

TOWN OF GARNER



TOWN COUNCIL MEETING

November 5, 2018
7:00 P.M.

Garner Town Hall
900 7th Avenue
Garner, NC 27529

**Town of Garner
Town Council Agenda
November 5, 2018**

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

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

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

- B. PLEDGE OF ALLEGIANCE: Council Member Jackie Johns

- C. INVOCATION: Council Member Jackie Johns

- D. PETITIONS AND COMMENTS

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

- E. ADOPTION OF AGENDA

- F. PRESENTATIONS

- G. CONSENT

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 4
Presenter: Stella Gibson, Town Clerk

Minutes from the September 27, 2018 Council meeting.

Action: Consider adopting minutes from the September 27, 2018 Council meeting

2. Stop Condition – McCuller’s Walk Subdivision Page 8
Presenter: Tony Chalk, Town Engineer

The Engineering Department is recommending approval of nine (9) stop conditions within the McCuller's Walk Subdivision. Stop conditions will serve as basic traffic control measures.

Action: Consider approving stop conditions at designated intersections within McCuller's Walk Subdivision

3. Stop Conditions - Glens at Bethel Subdivision Page 11
Presenter: Tony Chalk, Town Engineer

The Engineering Department is recommending approval of two (2) stop conditions within the Glens at Bethel Subdivision. Stop conditions will serve as basic traffic control measures.

Action: Consider approving stop conditions at designated intersections within the Glens at Bethel Subdivision

4. Ordinance Amending FY2018/2019 Operating Budget - Asset Forfeiture FundsPage 14
Presenter: Pam Wortham, Finance Director

This budget amendment covers the transfer of \$34,765 in Restricted Asset Forfeiture Fund Balance into the General Fund to be utilized by the Police Department for the purchase of qualifying department supplies that will be used to prevent and respond to crime.

Action: Consider Adopting Ordinance (2018) 3936

5. Spring Drive/Vandora Springs Road Sidewalk and Roadway Improvement
ProjectPage 19
Presenter: William E. Anderson, Town Attorney

Engineering design revisions for the Spring Drive/Vandora Springs sidewalk and roadway improvement project necessitated going back to several property owners who have already granted easements to the Town and obtaining additional square frontage of various easements. The Town attorney requests Council approval of the following additional compensation to owners: Roman Catholic Diocese of Raleigh- \$139.76, Betty W. Parker - \$30.16, and Kevin J. and Patricia B. Jorgensen - \$27.18.

Action: Consider Approval of Additional Compensation

6. US 70 Sewer Project Page 20
Presenter: William E. Anderson, Town Attorney

City of Raleigh public utility review of construction plans for the proposed sewer line resulted in a request from Raleigh for an upgrade to a 40 foot wide easement instead of a 30 foot wide easement already purchased. The owner, Dr. Bobby Raynor, has agreed to supplement the grant of easement. The Town attorney requests Council approval of the additional compensation to the owner. The easement is 13,045 feet long, and at \$.16 per sq. ft., the value is \$2,087.20.

Action: Consider Approval of Additional Compensation

H. PUBLIC HEARINGS

1. Annexation Petition ANX-18-06, ST Wooten Page 21
Presenter: David Bamford, Planning Services Manager

Annexation petition for Martin Marietta property on the south side of E Garner Road; CUP-SP 18-12; ST Wooten concrete plant site; approved September 4, 2018

Action: Consider Adopting Ordinance (2018) 3934

2. Conditional Use Rezoning CUD-Z-18-04 and Conditional Use Subdivision, Avenue at White Oak Page 26
Presenter: Het Patel and Stacy Harper, Senior Planners

The rezoning (CUD-Z-18-04) and associated subdivision plan (CUP-SB-18-02) have been submitted to develop the site into a townhome subdivision (Avenue at White Oak) of 160 units. The applicant is requesting to rezone the site from Residential 20 (R-20) to Multi-Family 2 with conditions (MF-2 C203). Use restrictions and subdivision characteristic features are proposed as conditions.

Action: Consider approval of CUD-Z-18-04 & find CUP-SB-18-02 is in conformity with the UDO; Consider Adopting Ordinance (2018) 3935

3. Conditional Use Site Plan CUP-SP-18-14, Veterinarian Clinic Garner Page 48
Presenter: Alison Jones, Planner II

A conditional use site plan for a proposed Veterinarian Clinic at 750 Timber Drive (next to CVS & Aldi). A 3,500 square-foot building is proposed. The Planning Commission recommended approval of this request at their October 8, 2018, meeting.

Action: Consider approval of CUP-SP-18-14

I. NEW/OLD BUSINESS

J. COMMITTEE REPORTS

K. MANAGER REPORTS

1. garner info

L. ATTORNEY REPORTS

M. COUNCIL REPORTS

N. ADJOURNMENT

Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: November 5, 2018		
Subject: Council Meeting Minutes		
Location on Agenda: Consent		
Department: Administration		
Contact: Stella Gibson, Town Clerk		
Presenter: Stella Gibson, Town Clerk		
Brief Summary: Minutes from the September 27, 2018 Council meeting.		
Recommended Motion and/or Requested Action: Consider Adoption of 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: N/A		
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
Council Work Session Minutes
September 27, 2018**

The Council met in a Work Session at 6:00 p.m. in the Council Chambers located at 900 7th Avenue.

CALL MEETING TO ORDER/ROLL CALL

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

Staff Present: Rodney Dickerson-Town Manager, John Hodges-Asst. Town Manager- Development Services, Matt Roylance-Asst. Town Manager-Operations, Tony Chalk-Town Engineer, Pam Wortham-Finance Director, Jonathan Ham-Asst. Town Engineer, Rick Mercier-Communication Manager, Thad Anderson-Interim Town Attorney, Mari Howe-Downtown Development Manager and Rebecca Schlichter-Deputy Town Clerk.

ADOPTION OF AGENDA

Motion: Marshburn
Second: Behringer
Vote: 4:0

REPORTS/DISCUSSION

Main Street/Rand Mill Road Streetscape Improvements

Presenter: Tony Chalk, Town Engineer, Melissa Brand, Kimley Horn and Caleb Lowman, Kimley Horn

Mr. Dickerson reported the 2013 bond approvals included monies for improvements in the Downtown area to enhance the redevelopment of the area. The original project scope was taken from the 2010 Downtown Streetscape Master Plan and the original budget was \$325,000. The Town contracted with Kimley-Horn in May of 2017 to begin design of improvements along Main Street and Rand Mill Road. The work included streetscape enhancements along Main Street, curb and gutter on Rand Mill Road and improvements to the gravel parking area at the rear of the Main Street businesses near Rand Mill Road that was purchased by the Town in 2017.

When an additional property located at 112 Rand Mill Road became available in early 2018, the Council authorized amendments to the design services to include design of additional parking on the property.

Mr. Chalk provided an overview of the contract which will improve aesthetics and drainage.

Preliminary (80%) cost estimate for the entire project is \$1,137,228.75. The portions of the estimate that align with the original scope of the bond project, budgeted at \$325,000, are estimated at approximately \$400,000. The additional costs are attributed to improvements to the existing gravel parking lot, including drainage improvements along and across Rand Mill Road, and the new parking lot and required stormwater device. While bond funding has been utilized to design these improvements and

will help pay for a portion of the construction costs, additional funding will have to be identified to fully fund this project.

Council consensus for Public Works Committee to conduct a site visit and to limit to the original scope of the project and include dumpster enclosure.

2019 Storm Water Improvements

Presenter: Jonathan W. Ham, Assistant Town Engineer

Mr. Ham presented the RFQ for Consulting Services for the 2019 Storm Water Projects. The Town of Garner recently completed a stormwater infrastructure analysis and based on the results of the SWIA there were three areas identified as priority:

- Junction Boulevard
- Woodridge Subdivision (Forest Ridge, Beichler, Foxwood, and Buck Branch)
- Staunton Meadows (Tarpley, Chapwith, Eagle Tavern, Nicholson)

In addition to these three areas, staff would also like to include the storm drain system at the intersection of Meadowbrook and Cason in this design. It was not included in the original assessment due to its size, however it is in an area of concern that needs to be addressed.

Action: Move forward with RFQ.

Motion: Kennedy
Second: Singleton
Vote: 4:0

2019 Council Meeting Schedule

Presenter: Rodney Dickerson, Town Manager

Mr. Dickerson led the discussion on the 2019 Council Meeting Schedule.

Council consensus to have two one-day retreats to include one day in November and one day in February.

MANAGER REPORTS

- Greenway Public Meeting – October 11th 5:30-8:00 p.m. at White Deer Nature Center

COUNCIL REPORTS

Johns

- Reported oil leaked onto Montague, Haywood and Rand Mill to public works facility.

Behringer

- Requested an update on the trucks parked in the Walmart parking lot.
- Requested an update on the Creech Road restriping.

Singleton

- Thanked Rick Mercier for getting the updated municipal services information out.

Kennedy

- Requested that Mr. Roylance schedule a MOU meeting on November 20th.
- Requested a solution for the erosion at White Deer Park play area.
- Requested an update at a future meeting from Engineering on the elevations on Timber drive extension Rohrbaugh bridge due to continuous complaints about dip in roadway.

Marshburn

- Requested to be excused from the October 1st Council Meeting.

ADJOURNMENT: 7:40 p.m.

