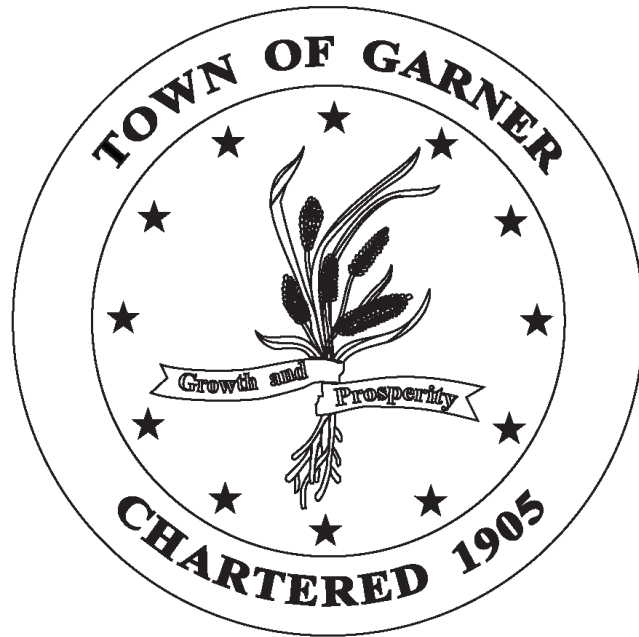


Town of Garner



Town Council Meeting
January 16, 2024

Garner Town Hall
900 7th Avenue
Garner, NC 27529

**Town of Garner
Town Council Regular Meeting Agenda
January 16, 2024**

The regular meeting of the Town Council will be conducted at 6:00 p.m. in Ronnie S. Williams Council Chambers located in Garner Town Hall, 900 7th Avenue, Garner.

- A. CALL MEETING TO ORDER/ROLL CALL: Mayor Buddy Gupton
- B. PLEDGE OF ALLEGIANCE: Council Member Demian Dellinger
- C. INVOCATION: Council Member Demian Dellinger
- D. PETITIONS AND COMMENTS
- E. ADOPTION OF AGENDA
- F. PRESENTATIONS
- G. CONSENT
 - 1. Budget Amendment - DS Software Page 7
Presenter: David Beck, Finance Director

Amendment to draw down remaining funds set aside for new development services software.

Action: Consider approving Ordinance (2024) 5231
 - 2. Budget Amendment - Budget Software Solutions Page 9
Sara Warren, Budget Director

Appropriate funding for the implementation of a budget development and book software solutions.

Action: Consider approving Ordinance (2024) 5232 in the amount of \$100,000.
 - 3. Budget Amendment - Community Survey Page 14
Sara Warren, Budget Director

Appropriate funding for the purposes of conducting a community survey through Polco.

Action: Consider approving Ordinance (2024) 5233 in the amount of \$21,000.
 - 4. Budget Amendment - Building Inspectors Page 33
Sara Warren, Budget Director

To amend the budget for additional building inspectors and to authorized position count from 230.0 FTEs to 232.0 FTEs.

Action: Consider approving Ordinance (2024) 5234 in the amount of \$175,505 and amend the total position authorization to 232.0 FTEs.

- 5. Recognition of Disposable Property Page 35
Presenter: Lorie Smith, Police Chief

Recognize service weapon and badge of Officer Derrick McCarter as disposable property, so they can be awarded to him in recognition of his retirement from the Town of Garner with 30 years of creditable service.

Action: Consider adopting Resolution (2024) 2562

- 6. Bid Award - Park Furnishings Replacement Project (Stewart Group Enterprises, LLC) Page 37
Presenter: Maria Munoz-Blanco, PRCR Director

On December 18, 2023, four vendors submitted proposals to the Park Furnishings Replacement Project RFP, two of which were determined to be responsive. The apparent low responsive bidder is Stewart Group Enterprises, LLC with a bid of \$198,429.

Action: Consider awarding project to Stewart Group Enterprises, LLC and authorize Town Manager to execute contract.

- 7. WithersRavenel, Inc. Scope of Work # 3 - Lake Benson Park Master Plan Update Page 40
Presenter: Maria Munoz-Blanco, PRCR Director

Present Statement of Work # 3 (SOW#3) of the On-Call Master Agreement with WithersRavenel, Inc. for the update the Lake Benson Park Master Plan to address the feasibility and impact of relocating the boathouse to the Lake Benson Park site. A budget amendment is required.

Action: Consider approval of WithersRavenel SOW#3, budget amendment and authorize Town Manager to execute contract

- 8. Public Service Company of North Carolina Gas Franchise Ordinance Page 52
Presenter: Terri Jones, Town Attorney

Public Service Company of North Carolina, operating as Dominion Energy, has requested that the Town of Garner approve a new thirty-year franchise so that it may continue to operate and maintain a gas utility system within the Town limits.

Action: Consider second vote to adopt Ordinance (2023) 5230 granting a gas franchise

- 9. Surplus Property Page 60
Presenter: David Beck, Finance Director

The Public Works department has equipment including a backhoe, excavator, and equipment trailer that are being replaced as part of the VERT program. Approval is sought to surplus the old items and allow them to be sold. The proceeds will supplement the VERT budget to purchase replacement equipment.

Action: Consider approving Resolution (2024) 2563

- 10. Council Meeting Minutes Page 62
Presenter: Stella Gibson, Town Clerk

Minutes for the November 6, 13, 21, 28, 2023 and December 5, 19, 2023 Council Regular, Closed, and Work Session Meetings.

Action: Consider approving minutes

- 11. Voluntary Satellite Annexation Petition #ANX-23-07
All Star Mobile Home Park Page 88
Presenter: Ashley Harris, Planner

Voluntary Satellite Annexation Petition (ANX-23-07), submitted by Michael Conlon and Chris Barry of ACG All Star, LLC to bring +/- 72.16 acres into the corporate limits of the Town of Garner. The property is generally located at 2217 Michael Dr, north of Simpkins Road and may otherwise be identified as Wake County PIN 0791529528.

Action: Consider motion to adopt Resolution (2024) 2565 to set public hearing for February 20, 2024

- 12. Voluntary Contiguous Annexation Petition # ANX-23-16
Town Liles Property Page 92
Presenter Reginald Buie, MPA, CZO; Zoning Administrator

Voluntary contiguous annexation petition (ANX-23-16) submitted by Town of Garner to bring 31.7 +/- acres into the primary corporate limits of the Town of Garner. The property is located at 2518 Benson Road and may be otherwise identified as Wake County PINs 1619445820 and 1619458482. An additional 0.73 +/- acres of intervening right-of-way within Rand Road would be included with this request for a total of 32.43 +/- acres.

Action: Consider motion to set public hearing for February 20, 2024.

H. PUBLIC HEARINGS

- 1. SUP-SP-17-30 M23-01, Saad Building Addition Page 96
Presenter: Alison Jones, Development Review Manager

Special use permit major modification request (SUP-SP-17-30 M23-01) submitted by Briarhaven Exchange, LLC to add 7,500 square feet of warehouse/flex space in two

buildings to an existing 6.55 +/- acre site housing a 19,545 square-foot warehouse building. The property may be further identified as Wake County PIN# 1730400170.

Action: Consider motion to approve Special Use Permit major modification

2. Voluntary Satellite Annexation Petition # ANX-23-09, Garner V Industrial Page 108
Presenter: Reginald Buie, MPA, CZO; Zoning Administrator

Voluntary contiguous annexation petition (ANX-23-09) submitted by Garner Industrial V, LLC to bring 22.47 +/- acres into the satellite corporate limits of the Town of Garner. The property is generally located at 3001 Garner Business Park Drive and may be otherwise identified as Wake County PIN(s) 1730845677.

Action: Consider motion to adopt ordinance (2024) 5238

3. Voluntary Contiguous Annexation Petition # ANX-23-10, Golden Trace Page 113
Presenter: Reginald Buie, Zoning Administrator

Voluntary contiguous annexation petition (ANX-23-10) submitted by Amanda H. Bryan, Richard S. Slater, Robert L. Bryan & Timothy S. Bryan to bring 47.6 +/- acres into the corporate limits of the Town of Garner. The properties are generally located at 1725, 1805, and 1813 New Bethel Church Road and may be otherwise identified as Wake County PIN(s) 1629231622, 1629233112, 1629237034, and 1629239795.

Action: Consider adopting Ordinance (2024) 5239

4. Voluntary Satellite Annexation Petition # ANX-22-10, 401 Crossing Page 119
Presenter: Jeff Triezenberg, Planning Director

Voluntary satellite annexation petition (ANX-22-10) submitted by Ruth Johnson Lee; Joseph Ira Lee, III; L. Alton Johnson Heirs; Joseph I. Lee, III, Trustee of the Joseph I. Lee Revocable Trust; and Peter Daniels Hudgins, Jr. & Lena R. Hudgins to bring 72.25 +/- acres into the satellite corporate limits of the Town of Garner. The property is generally located at 5715 Fayetteville Road and may be otherwise identified as Wake County PIN(s) 0790781096, 0709788067, 0790889826, 0790884847, 0790886087, 0790883098, 0790780066, 0790897596, 0790992265, 0790992386, 0790992476, 0791902864, 0790992175, 0790885319, 0790981008, 0790882057, 0790783046, 0790981161, 0790885048, 0790881017, 0790785341, 0790889068, and 0790888028.

Action: Consider motion to adopt Ordinance (2024) 5239

I. NEW/OLD BUSINESS

1. Tier 2 Conditional Rezoning # CZ-PD-22-03, 401 Crossing Page 130
Presenters: Ashley Harris, Planner and Jeff Triezenberg, Planning Director

Tier 2 conditional rezoning request submitted by the McAdams Company to rezone approximately 72.24 +/- acres from Wake County Residential 40 Watershed (R-40W) to

Town of Garner Planned Unit Development (PD C15) Conditional for a mixed-use development of a maximum of 300 single-family residential units (platted individual residential lots), 500 multifamily residential units (multiple units on common lots), and 45,000 square feet of commercial space. The site is located on the southeast side of US 401 between Woodcrest Drive and St Patrick Drive and may further be identified as multiple Wake County PIN(s) - see staff report for full list.

The Planned Unit Development Book can be found at this link: [401 Crossing PUD Book](#)

Action: Consider motion to approve CZ-PD-22-03 by adopting Ordinance (2024) 5237

- 2. Tier 2 Conditional Rezoning Request # CZ-MP-22-06, Ackerman Road
Subdivision Page 224
Presenter: Ashley Harris, Planner II

Tier 2 conditional rezoning request (CZ-MP-22-06) submitted by Construction Masters, LLC to rezone approximately 7.57 +/- acres from Single-Family Residential (R-40) to Single-Family Residential (R-9 C255) Conditional for the development of up to 21 single-family detached homes.

Action: Consider motion to approve CZ-MP-22-06 by adopting Ordinance (2024) 5236

J. COMMITTEE REPORTS

- K. MANAGER REPORTS
 - 1. Talk of the Town
 - 2. Quarterly Financial Report

L. ATTORNEY REPORTS

M. COUNCIL COMMENTS

N. CLOSED SESSION

O. ADJOURN

Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: January 16, 2024 <input type="button" value="v"/>		
Subject: Retirement Presentation for Officer McCarter		
Location on Agenda: Presentations		
Department: Police		
Contact: Michael McIver, Deputy Chief		
Presenter: Michael McIver, Deputy Chief		
Brief Summary: Presentation to recognize Officer McCarter in recognition of his retirement from the Town of Garner with 30 years of creditable service.		
Recommended Motion and/or Requested Action:		
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:		
Attachments Yes: <input type="radio"/> No: <input checked="" type="radio"/>		
Agenda Form Reviewed by:	Initials:	Comments:
Department Head:	LAS	
Finance Director:		
Town Attorney:		
Town Manager:	RD	
Town Clerk:		

Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: January 16, 2024		
Subject: Budget Amendment - DS Software		
Location on Agenda: Consent		<input type="button" value="v"/>
Department: Finance		
Contact: David Beck, Finance Director		
Presenter: David Beck, Finance Director		
Brief Summary: Amendment to draw down remaining funds set aside for new development services software.		
Recommended Motion and/or Requested Action: Approve Ordinance (2024) 5231		
Detailed Notes: A total of \$200,000 in funding was set aside several years ago to fund the purchase of new software for the development services departments. The software implementation is nearing completion and the remaining funds are needed to finish out the project. The remaining funds are being pulled from committed fund balance.		
Funding Source: Fund balance		
Cost: \$62,902	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:	DCB	
Finance Director:	DCB	
Town Attorney:		
Town Manager:	RD	
Town Clerk:		

ORDINANCE NO. (2024) 5231

ORDINANCE AMENDING ORDINANCE NO. (2023) 5209 WHICH ESTABLISHED THE 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:

Revenue Amendment Request

ACCOUNT NUMBER	DESCRIPTION	PROJECT	CURRENT BUDGET	REVENUE CHANGE	REVISED BUDGET
10309000-496900	Appropriated Fund Balance		\$ 6,199,357	\$ 62,902	\$ 6,262,259

TOTAL REVENUE INCREASE (DECREASE) \$ 62,902.00

Expenditure Amendment Request

ACCOUNT NUMBER	DESCRIPTION	PROJECT	CURRENT BUDGET	EXPENDITURE CHANGE	REVISED BUDGET
10604000-537400	Equipment		\$ 23,841	\$ 62,902	\$ 86,743

TOTAL EXPENDITURE INCREASE (DECREASE) \$ 62,902.00

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 16th day of January 2024.

Buddy Gupton, Mayor

ATTEST:

Stella L. Gibson, Town Clerk

Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: January 16, 2024		
Subject: Budget Amendment for Budget Software Solutions		
Location on Agenda: Consent <input type="checkbox"/>		
Department: Budget and Management Services		
Contact: Sara Warren, Budget Director		
Presenter: Sara Warren, Budget Director		
Brief Summary: Appropriate funding for the implementation of a budget development and book software solutions.		
Recommended Motion and/or Requested Action: Approve a budget amendment (2024) 5232 in the amount of \$100,000.		
Detailed Notes: Over the past year, budget staff has worked to identify the Town's needs for a software solution for the budget development process. An RFP was released in August of 2023 that sought to acquire a solution that assisted with the operating budget development, capital budget development as well as the preparation of the budget book. A cross departmental team demoed several options to determine functionality for the Town's needs. Staff is recommending Questica, a Euna Solutions brand, for the operating budget development and Lomali (affiliated with GovDollars) for the budget book development.		
Funding Source: Operating Fund		
Cost: \$100,000	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:	SAW	
Finance Director:		
Town Attorney:		
Town Manager:	RD	
Town Clerk:		



BUDGET

MEMORANDUM

DATE: January 2, 2024

TO: Rodney Dickerson, Town Manager

CC: Jodi Miller, Assistant Town Manager

FROM: Sara Warren, Budget Director

SUBJECT: Budget Software Acquisition

BACKGROUND

In early 2023, the Town of Garner went under contract with GovDollars consulting to help the Town with the future acquisition of a budget software suite. The scope of work included meeting with all departments to understand their involvement in the budget and associated systems; meetings with the Budget Team on current and future process for a software solution; and internal review of all relevant fiscal policies and procedures.

GovDollars delivered their final report to the Town in July 2023 with a list of requirements the Town would need in a budget software solution. The report also included several vendors the Town could consider with pros and cons of each. Staff conducted preliminary demonstrations with these vendors to understand capabilities compared to the needs of the Town.

An RFP was released on August 30th, 2023 for solicitation of budget software solutions. The objectives included:

- Automate the current manual processes that include operating development, capital development and budget book development
- Provide basic functionality of an operating budget such as the base budget process, central resource management (e.g., fuel, vehicles, contracts), internal service department management (e.g., Fleet Management, Information Technology, Human Resources) and multi-year modeling
- Provide basic functionality of a capital budget such as long-term planning for five years, horizon item entry, funding scenarios and financial models, and integration of a debt model
- Provide workflow capabilities to streamline approval processes during the budget process
- Allows for data import and export functionality for additional data analysis and uploads for third-party systems
- Provide revenue and expenditure management for the purposes historical data tracking and forecasting
- Provides on-going user training
- Provide performance management integration



A team of cross-departmental stakeholders were assembled to review and assess the proposals and demonstrations. The staff included members of the Budget Team (Budget, Finance, and the Manager's Office), Information Technology, Police, Public Works, and Parks, Recreation, and Cultural Resources.

Based upon the initial review of the applications, three vendors were selected to for full demonstrations of the capabilities of their software solutions:

1. OpenGov
2. Questica
3. ClearGov

Each of the vendors conducted a full demonstration for the team which highlighted the capabilities and offered time for questions and answers.

Budget staff created a scoring system based upon the requirements document that prioritized the most critical components of the solutions. Once scored, Questica was the highest scoring solution that met the most criteria out of the vendors including the most pressing needs of the operating budget development. OpenGov scored second while ClearGov has not fully developed the operating budget development solution to meet the needs of the Town.

Staff also checked references for Questica and OpenGov for North Carolina Based Clients. They include:

- Town of Hillsborough (OpenGov)
- Guilford County (OpenGov)
- Lenior (OpenGov)
- High Point (Questica)
- Concord (Questica)
- Greensboro (Questica).

Of these other jurisdictions, Questica was reported to be a top-notch solution for budget development while some of the organizations struggle with OpenGov's solution and require additional manual processes to accommodate their process. None of the vendors were able to demonstrate a budget book software solution that satisfied the criteria desired by the Town and all of the referenced organizations reported not being able to utilize these solutions for the development of their budget book.

Questica's budget book product provided a spartan document that did not allow for any customization or branding for a print document that is desired by the Town. Staff would have to continue to work through manual processes to continue to meet the standards set forth for the budget book production on an annual basis.

A subsequent demonstration was held with GovDollars for their budget book solution. Their solution is designed for annual customization and branding based upon the customer's needs.

COST

The projected cost to implement both solutions is approximately \$96,500 with an annual subscription cost of \$57,000. Questica's solution includes an annual subscription escalation of 5%. Funding for implementation cost is available through excess revenue received through sales tax distribution received in FY23. On-going subscription costs have been included as part of the FY25 Base Budget to be paid for out of the Budget and Management Services budget.

Cost Table	Year 1	Year 2	Year 3	Year 4	Year 5	Five Year Total
Annual Subscription						
Questica	37,000	38,850	40,793	42,832	44,974	204,448
GovDollars	18,000	18,000	18,000	18,000	18,000	90,000
One-Time Set Up Fee						
Questica	26,500					26,500
GovDollars	15,000					15,000
Annual Total	96,500	56,850	58,793	60,832	62,974	335,948

RECOMMENDATION

After all demonstrations, reference checks and deliberation, the evaluation team is recommending pursuing Questica for the Budget Software Solution and GovDollars for the budget book solution. Staff believes that a combination of both products will provide the Town with a modernized budget development solution while creating efficiencies during the budget development process. These solutions will also allow for a more simplistic and streamlined process for all Town employees involved with the Budget Process that will carry the Town well into the future regardless of the ERP solution that is in place.

With the Town Manager’s approval, staff will pursue a Council action to appropriate the funds and begin contract negotiations. Please feel free to reach out if there is any further questions or items for discussion.

ORDINANCE NO. (2024) 5232

ORDINANCE AMENDING ORDINANCE NO. (2023) 5210 WHICH ESTABLISHED THE CAPITAL 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:

Revenue Amendment Request

ACCOUNT NUMBER	DESCRIPTION	PROJECT	CURRENT BUDGET	REVENUE CHANGE	REVISED BUDGET
10309000-496900	Appropriated Fund Balance		\$ 6,199,357	\$ 100,000	\$ 6,299,357
20600000-471000	Transfer from General Fund	10491	\$ 480,816	\$ 100,000	\$ 580,816

TOTAL REVENUE INCREASE (DECREASE) \$ 200,000.00

Expenditure Amendment Request

ACCOUNT NUMBER	DESCRIPTION	PROJECT	CURRENT BUDGET	EXPENDITURE CHANGE	REVISED BUDGET
20600000-521000	Professional Services	10491	\$ -	\$ 100,000	\$ 100,000
10590000-552020	Tsf To Cap Reserv Proj Fund 20		\$ 4,053,124	\$ 100,000	\$ 4,153,124

TOTAL EXPENDITURE INCREASE (DECREASE) \$ 200,000.00

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 16th day of January 2024.

Buddy Gupton, Mayor

ATTEST:

Stella L. Gibson, Town Clerk

Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: January 16, 2024		
Subject: Budget Amendment for Community Survey		
Location on Agenda: Consent <input type="checkbox"/>		
Department: Budget and Management Services		
Contact: Sara Warren, Budget Director		
Presenter: Sara Warren, Budget Director		
Brief Summary: Appropriate funding for the purposes of conducting a community survey through Polco.		
Recommended Motion and/or Requested Action: Approve a budget amendment (2024) 5233 in the amount of \$21,000 (for survey and custom questions).		
Detailed Notes: Town Staff is pursuing a benchmarking survey that provides a comprehensive and accurate picture of community livability and provides resident perspectives about local government services, policies, management, etc. Staff believes this information is critical to continue to provide the best services to its residents. This survey is the gold standard in resident assessments and will provide a preliminary step to a strategic plan update.		
Funding Source: Operating Fund		
Cost: \$21,000	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:	SAW	
Finance Director:		
Town Attorney:		
Town Manager:	RD	
Town Clerk:		

Date: December 6, 2023

To: Mayor & Council Members

From: Rodney Dickerson, Town Manager
Jodi Miller, Assistant Town Manager
John Hodges, Assistant Town Manager

Re: The National Community Survey

Garner is a growing and thriving community. Over the last several years we have seen exponential growth, and we are on a trajectory to see our population increase to 53,468 by 2029. A growing and thriving community requires a Town government that is focused on improving community outcomes and providing high-performing services. The Town's commitment to continual learning and innovation is the nexus required to start moving the needle on community outcomes. To effectively assess and determine strategic direction and service delivery the Town needs clear, unbiased, and accurate resident survey results. The National Community Survey (NCS) tool provides a turn-key solution for the Town and is the only resident survey tool endorsed by the International City/County Management Association (ICMA) and the National League of Cities (NLC).

The National Community Survey is designed by the National Research Center at Polco and is the gold standard in resident assessments ([The National Community Survey \(polco.us\)](https://www.polco.us)). The benchmarking survey provides a comprehensive and accurate picture of community livability, and provides resident perspectives about local government services, policies, management and more.

Town Managers and Local Government Leaders Use the NCS to:

- Engage residents safely and effectively
- Inform budget priorities and capital investments
- Guide economic recovery and growth
- Make evidence-based decisions
- Measure performance
- Assist in Strategic Planning
- Free-up staff time

The NCS covers 10 key facets of community livability including:

- Economy
- Mobility
- Community Design
- Natural Environment
- Safety
- Utilities
- Parks & Recreation
- Health & Wellness
- Education, Arts, & Culture
- Inclusivity & Engagement

A sample of the survey tool is attached.

The NCS Services provide:

- **Expert Analysis**- professional data scientists conduct the survey and analyze the results
- **In-Depth Results**- Analyze results by geographic area and demographics
- **Multi-Mode Outreach**- Reach more residents with an open participation survey online in addition to the survey sent to the representative sample
- **Accurate Representation**- Rigorous scientific survey methods ensure the results reflect the entire community
- **Benchmark Comparisons**- Compare with other communities across the country
- **Advanced Reporting**- Detailed report and dashboard of results available on Polco

Please see attached proposal submitted by Polco.

Other communities in North Carolina are using this survey tool. Current NCS benchmarks in North Carolina include: Asheville, Chapel Hill, Davidson, Durham, Fayetteville, Fletcher, Morrisville, Pinehurst, Raleigh, Thomasville, Wendell, Wilmington, Winston-Salem, Durham County, and Mecklenburg County. The cost of the survey is based on population size and any add-ons the Town wishes to include in its survey. We anticipate the cost to be no more than \$21,000. Please see pages 11 and 12 in the proposal for more details.

The management team recommends partnering with Polco to implement the NCS in Garner in the winter and spring of 2024. After the initial implementation it is recommended that the Town conduct the survey in three-year intervals with the next survey conducted in 2027. Having this level of outcome data will allow the Town Council and staff to prepare for a refresh of the Town's strategic plan, will enhance the development of the Town's performance measurement system, and will assist in determining budget and CIP priorities based on resident feedback and perspectives.

With Council's concurrence to move forward, we will begin to work on the implementation process and timeline. Please let us know if you have any questions or wish to discuss further.



Exclusive partners of:



Proposal and Recommendation prepared for Garner, NC



November 01, 2023

Jodi M. Miller, ICMA-CM
Assistant Town Manager
Town of Garner
900 7th Avenue | Garner, NC 27529
919-773-4403
www.garnernc.gov

Jodi,

We are pleased to submit this proposal to the Town of Garner. Polco's core business is the administration of community surveys for local governments. Over the last 25 years, we have conducted more than 1,000 such surveys in more than 500 local governments across the U.S. Polco is the only strategic partner of the International City/County Management Association's (ICMA) to offer survey research to local governments. We have been in partnership with ICMA for over 20 years and conduct training about using citizen surveys to advance community livability.

Polco understands that the town is evolving and is ready for the National Community Survey to gauge a comprehensive resident opinion regarding the services, activities, and direction of the town Leadership. Polco will work with town staff to develop and administer a survey of residents; analyze the survey responses and report on the results. We will ensure the results of the survey are weighted to reflect the demographic make-up of all adults (18 years old or older) living in the community, so that the results can be generalized to the entire adult population. Additionally, because Polco conducts and collects the most current community surveys from jurisdictions across the country, we have the largest database of current comparative resident opinion of any firm. Conducted with typically no fewer than 300 residents in each jurisdiction, opinions represent over 30 million Americans.

Thank you in advance for your review and consideration.

Sincerely,

James Windisch

Senior Account Executive

james@polco.us | Direct (608) 609-0274

Executive Summary

About Polco

Air Force veterans Nick Mastronardi and Alex Pedersen founded Polco in 2015 out of their passion for public service. They shared a desire to see local governments better utilize technology to foster productive conversations and make data-driven decisions. Nick's experience at Amazon and Alex's at Google, in addition to shared experiences in academia, gave them the expertise they needed to create Polco. They saw how technology had contributed to residents' declining trust in government and increasing polarization and hoped that they could be a part of reversing these concerning trends through technology. From the start, they founded Polco with the mission to improve how governments engage their residents, understand the resident sentiment, and ultimately use this input to make decisions that improve the quality of life for all.



Nick and Alex quickly realized that there were other great practitioners doing innovative work that they could amplify through a partnership with Polco. In 2019, National Research Center (NRC) joined Polco to set a new standard for survey research. NRC was the leading provider of community surveys for local governments across the country for 25 years, and the merger with Polco combined NRC's extensive library of professional local government surveys, a database of local government performance, and survey research expertise with Polco's technical capabilities for enhanced communication and engagement. Today, Polco is headquartered in Middleton, Wisconsin, with over 75 employees across the country, including an office in Boulder, Colorado.

Balancing Act joined Polco in 2023, bringing best-in-class budget and housing simulations, prioritization tools, and Taxpayer Receipts to Polco's community engagement platform. Balancing Act has provided these capabilities to local, state, federal, and academic institutions around the world. The core of the Balancing Act suite is the budget simulation. This easy-to-set-up, interactive tool is the best way to communicate financial information to residents and get their informed feedback. Balancing Act's online housing simulation changes the participation dynamic in planning and zoning by putting residents in the shoes of decision-makers and asking them to help solve the problem. Prioritize gathers stakeholder preferences on budgeted projects with a unique dual approach that allows users to make selections and then rank order them. The resulting data provides deeper insight to support decision-making within a fixed budget or one-time expense such as stimulus funds. Finally, the Balancing Act Taxpayer Receipt is an easy, effective way to demonstrate to residents that their money is being put to good use. Residents anonymously input data to generate a customized estimate of taxes paid.

Polco has received the highest levels of endorsement from the International City/County Managers Association (ICMA), the National League of Cities (NLC), and the Government Financial Officers

Association (GFOA). Together, these organizations comprise thousands of city and county managers, council members, elected officials, and government finance professionals.

Polco continues to grow as we add additional capabilities to our community engagement platform. Our suite of tools ensures communities engage with residents and receive the insights necessary to optimize their resources and deliver the highest level of services to residents.

Our team’s combined expertise has produced a robust digital engagement platform to gather critical information from community stakeholders, assess their needs, and monitor resident satisfaction and government performance. The platform includes three modules: Track, Engage, and Assess. Balancing Act is currently part of our Engage module and will eventually be part of our Assess module as well. Each module provides an innovative and impactful approach to community engagement which can be used to meet specific needs or combined for a more holistic approach to engagement.

We take pride in all the work we have done to positively impact public services and the quality of life in hundreds of communities. At the same time, we believe there is much important work left to be done. The public sector constitutes a significant portion of the economy, with over \$4 trillion available to state and local governments in the US alone in the past year. In order to allocate and spend these funds, it’s more important than ever that local governments have access to accurate and reliable data to make decisions with confidence.

Our team of community engagement experts is committed to understanding your community’s goals and challenges so we can tailor a solution aligned to the unique needs of your community. We look forward to working in partnership with you to power the best possible decisions for your community and see positive outcomes in the years to come.



Polco is proud to be in partnership with NLC & ICMA



Approach and Methodology

Survey Instrument - The National Community Survey™ (The NCS™)

We are proposing our turn-key benchmark survey product, The National Community Survey™ (The NCS™) for the Town's Public Opinion Survey.

The NCS has been the survey tool of choice for more than 500 communities across the country and is the only resident survey tool endorsed by the International City/County Management Association (ICMA) and the National League of Cities (NLC). It has the advantage of being a cost-efficient, scientific tool for measuring resident satisfaction levels and perceptions. The NCS starts from a base of questions that ask respondents about the quality of local government services. The overall focus is on community livability, so other questions relate to the characteristics of the community that contribute to quality of life, as well as residents' experiences and engagement in community life. The level of standardization of this survey product makes it possible to provide benchmark comparisons for each standard item.

The National Community Survey™ (The NCS™)

- Gold standard for gauging public opinion.
- Trusted by hundreds of jurisdictions.
- Benchmark to 500+ communities
- Clear, unbiased, and accurate results

We help our customers by:

- Evaluating services
- Enhancing communication
- Measuring quality of life
- Building trust
- Planning capital investments
- Informing budgeting
- Monitoring performance
- Assisting strategic planning

The NCS covers 10 key facets of community livability:

- 1) Economy
- 2) Mobility
- 3) Community Design
- 4) Natural Environment
- 5) Safety
- 6) Utilities
- 7) Parks and Recreation
- 8) Health and Wellness
- 9) Education, Arts and Culture
- 10) Inclusivity and Engagement



Outreach Administration

A representative sample of residents (or other appropriate stakeholders) will be invited to complete the survey to ensure statistically significant response and results. We will use statistically appropriate methodologies to garner community-wide representativeness with at least a 6% margin of error (4-6% is typical and meets best practices for performance measurement, about 250-450 responses) per local jurisdiction. The invitations will contain an introduction outlining the importance of the survey and instructions for completing it. To supplement this effort, the town will be asked to participate in outreach efforts with guidance on best practices from Polco. Responses will be statistically weighted to ensure the best representation of your community (or stakeholder group, if applicable).

We propose to employ multiple modes for outreach.

- Mailed postcard invitations to randomly selected households (with URL for online survey access) 3,000 households.
- Paper surveys will be mailed to all 3,000 randomly selected households. A postage-paid reply envelope would also be provided to return the survey to Polco for data entry.

We will work with the town to optimize the outreach plan, combining our experience with your knowledge of your residents and their needs (e.g., comfort with and access to technology and level of English literacy).

The online portion of the survey will be hosted on the Polco platform. The town will have a branded profile (using your logo) on which the survey would be hosted.

While the town will be conducting the survey with a random, scientific selection of households, officials may still want to hear from everyone in the community. To this end, we include an open participation option once the random survey has been in the field for at least a few weeks. To this end, we provide another web link that the town can post on its website and publicize it to encourage maximum participation. Polco will analyze the open participation data and determine whether combining the opt-in data with the scientific data would be beneficial toward reducing the margin of error around survey results, or if it should be reported under separate cover. The combination of scientifically collected data (via random selection) and opt-in data (non-random) is an emerging practice in the survey research industry.

A strength of Polco is the ability to turn what could be one-off respondents into a “panel” of residents for continued engagement. To take advantage of this feature, residents must be asked, or even required to register at Polco. In the first scenario, the resident completes the survey and after submitting, is given an option to provide an email address and zip code for continued engagement. In the second, the resident would be required to provide their email address and zip code to access the survey. Historically Polco has matched around 70% of its responding users on local voter files. Each user successfully matched against the verification list no longer needs to self-report most additional demographic and geographic information (age, gender, precinct/ward, etc.). This not only improves the accuracy of the results but helps stave off survey fatigue.

Town Responsibilities

While Polco will do most of the heavy lifting to provide the approach and methodology described in this proposal, the following would be the Town's responsibilities:

- 1) Provide a project point person for Polco to work with on the survey logistics.
- 2) Provide input on the half of page of custom questions to be covered on the survey, provide feedback on survey drafts, and give final approval.
- 3) Provide necessary files for customizing the survey materials (e.g., logos, letterhead, electronic signature) as well as GIS files for any geographic sub areas to be tracked.
- 4) Publicize the survey effort, particularly the open participation survey, if the city desires to implement that option.
- 5) Provide feedback and final approval on reporting and presentation slide deck.

Analysis of Survey Results

The first step in preparing the resident data for analysis will be to weigh the data to reflect the demographic profile of the residents of the community. Weighting is a best practice in survey research to adjust for potential non-response bias and ensure that the demographic characteristics of the survey respondents mirror the overall population. In general, residents with certain characteristics (for example: those who are older or homeowners) are more likely to participate in surveying. Weighting allows us to increase or decrease the weight of each respondent to mimic as closely as possible the demographic profile of the community as described by the U.S. Census and American Community Survey (ACS) data. The weighting variables to be considered will be all those demographics included in the survey. Additionally, Polco has extensive experience with complex weighting schemes required with targeting specific geographic subareas.

For quantitative analysis of the resident survey, we rely on IBM Statistical Package for the Social Sciences (SPSS). We believe that analysis must be replicable and leave a clear path. To this end, we keep every label and command run in SPSS in a syntax file available for audit and re-running, as necessary. We will code any open-ended responses using both an emergent approach, where themes are revealed through the analysis, combined with a deductive approach, where a scheme or codes are predetermined and applied to the data. We use various analysis techniques suited to the project and question.

In addition to providing a full set of responses to each survey question, our online reporting includes interactive charts that show cross tabulations by geographic area and respondent characteristics, as well as comparisons of results against benchmark communities. The data and reports will undergo a thorough quality assurance review. We will audit the original data files and our statistical syntax/analysis files, compare automatically generated output to the formatted output in the report and data check all numbers and text prior to submitting the reports. This will ensure the data analyses are correct and staff, the media and the public will trust the results.

Benchmarking

Polco conducts and collects the most current resident surveys from jurisdictions across the country; we have the largest database of comparative resident opinion of any firm, containing over 700 comparison communities across the nation. The Polco Performance Plan includes comparisons to the national benchmarks. Should the City wish to add optional custom benchmark sets, Polco's benchmark database contains communities that range widely in size, location, and other features, so we can easily create benchmarks to make comparisons to the entire nation or a subset, such as all jurisdictions in a region or population range among other factors.

Reporting

Reports and presentations must serve staff and council members, appointed boards, and commissions as well as the lay public and must be documents that the media can understand and find robust should they wish to press their credibility. These are challenges we accept enthusiastically.

Reporting for The NCS is online on Polco. This allows for interactive displays of your survey results - for ease of exploring and sharing. The reports include an executive summary, explanation of methods and breakdowns of results by areas (if included in the sampling) and respondent characteristics. Comparisons to national benchmarks are also included, and comparisons to regional benchmarks can be purchased. The reports can also be downloaded in PDF form.



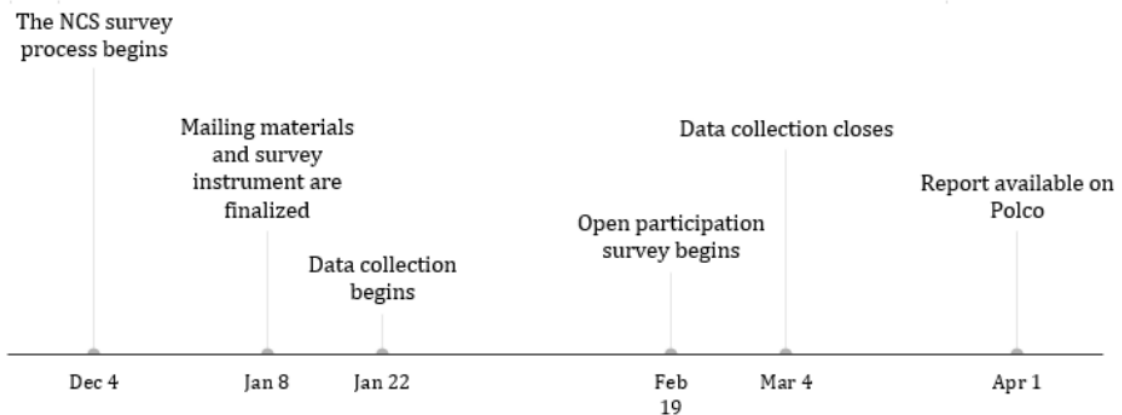
Presentation of Results

We believe in making results interesting and straightforward in our presentations. Our presentations are attractive and visually intuitive; typically, 20-30 minutes in length. We recommend having 15-30 minutes following the presentation portion for questions, depending on your preferences. A remote presentation by Polco adds a great degree of confidence in the independence and reliability of your findings. Whether presenting to staff or council, the credibility of the presentation rests as much on the response to questions from the audience as on the summary of the slides. This is where the benefit of the reputation, education and experience of the Polco team will be especially helpful in providing you the credibility and trust that top level managers expect.

Sample Project Timeline

The actual timeline is subject to change, based on contract award date, and the length of the Town's approval process for finalizing the survey and related materials, etc. We are happy to further discuss the Town's timing needs and provide other options if needed.

