 hereof, together with a duly certified copy of this ordinance. Such a map shall also be delivered to the County Board of Elections, as required by G.S. 163-288.1.

Adopted this 5th day of September, 2017.

Ronnie S. Williams, Mayor

ATTEST: _____
Stella L. Gibson, Town Clerk

Town of Garner
Town Council Meeting
Agenda Form

| | | |
|---|---------------------------------|---|
| Meeting Date: September 5, 2017 | | |
| Subject: Annexation Case # ANX-17-05, Evolve Timber Creek Apartments | | |
| Location on Agenda: Public Hearings | | |
| Department: Planning | | |
| Contact: David Bamford, AICP; Planning Services Manager | | |
| Presenter: David Bamford, AICP; Planning Services Manager | | |
| Brief Summary: This is a request for annexation of Evolve Timber Creek Apartments (CUP-SP-16-10 approved October 3, 2016). The 21.9-acre site is under construction. Location: NC 50 / Benson Road near Timber Drive | | |
| Recommended Motion and/or Requested Action: Adopt Ordinance (2017) 3880 | | |
| 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: N/A | | |
| Attachments Yes: <input checked="" type="radio"/> No: <input type="radio"/> | | |
| Agenda Form Reviewed by: | Initials: | Comments: |
| Department Head: | JT | |
| Finance Director: | | |
| Town Attorney: | | |
| Town Manager: | RD | |
| Town Clerk: | | |

Planning Department Staff Report

TO: Mayor & Town Council

FROM: David Bamford, AICP; Planning Services Manager

SUBJECT: ***ANX-17-05: Evolve Timber Creek***

DATE: September 5, 2017

ANNEXATION APPLICATION: ANX 17-05

OWNER: Garner Housing LLC

CONTIGUOUS / SATELLITE: Contiguous

LOCATION OF PROPERTY: Benson Road

WAKE COUNTY PIN #: 1710836693

REAL ESTATE ID #: 0446426

AREA: 21.954 acres

ZONING: MF-2 C184

ASSOCIATED DEVELOPMENT PLAN: Evolve Timber Creek Apartments
(CUP-SP-16-10 approved October 3, 2016)

EXISTING USE: Vacant / undeveloped

RECOMMENDATION: Adopted annexation ordinance

KEY DATES:

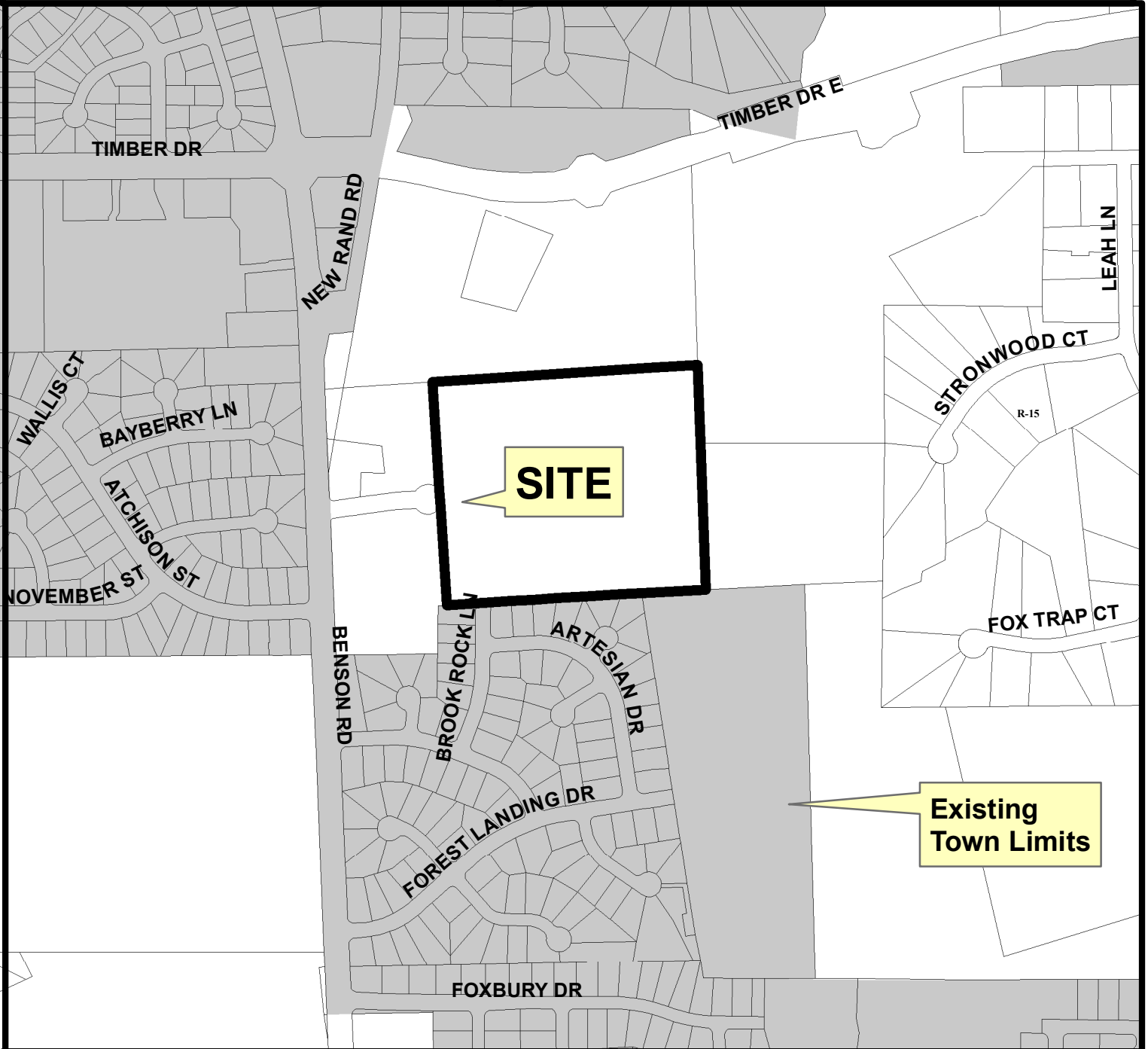
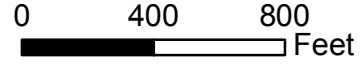
SET PUBLIC HEARING: August 7, 2017

PUBLIC HEARING: September 5, 2017

ANNEXATION EFFECTIVE: September 5, 2017

**Town of Garner
Planning Department**

**Annexation
ANX 17-05**



Project: Evolve Timber Creek
Property Location: Benson Rd
Property Owner: Garner Housing LLC
Pin: 1710836693
Acreage: 21.9

GARNER POLICE ZONE:

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

ORDINANCE NO. (2017) 3880

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF GARNER,
NORTH CAROLINA

WHEREAS, the Town Council has been petitioned under G.S. 160A-31, as amended, to annex the area described herein; and

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

WHEREAS, the Town Clerk has certified the sufficiency of said petition, and a public hearing on the question of this annexation was held at the Town Hall at 7:00 p.m. on September 5, 2017, after due notice by publication in the *Garner-Cleveland Record* on August 23, 2017; and

WHEREAS, the Town Council does hereby find as a fact that said petition meets the requirements of G.S. 160A-31, as amended;

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

Section 1. By virtue of the authority granted by G.S. 160A-31, as amended, the following described territory, is hereby annexed and made part of the Town of Garner as of September 5, 2017.