Motion: Kennedy
Second: Singleton
Vote: 5:0

DRAFT

Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: November 5, 2018		
Subject: Stop Conditions within McCuller's Walk Subdivision		
Location on Agenda: Consent		
Department: Engineering		
Contact: Tony Chalk, Town Engineer		
Presenter: Tony Chalk, Town Engineer		
Brief Summary: The Engineering Department is recommending approval of nine (9) stop conditions within the McCuller's Walk Subdivision. Stop conditions will serve as basic traffic control measures.		
Recommended Motion and/or Requested Action: Approve stop conditions at designated intersections within McCuller's Walk Subdivision.		
Detailed Notes: See attached memo and map.		
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:	TC	
Finance Director:		
Town Attorney:		
Town Manager:	RD	
Town Clerk:		

TOWN OF GARNER
ENGINEERING DEPARTMENT
MEMORANDUM

TO: Town Council

FROM: Tony Chalk, PE, PLS
Town Engineer

DATE: November 5, 2018

SUBJECT: Stop Conditions within McCuller's Walk Subdivision

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

	<u>Stop Condition</u>	<u>Through Condition</u>
1	Amber Acorn Avenue	Ten-Ten Road
2	Tawny Slope Court	Ten-Ten Road
3	Misty Pike Drive	Tawny Slope Court
4	Misty Pike Drive	Amber Acorn Avenue
5	Misty Pike Drive	Amber Acorn Avenue
6	Indigo Dusk Way	Amber Acorn Avenue
7	Indigo Dusk Way	Misty Pike Drive
8	Azure Bloom Drive	Amber Acorn Avenue
9	Azure Bloom Drive	Caddy Road

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

I, L. JORDAN PARKER JR., CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION; THAT THE SOURCE OF INFORMATION FOR THE SURVEY IS SHOWN HEREON; THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED; THAT THE RATIO OF PRECISION IS GREATER THAN 1:10,000; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED; AND THAT THIS MAP MEETS THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA (21 NCAC 56.1600). WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL

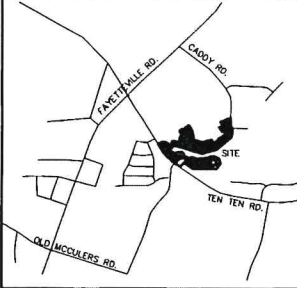


LINE TYPE LEGEND

---	PROPERTY LINE - LINE SURVEYED
---	RIGHT-OF-WAY
---	ADJOINING LINE - LINE NOT SURVEYED
---	UTILITY LINE
---	BUILDING SETBACK EASEMENT
---	BUFFER
---	FLOOD HAZARD SOALS

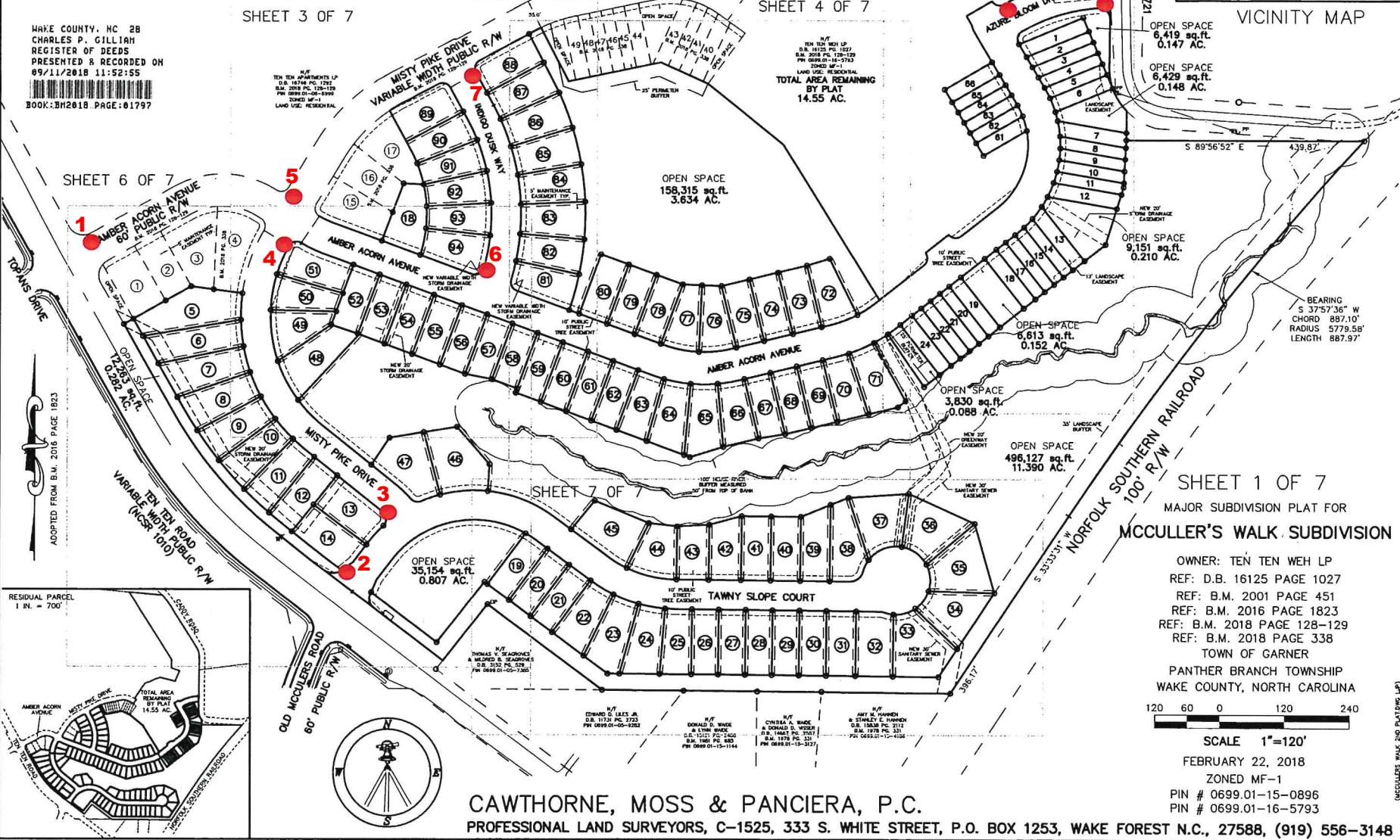
I, L. JORDAN PARKER JR., PROFESSIONAL LAND SURVEYOR NO. L-4685, CERTIFY THAT THIS PLAT IS OF A SURVEY THAT CREATES A SUBDIVISION OF LAND WITHIN THE AREA OF A COUNTY OR MUNICIPALITY THAT HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND.

L. JORDAN PARKER JR., PROFESSIONAL LAND SURVEYOR NO. L-4685



PROFESSIONAL LAND SURVEYOR (L-4685)
SEE SHEET 2 OF 7 FOR SIGNATURES & CERTIFICATIONS

WAKE COUNTY, NC 28
CHARLES P. GILLIAN
REGISTER OF DEEDS
PRESENTED & RECORDED ON
09/11/2018 11:52:55
BOOK: B12018 PAGE: 01797



CAWTHORNE, MOSS & PANCIERA, P.C.
PROFESSIONAL LAND SURVEYORS, C-1525, 333 S. WHITE STREET, P.O. BOX 1253, WAKE FOREST N.C., 27588, (919) 556-3148

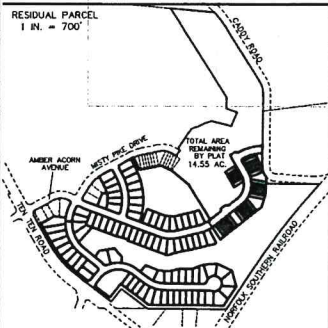
SHEET 1 OF 7
MAJOR SUBDIVISION PLAT FOR
MCCULLER'S WALK SUBDIVISION

OWNER: TEN TEN WEH LP
REF: D.B. 16125 PAGE 1027
REF: B.M. 2001 PAGE 451
REF: B.M. 2016 PAGE 1823
REF: B.M. 2018 PAGE 128-129
REF: B.M. 2018 PAGE 338
TOWN OF GARNER
PANTHER BRANCH TOWNSHIP
WAKE COUNTY, NORTH CAROLINA

SCALE 1"=120'
FEBRUARY 22, 2018
ZONED MF-1
PIN # 0699.01-15-0896
PIN # 0699.01-16-5793



ADAPTED FROM B.M. 2016 PAGE 1923



MCCULLER'S WALK SUB PLATING LP

Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: November 5, 2018		
Subject: Stop Conditions within the Glens at Bethel Subdivision		
Location on Agenda: Consent		
Department: Engineering		
Contact: Tony Chalk, Town Engineer		
Presenter: Tony Chalk, Town Engineering		
Brief Summary: The Engineering Department is recommending approval of two (2) stop conditions within the Glens at Bethel Subdivision. Stop conditions will serve as basic traffic control measures.		
Recommended Motion and/or Requested Action: Approve stop conditions at designated intersections within the Glens at Bethel Subdivision.		
Detailed Notes: See attached memo and map.		
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:	TC	
Finance Director:		
Town Attorney:		
Town Manager:	RD	
Town Clerk:		

TOWN OF GARNER
ENGINEERING DEPARTMENT
MEMORANDUM

TO: Town Council

FROM: Tony Chalk, PE, PLS
Town Engineer

DATE: November 5, 2018

SUBJECT: Stop Conditions within the Glens at Bethel Subdivision

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

	<u>Stop Condition</u>	<u>Through Condition</u>
1	Valleycruise Circle	New Bethel Church Road
2	Dereham Lane	Valleycruise Circle

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

Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: November 5, 2018		
Subject: Budget amendment-asset forfeiture		
Location on Agenda: Consent		
Department: Finance		
Contact: Pam Wortham, Finance Director		
Presenter: Pam Wortham, Finance Director		
Brief Summary: This budget amendment covers the transfer of \$34,765 in Restricted Asset Forfeiture Fund Balance into the General Fund to be utilized by the Police Department for the purchase of qualifying department supplies that will be used to prevent and respond to crime.		
Recommended Motion and/or Requested Action: Adopt Ordinance (2018) 3936		
Detailed Notes: See attached memo from Police Chief Zuidema.		
Funding Source: Restricted Asset Forfeiture Fund Balance		
Cost: \$34,765	One Time: <input checked="" type="radio"/>	Annual: <input type="radio"/> No Cost: <input type="radio"/>
Manager's Comments and Recommendations:		
Attachments Yes: <input checked="" type="radio"/> No: <input type="radio"/>		
Agenda Form Reviewed by:	Initials:	Comments:
Department Head:	PW	
Finance Director:	PW	
Town Attorney:		
Town Manager:	RD	
Town Clerk:		

FINANCE DEPARTMENT MEMORANDUM

TO: RODNEY DICKERSON, TOWN MANAGER
FROM: PAM WORTHAM, FINANCE DIRECTOR
SUBJECT: BUDGET AMENDMENT – ASSET FORFEITURE FUNDS
DATE: OCTOBER 31, 2018

GENERAL FUND

The purpose of this budget amendment is to appropriate Asset Forfeiture Restricted Fund Balance for the purchase of qualifying Police department supplies and equipment to use for crime prevention. I have included a copy of the memo from the chief detailing the requested purchases.