Onboarding early to mid December (extra time built in to avoid key dates coinciding with holidays)



The Polco project management team will produce an exact timeline during the onboarding process.

Survey Timeline

Preparing for the Survey, Weeks 1-7

Week 1	Program Manager (PM) sends The NCS for review
Week 2	[Optional add-on] Send PM drafts of custom questions to add to the survey, if applicable
Week 5	Mailing materials and survey instrument are finalized
Week 6	PM generates representative sample of households in your community
Week 7	Polco prints materials, prepares mailings, and sets up the survey online

Conducting the Survey, Weeks 7-16

Week 7	Data collection opens for The NCS
Week 8	Initial postcard invitation sent
Week 9	Second invitation sent
Week 12	Final invitation sent
Week 14	Open participation survey begins
Week 16	Data collection closes
Week 15	Send PM final count of returned initial postcards

Creating the Survey, Weeks 16-20

Weeks 16-20	PM conducts survey analysis and prepare report
Week 20	Provides final report

Our Team

The Polco team has expertise in all aspects of community engagement. Team members have strong backgrounds in fields including city management, public policy, software engineering, communications, technology, data science and research analysis. We are proud to have worked with hundreds of jurisdictions nationwide for more than two decades. Supportive, highly skilled, and knowledgeable- our team is resolute in helping the public sector, using our wealth of knowledge to help move communities forward.

Investment:

Item & Description	Unit Price
<p>Assess Module-National Community Survey</p> <p>The National Community Survey® (The NCS®): The nation’s most trusted community assessment of resident opinion.</p> <p>Respondents answer questions via Polco's civic surveying and engagement platform which includes real time results and the option to have respondents verified against voter lists. As participants respond they become part of your community's digital panel available for follow up questions, surveys, polls, and other engagement.</p> <p>Your online report will include comparisons to our National Benchmarks, and demographic and geographic comparisons (if response is sufficient by subgroup). Our customer success team will guide your benchmark survey process to ensure smooth implementation.</p> <p>A representative sample of residents (or other appropriate stakeholders) will be invited to complete the survey to ensure statistically significant response and results. We will use statistically appropriate methodologies to garner community-wide representativeness with approximately a 6% margin of error (4-6% is typical and meets best practices for performance measurement, about 250-450 responses) per local jurisdiction. The invitations will contain an introduction outlining the importance of the survey and instructions for completing it. To supplement this effort, the client will be asked to participate in outreach efforts with guidance on best practices from Polco. Responses will be statistically weighted to ensure the best representation of your community (or stakeholder group, if applicable).</p>	<p>\$17,850.00/yr.</p> <p>(This includes the Engage Module for 24 months)** see details below</p>
<p>Optional -The NCS - 1/2 Page of Custom Questions</p> <p>As The NCS is a comprehensive survey we suggest not adding custom questions to minimize respondent burden and recommend asking custom questions in a separate survey on Polco. However, we recognize that while you are making this larger effort to get input from your residents you may want to add a few custom items. This is not included in the Polco Performance plan but can be added.</p>	<p>\$2,800.00/yr. (full page of custom questions is \$5,000.00)</p>

<p>Optional-Remote Presentation of Results</p> <p>A senior Polco staff member will make one presentation of survey results to staff, Council, Boards, or other appropriate groups. This will be conducted on Zoom or another appropriate technology (that is feasible for both parties and suits the purpose). For this presentation, we use Microsoft® PowerPoint or Google Slides as a visual aid and a copy of the slideshow is shared with your staff for internal use.</p>	<p>\$3,000.00/yr. (in-person presentation is \$5,000.00)</p>
<p>Spanish Translation of Benchmark Survey</p> <p>Polco will provide a Spanish translation of your survey and publish it online for Spanish speaking respondents. Survey invitations will provide a URL and Spanish language instructions for completing the Spanish survey online. Surveys will also be mailed in both Spanish and English.</p>	<p>\$1,350.00/yr.</p>
<p>(Optional) Engage Module - All Features</p> <p>With Engage get input from residents online on any topic, at any time, through customizable or templated surveys, polls, live events, and simulations.</p> <p>Ask allows for unlimited surveys, polls, and live events for resident input and measuring resident satisfaction on a variety of livability topics.</p> <p>Automatic weighting of results ensures that you are hearing from a representative group of residents.</p> <p>This library contains curated surveys and polls created by survey scientists at National Research Center, Polco's dedicated research team, to help you save time and eliminate bias. Full access includes all surveys in the Polco Library (over 100 surveys).</p> <p>Easily view your entire subscriber base in one place to see which residents are interacting with your surveys, polls, live events, and simulations. View demographics of your subscribers and watch your subscriber base grow over time.</p> <p>Instant polls with video embed capabilities let you engage residents in real-time and take immediate action.</p> <p>Custom Profile</p>	



Unlimited Content 10 Administrator Seats Resident Verification Guest Responses Demographic breakdowns Geographic Maps Access to Full Library of Polls and Surveys	
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Below is an overview of more engagement options for Garner to consider:

The Engage Module

Module Overview

Community leaders use our Engage module to get essential input from residents and other stakeholders. They engage their community on a wide variety of topics at critical points in policy and decision-making cycles - information gathering, needs assessment, resource trade-offs, policy review, performance measurement, etc. Polco provides the platform to build from with customizable or templates surveys, polls, live events, and simulations.

Participant Overview

The Participant Overview empowers local governments to easily view their entire subscriber base in one place to see which residents are interacting with surveys, polls, live events, and simulations. This overview also allows you to view the demographics of your subscribers and watch your subscriber base grow over time.

Ask

Ask allows community leaders to post unlimited surveys, polls, and live events for resident input and measures resident satisfaction on a variety of livability topics. Choose from a variety of flexible question types, including open-ended, checkbox, satisfaction scale, option button, and point allocation. Conditional logic allows residents to skip questions where applicable and avoid survey fatigue. Use email outreach and social media templates to get the word out. View results on a heatmap to understand location-related issues. Hear from a representative group of residents on a wide range of everyday, emerging, and project-related issues with auto-weighting.

Polco Live

Try real-time polling with Polco Live to engage stakeholders at your in-person and virtual events. With Polco Live, your organization can gather useful information instantly, while encouraging audience participation at the same time. Polco Live brings you feedback seamlessly along with online streamed

events, webinars, video calls, in-person meetings, and conferences. These capabilities allow residents to engage in real-time and transform static presentations into interactive, visual experiences that are engaging.

Engagement Library

Find 100+ expert-designed surveys and polls in the Library to help you save time and avoid fears or perceptions of bias. This library contains curated surveys and polls created by survey scientists at the National Research Center, Polco's dedicated research team. They cover a wide variety of topics and service areas for which local governments commonly seek input

When the city is ready to investigate more data to drive decisions, grant applications, and policy recommendations, we suggest reviewing our track module.

The Track Module

The Track Module's data dashboards place community statistics alongside resident sentiment to provide insight into areas of strength and need in your community. Comparisons to our nationwide database provide context for your community's data. These dashboards are powered by the strategic Government Performance Action and Learning (GPAL) collaboration. GPAL was originally envisioned by Polco and COWS at UW Madison in conversation with ICMA.

Data scientists from Polco and COWS vetted data from hundreds of potential sources and chose the highest quality, most comparable, and most comprehensive performance metrics. Thousands of hours were dedicated to collect, clean, and integrate hundreds of data points. This data was then added to Polco's proprietary database of longitudinal stakeholder sentiment from hundreds of communities and organized into the domains from the National Research Center's model of community livability - a model developed through decades of research and work with local governments. Indices were developed to provide an overview of community health in each domain, with deep dives into the components. The indices and overall model were improved through review and discussion with key initial collaborators at Arizona State University, Envisio, and Stanford.

The Dashboards:

The data from the GPAL partnership powers six Domain Dashboards and one Overview Dashboard. **The Overview Dashboard** brings together community statistics and resident sentiment to reveal the overall health of a community or district. The dashboard shows change over time, identifies characteristics of the community needed to enhance the quality of life, shows resident perceptions of the quality of current government services and community life, and enables you to see how your community performs in comparison to others.

The Domain Dashboards focus on six key areas: Economy, Community Health, Community Connection, Land Use, Safety, and Education, Arts, and Culture.

The Community Connection Dashboard provides the data that local governments need to foster an environment of connection across the community, which results in more engaged residents. The dashboard includes the following community statistics, among others: a sense of civic community and provide, attracting people from diverse backgrounds, and social vulnerability index (0-100).

Here is a quick summary of our Balancing Act Budget Engagement tools:

- **Budget Simulation:** provides a way for the City to frame tough financial tradeoffs and puts residents in the shoes of decision makers. It offers several different ways to interact with the budget items and produces detailed, visual reports. We have adapted the budget simulation to be used with plans for housing, climate action, transit, parking and more.
- **Prioritize:** is a simple, visual way to present projects and costs. Based on a set budget, users select projects up to the specified amount, and rank order them. The report provides weighted and unweighted results and can identify top projects based on a variety of voting techniques. This tool is well suited for a specific funding source such as budget surpluses or capital projects.
- **Taxpayer Receipt:** produces for residents an estimate of taxes paid and how they are utilized, illustrating the value received from the city.

Included is **Meeting Mode** (where you can get feedback in real time from your constituents), detailed back-end **Analytics** and unlimited technical assistance. The software requires no installation, is easy to set up and easy to use.

ORDINANCE NO. (2024) 5233

ORDINANCE AMENDING ORDINANCE NO. (2023) 5209 WHICH ESTABLISHED THE 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:

Revenue Amendment Request

ACCOUNT NUMBER	DESCRIPTION	PROJECT	CURRENT BUDGET	REVENUE CHANGE	REVISED BUDGET
103090000-496900	Appropriated Fund Balance		\$ 6,199,357	\$ 21,000	\$ 6,220,357

TOTAL REVENUE INCREASE (DECREASE) \$ 21,000.00

Expenditure Amendment Request

ACCOUNT NUMBER	DESCRIPTION	PROJECT	CURRENT BUDGET	EXPENDITURE CHANGE	REVISED BUDGET
10421000-521000	Professional Services		\$ 11,500	\$ 21,000	\$ 32,500

TOTAL EXPENDITURE INCREASE (DECREASE) \$ 21,000.00

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 16th day of January 2024.

Buddy Gupton, Mayor

ATTEST:

Stella L. Gibson , Town Clerk

Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: January 16, 2024		
Subject: Budget Amendment for Building Inspectors		
Location on Agenda: Consent <input type="checkbox"/>		
Department: Budget and Management Services		
Contact: Sara Warren, Budget Director		
Presenter: Sara Warren, Budget Director		
Brief Summary: To amend the budget for additional building inspectors and to authorized position count from 230.0 FTEs to 232.0 FTEs.		
Recommended Motion and/or Requested Action: Approve a budget amendment (2024) 5234 to amend the total position authorization to 232.0 FTEs.		
Detailed Notes: On December 5, 2023, Council approved 2.0 FTEs for Building Inspections. This item is to amend the Inspections budget for these positions, including salary and benefits, computers and software, vehicles and fuel costs. Additionally, this item will amend the authorized position count from 230.0 FTEs to 232.0 FTEs. Funding for these positions is made available through building permit revenue exceeding budget in FY23.		
Funding Source: Fund Balance		
Cost: \$175,505	One Time: <input type="radio"/>	Annual: <input checked="" type="radio"/> No Cost: <input type="radio"/>
Manager's Comments and Recommendations: 		
Attachments Yes: <input checked="" type="radio"/> No: <input type="radio"/>		
Agenda Form Reviewed by:	Initials:	Comments:
Department Head:	SAW	
Finance Director:		
Town Attorney:		
Town Manager:	RD	
Town Clerk:		

ORDINANCE NO. (2024) 5234

ORDINANCE AMENDING ORDINANCE NO. (2023) 5209 WHICH ESTABLISHED THE 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:

Revenue Amendment Request

ACCOUNT NUMBER	DESCRIPTION	PROJECT	CURRENT BUDGET	REVENUE CHANGE	REVISED BUDGET
10309000-496900	Appropriated Fund Balance		\$ 6,199,357	\$ 175,505	\$ 6,374,862

TOTAL REVENUE INCREASE (DECREASE) \$ 175,505.00

Expenditure Amendment Request

ACCOUNT NUMBER	DESCRIPTION	PROJECT	CURRENT BUDGET	EXPENDITURE CHANGE	REVISED BUDGET
10470000-510200	Salaries		\$ 1,146,896	\$ 74,646	\$ 1,221,542
10470000-510500	FICA		\$ 90,020	\$ 5,710	\$ 95,730
10470000-510600	Group Insurance		\$ 168,990	\$ 2,492	\$ 171,482
10470000-510700	Retirement		\$ 202,875	\$ 14,257	\$ 217,132
10470000-537410	Vehicle		\$ 153,000	\$ 64,000	\$ 217,000
10470000-523100	Fuel		\$ 27,000	\$ 4,000	\$ 31,000
10470000-523399	Computer Hardware		\$ -	\$ 5,000	\$ 5,000
10470000-523325	Computer Software		\$ -	\$ 5,400	\$ 5,400

TOTAL EXPENDITURE INCREASE (DECREASE) \$ 175,505.00

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 16th day of January 2024.

Buddy Gupton, Mayor

ATTEST:

Stella L. Gibson, Town Clerk

Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: January 16, 2024 <input type="button" value="v"/>		
Subject: Recognition of disposable property		
Location on Agenda: Consent <input type="button" value="v"/>		
Department: Police		
Contact: Shannon Grice, Executive Assistant		
Presenter: Lorie Smith, Police Chief		
Brief Summary: Recognize service weapon and badge of Officer Derrick McCarter as disposable property, so they can be awarded to him in recognition of his retirement from the Town of Garner with 30 years of creditable service.		
Recommended Motion and/or Requested Action: Consider adopting Resolution (2024) 2562		
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: 		
Attachments Yes: <input checked="" type="radio"/> No: <input type="radio"/>		
Agenda Form Reviewed by:	Initials:	Comments:
Department Head:	LAS	
Finance Director:		
Town Attorney:		
Town Manager:	RD	
Town Clerk:		

RESOLUTION NO. (2024) 2562
RESOLUTION AUTHORIZING DISPOSITION OF PERSONAL PROPERTY

WHEREAS, Officer Derrick McCarter will retire from the Garner Police Department on February 1st, 2024, following twenty-eight years of service to the Town of Garner; and

WHEREAS, pursuant to N.C.G.S. 20-187.2, a governing board of a unit of government may award a retiring member of the law-enforcement agency their badge and service side arm at no cost to the retiring employees;

WHEREAS, pursuant to G.S. 160A-266 municipalities are authorized to dispose of personal property;

THEREFORE, BE IT RESOLVED that SigSauer P226 service sidearm, Serial #UU715581 and the badge carried by Officer Derrick McCarter be deemed as disposable property and awarded to him, at no cost, on the occasion of his retirement; and

THEREFORE, BE IT FURTHER RESOLVED that Officer Derrick McCarter will be responsible for obtaining the necessary permits as required by law to possess and carry such a side arm further described as a SigSauer P226, Serial #UU715581.

Duly adopted this 16th day of January, 2024.

Buddy Gupton, Mayor

ATTEST:

Stella Gibson, Town Clerk

Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: January 16, 2024 <input type="button" value="v"/>		
Subject: Bid Award - Park Furnishings Replacement Project (Stewart Group Enterprises, LLC)		
Location on Agenda: Consent <input type="button" value="v"/>		
Department: PRCR		
Contact: Maria Munoz-Blanco, PRCR Director		
Presenter: Maria Munoz-Blanco, PRCR Director		
Brief Summary: On December 18, 2023, four vendors submitted proposals to the Park Furnishings Replacement Project RFP, two of which were determined to be responsive. The apparent low responsive bidder is Stewart Group Enterprises, LLC with a bid of \$198,429.		
Recommended Motion and/or Requested Action: Consider awarding project to Stewart Group Enterprises, LLC and authorize Town Manager to execute contract.		
Detailed Notes: On October 20, 2023, a Request for Proposals was issued to procure park furnishings and installation of picnic tables, trash receptacles, and benches at Avery Street, Garner Recreational, Jackie Johns, Sr., Jaycee, Lake Benson, South Garner, and White Deer Parks. While five vendors submitted proposals, four were determined to be non-responsive. The RFP was reissued on December 4, 2023. Four vendors submitted proposals to the reposted RFP, two of which were determined to be responsive.		
Funding Source: FY24 approved budget - Penny for Parks fund		
Cost:	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:		
Finance Director:		
Town Attorney:		
Town Manager:	RD	
Town Clerk:		



Garner Parks, Recreation and Cultural Resources

900 7th Avenue • Garner, NC 27529

Phone: 919-773-4442 • Email: garnerprcr@garnernc.gov

January 8, 2024

To: Jodi Miller, Assistant Town Manager

From: Maria Muñoz-Blanco, Director of Parks, Recreation & Cultural Resources

Re: Bid Award - Park Furnishings Replacement Project (Stewart Group Enterprises, LLC)

Town Council approved the dedication of 1-Cent Property Tax for parks maintenance as part of the FY24 approved budget ("Penny for Parks"). To develop the FY24 improvements list, Parks, Recreation & Cultural Resources and Public Works staff compiled a comprehensive list of items needed throughout the park system. The recommended list of items for FY24 was shared with Town Council on September 13, 2023. The recommended items took into consideration high visibility impact items and opportunities to reduce cost with bulk orders. We also looked at recent investments as well as other ongoing projects to ensure geographic distribution across the park system.

On October 20, 2023, a Request for Proposals was issued to procure park furnishings and installation of picnic tables, trash receptacles, and benches at Avery Street, Garner Recreational, Jackie Johns, Sr., Jaycee, Lake Benson, South Garner, and White Deer Parks. While five vendors submitted proposals, four were determined to be non-responsive which required a reposting of the RFP. The RFP was reissued on December 4, 2023. Four vendors submitted proposals to the reposted RFP, two of which were determined to be responsive. The park furnishings that will be acquired will be of materials consistent with the newer furnishings used in the park system. The new benches, picnic tables, and trash receptacles use galvanized steel pipe for the frame and recycled plastic for instead of wood for durability and aesthetics.

Proposals have been evaluated by Purchasing and Parks, Recreation & Cultural Resources staff. A copy of the bid tab is attached. The lowest responsive responsible bidder is Stewart Group Enterprises, LLC in an amount not to exceed \$198,429.

Staff Recommendation

Consider awarding project to Stewart Group Enterprises, LLC and authorize Town Manager to execute contract.

Park Furnishings Bid Sheet

Company	Bliss Products and Services, Inc.			Landart Solutions			Stewart Group Enterprises, LLC			TruBlue Services			
	Quantity	Unit Price	Extended Price	Quantity	Unit Price	Extended Price	Quantity	Unit Price	Extended Price	Quantity	Unit Price	Extended Price	
Park Furnishings Components													
4' Round Picnic Table w/ Umbrella	3	\$ 1,300.00	\$ 3,900.00	3	\$ 3,274.16	\$ 9,822.48	3	\$ 1,857.19	\$ 5,571.57	3	\$ 1,836.39	\$ 5,509.17	
4' ADA Round Picnic Table w/ Umbrella	1	\$ 1,300.00	\$ 1,300.00	1	\$ 3,389.49	\$ 3,389.49	1	\$ 1,933.99	\$ 1,933.99	1	\$ 2,113.50	\$ 2,113.50	
6' Standard Picnic Tables	3	\$ 950.00	\$ 2,850.00	3	\$ 1,553.31	\$ 4,659.93	3	\$ 1,034.28	\$ 3,102.84	3	\$ 1,298.88	\$ 3,896.64	
6' ADA Picnic Tables	3	\$ 1,099.00	\$ 3,297.00	3	\$ 1,860.69	\$ 5,582.07	3	\$ 1,238.95	\$ 3,716.85	3	\$ 1,444.02	\$ 4,332.06	
8' Standard Picnic Tables	29	\$ 1,142.00	\$ 33,118.00	29	\$ 1,873.91	\$ 54,343.39	29	\$ 1,247.76	\$ 36,185.04	29	\$ 1,708.47	\$ 49,545.63	
8' ADA Picnic Tables	11	\$ 1,075.00	\$ 11,825.00	11	\$ 1,758.59	\$ 19,344.49	11	\$ 1,170.96	\$ 12,880.56	11	\$ 1,831.47	\$ 20,146.17	
Benches	38	\$ 1,153.00	\$ 43,814.00	38	\$ 1,813.61	\$ 68,917.18	38	\$ 1,207.60	\$ 45,888.80	38	\$ 1,227.54	\$ 46,646.52	
Trash Receptacles	50	\$ 850.00	\$ 42,500.00	50	\$ 808.94	\$ 40,447.00	50	\$ 762.91	\$ 38,145.50	50	\$ 972.93	\$ 48,646.50	
Assembly/Installation	1	\$ 30,840.00	\$ 30,840.00		\$ 259.52	\$ 35,869.27	0	\$ -	\$ 51,003.85		\$ 21,000.00	\$ 21,000.00	
Shipping/freight	1	\$ 12,387.00	\$ 12,387.00		\$ -	\$ -	0	\$ -	\$ -	0	\$ -	\$ -	
Base Bid Total (pre-tax)			\$ 185,831.00			\$ 242,375.30			\$ 198,429.00			\$ 201,836.19	
Extra Work (if applicable)	0	\$ -	\$ -	0	\$ -	\$ -	0	\$ -	\$ -	0	\$ -	\$ -	
GRAND TOTAL			\$ 185,831.00			\$ 242,375.30			\$ 198,429.00			\$ 201,836.19	
	Note: 4' Round Picnic Table w/Umbrella does not meet spec.							Note: Most furnishings proposed do not meet required spec for materials.					

Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: January 16, 2024		
Subject: WithersRavenel, Inc. Scope of Work # 3 - Lake Benson Park Master Plan Update		
Location on Agenda: Consent <input type="checkbox"/>		
Department: Parks, Recreation & Cultural Resources		
Contact: Maria Munoz-Blanco, Director of Parks, Recreation & Cultural Resources		
Presenter: Maria Munoz-Blanco, Director of Parks, Recreation & Cultural Resources		
<p>Brief Summary: Present Statement of Work # 3 (SOW#3) of the On-Call Master Agreement with WithersRavenel, Inc. for the update the Lake Benson Park Master Plan to address the feasibility and impact of relocating the boathouse to the Lake Benson Park site. A budget amendment is required.</p>		
<p>Recommended Motion and/or Requested Action: Ordinance (2024) 5235 Consider approval of WithersRavenel SOW#3, budget amendment and authorize Town Manager to execute contract</p>		
<p>Detailed Notes: Town Council approved an on-call agreement for architecture/engineering services with WithersRavenel on December 20, 2022. SOW#1 of the on-call agreement is the design of the South Garner Greenway Extension / Buffalo Road alignment. During the course of the greenway design, the need to relocate the boathouse to provide for a safe and cost-effective trail alignment was identified. With this SOW#3, WithersRavenel will provide design services to evaluate the feasibility and impact of relocating the boathouse to Lake Benson Park and update the park's master plan.</p>		
<p>Funding Source: 2021 Park Bond Funds</p>		
Cost: \$66,800	One Time: <input checked="" type="radio"/>	Annual: <input type="radio"/> No Cost: <input type="radio"/>
<p>Manager's Comments and Recommendations:</p>		
<p>Attachments Yes: <input checked="" type="radio"/> No: <input type="radio"/></p>		
Agenda Form Reviewed by:	Initials:	Comments:
Department Head:	MMB	
Finance Director:		
Town Attorney:		
Town Manager:	RD	
Town Clerk:		



Garner Parks, Recreation and Cultural Resources

900 7th Avenue • Garner, NC 27529

Phone: 919-773-4442 • Email: garnerprcr@garnernc.gov

January 16, 2024

To: Jodi Miller, Assistant Town Manager

From: Maria Munoz-Blanco, Director of Parks, Recreation & Cultural Resources

Re: WithersRavenel, Inc. Scope of Work # 3 - Lake Benson Park Master Plan Update

Town Council approved on December 20, 2022 an on-call agreement with WithersRavenel, Inc. to provide architecture and engineering services for parks and recreation projects. Under this on-call agreement, the firm was contracted to design the South Garner Greenway Extension - Buffalo Road alignment. During the course of the greenway design process, the need to relocate the Lake Benson Boathouse from its current location was identified, primarily to ensure a safe and cost-effective alignment of the greenway trail as it crosses the lake. Town Council was briefed on the greenway's 30% schematic design stage on September 26, 2023 and it was consensus of Council that a feasibility study be conducted for the boathouse relocation.

Staff proposes to contract WithersRavenel, Inc. under the on-call agreement for Scope of Work # 3 (SOW#3) to conduct this feasibility study and update the Lake Benson Park Master Plan. A proposal has been received and the cost of services is \$66,800. The project will evaluate the feasibility of relocating the Boathouse to the Lake Benson Park site and consider the impact of adding the new amenity to the park and improvements to existing facilities. The project will also include a wetland investigation and stormwater considerations of the Lake Benson Conservation Overlay. Funding for SOW#3 has been identified from 2021 Park Bond funds and a budget amendment will be needed to appropriate the funds.

Staff Recommendation

That the Town Council consider approval of WithersRavenel, Inc. On-Call Agreement SOW# 3 and authorize the Town Manager to execute the contract.

NORTH CAROLINA
WAKE COUNTY

STATEMENT OF WORK #3

This Statement of Work is entered into among WithersRavenel, Inc. (the “Consultant”) and the Town of Garner (the “Town”) under the terms and conditions of the Contract for the Parks & Recreation On-Call Architecture & Engineering Services between the Consultant and the Town dated January 30, 2023 which is hereby incorporated by reference. This SOW is part of the Contract and shall be governed by the terms and conditions stated herein and by the terms of the Contract. In the event of conflict between the terms of the SOW and the contract, the provisions of the Contract shall control.

1. Scope of Services

Refer to attachment - Exhibit A: Task Order No. 3 dated December 19, 2023.

2. Compensation, Time of Payment

Compensation to the Consultant for the work described above shall not exceed \$66,800.00.

Payment shall be made to the Consultant for performance in association with this SOW. Standard Town of Garner payment term is NET 30 days from the date of the invoice.

3. Time of Performance

Consultant shall complete performance of the services described above by no later than September 30, 2024.


(Notwithstanding the above, if the date provided in this section is beyond the time of performance or terms specified in the Contract, the term specified in the Contract shall control and all work under this SOW must be completed by that date.)

THIS CONTRACT AMENDMENT is entered into this _____ day of _____, 20_____.

IN WITNESS WHEREOF, the Consultant has executed the foregoing with the signature(s) of its duly authorized officer(s), and the Town has executed with the signature of its Town Manager, attested by its (Assistant/Deputy) Clerk-Treasurer, with the official seal affixed, the day and year first above written.

CONSULTANT:

TOWN OF GARNER

By: 


James E. Canfield, President

By: _____

Rodney Dickerson, Town Manager

(If corporate)
ATTEST:

ATTEST:

By: 

Brian Starkey,
Director of Parks & Recreation
(Affix Seal)

By: _____
Stella Gibson, Town Clerk

(Affix Seal)

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

David Beck
Finance Director

THIS INSTRUMENT APPROVED AS TO FORM

Terri Jones
Town Attorney

(Affix Town Seal)

EXHIBIT A

Statement of Work No. 3

WithersRavenel, Inc.

This **Statement of Work NO. 3** dated the Ordinal Date of December 19, 2023, is a supplement to the **MASTER SERVICES AGREEMENT** between Town of Garner, hereinafter referred to as **CLIENT** and WithersRavenel, hereinafter referred to as **CONSULTANT**. The purpose of this Statement of Work is to authorize the **CONSULTANT** to provide services for the “**PROJECT**” entitled: Lake Benson Park Master Plan Update

Section 1 – Project Understanding

We understand that the Town of Garner Parks, Recreation, and Cultural Resources Department has identified the needed to prepare an updated master plan for Lake Benson Park located at 921 Buffalo Road in Garner, NC (Wake County PIN 1619096769). The need was identified during the design process for the South Garner Greenway Extension / Buffalo Road alignment, specifically due to the design and cost considerations of trail design around the existing Lake Benson Boathouse. The Town wants to evaluate the feasibility of relocating the Boathouse to the Lake Benson Park site as well as the impact of adding the new amenity to the park. In addition, the study will also evaluate the existing facilities to see if they still meet the needs of the users and the need for improvements to meet the future needs of the park as the visitorship has risen and is expected to continue. It is understood that relocating the boathouse to Lake Benson Park will require new parking and access facilities at the park, with special consideration to accessibility requirements for the water-based recreation opportunities provided by the boathouse.

In addition to master planning services, a wetland investigation will be conducted to determine if and where wetlands exist on the park property. The presence of wetlands will influence the overall design of any proposed improvements.

No budget for improvements has been identified. The master planning task will help determine the appropriate budget for proposed improvements and new facilities.

Community engagement will be included with this task order, as noted below in Section 2.

The scope and deliverables for this project will be as stated below in Section 2. Any additional work outside of the scope below will be considered additional services and addressed in a future amendment.

The Consultant will coordinate with all Project team members and the Client, to ensure that project scope and schedule are maintained. Consultant will facilitate monthly coordination meetings with the Client during the project. The project duration is anticipated to be no more than 6 months.

All anticipated expenses (mileage, plotting, etc.) are accounted for in the stated fees.

Section 2 – Scope of Services

The CONSULTANT shall provide all professional services (the "SERVICES") for the project including, performance of the following:

Task 1. Project Management

- ▶ Attend one (1) kickoff meeting on site with the Client to discuss goals and objectives of the project (assume 2 WR staff);
- ▶ Attend up to three (3) virtual meetings with the Town as needed (assume 2 WR staff per meeting);
- ▶ Internal project coordination;
- ▶ Attend one (1) coordination meeting with City of Raleigh Water (owners of Lake Benson) (assume 1 WR staff);
- ▶ Prepare agendas and minutes for all external meetings.

Task 2. Due Diligence Phase

2.1. Survey

- ▶ Download the NC Spatial Data QL2 LIDAR dataset and reprocessed for a preliminary ground surface and 1 ft contour for the project site
- ▶ Establish aerial target control to support orthophoto processing
- ▶ Fly Lake Benson Park site for UAS-based orthoimagery (approximately 63 acres)
- ▶ Control will be set in NAD 83(2011) NC State Plane Grid and NAVD 88
- ▶ 2D planimetrics will be mapped into CAD for the ~63 ac. site
- ▶ Special processing methods will be applied to minimize the obscure areas where the 2D features cannot be seen in the imagery
- ▶ Remaining obscure areas will be flagged and presented to the PM for determining their importance to the current phase and will require change order to map them with additional site visits as necessary
- ▶ Provide CAD file with 2D planimetrics and 1 ft contour and orthophoto in .SID or .JPG format

2.2. Wetland/Stream/Riparian Buffer Delineation

- ▶ Obtain preliminary site information including aerial photos, USGS Quadrangle Maps, Wake County Soil Survey and Wake County GIS data prior to conducting site visit.
- ▶ Conduct a site review to determine if the project site contains jurisdictional wetlands, streams and surface waters. Jurisdictional wetlands will be determined using criteria set forth in the 1987 US Army Corps of Engineers (USACE) Wetlands Delineation Manual and applicable Regional Supplement.
- ▶ Delineate all jurisdictional wetlands and stream origins in the field using sequentially numbered Wetland Delineation flagging.



- ▶ Review the onsite streams depicted on the USGS 7.5 minute Quadrangle and the Wake County Soil Survey to determine subjectivity to the Neuse River Riparian Buffer Rules. Streams will be evaluated using the procedures set forth in the 2010 North Carolina Division of Water Quality (NC-DWQ) Stream Classification Method.
- ▶ Locate all wetland and stream origin flags using a mapping grade Trimble GPS unit. The GPS data will be utilized for preparation of the exhibits for agency verification requests.
- ▶ Prepare a Preliminary Delineation Exhibit documenting the wetlands and riparian buffers to be surveyed, which will be provided to the client for preliminary planning purposes.

2.3. Site Inventory & Analysis

- ▶ Prepare site inventory & analysis diagram depicting existing conditions (parking, circulation, structures, topography, wooded areas, etc.) as well as development opportunities & constraints;
- ▶ Review existing conditions for compliance with current Lake Benson Conservation Overlay District (LBCOD) stormwater requirements;
- ▶ Determine stormwater capacity of the park to handle proposed improvements based on compliance with LBCOD.
- ▶ Present diagrams and stormwater analysis to Town staff. Assumed to be virtual.

Task 3. Master Planning

3.1. Alternative Concepts

- ▶ WR will develop up to two (2) conceptual site design alternatives for improvements to the park, including potential sites for the new boathouse and supporting facilities. Plans will be computer-drafted 2D and in color and programmatic in nature. Precedent imagery will be provided as necessary to depict ideas.
- ▶ Options will identify/locate options for a new boathouse with supporting facilities. In addition, options will identify other future program and activity spaces, amenities, pedestrian walks and trails, circulation patterns, connections/relationships to surrounding area, potential landscape enhancement, and storm water management concepts, if applicable.
- ▶ Attend one (1) in-person meeting to present alternative concepts to the Town staff for feedback (assume 2 WR staff)
- ▶ Refine concepts per comments from Town staff prior to presenting the concepts to the public for input.
- ▶ Feedback from the community (See Task 4) relating to preferred programming will be incorporated into the alternative concepts.

3.2. Master Plan

- ▶ Prepare a singular draft master plan based on comments received during the community engagement session and comments from Town staff;
- ▶ Refine the draft master plan into a final master plan based on comments received from staff, Parks Advisory Board, and Town Council.
- ▶ Prepare a phasing diagram based on priorities set by Town staff and/or Town Council.

- ▶ Provide 2D illustrative plan and precedent images to represent the preferred concept and program.

3.3. Opinion of Probable Construction Cost

- ▶ WR will provide a budgetary-level opinion of probable construction cost for proposed improvements as depicted in the Draft Master Plan
- ▶ WR will provide one (1) revision to the budgetary-level opinion of probable construction costs for proposed improvements based on the Final Master Plan.

Task 4. Community Engagement

4.1. Community Input Meetings

- ▶ Coordinate with the Town for any pre-planning and Town-led community engagement outside of the community meetings noted below. WR will provide the Town with analysis boards/graphics and precedent imagery to be used for Town-led engagement.
- ▶ Meeting #1: WR will attend and conduct one (1) in-person community input meeting to solicit public feedback on the alternative concepts. Comments received will be incorporated into the final design.
- ▶ Prepare, plot, and mount presentation boards for each meeting.
- ▶ Provide documents to the Town for online use and coordination of an online survey. It is assumed that the Town will use their websites and social media to facilitate online community engagement.

4.2. Town Board Presentations

- ▶ Meeting #2: WR will present the draft master plan to the Town's Parks, Recreation, and Cultural Resources Advisory Board. (Assumed to be in-person)
- ▶ Meeting #3: WR will present the draft master plan to Town Council at a regularly scheduled work session. (Assumed to be in-person)
- ▶ Prepare digital presentation for Town Council.
- ▶ Comments from each Board will be incorporated into the final master plan as appropriate.

Task 5. Design Contingency

- ▶ Allowance to account for increased scope of work at the request of Town of Garner;
- ▶ Task only to be billed with approved justification and expressed written consent of the Town of Garner.
- ▶ Any unspent funds will be credited back to the Client at the end of the project.

Section 3 – Schedule

WithersRavenel will begin work upon receipt of executed contract and/or written notice to proceed from the Client. Estimated timeframe(s) to complete Scope of Services following execution of Task Order is 6 months.

- ▶ Notice to Proceed: February 2024
- ▶ Project Management: Ongoing
- ▶ Due Diligence: 2 months
- ▶ Master Planning & Community Engagement (concurrent processes): 4 months
- ▶ Project Completion: August 2024

Note that the timeframe(s) noted above may be adjusted dependent on the following:

- ▶ Client requesting additional work for an agreed upon task.
- ▶ Timeliness of information provided by the Client.

Section 4 – Compensation

The **CLIENT** shall pay the **CONSULTANT** for services outlined in Statement of Work No. **3** the following Lump Sum amounts:

Task Number	Task Name	Fee
Task 1	Project Management	\$6,500
Task 2	Due Diligence	
Task 2.1	Survey	\$6,800
Task 2.2	Wetland/Stream/Riparian Buffer Delineation	\$4,500
Task 2.3	Site Inventory & Analysis	\$8,700
Task 3	Master Planning	
Task 3.1	Alternative Concepts	\$16,750
Task 3.2	Master Plan	\$8,250
Task 3.3	Opinion of Probable Construction Cost	\$3,000
Task 4	Community Engagement	
Task 4.1	Community Input Meetings	\$4,300
Task 4.2	Town Board Presentations	\$3,000
Task 5	Design Contingency	\$5,000
	Total	\$66,800

Section 5 – Miscellaneous

Except as otherwise provided herein, this Task Order supersedes all prior written or oral understanding of the parties and may only be changed by a written amendment executed by both parties.