(ANX-17-05) Evolve Timber Creek

A 21.954-acre tract located at Evolve Drive; the site can be identified as Wake County PINs 1710837942 and 1710836467; the property is recorded in Deed Book 016491, Page 01051, and also as Lots 1 & 2 in Book of Maps 2017, Page 1481. Also included is the public right of way of Evolve Drive recorded in Book of Maps 2017, Page 1006.

Section 2. Upon and after the 5th day of September, 2017, 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 hereof, together with a duly certified copy of this ordinance. Such a map shall also be delivered to the County Board of Elections, as required by G.S. 163-288.1.

Adopted this 5th day of September, 2017.

Ronnie S. Williams, Mayor

ATTEST: _____
Stella L. Gibson, Town Clerk

Town of Garner
Town Council Meeting
Agenda Form

| | | |
|--|---------------------------------|---|
| Meeting Date: April 18, 2017 | | |
| Subject: Conditional Use Site Plan CUP-SP-17-12, White Oak Business Park | | |
| Location on Agenda: Public Hearings | | |
| Department: Planning | | |
| Contact: Jenny Saldi, Senior Planner | | |
| Presenter: Jenny Saldi, Senior Planner | | |
| Brief Summary: Request for conditional use site plan approval for an office building with a warehouse. The site is located at 105 Sigma Drive. | | |
| Recommended Motion and/or Requested Action: Approve Conditional Use Site Plan CUP-SP-17-12, White Oak Business Park | | |
| Detailed Notes: The following condition applies to this request: 1. Phases 2, 3 and "possible future development" shall submit a modification to this plan for review and approval prior to issuance of a building permit. | | |
| Funding Source: | | |
| Cost: | One Time: <input type="radio"/> | Annual: <input type="radio"/> No Cost: <input checked="" type="radio"/> |
| Manager's Comments and Recommendations: N/A | | |
| Attachments Yes: <input checked="" type="radio"/> No: <input type="radio"/> | | |
| Agenda Form Reviewed by: | Initials: | Comments: |
| Department Head: | JT | |
| Finance Director: | | |
| Town Attorney: | | |
| Town Manager: | RD | |
| Town Clerk: | | |

Planning Department Staff Report

TO: Mayor & Town Council

FROM: Jenny Saldi, ASLA; Senior Planner

SUBJECT: *Conditional Use Site Plan - CUP-SP-17-12, White Oak Business Park Lot 12B*

DATE: September 5, 2017

PROJECT AT A GLANCE

Project Number: CUP-SP-17-12, White Oak Business Park, Lot 12B

Applicant: Dale Lands

Owner: Price Kornegry, LLC

Plan Prepared by: Thompson & Associates

General Description -

Proposed Use: Office/Warehouse

Project Location: 105 Sigma Drive - part of White Oak Business Park

Wake Count PIN(s): 1730-21-8454

Zoning Classification: Mixed Use District – 1 (which is now obsolete)
Conditional Use District C-25

Key Meeting Dates -

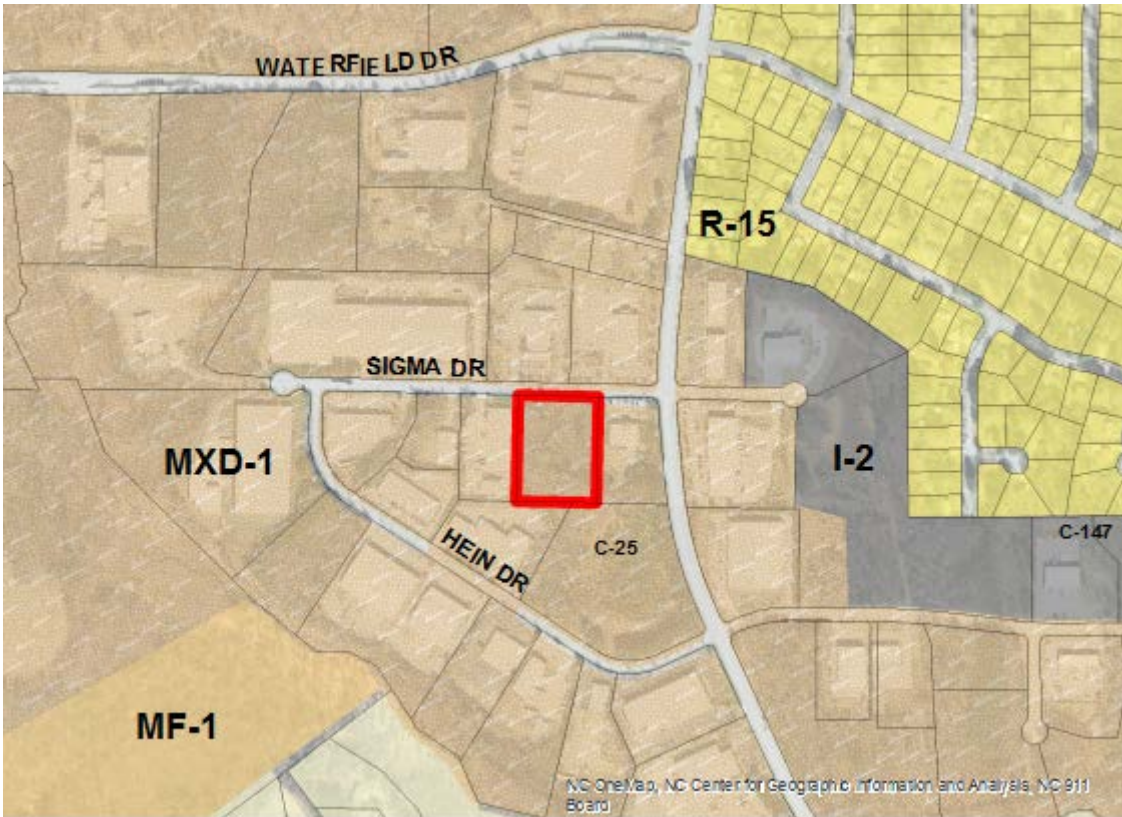
Planning Commission: August 14, 2017

Town Council Public Hearing: September 5, 2017 (Tuesday)

ADJACENT ZONING AND LAND USE

| | | |
|---------------|--------------------------------|------------------|
| North: | Mixed Use District – 1 (MXD-1) | Office/Warehouse |
| South: | Mixed Use District – 1 (MXD-1) | Office/Warehouse |
| East: | Mixed Use District – 1 (MXD-1) | Office/Warehouse |
| West: | Mixed Use District – 1 (MXD-1) | Office/Warehouse |

Overall Neighborhood Character: Non-residential subdivision with buildings offering a mix of office and warehouse space.