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



Garner Police Department Memorandum

To: Rodney Dickerson, Town Manager
From: Brandon Zuidema, Chief of Police
CC: Captain Joey Binns, Captain Lorie Smith
Date: August 28, 2018
Re: Request to expend asset forfeiture funds

The purpose of this memorandum is to request authorization for expenditure of a total of \$34,675 of asset forfeiture funds to support operational needs in the Garner Police Department. We currently have a balance of approximately \$40,000 in asset forfeiture funds. Please let me know if you have any questions or require any additional information.

The details of this request are as follows:

From Federal Asset Forfeiture:

- 1) Additional heavy plated body armor and kevlar helmets for first responders \$9,075

These “heavy” armor panels and kevlar lined helmets provide protection against rifle rounds. The vests are \$575 each with a ten-year life span and the helmets \$300 each. We currently have nine (9) first responders without vests and thirteen (13) first responders without helmets. We will continue to request this equipment for other staff through the budget process, but I do not feel we should wait any longer to equip our remaining first responders.

- 2) Software for enhanced crime analysis of available data by our Crime Analyst \$7,500

When we hired our new Crime Analyst, Caleb Meyers, we tasked him with doing an evaluation of our existing RMS software and determining what software he would need to effectively perform the tasks assigned to him. To stay within a reasonable budget, we are requesting the “Blue Light – IBM 12” software to improve our ability to conduct link analysis on intelligence we currently have and will gather in the future.

Note – this requires a \$3,500 recurring license fee. I know we do not normally use asset (or go outside the budget) for recurring fees, but this was discussed previously as necessary due to the timing of our hire of Mr. Meyers and the critical need for this software. We can absorb this cost in future budgets due to no longer needing the Marvli software associated with the old CAD system that is being replaced.

- 3) Rifle-rated ballistic shield for the Special Response Team \$7,500

Since the inception of our Special Response Team we have always had handgun-rated ballistic shields for use by the team. In today's environment we need to protect the team from the all-too-common threat of rifle fire in critical incidents.

- 4) Required upgrade to our Cellebrite hardware for use by Special Investigations \$3,700

We utilize the Cellebrite device to be able to download and analyze cell phones during criminal investigations and we have a recurring budget line for the annual contract. However, we found out after this year's budget process that they were requiring a hardware upgrade and will no longer support the old version that we have. This is funding to upgrade our hardware to continue use of this investigative tool.

- 5) Additional GPD challenge coins \$2,200

We are making use of the challenge coins as rewards to citizens and officers and also as a public relations efforts. We are out of coins and have not previously included them in the general fund budget.

- 6) Police Department "giveaways" \$2,000

As we attempt to enhance our efforts with both community relations and recruitment, we need to replenish and expand our "giveaways" such as cups, pens, lanyards, etc. to get our message and contact information out. We require more supplies than our current budget will allow for.

- 7) Short radio antennas for our new generation of portable radios \$1,300

When we transitioned to the new version of the portable radio, we found that the antennas that were included with the radio were longer and when worn on the officer's side tend to constantly poke at the officer creating discomfort. There are shorter antennas available that will maintain the necessary service while eliminating this issue. We had intended to purchase these antennas with the radio replacement fund but had some difficulty with the original vendor and then needed time to T&E several variations to make sure we got an appropriate model.

- 8) Ear pieces for our new generation of portable radios \$ 800

Most officers, particularly first responders, utilize an ear piece with the portable radio to avoid interference with background noise and for officer safety so potential suspects do not hear radio traffic intended only for the officer. This purchase is to provide a stock of ear pieces that will work with the new portable radios.

- 9) Badge shrouds for use with the BDU style uniform \$ 600

Since we transitioned to the BDU style uniform, we have not had an ability to "shroud" the cloth uniform badge as we normally do with the metal badge. We have identified an appropriate metal "shroud" that can be pinned to the uniform to show respect in that uniform to fallen officers.

ORDINANCE NO. (2018) 3936

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

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

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

General Fund Budget Changes:

Department/ Category	Description	Current	Amended	Net Change
Expenditures:				
10511000-523355	Supplies – Asset Forfeiture	\$0	\$34,675	+\$34,765
Revenues:				
10309000-472087	Restricted Fund Balance Approp – Asset Forfeiture	\$0	\$34,675	+\$34,765

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

Duly adopted this 5th day of November, 2018.

Ronnie S. Williams, Mayor

ATTEST: _____
Stella L. Gibson, Town Clerk

Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: November 5, 2018		
Subject: Spring Drive/Vandora Springs Road Sidewalk and Roadway Improvement Project		
Location on Agenda: Consent		
Department: Legislative		
Contact: William E. Anderson, Town Attorney		
Presenter: William E. Anderson, Town Attorney		
Brief Summary: Engineering design revisions for the Spring Drive/Vandora Springs sidewalk and roadway improvement project necessitated going back to several property owners who have already granted easements to the Town and obtaining additional square forage of various easements. The Town attorney requests Council approval of the following additional compensation to owners: Roman Catholic Diocese of Raleigh- \$139.76, Betty W. Parker - \$30.16, and Kevin J. and Patricia B. Jorgensen - \$27.18.		
Recommended Motion and/or Requested Action: Approval of additional compensation		
Detailed Notes:		
Funding Source:		
Cost: \$197.10	One Time: <input checked="" type="radio"/>	Annual: <input type="radio"/> No Cost: <input type="radio"/>
Manager's Comments and Recommendations:		
Attachments Yes: <input type="radio"/> No: <input checked="" type="radio"/>		
Agenda Form Reviewed by:	Initials:	Comments:
Department Head:	WEA	
Finance Director:		
Town Attorney:		
Town Manager:	RD	
Town Clerk:		

Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: November 5, 2018		
Subject: US 70 Sewer Project		
Location on Agenda: Consent		
Department: Legislative		
Contact: William E. Anderson, Town Attorney		
Presenter: William E. Anderson, Town Attorney		
Brief Summary: City of Raleigh public utility review of construction plans for the proposed sewer line resulted in a request from Raleigh for an upgrade to a 40 foot wide easement instead of a 30 foot wide easement already purchased. The owner, Dr. Bobby Raynor, has agreed to supplement the grant of easement. The Town attorney requests Council approval of the additional compensation to the owner. The easement is 13,045 feet long, and at \$.16 per sq. ft., the value is \$2,087.20.		
Recommended Motion and/or Requested Action: Approval of additional compensation		
Detailed Notes: 		
Funding Source:		
Cost: \$2,087.20	One Time: <input checked="" type="radio"/>	Annual: <input type="radio"/> No Cost: <input type="radio"/>
Manager's Comments and Recommendations: 		
Attachments Yes: <input type="radio"/> No: <input checked="" type="radio"/>		
Agenda Form Reviewed by:	Initials:	Comments:
Department Head:	WEA	
Finance Director:		
Town Attorney:		
Town Manager:	RD	
Town Clerk:		

Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: November 5, 2018		
Subject: Annexation Petition ANX-18-06, ST Wooten		
Location on Agenda: Public Hearings		
Department: Planning		
Contact: David Bamford, Planning Services Manager		
Presenter: David Bamford, Planning Services Manager		
Brief Summary: Annexation petition for Martin Marietta property on the south side of E Garner Road; CUP-SP 18-12; ST Wooten concrete plant site; approved September 4, 2018		
Recommended Motion and/or Requested Action: Consider Adopting Ordinance (2018) 3934		
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:	JT	
Finance Director:		
Town Attorney:		
Town Manager:	RD	
Town Clerk:		



Planning Department Memorandum

TO: Mayor and Town Council

FROM: David Bamford, AICP; Planning Services Manager

SUBJECT: ***ANX-18-06 Public Hearing***

DATE: November 5, 2018

ANNEXATION APPLICATION: ANX 18-06

OWNERS: Martin Marietta

CONTIGUOUS / SATELLITE: Contiguous

LOCATION OF PROPERTY: E Garner Road

WAKE COUNTY PIN #: 1721407293, 1721408632, 1721503460, 3.090 portion of 1721526431

REAL ESTATE ID #: 0017545, 0133716, 0076865, portion of 0044439

AREA: 35.92 acres

ZONING: I-2 C205

ASSOCIATED DEVELOPMENT PLAN: CUP-SP 18-12; ST Wooten; approved September 4, 2018

RECOMMENDATION: Adopt annexation ordinance

KEY DATES:

SET PUBLIC HEARING: October 16, 2018

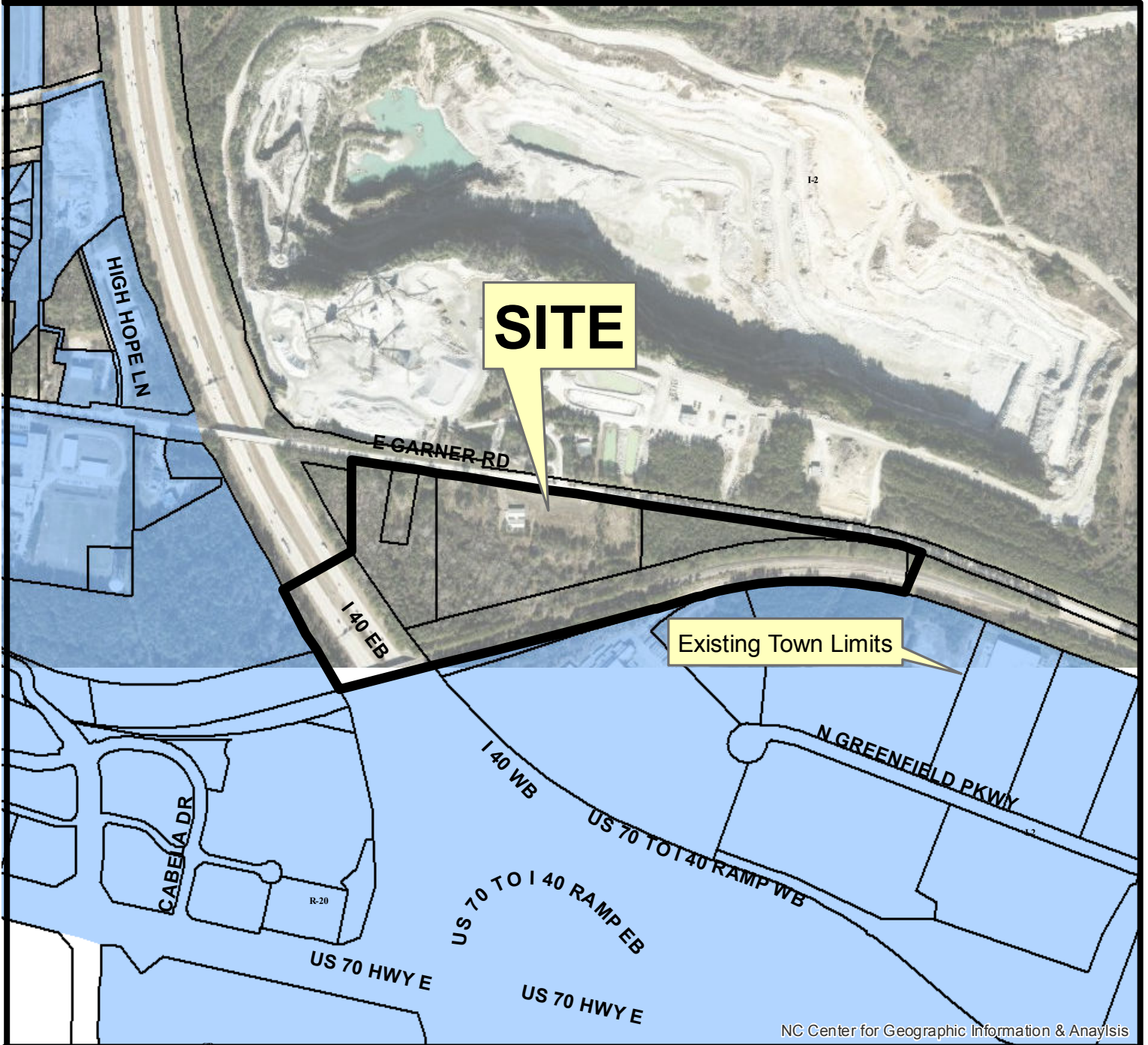
PUBLIC HEARING: November 5, 2018

ANNEXATION EFFECTIVE: November 5, 2018

**Town of Garner
Planning Department**

**Annexation
ANX 18-06**

0 400 800
Feet



NC Center for Geographic Information & Analysis

Project: S.T. Wooten
Property: E Garner Road
Owner: Martin Marietta
Area: 20.37 +/- acres and 14.92 +/- acres of intervening right-of-way
Pin: 1721407293, 1721408632, 1721503460, 3.090 portion of 1721526431

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

ORDINANCE NO. (2018) 3934

**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 May 7, 2018, after due notice by publication in the *News & Observer* on April 20, 2018; 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 November 5, 2018.

(ANX 18-06) Martin Marietta

Contiguous annexation – WAKE COUNTY PIN #'s :1721407293, 1721408632, 1721503460, and 3.090 +/- acre portion of 1721526431 (includes intervening NCRR and NCDOT I-40 rights-of-way). Totals 35.92 +/- acres.

Section 2. Upon and after the 5th day of November, 2018, 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.

Ordinance No. (2018)

Page 2

Adopted this 5th day of November, 2018.

Ronnie S. Williams, Mayor

ATTEST:

Stella L. Gibson, Town Clerk

Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: November 5, 2018		
Subject: CUD-Z-18-04 & CUP-SB-18-02, Avenue at White Oak Conditional Use Rezoning & Site Plan		
Location on Agenda: Public Hearings		
Department: Planning		
Contact: Het Patel, Senior Planner - Transportation and Land Use		
Presenter: Het Patel, Senior Planner and Stacy Harper, Principal Planner		
<p>Brief Summary:</p> <p>The rezoning (CUD-Z-18-04) and associated subdivision plan (CUP-SB-18-02) have been submitted to develop the site into a townhome subdivision (Avenue at White Oak) of 160 units. The applicant is requesting to rezone the site from Residential 20 (R-20) to Multi-Family 2 with conditions (MF-2 C203). Use restrictions and subdivision characteristic features are proposed as conditions.</p>		
<p>Recommended Motion and/or Requested Action:</p> <p>Staff recommends approval of CUD-Z-18-04 & finds CUP-SB-18-02 in conformity with the UDO</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"/>
Manager's Comments and Recommendations:		
Attachments Yes: <input checked="" type="radio"/> No: <input type="radio"/>		
Agenda Form Reviewed by:	Initials:	Comments:
Department Head:	JT	
Finance Director:		
Town Attorney:		
Town Manager:	RD	
Town Clerk:		

Planning Department Staff Report

TO: Chairman and Members of the Planning Commission

FROM: Stacy Harper, AICP; Principal Planner
Het Patel, AICP; Senior Planner

SUBJECT: *CUD-Z-18-04, Conditional Use Rezoning*
CUP-SB-18-02, Conditional Use Subdivision – Avenue at White Oak

DATE: November 5, 2018

I. PROJECT AT A GLANCE

Project Number(s): CUD-Z-18-04 Conditional Use Rezoning
CUP-SB-18-02 Conditional Use Subdivision

Applicant: Garner Road Partners, LLC

Owners: Sylvia W. Harrison, Steven C. Wilson, Pamela R. Stephenson, Duane W. Stephenson

General Description -

Project Area & Location: 33.33 +/- acres located on the north side of East Garner Road.

Wake Count PIN(s): 1721-13-1030 & 1721-11-0719

Current Zoning: R-20 (Residential 20)

Requested Zoning: MF-2 C203 (Multi-Family 2 Conditional Use)

Proposed Use(s): Townhomes (160 units)

Overlay: Garner Road Overlay District

Key Meeting Dates:

Planning Commission: October 8, 2018

Public Hearing & Action: November 13, 2018

II. BACKGROUND / REQUEST SUMMARY

The rezoning (CUD-Z-18-04) and associated subdivision plan (CUP-SB-18-02) have been submitted to develop the site into a multi-family townhomes subdivision of 160 lots. The site and tracts along the north side of East Garner Road in the vicinity are single-family residential while other tracts are vacant/wooded lands. The applicant is requesting to rezone the site from Residential 20 (R-20) to Multi-Family 2 development with conditions (MF-2 C203). Use restrictions and subdivision characteristic features are proposed as conditions. The applicants are requesting to rezone a total of 33.33 acres.

III. ZONING ANALYSIS

Existing: The existing zoning of the 33.33-acre site is **Residential 20 (R-20)**. Residential districts are designed to create and maintain residential neighborhoods composed primarily of single-family dwellings and, as special uses, such institutional, public, and other compatible uses that are designed, constructed and maintained so as not to detract from the quality of each district. R-20 district allows single-family lots of at least 20,000 square feet (.45 acres). Gross maximum density is approximately 2.17 units per acre in R-20 districts which translates into 72 dwelling units.

The following is a list of permitted uses in the R-20 District:

- | | |
|---|--|
| 1. Single-family site built and modular homes | 10. Public safety facilities (fire, police, rescue, ambulance) |
| 2. Residential Cluster | 11. Cemetery |
| 3. Family Care home | 12. Public parks, swimming pools, tennis and golf courses |
| 4. Group care home | 13. Religious institutions |
| 5. Intermediate care home | 14. Minor utility—elevated water tank |
| 6. Community center | 15. Private golf course or country club |
| 7. Child day care up to 3 as home occupation | 16. Bed and breakfast |
| 8. Family child day care up to 8 in home | 17. Agriculture or silviculture |
| 9. School public or private | |

Proposed: The proposed zoning of the 33.33-acre site is **Multi-Family 2 Conditional Use (MF-2 C203)**. The MF-2 zoning district is designed to create and maintain higher density residential neighborhoods composed primarily of multifamily dwellings. When evaluating MF-2 districts, emphasis is given to the location of the proposed district to adjoining developed property to ensure that such district is carefully located. Gross density for this proposed project stands at 4.80 dwelling units per acre.

The following conditions are proposed:

1. Permitted use table:

Use Category	Specific Use	MF-2 C203
Household Living	Residential Cluster	P*
	Two-Family Dwelling	P*
	Townhouse	P*
	Condominium	P*
	Multifamily (triplex and higher, including Apartment)	P*

2. Each dwelling unit constructed on the property shall have a garage for at least one (1) car, with a minimum interior dimension of 11 feet in width.
3. Each dwelling unit constructed on the property shall have a porch, patio and/or sunroom containing at least sixty (60) square feet on the side or rear of the unit.
4. The development shall include an outdoor dog park which contains a minimum of 6,500 square feet of land area which shall be constructed and installed prior to obtaining any Certificates of Occupancy (“COs”) for Phase 4, as shown on the attached Preliminary Site Plan.
5. The development shall include an outdoor community gathering space with park benches and landscaping which contains a minimum of 10,000 square feet of land area, which shall include approximate dimensions of 50 feet in width and 200 feet in length. At least half of the community gathering space (based on land area) shall be constructed and installed in or prior to obtaining any COs for Phase 1, as shown on the attached preliminary Site Plan, and the balance of the community gathering space shall be constructed and installed prior to obtaining any COs for Phase 4, as shown on the attached Preliminary Site Plan.
6. Each dwelling unit constructed on the property shall contain a minimum of 1,300 square feet of heated gross floor area.
7. The front façade of each Townhouse Unit (exclusive of roof) shall include the following:
 - a. at least three (3) of the following materials and/or architectural details: brick, stone, wood, board and batten siding, horizontal siding, vertical siding, shakes, jack arches, curved porch beam trim, standing seam porch roof, decorative floor trim band, front door with glass inset, row of glass panels in the garage door, front door surrounds, decorated post, keystones and decorated louvers and/or shingles;
 - b. at least three (3) operable windows and one entry door;
 - c. at least one (1) two (2) foot horizontal offset;
 - d. at least one (1) dormer or gable; and
 - e. if vinyl siding is used, it shall have a minimum gauge of .044.