Section 6 – Exclusions

WithersRavenel will not perform the following services under Phase One of this Statement of Work unless amended at the request of the Client and for an additional fee:

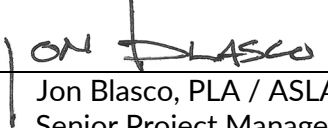
- ▶ Field-run topographic and boundary survey, except as needed for aerial survey
- ▶ SUE survey
- ▶ Tree Survey / Evaluation
- ▶ Geotechnical Reports
- ▶ Traffic Impact Analysis
- ▶ Hydrant Flow determination and analysis
- ▶ Construction staking
- ▶ Utility Design
- ▶ Lighting Design
- ▶ Athletic field design
- ▶ Signage Design
- ▶ Pavement design
- ▶ Public Road Improvement Plans
- ▶ Permitting
- ▶ Representation for court appearances for litigation or preparation for the same
- ▶ Earthwork Analysis
- ▶ Pre-qualifications of General Contractors
- ▶ Tree Conservation Plans
- ▶ SCM Design & Calculations
- ▶ Construction Drawings & Documents
- ▶ Playground equipment selection and/or design
- ▶ Selection of pre-engineered structures (shelters, restrooms, shade sails, etc.) and/or coordination with suppliers
- ▶ Selection of site furnishings
- ▶ Construction Administration / Observation
- ▶ Meetings / tasks not specifically identified in the scope of services within this proposal

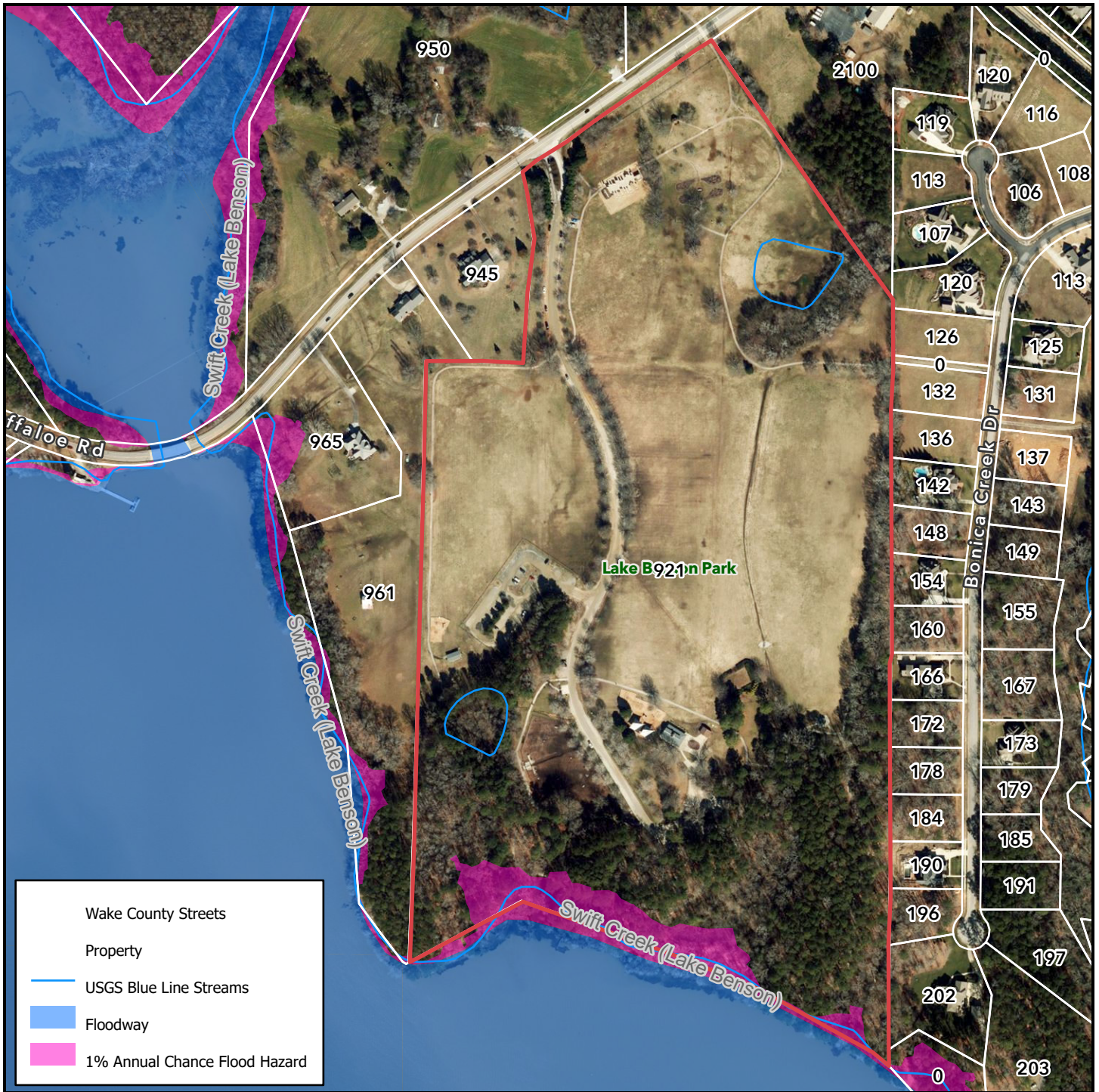
Section 7 – Authorization to Proceed

IN WITNESS WHEREOF and as AUTHORIZATION TO PROCEED, the parties execute below this Statement of Work No. 3 in duplicate originals:

EXECUTED this 19th Day of December, 2023.

WithersRavenel

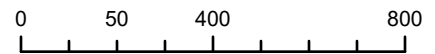
By: 
Jon Blasco, PLA / ASLA
Senior Project Manager



Lake Benson Park

REID: 0009683
 PIN: 1619096769
 PIN Extension: 000
 Land Value: \$1902600
 Building Value: \$247660
 Total Value Assessed: \$2150260
 Deed Acres: 63.42
 City: GARNER
 Planning Jurisdiction: GA
 Township: St. Mary's
 Owner: GARNER TOWN OF
 Mailing Address 1: PO BOX 446
 Mailing Address 2: GARNER NC 27529-0446
 Deed Book: 004633
 Deed Page: 00875
 Deed Date: 1/12/1990
 Land Class: EXEMPT
 Map Name: 1619 01

Billing Class: Exempt
 Property Description: LO2 & 3 DUDLEY S
 BUFFALOE BM1989 -01443
 Address: 921 BUFFALOE RD
 Street Name: BUFFALOE RD
 Old Parcel Number: --
 Exempt Description: GARNER
 Exempt Status: GA1
 Total Structures: 1
 Other Building Value: \$247660
 ZIP: 27529



1 inch equals 400 feet

Disclaimer

iMaps makes every effort to produce and publish the most current and accurate information possible. However, the maps are produced for information purposes, and are NOT surveys. No warranties, expressed or implied, are provided for the data therein, its use, or its interpretation.

ORDINANCE NO. (2024) 5235

ORDINANCE AMENDING ORDINANCE NO. (2023) 5210 WHICH ESTABLISHED THE CAPITAL 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:

Revenue Amendment Request

ACCOUNT NUMBER	DESCRIPTION	PROJECT	CURRENT BUDGET	REVENUE CHANGE	REVISED BUDGET
65571000-476020	Proceeds from Debt Issuance	00032	\$ -	\$ 66,800	\$ 66,800
65571000-476020	Proceeds from Debt Issuance		\$ 28,747,851	\$ (66,800)	\$ 28,681,051

TOTAL REVENUE INCREASE (DECREASE) \$ -

Expenditure Amendment Request

ACCOUNT NUMBER	DESCRIPTION	PROJECT	CURRENT BUDGET	EXPENDITURE CHANGE	REVISED BUDGET
65571000-537000	Professional Services	00032	\$ -	\$ 66,800	\$ 66,800
65571000-524300	Contract Services		\$ 713,261	\$ 66,800	\$ 780,061

TOTAL EXPENDITURE INCREASE (DECREASE) \$ 133,600.00

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 16th day of January 2024.

Buddy Gupton, Mayor

ATTEST:

Stella L. Gibson , Town Clerk

Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: January 16, 2024 <input type="button" value="v"/>		
Subject: Public Service Company of North Carolina Gas Franchise Ordinance		
Location on Agenda: Consent <input type="button" value="v"/>		
Department: Legal and Engineering		
Contact: Terri Jones, Town Attorney		
Presenter: Terri Jones, Town Attorney		
Brief Summary: Public Service Company of North Carolina, operating as Dominion Energy, has requested that the Town of Garner approve a new thirty year franchise so that it may continue to operate and maintain a gas utility system within the Town limits.		
Recommended Motion and/or Requested Action: Recommended second vote to adopt Ordinance (2023) 5230 granting a gas franchise		
Detailed Notes: The Garner Board of Alderman adopted an Ordinance on January 18, 1994, granting a thirty year franchise to Public Service Company of North Carolina (PSC) to operate and maintain a gas utility system within the Garner Town limits. PSC, operating as Dominion Energy, has requested that the Town extend the franchise for another 30 years. The franchise agreement has been updated to reflect current Town practices. Pursuant to NCGS 160A-76, a grant, renewal, extension, or amendment of any franchise may not be finally adopted until it has been passed at two regular meetings of the Town Council. Council passed it the first time on December 19, 2023.		
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: 		
Attachments Yes: <input checked="" type="radio"/> No: <input type="radio"/>		
Agenda Form Reviewed by:	Initials:	Comments:
Department Head:	TJ	
Finance Director:		
Town Attorney:	TJ	
Town Manager:	RD	
Town Clerk:		

ORDINANCE NO. (2023) 5230

AN ORDINANCE GRANTING TO PUBLIC SERVICE COMPANY OF NORTH CAROLINA, INCORPORATED, ITS SUCCESSORS AND ASSIGNS, THE RIGHT TO USE AND OCCUPY THE PUBLIC WAYS OF THE TOWN OF GARNER, NORTH CAROLINA, FOR THE CONSTRUCTION, OPERATION AND MAINTENANCE OF A GAS UTILITY SYSTEM AND ALL NECESSARY MEANS FOR TRANSMITTING AND DISTRIBUTING GAS WITHIN THE TOWN OF GARNER FOR A PERIOD OF 30 YEARS.

WHEREAS, the Town of Garner is authorized to grant utility franchises pursuant to North Carolina General Statutes (NCGS) §§ 160A-76, 160A-311, and 160A-319;

WHEREAS, Public Service Company of North Carolina, Incorporated (the "Company") operates a natural gas storage, transmission, and distribution system ("the Gas Utility System"), a portion of which lies within the Town of Garner's corporate limits, in which the Company uses the Town's rights-of-way to distribute natural gas to customers;

WHEREAS, the Town has issued gas franchises to the Company in the past, the most recent of which being granted to the Company in 1994;

WHEREAS, the Town has the authority pursuant to State law to grant a franchise to the Company upon reasonable terms for operation of the Gas Utility System in the Town's corporate limits, and to grant the Company rights to encroach upon the Town's rights-of-way for purposes of operation and maintenance of the Gas Utility System;

WHEREAS, the Company proposes to continue to construct, operate, and maintain a Gas Utility System and all necessary means for transmission and distribution of gas within the Town; and

WHEREAS, the Town desires to permit the Company to continue to construct, operate, and maintain a Gas Utility System within the Town through the granting of a franchise, and also desires to protect its infrastructure and ensure public health, safety, and welfare.

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

SECTION 1. DEFINITIONS.

Whenever and wherever used in this Ordinance the following words and names shall have the following meanings:

- (a) **TOWN COUNCIL** shall mean the governing body of the Town of Garner, North Carolina, as now or hereafter constituted.
- (b) **COMPANY** shall mean Public Service Company of North Carolina, Incorporated, its successors, and assigns.
- (c) **TOWN** shall mean the Town of Garner, North Carolina, including its present and future boundaries.

- (d) **DEPARTMENT OF TRANSPORTATION** shall mean the North Carolina Department of Transportation or its successor.
- (e) **GAS** shall mean natural gas, mixed gas and substitute fuels carried over the Company's facilities as authorized by the North Carolina Utilities Commission.
- (f) **GAS UTILITY SYSTEM** shall mean all facilities of the Company in the Town used for the transmission or distribution of Gas within the Town.
- (g) **FERC** shall mean any reference made to the Federal Energy Regulatory Commission or its successor.
- (h) **COMMISSION** shall mean the North Carolina Utilities Commission, or any successor body lawfully constituted.
- (i) **PUBLIC WAY OR WAYS** shall mean any public street, avenue, road, alley, lane, bridge, or other public right-of-way within the Town over which the Town has jurisdiction or exercises control.
- (j) **GOOD UTILITY PRACTICES** shall mean the practices, methods and acts engaged in or approved by a significant portion of the gas industry during the relevant time period or other practices, methods and acts which, in the exercise of reasonable judgment in light of the facts known at the time the decision was made, could have been expected to accomplish the desired result consistent with reliability, safety, expedition, requirements of governmental agencies having jurisdiction, and at the lowest reasonable cost. The term Good Utility Practices is not intended to be limited to the optimum practices, methods or acts to the exclusion of all others, but rather to constitute a spectrum of acceptable practices, methods, or acts.

SECTION 2. GRANT OF AUTHORITY.

The right, power and authority is hereby granted to and vested in the Company to construct, install, replace, repair, maintain and operate transmission mains, gas mains, pipes, equipment, service lines, communications lines, facilities and other appurtenant apparatus of the gas system utilizing Good Utility Practices, for the purpose of operating a natural gas system along, across, and under the streets, alleys, bridges, rights-of-way, and other public places of the Town together with any necessary rights of access thereto; and to use that natural gas system to conduct a gas business. This granting of authority is provided that the Town as of the applicable time, has jurisdiction or exercises control of the public ways. This Franchise Agreement shall also allow the Company to exercise the rights granted herein without the need for additional permit(s) from the Town, except as required by Section 3(b).

SECTION 3. CONDITIONS ON USE OF PUBLIC WAYS.

(a) No street, alley, bridge, right-of-way, or other public place used by the Company shall be obstructed longer than reasonably necessary during its work of construction or repair and shall be restored to the same good order and condition as when said work was commenced. However, should any such damage occur due to the Company's failure to use due care, the Company shall repair the same as promptly as possible, and, in default thereof, the Town, after written notice and opportunity for the Company to repair, may make such repairs and charge the reasonable cost thereof and collect the same from the Company.

(b) All work upon the streets and public places of the Town shall be done in compliance with any applicable section of the Town of Garner Code of Ordinances and Unified Development Ordinance

and subject to reasonable inspection of the Town Manager or designee (or other legally constituted governing body) of the Town. All sidewalks or street pavements or street surfaces which may be displaced by reason of such work shall be properly replaced by the Company, its successors and assigns, to the reasonable requirements of the Town.

(c) Whenever the Town shall grade, expand, or regrade any Public Way, under or across which the Company shall have installed any of its Gas Utility System, it shall be the duty of the Company, at the Company's own cost and expense to promptly change said Gas Utility System so as to conform to the new Public Way which is then being or has been established by the Town.

SECTION 4. ANNEXATION NOTIFICATION.

The Town shall mail to the Company a copy of the duly adopted annexation ordinance for any areas annexed into the Town. Any written notice to the Company regarding annexations shall be sent to Public Service Company of North Carolina, GIS Services-Annexations, 800-A Gaston Road, Gastonia, NC 28056.

SECTION 5. SERVICE.

(a) The Company may supply any form of gas containing approximately one thousand (1,000) BTU's per cubic foot, and its obligation in respect thereto shall continue only so long as it is able to reasonably obtain an adequate supply of such gas hereunder, provided, however, that in the supply of such gas the customers within the Town shall enjoy equal rights with respect to other similar customers served by the Company consistent with Commission rules and regulations.

(b) The Company shall, as to all other conditions and elements of service not fixed herein, be and remain subject to the rules and regulations of the Commission, Department of Transportation, and FERC or its successors, applicable to gas service in the Town.

SECTION 6. NONEXCLUSIVE GRANT AND TERM.

(a) The gas franchise granted by this Ordinance is not exclusive. The Town may grant the same or similar rights and privileges to other certified persons or companies at any time, provided that any such grants shall be made under terms and conditions which do not materially impair the exercise of the rights and privileges granted to the Company under this franchise.

(b) Upon ratification and acceptance, this franchise shall constitute a contract between the Town and the Company and shall be in force and effect for an initial term of 30 years and shall continue in force and effect year-to-year thereafter until properly terminated by either party. Either party may terminate the contract at the end of its initial term or its anniversary date any year thereafter, by giving written notice of its intention to do so no less than one (1) year before the proposed date of termination.

SECTION 7. FRANCHISE NOT WAIVER OF LAW.

This franchise is subject to the constitution and laws of the State of North Carolina and is not a waiver of any present or future law or regulation. This franchise is not a limitation of the authority of the Town to enact any ordinance or policy that does not diminish, conflict, or impair the rights and authority granted to the Company in this franchise or otherwise impose additional obligations on the Company in order to exercise the rights granted herein, except for those rules, regulations, and

obligations generally applicable to other businesses and utilities operating or providing services within the Town.

SECTION 8. REGULATIONS, SAFETY AND CUSTOMER SERVICE.

- (a) Gas utility service is not guaranteed to be free from interruptions, supply failure or outages.
- (b) The Company will restore gas utility service using Good Utility practices.
- (c) The Company shall maintain and operate its Gas Utility System in compliance with applicable State and Federal maintenance and safety regulations.
- (d) Company vehicles, responding to natural gas emergencies, may park as close to the location of the emergency as is practicable.

SECTION 9. COMMISSION RULES AND RATES.

The Company may from time to time declare, make, and enforce such rules and regulations as shall have been fixed or allowed by the Commission as to the sale or distribution of Gas to any of its customers in the Town. The rates to be charged for Gas at all times shall be such rates as are fixed or allowed by the Commission, including such rates as shall be negotiated by the Company with certain industrial or commercial customers pursuant to authority granted by the Commission.

SECTION 10. PLAT OF GAS UTILITY SYSTEM.

The Company shall maintain maps or plats of its Gas Utility System within the area covered by this franchise. Such maps or plats shall be maintained in the Company's offices, and the Town may review the same during any regular business hours of the Company.

SECTION 11. BANKRUPTCY, SUCCESSORS, ASSIGNS.

In the event the Company is adjudged bankrupt or its assets are placed in the hands of a receiver or other court officer, either voluntarily or involuntarily, then the interest, rights and remedies of the Town in respect to said properties and operations shall not be affected or prejudiced, and any receiver, assignee, trustee, purchaser or successor, whether by operation of law or otherwise, so succeeding to or representing the interest or position of the Company, shall be bound by this Ordinance and the terms and provisions hereof and shall be bound to carry out and perform the obligations and duties imposed upon the Company by this Ordinance. Likewise, if the Company reorganizes, merges, or consolidates with any other company, then the Town is bound by this Ordinance.

SECTION 12. REVOCATION.

In the event the Company fails to comply with the provisions of this Ordinance and, within thirty (30) days after receipt of written notice from the Town, the Company fails to cure or remedy such default, or to have begun reasonable measures to do so, then the Town may cause the Company to appear at a hearing before the Town upon thirty (30) days prior written notice. Any written notice to the Company shall be sent to Public Service Company of North Carolina, PO Box 4009, Cary, NC 27519-4009, Attention: Economic Development and Local Government Manager. If at such hearing the Town should determine that the Company's failure or default has been substantial, repeated or flagrant, then upon such determination the Town may revoke and terminate this franchise; provided, however, that the Company may file with the Town within ten (10) days after such determination

the Company's election to appeal to the proper North Carolina court, during the pendency of which the Ordinance shall remain in full force and effect. In that event the Town and Company agree that such court shall hear and determine *de novo* whether there has been substantial, repeated, or flagrant failure or default by the Company of the terms, conditions, or obligations of this Ordinance. Failure or default which cannot be corrected by the Company shall not be grounds for revocation or termination unless such failure or default shall be determined to be material and continuing.

SECTION 13. INDEMNIFICATION.

The Company shall indemnify and hold harmless the Town, its officers, and employees from any losses, costs, expenses, claims, judgments, suits, or demands resulting or in any manner arising from the action or inaction of the Company in constructing, operating, or maintaining a gas system, in carrying on the business of selling, transmitting or distributing gas, or in exercising or failure to exercise any right or privilege granted by this franchise and save and except for any such losses, costs, expenses, claims, judgments, suits, or demands resulting or in any manner arising from, or contributed to, by the negligent action or inaction of the Town or any of its officers, agents, or employees. Provided, however, the Company's indemnification at any time is conditioned on the Town having notified the Company in writing of any such claim, demand, or suit within such time as to give the Company reasonable opportunity to resolve or defend the same on behalf of the Town. In the event of such notification, the Company shall have the sole and full responsibility for the resolution and defense of any such claim, demand, or suit on behalf of the Town, and the Town shall cooperate fully with the Company in any such undertaking. If after proper notification, the Company fails to undertake any such responsibility, the Town shall have the right to resolve or defend any such claim, demand, or suit at the expense of the Company. The Company shall maintain liability insurance for all activities and services for which it provides in the Town and agrees to maintain, at its sole expense during the term of this contract, coverage and limits as follows: Commercial General Liability with a combined single limit of no less than \$1,000,000 per occurrence and \$2,000,000 aggregate. The Company shall endorse the Town as an Additional Insured and provide a Certificate of Insurance as evidence that all coverages, limits, and endorsements are maintained in full force and effect.

SECTION 14. Severability, Third Party Rights.

(a) If any provision in this contract is determined to be invalid, void, or unenforceable by any court or regulatory body having jurisdiction, such determination shall not invalidate, void, or make unenforceable any other provision, agreement, or covenant of this Contract. This Contract and all provisions herein will be subject to all applicable and valid statutes, rules, orders, and regulations of any governmental authority having jurisdiction over the parties, their facilities, or gas supply, this Contract or transaction or any provisions thereof.

(b) The rights hereunder in this Ordinance accrue exclusively to the parties, their successors and assigns. It is the express intent of the parties that this franchise shall not create any rights in third parties.

SECTION 15. EFFECTIVE DATE, TERM, ADOPTION, AND RATIFICATION.

- (a) This Ordinance shall be effective from and after the _____ day of _____, 20____, provided the Company shall have executed the written acceptance hereof at the end of this Ordinance, and shall exist in force for a period of 30 years hereafter, and continue in force year to year thereafter until cancelled upon written notice of either party at least one year in advance.
- (b) All other Ordinances and clauses of Ordinances in conflict herewith are hereby repealed.

Adopted by the Town Council of the Town of Garner during a regular meeting on the 19th day of December, 2023, and hereby ratified during a regular meeting on the 16th day of January, 2024.

Buddy Gupton, Mayor

ATTEST:

APPROVED AS TO FORM:

Stella Gibson, Clerk

Terri Jones, Town Attorney

ACCEPTANCE BY COMPANY

Public Service Company of North Carolina, Incorporated does hereby accept and acknowledge the foregoing Ordinance, and in consideration of the benefits and privileges granted to it does hereby agree to the terms and conditions therein provided.

This the ____ day of _____, 20__.

PUBLIC SERVICE COMPANY
OF NORTH CAROLINA, INCORPORATED

By: _____
D. Russell Harris
Vice President and General Manager

ATTEST:

Its: Assistant Corporate Secretary
Karen W. Doggett
(Corporate Seal)

Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: January 16, 2024		
Subject: Surplus Property		
Location on Agenda: Consent <input type="checkbox"/>		
Department: Finance		
Contact: David Beck, Finance Director		
Presenter: David Beck, Finance Director		
Brief Summary: The Public Works department has equipment including a backhoe, excavator, and equipment trailer that are being replaced as part of the VERT program. Approval is sought to surplus the old items and allow them to be sold. The proceeds will supplement the VERT budget to purchase replacement equipment.		
Recommended Motion and/or Requested Action: Approve Resolution (2024) 2563		
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:		
Attachments Yes: <input checked="" type="radio"/> No: <input type="radio"/>		
Agenda Form Reviewed by:	Initials:	Comments:
Department Head:	DCB	
Finance Director:	DCB	
Town Attorney:		
Town Manager:	RD	
Town Clerk:		

RESOLUTION NO. (2024) 2563

RESOLUTION AUTHORIZING DISPOSITION OF SURPLUS PERSONAL PROPERTY

WHEREAS, pursuant to N.C.G.S. 160A-265 municipalities are authorized to dispose of personal property.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Garner:

That the Town Manager is hereby authorized to sell the following items as provided by G.S. 160A-266:

Asset Tag #	Year	Make/Model	Vin/Serial #
510	2008	Yanmar Excavator VIO35-5	YMRVI035E7YY51557
823	1994	Hudson Equipment Trailer	10HHSE165R1000067
502	2013	John Deere 310SK Backhoe	1T0310SKKDE249852

AND BE IT FURTHER RESOLVED by the Garner Town Council that the Town Manager is hereby authorized to sell these items by private sale at a negotiated price as provided for by G.S. 160A-267.

Duly adopted this the 16th day of January 2024.

Buddy Gupton, Mayor

ATTEST: _____
Stella L. Gibson, Town Clerk

Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: January 16, 2024		
Subject: Council Meeting Minutes		
Location on Agenda: Consent <input type="button" value="v"/>		
Department: Administration		
Contact: Stella Gibson, Town Clerk		
Presenter: Stella Gibson, Town Clerk		
Brief Summary: Minutes for the November 6, 13, 21, 28, 2023 and December 5, 19, 2023 Council Regular, Closed, and Work Session Meetings.		
Recommended Motion and/or Requested Action: Consider approving 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:		
Finance Director:		
Town Attorney:		
Town Manager:	RD	
Town Clerk:		

**Town of Garner
Town Council Work Session Meeting Minutes
November 6, 2023**

The Council met at 6:00 p.m. in the Ronnie S. Williams Council Chambers at Town Hall, located at 900 7th Avenue, Garner.

CALL MEETING TO ORDER/ROLL CALL: Mayor ProTem Elmo Vance

Present: Mayor Ken Marshburn, Mayor ProTem Elmo Vance, Council Members Gra Singleton, Kathy Behringer, Phil Matthews, and Demian Dellinger

Staff Present: Rodney Dickerson-Town Manager, John Hodges-Asst. Town Manager, Jodi Miller-Assistant Town Manager, David Beck-Finance Director, Jeff Triezenberg-Planning Director, Ashley Harris-Planner, Alison Jones-Development Review Manager, Terri Jones-Town Attorney, and Stella Gibson-Town Clerk

CALL MEETING TO ORDER/ROLL CALL: Mayor Ken Marshburn

PLEDGE OF ALLEGIANCE: Council Member Phil Matthews

INVOCATION: Council Member Phil Matthews

PETITIONS AND COMMENTS

Sana Hadley reported that she is working with the School Board regarding redistricting.

ADOPTION OF AGENDA

Request to remove discussion of the Council appointee to the GVFR Board and the Garner Forward Comprehensive Plan Adoption from the agenda.

Motion: Vance
Second: Matthews
Vote: 5:0

PRESENTATIONS

Council Member Vance presented a Proclamation to Amy White recognizing November as Hunger Action Month.

CONSENT

Budget Amendment - Grant Carryforward

Presenter: David Beck, Finance Director

Amendment to carryforward remaining FY23 grant funds to the FY24 budget.

Action: Approve Ordinance (2023) 5225

Budget Amendment – Inspections Vehicle Purchases

Presenter: Sara Warren Budget Director

Appropriate \$153,000 in fund balance from excess inspections revenue to purchase 5 vehicles for the Inspections Department.

Action: Approve Ordinance (2023) 5226 appropriating \$153,000 for Inspections Vehicles

Surplus Property

Presenter: David Beck, Finance Director

The Public Works campus generator was replaced so the old generator can now be declared as surplus property.

Action: Approve Resolution (2023) 2548

Council Meeting Minutes

Presenter: Stella Gibson, Town Clerk

Minutes from regular, special, work session and closed sessions for the September 11, 19, 21, 26 and October 5, 11, 17, 19, and 30, 2023 Council meetings.

Action: Approve minutes

Council Meeting and Holiday Schedule

Presenter: Rodney Dickerson, Town Manager

Town Council meeting dates and holiday calendar were presented for consideration. The holiday schedule is based on the State holiday calendar with a couple holidays added that were previously approved by Town Council.

Action: Approve Resolution (2023) 2549 setting the 2024 Town Council meeting schedule and Resolution (2023) 2550 setting the 2024 holiday schedule.

Action: Approve Consent Agenda

Motion: Singleton
Second: Matthews
Vote: 5:0

PUBLIC HEARINGS

Mayor Marshburn explained the procedures to be followed during the following hearings and asked Council to disclose any bias, exparte communications, any close familial, business or other associational relationships with an affected person, or have a financial interest in the outcome. Hearing none, the Mayor administered the Oath to Jeff Triezenberg, Alison Jones, Paul Eberhart, Nicole Steele, and Dave Bartone.

Special Use Permit # SUP-SP-22-08, Gregory Poole

Presenter: Alison Jones, Development Review Manager

Special use permit request submitted by Gregory Poole Equipment Co. to establish office and warehouse/flex space uses with outdoor storage/lay down yards on a 36.21 +/- acre site located at 500 N. Greenfield Parkway and which may be further identified as Wake County PIN# 1730085329.

Council expressed concerns regarding buffers not being clearly delineated, tree preservation, no guarantee of the preservation area, wetlands, and green space. Following discussion, Council asked to add an additional condition to the motion.

Mayor Marshburn closed the hearing

Action: I find that application # SUP-SP-22-08 meets the Town's eight (8) criteria for special use permits as identified in Article 3.9.2.D.; therefore, I move that the Town Council approve SUP-SP-22-08, Gregory Poole with the five (5) site-specific conditions to be listed on the permit that will be prepared by staff and to also include a 25' undisturbed buffer to be supplemented as needed and as approved by staff.

Motion: Vance
Second: Dellinger
Vote: 5:0

Tier 1 Conditional Rezoning Request # CZ-23-01, Jones Sausage Assemblage

Presenter: Ashley Harris, Planner

Conditional district rezoning request (CZ-23-01) submitted by Garner (Jones Sausage 2) PBX LLC to rezone approximately 0.17 +/- acres from Residential 4 (R4) and 2.59 +/- acres from Commercial Mixed Use (CMX) to Commercial Mixed Use (CMX C270) Conditional. The site is located along the frontages of Jones Sausage, Martin Branch and Tharrington roads, and may be further identified as Wake County PIN(s) 1721274716, 1721274887, 1721275737, 1721276727, 1721276893, 1721275626 and 1721274632. Use conditions are proposed.

This hearing was continued from the July 18th meeting.

When this project came before Council previously there were comments and questions about the future Land Use Plan and the consistency of the Local Area Plan with Garner Economic Development Corporation (GEDC) and their opinion on the plan, the effect of the rezoning on neighboring properties, issues pertaining to the road network and road improvements, and potential signalization at the intersection. GEDC provided a statement regarding this project expressing concern about the rezoning of Jones Sausage Assemblage due to the lack of information about the rezoning and the fact that GEDC was planning a land use and transportation study of the larger area including the Assemblage. Since that time, GEDC has advanced its study and issued a proceed order to a consultant team so the GEDC has a better understanding of the rezoning request and a comfort level about working with the property owner during the study. The owner of Jones Sausage Assemblage will be invited as a member of the study and property owners and stakeholders committee.

Toby Coleman explained the nature and origin of the rezoning error and their request to correct the impact of that zoning error.

Action: Consider closure of hearing and refer to Planning Commission for plan consistency review and recommendation.

Motion: Singleton
Second: Matthews
Vote: 5:0

Walters Buffaloe/Cambria Development Agreement (presented by Rob Rudloff, Pulte Home Company) & White Oak/Bryan Spot Mobility Agreement (presented by Terri Jones, Town Attorney)

Mayor Marshburn opened the hearing.

The Town and Pulte Home Company LLC entered into a Development Agreement on December 19, 2022, addressing off-site road improvements along the White Oak/Bryan Road Corridor, which included the installation of a traffic signal at the intersection of White Oak Road and Bryan Road. Proposed amendments to the Development Agreement include revisions to the description of the corridor work, updated exhibits, extensions of timing and milestones, and incorporation of the associated spot mobility sub-agreement for the traffic signal. Pulte Home Company LLC will complete the installation of the traffic signal.

Mr. Ferrell provided a review of the request.

Ms. Jones reviewed the process taken to prepare the Development Agreement and the timeline to date. There were several rezoning conditions modified, Condition #22, Paragraph 2, 4, and 8. Ms. Jones also provided the right-of-way acquisition process, and Pulte's cost share agreements with corridor developers. Regarding the traffic signal at White Oak/Bryan Road Spot Mobility project, the NC Board of Transportation approved a grant for \$680K; which requires the project must be completed in 2 years. Pulte will submit monthly progress reports.

Council Member Dellinger expressed concern regarding cost estimates not being updated and David Ferrell responded that, at this time, there was not enough information to adjust the budget. The title certifications have been received and they are working on getting appraisals. Mr. Ferrell added that status reports would be provided at the beginning of each month.

Allison Lee asked if the public had been contacted and felt that this project was moving forward in an aggressive timeline. She also asked to strike Section 8.4 from the Development Agreement.

Action: Continue the hearing after Council Reports.

Motion: Singleton
Second: Behringer
Vote: 5:0

COMMITTEE REPORTS

MANAGER REPORTS

- A Veterans Day Observance celebration will be held on November 11th from 10:30 a.m. to noon at the Aversboro Road Baptist Church. Tours of the Veterans Memorial at Lake Benson Park will be given following the program. Staff will be lighting Town Hall green in recognition of Veterans Day.
- Auditions for the 2024 Garner Showcase of Talent Auditions will be held on Wednesday, November 15th at 5:00 p.m. at the GPAC.

ATTORNEY REPORTS

None

COUNCIL REPORTS

Matthews

- Encouraged everyone to attend the Veterans Day Observance.
- Stated the Purple Heart Community sign at the park was vandalized and needs to be replaced.

Dellinger

- Reported that at Hebron Church and White Oak Road there are bad dips and sharp drop offs at the intersection and asked if staff could look into and see what can be done.
- Attended the No Lunch-Lunch at the Community of Hope and asked that the Town look at things we can do, such as possibly working with school system to help pay for lunches.

Vance

- Commended the Community of Hope and other organizations in the community who reach out trying to bridge the gap regarding food insecurity.

Singleton

- Asked if the November 21st meeting could start at 5:00 p.m.
- There is a homeless ministry at the Garner Methodist Church who has at least 60 people each week who not only need food, but access to showers as well as basic necessities such as socks. Council Member Singleton encouraged those who could, to make donations.

Marshburn

- Encouraged everyone to vote in the election.

Council Member Behringer had nothing to report.

Council Member Singleton requested to reopen the hearings and continue discussions of the Walters Buffaloe/Cambria Development Agreement & White Oak/Bryan Spot Mobility Agreement Requested seconded by Council Member Matthews. Vote: 5:0.

After discussion, the requirements were established.

Timelines:

Fee-in-lieu - move to October 1, 2024

Calculation of payment – after approved plans, revised cost estimates will be submitted to the Town by June 30, 2024

Condemnation – Initiate by March 1, 2024 (but file no later than April 30, 2024)

Action: Authorize the Town Manager to execute the Addendum to the Development Agreement

Motion: Singleton
 Second: Matthews
 Vote: 4:1

Council Member Dellinger voted nay.

Action: Authorize the Town Manager to execute the Spot Mobility Agreement Motion and Sub-Agreement

Motion: Singleton
 Second: Matthews
 Vote: 5:0

CLOSED SESSION

Council met in closed session to discuss potential litigation and adopted Resolution (2023) 2552.

RETURN TO OPEN SESSION AND ADJOURN: 9:22 p.m.

DRAFT

**Town of Garner
Town Council Regular Meeting Minutes
November 21, 2023**

The Council met at 6:00 p.m. in the Ronnie S. Williams Council Chambers at Town Hall, located at 900 7th Avenue, Garner.

CALL MEETING TO ORDER/ROLL CALL: Mayor ProTem Elmo Vance

Present: Mayor Ken Marshburn, Mayor ProTem Elmo Vance, Council Members Gra Singleton, Kathy Behringer, Phil Matthews, and Demian Dellinger

Staff Present: Rodney Dickerson-Town Manager, John Hodges-Asst. Town Manager, Jodi Miller-Assistant Town Manager, David Beck-Finance Director, Jeff Triezenberg-Planning Director, Ashley Harris-Planner, Leah Harrison-Town Engineer, Terri Jones-Town Attorney, and Stella Gibson-Town Clerk

CALL MEETING TO ORDER/ROLL CALL: Mayor Ken Marshburn

PLEDGE OF ALLEGIANCE: Council Member Phil Matthews

INVOCATION: Council Member Gra Singleton

PETITIONS AND COMMENTS

None

ADOPTION OF AGENDA

Request to add discussion of CZ-MP-22-14, Vintage Garner Apartments to Public Hearings.

Motion: Matthews
Second: Behringer
Vote: 5:0

PRESENTATIONS

None

CONSENT

Pool Drive Speed Reduction

Presenter: Leah Harrison, Town Engineer

Ordinance to reduce speed limit on Poole Drive from Aversboro Road to Buckingham Road from 35mph to 25mph.

Action: Adopt Ordinance (2023) 5227 repealing 35mph speed limit on Poole Drive.

Action: Approve Consent Agenda

Motion: Singleton
Second: Matthews
Vote: 5:0

NEW/OLD BUSINESS

Draft Garner Forward Comprehensive Plan

Presenter: Jeff Triezenberg, Planning Director

Comprehensive Plan Amendment request submitted by the Town of Garner Planning Department to update and replace the existing Garner Forward Comprehensive Plan originally adopted on June 19, 2018, and subsequently amended from time to time.

Action: Adopt the 2023 Garner Forward Comprehensive Plan by adopting Resolution (2023) 2551

Motion: Vance
Second: Behringer
Vote: 5:0

PUBLIC HEARINGS

Vintage Garner Apartments, CZ-MP-22-14

Presenter: Ashley Harris, Planner

Ms. Harris advised the applicant requested to continue the public hearing to December 19, 2023.

Motion: Singleton
Second: Matthews
Vote: 5:0

Tier 2 Conditional Rezoning # CZ-PD-22-04, The Park at Garner Station (presented by Ashley Harris, Planner & The Park at Garner Station Development Agreement (presented by Terri Jones, Town Attorney and Robert Shunk, Gander Development LLC)

Tier 2 Conditional Rezoning request (CZ-PD-22-04) submitted by McAdams to rezone 96.73 +/- acres from Multifamily 1 (MF-1), Single Family Residential (R-40) and Single Family Residential (R-12) to Planned Unit Development (PUD C281) Conditional for a mixed-use development consisting of a maximum of 350 townhomes, 700 apartments, and 20,000 square feet of commercial space. The site is located along the north side of E Garner Road between Creech Road and White Oak Ridge Drive and may be further identified as Wake County PIN(s) 1711833114, 1711827887, 1711923791, 1711925082, 1711933576, 1711838749, 1711833775, and a portion of 1711945676.

East Garner Holdings LLC and Gander Development LLC have proposed terms for a Development Agreement with the Town regarding public improvements and The Park at Garner Station master planned community CZ-PD-22-04.

Ms. Harris presented the zoning application.

Ms. Jones presented the overall benefits of a Development Agreement between the Developer and the Town which would include a new collector street between E. Garner Road and Creech Road, conveyance of recreational land to the Town. In addition, she reviewed the developer's transportation and Parks and Recreation obligations and the Town's transportation obligations. The Agreement would be in place for 15 years.