PROJECT DATA

| | |
|---|---|
| Acreage: | 2.761 acres |
| Building Size: | Phase 1 is a two-story building with 3,500 square feet of office space and 13,000 square feet of warehouse space. Phase 2, Phase 3 and “Possible Future Development” are shown on the plan but will require a modification to this plan as architecture was unavailable. The modification would be staff review and approval. |
| Building Material and Color: | The building is primarily light gray ribbed metal. The front and 20 feet of the sides will be faced with a light gray fiber cement siding. Bands of darker gray siding, windows and red aluminum canopies add detail to the front of the building. |
| Landscape and Buffer Requirements: | <p>The plan as proposed meets the requirements of the Landscape Ordinance.</p> <ul style="list-style-type: none">• Tree Cover: Requirements are met with existing vegetation and proposed vegetation.• Street Buffers: A 15-foot street buffer is shown as required adjacent to Sigma Drive.• Perimeter Buffers: A 15-foot buffer is shown along the south, east and west property lines. <p>Existing vegetation will be used to meet some of the buffer landscaping requirements. A landscape plan has been prepared to use in areas where existing vegetation does not meet buffer requirements.</p> |
| Parking Spaces: | <p>Number - Parking is based on area of office space and number of employees for the warehouse. Parking shown is based on the built-out project.</p> <ul style="list-style-type: none">• <u>Required</u>: 29 (2 accessible)• <u>Proposed</u>: 29 (2 accessible) |
| Floodplain: | This site does not contain a FEMA designated floodplain. |
| Fire Protection: | The Inspections Department has reviewed the plan for fire protection and given their approval. |

Infrastructure:

Stormwater Management - This project is subject to nitrogen and water quantity requirements. The developer is proposing a bio-retention cell to handle detention of the 1, 10 and 25-year storm events along with reducing nitrogen. Payment to a private mitigation bank will also be required to bring the overall project into compliance with the Neuse Rules.

Water/Sewer - Connections to public water and sewer proposed.

Transportation/Access – Site will have one point of access off Sigma Drive. Sidewalks were not part of the original development of White Oak Business Park.

CONSISTENCY WITH ADOPTED TOWN PLANS AND POLICIES

2006 Comprehensive Growth Plan:

This site falls within the Employment Center east of the US 70 and I-40 interchange. Recommended uses include large scale industrial and commercial centers and business parks. This site is part of a business park and as such, staff finds that the project is consistent with the Comprehensive Growth Plan.

2010 Garner Transportation Plan:

A review of the Transportation Plan revealed no recommendations for Sigma Drive; therefore, this project as proposed may be considered consistent with the 2010 Garner Transportation Plan.

Parks & Recreation, Open Space & Greenways Master Plan:

A review of the Parks and Recreation, Open Space and Greenways Master Plan revealed no plan recommendations in the project area; therefore, this project, as proposed, may be considered consistent with the Parks & Recreation, Open Space & Greenways Master Plan.

Unified Development Ordinance Regulations:

After sufficient review and plan revisions, staff finds that this project, as now proposed, is consistent with the regulations of the Unified Development Ordinance.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission reviewed the plans at their meeting on August 14, 2017 and voted unanimously to recommend approval of CUP-SP-17-12, White Oak Business Park Lot 12B, with one site specific condition listed on the attached permit.

COUNCIL MOTION

Approve: Move that the Council find the application meets the 10 permit criteria in Section 3.14.D. and therefore approve Conditional Use Permit CUP-SP-17-12, White Oak Business Park, Lot 12B, with one site specific condition listed on the attached permit.

Optional (conditions): ...and including the following reasonable conditions necessary to address the impacts of the proposed development on: *(check and state all that apply)*

- adjoining property,
 - the existing natural and man-made features of the site,
 - off-site and on-site traffic flow,
 - public utilities,
 - such other public services or goals of the Comprehensive Growth Plan or the Transportation Plan that may be negatively impacted by the proposed development *(enumerate plan services/goals):*
-
-
-

Condition #1:

Condition #2:

Condition #3, (etc.):

or

Deny: Move that the Council find the application does not meet the following criteria in Section 3.14.D.,

(Note the criteria found not to be met)

- 1. The proposed use will not endanger the public health or safety;
- 2. The proposed use will not substantially injure the value of adjoining or abutting property;
- 3. The proposed use complies with all applicable provisions of this UDO;

- ___ 4. If completed as proposed, the development will comply with all requirements of this section;
- ___ 5. The proposed use will be compatible with the proximate area in which it is to be located;
- ___ 6. The proposed use is consistent with the Transportation Plan, other relevant adopted plans and policies, and the stated purpose and intent of this UDO (the fact that the use is permitted under certain circumstances in the zoning district creates a rebuttable presumption that the proposed use is in harmony with the intent of the UDO as relates to the general zoning plan);
- ___ 7. The proposed use is compatible with adjacent uses in terms of building scale, site design, buffering and screening, operating characteristics (hours of operation, traffic generation, lighting, noise, odor, dust, and other external impacts);
- ___ 8. Any significant adverse impacts resulting from the use will be mitigated or offset, including impacts on the natural environment;
- ___ 9. The public safety, transportation and utility facilities and services will be available to serve the subject property while maintaining sufficient levels of service for existing development;
- ___ 10. Adequate assurances of continuing maintenance have been provided;

and therefore, deny Conditional Use Permit CUP-SP-17-12, White Oak Business Park, Lot 12B.



Town of Garner Planning Department

Conditional Use Permit CUP-SP-17-12

0 200 400
Feet



NC OneMap, NC Center for Geographic Information and Analysis, NC 911 Board

Project: Lot 12-08 White Oak Business Park
Applicant: Dale Lands
Owner: Price Kornegry LLC
Location: 105 Sigma Drive
Pin: 1730218454

Proposed Use: Office / warehouse
Current Zoning: MXD-1 C25
Acreage: 2.76
Overlay: None

TOWN OF GARNER
CUP-SP-17-12 – White Oak Business Park, Lot 12B
SOCIAL USE PERMIT

| | |
|--------------------|---|
| APPLICANT | Dale Lands P.O. Box 953 Clayton, NC 27528 |
| LOCATION | 105 Sigma Drive |
| USE | Office/Warehouse |
| DATE ISSUED | September 5, 2017 |

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. Phases 2, 3 and “possible future development” shall submit a modification to this plan for review and approval prior to issuance of a building permit.