Overlays: The site is located within the **Garner Road Overlay District**. This rezoning site falls within the Garner Road Overlay District. This overlay district establishes additional standards for new commercial development on Garner Road but there are no MF-2 uses that would have restrictions from the Garner Road Overlay District; therefore, the following is provided for background information purposes only.

The following are prohibited uses within the overlay regardless of zoning:

1. Drive-in movie theaters
2. Adult cabarets and establishments
3. Outside storage of goods not related to sale or use on premises
4. Junkyards, automobile graveyards
5. Commercial greenhouse operations

The following are prohibited uses within 150 feet residential:

1. Pool halls, bowling alleys
2. Bars, night clubs

The following are restricted uses (setbacks, buffers, landscaping, screening):

1. Auto sales & service
2. Auto repair
3. Car washes

Zoning History: The Planning Department’s rezoning database contains the following rezoning cases in the vicinity of this property. More recent cases are listed below.

Case	Applicant	Location	Zoning Change
CUD-Z-97-09	S. T. Wooten	E Garner Road	SB to I-2 C73
CUD-Z-03-01	Jones & Cossen Engineering, PLLC	Ashlyn Subdivision	R-20 to R-9 C118
CUD-Z-05-05	CLH Design PA	East Garner Elementary	RCD-3 C107 to R-20 C134
CUD-Z-14-02	Bass, Nixon & Kennedy, Inc.	E Garner Road	I-1 to I-2 C173
CUD-Z-16-12	East Garner LLC	Direct Distributors	O&I C158 to O&I C192

Adjacent Zoning and Land Use:

North:	Single-Family Residential 20 (R-20)	Single-family residential
South:	Single-Family Residential 20 (R-20) Industrial 1 (I-1) and Industrial 2 (I-2)	Vacant/wooded land Vacant/wooded land
East:	Single-Family Residential 20 (R-20)	Single-family residential
West:	Single-Family Residential 12 (R-12) Single-Family Residential 40 (R-40)	Single-family residential Vacant/wooded land



Overall Neighborhood Character:

This area along Garner Road contains large tracts of undeveloped vacant/wooded lands. The predominant zoning in this area of East Garner Road on the west side of Jones Sausage Road is Single-Family Residential (R-12, R-20 and R-40) and Multi-Family 1 (MF-1).

IV. STATEMENTS OF ZONING CONSISTENCY WITH THE COMPREHENSIVE PLAN

2018 Garner Forward Plan:



On the current Future Land Use map, the site along East Garner Road is designated as **Medium-Density Residential** and the surrounding tracts in this area are also designated primarily as Medium-Density Residential. Small amounts of Neighborhood Commerce are called for in the immediate vicinity along with Light Industrial across East Garner Road.

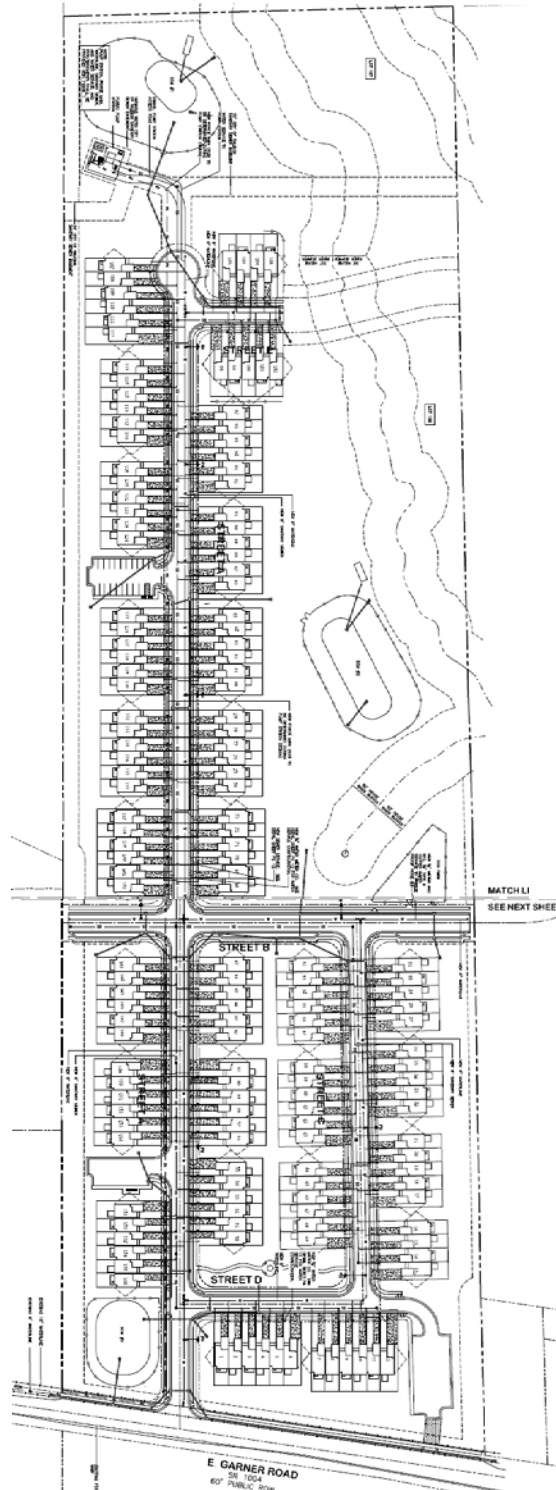
The **Medium-Density Residential** land use category includes single-family, duplex, triplex, quadplex, and townhome-style residences with a recommended density of two and a half (2.5) to five (5) dwelling units per acre. Medium-Density Residential structures may also include auxiliary units detached from the primary house. The Medium-Density Residential designation encourages context sensitive residential uses that preserve and enhance the culture of adjacent residential communities of which there is an extremely limited amount (only two existing residences are immediately adjacent to this tract).

The proposed development has a density of 4.80 dwelling units per acre which is within the recommended density stated above, and townhomes are identified as a compatible use within the Medium-Density Residential designation. Therefore, the request for a Multi-Family 2 Conditional Use (MF-2 C203) zoning district may be found consistent with the *Garner Forward Comprehensive Plan*. This project could be comprised of up to 166 units and still be considered consistent with the Medium-Density Residential designation. Any units about 166 or any subdivision of the tract to below the current 33.33 acres would necessitate an amendment to the *Garner Forward Comprehensive Plan*.

V. SUBDIVISION PROJECT DATA

Acres: Total project acres 33.33 (29.7 acres for townhomes; 3.6 acres for future development)

Number of Lots: 160



Dimensional Requirements: 5,000 square feet of project land area for the first unit and 3,000 square feet for every additional unit (used to determine density limits).

Setbacks are shown in conformance on the plan. Setbacks are as follows – Front, 25 feet (where garages are present); Rear, 25 Feet; Corner Side, 25 feet. Internal side setbacks (building separations) are variable per triangulation calculations.

Landscape and Buffer Requirements: The plan as proposed meets the requirements of the Landscape Ordinance.

- **Tree Cover:** Requirement of 12% is met with both existing and proposed plant material.
- **Street Buffers:** A 15-foot street buffer is provided along East Garner Road as are the required street trees.

Lighting: Proposed lighting meets the requirements of the Lighting Ordinance as well as meeting staff recommendations for LED fixtures. All fixtures have zero uplight, low glare and a warm white light exhibiting a color temperature of no more than 4,000 K (Kelvin).

Environmental Features: This site does not contain a FEMA designated floodplain – the absence of which is documented in the graphic below.



Parks and Open Space: Open Space –

- Required: 10% (2.97 acres)
- Proposed: 11.3% (3.36 acres)

Open space to be owned and maintained by the homeowner's association for the subdivision. Phases must meet the required 10% threshold on a cumulative phase-by-phase basis.

Fire Protection: The Inspections Department has reviewed the plan for fire protection and given their approval.

Infrastructure: **Stormwater Management** – The Avenues at White Oak is a townhome development site that is located along Garner Road and is not located within the watershed protection area.

This site is subject to stormwater quality regulations for nitrogen as well as stormwater quantity regulations for detention of the 1-, 10- and 25-year storms.

Three dry detention ponds as well as level spreaders with vegetated filter strips are proposed as a stormwater control measures that will handle stormwater quality and quantity requirements at this site. The stormwater control measure will treat reduce the nitrogen below the allowable threshold (10 pounds per acre per year) for multifamily development. It will also meet all the detention requirements.

This development will also be required to make a nitrogen offset payment to reduce their nitrogen loading rate down to the 3.6 pounds per acre per year threshold.

Water/Sewer – Site will be served by City of Raleigh water from Garner Road and sewer infrastructure will be installed including a public pump station which will be sized to serve surrounding parcels.



Access – The site has approximately 680 feet of road frontage on East Garner Road. In this area, East Garner Road is a 22-foot wide NCDOT-maintained ribbon pavement facility within a 60-foot right of way. Two access points will be from East Garner Road – one for general public access and a second for emergency access in the absence of other public options. For future connectivity, stubs are provided to both the east and west, along with a second future corridor stubbed to the east to facilitate future connectivity to Jones Sausage Road. The plans would improve East Garner Road along the project’s frontage with widened asphalt, curb, gutter and sidewalks.

VI. TRAFFIC IMPACT ANALYSIS

A Traffic Impact Analysis (TIA) was required for the proposed development in accordance with the Unified Development Ordinance. The report has been reviewed by the NCDOT District Office, NCDOT Congestion Management Unit and the Town of Garner Staff.

Based on the data provided and assumptions identified in the TIA, the proposed development is anticipated to generate 1,200 daily trips including 74 AM peak hour trips (17 entering, 57 exiting) and 90 PM peak hour trips (57 entering, 33 exiting). The findings of the TIA indicate that the proposed development is not anticipated to cause significant negative impacts on the surrounding road network.