Robert Shunk and Collier Marsh also gave brief overviews of the project as well as benefits this project would bring to the downtown area.

Council Member Dellinger stated he had concerns with the agreement in that there seems to be a mixing of zoning conditions and terms within the development agreement that would cause some sort of confusion. He was also concerned with some of the automatic adjustments that can be made to the agreement either administratively or through special use permits and minor modifications, no calculations in the Development Agreement regarding the fee-in-lieu, open space requirements, or tree preservation.

Council Member Singleton stated he had concerns about the increased number of trips this project would generate. Council Member Behringer asked about the anticipated buildout of the project. Mr. Shunk responded anticipated buildout will be in 2029.

Because the Garner Rec Park received Land and Water Conservation fund grants in the past it requires approval from the National Park Service and the Town would have to apply for what's called a conversion of land use.

Buddy Gupton expressed the importance of this project and the magnitude it will have on years to come.

Council Member Dellinger made a recommendation that the Parks & Recreation Committee and the Planning Commission review the dedication and fee-in-lieu portion of the agreement. He added that he was not comfortable referring and asked if the public hearing could stay open until Council can go through the list of concerns and issues on the development agreement that are relevant to the process of land dedication in fee-in-lieu. Council Member Vance suggested providing comments be provided to Ms. Jones and she will work with the developers to incorporate some of the changes in language so Council can review in the next couple of weeks then forward to the Planning Commission and Parks & Recreation Committee for their review.

Action: I move that CZ- PD-22-04, The Park at Garner Station be referred to the Planning Commission for consistency review while the Development Agreement goes through the process of clarification and discussion at the same time with the Attorney and the various parties involved.

Motion: Vance
Second: Matthews

Council Member Dellinger asked to amend the motion to make sure all of Council's comments are referred to the Planning Commission for their consideration.

Council Member Singleton asked to amend the motion to add that the Council will get updates on the Development Agreement when changes are made and those changes will be noticed so we can recognize the differences in the revised Development Agreement.

Action: Council consensus to approve request made by Council Member Dellinger to amend the original motion.

Action: Council consensus to approve request made by Council Member Singleton to amend the original motion.

Vote: 4:1

Council Member Dellinger voted nay.

COMMITTEE REPORTS

The Human Resources Committee recommended appointing Joe Gupton to serve as an alternate on the Board of Adjustment.

Motion: Vance
Second: Dellinger
Vote: 5:0

MANAGER REPORTS

- Talk of the Town
- The Downtown Garner Pop-Up Market will be on November 25th from 10:00 a.m. to 2:00 p.m. on Main Street.
- The Town's Holiday Block Party will be on Saturday, December 2nd from 2:00 p.m. – 4:00 p.m. at the Garner Rec Center. The Garner Optimist Christmas Parade will follow the Holiday Block Party starting at approximately 4:30 pm. The Tree Lighting will follow immediately after the conclusion of the parade (approximately 6:00 p.m. - 6:30 p.m.).
- A free Holiday Movie Matinee will be on December 3rd and December 10th at 2:00 p.m. at the GPAC. The movie will be announced closer to the event.
- A Jolly Broadway Holiday concert with David Burnham will be on December 9th at 7:30 p.m. at the GPAC.
- The Neuse River Big Band's Swingin' Holiday concert will be on December 14th at 7:30 p.m. at the GPAC.
- The Town and the Triangle Land Conservatory closed on 93 acres of property along Swift Creek directly across from Lake Benson at Highway 50. The Town will be stewards of that property and in the future that property will become a public nature preserve. A celebration will be held on November 30th at the Rand Bryan house from 1:00 p.m. to 3:00 p.m.

ATTORNEY REPORTS

COUNCIL REPORTS

Matthews

- Requested an update from the Economic Development Department of activity in the Town. Mr. Dickerson advised an update was planned for Council's November work session.

Singleton

- Stated the development pipeline information was very informative and encouraged everyone to use the tool.

Dellinger

- Stated it was important that Council get an holistic aggregate view on things coming down the pipeline because we might have to pick and choose one development over another because there just isn't enough infrastructure to handle it. The Garner Forward Plan adopted tonight has a lot of criteria we should use as a framework for having those conversations.
- Reported there was a brush fire on New Bethel Church Road on November 18th that was a controlled burn that appeared to reignite and spread around the area.

Vance

- Expressed the need to move forward on establishing the Affordable Housing Task Force. This will allow a strategic view of the Town regarding the appropriate type and fit for affordable housing. It will also impact how things are being brought to us by the developers and how we can incorporate our plan into what they're bringing. Mayor Marshburn suggested discussing this issue during Council's February Retreat. Mr. Dickerson added that it may take some time to look at examples in the area, the task force makeup and the charge of the group.

Marshburn

- Expressed condolences for David Bamford, a long-standing Town employee.

Council Member Behringer had nothing to report.

CLOSED SESSION

Motion: Singleton
Second: Phil
Vote: 5:0

Council met in Closed Session to consult with the Town Attorney regarding litigation and after hearing a report, no formal action was taken. The Attorney provided information regarding on-going processes.

RETURN TO REGULAR SESSION AND ADJOURN: 8:45 p.m.

**Town of Garner
Town Council Work Session Meeting Minutes
November 28, 2023**

The Council met at 6:00 p.m. in the Ronnie S. Williams Council Chambers at Town Hall, located at 900 7th Avenue, Garner.

CALL MEETING TO ORDER/ROLL CALL: Mayor ProTem Elmo Vance

Present: Mayor Ken Marshburn, Mayor ProTem Elmo Vance, Council Members Gra Singleton, Kathy Behringer, Phil Matthews, and Demian Dellinger

Staff Present: Rodney Dickerson-Town Manager, John Hodges-Asst. Town Manager, Jodi Miller-Assistant Town Manager, David Beck-Finance Director, Leah Harrison-Planning Director, Maria Munoz-Blanco-PRCR Director, Nate Groover-Economic Development Director, Shayla Douglas-Downtown and Economic Development Administrator, Terri Jones-Town Attorney, and Stella Gibson-Town Clerk

ADOPTION OF AGENDA

Request to add a Closed Session pursuant to N.C. General Statute Section 143.318.11(a)(4) to discuss economic development.

Motion: Vance
Second: Matthews
Vote: 5:0

PRESENTATIONS

None

DISCUSSION/REPORTS

Public Art for Garner

Presenter: Jodi Miller, Assistant Town Manager, and Maria Munoz-Blanco, PRCR Director

Staff presented information regarding the potential development of public art in Garner. The included background information on the commissioning of public art, funding mechanisms used to fund public art and options. Council was very supportive of adding public art and the value it would bring to the community.

Council consensus to place on the Council's February Retreat for further discussion.

Ms. Munoz-Blanco reported that the RFP for design/build services for the splash pad will go out in January. After approved, the contract will be awarded and optimistically, the project will be completed next summer.

Economic Development Update

Presenter: Nate Groover, Economic Development Director and Shayla Douglas, Downtown and Economic Development Administrator

Staff presented a recap of FY 2023 activity and upcoming initiatives.

MANAGER REPORTS

- The Town's Holiday Block Party will be on Saturday, December 2nd from 2:00 p.m. – 4:00 p.m. at the Garner Rec Center. The Garner Optimist Christmas Parade will follow the Holiday Block Party starting at approximately 4:30 pm. The Tree Lighting will follow immediately after the conclusion of the parade (approximately 6:00 p.m. - 6:30 p.m.).
- A free Holiday Movie Matinee will be on December 3rd and December 10th at 2:00 p.m. at the GPAC. The movie will be announced closer to the event.
- The Town is at the peak the leaf collection season and based on the number of leaves at the curb, the contractor is experiencing delays. Leaf collection will be operating on the delayed schedule until early January.

ATTORNEY REPORTS

Ms. Jones explained the challenges associated with hiring a paralegal for the Legal Department. After review of the workload, it was determined that an additional attorney would be more appropriate. Ms. Jones also provided information as to the costs and impacts to the Town's budget should the request be approved.

Council consensus to place on the December 5th agenda for approval of position

COUNCIL REPORTS

Behringer

- Stated the speed humps on Main Street were not being effective. Ms. Harrison explained that the Police Department was monitoring the area and the plan is to install stop signs which will make the distance between the speed humps and the next longest interval shorter.

Dellinger

- Reminded everyone of the Town's Holiday Block Party. The Garner Optimist Christmas Parade will follow the Holiday Block Party starting at approximately 4:30 p.m. The Optimist Club is continuing to monitor the weather and will advise if the start time changes. He also thanked the Town Departments for helping to pull everything together.

Singleton

- Stated he was concerned over the lack of dedicated space in front of the GPAC for a bus stop. People have been sitting on the tree trunk. Mr. Hodges responded that GoRaleigh recently made some improvements along the route adding a strip of concrete to make that a wheelchair accessible stop. GoRaleigh also evaluated the ridership and determined that it meets their criteria to install a semme-seat and a trash can at that location.

Matthews

- Stated the Veterans Committee would be meeting to work on their plans for the coming year.

Mayor Marshburn Council Member Behringer had nothing to report.

CLOSED SESSION

Council met to receive information relating to Economic Development and encouraged staff to continue working on the matters at hand and to report updates at the appropriate time.

RETURN TO REGULAR SESSION AND ADJOURN: 8:02 p.m.

**Town of Garner
Town Council Work Session Meeting Minutes
December 5, 2023**

The Council met at 6:00 p.m. in the Ronnie S. Williams Council Chambers at Town Hall, located at 900 7th Avenue, Garner.

CALL MEETING TO ORDER/ROLL CALL: Mayor Ken Marshburn

Present: Mayor Ken Marshburn, Mayor ProTem Elmo Vance, Council Members Gra Singleton, Kathy Behringer, Phil Matthews, and Demian Dellinger

Staff Present: Rodney Dickerson-Town Manager, John Hodges-Asst. Town Manager, Jodi Miller-Assistant Town Manager, David Beck-Finance Director, Jeff Triezenberg-Planning Director, Ashley Harris-Planner, Alison Jones-Development Review Manager, Terri Jones-Town Attorney, and Stella Gibson-Town Clerk

PLEDGE OF ALLEGIANCE: Mayor ProTem Elmo Vance

INVOCATION: Mayor ProTem Elmo Vance invited Police Chaplain Lee Smith to deliver the invocation.

INDUCTION OF COUNCIL MEMBERS AND ADMINISTRATION OF OATH

- Buddy Gupton was sworn into office as Mayor by Mayor Ken Marshburn
- Demian Dellinger was sworn into office as Council Member by Mayor Ken Marshburn
- Phil Matthews was sworn into office as Council Member by Rebecca Matthews, Notary Public
- Elmo Vance as sworn into office as Council Member by North Carolina Court of Appeals Chief Judge Donna Stroud

Mayor Gupton conducted the remainder of the meeting.

RECOGNITION OF OUT-GOING MEMBERS

NEW COUNCIL COMMENTS

ELECTION OF MAYOR PRO TEM

Action: Appoint Council Member Elmo Vance to serve as Mayor ProTem

Motion: Matthews
Second: Singleton
Vote: 5:0

COUNCIL COMMITTEE LIAISONS

Mayor Gupton made the following liaison assignments:

- Board of Adjustment - Matthews
- Planning Commission - Dellinger
- Parks, Recreation and Cultural Resources Advisory Committee - Singleton
- Senior Citizens Advisory Committee - Behringer
- Veterans Advisory Committee - Matthews

- Human Resources Committee – Vance and Dellinger
- Law & Finance Committee – Matthews and Behringer
- Public Works Committee – Singleton and Vance
- Garner Fire-Rescue Board – Behringer
- Downtown Garner Association (DGA) – Behringer
- Garner Economic Development Corporation (GEDC) – Vance
- NC Capital Area Metropolitan Planning Organization (CAMPO) – Vance as alternate
- Central Pines Regional Council (formerly Triangle J) – Dellinger
- NC League of Municipalities – Matthews as alternate

PETITIONS AND COMMENTS

None

ADOPTION OF AGENDA

Motion: Matthews
 Second: Behringer
 Vote: 5:0

PRESENTATIONS

None

CONSENT

Voluntary Satellite Annexation Petition # ANX-22-10, 401 Crossing

Presenter: Jeff Triezenberg, Planning Director

Voluntary satellite annexation petition (ANX-22-10) submitted by Ruth Johnson Lee; Joseph Ira Lee, III; L. Alton Johnson Heirs; Joseph I. Lee, III, Trustee of the Joseph I. Lee Revocable Trust; and Peter Daniels Hudgins, Jr. & Lena R. Hudgins to bring 72.25 +/- acres into the satellite corporate limits of the Town of Garner. The property is generally located at 5715 Fayetteville Road and may be otherwise identified as Wake County PIN(s) 0790781096, 0790788067, 0790889826, 0790884847, 0790886087, 0790886098, 0790780066, 0790897596, 0790992265, 0790992386, 0790992476, 0791902864, 0790992175, 0790885319, 0790981008, 0790882057, 0790783046, 0790981161, 0790885048, 0790881017, 0790785341, 0790889068, and 0790888028.

Action: Approve Resolution (2023) 2553 setting public hearing for December 19, 2023.

Legal Department Staffing

Presenter: Terri Jones, Town Attorney

An Assistant Town Attorney position was requested to assist the Legal Department in meeting the Town's increased need for legal services.

Action: Authorize the addition of an Assistant Town Attorney to the Position Classification List

Inspections Department Staffing Request

Presenter: Paul Padgett, Inspections Director

Request to add 2 additional Building Inspector II positions to the funded positions to meet the increased workload caused by the growth and demand in the Town's jurisdiction.

Action: Authorize approval of 2 additional Building Inspector II positions within the Inspections Department

Action: Approve Consent Agenda

Motion: Matthews

Second: Singleton

Vote: 5:0

PUBLIC HEARINGS

None

NEW/OLD BUSINESS

Tier 2 Conditional Rezoning # CZ-MP-23-01, Dougher Light Industrial

Presenter: Ashley Harris, Planner

Tier 2 conditional rezoning request (CZ-MP-23-01) submitted by Windsor Commercial to rezone 3.75 +/- acres from Residential 2 (R2), Light Industrial (LI), Light Industrial (LI C14) Conditional, and Light Industrial (LI C73) Conditional to Light Industrial (LI C271) Conditional for the development of an additional industrial shell building. The site is at the northwest corner of East Garner Road and High Hope Lane, and may be further identified as Wake County PIN #'s 1721313405, 1721313154, 1721311388 and a portion of 1721311177.

Action: I move that the Town Council accept the Planning Commission's written statement regarding consistency of the zoning amendment request with adopted land use plans, detailed in Section VI of the staff report, as our own and I further move that the Town Council adopt Ordinance No. (2023) 5228 approving rezoning CZ-MP-23-01, as the request is reasonable and in the public interest because it will likely encourage redevelopment and reuse of existing sites and building that are complimentary to the surrounding area.

Motion: Singleton

Second: Matthews

Vote: 5:0

Tier 1 Conditional Rezoning Request # CZ-23-01, Jones Sausage Assemblage

Presenter: Ashley Harris, Planner

Conditional district rezoning request (CZ-23-01) submitted by Garner (Jones Sausage 2) PBX LLC to rezone approximately 0.17 +/- acres from Residential 4 (R4) and 2.59 +/- acres from Commercial Mixed Use (CMX) to Commercial Mixed Use (CMX C270) Conditional. The site is located along the frontages of Jones Sausage, Martin Branch and Tharrington roads, and may be further identified as Wake County PIN(s) 1721274716, 1721274887, 1721275737, 1721276727, 1721276893, 1721275626 and 1721274632.

Council Member Dellinger asked about conversations with GDC and their local area plan. Ms. Kraut responded that GEDC has withdrawn any opposition will be a part of the conversations moving forward. GEDC has also invited in the small the property owners to be a part of the stakeholders group.

Action: I move that the Town Council accept the Planning Commission's written statement regarding consistency of the zoning amendment request with adopted land use plans, detailed in Section V of the staff report, and find the request inconsistent due to plan consistency; yet, I also move that the Town

Council adopt Ordinance No. (2023) 5229 approving rezoning CZ-23-01, as the request is still reasonable and in the public interest because it will likely allow a mix of smaller, leaner and cleaner manufacturing and industry with office and/or ground-floor retail; even housing and be compatible with present zoning of adjacent property and with the character of the corridor.

Motion: Vance
Second: Behringer
Vote: 5:0

COMMITTEE REPORTS

Council Member Matthews reported that the Veteran’s Committee met and are working on their plans for 2024 as well as reminding everyone that there will be a Gold Star wreath laying ceremony at the Veterans Memorial Park on December 16th.

MANAGER REPORTS

- A Jolly Broadway Holiday concert with David Burnham will be on December 9th at 7:30 p.m. at the GPAC.
- Holiday Movie Matinee on December 10th at 2:00 p.m.
- The Neuse River Big Band's Swingin' Holiday concert will be on December 14th at 7:30 p.m. at the GPAC.

ATTORNEY REPORTS

Ms. Jones provided an update on the following Development Agreements

- Walters Buffaloe (aka Cambria Project) – The Development Agreement Addendum has been executed by the Town and Pulte as well as being recorded. Pulte submitted their first monthly report, completed appraisals of the affected property owners, and are working on an agreement on the Ball Rentals property. Road design plans were re-submitted and will be submitted to NC DOT.
- Park at Garner Station –Working on organizing a meeting between Council member Dellinger, Mayor Gupton, and developers to discuss Council member Dellinger’s concerns. This project will go to the Planning Commission next Monday for rezoning and to the PRCR Advisory Committee on December 18th.

COUNCIL COMMENTS

Singleton

- Thanked the Public Works Department for their hard work on the unrestricted yard waste pick-up.

Vance

- Congratulated the Optimust Club and the staff who were integral parts in making the Christmas parade such a success. Council Member Dellinger echoed Mayor ProTem Vance’s comments.

Mayor Gupton and Council Members Matthews and Behringer had nothing to report.

CLOSED SESSION

None

ADJOURN: 7:30 p.m.

Motion: Behringer
Second: Singleton
Vote: 5:0

RE-OPEN THE MEETING: 7:31 p.m.

Action: Change the start time of the December 19th Council Meeting to begin at 5:00 p.m.

Motion: Singleton
Second: Matthews
Vote: 5:0

ADJOURN: 7:38 p.m.

Motion: Matthews
Second: Behringer
Vote: 5:0

DRAFT

**Town of Garner
Town Council Work Session Meeting Minutes
December 19, 2023**

The Council met at 6:00 p.m. in the Ronnie S. Williams Council Chambers at Town Hall, located at 900 7th Avenue, Garner.

CALL MEETING TO ORDER/ROLL CALL: Mayor Buddy Gupton

Present: Mayor Ken Marshburn, Mayor ProTem Elmo Vance, Council Members Gra Singleton, Kathy Behringer, Phil Matthews, and Demian Dellinger

Staff Present: Rodney Dickerson-Town Manager, John Hodges-Asst. Town Manager, Jodi Miller-Assistant Town Manager, David Beck-Finance Director, Jeff Triezenberg-Planning Director, Ashley Harris-Planner, Alison Jones-Development Review Manager, Terri Jones-Town Attorney, and Stella Gibson-Town Clerk

PLEDGE OF ALLEGIANCE: Council Member Kathy Behringer

INVOCATION: Council Member Kathy Behringer

PETITIONS AND COMMENTS

Denise Dunn spoke regarding the parking problems and road hazards caused by the location the Amazon trucks are parking.

ADOPTION OF AGENDA

Motion: Behringer
Second: Singleton
Vote: 5:0

PRESENTATIONS

Fiscal Year 2022-2023 Audit Presentation

Presenter: Tim Lyons, Mauldin & Jenkins CPAs

CONSENT

Voluntary Satellite Annexation Petition #ANX-23-06, 2525 US Highway 70 East

Presenter: Ashley Harris, Planner

Voluntary satellite annexation petition (ANX-23-06) submitted by Drew Thigpen and Garner Property QOZB LLC to bring 16.85+/- acres into the corporate limits of the Town of Garner. The property is generally located at 2525 US Highway 70 East and may be otherwise identified as Wake County PIN 1740122349.

Action: Approve Resolution (2023) 2557 to set the public hearing for February 6, 2024

Voluntary Contiguous Annexation Petition #ANX-23-08, Timber Drive Associates LP

Presenter: Ashley Harris, Planner

Voluntary contiguous annexation petition (ANX-23-08) submitted by Andy McGinty and Timber Drive Associates LP to bring 24.63 +/- acres and 5.57 +/- acres of adjacent intervening public right-of-way for a total of 27.20 +/- acres into the corporate limits of the Town of Garner. The property is generally located at 0 Timber Drive East and may be otherwise identified as Wake County PIN(s) 1720738299 & 1720732562.

Action: Approve Resolution (2023) 2558 to set the public hearing for February 6, 2024

Voluntary Satellite Annexation Petition # ANX-23-09, Garner V Industrial

Presenter: Reginald Buie, Enforcement Administrator

Voluntary satellite annexation petition (ANX-23-09) submitted by Garner Industrial V, LLC to bring 22.47 +/- acres into the satellite corporate limits of the Town of Garner. The property is generally located at 3001 Garner Business Park Drive and may be otherwise identified as Wake County PIN(s) 1730845677.

Action: Approve Resolution (2023) 2559 to set the public hearing for January 16, 2024

Voluntary Contiguous Annexation Petition # ANX-23-10, Golden Trace

Presenter: Reginald Buie, Enforcement Administrator

Voluntary contiguous annexation petition (ANX-23-10) submitted by Amanda H. Bryan, Richard S. Slater, Robert L. Bryan & Timothy S. Bryan to bring 47.62 +/- acres into the corporate limits of the Town of Garner. The properties are generally located at 1725, 1805, 1813, and 1817 New Bethel Church Road and may be otherwise identified as Wake County PIN(s) 1629231622, 1629233112, 1629237034, and 1629239795.

Action: Approve Resolution (2023) 2560 to set the public hearing for January 16, 2024

Voluntary Contiguous Annexation Petition # ANX-23-11, 3201 Waterfield Drive

Presenter: Reginald Buie, Enforcement Administrator

Voluntary contiguous annexation petition (ANX-23-11) submitted by Alfred B. Goodrich to bring 5.34 +/- acres and 1.8 +/- acres of adjacent intervening public right-of-way (7.14 +/- acres total) into the corporate limits of the Town of Garner. The property is generally located at 3201 Waterfield Drive and may be otherwise identified as Wake County PIN(s) 1730033129.

Action: Approve Resolution (2023) 2561 to set the public hearing for February 6, 2024

White Deer Park Splash Pad Project – Design Build Method Criteria PRCR Splash Pad Design and Build

Presenter: Maria Munoz-Blanco, PRCR Director

Resolution establishing the criteria to determine the appropriateness of the Design-Build method of construction delivery for the White Deer Park splash pad project.

Action: Approve Resolution (2023) 2554 for the Design-Build method criteria for the White Deer Park Splash Pad project

Surplus Property

Presenter: David Beck, Finance Director

The Public Works department has a truck that has experienced an engine failure. The cost to repair exceeds the value of the vehicle. The vehicle will be sold and the proceeds will supplement the VERT budget to purchase a replacement.

Action: Approve Resolution (2023) 2555

Voluntary Satellite Annexation Petition # ANX-22-10, 401 Crossing

Presenter: Jeff Triezenberg, Planning Director

Voluntary satellite annexation petition (ANX-22-10) submitted by Ruth Johnson Lee; Joseph Ira Lee, III; L. Alton Johnson Heirs; Joseph I. Lee, III, Trustee of the Joseph I. Lee Revocable Trust; and Peter Daniels Hudgins, Jr. & Lena R. Hudgins to bring 72.25 +/- acres into the satellite corporate limits of the Town of Garner. The property is generally located at 5715 Fayetteville Road and may be otherwise identified as Wake County PIN(s) 0790781096, 0709788067, 0790889826, 0790884847, 0790886087, 0790883098, 0790780066, 0790897596, 0790992265, 0790992386, 0790992476, 0791902864, 0790992175, 0790885319, 0790981008, 0790882057, 0790783046, 0790981161, 0790885048, 0790881017, 0790785341, 0790889068, and 0790888028.

Action: Approve Resolution (2023) 2556 to set the public hearing for January 16, 2024

Action: Approve Consent Agenda

Motion: Singleton

Second: Matthews

Vote: 5:0

PUBLIC HEARINGS

Tier 2 Conditional Rezoning # CZ-MP-22-14, Vintage Garner

Presenter: Ashley Harris, Planner

Tier 2 conditional rezoning request (CZ-MP-22-14) submitted by Thomas H. Johnson, Jr. (Williams Mullen) to rezone approximately 43.26 +/- acres from Light Industrial (LI) and Rural Agricultural (RA) to Commercial Mixed Use (CMX C274) Conditional for a mixed-use development of a maximum of 654 multi-family units and 40,000 square feet of commercial space. The site is located on the west side of US Highway 401 (Fayetteville Road) between Farm Road and Transport Drive and may further be identified as Wake County PIN #'s 1701046088 and 0791932831.

Council Member Singleton was concerned that there were some older properties that have been there for many years.

Tom Johnson with the law firm of Williams Mullen, on behalf of the applicant, highlighted revisions that were made based upon Council's input when the project was last heard, such as elimination of a driveway on Hwy 401, addition of a large central open space area and playground, and confirmation that the buildings will be four-story. Ken Thompson also reviewed the traffic calming measures taken related to the open space island which included raised crosswalks and fencing around the play areas.

Council Member Dellinger stated it was important that these types of projects are revenue positive for the Town.

Mr. Johnson also noted that this project is not intended to include workforce housing as it does not readily have access to public transportation, as well as other services. The housing will be based on market rate.

Katie Cardenas asked if the green areas were going to be open to the public and read a portion of the Garner Forward Plan.

Dwayne Daughtry expressed concern about public safety and the increased amount of traffic this project will cause.

Mayor Gupton encouraged those with concerns to participate in the Planning Commission meeting to learn more about the project.

Action: Consider closing public hearing to refer case to Planning Commission for consistency review and recommendation

Motion: Behringer
Second: Matthews
Vote: 4:1

Council Member Dellinger voted nay.

Zoning Text Amendment # ZTA-23-04, Technical Corrections

Presenter: Jeff Triezenberg, Planning Director

Text amendment (ZTA-23-04) submitted by staff to amend the Town of Garner Unified Development Ordinance (UDO) to correct technical errors and omissions in the initial adoption of the Garner Forward version of the UDO on July 5, 2023.

Action: Close hearing and refer to Planning Commission for plan consistency review and recommendation

Motion: Vance
Second: Matthews
Vote: 5:0

NEW/OLD BUSINESS

Public Service Company of North Carolina Gas Franchise Ordinance

Presenter: Terri Jones, Town Attorney

The Public Service Company of North Carolina, operating as Dominion Energy, has requested that the Town of Garner approve a new thirty-year franchise so that it may continue to operate and maintain a gas utility system within the Town limits. The franchise agreement has been updated to reflect the Town's current practices.

Action: Adopt Ordinance (2023) 5230 granting a gas franchise

Mutual Aid Agreements for Tornado Response

Presenter: Terri Jones, Town Attorney

Several municipalities have offered assistance to the Town to address debris cleanup from the tornado that impacted the Town recently. Mutual aid for reciprocal emergency management has been an

informal practice over the years and this agreement will formalize that process. Mr. Dickerson added that the Town has a really good working relationship with all of the communities in Wake County.

Action: Ratify the Mayor's execution of one or more mutual aid agreements

Motion: Vance
Second: Matthews
Vote: 5:0

Jones Sausage Road Project Update

Presenter: Jodi Miller, Assistant Town Manager, Leah Harrison, Town Engineer and Sara Warren, Budget Director

Staff presented the current scope of the Jones Sausage Road and East Garner Road Intersection improvements as well as steps taken to date and fiscal challenges. With unknown impacts and additional right-of-way cost projections, the current project as designed was unaffordable due to the escalating cost of the project. Pursuing this scope would put the Jones Sausage Road project over budget by \$4.7 million which is a combination of construction and right-of-way costs. At this time, staff was asked to rescope the project.

At the same, the CAMPO awarded the Town \$7.68M for LAPP funding. In reviewing the financial impacts of accepting the LAPP funding, this led to an overall deficit of \$2 million compared to what was budgeted in the CIP.

Council Member Dellinger asked how many intersection improvements could be done in other parts of Garner over the next five or six years that will have a much more substantial impact on the community, adding that he was having a hard time seeing the return on the Town's investment and that there may be other opportunities to partner with developers and leverage some of that money.

Council Member Singleton stated that one of his biggest concerns was that even with the rescoping there would be a fine line and there may be the need for additional funds. Adding that the intersection was dangerous and needed to be improved, but there were other items that could be eliminated in order to have more funds for unexpected expenses. The project should be reduced and rescoped down to 10-20% on construction.

Ms. Harrison responded that staff could continue to look at changes.

Mr. Hodges presented the feasibility of moving forward with the project.

Mary Yarborough stated that the speeding on Jones Sausage Road was a safety concern and that Amazon should contribute to the road improvements.

Action: Approve rescoped project area and accept FY24 LAPP funding and withdrawal of the FY 25 LAPP application.

Motion: Vance
Second: Behringer

Council Member Dellinger asked if there was a way to scope this project down for the funding that would limit the improvements to the intersection and the turn lane widening and extensions. Ms. Harrison explained that during the first rescoping, staff asked the consultant to look at just doing a build

out the intersection and to leave the rest as is. That still included a lot of improvements along Garner Road and it ended up not being feasible. Ms. Harrison added that should the Town accept the award we have the flexibility to use the funding for right-of-way acquisition and construction.

Council Member Singleton stated he would support accepting the award but wanted to see a reduced project from 10 to 20% total on the construction.

Council Member Matthews called for the question.

Vote: 4:1

Council Member Dellinger voted nay.

COMMITTEE REPORTS

None

MANAGER REPORTS

- Talk of the Town
- Storm Clean-Up and Recovery – Public Works continue to remove vegetation from the right-of-way. They have a small crew dedicated to the clean-up efforts. From December 10th through the 19th, crews removed approximately 120 loads, which is estimated at 2,070 cubic yards
- Mr. Hodges and Mr. Triezenberg presented an overview of the enhanced online GIS portal development map in order to improve the accessibility of this information to citizens as well as developers.

ATTORNEY REPORTS

Reported there has been a good response of qualified candidates to fill the Attorney position. Virtual interviews are being scheduled.

COUNCIL COMMENTS

Vance

- Stated the Human Resources Committee will begin interviewing for vacant Committee positions in early January

Behringer

- Attended the Gold Star Wreath Hanging at the Veterans Memorial

Singleton

- Also attended the Gold Star Wreath Hanging event.
- Asked Mr. Hodges to explain the bus servicing
- Regarding Bus Service - We currently have GoRaleigh weekend service on Route 7 – South Saunders that goes to North/South Station – Wal-Mart. GoRaleigh is currently planning to start weekend service on Route 20 – that includes the Garner Rd./White Oak/Timber/Aversboro loop – in September of 2024. They will begin promoting the added service in the June 2024 timeframe.

Matthews

- Recognized Mayor ProTem Vance for serving as the Master of Ceremonies at the Gold Star event. Council Member Behringer led the pledge and Council Member Singleton assisted with reading the names.

- Stated the Veterans Committee is excited about the upcoming events they are working on.

Mayor Gupton and Council Member Dellinger had nothing to report.

CLOSED SESSION

Town Council met with the Attorney and other Town staff to discuss pending litigation and to give instructions to the Attorney on how to proceed.

RETURN TO REGULAR SESSION AND ADJOURN: 8:34 p.m.

DRAFT

Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: January 16, 2024		
Subject: Voluntary Satellite Annexation Petition #ANX-23-07, All Star Mobile Home Park		
Location on Agenda: Consent <input type="checkbox"/>		
Department: Planning		
Contact: Ashley Harris, Planner II		
Presenter: Ashley Harris, Planner II		
Brief Summary: Voluntary Satellite Annexation Petition (ANX-23-07), submitted by Michael Conlon and Chris Barry of ACG All Star, LLC to bring +/- 72.16 acres into the corporate limits of the Town of Garner. The property is generally located at 2217 Michael Dr, north of Simpkins Road and may otherwise be identified as Wake County PIN 0791529528.		
Recommended Motion and/or Requested Action: Consider motion to adopt resolution (2024) 2565 to set public hearing for February 20, 2024		
Detailed Notes: This petition follows requests for public water and/or sewer. Per the Raleigh-Garner Merger Agreement, an annexation petition is required for the extension of service. In the event the Town decides against annexation, the petitioner will be subject to the "outside" rate for water and sewer service.		
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:	JST	
Finance Director:		
Town Attorney:		
Town Manager:	RD	
Town Clerk:		



Town of Garner Planning Department

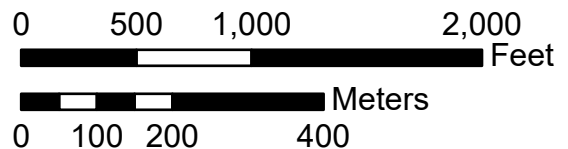
Annexation ANX-23-07



SITE

Existing Town
Limits

Owner: ACG All Star LLC
Location: Simpkins Rd.
Development: All Star MHP
Pin #: 0791-52-9528
Area: +/- 72.16 AC



Planning Department Memorandum

TO: Honorable Mayor Gupton and Town Council Members

FROM: Ashley Harris, Planner II

SUBJECT: ***Voluntary Satellite Annexation Petition # ANX-23-07, All Star Mobile Home Park***

DATE: January 16, 2024

ANNEXATION APPLICATION: ANX-23-07

OWNERS: ACG All Star LLC

CONTIGUOUS / SATELLITE: Satellite

LOCATION OF PROPERTY: 2217 Michael Drive

WAKE COUNTY PIN #: 0791529528

REAL ESTATE ID #: 0009723

AREA: 72.16+/- acres

ZONING: Wake County R-40 Watershed

ASSOCIATED DEVELOPMENT PLAN: This petition follows a request for public water at All Star Mobile Home Park; Per the *Raleigh-Garner Merger Agreement*, an annexation petition is required for the extension of service.

RECOMMENDATION: Set Public Hearing for February 20, 2024.

RESOLUTION NO. (2024) 2565

**RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION OF ANNEXATION
PURSUANT TO G.S. 160A-58.1, AS AMENDED**

WHEREAS, a petition requesting annexation of the areas described herein has been received; and

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

WHEREAS, certification by the Town Clerk as to the sufficiency of said petition has been made;

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

Section 1. That public hearing on the question of annexation of the area described herein will be held at the Town Hall at 6:00 p.m. on the 20th day of February 2024.

Section 2. The area proposed for annexation is described as follows:

- Case # ANX-23-07, All Star Mobile Home Park (Satellite) – 72.16 +/- acres located at 2217 Michael Drive.

Section 3. Notice of said public hearing shall be published at least ten (10) days prior to the date of said public hearing.

Duly adopted this 16th day of January 2024.

Buddy Gupton, Mayor

ATTEST:

Stella Gibson, Town Clerk

Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: January 16, 2024		
Subject: Voluntary Contiguous Annexation Petition # ANX-23-16, Town Liles Property		
Location on Agenda: Consent <input type="checkbox"/>		
Department: Planning		
Contact: Reginald Buie, MPA, CZO; Zoning Administrator		
Presenter: Reginald Buie, MPA, CZO; Zoning Administrator		
Brief Summary: Voluntary contiguous annexation petition (ANX-23-16) submitted by Town of Garner to bring 31.7 +/- acres into the primary corporate limits of the Town of Garner. The property is located at 2518 Benson Road and may be otherwise identified as Wake County PINs 1619445820 and 1619458482. An additional 0.73 +/- acres of intervening right-of-way within Rand Road would be included with this request for a total of 32.43 +/- acres.		
Recommended Motion and/or Requested Action: Consider motion to set public hearing for February 20, 2024. Adopt Ordinance (2024) 2564		
Detailed Notes: The property is currently located outside the Town's ETJ in Wake County's zoning jurisdiction but is owned by the Town of Garner. Per the Swift Creek Land Management Plan, while public water distribution lines and sewer outfalls may not be extended through the site, taps to adjacent lines and annexation are allowed. Because the property is adjacent to the municipally-owned Lake Benson tract which, in turn, is adjacent to the Town's primary corporate limits; this annexation petition is considered contiguous and would be part of the Town's primary corporate limits if and when approved and would subsequently convert the satellite limits around Rand Road Elementary to primary.		
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:	JST	
Finance Director:		
Town Attorney:		
Town Manager:	RD	
Town Clerk:		

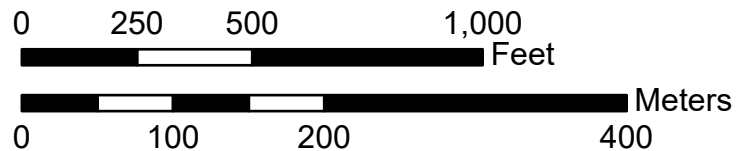


Town of Garner Planning Department

Annexation ANX-23-16



Owners: Town of Garner
Location: 2518 BENSON RD
Pin #: 1619-44-5820, 1619-45-8482
Area: +/- 32.4 Acres in total
 +/- 0.73 Acres in Right-of-Way



Planning Department Memorandum

TO: Honorable Mayor Gupton and Town Council Members

FROM: Reginald Buie, MPA, CZO; Zoning Administrator

SUBJECT: ***Voluntary Contiguous Annexation Petition # ANX-23-16, Town Liles Property***

DATE: January 16, 2024

ANNEXATION APPLICATION: ANX-23-16

OWNERS: Town of Garner

CONTIGUOUS / SATELLITE: Contiguous

LOCATION OF PROPERTY: 2518 Benson Road

WAKE COUNTY PIN #: 1619445820 and 1619458482

REAL ESTATE ID #: 0441981 and 0371577

AREA: 31.7 +/- acres plus an additional 0.73 +/- acres of intervening right-of-way for a total area of 32.43 +/- acres.

ZONING: HD (Wake County) and R-80W (Wake County)

ASSOCIATED DEVELOPMENT PLAN: n/a

RECOMMENDATION: Set Public Hearing for February 20, 2024.