Cc: Thompson and Associates
 Attn: Randy Miller
 1149 Executive Circle
 Suite D2
 Cary, NC 27511

Town of Garner
Town Council Meeting
Agenda Form

| | | |
|---|---------------------------------|---|
| Meeting Date: September 5, 2017 | | |
| Subject: General Use Rezoning Z-17-04, 601 Tryon Road | | |
| Location on Agenda: Old/New Business | | |
| Department: Planning | | |
| Contact: David Bamford, AICP; Planning Services Manager | | |
| Presenter: David Bamford, AICP; Planning Services Manager | | |
| <p>Brief Summary:</p> <p>The property owner wishes to change the zoning from Light Industrial (I-1) to Community Retail (CR). The property is located east of Junction Boulevard and south of Tryon Road. This is a general use request so no development plan is proposed at this time.</p> | | |
| <p>Recommended Motion and/or Requested Action:</p> <p>Adopt Ordinance (2017) 3882</p> | | |
| <p>Detailed Notes:</p> <p>See attached staff report.</p> | | |
| Funding Source: | | |
| Cost: | One Time: <input type="radio"/> | Annual: <input type="radio"/> No Cost: <input checked="" type="radio"/> |
| <p>Manager's Comments and Recommendations:</p> <p>N/A</p> | | |
| <p>Attachments Yes: <input checked="" type="radio"/> No: <input type="radio"/></p> | | |
| Agenda Form Reviewed by: | Initials: | Comments: |
| Department Head: | JT | |
| Finance Director: | | |
| Town Attorney: | | |
| Town Manager: | RD | |
| Town Clerk: | | |

TO: Mayor & Town Council
FROM: David Bamford, Planning Services Manager
SUBJECT: *General Use Rezoning Case Z-17-04*
DATE: September 5, 2017

PROJECT AT A GLANCE

| | |
|------------------------------|--|
| Project Number: | Z-17-04 General Use Rezoning |
| Applicant: | Broomfield LLC |
| Owner: | Broomfield LLC |
| General Description - | |
| Area: | 28 +/- acres |
| Project Location: | Tryon Road |
| Wake Count PIN(s): | 1702-20-1920 |
| Requested Action: | Generally amend zoning map as noted herein |
| Current Zoning: | I-1 (Light Industrial) |
| Requested Zoning: | CR (Community Retail) |
| Key Meeting Dates: | |
| Public Hearing: | July 6, 2017 |
| Planning Commission: | August 14, 2017 |
| Town Council Action: | September 5, 2017 |

BACKGROUND / REQUEST SUMMARY

The rezoning site has been zoned I-1 since 1988 when it was brought into Garner's ETJ. The site has had no development activity. The property has been for sale for some time, and the property owner wishes to change the zoning from light industrial (I-1) to community retail (CR) in hopes that this will attract a buyer. There has been no interest in light industrial development on this site. This is a general use rezoning so no conditions or development plan are proposed.

ZONING ANALYSIS

Existing: The existing zoning of the 28-acre site is Light Industrial (I-1). This I-1 (Light Industrial) district is intended to provide for a limited range of low-intensity industrial uses. Operations are restricted to inside a building (outdoor storage prohibited).

The following is a list of permitted uses in the I-1 District:

- | | |
|---|---|
| 1. Security caretaker's quarters | 21. Other offices |
| 2. Trade/Vocational school | 22. Extended stay facility (prohibited within 500 feet of residential zoning) |
| 3. Ambulance, rescue squad, police, or fire station | 23. Hotel/motel |
| 4. Prison, jail, detention facility | 24. Parking commercial |
| 5. Public park, pool, golf course | 25. Restaurant, drive in |
| 6. Bus passenger terminal | 26. Restaurant, indoor seating |
| 7. Taxicab or limousine operations | 27. Restaurant, indoor seating, drive-through window |
| 8. Broadcast tower | 28. Restaurant, take out only |
| 9. Minor utility, elevated storage tank | 29. Convenience store with no fuel sales |
| 10. Telecommunications facility | 30. Convenience store with fuel sales |
| 11. Other major utility | 31. Open air market |
| 12. Bar, nightclub, tavern (prohibited within 500 feet of residential zoning) | 32. Personal service use (indoor operations) |
| 13. Gym, spa, indoor tennis, pool | 33. Hair and beauty salons |
| 14. Horse stables and related facilities | 34. Indoor repair |
| 15. Indoor entertainment facility | 35. Indoor sales, retail |
| 16. Outdoor athletic or entertainment facility | 36. Veterinarian, kennel indoor |
| 17. Theater—drive in (prohibited within 500 feet of residential zoning) | 37. Self-service storage |
| 18. Water slide, golf driving range | 38. Car wash (prohibited within 500 feet of residential zoning) |
| 19. Bank, financial institution | 39. Vehicle services limited |
| 20. Medical offices | 40. Flex space |
| | 41. Industrial use indoor |
| | 42. Wholesale sales |
| | 43. Greenhouse, nursery |

Proposed: The proposed zoning of the 28-acre site is 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:

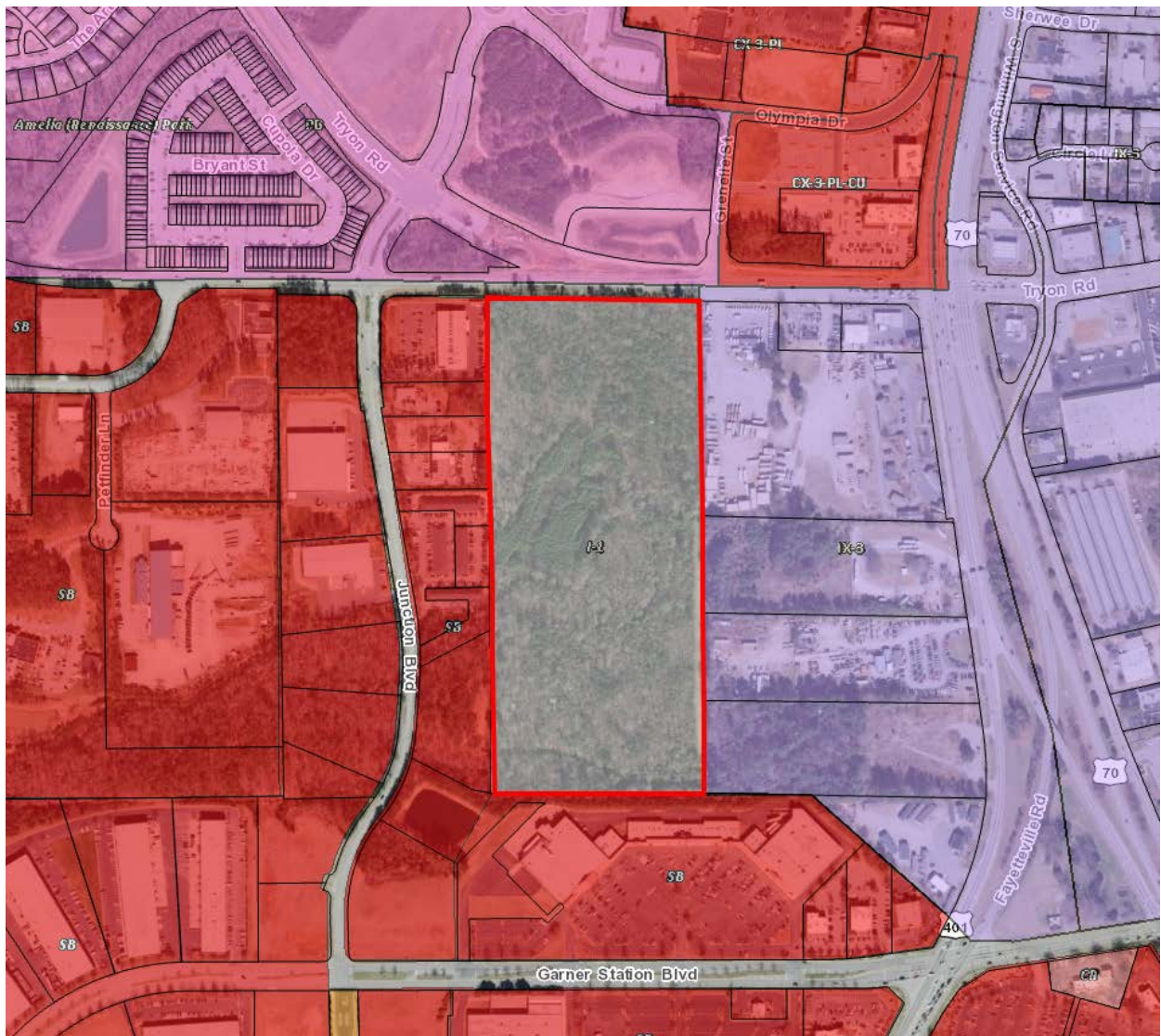
1. Townhouse or Condominium
2. Upper-Story Residential
3. Community Center
4. Library, museum, art center
5. Other Community service
6. Lodges and fraternal clubs
7. Adult Day Care
8. Day Care Center
9. Business School, college or university satellite
10. College/university
11. Trade/vocational schools
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