The development is expected to account for only 2-3% of the traffic at the surrounding intersections. After reviewing the TIA, Town of Garner Staff asked for further analysis of the Jones Sausage Road and East Garner Road intersection. The analysis confirmed that site traffic is not anticipated to have significant negative impacts at this intersection. Therefore, no off-site improvements were identified or recommended to accommodate the site traffic.

The following improvements have been identified and are recommended to accommodate the development traffic at the intersection of East Garner Road and the site access drive:

- Construction of an eastbound left-turn lane on Garner Road with a minimum of 100 feet of storage and appropriate taper;
- Construction of a full movement (no turn restrictions) intersection with one ingress lane and one egress lane making up the site access drive; and
- Providing stop control on the site access drive at the southbound approach.

VII. PLAN CONFORMITY WITH ADOPTED TOWN PLANS AND POLICIES

2018 Garner Forward Transportation Plan:

The 2018 Garner Forward Plan identifies Garner Road as two-lane divided facility. With the proposed improvements along the frontage of Garner Road, this project, as proposed, may be found to be in conformity with the 2018 Garner Forward 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 for this particular area although the master plan does call out this general area as one in which they would like to acquire land for active recreation purposes; however since there was no recommendation for this particular parcel, this project, as proposed, may be found to be in conformity with the Parks & Recreation, Open Space & Greenways Master Plan.

Unified Development Ordinance:

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

VIII. PLANNING COMMISSION NOTES AND RECOMMENDATION

The Planning Commission reviewed this request at their October 8, 2018 meeting. What a unanimous vote, the Planning Commission confirmed staff's findings in Section VII that CUP-SB-18-02, Avenue at White Oak, is in conformity with adopted town plans and policies, and further accepted staff's statements regarding zoning consistency with the Garner Forward Comprehensive Plan, being detailed in Section V of this report, as their own, and recommended approval of CUD-Z-18-04 with the following site-specific conditions of approval:

1. Prior to recordation of the first final plat, a voluntary annexation petition for the unincorporated portions of the project site (33.33 +/- acres) shall be filed with the Garner Planning Department.
2. Prior to recordation of the first final plat, documents establishing a Homeowner's Association and restrictive covenants shall be submitted to the Garner Planning Director for review.
3. The developer shall be responsible for all roadway improvements required by NCDOT.
4. A notice regarding the proximity of the quarry shall be included in the Homeowner's Association documents.

IX. COUNCIL MOTION WORKSHEETS

NOTE: Two separate motions and vote are required.

REZONING ACTION MOTION WORKSHEET

Choose one (1) of the following three (3) options:

- () 1. Find **Consistent** with the Comprehensive Plan and **Approve**:

“I move that the Town Council accept staff’s statements regarding zoning consistency with the Comprehensive Growth Plan, detailed in Section V of this report, as our own; and I therefore move further that the Town Council accept the recommendation of the Planning Commission and adopt Ordinance No. _____ approving rezoning request number CUD-Z-18-04.”

- () 2. Find **Inconsistent** with the Comprehensive Plan and **Deny**:

“I move that the Town Council find the rezoning request inconsistent with the Comprehensive Growth Plan for the following reason(s):

(1) _____
_____;

(2) _____
_____;

(3) _____
_____;

and therefore, I move further that the Town Council reject the recommendation of the Planning Commission and deny rezoning request number CUD-Z-18-04.”

- () 3. Find **Inconsistent** with the Comprehensive Plan and **Approve**:

“I move that the Town Council find that although the rezoning request is inconsistent with the Comprehensive Growth Plan for the following reason(s):

(1) _____
_____;

(2) _____
_____;

(3) _____
_____;

it is reasonable and in the public interest because it will likely (*check as many as 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 therefore, I move further that the Town Council adopt Ordinance No. _____ approving rezoning request number CUD-Z-18-04, and in so doing, also amend the Town's Comprehensive Growth Plan from designating the subject property as Medium-Density Residential to

(*fill in with appropriate area designation*) _____."

CONDITIONAL USE PERMIT ACTION WORKSHEET

Approve: I move that the Council accept the staff statements regarding plan consistency in Section VII of this report as our own and find the application meets the 10 permit criteria in Section 3.14.D. and therefore approve CUP-SB-18-02, Avenue at White Oak, with the three standard conditions and four site-specific conditions listed on the attached permit.

Optional (conditions – mark, fill in and read all that applies): ...and including the following reasonable conditions necessary to address the impacts of the proposed development on:

- 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: I move that the Council find the application does not meet one or more of the criteria in Section 3.14.D. for granting a special use permit,

(Check and read all that apply – include stated reason/evidence)

- 1. The proposed use will endanger the public health or safety because/as evidenced by _____;
- 2. The proposed use will substantially injure the value of adjoining or abutting property; because/as evidenced by _____;

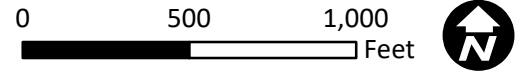
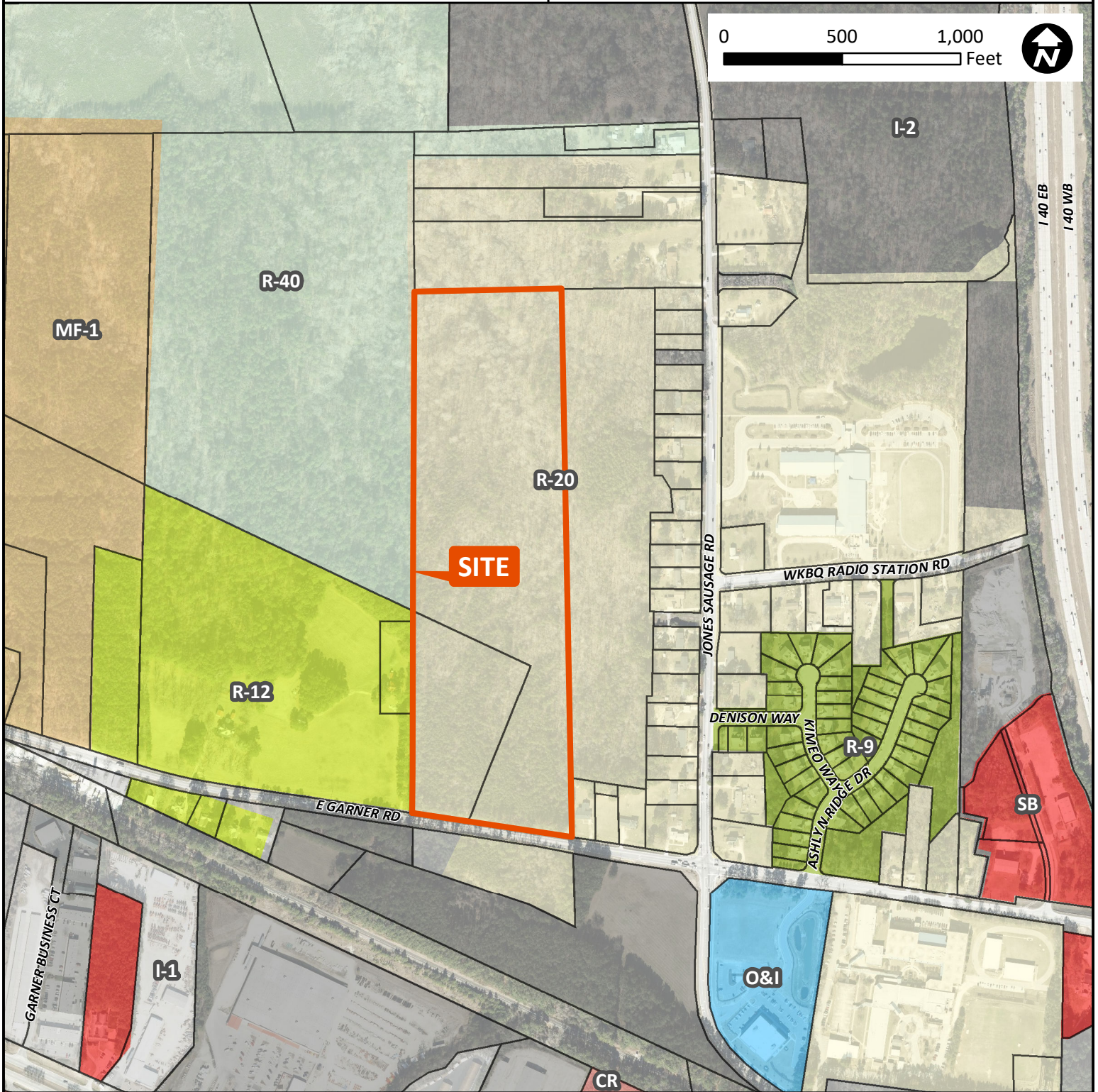
- ___ 3. The proposed use does not comply with all applicable provisions of this UDO;
because/as evidenced by _____;
- ___ 4. If completed as proposed, the development will not comply with all requirements of this section;
because/as evidenced by _____;
- ___ 5. The proposed use will not be compatible with the proximate area in which it is to be located;
because/as evidenced by _____;
- ___ 6. The proposed use is inconsistent 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);
because/as evidenced by _____;
- ___ 7. The proposed use is incompatible 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);
because/as evidenced by _____;
- ___ 8. Any significant adverse impacts resulting from the use will not be mitigated or offset, including impacts on the natural environment;
because/as evidenced by _____;
- ___ 9. The public safety, transportation and utility facilities and services will not be available to serve the subject property while maintaining sufficient levels of service for existing development;
because/as evidenced by _____;
- ___ 10. Adequate assurances of continuing maintenance have not been provided;
because/as evidenced by _____;

and therefore, deny Conditional Use Permit for Avenue at White Oak – CUP-SB-18-02.



**Town of Garner
Planning Department**

**Conditional Use Applications
CUP-SB-18-02 & CUD-Z-18-03**



Project: Avenue at White Oak
Applicant: Garner Road Partners, LLC
Owner: Sylvia W. Harrison
Location: E Garner Road
Pin #: 1721-13-1030 & 1721-11-0719

Proposed Use: Townhomes (160 units)
Current Zoning: Residential 20 (R-20)
Proposed Zoning: Multi-Family 2
 Conditional Use (MF-2 C203)
Acreage: 30.98 +/-
Overlay: n/a

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

ORDINANCE NO. (2018) 3935

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 **Garner Road Partners, LLC** in Rezoning Application No. **CUD-Z-18-04 (MF-2 C203)**.