RESOLUTION NO. (2024) 2564

**RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION OF ANNEXATION
PURSUANT TO G.S. 160A-31, AS AMENDED**

WHEREAS, a petition requesting annexation of the area described herein has been received; and

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

WHEREAS, certification by the Town Clerk as to the sufficiency of said petition has been made;

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

Section 1. That public hearings on the question of annexation of the areas described herein will be held at the Town Hall at 6:00 p.m. on the 20th day of February 2024.

Section 2. The area proposed for annexation is described as follows:

- Case # ANX-23-16, Town Liles Property (Contiguous) – 31.70 +/- acres generally located at 2518 Benson Road and may be otherwise identifies as PINs 1619445820 and 1619458482. The request includes 0.73 +/- acres of intervening public right-of-way for a total of 32.73 +/- acres.

Section 3. Notice of said public hearings shall be published at least ten (10) days prior to the date of said public hearings.

Duly adopted this 16th day of January 2024.

Buddy Gupton, Mayor

ATTEST:

Stella L. Gibson, Town Clerk

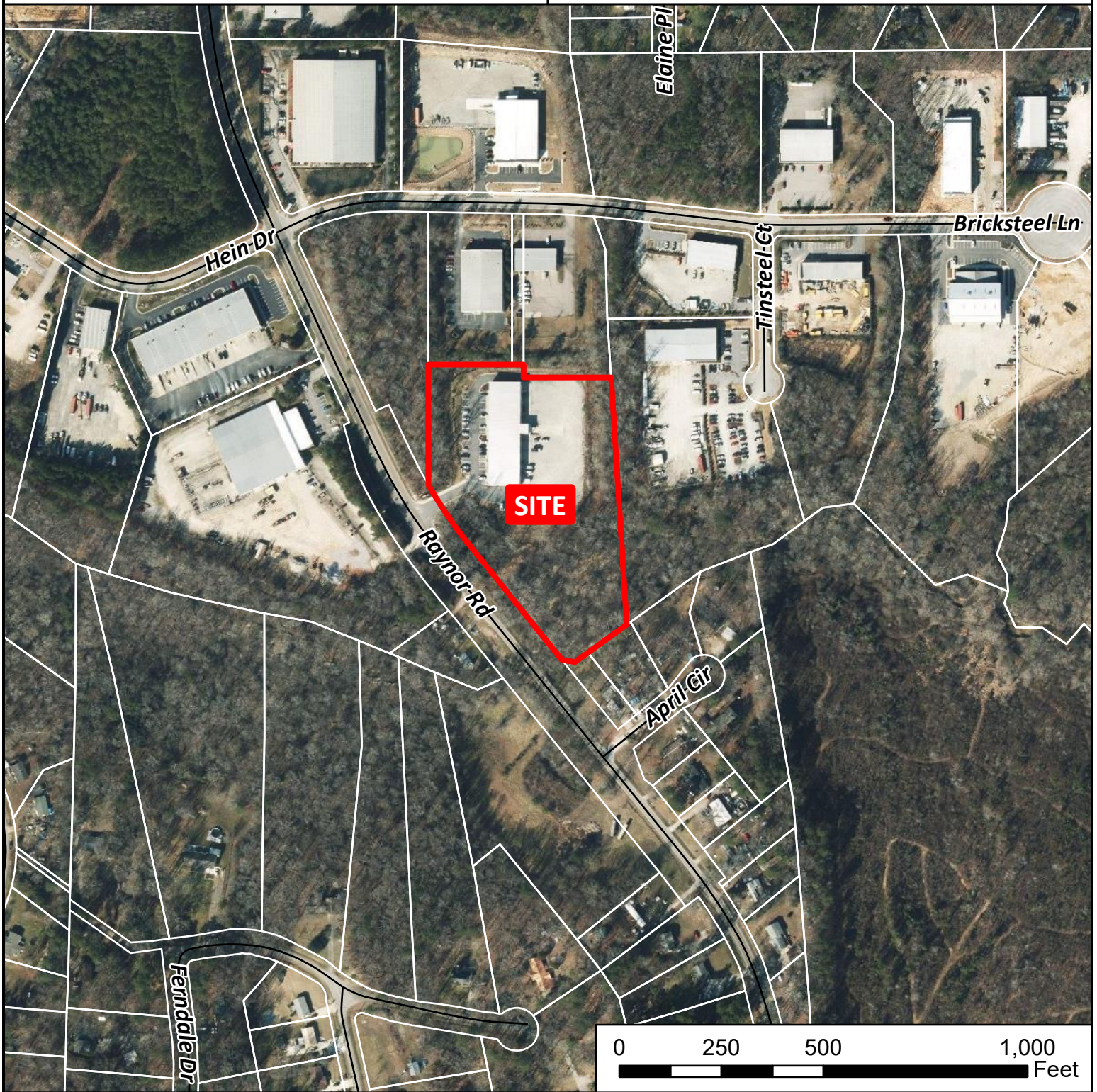
Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: January 16, 2024 <input type="button" value="v"/>		
Subject: SUP-SP-17-30 M23-01, Saad Building Addition		
Location on Agenda: Public Hearings <input type="button" value="v"/>		
Department: Planning		
Contact: Alison Jones, CZO; Development Review Manager		
Presenter: Alison Jones, CZO; Development Review Manager		
<p>Brief Summary:</p> <p>Special use permit major modification request (SUP-SP-17-30 M23-01) submitted by Briarhaven Exchange, LLC to add 7,500 square feet of warehouse/flex space in two buildings to an existing 6.55 +/- acre site housing a 19,545 square-foot warehouse building. The property may be further identified as Wake County PIN# 1730400170.</p>		
<p>Recommended Motion and/or Requested Action:</p> <p>Consider motion to approve Special Use Permit major modification.</p>		
<p>Detailed Notes:</p> <p>Although not required for modifications, a neighborhood meeting was encouraged by staff and held on Tuesday, November 28, 2023. There were no attendees. The applicant will provide statements regarding the Town's eight (8) standard criteria for the granting of a special use permit during the hearing.</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:	JST	
Finance Director:		
Town Attorney:		
Town Manager:	RD	
Town Clerk:		



Town of Garner Planning Department

Special Use Permit Modification SUP-SP-17-30 M23-01



Project: Saad Building Additions
Applicant: Briarhaven Exchange, LLC
Owner: Briarhaven Properties, LLC
Location: 5415 Raynor Road
Pin #: 1730-40-0170

Proposed Use: Warehouse/Flex
Current Zoning: Light Industrial (LI C25) Conditional
Acreage: 5.9 +/-
Overlay: N/A

Planning Department Staff Report

TO: Honorable Mayor Gupton and Town Council Members

FROM: Alison Jones, CZO, Development Review Manager

SUBJECT: *Special Use Permit # SUP-SP-17-30-M23-01, Saad Building Addition*

DATE: January 16, 2024

I. PROJECT AT A GLANCE

Project Number: SUP-SP-17-30-M23-01

Applicant: Briarhaven Exchange, LLC

Owner: Briarhaven Exchange, LLC (Magdy Saad)

Plan Prepared by: Timmons Group

General Description -

Proposed Use(s): Office and Warehouse

Project Location: 5401 Raynor Road

Wake Count PIN(s): 1730-40-0170

Zoning Classification: Light Industrial (LI C25) Conditional

Overlay District: None

Key Meeting Dates –

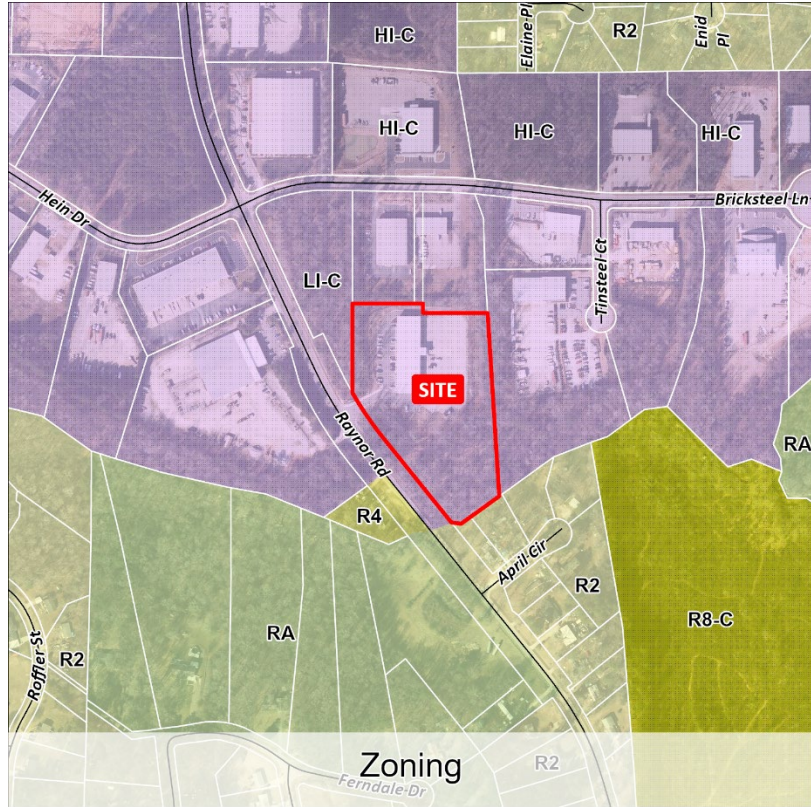
Neighborhood Meeting: November 28, 2023

Public Hearing: January 16, 2024

II. BACKGROUND / REQUEST SUMMARY

Request: Special use permit request submitted by Briarhaven Exchange, LLC to add 7,500 square feet of warehouse/flex space in two buildings to an existing 6.55 +/- acre site housing a 19,545 square-foot warehouse building located at 5401 Raynor Road and may be further identified as Wake County PIN# 1730400170.

As of July 5, 2022, the Town Council approved ZTA-22-01 and CZ-22-01, adopting a new Unified Development Ordinance and establishing new zoning districts. This tract was converted from Mixed Use District 1 (MXD-1 C25) Conditional to Light Industrial (LI C25) Conditional.



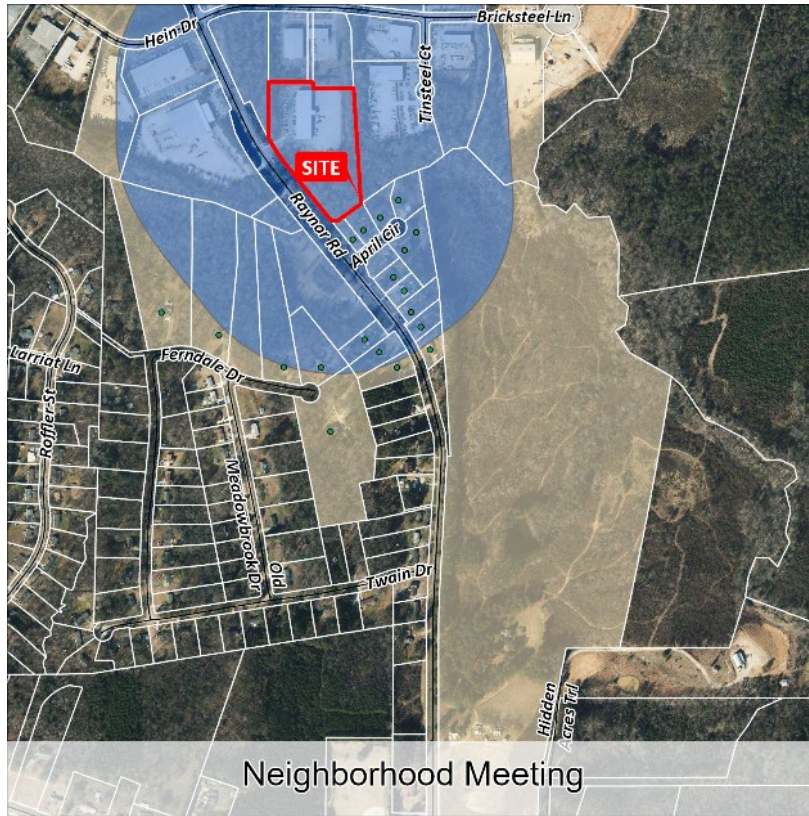
III. COMMUNITY INFORMATION

Overall Neighborhood Character: The predominant land use in this area is non-residential. White Oak Business Park consists of office, warehouse, and flex space uses. This business park and the surrounding commercial areas are primarily zoned Heavy Industrial (HI) Conditional Use, Light Industrial (LI) Conditional Use and Residential 2 (R2).

Traffic: TIA traffic generation thresholds were not triggered by this development, nor were any specific concerns identified by the TRC.

Neighborhood Meeting: Although modifications do not require neighborhood meetings, staff asked the applicant to conduct one and identified approximately 46 properties within the 800-foot notification radius as shown below. The list below was supplied to the applicant for first class mailed notices.

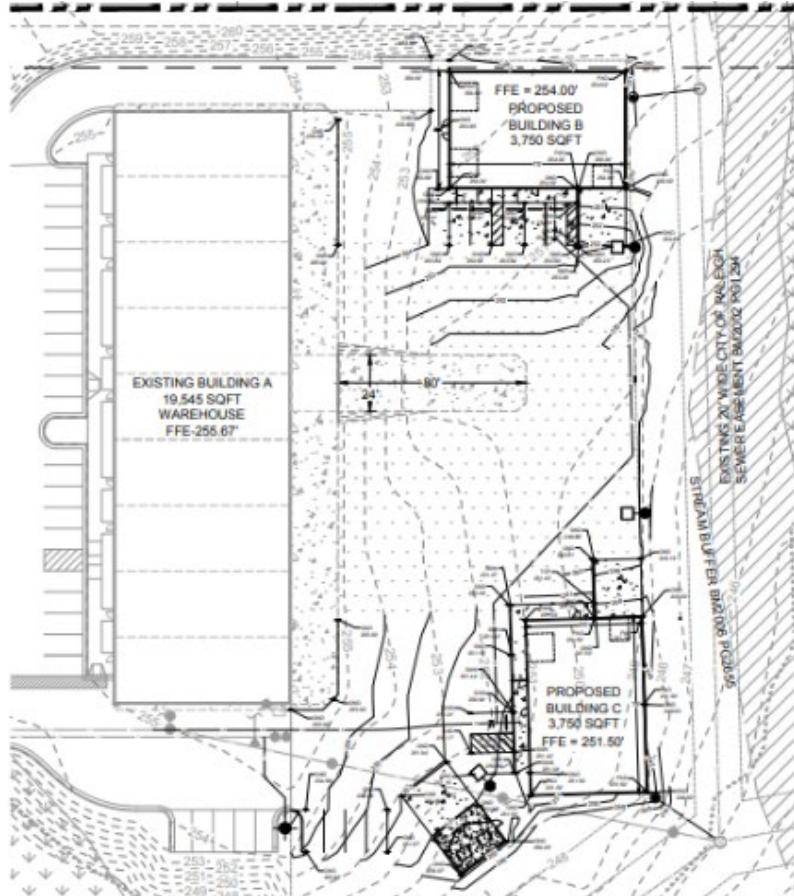
A neighborhood meeting was held at the Garner Chamber of Commerce at 6:00PM on November 28, 2023; with no attendees.



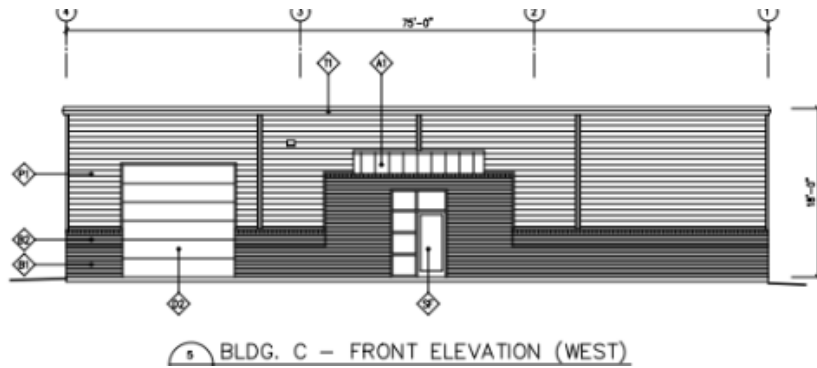
OWNER / OCCUPANT	ADDR1	ADDR2
PICKETT, BURNETT J	5616 RAYNOR RD	GARNER NC 27529-9455
HADDOCK, DONALD DAVID	1424 OPAL CT	RALEIGH NC 27615-2868
FLINT, DOUGLAS DEAN	123 FERNDAL DR	GARNER NC 27529-9515
SMITH, CLARENCE MILTON SMITH, BRENDA F	5605 RAYNOR RD	GARNER NC 27529-9456
SATURDAY PROPERTIES LLC	5335 RAYNOR RD	GARNER NC 27529-9450
GREGORY LAND DEVELOPMENT II LLC	2124 COLLEGE ST	COLUMBIA SC 29205-1023
RALEIGH CITY OF	PO BOX 590	RALEIGH NC 27602-0590
RKP ENTERPRISES LLC	200 TINSTEEL CT	GARNER NC 27529-4182
GARRETT, RAY L FLOYD, SUSAN R	128 FERNDAL DR	GARNER NC 27529-9514
BRICKSTEEL PARTNERS LLC	DOUG WATSON	2475 WENDELL BLVD
SANDERFORD, TAMMY SANDERFORD, RICHARD GILBERT	9008 APRIL CIR	GARNER NC 27529-9501
STANCIL, MELVIN D STANCIL, MIRANDA B	423 W MAIN ST	GARNER NC 27529-3120
BOWERS, DANIEL J BOWERS, AMY CATHERINE	127 FERNDAL DR	GARNER NC 27529-9515
RAD PROPERTIES LLC	2609 OAKRIDGE RIVER RD	FUQUAY VARINA NC 27526-6594
JOHNSON, DAVID LEROY JOHNSON, LIZIE MARIE	9013 APRIL CIR	GARNER NC 27529-9502
SAWYER, WILLIAM EDGAR	5613 RAYNOR RD	GARNER NC 27529-9456
ADAMS, MELANIE S LAMM, MICHELLE A	C/O HAROLD LAMM	5617 RAYNOR RD
RAM INVESTMENTS LLC	PO BOX 1116	GARNER NC 27529-1116
MENDEZ TORRES, LAURA I BASORA JIMENEZ, DANTE R	416 ELAINE PL	GARNER NC 27529-9510
HAYES, SOPHIA HAYES, RICHARD L	9005 APRIL CIR	GARNER NC 27529-9502
JOHNSON, ALLAN E	300 S LANDING DR	CLAYTON NC 27520-7787
BATES FAMILY INVESTMENTS LLC	5500 STANLEY STEEMER PKWY	DUBLIN OH 43016-1208
PRISTINE PARTNERS LLC	800 BRICKSTEEL LN	GARNER NC 27529-4180
RAM INVESTMENTS, LLC	PO BOX 1116	GARNER NC 27529-1116
ESCOBAR, MARCONY SALAZAR, PATRICIA	134 COOKE RD	LOUISBURG NC 27549-9194
WHITE OAK ASSOCIATES	C/O C STEPHEN SMITH	3204 BRENNAN DR
PULLEN PROPERTIES LLC	2000 OLD CRAWFORD RD	WAKE FOREST NC 27587-4998
BRIARHAVEN PROPERTIES LLC	304 BRIARHAVEN CT	GARNER NC 27529-5100
JOLYN TRADING LLC	801 BRICKSTEEL LN	GARNER NC 27529-4181
HOEL INVESTMENTS LLC DIFRANCO INVESTMENTS LLC	PO BOX 16424	CHAPEL HILL NC 27516-6424
VICENTE, JAIRON IZAI PEREZ	131 FERNDAL DR	GARNER NC 27529-9515
FLORES, ADELFO FLORES	160 WILLIS RD	GARNER NC 27529-6773
HEIN DRIVE LLC	1330 SUNDAY DR STE 105	RALEIGH NC 27607-5196
CLAYTON PROPERTIES GROUP INC	5000 CLAYTON RD	MARYVILLE TN 37804-5550
MASSENGILL RENTAL PROPERTIES I LLC	181 GRILL RD	CLAYTON NC 27520-7032
QUINN, TANYA LYNN QUINN, BRANDON JAMES	121 FERNDAL DR	GARNER NC 27529-9515
RALEIGH CITY OF	222 W HARGETT ST	RALEIGH NC 27601-1316
T&R GRADING AND INVESTMENT LLC	421 N HARRINGTON ST STE 200	RALEIGH NC 27603-1151
Current Occupant	5620 Raynor Rd	Garner, NC 27529
Current Occupant	5609 Raynor Rd	Garner, NC 27529
Current Occupant	5612 Raynor Rd	Garner, NC 27529
Current Occupant	5621 Raynor Rd	Garner, NC 27529
Current Occupant	9009 April Cir	Garner, NC 27529
Current Occupant	5617 Raynor Rd	Garner, NC 27529
Current Occupant	9001 April Cir	Garner, NC 27529
Current Occupant	9004 April Cir	Garner, NC 27529

IV. SITE PLAN PROJECT DATA

Acreage: 6.55 +/- acres



Building Design:



Minimum Lot

Size/Dimensions: Min. Width = 100 feet

Setbacks:

Front – 35'
Rear – 0'
Side – 0'
Corner Side – 35'

Landscape and Buffer Requirements:

Landscaping requirements will be met with existing vegetation and supplemented with new plant material.

Tree Canopy Coverage:

- Minimum coverage required: 12%
- Provided: 14.8% preservation

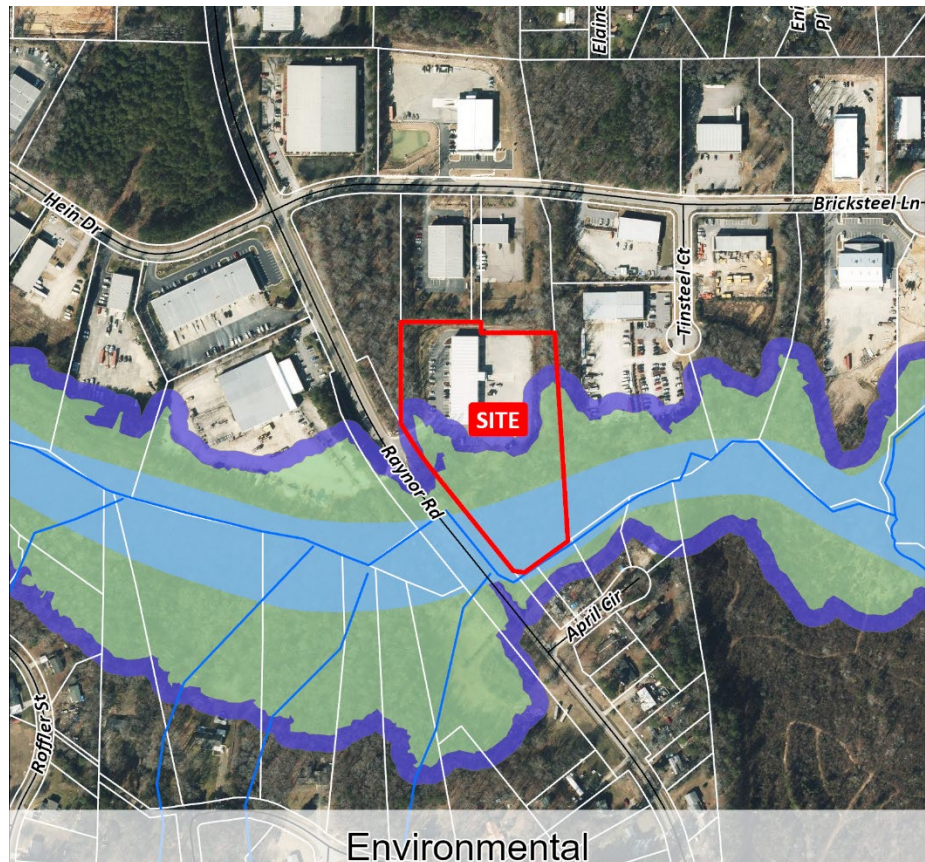
Street Buffers: A 15-foot street buffer along Raynor Road.

Street Trees: Trees provided along public street frontage every 40 feet as required from previous site plan.

Perimeter Buffers: 7.5' northern

Environmental Features:

The site does contain FEMA designated floodplain and wetlands. Neuse River Buffer areas do exist on the site in the southern margins as well. No development is proposed within these areas. If development does occur within environmentally sensitive areas, impact permits from appropriate state/federal agencies will be required.



Parks and Open Space:

Park land and open space are not required for non-residential development.

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

Lighting: Site plan lighting meets both the requirements of the UDO.

Parking: Parking for warehouse is based on 1 space per 1,000 square feet of floor area. Parking for office is 1 space per 500 square feet.

- Required: 12
- Proposed: 12

Infrastructure: **Water/Sewer** - The parcel is connected to the City of Raleigh public water and sewer.



Stormwater Management: Saad Building Addition is a commercial development site that is not located within the watershed protection area. This site is subject to stormwater water quality requirements for nitrogen only. A previous study was done for White Oak Business Park East to demonstrate that detaining water would be detrimental to the downstream watershed so no water quantity is required at this site. The development of this site remains under the 3.6 pounds per acre per year threshold for nitrogen and therefore no nitrogen offset payment is required with the development of this site.

Streets and Access and Frontage Improvements: The building will be served by an existing single driveway off Raynor Road. Raynor Road is currently built to its ultimate section.

V. STAFF RECOMMENDATION

Following technical review and plan revisions, staff finds this project, as now proposed, meets the regulations of the Unified Development Ordinance and may be approved. See the following worksheet for recommended motions.

SUP-SP-17-30-M23-01, Saad Building Addition

Special Use Permit Motion Worksheet

Choose one of the following motions based on your Council findings:

**1. MEETS THE
SPECIAL USE
CRITERIA
AND
APPROVE**

"I find that application # SUP-SP-17-30-M23-01 meets the Town's eight (8) criteria for special use permits as identified in Article 3.9.2.D.; therefore, I move that the Town Council approve SUP-SP-17-30-M23-01, Saad Building Addition.

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.:

2. DOES NOT MEET THE SPECIAL USE CRITERIA AND DENY

"I find that application # SUP-SP-17-30-M23-01 does not meet one or more of the Town's eight (8) criteria for special use permits as identified in Article 3.9.2.D:

(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. If completed as proposed, the development will **not** comply with all the requirements of this Ordinance
because/as evidenced by _____;
4. The proposed use is **not** consistent with the Town's adopted transportation plan(s), other relevant adopted plans and policies, and the stated purpose and intent of this UDO
because/as evidenced by _____;
5. The proposed use is **not** compatible with adjacent uses and proximate neighborhood 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 _____;
6. Any significant adverse impacts resulting from the use will **not** be mitigated or offset, including impacts on the natural environment.
because/as evidenced by _____;
7. 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 _____;
8. **Inadequate** assurances of continuing maintenance have been provided
because/as evidenced by _____;

therefore, I move that the Town Council deny SUP-SP-17-30-M23-01, Saad Building Addition.

Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: January 16, 2024 ▼		
Subject: Voluntary Satellite Annexation Petition # ANX-23-09, Garner V Industrial		
Location on Agenda: Public Hearings		
Department: Planning		
Contact: Reginald Buie, MPA, CZO; Zoning Administrator		
Presenter: Reginald Buie, MPA, CZO; Zoning Administrator		
Brief Summary: Voluntary contiguous annexation petition (ANX-23-09) submitted by Garner Industrial V, LLC to bring 22.47 +/- acres into the satellite corporate limits of the Town of Garner. The property is generally located at 3001 Garner Business Park Drive and may be otherwise identified as Wake County PIN(s) 1730845677.		
Recommended Motion and/or Requested Action: Consider motion to adopt ordinance (2024) 5238		
Detailed Notes: This petition follows approval of SUP-SP-22-09, approved May 2, 2023. The property is currently in the Town's ETJ, but would be incorporated into the Town's satellite corporate limits if approved. Per the Raleigh-Garner Merger Agreement, an annexation petition is required for the extension of service. In the event the Town decides against annexation, the petitioner will be subject to the "outside" rate for water and sewer service.		
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:	JST	
Finance Director:		
Town Attorney:		
Town Manager:	RD	
Town Clerk:		



Town of Garner Planning Department

Annexation ANX-23-09



Owner: Garner Industrial V, LLC
Project: Garner V, Garner Business Park
Location: Garner Business Park Dr.
Pin #: 1730-84-5677
Area: +/- 22.47 AC

Scale: 1:8,000

0 0.05 0.1 0.15 0.2 0.25
 Miles

0 250 500 1,000 1,500 2,000
 Feet



Planning Department Memorandum

TO: Honorable Mayor Gupton and Town Council Members

FROM: Reginald Buie, MPA, CZO; Zoning Administrator

SUBJECT: *Voluntary Satellite Annexation Petition # ANX-23-09, Garner V Industrial*

DATE: January 16, 2024

ANNEXATION APPLICATION: ANX-23-09

OWNERS: Garner Industrial V, LLC

CONTIGUOUS / SATELLITE: Satellite

LOCATION OF PROPERTY: 3001 Garner Business Park Drive

WAKE COUNTY PIN #: 1730845677

REAL ESTATE ID #: 0506890

AREA: 22.47 +/- acres

ZONING: Heavy Industrial (HI)
Commercial Highway Overlay (CHO) District
Limited Access Highway Overlay (LHO) District

ASSOCIATED DEVELOPMENT PLAN: This petition follows a request for public water and sewer with an associated development case – Garner V Industrial (SUP-SP-22-09), approved May 2, 2023; Per the Raleigh-Garner Merger Agreement, an annexation petition is required for the extension of service.

RECOMMENDATION: Adopt annexation ordinance.

KEY DATES:

PUBLIC HEARING: January 16, 2024

ANNEXATION EFFECTIVE: January 16, 2024

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

ORDINANCE NO. (2024) 5238

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

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

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

WHEREAS, the Town Clerk has certified the sufficiency of the petition and a public hearing on the question of this annexation was held at 900 7th Avenue in the Town of Garner Town Hall at 6:00 PM on January 16, 2024, after due notice was published electronically on the Town's website on January 5, 2024; and

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

- a. The nearest point on the proposed satellite corporate limits is not more than three (3) miles from the corporate limits of the Town of Garner;
- b. Where annexation agreements with neighboring municipalities are absent, no point on the proposed satellite corporate limits is closer to the primary corporate limits of another municipality than to the primary corporate limits of the Town of Garner;
- c. The area described is so situated that the Town of Garner will be able to provide the same services within the proposed satellite corporate limits that it provides within the primary corporate limits;
- d. No subdivision, as defined in G.S. 160D-802, will be fragmented by this proposed

annexation;

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

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

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

Section 1. By virtue of the authority granted by G.S. 160A-58.2, the following described non-contiguous territory is hereby annexed and made part of the Town of Garner as of January 16, 2024:

ANX-23-09, Garner V Industrial – Satellite annexation:

22.47 +/- acres located 3001 Garner Business Park Drive and may be otherwise identified as Wake County PIN# 1730845677 or Real Estate ID 0506890.

Legal Description for Annexation

BEING ALL of Tract 1, less the 3.256 acres within the right-of-way for the North Carolina Railroad (NCRR) and containing 22.47 acres more or less, as shown on Final Plat of Exempt Subdivision for Garner V, recorded in Book of Maps 2023, Page 920, Wake County Registry.

Section 2. Upon and after January 16, 2024, 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 and said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

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

Adopted this 16th day of January 2024.

Buddy Gupton, Mayor

ATTEST:

Stella Gibson, Town Clerk

Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: January 16, 2024		
Subject: Voluntary Contiguous Annexation Petition # ANX-23-10, Golden Trace		
Location on Agenda: Public Hearings		
Department: Planning		
Contact: Reginald Buie, MPA, CZO; Zoning Administrator		
Presenter: Reginald Buie, MPA, CZO; Zoning Administrator		
Brief Summary: Voluntary contiguous annexation petition (ANX-23-10) submitted by Amanda H. Bryan, Richard S. Slater, Robert L. Bryan & Timothy S. Bryan to bring 47.6 +/- acres into the corporate limits of the Town of Garner. The properties are generally located at 1725, 1805, and 1813 New Bethel Church Road and may be otherwise identified as Wake County PIN(s) 1629231622, 1629233112, 1629237034, and 1629239795.		
Recommended Motion/Action: Consider adopting Ordinance (2024) 5240		
Detailed Notes: This petition accompanies the Tier 2 Planned Development Rezoning request for Golden Trace (CZ-PD-22-01) approved on February 6, 2023. The property is currently in the Town's ETJ, but would be incorporated into the Town's primary corporate limits if approved. Per the Raleigh-Garner Merger Agreement, an annexation petition is required for the extension of service. In the event the Town decides against annexation, the petitioner will be subject to the "outside" rate for water and sewer service.		
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:	JST	
Finance Director:		
Town Attorney:		
Town Manager:	RD	
Town Clerk:		



Town of Garner Planning Department

Annexation ANX-23-10



Owners: Amanda H. Bryan, Timothy S. Bryan,
Richard S. Slater, Robert Lewis Bryan

Project: Golden Trace

Location: New Bethel Church Rd.

Pin #: 1629-23-9795, 1629-23-3112,
1629-23-1622, 1629-23-7034

Area: +/- 47.62 AC



Scale: 1:8,000

Planning Department Memorandum

TO: Honorable Mayor Gupton and Town Council Members

FROM: Reginald Buie, MPA, CZO; Zoning Administrator

SUBJECT: ***Voluntary Contiguous Annexation Petition # ANX-23-10, Golden Trace***

DATE: January 16, 2024

ANNEXATION APPLICATION: ANX-23-10

OWNERS: Amanda H. Bryan; Richard S. Slater; Robert L. Bryan; & Timothy S. Bryan

CONTIGUOUS / SATELLITE: Contiguous

LOCATION OF PROPERTY: 1725, 1805, 1813 and 1817 New Bethel Church Road

WAKE COUNTY PIN #: 1629231622, 1629233112, 1629237034, and 1629239795

REAL ESTATE ID #: 0009437, 0257113, 0257114, and 0009418

AREA: 47.62 +/- acres

ZONING: Residential 4 (R4)

ASSOCIATED DEVELOPMENT PLAN: This petition follows a request for public water and sewer for Golden Trace (CZ-PD-22-01), approved February 6, 2023. Per the *Raleigh-Garner Merger Agreement*, an annexation petition is required for the extension of service.

RECOMMENDATION: Consider adoption of ordinance

KEY DATES:

PUBLIC HEARING: January 16, 2024

ANNEXATION EFFECTIVE: January 16, 2024

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

ORDINANCE NO. (2024) 5240

**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 the petition and a public hearing on the question of this annexation was held at 900 7th Avenue in the Town of Garner Town Hall at 6:00 PM on January 16, 2024, after due notice was published electronically on the Town's website on January 5, 2024; 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 January 16, 2024.

ANX-23-10, Golden Trace – Contiguous annexation:

47.62 +/- acres located generally at 1725, 1805, 1813 and 1817 New Bethel Church Road; Wake County PIN(s) # 1629231622, 1629233112, 1629237034, and 1629239795 or Real Estate ID(s) # 0009437, 0257113, 0257114, and 0009418.

Legal Description

BEING all of Lot 8A, containing 8.26 acres, as shown on map recorded in Book of Maps 1991, Page 666, Wake County Registry.

BEING all of Lot 1 as shown on Book of Maps 1999 Page 1249, Wake County Registry.

BEING all of the lot addressed “1813” as shown on a recombination plat by Stancil & Associates on June 27, 2017, and recorded in Book of Maps 2017 at Page 1287 of the Wake County, NC Register of Deeds.

BEGINNING at a point in the center of State Road No. 2703, said point marking the southeast corner of Tract No. 8 located in the north line of Tract No. 6; thence for a first call North 26 deg. 45 min. East 1597.40 feet along the east line of Tract 8 to stake in Tates Branch; marking the northwest corner of Tract No. 8; thence along Tates Branch North 77 deg. 09 min. East 25.70 feet to a stake in the dam of a lake on Tates Branch; thence North 87 deg. 34 min. East 347.0 feet along a line through the said lake about the original located of Tates Branch to a point; thence South 49 deg. 44 min. East 110.51 feet to a point in said lake along the original Tates Branch marking the northwest corner of Tract No. 10; thence South 20 deg. 50 min. West 1627.90 feet along the west line of Tract No. 10 to the center of State Road No. 2703 marking the southwest corner of Tract No. 10 in the north line of Tract No. 7; thence along the centerline of said road North 76 deg. 25 min. West 563.85 feet to a point in the center of State Road 2703 marking the northwest corner of Tract No. 7; thence North 74 deg. 04 min. West 50.0 feet along the center of said road to the point and place of BEGINNING. Being Tract No. 9 as shown in the said Mr. & Mrs. Paul L. Bryan Estate Division containing 19.63 acres, more or less, and being subject to the North Carolina State Highway right of way along State Road No. 2703.

The combined area totaling 47.62 +/- acres.

Section 2. Upon and after the 16th day of January 2024, 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 16th day of January 2024.