Adjacent Zoning and Land Use:

- | | | |
|---------------|---|--|
| North: | COR Commercial Mixed Use COR Planned Development | Restaurant Renaissance Park Development |
| South: | Service Business (SB) | North Station Shopping Center |
| East: | COR Industrial Mixed Use | Outdoor Storage uses |
| West: | Service Business (SB) | West Station Trade Center |

Overall Neighborhood Character:

This area of Garner’s jurisdiction is mainly heavy commercial, light industrial, and retail. Renaissance Park, a residential development in Raleigh’s jurisdiction, is located north of Tryon Road.



ZONING HISTORY

The following rezoning cases are in the vicinity of the rezoning site.

| Case | Applicant | Location | Zoning Change |
|-------------|----------------------------|------------------------|---------------------------------|
| Z-88-08 | JK Sherron | North / South Station | SB and I-1 to SB C19 and SB C20 |
| CUDZ 98-09 | Parker-Raleigh Development | Lenox Place Apartments | SB C20 to MF2 C83 |

INFRASTRUCTURE

Water/Sewer: Water and sewer service is available. An 8” water line is at the northwest corner of the property. Sewer service appears to be accessible at the southwest corner of the site. Connection is subject to the Town’s utility policy when the site is developed.

Transportation/Access: The rezoning site originally had frontage along Tryon Road until it was re-aligned recently. The 28-acre rezoning site has approximately 720 feet of frontage along a side service road (old Tryon Road) that connects to Junction Boulevard. Approximately 330 feet is within the public NCDOT right of way. The remaining 390 feet is on private property within the rezoning site. This service road came about when Tryon Road was re-aligned away from this property.

The service road is a 2-lane paved facility. Within the first 330 feet, the public right of way width appears to be around 80 feet in width. Then the service road curves and enters private property. It appears the front portion of the road is maintained by NCDOT and the remaining is private. There is no traffic count data available for this road. While there are some differences between the existing and the proposed district, the proposed zoning change from I-1 to CR will not significantly change the potential development intensity on the site, as it relates to traffic impacts. Both districts allow retail sales (shopping centers).

ENVIRONMENT

The site does not contain any FEMA flood plain areas. Topographic data shows that the area drains from east to west. Map data does show there may be several creeks where riparian buffers may apply. This would be further evaluated at the time of development.

CONSISTENCY WITH ADOPTED TOWN PLANS

2010 Garner Transportation Plan:

The existing service road is not classified as a collector or thoroughfare that might suggest a need for future road widening. All currently identified road improvements in the vicinity have now been completed with the realignment of Tryon Road in Raleigh. At this time, there are no further local transportation considerations related to the rezoning of this property.

2006 Comprehensive Growth Plan:

The rezoning site is located partially within both a **Regional Center** and an **Employment 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.

Employment Centers are designed to accommodate employment opportunities such as business and office parks, light manufacturing, production, distribution and warehouse facilities. The recommended zoning districts for an Employment Center include: SB, I-1, I-2, and MXD (Mixed Use).

Staff finds that the rezoning request from Lighting Industrial (I-1) to Community Retail (CR) is consistent with the recommendations of the plan for the area when designated as a Regional Center which also is in more in line with the thinking for the new comprehensive plan update in that this area would be a Mixed Activity Center (Opportunity Site 1) connecting living, working, and retail space to bus rapid transit (BRT) and complementing the City of Raleigh's recently adopted South Wilmington Gateway Corridor plan for areas north of Tryon Road.

RECOMMENDATIONS:

Based on the preceding commentary regarding consistency with Town plans, the Planning Commission voted unanimously to recommend approval of this request to the Town Council.

Staff has no objections to Rezoning Application Z-17-04. Staff recommends approval as submitted.

MOTION WORKSHEET:

Note: The Council will need to include a statement regarding the consistency of the rezoning application with the Town’s Comprehensive Growth Plan as part of the recommendation motion.

MOTION TO APPROVE REZONING REQUEST:

I move that the Council find the following regarding rezoning application Z-17-04 (*check/choose one*)

that it complies with the Town’s Comprehensive Growth Plan

(or)

that it does not strictly comply with the Comprehensive Growth Plan; however, the application _____
_____.

and that the zoning application Z-17-04 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 (*check/choose one*)

accept the recommendation of the Planning Commission and adopt Ordinance No. (2017) _____ approving rezoning request number Z-17-04.

(or)

adopt Ordinance No. (2017) _____ approving rezoning request number Z-17-04.

MOTION TO DENY REZONING REQUEST:

I move that the Council deny rezoning request Z-17-04 as it is neither reasonable nor in the public interest, because (use as many of the following as are appropriate):