Section 2. There is hereby created a new conditional use zoning district, to be known as the **Multi-Family Residential 2 Conditional Use (MF-2 C203)**; within this district, all of the regulations that apply to property within the **Multi-Family Residential 2 Conditional Use (MF-2 C203)** 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 conditions for the **Multi-Family Residential 2 Conditional Use (MF-2 C203)** district.*

Permitted use table:

Use Category	Specific Use	MF-2 C203
Household Living	Residential Cluster	p*
	Two-Family Dwelling	p*

	Townhouse	P*
	Condominium	P*
	Multifamily (triplex and higher, including Apartment)	P*

1. Each dwelling unit constructed on the property shall have a garage for at least one (1) car, with a minimum interior dimension of 11 feet in width.
2. Each dwelling unit constructed on the property shall have a porch, patio and/or sunroom containing at least sixty (60) square feet on the side or rear of the unit.
3. The development shall include an outdoor dog park which contains a minimum of 6,500 square feet of land area which shall be constructed and installed prior to obtaining any Certificates of Occupancy (“COs”) for Phase 4, as shown on the attached Preliminary Site Plan.
4. The development shall include an outdoor community gathering space with park benches and landscaping which contains a minimum of 10,000 square feet of land area, which shall include approximate dimensions of 50 feet in width and 200 feet in length. At least half of the community gathering space (based on land area) shall be constructed and installed in or prior to obtaining any COs for Phase 1, as shown on the attached preliminary Site Plan, and the balance of the community gathering space shall be constructed and installed prior to obtaining any COs for Phase 4, as shown on the attached Preliminary Site Plan.
5. Each dwelling unit constructed on the property shall contain a minimum of 1,300 square feet of heated gross floor area.
6. The front façade of each Townhouse Unit (exclusive of roof) shall include the following:
 - a. at least three (3) of the following materials and/or architectural details: brick, stone, wood, board and batten siding, horizontal siding, vertical siding, shakes, jack arches, curved porch beam trim, standing seam porch roof, decorative floor trim band, front door with glass inset, row of glass panels in the garage door, front door surrounds, decorated post, keystones and decorated louvers and/or shingles;
 - b. at least three (3) operable windows and one entry door;
 - c. at least one (1) two (2) foot horizontal offset;
 - d. at least one (1) dormer or gable; and
 - e. if vinyl siding is used, it shall have a minimum gauge of .044.

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
Sylvia W. Harrison, Steven C. Wilson, Pamela R. Stephenson, Duane W. Stephenson	1721-13-1030 1721-11-0719	Single-Family Residential (R-20)	Multi-Family Residential 2 Conditional Use (MF-2 C203)

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 November, 2018.

Ronnie S. Williams, Mayor

ATTEST:

Stella L. Gibson, Town Clerk

TOWN OF GARNER
CUP-SB-18-02 – AVENUE AT WHITE OAK
CONDITIONAL USE PERMIT

APPLICANT	Garner Road Partners, LLC Attn: Richard Stockett 901-F Paverstone Drive, Raleigh, NC 27615
LOCATION	North side of E Garner Road west of Jones Sausage Road int.
SPECIFIC USE CLASSIFICATION	Residential Household Living: Multi-Family, Townhomes
DATE ISSUED	November 5, 201

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; and
- 3) All applicable permit approvals shall be obtained by the applicant.

IV. SPECIFIC TO THE PROJECT

1. Prior to recordation of the first final plat, a voluntary annexation petition for the unincorporated portions of the project site (33.33 +/- acres) shall be filed with the Garner Planning Department.

2. Prior to recordation of the first final plat, documents establishing a Homeowner's Association and restrictive covenants shall be submitted to the Garner Planning Director for review.
3. The developer shall be responsible for all roadway improvements required by NCDOT.
4. A notice regarding the proximity of the quarry shall be included in the Homeowner's Association documents.

C:

Piedmont Land Design, LLP
Attn: Ron Hendricks
8522-204 Six Forks Road,
Raleigh, NC 27615

Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: November 5, 2018		
Subject: CUP-SP-18-14 Vet Clinic		
Location on Agenda: Public Hearings		
Department: Planning		
Contact: Alison Jones, Planner II		
Presenter: Alison Jones, Planner II		
<p>Brief Summary:</p> <p>A conditional use site plan for a proposed Veterinarian Clinic at 750 Timber Drive (next to CVS & Aldi). A 3,500 square-foot building is proposed. The Planning Commission recommended approval of this request at their October 8, 2018, meeting.</p>		
<p>Recommended Motion and/or Requested Action:</p> <p>Staff recommends approval of CUP-SP-18-14</p>		
<p>Detailed Notes:</p> <p>Please refer to Motion Worksheets at the end of the staff report for assistance in making a motion.</p>		
Funding Source:		
Cost:	One Time: <input type="radio"/>	Annual: <input type="radio"/> No Cost: <input checked="" type="radio"/>
Manager's Comments and Recommendations:		
Attachments Yes: <input checked="" type="radio"/> No: <input type="radio"/>		
Agenda Form Reviewed by:	Initials:	Comments:
Department Head:	JT	
Finance Director:		
Town Attorney:		
Town Manager:	RD	
Town Clerk:		

Planning Department Staff Report

TO: Mayor and Town Council Members

FROM: Alison Jones; Planner II

SUBJECT: *Conditional Use Site Plan: CUP-SP-18-14 – Vet Clinic Garner*

DATE: November 5, 2018

I. PROJECT AT A GLANCE

Project Number: CUP-SP-18-14, Vet Clinic Garner

Applicant: Stimmel Associates PA

Owner: Aldi (NC) LLC

Plan Prepared by: Stimmel Associates

General Description -

Proposed Use: Veterinarian Clinic, with no outdoor operations

Project Location: 750 Timber Drive (CVS & Aldi)

Wake Count PIN(s): 1710-45-1122

Zoning Classification: Community Retail (CR) within Timber Drive Overlay District

Key Meeting Dates -

Planning Commission: October 8, 2018

Town Council Public Hearing: November 5, 2018

II. LAND USE

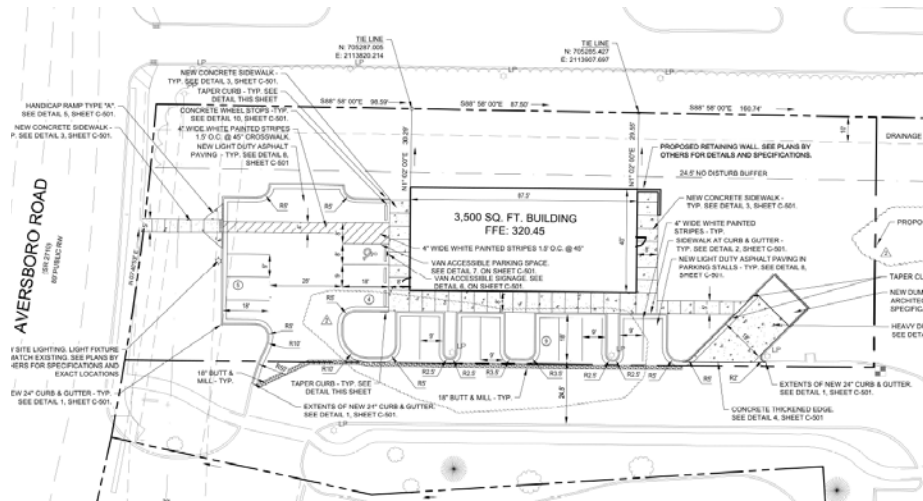
The requested specific use is “Veterinarian/ Kennel, Indoor” which is part of the larger use category of “Retail Sales and Service”. The Community Retail (CR) district permits veterinarian clinics with indoor operations. While Section 5.3.C.15 limits the square footage of the building to no more than 5,000 sqft in NC, NO and CBD zoning districts, this standard does not apply in the CR zoning district. This section of the ordinance also requires all activities associated with the operation to take place within the enclosed building. All requirements from Timber Drive Overlay are being met.



III. SITE PLAN PROJECT DATA

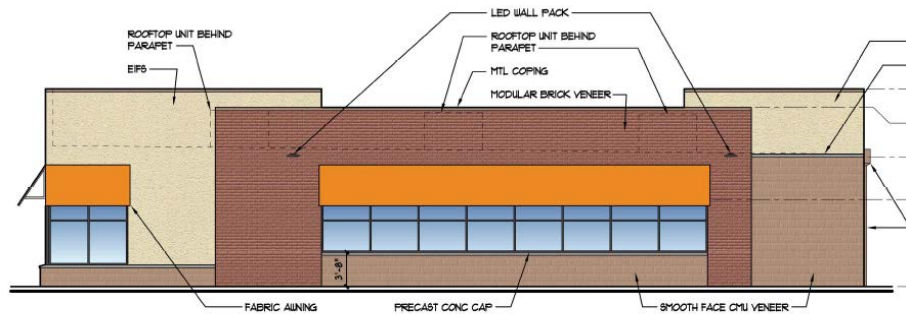
Acraege: Vet Clinic 0.64 acres (entire parcel 3.69 acres)

Building Size: 3,500 square feet

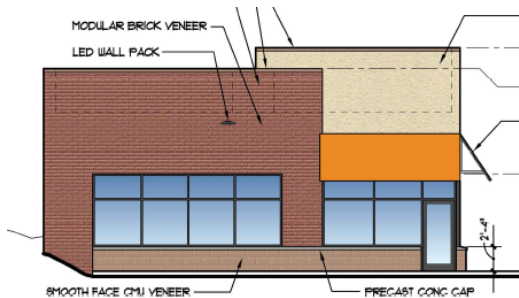


Building Material and Color:

The building is constructed of brick, EFIS and CMU veneer. The building will have an awning over the front door entrance and on the southside of the building.