Buddy Gupton, Mayor

ATTEST:

Stella Gibson, Town Clerk

Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: January 16, 2024		
Subject: Voluntary Satellite Annexation Petition # ANX-22-10, 401 Crossing		
Location on Agenda: Public Hearings		
Department: Planning		
Contact: Jeff Triezenberg, AICP, GISP; Planning Director		
Presenter: Jeff Triezenberg, AICP, GISP; Planning Director		
Brief Summary: Voluntary satellite annexation petition (ANX-22-10) submitted by Ruth Johnson Lee; Joseph Ira Lee, III; L. Alton Johnson Heirs; Joseph I. Lee, III, Trustee of the Joseph I. Lee Revocable Trust; and Peter Daniels Hudgins, Jr. & Lena R. Hudgins to bring 72.25 +/- acres into the satellite corporate limits of the Town of Garner. The property is generally located at 5715 Fayetteville Road and may be otherwise identified as Wake County PIN(s) 0790781096, 0709788067, 0790889826, 0790884847, 0790886087, 0790883098, 0790780066, 0790897596, 0790992265, 0790992386, 0790992476, 0791902864, 0790992175, 0790885319, 0790981008, 0790882057, 0790783046, 0790981161, 0790885048, 0790881017, 0790785341, 0790889068, and 0790888028.		
Recommended Motion and/or Requested Action: Consider motion to adopt Ordinance (2024) 5239		
Detailed Notes: This petition accompanies the Tier 2 Planned Development Rezoning request (CZ-PD-22-03) to be considered for a final decision by the Town Council on January 16, 2024. Since the property is not currently in the Town's ETJ, the annexation petition must be considered at the same time as the possible approval of the development application which would establish Garner zoning for the proposed annexation area. Should the Council be inclined to approve the development application, a vote on the annexation should occur first, so that the territory is within the Town's corporate limits before establishing Town zoning.		
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:	JST	
Finance Director:		
Town Attorney:		
Town Manager:	RD	
Town Clerk:		



Town of Garner Planning Department

Annexation ANX-22-10



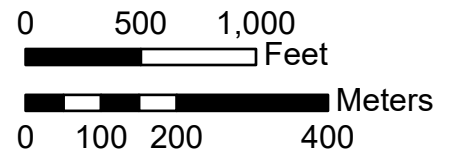
Owners: Ruth Johnson Lee; Joseph Ira Lee, III; L. Alton Johnson Heirs; Joseph I. Lee, III, Trustee of the Joseph I. Lee Revocable Trust; Peter Daniels Hudgins, Jr. & Lena R. Hudgins;

Project: 401 Crossing

Location: Fayetteville Rd / St Patrick Dr

Pin #: 0790781096, 0790788067, 0790889826, 0790884847, 0790886087, 0790883098, 0790780066, 0790897596, 0790992265, 0790992386, 0790992476, 0791902864, 0790992175, 0790885319, 0790981008, 0790882057, 0790783046, 0790981161, 0790885048, 0790881017, 0790785341, 0790889068, and 0790888028

Area: +/- 72.25 AC



Design. Connect. Sustain.



Planning Department Memorandum

TO: Honorable Mayor Gupton and Town Council Members

FROM: Jeff Triezenberg, AICP, GISP; Planning Director;
Ashley Harris, Planner II

SUBJECT: *Voluntary Satellite Annexation Petition # ANX-22-10, 401 Crossing*

DATE: January 16, 2024

ANNEXATION APPLICATION: ANX-22-10

OWNERS: Ruth Johnson Lee;
Joseph Ira Lee, III;
L. Alton Johnson Heirs;
Joseph I. Lee, III, Trustee of the Joseph I. Lee Revocable Trust;
Peter Daniels Hudgins, Jr. & Lena R. Hudgins;

CONTIGUOUS / SATELLITE: Satellite

LOCATION OF PROPERTY: 5715 Fayetteville Road

WAKE COUNTY PIN #: 0790781096, 0709788067, 0790889826, 0790884847, 0790886087, 0790883098, 0790780066, 0790897596, 0790992265, 0790992386, 0790992476, 0791902864, 0790992175, 0790885319, 0790981008, 0790882057, 0790783046, 0790981161, 0790885048, 0790881017, 0790785341, 0790889068, and 0790888028

REAL ESTATE ID #: 0041400, 0041412, 0093673, 0093672, 0041472, 0036082, 0036092, 0036088, 0036097, 0036084, 0036094, 0036096, 0036091, 0036093, 0036089, 0036090, 0036087, 0036095, 0036098, 0041406, 0041409, 0041410, and 0041411

AREA: 72.25 +/- acres

ZONING: Proposed - Commercial Mixed Use (CMX C15)
Conditional

Currently - Wake County Residential 40 Watershed District (R-40W)

ASSOCIATED DEVELOPMENT PLAN: This petition follows a request for public water and sewer for 401 Crossing (CZ-PD-22-03), should it be approved January 16, 2024, or at a subsequent meeting; Per the *Raleigh-Garner Merger Agreement*, an annexation petition is required for the extension of service.

RECOMMENDATION: Should the Council be inclined to approve the associated development application, then the Council should adopt annexation ordinance prior to establishing zoning on the subject property. Conversely, if the Council is inclined to deny the associated development application, then the Council should refuse the petition to annex into the Town's corporate limits.

KEY DATES:

SET PUBLIC HEARING:	December 19, 2023
PUBLIC HEARING:	January 16, 2024
ANNEXATION EFFECTIVE:	January 16, 2024

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

ORDINANCE NO. (2024) 5239

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

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

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

WHEREAS, the Town Clerk has certified the sufficiency of the petition and a public hearing on the question of this annexation was held at 900 7th Avenue in the Town of Garner Town Hall at 6:00 PM on January 16, 2024, after due notice was published electronically on the Town's website on January 5, 2024; and

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

- a. The nearest point on the proposed satellite corporate limits is not more than three (3) miles from the corporate limits of the Town of Garner;
- b. Where annexation agreements with neighboring municipalities are absent, no point on the proposed satellite corporate limits is closer to the primary corporate limits of another municipality than to the primary corporate limits of the Town of Garner;

- c. The area described is so situated that the Town of Garner will be able to provide the same services within the proposed satellite corporate limits that it provides within the primary corporate limits;
- d. No subdivision, as defined in G.S. 160D-802, will be fragmented by this proposed annexation;

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

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

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

Section 1. By virtue of the authority granted by G.S. 160A-58.2, the following described non-contiguous territory is hereby annexed and made part of the Town of Garner as of January 16, 2024.

ANX-23-10, 401 Crossing – Satellite annexation:

72.25 +/- acres located on Fayetteville Rd; Wake County PIN(s) 0790781096, 0709788067, 0790889826, 0790884847, 0790886087, 0790883098, 0790780066, 0790897596, 0790992265, 0790992386, 0790992476, 0791902864, 0790992175, 0790885319, 0790981008, 0790882057, 0790783046, 0790981161, 0790885048, 0790881017, 0790785341, 0790889068, and 0790888028 or Real Estate ID(s) 0041400, 0041412, 0093673, 0093672, 0041472, 0036082, 0036092, 0036088, 0036097, 0036084, 0036094, 0036096, 0036091, 0036093, 0036089, 0036090, 0036087, 0036095, 0036098, 0041406, 0041409, 0041410, and 0041411;

Legal Description for Annexation

ALL THAT CERTAIN LOT, PIECE OR PARCEL OF LAND, WITH BUILDINGS AND IMPROVEMENTS THEREON ERECTED, SITUATE, LYING AND BEING IN SAINT MARY'S TOWNSHIP, COUNTY OF WAKE, STATE OF NORTH CAROLINA, AND BEING MORE PARTICULARLY DESCRIBED AS:

Beginning at a point on the southerly margin of U.S. Highway 401 (150' Public Right-of-Way), said point bearing NC Grid Coordinates N: 710396.29', E 2098212.32' (NAD 83/2011 Datum) and being the common corner with the subject property described herein and the northeasterly corner of Lot 1, Pinedale

Acres (Book of Maps 1962, Page 90, Wake County Records); Thence, along said right-of-way, N 59° 10' 53" E for a distance of 1121.60 feet to a point; Thence, N 59° 10' 53" E for a distance of 109.65 feet to a point of intersection with the westerly margin of Woodcrest Drive (60' Public Right-of-Way); Thence, along said right-of-way, S 56° 18' 16" E for a distance of 127.10 feet to a point; Thence S 00° 07' 49" E a distance of 242.42 feet to a point; Thence, departing said right-of-way, S 89° 52' 11" W for a distance of 200.00 feet to a point; Thence, S 00° 06' 16" E for a distance of 1199.54 feet to a point; Thence, N 89° 53' 44" E for a distance of 200.00 feet to a point on the westerly margin of Woodcrest Drive (60' Public Right-of-Way); Thence, along said right-of-way, S 00° 06' 16" E for a distance of 399.86 feet to a point; Thence, S 89° 51' 17" W for a distance of 200.00 feet to a point; Thence, S 00° 00' 13" E for a distance of 952.50 feet to a point; Thence, S 00° 00' 13" E for a distance of 147.50 feet to a point on the northerly margin of Saint Patrick Drive, formerly known as Sunset Drive (60' Public Right-of-Way); Thence, along said right-of-way, S 89° 59' 59" W for a distance of 1445.24 feet to a point; Thence, departing said right-of-way, N 00° 16' 50" E for a distance of 134.35 feet to a point; Thence, S 89° 28' 41" W for a distance of 306.04 feet to a point; Thence, S 00° 16' 50" W for a distance of 131.57 feet to a point on the northerly margin of Saint Patrick Drive, formerly known as Sunset Drive (60' Public Right-of-Way); Thence, along said right-of-way, S 89° 59' 59" W for a distance of 477.06 feet to a point of intersection with the northerly margin of U.S. Highway 401 (150' Public Right-of-Way); Thence, along said right-of-way, N 32° 58' 11" E for a distance of 152.54 feet to a point; Thence, N 32° 41' 41" E for a distance of 115.04 feet to a point; Thence, N 31° 09' 21" E for a distance of 99.99 feet to a point; Thence, N 28° 14' 43" E for a distance of 99.99 feet to a point; Thence, N 25° 36' 47" E for a distance of 99.98 feet to a point; Thence, N 22° 07' 39" E for a distance of 99.98 feet to a point; Thence, departing said right-of-way, N 88° 57' 03" E for a distance of 387.49 feet to a point; Thence, S 00° 46' 48" E for a distance of 305.00 feet to a point; Thence, N 89° 10' 45" E for a distance of 292.66 feet to a point; Thence, S 89° 09' 05" E for a distance of 7.34 feet to a point; Thence, N 00° 46' 48" W for a distance of 309.77 feet to a point; Thence, N 87° 18' 03" E for a distance of 236.07 feet to a point; Thence, N 00° 26' 00" E for a distance of 1773.92 feet to the point of beginning, containing 74.25 acres, more or less.

Section 2. Upon and after January 16, 2024, the above-described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the Town of Garner and shall be entitled to the same privileges and benefits as other parts of the Town of Garner said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

Section 3. The Mayor of the Town of Garner shall cause to be recorded in the office of the Register of Deeds of Wake County, and in the office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 above,

together with a duly certified copy of this ordinance. Such a map shall also be delivered to the Wake County Board of Elections, as required by G.S. 163-288.1.

Adopted this 16th day of January 2024.

Buddy Gupton, Mayor

ATTEST:

Stella L. Gibson, Town Clerk

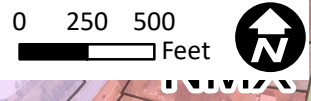
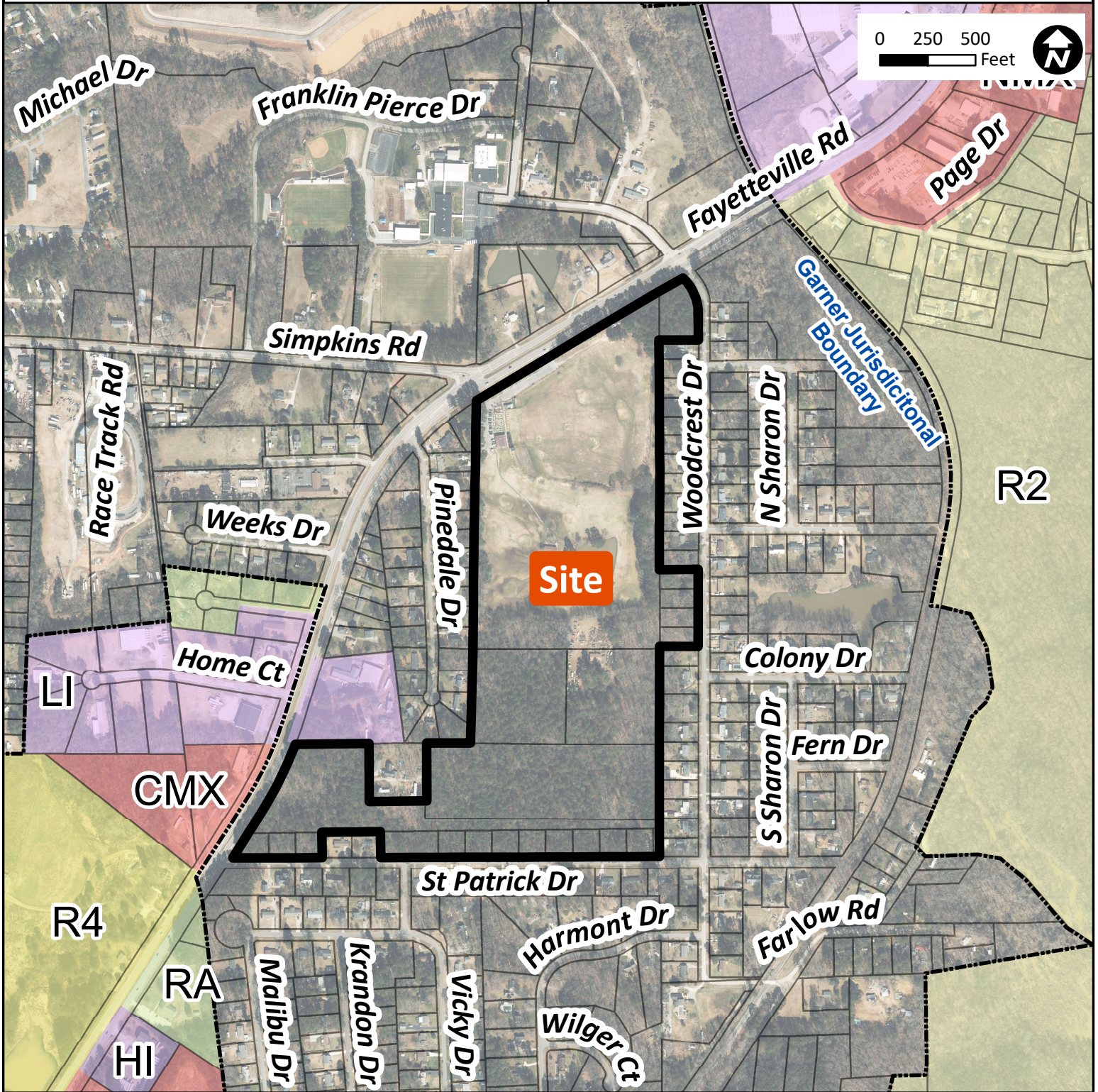
Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: December 19, 2023 ▼		
Subject: Tier 2 Conditional Rezoning # CZ-PD-22-03, 401 Crossing		
Location on Agenda: Old/New Business ▼		
Department: Planning		
Contact: Ashley Harris, Planner II		
Presenter: Ashley Harris, Planner II; Jeff Triezenberg, AICP, GISP; Planning Director		
Brief Summary: <p>Tier 2 conditional rezoning request submitted by the McAdams Company to rezone approximately 72.24 +/- acres from Wake County Residential 40 Watershed (R-40W) to Town of Garner Planned Unit Development (PD C15) Conditional for a mixed-use development of a maximum of 300 single-family residential units (platted individual residential lots), 500 multifamily residential units (multiple units on common lots), and 45,000 square feet of commercial space. The site is located on the southeast side of US 401 between Woodcrest Drive and St Patrick Drive and may further be identified as multiple Wake County PIN(s) - see staff report for full list.</p>		
Recommended Motion and/or Requested Action: <p>Consider motion to approve CZ-PD-22-03 by adopting ordinance (2024) 5237.</p>		
Detailed Notes: <p>Zoning conditions are proposed that restrict the range of permissible uses and to provide architectural commitments for the buildings that address appearance and the quality of materials and construction.</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:	JST	
Finance Director:		
Town Attorney:		
Town Manager:	RD	
Town Clerk:		



Town of Garner Planning Department

Conditional District Zoning Application CZ-PD-22-03



Project: 401 Crossing
Applicant: McAdams
Owner: Multiple
Location: 5715 Fayetteville Road, et al.
Pin #: 0790897596, 0790884847, 0790889826,
 0790885319, 0790785341, et al.

Proposed Use: Planned Unit Development
 (Multiple Uses: See Report)
Current Zoning: R-40W (Wake County)
Proposed Zoning: PD C15
Acreage: 72.24
Overlay: Commercial Highway
 Overlay District³¹



Planning Department Staff Report

TO: Honorable Mayor Gupton and Town Council Members

FROM: Ashley Harris, Planner II

SUBJECT: *Tier 2 Conditional Rezoning # CZ-PD-22-03, 401 Crossing*

DATE: January 16, 2024

I. PROJECT AT A GLANCE

Project Number(s): CZ-PD-22-03, Tier 2 Planned Development Rezoning

Applicant: Laura Holloman, McAdams Co.

Owners: Johnson, L Alton Heirs, Joseph Ira Lee III, Peter Daniel Hudgins Jr, Lena R Hudgins, The Joseph I Lee Jr Revocable Trust, Ruth Johnson Lee

Designer: McAdams Co.

General Description -

Project Area & Location: 72.24 +/- acres

Wake County PIN(s): 0790781096, 0709788067, 0790889826, 0790884847, 0790886087, 0790886098, 0790780066, 0790897596, 0790992265, 0790992386, 0790992476, 0791902864, 0790992175, 0790885319, 0790981008, 0790882057, 0790783046, 0790981161, 0790885048, 0790881017, 0790785341, 0790889068, and 0790888028

Current Zoning: Wake County Residential 40 Watershed District (R-40W)

Requested Zoning: At time of application: Planned Unit Development (PUD C15) Conditional
As of 7/5/2022: Commercial Mixed Use (CMX C15) Conditional

Overlay: At time of application: US 70/401 Overlay (O-70)
As of 7/5/2022: Commercial Highway Overlay (CHO)

Key Meeting Dates:

Public Hearing: August 22, 2023 (continued), October 5, 2023

Planning Commission: November 13, 2023

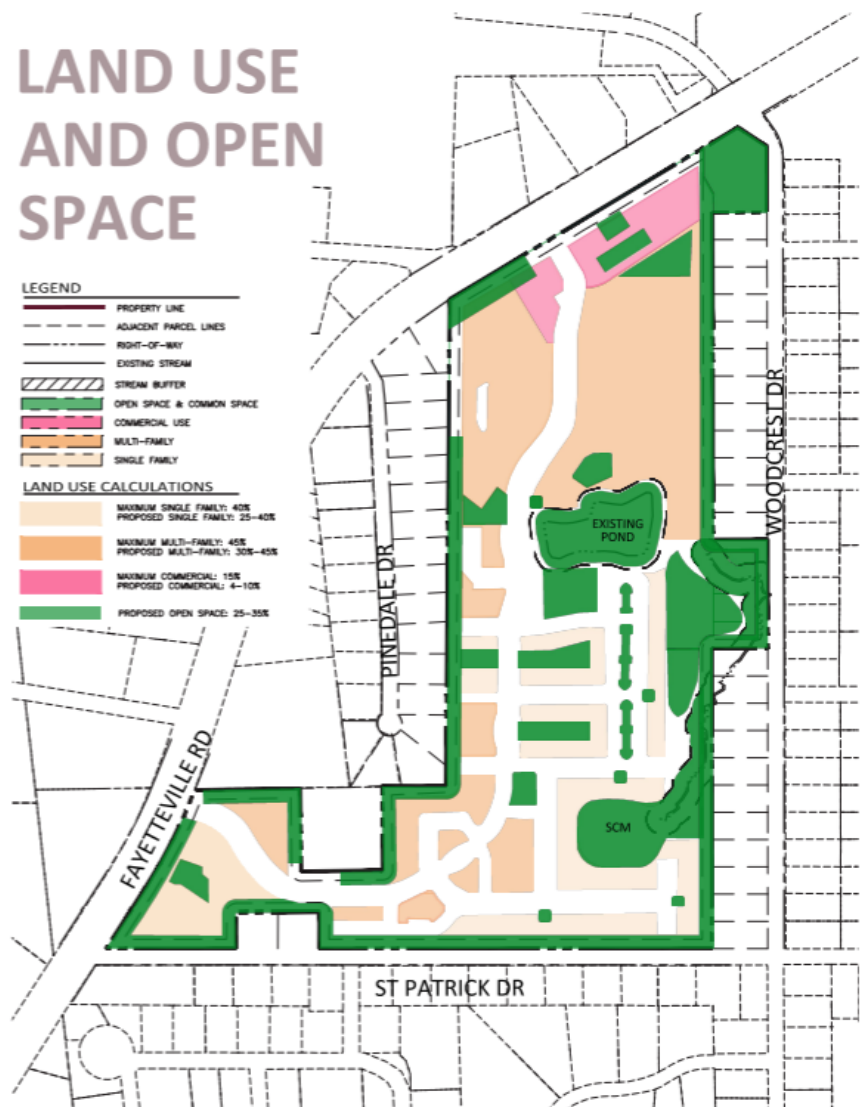
Action: December 13, 2023 (continued), January 16, 2024

II. BACKGROUND / REQUEST SUMMARY

Request: Tier 2 conditional rezoning request submitted by the McAdams Company to rezone approximately 72.24 +/- acres from **Wake County Residential 40 Watershed (R-40W)** to Town of Garner **Planned Unit Development (PUD C15) Conditional** for a mixed-use development of a maximum of 300 single-family residential units (platted individual residential lots, 25-40% land area proposed, max allowed 40%), 500 multifamily residential units (multiple units on common lots, 30-45% land area proposed, max allowed 45%), and 45,000 square feet of commercial space (land area proposed 4-10%, max allowed 15%). The site is located on the southeast side of US Highway 401 (Fayetteville Road) between Woodcrest Drive and St Patrick Drive and may further be identified as Wake County PIN(s) 0790781096, 0709788067, 0790889826, 0790884847, 0790886087, 0790886098, 0790780066, 0790897596, 0790992265, 0790992386, 0790992476, 0791902864, 0790992175, 0790885319, 0790981008, 0790882057, 0790783046, 0790981161, 0790885048, 0790881017, 0790785341, 0790785341, 0790889068, and 0790888028.

Zoning conditions are proposed that restrict the range of permissible uses and to provide architectural commitments for the structures that address appearance and the quality of materials and construction.

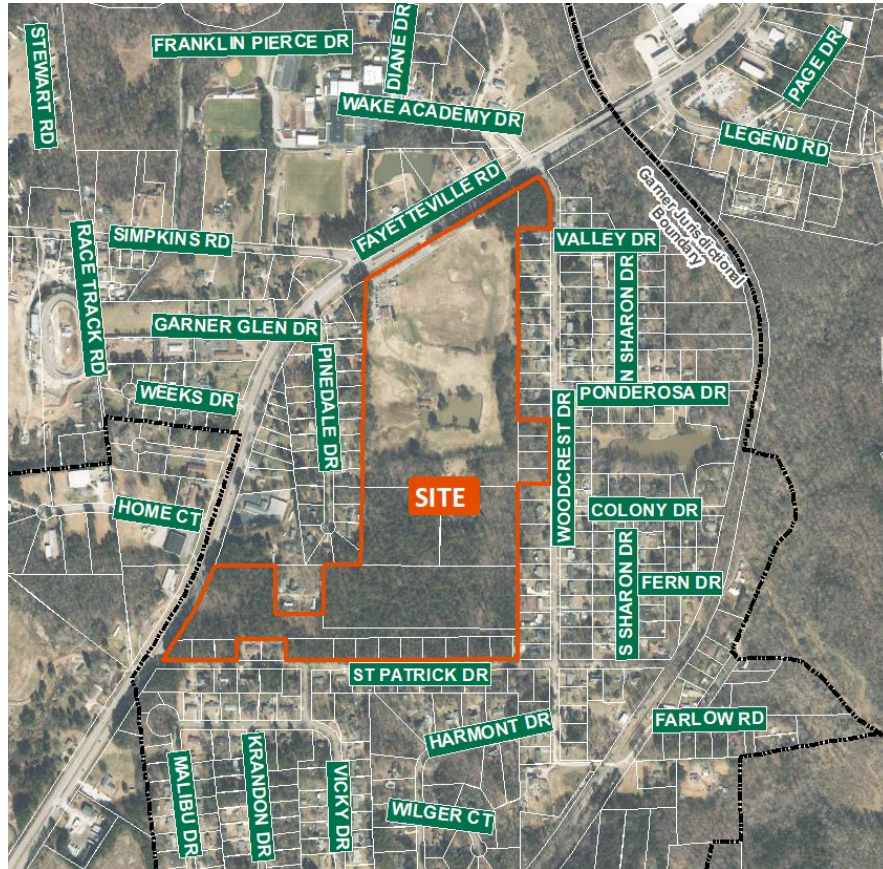
As of July 5, 2022, the Town Council approved ZTA-22-01 and CZ-22-01, adopting a new Unified Development Ordinance and establishing new zoning districts. The request is now amended to be rezoned from Wake County Residential 40 Watershed (R-40W) to Commercial Mixed Use (CMX C15) Conditional. However, due to permit choice rules, the request is to be considered according to the rules of the



former UDO, which was in effect at the time of application (4/29/2022), governing the Planned Unit Development (PUD) district.

Since the opening of the public hearing on August 22, 2023, the applicant has held two additional neighborhood meetings (September 14, 2023; and September 25, 2023), the second of which has met UDO notification requirements, and made adjustments to their request.

Since the continuation of the public hearing on October 5, 2023, the applicant has made additional updates to their PUD document. Updated sections of the preceding version of the staff report are identified in blue.



III. ZONING ANALYSIS

Existing: The site is currently zoned **Wake County Residential 40 (R-40W) Watershed** District. The R-40W zoning district is known as a residential watershed district. These districts allow very-low-density residential development in the form of single-family detached dwellings and duplexes. A limited number of non-residential uses are allowed, but only if the Wake County Board of Adjustment first reviews and approves a site plan and Special Use Permit for such use.

The following is a list of allowable uses in the Wake County R-40W District:

1. Attached House/Townhouse
2. Detached House/Single Family
3. Duplex, Triplex, 4-Plex
4. Lot Line House

5. Mobile Home
6. Family Care Home
7. Group Care Home (SUP)
8. Libraries (SUP)
9. Other Cultural Exhibits/Libraries (SUP)
10. Child Care Home
11. Child Care Center (SUP)
12. Adult Day Care Facility (SUP)
13. Botanical Garden/Arboretum (SUP)
14. Public Recreation (Assembly) Buildings (SUP)
15. All Other Public Parks Recreation
16. Parking, Park and Ride (SUP)
17. Religious Assembly (SUP)
18. Governmental (SUP)
19. School (SUP)
20. Veterinary (SUP)
21. Kennel
22. Shelter
23. Cemetery, Mausoleum, Columbarium (SUP)
24. Family Burial Grounds
25. Bed And Breakfast- Homestay & Residence (SUP)
26. Campgrounds (SUP)
27. Conference Center/Retreat House (SUP)
28. Day Camp (SUP)
29. Firearm/Archery Ranges and Clubs (SUP)
30. Equestrian Facilities/Riding Clubs/Stables (SUP)
31. Fishing Club (SUP)
32. Golf Course (SUP)
33. Golf Course (As Part of Subdivision) (SUP)
34. Marina/Boating Facility (SUP)
35. Recreational Farms/Ranched (SUP)
36. Swimming Pool/Tennis Club (SUP)
37. Swimming/Tennis Club (As Part of Subdivision)
38. Wildlife/Game Preserve (SUP)
39. Outdoor Recreation/Entertainment (SUP)
40. Neighborhood/Convenience-Oriented Retail (w/o Gas Sales) (SUP)
41. Recycling Collection (Household Collection Only) (SUP)
42. Elimination And Redevelopment of Nonconforming Use (SUP)
43. Farm Serving Uses, Class 1 (SUP)
44. Farm Serving Uses, Class 2 (SUP)
45. Farmers Market (SUP)
46. Farmers Market as Part of Public-Civic Use Group
47. Forestry
48. Local Agricultural Market (SUP)
49. Solar Energy Systems (SUP)
50. Special Events (SUP)
51. Static Transformer Stations, Radio/Tv and Towers, Relay Station (SUP)
52. Telecommunications Facility
53. Water Tower

Proposed: The proposed zoning of the site is **Planned Unit Development (PUD C15)**

Conditional. The PUD district is intended to provide for a mix of uses, including commercial and residential uses. PUD provisions are intended to encourage creativity in the design and planning of parcels by allowing greater design flexibility than the underlying base districts to protect natural features and concentrate development in more suitable or less environmentally sensitive areas.

The applicant has proposed the following zoning conditions for the CMX C15 District – based on the regulations for a Planned Unit Development under the applicable ordinance at the time of application:

1. Permitted Use Table

Use Category	Specific Use	CMX C15
Household Living*	Two-Family Dwelling	P
	Townhouse	P
	Multifamily (triplex and higher, including Apartment)	P
Community Service	Library, Museum, Art Gallery, Art Center	P
Day Care	Adult Day Care	P
	Day Care Center	P
Educational Facilities and Services	Music/Dance/Art Instruction	P
Health Care	Medical Clinic	P
Institutions	Nursing Care Institution	P
Entertainment	Theater	P
	Gym, Spa, Indoor Tennis Court or Pool, Private	P
	Indoor Entertainment Facility	P
	Outdoor Athletic or Entertainment Facility, Private	P
	Water Slide, Golf Driving Range, Miniature Golf, Batting Cage or Similar Use	P
Office	Medical Office, Individual	P
	Other Office	P
Religious Institution		P
Restaurants	Restaurant, Drive-In or Outdoor Curb Service	P
	Restaurant, Indoor, with Seating Only	P
	Restaurant with Seating and Drive-Through Window	P
	Restaurant, Take-Out Only (Drive-Through or Walk Up)	P
Retail Sales and Service	Personal Service Oriented Use (excludes commercial greenhouses or any use with outdoor operations)	P
	Hair Salons, Beauty Shops, Barbershops	P
	Banks or Financial Institution	P

Use Category	Specific Use	CMX C15
	Repair Oriented Use (No Outdoor Operations)	P
	Sales Oriented Use (No Outdoor Operations)	P
	Veterinarian/Kennel, Indoor	P
Vehicle Sales and Service	Car Wash (accessory use only)	P
	Convenience Store with Fuel Sales (minimum retail area 3,000 sf)	P
	Vehicle Service, Limited	P

** Any form of group living protected by state or federal statute for use in single-family dwellings shall be permitted according to the specific use standards of the Garner Unified Development Ordinance*

2. Open space, **estimated to be between 25% and 35%** of the total developable land area (Garner UDO Section 8.2), shall contain a minimum of three (3) of the following elements: paved walking trails; cornhole boards; butterfly garden; seat wall; bench; dog park; community garden; cut flower garden; playground; enhanced landscaping.
3. The existing pond will remain as an environmental and amenity feature. The pond's area shall remain at either its current size or greater. The pond shall include at least two of the following:
 - Benches
 - Gazebo
 - Enhanced landscaping
 - Natural (paved) walking trail(s)
4. On-site recreational facilities shall include:
 - A pool
 - Playground
 - Fitness center
 - Passive open space.
5. Perimeter buffer shall be a minimum of 30 feet. Existing trees and vegetation will be used with supplemental native plants.
6. Outside of protected environmental areas, perimeter buffers shall be supplemented with evergreen plant material to achieve 50% evergreen material within the buffer.
7. All supplemental landscaping added to the perimeter buffer landscaping shall utilize native plant material.
8. Foundation condition - will follow developer standards for foundation band board.
 - Townhomes shall have a 12" foundation band board.
 - Cottages shall have an 8" foundation band board.

9. A varied color palette shall be utilized on buildings for each residential portion of the development to include a minimum of two-color families for siding and shall include varied trim, shutter, and accent colors complimenting the siding color.
10. Townhomes, cottages, and duplexes that have frontage on a right-of-way shall have trim around the windows on rear and side elevations.
11. The following shall apply to townhome buildings: Roof line cannot be a single mass; it must be broken up either horizontally and/or vertically between, at a minimum, every other unit.
12. Three of the following decorative elements shall be used on each building: decorative shake, board and batten siding, decorative porch rails and posts, shutters, decorative functional foundation and roof vents, recessed windows, decorative windows, decorative brick or stone, decorative gables, decorative cornices, or metal roofing.
13. Fences not exposed to common open spaces or surrounding stormwater ponds shall be powder-coated aluminum picket type fencing.
14. Vinyl siding shall be prohibited as a building material except as a trim option.
15. All garage doors shall be affixed with carriage door adornments and windows.
16. Multifamily amenity area shall include:
 - A minimum 3,000 sf Clubhouse;
 - A minimum 2,500 sf swimming pool;
 - [Dog Wash Station](#);
 - [Parcel/Mail Room](#);
 - [Coworking Area](#);
 - [Elevators](#);
 - [Covered Parking](#); and
 - All to be constructed within 18 months of issuance of multi-family building permit.
17. Multi-family apartments shall not use vinyl siding and shall have:
 - Cementitious siding that shall vary in type and color with brick, shakes, board and batten, or stone accents provided as decorative features - the masonry component shall be a minimum of fifty percent (50%) per building;
 - Other accessory buildings may only have a masonry wainscot;
 - Offsets in the plane of each facade for each apartment building;
 - Either masonry embellishment or 1x4 casing on all windows.
18. Multi-family apartments shall be located a minimum of 60 feet from existing single-family [residential lot/structure](#).
19. Non-residential buildings shall have architectural treatments such as varying roof forms, façade articulation, breaks in roof, walls with texture materials and ornamental details as well as landscaping may be incorporated to add visual

interest. Large expanses of blank walls, greater than 25' in length or height, shall be broken up with architectural features such as windows, awnings etc. to reduce visual impacts.

20. Adjacent to all perimeter property lines, maximum building height will be limited to four stories.
21. Non-residential building roof features shall include flat roofs with parapet, hip roofs or awnings with metal or canvas material.
22. Amenities that will serve a particular phase shall be built concurrently with that phase.
23. All off-street parking shall meet minimum parking standards outlined in the UDO.
24. Access shall be granted to the now or formerly known as the Carleton property (REID# 001329/PIN# 0790787494) via an access easement.
25. All road frontage improvements shall be made in accordance with the approved TIA (diagram showing committed improvements immediately following this sheet).
26. Streets shall be improved per TOG standards. Each street section shall be improved as follows, Fayetteville Road should be improved to half of a 6-lane thoroughfare with curb, gutter, and a 10' asphalt side path. St. Patrick Dr. and Woodcrest should be improved to half of a major local section with curb, gutter, and sidewalk.
27. Construction entrance shall be located on the subject property.
28. Related construction parking shall be located on site.
29. Developer shall perform a Phase I Environmental Assessment as part of their routine diligence. If contamination is found, and the developer is admitted into the NC Brownfield Program, the developer will follow the conditions provided there-under by NCDEQ.

Overlay Districts: This property falls within the **US 70/401 Thoroughfare (O-70) Overlay District**. This overlay district has additional development standards and use restrictions for properties with frontage along these two corridors. The overlay is explained in Article 4.11 of the UDO. There are several uses that are prohibited or restricted within the overlay district.

Prohibited uses: None of the prohibited overlay district uses are included in the proposed use list provided above.

Prohibited uses adjacent to or within 150 feet of existing residential uses: The following may be expressly included in whole or in part in the proposed use list provided above and are prohibited as noted unless more stringently prohibited by the base zone.

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

None of the prohibited overlay district uses within 150 feet of existing residential uses are included in the proposed use list provided above.

Restricted uses with additional standards (site layout, screening): The following may be expressly included in whole or in part in the proposed use list provided above and are restricted by additional standards unless more stringent standards are already required by the base zone, or they are not permitted by the proposed use list provided above.

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

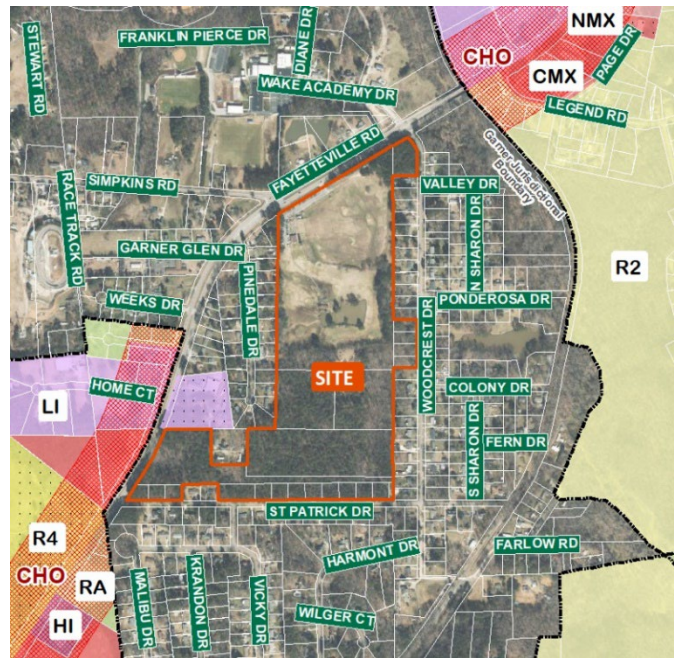
Zoning History: The Planning Department’s rezoning database contains the following rezoning cases in the vicinity of this property. More recent cases are listed below.