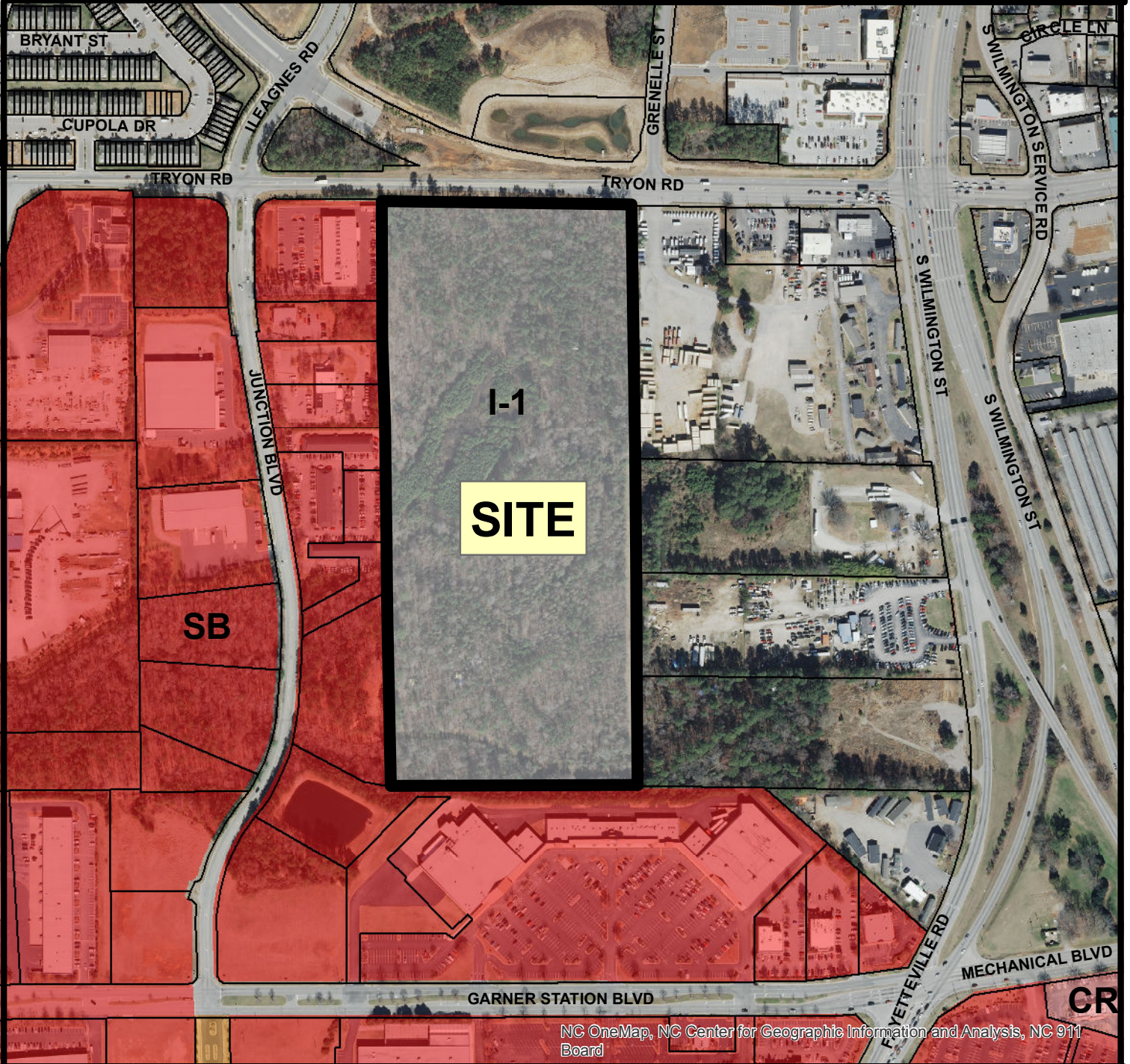
- () it does not comply with the comprehensive growth plan,
- () would allow the development of an excessive density of housing for the area in which it is located;
- () it would likely lead to an unacceptable additional level of traffic in the area in which it is located;
- () it would allow types of business at the described location which will not be appropriate for the area in which it is located;
- () _____
- () _____



Town of Garner Planning Department

General Use Applications Z 17-04

0 300 600
Feet



NC OneMap, NC Center for Geographic Information and Analysis, NC 911 Board

Applicant: Broomfield LLC
Owner: Broomfield LLC
Location: Tryon Road
Pin: 1702201920

Proposed Use: Nothing at this time
Current Zoning: I-1 (Light Industrial)
Proposed Zoning: CR (Community Retail)
Overlay: None
Acreage: 28

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

ORDINANCE NO. (2017) 3882

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 Light Industrial (I-1) to Community Retail (CR) general use district as requested in Rezoning Application No. **Z-17-04** by the Town of Garner.

28.12 acres south of Tryon Road identified as Wake County PIN # 1702201920
or Real Estate ID 0031509 owned by Broomfield LLC

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 September, 2017.

Ronnie S. Williams, Mayor

ATTEST: _____
Stella L. Gibson, Town Clerk

Town of Garner
Town Council Meeting
Agenda Form

| | | |
|--|---------------------------------|---|
| Meeting Date: September 5, 2017 | | |
| Subject: UDO-17-01, Corrections and Clarifications | | |
| Location on Agenda: Old/New Business | | |
| Department: Planning | | |
| Contact: Jeff Triezenberg, AICP, GISP; Planning Director | | |
| Presenter: Jeff Triezenberg, AICP, GISP; Planning Director | | |
| <p>Brief Summary:</p> <p>This proposed text amendment is a collection of corrections and clarifications that planning staff have collected over the past two (2) years. In many cases, there is conflicting and/or duplicate language, a change in terminology or a need to clarify long-standing interpretations. In addition, some corrections to the use table are needed to fix errors in items that were carried forward during the last UDO update process.</p> | | |
| <p>Recommended Motion and/or Requested Action:</p> <p>Adopt Ordinance (2017) 3881</p> | | |
| <p>Detailed Notes:</p> <p>See attached staff report and ordinance.</p> | | |
| Funding Source: | | |
| Cost: | One Time: <input type="radio"/> | Annual: <input type="radio"/> No Cost: <input checked="" type="radio"/> |
| <p>Manager's Comments and Recommendations:</p> <p>The corrections and clarifications will make the UDO a more technically sound resource for development.</p> | | |
| Attachments Yes: <input checked="" type="radio"/> No: <input type="radio"/> | | |
| Agenda Form Reviewed by: | Initials: | Comments: |
| Department Head: | JT | |
| Finance Director: | | |
| Town Attorney: | | |
| Town Manager: | RD | |
| Town Clerk: | | |

TO: Mayor & Town Council

FROM: Jeff Triezenberg, AICP, GISP; Planning Director

SUBJECT: *UDO-17-01, Corrections and Clarifications*

DATE: September 5, 2017

BACKGROUND

Over the past two years, Planning staff have been making a concerted effort to identify areas in the Unified Development Ordinance in which there are either conflicting regulations/language or a significant need for clarification in how the ordinance is being interpreted. In addition, the Use Table has been discovered to contain some omissions that were lost during the last UDO update process. Draft language changes are shown in the following section of this report.

REQUESTED TEXT CHANGES

3.13. Conditional use district zoning.

B. Two-step process. Conditional use district zoning shall include a two-step process consisting of a legislative rezoning and a separate conditional use permit following a quasi-judicial hearing. An application for the rezoning of a tract of land to a conditional use zoning district shall be treated the same as a standard rezoning, in accordance with the procedures established in Section 3.12. **An application for the conditional use permit shall be treated the same as a special use permit, in accordance with the procedures established in Section 3.14.**

D. Approval process.

4. Planning Commission review.

- a.** The Planning Commission shall review the rezoning request, subject to the requirements of Section 3.12, and the conditional use permit application **subject to the requirements of Section 3.14** at the same time. The Commission shall vote on ~~the~~ each

application separately with the vote on the rezoning request first and the vote on the conditional use permit second.