SOUTH ELEVATION



WEST ELEVATION

Landscape and Buffer Requirements:

The plan as proposed meets the requirements of the Landscape Ordinance; both the general standards and the Timber Drive Overlay requirements apply.

Tree Cover: Requirements met with new vegetation in the required buffers and vehicular service area plantings.

Street Buffers: The 15-foot buffers along Aversboro Road and along the drive aisle to access CVS and Aldi have been satisfied with new plant material.

Perimeter Buffers: Buffering is begin met with an existing 24.5' buffer to the North of the project site. The rear buffer requirements are achieved with new plant material.

Vehicular Service Area: VSA plantings are provided as screening in the form of shrubs as well as canopy trees in planted islands.

Environmental Features:

This site does not contain a FEMA designated floodplain or any features subject to Neuse River riparian buffer rules.



Fire Protection:

The Inspections Department has reviewed the plan for fire protection and given their approval.

Parking Spaces:

Number - Parking is based on 1 space per 200 square feet of gross floor area.

- Required: 18 (1 accessible)
- Proposed: 18 (1 accessible)

Lighting:

Proposed lighting includes existing light poles and new wall packs. All fixtures are to have zero uplight, low glare and a warm white light exhibiting a color temperature of no more than 4,000 K (Kelvin).

Infrastructure:

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



Stormwater Management - The vet clinic is a commercial site that is located within the Aldi site plan parcel and is located within the watershed protection area. This site is subject to stormwater quality regulations for nitrogen and 85% TSS removal as well as stormwater quantity regulations for detention of the 1, 10 and 25 year storms. This plan will utilize both the underground detention system and the underground stormfilter system that exists on the Aldi site to treat stormwater quality and quantity requirements at this site. The underground stormfilter will be amended to the additional impervious surface of this project and reduce the nitrogen below the allowable threshold (10 pounds per acre per year) for a commercial site. The underground detention system currently meets all the detention

requirements of the increased impervious surface. There was a previous overpayment of nitrogen at this site prior to the development of Aldi, which means that no additional nitrogen payment will be required with development of this site plan.

Frontage Improvements – None.

Site Access – Access to the site from Aversboro Road with the shared drive aisle with CVS and Aldi. You can also access the site from Timber Drive located near Aldi.

Traffic Impact Analysis – Not required.

IV. SITE PLAN CONFORMITY WITH APPLICABLE ADOPTED TOWN PLANS AND POLICIES

2018 Garner Forward Transportation Plan:

The 2018 Garner Forward Transportation plan identified Timber Drive East and a future extension for Timber Drive East as a four-lane divided facility. Timber Drive East in its current state is already developed as four-lane divided facility; therefore, the plans may be considered consistent with the recommendations of the 2018 Garner Forward 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, may be considered consistent with the regulations of the Unified Development Ordinance.

V. PLANNING COMMISSION NOTES AND RECOMMENDED

The Planning Commission reviewed this request at their October 8, 2018 meeting. With a unanimous vote, the Planning Commission confirmed staff's findings in Section IV move that CUP-SP-18-14, Vet Clinic is in conformity with applicable adopted town plans and policies so long as the following conditions are met:

1. Prior to building permit, a cross access agreement between proposed Veterinary Clinic, Aldi and CVS shall be recorded and received by the Planning Department;
2. Prior to building permit, a minor subdivision plat shall be submitted, approved and recorded by Wake County Register of Deeds; and
3. Prior to certificate of occupancy, the existing 24.5' buffer shall be inspected by the Planning Department and supplemental plant material shall be installed as needed.

If motion is not to confirm staff's findings of conformity, specific ordinance sections or plan/policy language must be cited as part of said motion.

VI. COUNCIL MOTION WORKSHEETS

CONDITIONAL USE PERMIT ACTION WORKSHEET

Approve: I move that the Council accept the staff statements regarding plan consistency in Section VII of this report as our own and find the application meets the 10 permit criteria in Section 3.14.D. and therefore approve CUP-SP-18-14, Vet Clinic, with the three standard conditions and three site-specific conditions listed on the attached permit.

Optional (conditions – mark, fill in and read all that applies): ...and including the following reasonable conditions necessary to address the impacts of the proposed development on:

- ___ 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: I move that the Council find the application does not meet one or more of the criteria in Section 3.14.D. for granting a special use permit,

(Check and read all that apply – include stated reason/evidence)

- ___ 1. The proposed use will endanger the public health or safety because/as evidenced by _____;

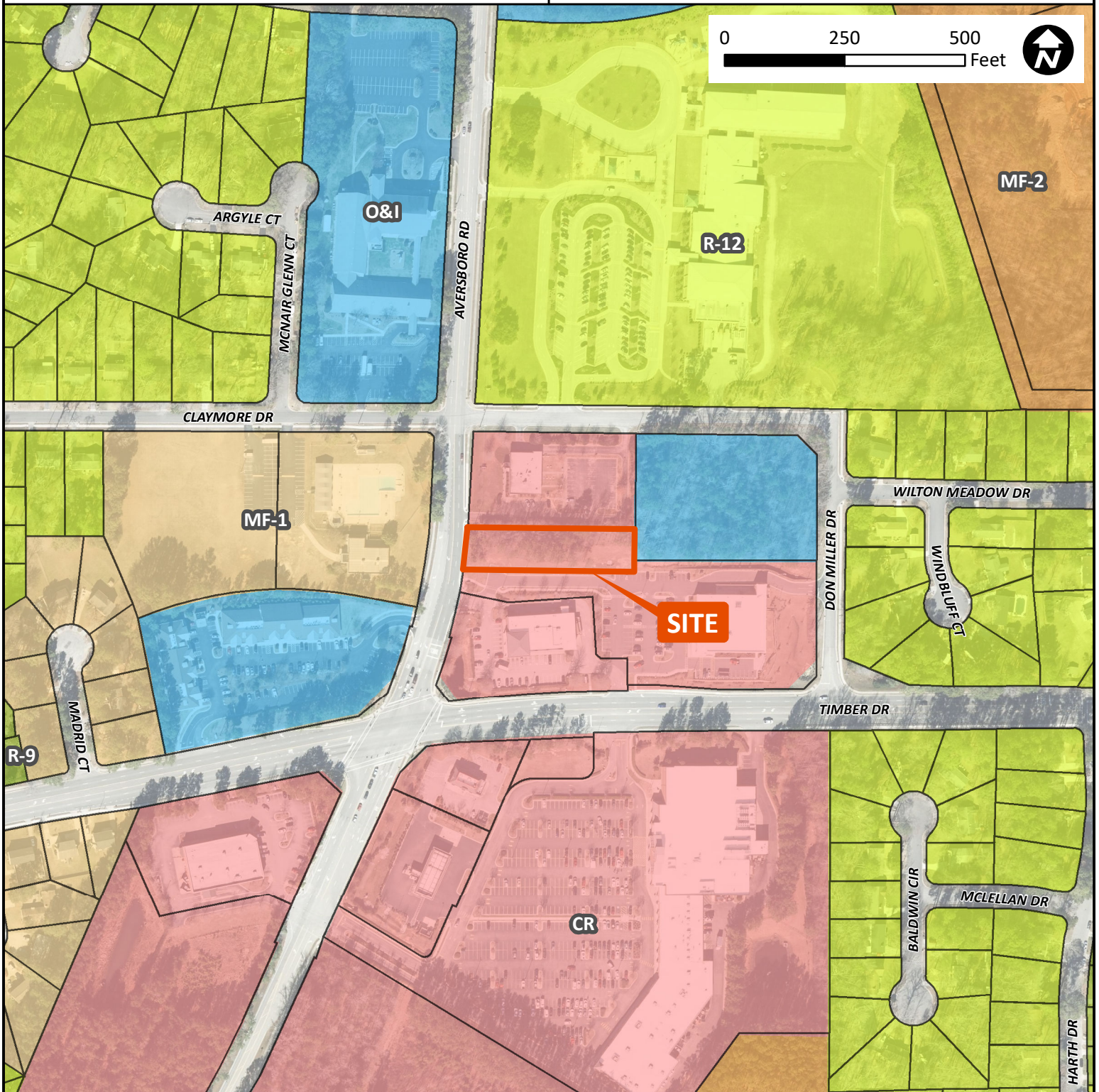
- ___ 2. The proposed use will substantially injure the value of adjoining or abutting property;
because/as evidenced by _____;
- ___ 3. The proposed use does not comply with all applicable provisions of this UDO;
because/as evidenced by _____;
- ___ 4. If completed as proposed, the development will not comply with all requirements of this section;
because/as evidenced by _____;
- ___ 5. The proposed use will not be compatible with the proximate area in which it is to be located;
because/as evidenced by _____;
- ___ 6. The proposed use is inconsistent 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);
because/as evidenced by _____;
- ___ 7. The proposed use is incompatible 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);
because/as evidenced by _____;
- ___ 8. Any significant adverse impacts resulting from the use will not be mitigated or offset, including impacts on the natural environment;
because/as evidenced by _____;
- ___ 9. The public safety, transportation and utility facilities and services will not be available to serve the subject property while maintaining sufficient levels of service for existing development;
because/as evidenced by _____;
- ___ 10. Adequate assurances of continuing maintenance have not been provided;
because/as evidenced by _____;

and therefore, deny Conditional Use Permit for Vet Clinic – CUP-SP-18-14.



Town of Garner Planning Department

Conditional Use Applications CUP-SP-18-14



Project: Vet Clinic
Applicant: Stimmel Associates PA
Owner: Aldi (NC) LLC
Location: 750 Timber Drive
Pin #: 1710-45-1122

Proposed Use: Retail - Vet Clinic
Current Zoning: Community Retail (CR)
Acresage: 0.71 +/-
Overlay: Timber Drive

**TOWN OF GARNER
CUP-SP-18-14 – VET CLINIC - GARNER
CONDITIONAL USE PERMIT**

APPLICANT	Stimmel Associates, PA Attn: Tim Jennings 601 N. Trade Street #201 Winston-Salem, NC 27101
LOCATION	750 Timber Drive
USE	Veterinary Clinic
DATE ISSUED	November 5, 2018

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;
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c: Aldi NC, LLC
1985 Old Union Church Road
Salisbury, NC 28146