Case	Applicant	Location	Zoning Change
CUD-Z-89-3	Longbranch Development Company	Malibu Drive	R-40W & 80W to R-12 PR C29 and SB C30
CUD-Z-96-5	Town of Garner	Fayetteville Road	R-40 to SB C22
PD-Z-14-01	Tony M. Tate	Fayetteville Road (Swift Creek Station)	SB C22, Residential-12 PR C54, Residential-12 PR C29 to TND C2
PD-Z-19-01	Forsyth Investments Company, LLC	Georgia’s Landing	Single-Family R-40 to PRD C6
CZ-22-06	Four O One South LLC	Fayetteville Road	Wake County HD to LI C268

Adjacent Zoning and Land Use:

- North:** Wake County R-40W
Single Family Residential /
Wake Christian Academy
- South:** Wake County R-40W
Single Family Residential /
Colonial Heights
- East:** Wake County R-40W
Single Family Residential /
Colonial Heights

Garner Light Industrial (LI)
Commercial/ Crown Flooring
- West:** Wake County R-40W
Single Family Residential /
Pinedale Acres



IV. COMMUNITY INFORMATION

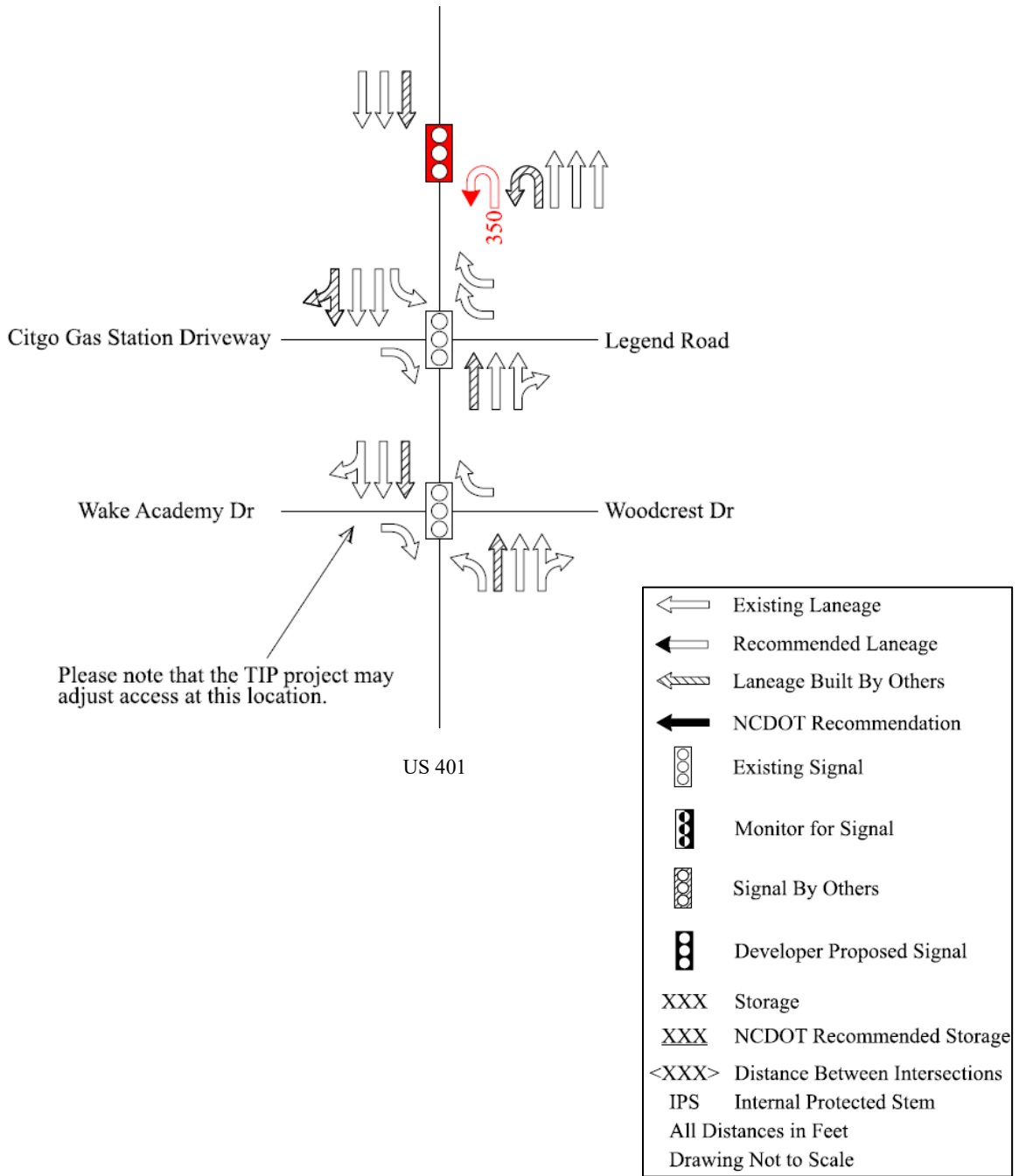
Overall Neighborhood Character: A mixed area of existing county residential subdivision and highway-oriented development. The area is heavily influenced by US 401 as the primary traffic facility in the immediate vicinity.

Traffic: The project will have approximately 1,250 feet along Fayetteville Road at the North property line and 550 feet of frontage along Fayetteville Road at the west side of the property. As general background information only, the NCDOT average daily traffic count history in this area is as follows:

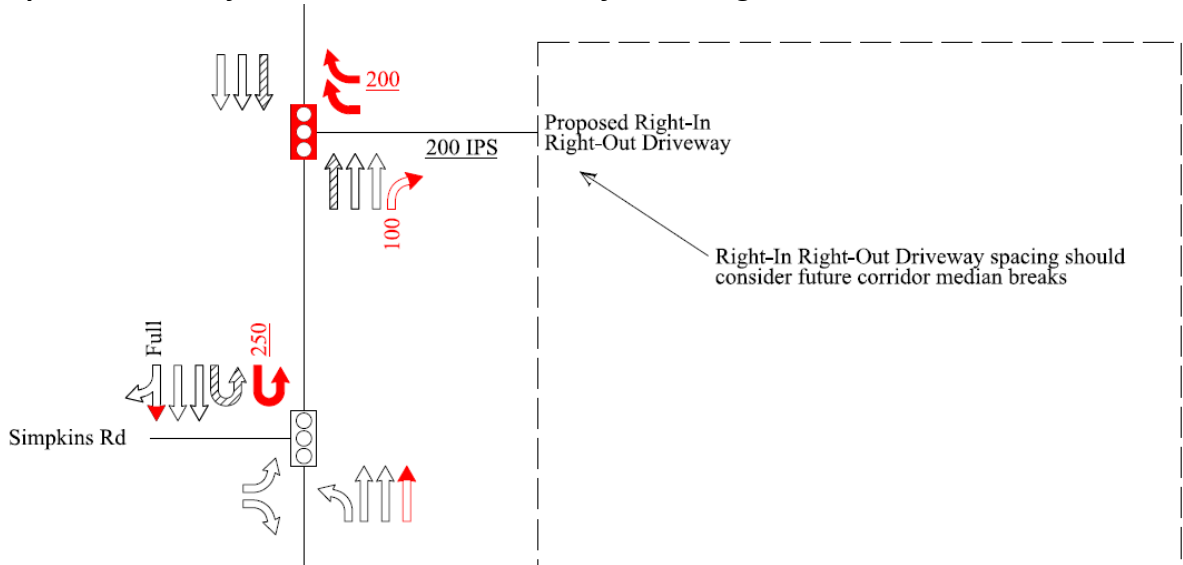
- Year 2011 – 31,000
- Year 2013 – 32,000
- Year 2015 – 33,000
- Year 2017 – 32,000
- Year 2019 – 39,000
- Year 2021 – 29,500

A traffic impact analysis (TIA) was required by both the Town and NCDOT. It was completed in July of 2022, with an additional addendum completed in December of 2022. NCDOT’s Congestion Management Unit recommended the addition of multiple signalized points along US 401 (one intersection and two new U-turn locations – *north of Legend Rd. and between Simpkins Rd and St Patrick Dr.*). Improvements also include a second lane for the southbound U-turn at Simpkins Road and full widening of 401 from just north of Simpkins to a point south of the new southernmost signal (addition of the third travel lane along both directions). Please note that the UDO will also require widening of northbound US 401 along the project’s frontage as well – likely resulting in the full northbound 3-lane section from St. Patrick Drive to Woodcrest Drive with dedicated right-turn lanes as required.

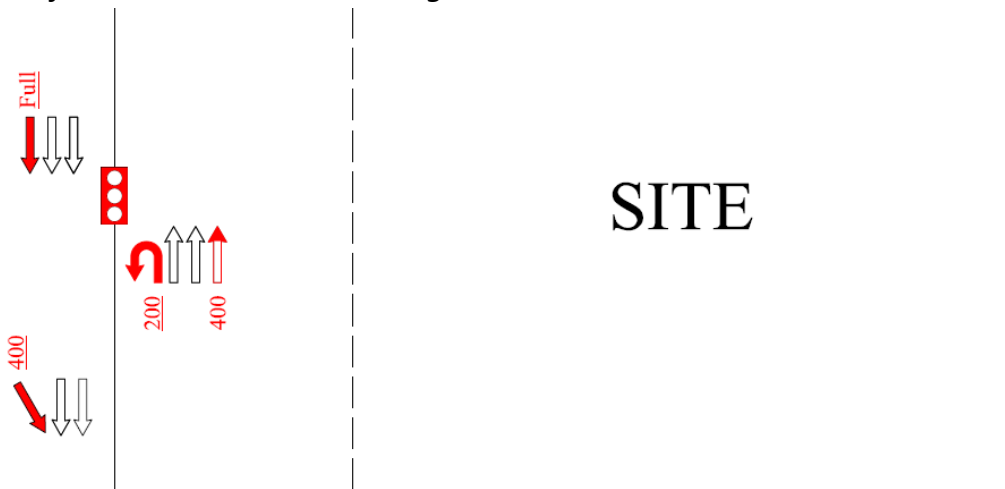
Improvements North of Site along US 401:



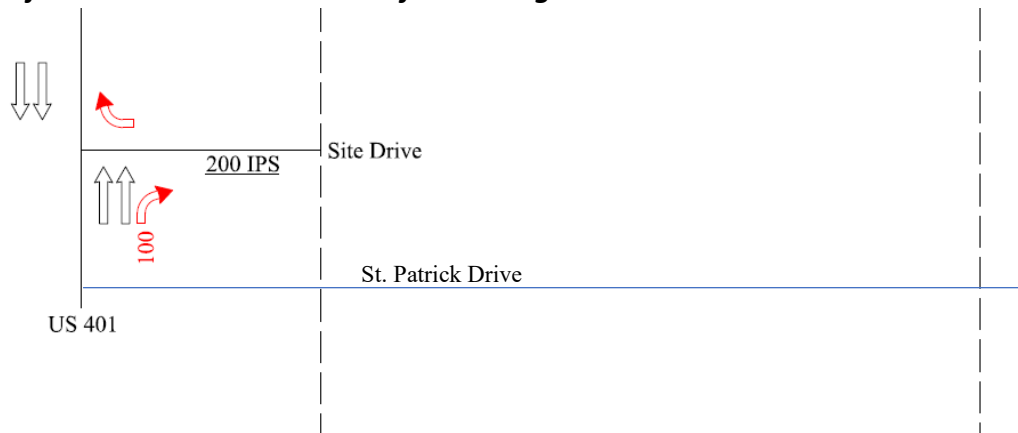
Improvements Adjacent to Northern Portion of Site along US 401:



Improvements Adjacent to Pinedale Area along US 401:

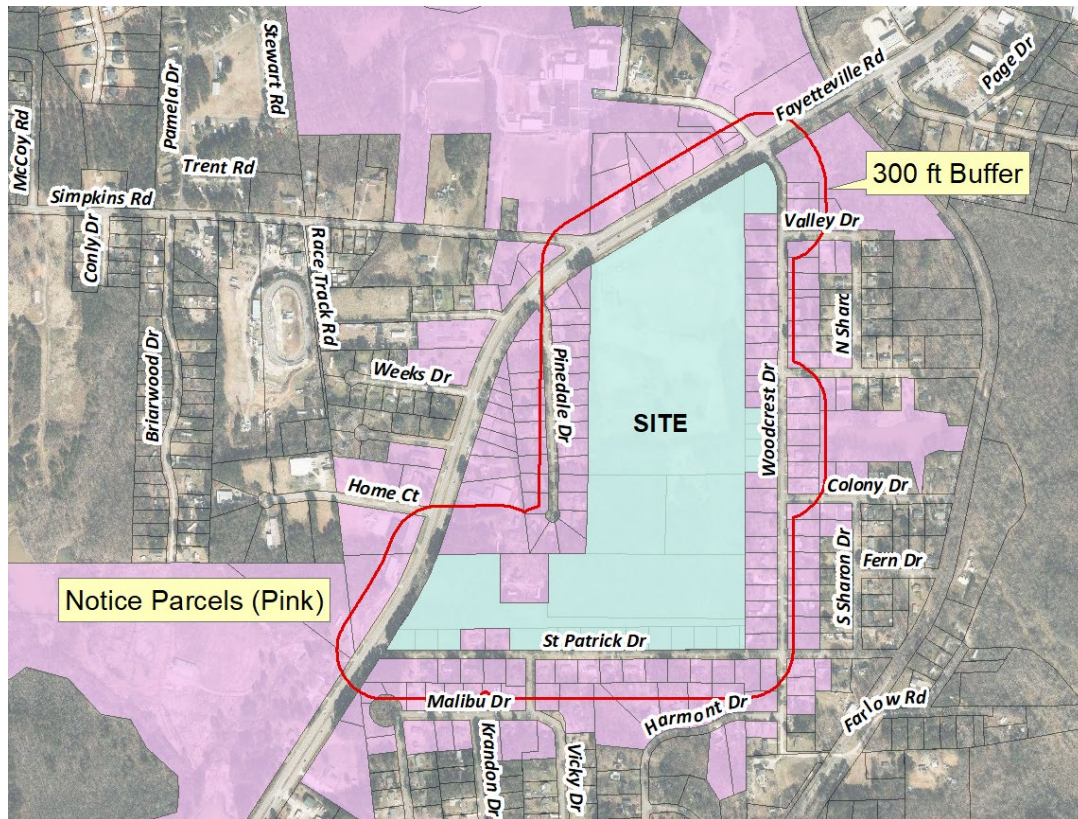


Improvements Adjacent to Southern Portion of Site along US 401:



Neighborhood Meeting: A neighborhood meeting was held May 16, 2022, at 6:00 PM in the Garner Senior Center. There were approximately 40 people in attendance.

Neighborhood Meeting Summary: There were questions regarding the housing products being offered, stream and water quality, landscape buffers and screening, open space, street connections, utilities, the price point of the units, road connections and improvements, impervious surface limitations, the plans for the retail component, and the timeframe for future build-out.



Supplementary Neighborhood Meeting: Although not required, the applicant held a second neighborhood meeting on March 14, 2023. There were approximately 20 people in attendance.

Neighborhood Meeting Summary: There were questions regarding buffer widths, building heights and sizes, DOT approvals, the traffic impact analysis, parking, drainage and impervious surfaces, utility service, overall numbers of dwelling units, timelines, commercial uses, and an adjacent septic field.

Third Neighborhood Meeting: As requested by Council at the public hearing, the applicant held an additional neighborhood meeting on September 14, 2023, at the Garner Senior Center. This meeting was determined by staff to not have met the UDO-required notification requirements. There were approximately 21 neighbors in attendance.

Neighborhood Meeting Summary: There were questions regarding the impervious surface limitations, water and sewer locations, open space, the perimeter buffer, parking, and the TIA/Traffic improvements.

Fourth Neighborhood Meeting: An additional neighborhood meeting was held September 25, 2023, at the Garner Performing Arts Center. This meeting was found by staff to have met the UDO-required notification requirements. There were approximately 30 neighbors in attendance.

Neighborhood Meeting Summary: There were questions regarding the water and sewer locations, parking, the TIA and traffic impacts of the development, the emergency fire access, the unit sizes and target market, and stormwater.

See full neighborhood meeting information attached at the end of this report for further detail regarding all meetings.

Public Hearing Summary: The Town Council began the public hearing at their meeting on August 22, 2023. Please refer to the Town Council Meeting for 8/22/23 video (<https://www.youtube.com/watch?v=TxowmQb9sEo&t=9754s>) at the Town of Garner's YouTube page (<https://www.youtube.com/@TownofGarner/streams>). The staff presentation begins at the 34:00-minute mark of the video, and comments begin at 1:02:00. A number of neighbors spoke opposed to the project; those comments begin at the 1:36:00 mark.

Council discussion focused on neighborhood meetings, road improvements, traffic, future transportation plans for the area, parking, open space, soil quality, environmental considerations, and storm water.

The Town Council continued the public hearing to a future meeting on a vote of 5 to 0. With no date certain specified, it was noted that the continuation of the public hearing would need to be re-noticed by staff.

Public Hearing Summary (resumed): The Town Council continued the public hearing at their meeting on October 5, 2023. Please refer to the Town Council Meeting for 10/5/23 video (<https://www.youtube.com/watch?v=1zrxKt8xvzl>) at the Town of Garner's YouTube page (<https://www.youtube.com/@TownofGarner/streams>). The staff presentation begins at the 1:08:30 minute mark of the video, applicant presentation begins at the 1:19:00 minute mark, and comments begin at 1:38:00. A number of neighbors spoke opposed to the project; those comments begin at the 1:55:00 mark.

Council discussion focused on the open space amenities and calculations, proposed playgrounds, stormwater treatment for the 100-year flood, existing water body on site, and the Phase I Environmental Analysis that will be provided.

The council voted 4-1 to refer the project to the Planning Commission for determination of plan consistency.

Buildings:

Sampling of elevations (units on individual lots):

FOUR UNIT TOWNHOUSE ARCHITECTURAL DETAILS

RENDERINGS

*Elevations are conceptual and subject to change.



*Landscaping shown is not representative of 401 Crossings landscaping. Landscaping and foundation plantings will be native and locally adaptive plant material.

SIX UNIT TOWNHOUSE ARCHITECTURAL DETAILS

RENDERINGS

*Elevations are conceptual and subject to change.



*Landscaping shown is not representative of 401 Crossings landscaping. Landscaping and foundation plantings will be native and locally adaptive plant material.

Cottages on common lots:

COTTAGE COURT ARCHITECTURAL DETAILS

RENDERINGS

*Elevations are conceptual and subject to change.



*Landscaping shown is not representative of 401 Crossings landscaping. Landscaping and foundation plantings will be native and locally adaptive plant material.

MULTI-FAMILY ARCHITECTURAL PRECEDENT

4-5 story product – will require elevators per building code.



Lots and Setbacks:

Perimeter setback: A minimum 25-foot setback along the entire development perimeter is required, except where single-family residential lots of the standard required square footage of the district in which they are located, abut similar single-family development.

The setback from any street bordering the PUD tract is 35 feet unless a greater setback is required by the UDO.

As illustrated in the master plan drawing, all perimeter setbacks are at least double the minimum required.

Building separation: A minimum separation between single-family and multifamily buildings of 60 feet is required.

Landscape and Buffer Requirements:

Tree Canopy Cover:

- Residential: Sliding scale from 18-20% to be met
- Commercial: Sliding scale from 12-14% to be met

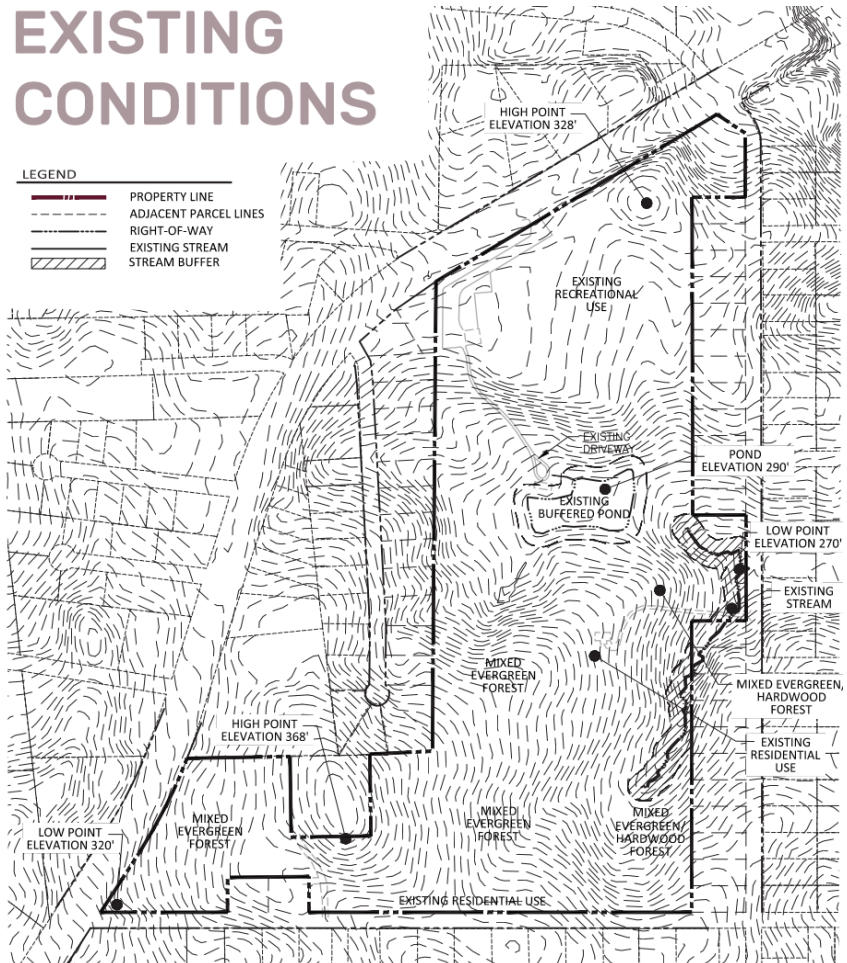
Perimeter Buffers and Screening:

- A 25' perimeter setback is required; however, the applicant has committed to a minimum 30' perimeter buffer being provided.
- A 7.5' street buffer is required along US 401.
- Screening and buffering between uses within the PUD shall be in conformance with Article 7.

Street Trees: Must be provided approximately every 40 feet along all roadways.

Environmental Features:

There are no FEMA designated floodplains on site. There is an existing pond near the center of the site along a stream that is proposed to remain. The stream below the pond and another branch to the south have riparian zones and will be buffered as shown below.



Parks and Open Space: *Open Space*

- Total **common recreation and usable** open space required: 25%
 - Total open space planned: PUD envisions **25% - 35% total** open space – **of which no more than a maximum of 50% may be water bodies**. To be verified at site/subdivision plan review.
- Open space areas will be maintained by an HOA or property manager. Required open space will be met with a combination of qualifying conservation areas and recreation space. Recreation space (shown as improved open space below) will include **2 neighborhood amenities, paved walking trails, linear pocket park, parklets, playgrounds, activity lawns, and a commercial open space area**.

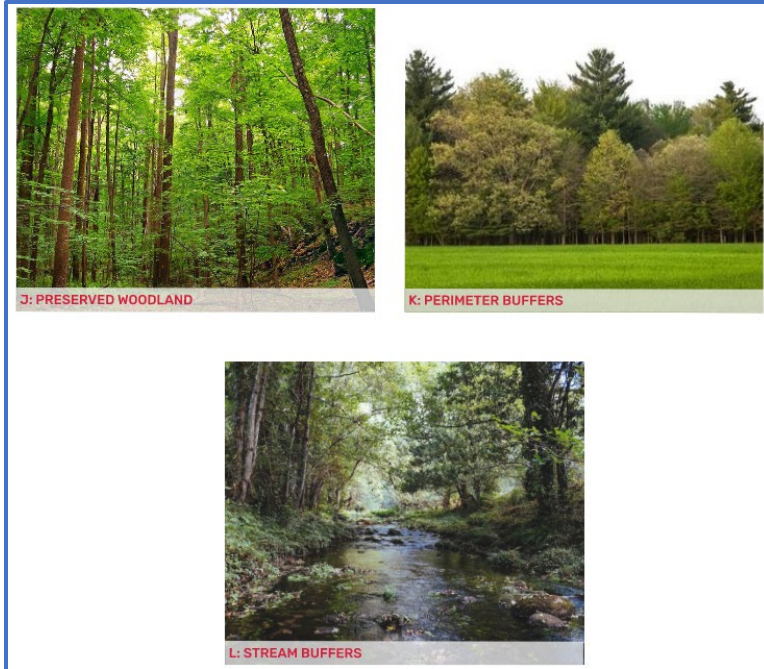
Common Recreation Open Spaces:





Other Passive Open Spaces:





Area	Program	Minimum SF (+/-)	Quantity	Total SF (+/-)
A	Planted Linear Park	16,900	1	16,900
B	Lake Loop	166,450	1	166,450
C	Apartment Amenity Center	12,500	1	12,500
D	Village Green	18,000	1	18,000
E	Parklets	1,640	5	8,200
F	Playgrounds*	10,000	2	20,000
G	Activity Lawns	16,000	5	80,000
H	Hardwood Haven	90,000	1	90,000
I	Townhome and Cottage Amenity Center	31,000	1	31,000
J	Preserved Woodland	60,900	1	60,900
K	Perimeter Buffers**	466,800		466,800
L	Stream Buffer	116,374	1	116,374

*Calculated based on average area, minimum is 8,000sf
 ** Calculated based on minimum 50' typical buffer width

Total Minimum Open Space Provided in square feet: 1,087,124

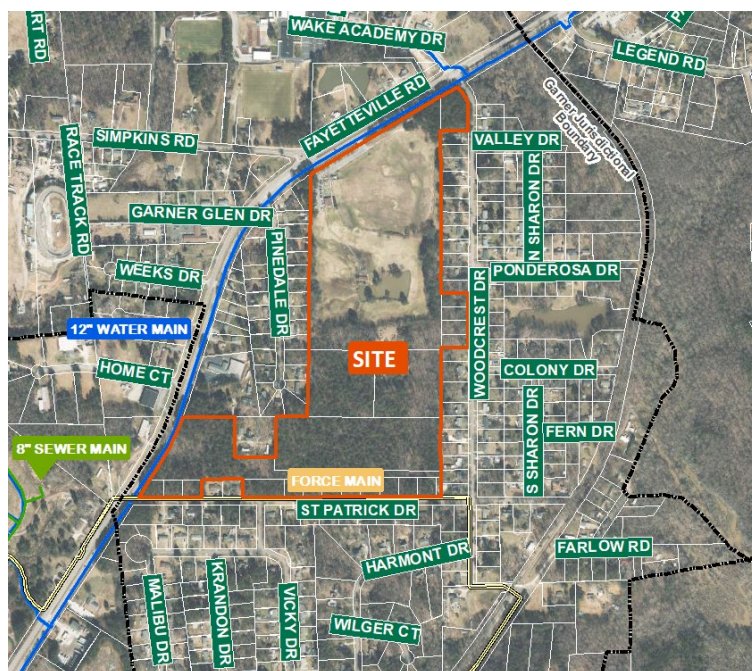
Total Minimum Open Space Provided in acres: 24.96

Lighting: To meet UDO requirements.

Infrastructure: **Stormwater Management** – 401 Crossing is a mixed-use development that is located within the watershed protection area. This site is subject to stormwater water quality requirements for nitrogen as well as water quantity requirements for the 1-, 10-, and 25-year storm events. The development plan proposes four stormwater control measures (SCMs). These SCMs shall satisfy all water quality and water quantity requirements at this site for nitrogen and will be required to detain the 1-, 10-, and 25-year storm events.

Water/Sewer – The site will be served by City of Raleigh water and sewer infrastructure. The proposed water system will comply with section 8.4.7 of the UDO and the City of Raleigh Public Utilities Handbook. A connection will be made to an existing water main in Fayetteville Road (US 401), and a water main will be extended along the property frontage on St. Patrick Drive. For the frontage along Woodcrest Drive, a fee-in-lieu will be paid for a future water extension. Fire hydrants will also be provided in accordance with Section 8.4.9 of the UDO.

The proposed sanitary sewer system will comply with Section 8.4.5 of the UDO and the City of Raleigh Public Utilities Handbook. The sanitary sewer system shall be designed to collect all wastewater from the site and directed off-site to a proposed sanitary sewer outfall that will extend from the eastern boundary of the site to a 24-inch outfall currently under construction at Rollman Farms.



Transportation/Access – The project will have two primary points of access on US 401 and one additional fire/emergency access, which has been coordinated with the Town’s Fire Inspector. Roadways in the residential portions of the site will be private. Additional minor points of access are anticipated along the commercial frontage, subject to NCDOT approval. Access has been coordinated with the adjacent land-locked Carleton property identified by REID 001329 via an access easement. Additional pavement, curb, gutter, and sidewalks will also be required along the frontages.

VI. PLAN CONSISTENCY

Statutory Directive: When considering a rezoning request, the Planning Commission is required by state statute to make a written recommendation regarding the consistency of the zoning proposal with the Town’s current Comprehensive Plan and other applicable adopted plans. Specifically, a comprehensive plan is only advisory in nature and has no independent regulatory effect; nor does it expand, diminish, or alter the scope of the Town of Garner UDO. A determination of inconsistency with the Plan does not preclude a rezoning request from being found to be reasonable. In those cases where the request is deemed inconsistent yet reasonable, an amendment to the Comprehensive Plan is automatically made upon approval of the request.

Planning Commission Meeting Summary: The Planning Commission conducted a consistency review of the case at their meeting on Monday, November 13, 2023. Please refer to the *Planning Commission Meeting for 11/13/2023* video (<https://www.youtube.com/watch?v=UeT385NVCiY&t=4858s>) at the Town of Garner’s YouTube page (<https://www.youtube.com/@TownofGarner/streams>). The staff presentation begins at the 1:21:15 mark of the video, and discussion with the applicant and interested citizens begins at the 1:59:20 mark.

Questions and comments from the Planning Commission included:

- Clarifying the number of SCMs that will be provided with the development;
- Clarifying if the open space calculations may include the retention ponds;
- Expressing an appreciation for the mixing of housing types and the commercial component, as emphasized in the new Garner Forward plan; however, there were questions whether there was enough commercial included in the proposal;
- Expressing concern with the proposed density, incongruity of character with the existing neighborhood, and greater impacts on this region of town;
- Commenting that the recreational open spaces looked to be designed as an afterthought;
- Expressing appreciation for the multi-layered product, central spaces, and intrigue for the cottage court concept, but concern for the density of the development;
- Inquiring if the apartments would have any mixed use included on the ground floor;

- Asking if there was any consideration to do single-family detached closest to St. Partick Drive and why the development does not integrate/connect into the existing community;
- Inquiring about the cottage units and asking if there is any precedent for that type of product in the Triangle;
- Clarifying the proposed density of the project;
- Clarifying if the community would be age restricted;
- Asking for additional information about the parking requirements;
- Questioning if the character of the architecture matches the character of the existing neighborhood and recommending the inclusion of elements such as front entries and front porches that allow for interaction with neighbors;
- Questioning the walkability of the neighborhood, considering the distance from the commercial to the furthest residential units;
- Clarifying if duplexes would be included in the development;
- Asking about the environmental study and if additional soil testing would occur; and
- Clarifying the growth rate used in the TIA, and expressing additional construction traffic concerns.

Three citizens spoke in opposition to the project. Neighbor concerns centered around:

- Desiring access to active recreation spaces and trails;
- Lamenting the loss of the existing open land;
- Noting inconsistencies with the existing Future Land Use Map in effect and the draft new Garner Forward comprehensive plan;
- Noting a lack of compatibility with the existing neighborhood;
- Expressing concerns over the proposed density and character of the proposed development;
- Commenting on stormwater and flooding concerns;
- Clarifying the rules of the Swift Creek Land Management Plan; and
- Noting impacts to wildlife and other environmental concerns.

Relevant Land Use Plan Analysis:

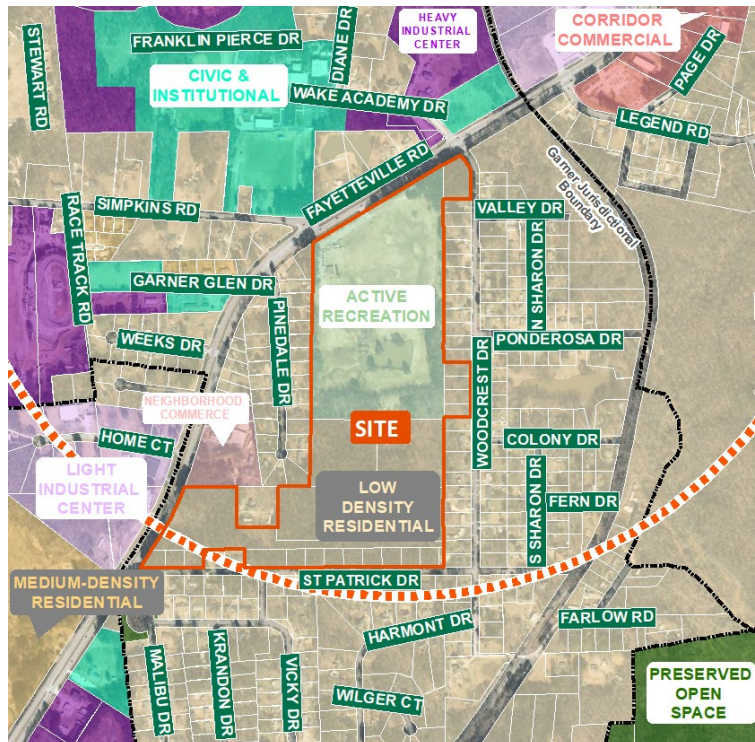
2018 Garner Forward Plan – INCONSISTENT:

The site of the request is designated as an **Active Recreation (ACR)** and **Low Density Residential (LDR)**. The Active Recreation designation refers to ballparks, recreation centers, parks, and other areas designated for public engagement in health and community focused activities. In some cases, stand-alone recreational facilities that charge fees (e.g., YMCA) are included in this designation, but lands and structures are generally public owned and open to the public. The LDR category would be mostly traditional county-approved subdivisions – anything that could be sustained on individual well and septic – with less than two and a half (2.5) units per acre.

The site of the request is also located within a Commercial Future Area of Change (outlined in orange and white below). The Commercial Future Area of Change designation recognized

that conditions within the area, particularly related to the availability of public water and sewer, could influence future land uses, and that it was not unexpected that commercial land uses might then be introduced within that general vicinity.

At the proposed residential densities, the master plan is considered inconsistent with the current adopted land use map; and while the applicant has worked to incorporate recreation amenities and recreation-based commercial uses, the master plan does move away from active recreation as a general rule. It should be recognized that the proposed master plan does introduce some commercial space in support of the changes envisioned in 2018 for this area; however, the general finding by staff is still one of inconsistency with the comprehensive plan.



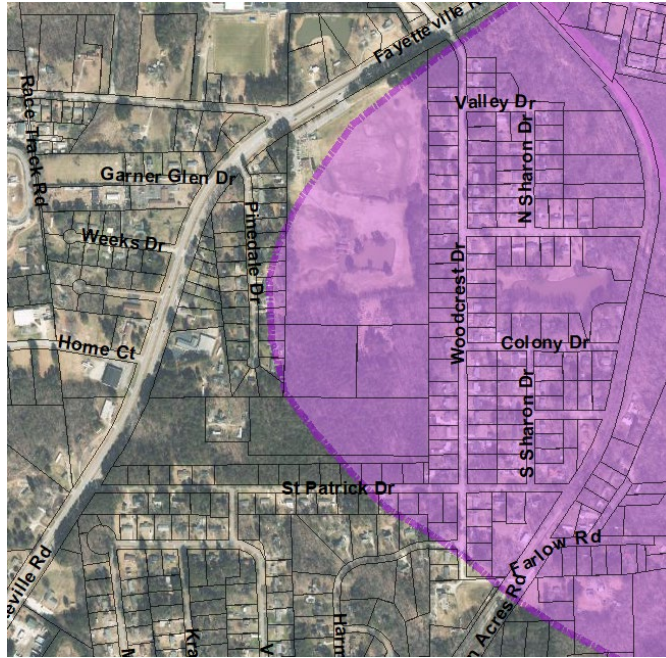
2010/18 Garner Transportation Plan – CONSISTENT:

The 2018 Garner Transportation Plan shows US 401 to be improved to a Six Lane Divided section. This project will have two points of access along US 401 (Fayetteville Road). Additional turn lanes will be added at the project site, in addition to U-turn and acceleration lanes. Pavement widening, curb, gutter and sidewalks will also be required along the US 401 frontage. With these improvements, this project may be considered consistent with the Transportation Plan.

Parks, Recreation, Greenways and Cultural Resources Master Plan – CONSISTENT:

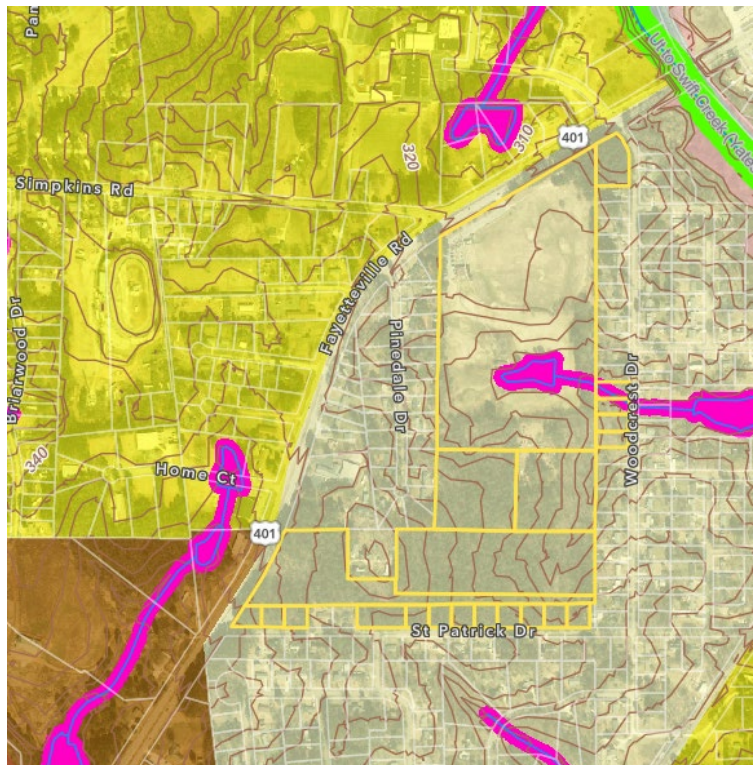
A portion of this project falls within a parkland search area shaded in purple below; however, the plan has been reviewed by Parks, Recreation, and Cultural Resources staff, who have not indicated a desire for the dedication of park land. There is no planned greenway proposed within the project boundary. With the payment of fee in lieu of

parkland dedication this project can be considered consistent with the Parks, Recreation, Greenways and Cultural Resources Master Plan; however, the issue must be formally revisited with the PRCR Advisory Committee at the time of subdivision plan. During this review process, Parks staff have indicated concern for a land dedication here given past uses of the property.



Swift Creek Land Management Plan – CONSISTENT:

This project falls within the boundaries of the Swift Creek Land Management Plan (SCLMP) which is both an interlocal agreement and State law protecting Swift Creek and its associated lakes as a WS-II watershed whose goal is to protect the water quality within the watershed and prohibit industrial wastewater discharges. Member jurisdictions are required to maintain stormwater regulations in keeping with the recommended performance standards of the SCLMP. Garner’s regulations are largely contained within Article 7 of the applicable Unified Development Ordinance.