- b. The Planning Commission shall forward a separate written recommendation on each application (the rezoning request and the conditional use permit) to the Town Council for its consideration in a timely fashion according to the provisions of ~~paragraph 5.b., below~~ sections 3.12 and 3.14, respectively.

5. Public hearing and action by the Town Council.

- a. ~~A single, quasi-judicial~~ two-part public hearing shall be held to ~~discuss both the rezoning and the conditional use permit application~~ review the rezoning request, subject to the requirements of Section 3.12, and the conditional use permit application subject to the requirements of Section 3.14 at the same time.
- b. ~~The Town Council shall not conduct the public hearing or take action on the applications until it has received the Planning Commission recommendation, or until 60 days have passed since the applications were first considered by the Planning Commission, whichever occurs first.~~ Once the public hearing has been conducted, the Town Council shall review the rezoning request, make a written finding and give its approval; approval with modifications or conditions; or disapproval. Where the rezoning request is denied, no further action shall be required.
- c. Following Town Council approval of the rezoning request, the Town Council shall review the conditional use permit and make a written finding and give its approval; approval with modifications or conditions; or disapproval.

5.1. Use tables.

| USE | | RESIDENTIAL DISTRICTS | | | | | | | | NONRESIDENTIAL DISTRICTS | | | | | | | | |
|-----------------------------------|---|-------------------------------------|------|------|------|-----|-----|------|------|---------------------------------|----|-----|----|----|----|-----|-----|---------|
| P = Permitted by right | | P* = Permitted subject to standards | | | | | | | | S = Special use permit required | | | | | | | | |
| Use Category | Specific Use | R-40 | R-20 | R-15 | R-12 | R-9 | RMH | MF-1 | MF-2 | NO | NC | CBD | OI | CR | SB | I-1 | I-2 | Notes |
| RESIDENTIAL | | | | | | | | | | | | | | | | | | |
| Group Living (see 5.2D.2) | Family Care Home | P* | P* | P* | P* | P* | | P* | P* | P* | | | | | | | | 5.3A.1 |
| | Group Care Home | P* | P* | P* | P* | P* | | P* | P* | P* | | | | | | | | 5.3A.1 |
| | Intermediate Care Home | P* | P* | P* | P* | P* | | P* | P* | P* | | | | | | | | 5.3A.21 |
| COMMERCIAL, OFFICE, RETAIL | | | | | | | | | | | | | | | | | | |
| | Sales Oriented Use (no outdoor operations) | | | | | | | | | | | P | P | | P | P | P | P |
| OTHER | | | | | | | | | | | | | | | | | | |
| Agriculture (see 5.2H.1) | Agriculture or Silviculture | P* | P* | | | | | | | | | | | | | | | 5.3E1 |
| | Greenhouse, Nursery (Commercial) | | | | | | | | | | | | | | P | P | P | |

5.3. Specific use standards

A. Residential uses.

1. ~~Family or group care home~~ **Group Living.** Family care, group care and ~~disabled or handicapped intermediate care homes~~ – or another form of group living permitted through a special exception – are permitted in accordance with the use table in Section 5.1 and the following standards:

- a. No more than one family care home may be located within one-half mile of another family care home, a group care home, ~~child care home or nursing care home~~ an intermediate care home or another form of group living permitted through a special exception; measured by a straight line from the nearest property line. A family care home shall be certified as a licensed family care home by the North Carolina Department of Health and Human ~~Services~~ Resources and the Wake County Department of Social Services.
- b. Group care homes shall not be located closer than one-half mile to any other existing group care home, family care home, ~~child~~

~~care home or nursing care home~~ an intermediate care home or another form of group living permitted through a special exception; measured by a straight line from the nearest property lines.

- c. ~~No more than one family care home may be located within one-half mile of another family care home, group care home, child care home or nursing care home or disabled/handicapped home; measured by a straight line from the nearest property line. A family care home shall be certified as a licensed family care home by the North Carolina Department of Human Resources and the Wake County Department of Social Services.~~ Intermediate care homes shall not be located closer than one-half mile to any other existing intermediate care home, family care home or group care home; measured by a straight line from the nearest property lines.
- d. Family or group care homes shall be separated by a 15-foot wide buffer with 50 percent screening to height of six feet from any abutting property located in a residential district. The Planning Director may allow deviations from the landscape standards provided the requirements of Section 7.1 are satisfied.
- ~~e. Disabled/handicapped homes shall not be located closer than one-half mile to any other existing disabled/handicapped home, group care home, family care home, child care home or nursing care home; measured by a straight line from the nearest property lines.~~
- f.e. One off street parking...
- ~~g. Family or group care homes shall be separated by a 15-foot wide buffer with 50 percent screening from any abutting property located in a residential district. The Planning Director may allow deviations from the landscape standards provided the requirements of Section 7.1 are satisfied.~~
- ~~h.f.~~ A residence used for...
- i.g. No family care, ~~or~~ group care or intermediate care home – or another form of group living permitted through a special exception – shall be established, constructed or expanded except in accordance with applicable sections of this UDO and North Carolina State Building Code.
- j.h. Group care homes with...
- k.i. No family or group care home...

~~2. Intermediate care home.~~

- ~~a. The intermediate group home shall be located no less than one-half mile from any existing group living use. Such distance shall be measured from lot line to lot line.~~
- ~~b. No intermediate group home shall be established, constructed, or expanded except in accordance with applicable sections of this UDO and North Carolina State Building Code.~~

(re-number remaining sub-sections)

7.1. Landscaping and tree protection.

K. Buffers.

5. Land use buffer classifications.

| Class | Uses Included |
|--------------|--|
| ... | ... |
| 3 | Apartments (13 units or greater per acre), townhomes and condominiums (more than 12 units or more in project), business schools, public or private schools, post office, medical clinic, mental health facility, public park (active use only), minor utility, restaurant, public swimming pool, public tennis courts, indoor entertainment facility, theater, medical office, convenience store (without gasoline sales), office, retail sales with no outdoor operations, personal service, community ctr. (greater than 5,000 sq. ft.), gym, spa, bed and breakfast, religious institutions, agriculture, golf course/country club, private swimming pool), private indoor/outdoor tennis court, Town hall, hospice, hospitals or ambulatory health/emergency care facilities without heliport operations |

L. Street trees, street yard, side and rear yard, vehicular surface areas.

4. Vehicular surface areas.

a. Design requirements. ...

(5) Planting areas at the end of parking space rows shall be required as follows:

(a) The maximum number of continuous parking spaces shall be ~~15~~ 13.

(b) There shall be a planting island at least 198 square feet in size at the end of every row of perimeter parking spaces exceeding ~~15~~ 13 parking spaces.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission reviewed the proposed changes at their regularly scheduled meeting of August 14, 2017. The Commission brought two minor corrections to Staff's attention which have been incorporated into the staff report. With the addition of the minor corrections, the Planning Commission unanimously recommends approval of UDO-17-01 to the Town Council.

STAFF RECOMMENDATION

Staff believes these are minor text changes and recommends approval of UDO-17-01 by adopting the attached ordinance.

ORDINANCE NO. (2017) 3881

**AN ORDINANCE AMENDING ORDINANCE NO. (2003) 3250 ENTITLED
“THE GARNER UNIFIED DEVELOPMENT ORDINANCE FOR THE TOWN OF GARNER AND ITS
EXTRATERRITORIAL JURISDICTION” TO MAKE CERTAIN CORRECTIONS AND CLARIFICATIONS**

Section One. Amend Section 3.13.B. “Two-step process.” to read as follows:

- B. Two-step process. Conditional use district zoning shall include a two-step process consisting of a legislative rezoning and a separate conditional use permit following a quasi-judicial hearing. An application for the rezoning of a tract of land to a conditional use zoning district shall be treated the same as a standard rezoning, in accordance with the procedures established in Section 3.12. An application for the conditional use permit shall be treated the same as a special use permit, in accordance with the procedures established in Section 3.14.

Section Two. Amend Section 3.13.D. “Approval Process.” to read as follows:

- D. Approval process.

(Subsections 1-3 read as is.)

4. Planning Commission review.
 - a. The Planning Commission shall review the rezoning request, subject to the requirements of Section 3.12, and the conditional use permit application subject to the requirements of Section 3.14 at the same time. The Commission shall vote on each application separately with the vote on the rezoning request first and the vote on the conditional use permit second.
 - b. The Planning Commission shall forward a separate written recommendation on each application (the rezoning request and the conditional use permit) to the Town Council for its consideration in a timely fashion according to the provisions of sections 3.12 and 3.14, respectively.
5. Public hearing and action by the Town Council.
 - a. A two-part public hearing shall be held to review the rezoning request, subject to the requirements of Section 3.12, and the conditional use permit application subject to the requirements of Section 3.14 at the same time.

- b. Once the public hearing has been conducted, the Town Council shall review the rezoning request, make a written finding and give its approval; approval with modifications or conditions; or disapproval. Where the rezoning request is denied, no further action shall be required.
- c. Following Town Council approval of the rezoning request, the Town Council shall review the conditional use permit and make a written finding and give its approval; approval with modifications or conditions; or disapproval.

Section Three. Amend specified rows of Section 5.1. “Use tables.” to read as follows:

| USE | | RESIDENTIAL DISTRICTS | | | | | | | | NONRESIDENTIAL DISTRICTS | | | | | | | | |
|-----------------------------------|---|-------------------------------------|------|------|------|-----|-----|------|------|---------------------------------|----|-----|----|----|----|-----|-----|--------|
| P = Permitted by right | | P* = Permitted subject to standards | | | | | | | | S = Special use permit required | | | | | | | | |
| Use Category | Specific Use | R-40 | R-20 | R-15 | R-12 | R-9 | RMH | MF-1 | MF-2 | NO | NC | CBD | OI | CR | SB | I-1 | I-2 | Notes |
| RESIDENTIAL | | | | | | | | | | | | | | | | | | |
| Group Living (see 5.2D.2) | Family Care Home | P* | P* | P* | P* | P* | | P* | P* | P* | | | | | | | | 5.3A.1 |
| | Group Care Home | P* | P* | P* | P* | P* | | P* | P* | P* | | | | | | | | 5.3A.1 |
| | Intermediate Care Home | P* | P* | P* | P* | P* | | P* | P* | P* | | | | | | | | 5.3A.1 |
| COMMERCIAL, OFFICE, RETAIL | | | | | | | | | | | | | | | | | | |
| | Sales Oriented Use (no outdoor operations) | | | | | | | | | | | P | P | P | P | P | P | |
| OTHER | | | | | | | | | | | | | | | | | | |
| Agriculture (see 5.2H.1) | Agriculture or Silviculture | P* | P* | | | | | | | | | | | | | | | 5.3E1 |
| | Greenhouse, Nursery (Commercial) | | | | | | | | | | | | | | P | P | P | |

Section Four. Amend Section 5.3.A. “Residential uses.” to read as follows:

1. Group Living. Family care, group care and intermediate care homes – or another form of group living permitted through a special exception – are permitted in accordance with the use table in Section 5.1 and the following standards:
 - a. No more than one family care home may be located within one-half mile of another family care home, a group care home, an intermediate care home or another form of group living permitted through a special exception; measured by

a straight line from the nearest property line. A family care home shall be certified as a licensed family care home by the North Carolina Department of Health and Human Services.

- b. Group care homes shall not be located closer than one-half mile to any other existing group care home, family care home, an intermediate care home or another form of group living permitted through a special exception; measured by a straight line from the nearest property lines.
- c. Intermediate care homes shall not be located closer than one-half mile to any other existing intermediate care home, family care home or group care home; measured by a straight line from the nearest property lines.
- d. Family or group care homes shall be separated by a 15-foot wide buffer with 50 percent screening to height of six feet from any abutting property located in a residential district. The Planning Director may allow deviations from the landscape standards provided the requirements of Section 7.1 are satisfied.
- e. One off street parking space shall be provided for every two beds in a group care home or facility plus one space for each staff person per shift. Parking improvements shall be constructed in accordance with all applicable parking standards of Section 7.4. The Planning Director may allow deviations from these parking standards provided the requirements of Section 7.4 are satisfied.
- f. A residence used for a family or group care home shall maintain a residential appearance which is compatible with the surrounding neighborhood and no exterior alterations are permissible without prior approval from the Town of Garner.
- g. No family care, group care or intermediate care home – or another form of group living permitted through a special exception – shall be established, constructed or expanded except in accordance with applicable sections of this UDO and North Carolina State Building Code.
- h. Group care homes with a significant juvenile population shall be required to have the rear yard area enclosed by a fence at least six feet in height.
- i. No family or group care home shall be established or maintained without trained supervisory personnel on site.

(Strike existing subsection 2. And enumerate remaining sub-sections)

Section Five. Amend Class 3 of the table in Section 7.1.K.5. "Land use buffer classifications." to read as follows:

| Class | Uses Included |
|-------|--|
| 3 | Apartments (13 units or greater per acre), townhomes and condominiums (more than 12 units or more in project), business schools, public or private schools, post office, medical clinic, mental health facility, public park (active use only), minor utility, restaurant, public swimming pool, public tennis courts, indoor entertainment facility, theater, medical office, convenience store (without gasoline sales), office, retail sales with no outdoor operations, personal service, community ctr. (greater than 5,000 sq. ft.), gym, spa, bed and breakfast, religious institutions, agriculture, golf course/country club, private swimming pool), private indoor/outdoor tennis court, Town hall, hospice, hospitals or ambulatory health/emergency care facilities without heliport operations |

Section Six. Amend Section 7.1.L.4.a.(5) to read as follows:

- (5) Planting areas at the end of parking space rows shall be required as follows:
- (a) The maximum number of continuous parking spaces shall be 13.
 - (b) There shall be a planting island at least 198 square feet in size at the end of every row of perimeter parking spaces exceeding 13 parking spaces.

(Remaining subsections remain as is.)

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

Duly adopted this 5th day of September, 2017.

Ronnie S. Williams, Mayor

ATTEST: _____
Stella L. Gibson, Town Clerk