Although, the site is within the boundaries of the plan, the site is designated Existing Urban Non-Compliance (shown in light yellow below) which means that the impervious surface may be increased to 70% so long as the first inch of rainfall is detained. There are no residential dwelling unit maximum limitations as the plan defers to whatever the underlying zoning does or will permit. With the proposed preliminary stormwater infrastructure, this plan may be considered in conformity with the SCLMP.

Consistency Statement: On a unanimous vote of 5-0, the Planning Commission voted to accept the following consistency statement drafted by staff and recommended denial of CZ-PD-22-03 to the Town Council by citing the inconsistency with the 2018 Garner Forward plan's future land use map and concerns that the proposal was not in keeping with the community's character:

"We, the Planning Commission, accept the staff's consistency analysis and find this request to rezone approximately 72.24 +/- acres from **Wake County Residential 40 Watershed (R-40W)** to Town of Garner **Planned Unit Development (PD C15) Conditional** for a mixed-use development of a maximum of 300 single-family residential units (platted individual residential lots, 25-40% land area proposed, max allowed 40%), 500 multifamily residential units (multiple units on common lots, 30-45% land area proposed, max allowed 45%), and 45,000 square feet of commercial space (land area proposed 4-10%, max allowed 15%) inconsistent with the Future Land Use Map's designation of **Active Recreation (ACR)** and **Low Density Residential (LDR)** in both use and density, despite introducing a commercial component as the plan envisioned would likely occur. However, the project is consistent with other adopted plans including the 2010/18 Garner Transportation Plan, the PRGCR Master Plan, and the Swift Creek Land Management Plan."

VII. REASONABLENESS

Statutory Directive: In addition to approving a statement regarding plan consistency upon the advice of the Planning Commission, the Town Council must also approve a statement of reasonableness when making their decision. Sources of reasonableness may include other sections of the 2018 *Garner Forward Comprehensive Plan* providing guidance on keeping the Town's character, living spaces, working places, recreation opportunities and transportation. Other adopted Town plans and policies providing guidance on parks, greenways, cultural resources and more may serve as sources as well. The Town Council may find that a rezoning request furthers the efforts to achieve specific goals and objectives stated within these plans and policies; and thereby render said request a reasonable one. The converse may also apply.

VIII. RECOMMENDATION

While the request is inconsistent with the land use recommendations of the *Garner Forward Comprehensive Plan*, staff would offer that a reasonable case might be made for supporting the overall request. Reasons the Council may wish to discuss (in addition to their own) as part of their deliberations:

1. While a departure from the residential, industrial and civic uses in this general area, the applicant has incorporated design elements to establish transitions that insulate it from the surrounding neighborhoods including wider perimeter buffers, wider building separations, pulling higher densities and masses to the central and northern portions of the site, and eliminating road connections while still meeting UDO connectivity requirements.
2. When combined with other projects being undertaken by NCDOT, US 401 will be widened to a 6-lane facility northward into Raleigh, thereby increasing road capacity.
3. The choice of a planned district proposal increased the minimum required open space from 10% to 25%.
4. The change in conditions due to the availability of public water and sewer.
5. The proposal is consistent with the recommended comprehensive plan practice of favoring master-planned, larger tracts over smaller, greenfield developments to maximize private contributions and amenities; although it is unclear if the housing might support workforce housing goals.
6. While it is unknown what the cost vs. revenue outcome will ultimately be for this site, the proposal does seek to balance the two by including high quality building materials throughout, structured (taxable) recreation amenities, commercial acreage, and mostly privatized roadways and water/sewer utility lines. Other items that the proposal could consider include a condition committing to 4-story, elevated, multifamily structures; and the addition of garages/storage rooms in the apartment and cottage areas.

Recommended Motion: See following worksheet. Staff has highlighted the most likely motion for both approving (in green – staff recommendation) and denying (in red) the applicant’s request.

CZ-PD-22-03, 401 Crossing
Zoning Amendment Motion Worksheet

Choose one of the following motions (*staff recommendation highlighted in green*):

<p>1. CONSISTENT AND REASONABLE</p>	<p>“I move that the Town Council accept the Planning Commission’s written statement regarding consistency of the zoning amendment request with adopted land use plans, detailed in Section VI of the staff report, as our own; and I further move that the Town Council adopt Ordinance No. (2024) 5237 approving rezoning CZ-PD-22-03, as the request is reasonable and in the public interest because it will likely (<u> <i>select all applicable reasonableness options on next page and/or provide reasoning</i> </u>).”</p>
<p>2. CONSISTENT BUT NOT REASONABLE</p>	<p>“I move that the Town Council accept the Planning Commission’s written statement regarding consistency of the zoning amendment request with adopted land use plans, detailed in Section VI of the staff report, as our own; however, I also move that the Town Council deny rezoning CZ-PD-22-03, as the request is not reasonable nor in the public interest because it will likely not (<u> <i>select all applicable reasonableness options on next page and/or provide your own reasoning</i> </u>).”</p>
<p>3. INCONSISTENT YET REASONABLE</p>	<p>“I move that the Town Council accept the Planning Commission’s written statement regarding consistency of the zoning amendment request with adopted land use plans, detailed in Section VI of the staff report, and find the request inconsistent due to (<u> <i>cite and insert land use plan evidence</i> </u>); yet, I also move that the Town Council adopt Ordinance No. (2024) 5237 approving rezoning CZ-PD-22-03, as the request is still reasonable and in the public interest because it will likely (<u> <i>select all applicable reasonableness options on next page and/or provide your own reasoning</i> </u>).”</p>
<p>4. INCONSISTENT NOR REASONABLE</p>	<p>“I move that the Town Council accept the Planning Commission’s written statement regarding consistency of the zoning amendment request with adopted land use plans, detailed in Section VI of the staff report, and find the request inconsistent due to (<u> <i>cite and insert land use plan evidence</i> </u>); and I further move that the Town Council deny rezoning CZ-PD-22-03, as the request is not reasonable nor in the public interest because it will likely not (<u> <i>select all applicable reasonableness options next page and/or provide your own reasoning</i> </u>).”</p>

See next page for staff-identified possible reasonableness options...

Select all applicable reasonableness options to be included in a motion:	
✓	Promote multi-family housing in select areas.
	Be of an overall design that keeps within the Town's character and improves property values.
	Encourage redevelopment and reuse of existing sites and building that are complimentary to the surrounding area.
	Invest significantly in outdoor spaces and/or promote natural features such as major trees, streams, hills and woodlands.
	Provide attractive and pedestrian-friendly streetscapes that communicate small-town feel and a human-scaled environment.
	Create attractive and unique gateways to Garner; thereby attracting new visitors and encouraging people to return.
	Attract both younger and older populations.
✓	Be located and designed to create good multi-family places with quality exterior materials, open spaces and facades.
	Refocus development on our centers – including Downtown and North Garner.
	Allow/encourage shared-use and mixed-use developments.
✓	Support more 55+ housing opportunities.
	Emphasize new housing styles in walkable, mixed-use locations identified for growth.
✓	Mix housing types in infill areas in harmony with adjoining, older neighborhoods.
	Create better neighborhood appearance by rear-loading driveways and using alleys, promoting walking in front of homes and allowing trash removal to be kept out of sight.
✓	Cluster townhomes, ancillary units, single-family attached and detached homes with similar design characteristics where they can live compatibly.
	Align the development code with the Town's desired ends.
✓	Support work-in-place trends.
	Require all or a high percentage of parking to be at the side or rear of buildings and allow for the creation of enclosed pedestrian spaces.
	Allow a mix of smaller, leaner and cleaner manufacturing and industry with office and/or ground-floor retail; even housing.
	Connect the community internally with open spaces.
	Enhance the surrounding transportation network by providing interconnectivity, constructing proposed greenway trails, improving intersections and/or filling sidewalk gaps.
	Improve Garner's position as a community that is a successful candidate for more fixed route transit services.
	Reflect a significant change in conditions or support a public policy established by the Town since the adoption of applicable land use plans.
	Achieve substantial improvement in the quality of life for Town residents.
	Increase the ability to achieve other goals of the Comprehensive Plan or improve Town operations.
	Other: _____
	Other: _____

May 2, 2022

RE: Neighborhood Meeting – 401 Crossing

Dear Property Owner,

On behalf of the owners of 0 Woodcrest Dr (PIN 0791902864), 5828 Woodcrest Dr (PIN 0790889826), 0 Pinedale Dr (0790884847), 0 St Patrick Dr (PIN 0790885319), 0 Fayetteville Rd (PIN 0790785341), 1912 St Patrick Dr (PIN 0790780066), 1910 St Patrick Dr (PIN 0790781096), 1904 St Patrick Dr (PIN 0790783046), 1808 St Patrick Dr (PIN 0790788067), 1714 St Patrick Dr (PIN 0790881017) 1708 St Patrick Dr (PIN 0790882057), 1700 St Patrick Dr (PIN 0790883098), 1612 St Patrick Dr (PIN 0790885048), 1610 St Patrick Dr (PIN 0790886087), 1604 St Patrick Dr (PIN 0790888028), 1600 St Patrick Dr (PIN 0790889068), 1518 St Patrick Dr (PIN 0790981008), 1514 St Patrick Dr (PIN 0790981161), 0 Woodcrest Dr (PIN 0790992175), 0 Woodcrest Dr (PIN 0790992265), 0 Woodcrest Dr (PIN 0790992386), 0 Woodcrest Dr (PIN 0790992476), and 5715 Fayetteville Rd (PIN 0790897596), I would like to invite you to attend a neighborhood information meeting concerning the development of said property. Specifically, SLI Capital and GTIS Partners has requested a rezoning of said property from R-40 Single Family (40,000 s.f. lots) to Planned Unit Development (PUD) to allow for the development of both commercial businesses and residential. The meeting details are as follows:

May 16, 2022
6:00-8:00PM
Garner Senior Center
205 E Garner Road
Raleigh, NC 27529

Per Town of Garner ordinance requirements, we are notifying you of this meeting because your property is located within the written notification area for public hearings. While this meeting is not a public hearing, it is an opportunity for you to meet with the owners and/or applicants to hear about their intention to rezone and/or develop the land. You are encouraged to ask questions and express concerns so that we may help you to more fully understand the proposed project.

Town Planning staff will not be in attendance at this meeting. Property owners within the notification area will receive a separate notice from Town Planning staff when a public hearing is scheduled before the Garner Town Council.

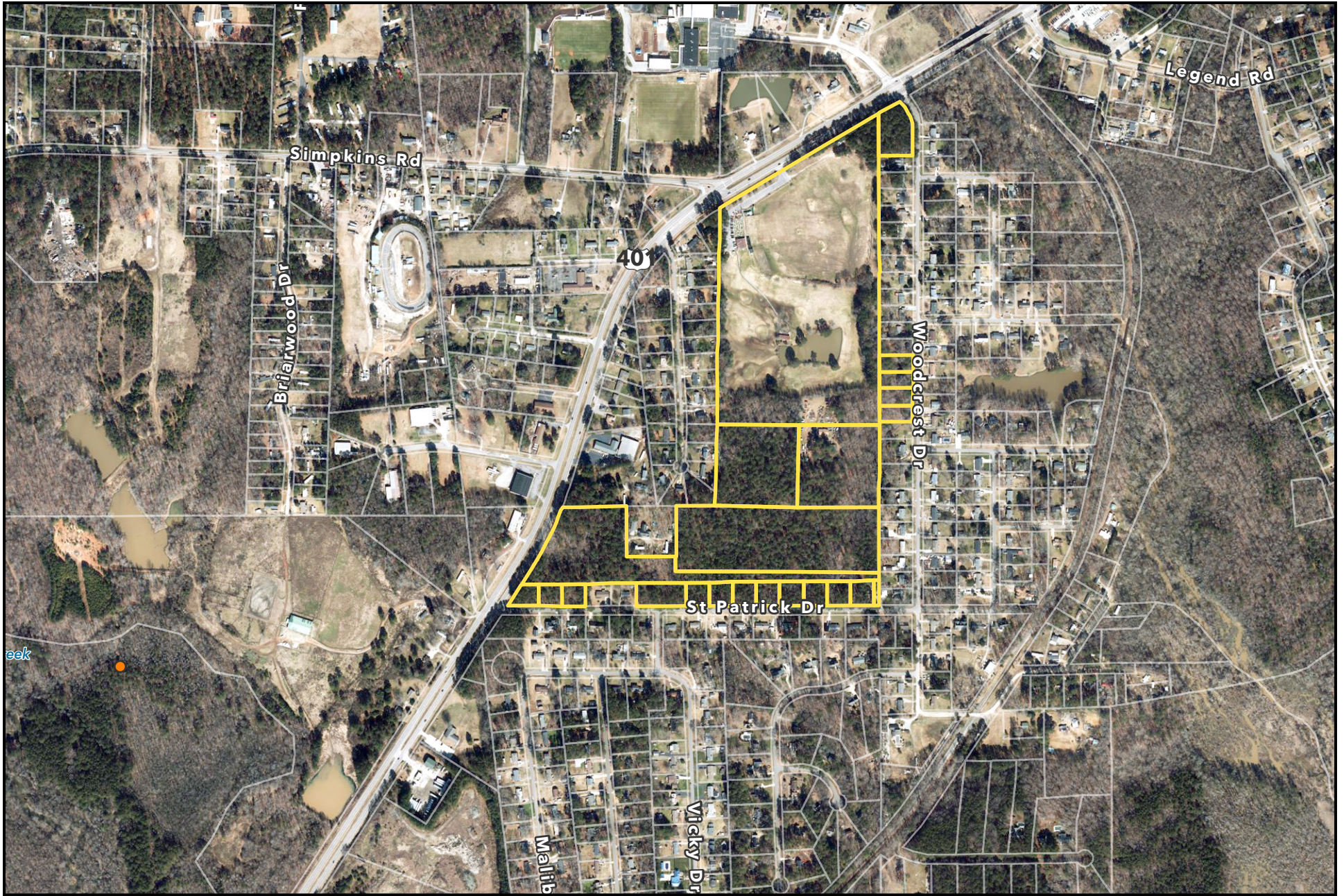
If you have any questions about this neighborhood information meeting, or if you are unable to attend and would like to speak with someone regarding the proposal, please feel free to contact me at 919-610-7377 or holloman@mcadamsco.com. We look forward to seeing you at the meeting.

Sincerely,

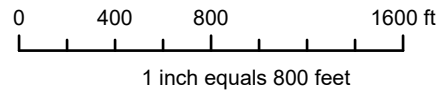
MCADAMS



Laura Holloman, AICP
Sr Planner, Planning + Design



401 Crossing Map



Disclaimer
 iMaps makes every effort to produce and publish the most current and accurate information possible. However, the maps are produced for information purposes, and are **NOT** surveys. No warranties, expressed or implied, are provided for the data therein, its use, or its interpretation.

Neighborhood Meeting Sign-In Sheet

Name	Property Address	Email
Heide Rumble	5702 Woodcrest	heide.rumble@gmail.com
Jane + Michael Steffens	1409 St Patrick	janeaustin123@hotmail.com
Morgie Eutsler	1704 Pinedale Dr.	Margaret.eutsler@gmail.com
Carlton & Gail Whitaker	5921 Fayetteville Rd - St. Patrick Dr.	CARLTON@gmail.com
Joyce & RALPH RACKLEY	6204 MALIBU DR	RPRACKLEY@YAHOO.COM
Gary & Shannon Franks	5626 Fayetteville Rd.	gsfranks@nc.rr.com
Adam Black	5618 Woodcrest Dr.	audioadam@gmail.com
Billy Tomlinson	5833 Woodcrest Dr.	GIANNY AND PAPA 7@gmail.com
Jack & Serena Matthews	1812 Pinedale Dr.	Jackserena4@aol.com
Michael & Ineva Sturgill	1712 Pinedale Dr	msturgill@windspring.com
Greg Anex	5931 Woodcrest Dr	greganex@gmail.com

Neighborhood Meeting Sign-In Sheet

Name	Property Address	Email
Anna G. Collins	6113 Vizky Drive Raleigh, NC 27603	chunterc@nc.rr.com
CORA LEE ADAMS	1613 ST. PATRICK	ADAMS1613@HOTMAIL.COM
Rose Carroll	1715 St. Patrick Dr. Raleigh, NC 27603	mrcarl@bellsouth.net
CROWELL ROBERSON	6212 Malibu Dr Raleigh NC 27603	crowroberson@yahoo.com
David Smith	1913 ST. Patrick Dr. RALEIGH, NC 27603	DavidLSmith5000@gmail.com
Evelyn Clowers	1517 St. Patrick Dr. Raleigh, NC 27603	esclowers@aol.com
Linda Morrow	1520 Harmon Dr Raleigh, NC 27603	linda.morrow@nc.rr.com
WALTER Oberholtzer	5607 Woodcrest Dr. Raleigh, NC 27604	
STEPHEN Ashby	1605 Pinedale Dr	STEPHENASHBY13@gmail.com
CHELLEN ASHBY	5405 FAYETTEVILLE DR.	
BRADLEY MORROW	5908 WOODCREST DR	BRAD27511@GMAIL

Neighborhood Meeting Sign-In Sheet

Name	Property Address	Email
CASEY NESBITT	1709 Pinedale	caseynesbitt@gmail
Art Cielo	1701 Pinedale	Art@Blueoakinvesting.com and Wes@Blueoakinvesting.com
Melvin Watson	5942 Woodcrest	MWatson5@bellsouth.net
GAUL Johnson	5914 S. Sharon	gjohnson 1227@ NC.RR.com
Kim + Mike Brumbles	1716 Pinedale Drive	Ksbrumbles@gmail.com mikebrumbles@icloud.com
Nathan Thomas SE	5938 Woodcrest Dr.	nathanthomas110@gmail.com
SETH PENNY	5819 Woodcrest Dr, plus 4 ACRES	WORLD PENNY FAMILY @ GMAIL DOT COM 919-772-0664 919-250-7889 cell
Klein, Susan	1401 Valley Dr Raleigh NC	AFTER DARK 2015 @ Gmail 631-764 4633
Kevin & ERICA Adams	5703 N. Sharon Dr Raleigh NC 27603	KEADAMS429@ATT.NET 919-255-0040
LYNSIE + RYAN BARNES	5712 WOODCREST DR RALEIGH, NC 27603	WILLIAMS.LYNSIE@GMAIL.COM (919) 607-5929
Emily Waters	1903 Saint Patrick Dr Raleigh, NC 27603	ncwaterse@ gmail 919.534.5504

Neighborhood Meeting Sign-In Sheet

Name	Property Address	Email
Hsiang-Ting Yen	1709 St Patrick	w06sharon@gmail.com
Nathan Blanton	Dr. Ralyn	nathan-blanton@gmail.com

401 Crossing 5/16 Neighborhood Meeting Minutes

Presenters: Laura Holloman, McAdams
 Michael Birch, Longleaf Law Partners
 Melanie Rausch, McAdams
 Bryan Kane, SLI Capital
 Bill Mumford, GTIS Partners
 Andy Kerkhoff, GTIS Partners
 Robert McCall, GTIS Partners
 Macklin Grant, GTIS Partners
 Nathaniel Tauber, GTIS Partners

Meeting Start time: 6:00

- Michael Birch introduced the team and gave an overview of the meeting topics of discussion.
- Mr. Birch described the rezoning process and the stage of that process the project is currently in.
- Laura Holloman presented both the vicinity map displaying the project area, and the existing zoning, and explained the annexation process. Ms. Holloman clarified that this project's annexation will not mean surrounding properties will be annexed.
- Ms. Holloman continued to present the Garner Forward Future Land Use Map and explained the commercial identification on the future land use map.
- Ms. Holloman displayed the project's Land Use and Open Space Map and explained the circulation and proposed land uses. Ms. Holloman explained the 30-foot buffer that is proposed and expressed the possibility of pedestrian connections if the neighbors would prefer it.
 - The neighbors did not express interest in pedestrian connections.
- Neighbor Question: What type of homes will be in the single-family area?
 - Laura Holloman: A new concept of for-rent product both single story detached and townhomes.
- Ms. Holloman displayed the circulation map depicting both circulation and delineated public and private roads.
- Neighbor: Will there be any section 8 housing in this neighborhood? – Bryan Kane responded: No sir.
- How would you compare these prices to areas of Raleigh? – Bill Mumford responded: High end rental housing for young professionals.
 - Likely \$2 per sq foot.
- How many units? -Mr. Birch responded around 650-700 units.
- What's the height? -Mr. Kane: apartments: 3-5 stories, townhomes: 2 stories, and cottage homes: 1 story.

- Are we looking at \$500,000 equivalent homes? -Bill Mumford responded that is possible.
- Neighbor expressed concerns of both water contaminating wells, and not being able to vote for the representatives who will ultimately be voting on the rezoning.
- Neighbors expressed concern that water contamination is a major concern due to being on well water.
- Neighbor expressed concern over streams being contaminated and that effecting water quality in wells.
- Neighbor expressed concern over water quality especially considering Harris Crossing construction has caused Harris Lake to contain sediment when it did not before.
- Neighbor stated Arvin Oil Company has contaminated water and Wake County is checking every 6 months for contamination on the western side of 401.
- Neighbor asked about storm water control and expressed concern over current flooding. Laura Holloman explained the stormwater measures that are required by the town that would adequately address flooding issues.
- Neighbor asked: Has the property been sold and are they going to remove underground tanks existing on the property? Bryan Kane responded: Yes, we will work with the state and are required to perform an environmental analysis to ensure we clean it out correctly. Neighbor expressed frustration that the analysis was not included with the neighborhood meeting information.
- Neighbor asked about the buffer requirements. Laura explained the buffer requirement of 25 feet, and the proposed buffer of 30 feet and overviewed the tree canopy requirement.
- Neighbor question: Can open space include parking lots? Bryan Kane: No
- Neighbor expressed that renters are not desired, and they bought in this neighborhood because they wanted to be able to own their own homes and live in a neighborhood where others have also bought their own homes.
- Neighbor expressed concerns over the sheer volume of people trying to come and go and how that will affect traffic. They Expressed concern over residents cutting through behind the commercial parcel from Woodcrest Dr to access their neighborhood.
- A resident asked if the street connection on St Patrick is required. Bill Mumford stated that is up to NCDOT, however, if possible, we will connect straight out to 401 and not connect to St Patrick.
- Neighbor asked about the difference between the private and public streets regarding connections. Laura Holloman explained the only connection points are on 401 and St Patrick Drive.
- Neighbor asked about running St Patrick connection out to 401 instead. Bryan Kane stated that he certainly would like to, but DOT ultimately will decide if he can do that.
- Neighbor asked if any existing trees would remain. Bryan Kane and Bill Mumford stated some will remain and some will be new plantings.
- Neighbor asked: Current zoning is RW-40 meaning it is in a watershed, how does that work? Ms. Holloman explains the difference between a critical watershed and a watershed.
- Neighbor asked: Will it be underground electric lines? -Bill Mumford responded yes. Neighbor requested developer run their power lines underground as well.

- Neighbor asked in 10 years will you sell the lots? -Bryan Kane responded he may resell in 10 years, but he has not planned to do it that way. Bill Mumford added that this will be leased by a professional management company that will be responsible for maintenance.
- Neighbor concerned that this development would ruin the small private feel that is great about this neighborhood.
- Neighbor asked: What specific commercial businesses are you thinking about? Bryan Kane: Food or service-based businesses.
- Neighbor asked: How are you going to get a pump station? Laura Holloman: We are still working on the logistics of sewer and working with the City of Raleigh Water to figure out a solution to make this sewer work. Bryan Kane responded: We are not sure and are working through this with City of Raleigh now.
- Neighbor concerned about traffic into Wake Christian Academy that is clogging the road already.
- A neighbor expressed the apartments are the problem with the proposed project.
- Neighbor expressed the danger of turning out of St Patrick Drive, and he would like access to connect to his property if possible. Mr. Kane responded he will coordinate with him on access.
- Neighbor asked: What kind of business are going to be in the commercial area? Will it be something that the community can benefit from? Bryan Kane: That is what we would like.
- Resident: How will you be grading the commercial area? Currently there is a tree line with the hill. How will you be tackling that? Bryan Kane: We can certainly try to preserve that existing tree line. Bill Mumford added NCDOT may have a say in that.
- Have you heard anything about improvements from DOT? Bryan Kane expressed that he has not heard yet.
- Neighbor expressed concerns over two stoplights close together.
- Bill Mumford responded that this will all be accounted for through the TIA process.
- Michael Birch explained how long the process takes to be able to begin to break ground and that this project is in the very early stages. Therefore, you are seeing a very preliminary version of the project.
- Neighbor stated: Five stories are downtown Raleigh, why are you going to 5?
- Neighbor expressed concern over not having representation.
- Neighbor asked: How will this effect these neighboring properties values? Michael Birch: the value of property is judged against the sales of single family homes in the area.
- A neighbor asked who is the principal buyer? Bryan Kane stated he is.
- Neighbor expressed concern over access coming from Woodcrest Dr into the commercial component and that bringing a lot of activity into the entrance onto Woodcrest.
- Neighbor expressed desire to build a few nicer homes for sale fronting Woodcrest to be incorporated into the Woodcrest neighborhood.
- Neighbor asked: Will the lots remain, or will it be one large lot? Bill Mumford: It will be one large lot.
- Have you thought about Old Stage Rd for a crossing? -No.
- Is there a way to cut off access from behind commercial parcel accessing Woodcrest? -Bryan Kane and Bill Mumford said we can certainly look into that.
- Could you leave the corner lot on the commercial development alone? Bryan Kane: We could look into something on that parcel to buffer.

- Neighbor asked to see mockups to better visualize the design.
- Neighbor asked what other examples of something like this do you have we can look for? Bill Mumford responded we have some in Phoenix, and some in Charlotte, but this is still a new product.
- Neighbor expressed concern on the impact to 401 from the Buffalo Rd property.
- Neighbor expressed that the commercial area should be something that benefits the community like a coffee shop or restaurant.
- Neighbor expressed concern over apartments being able to look into his backyard. Michael Birch explained the buffer and how the distance between lot line and placement should circumvent that concern.
- Neighbor asked if new construction will look similar to existing homes surrounding area?
- Neighbor expressed concern over the possibility of endangered mussels in the creek.
- How long will construction last? -Mr. Kane responded: Approximately 30 months.
- Neighbor asked: Why are they all rental properties?
- Resident expressed concern over cookie cutter developments. -Bryan Kane stated they are putting designs together now that the planning department has requested.
- Resident requested a copy of the sign in sheet so they can see who all attended.
- Resident asked about an approximation of when this may go before the Planning Board. - Michael Birch stated that this will be in front of the Planning Board probably in 3-4 months.

Meeting End time: 8 pm

March 1, 2023

RE: Neighborhood Meeting – 401 Crossing

Dear Property Owner,

On behalf of the owners of 0 Woodcrest Dr (PIN 0791902864), 5828 Woodcrest Dr (PIN 0790889826), 0 Pinedale Dr (0790884847), 0 St Patrick Dr (PIN 0790885319), 0 Fayetteville Rd (PIN 0790785341), 1912 St Patrick Dr (PIN 0790780066), 1910 St Patrick Dr (PIN 0790781096), 1904 St Patrick Dr (PIN 0790783046), 1808 St Patrick Dr (PIN 0790788067), 1714 St Patrick Dr (PIN 0790881017) 1708 St Patrick Dr (PIN 0790882057), 1700 St Patrick Dr (PIN 0790883098), 1612 St Patrick Dr (PIN 0790885048), 1610 St Patrick Dr (PIN 0790886087), 1604 St Patrick Dr (PIN 0790888028), 1600 St Patrick Dr (PIN 0790889068), 1518 St Patrick Dr (PIN 0790981008), 1514 St Patrick Dr (PIN 0790981161), 0 Woodcrest Dr (PIN 0790992175), 0 Woodcrest Dr (PIN 0790992265), 0 Woodcrest Dr (PIN 0790992386), 0 Woodcrest Dr (PIN 0790992476), and 5715 Fayetteville Rd (PIN 0790897596), I would like to invite you to attend a neighborhood information meeting concerning the development of said property. Specifically, SLI Capital and GTIS Partners has requested a rezoning of said property from R-40 Single Family (40,000 s.f. lots) to Planned Unit Development (PUD) to allow for the development of both commercial businesses and residential. The meeting details are as follows:

March 14, 2023
6:00-7:00PM
Avery Street Recreation Center Multipurpose Room
125 Avery Street
Garner, NC 27529

Per Town of Garner ordinance requirements, we are notifying you of this meeting because your property is located within the written notification area for public hearings. While this meeting is not a public hearing, it is an opportunity for you to meet with the owners and/or applicants to hear about their intention to rezone and/or develop the land. You are encouraged to ask questions and express concerns so that we may help you to more fully understand the proposed project.

Town Planning staff will not be in attendance at this meeting. Property owners within the notification area will receive a separate notice from Town Planning staff when a public hearing is scheduled before the Garner Town Council.

If you have any questions about this neighborhood information meeting, or if you are unable to attend and would like to speak with someone regarding the proposal, please feel free to contact me at 919-610-7377 or holloman@mcadamsco.com. We look forward to seeing you at the meeting.

Sincerely,

MCADAMS



Laura Holloman, AICP
Team Leader, Planning + Design

401 Crossing Planned Unit Development Rezoning

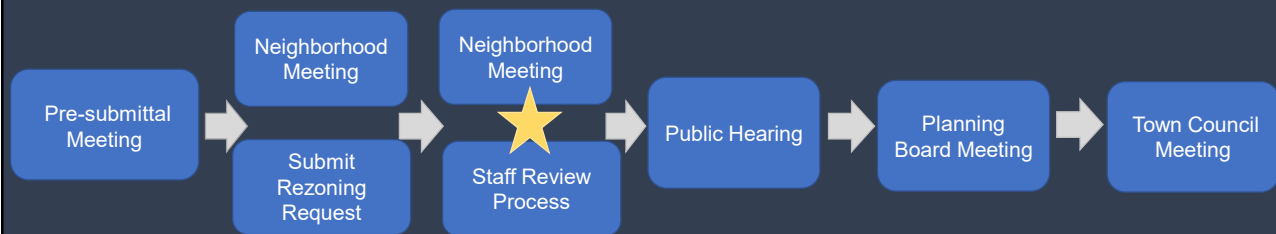
March 14, 2023

Neighborhood Meeting



1

Rezoning: The Process



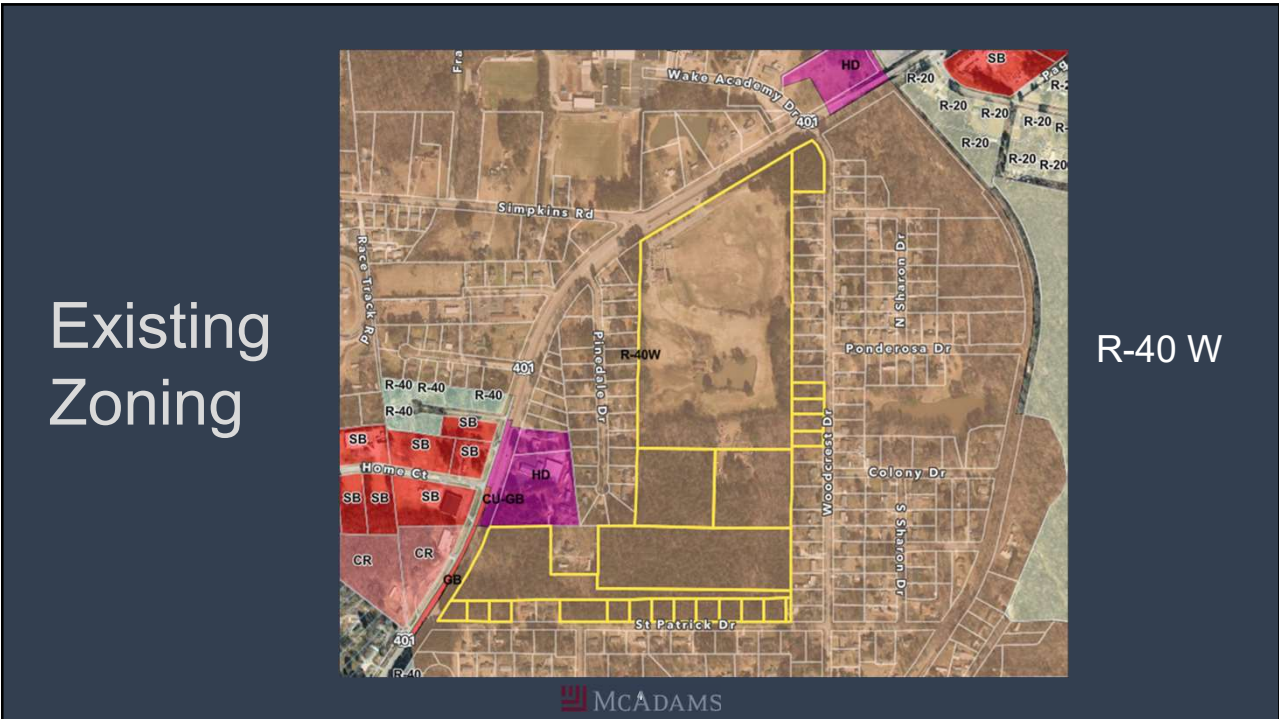
*Preliminary Development Plan & Construction Drawings must also be approved before construction can begin



2








3



4

Garner Future Land Use Map

Focus Areas of Change

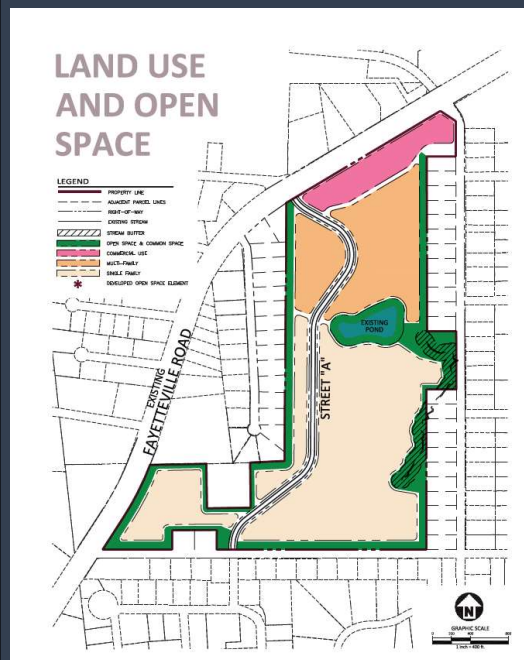
-  Commercial
-  Employment
-  Mixed-Use
-  Proposed I-540
-  Extraterritorial Jurisdiction



MCADAMS

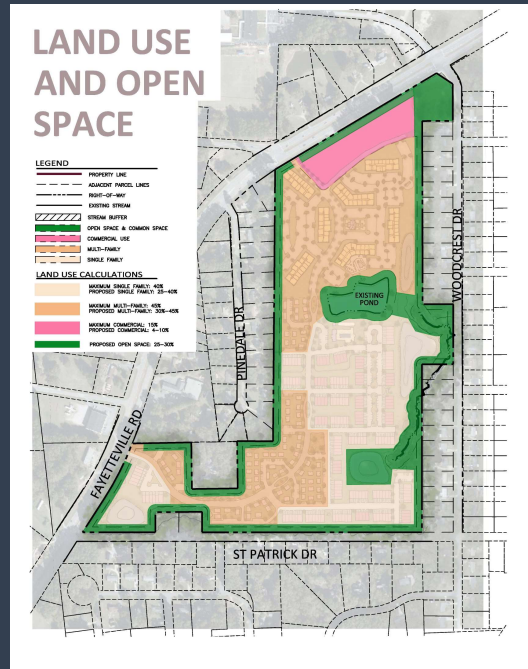
5

Initial Proposed PUD Elements



6

Current Proposed PUD Elements



Concept Plan



7

Proposed Elevations- Cottages



MCADAMS

8

Proposed Elevations- Townhomes



MCADAMS

9

IMPROVED OPEN SPACE



OPEN SPACE + AMENITIES 33

MCADAMS

Proposed Open Space



10

Neighborhood Meeting Sign-In Sheet

Name	Address	Email
* Sharon Smith no letter	1913 St. Patrick Dr. Raleigh, NC 27603	sbsmith7@gmail.com
Kewin Adams	5703 N. Sharon Dr. Raleigh NC 27603	ADAMSK@ATIUSA.COM
Jane + Michael Steffens	1409 Saint Patrick Dr Raleigh, NC 27603	jane.austin123@hotmail.com
* MARK WILSON	5708 Woodcrest Dr Raleigh NC 27603	mawilson06@yahoo.com
LYNSIE BARNES	5712 WOODCREST DR RALEIGH, NC 27603	WILLIAMS.LYNSIE@GMAIL.COM
* Heidi Rumble got letter	5702 Woodcrest Dr. Raleigh NC 27603	heide.rumble@gmail.com
Anna Collins	6113 Vicky Drive Raleigh, NC 27603	Chunterc@nc.rr.com
Joe Mili//o (No letter)	1717 Pinedale Drive Raleigh NC 27603	mili//ojoe@gmail.com
Nathan Blanton (no letter)	1709 St. Patrick Dr Raleigh, NC 27603	nathan.blanton@gmail.com

Neighborhood Meeting Sign-In Sheet

Name	Address	Email
Seth Penny	1302 Colony Dr. Raleigh, NC 27603	pennyfamily1302@gmail.com
Pam Byars	1324 Colony Dr.	pbyars@nc.rr.com
W.S. Oberholtzer	5607 Woodcrest Dr.	oberholtzer71@gmail.com
Shirley Brewer	1604 Pinedale Dr.	
Margaret Eutsler	1704 Pinedale Dr.	
Peter & Nancy Hearn	6128 Ricky Dr	PH725@yahoo.com
Michael Sturgill	1712 Pinedale	MCSTURGILL@MENDSPRING.COM
Herbert Garrett	5714 N. SHAEON Dr. Raleigh, NC 2760	garrett.glen@gmail.com
* MARK Wilson	8316 Crowder Rd Raleigh NC 27603	mawilson06@yahoo.com

401 Crossing Neighborhood Q&A

Question about the width of the buffer: Developer responded that it will be 25'.

Question asked about the proposed height of commercial uses: Developer responded that it should not be more than one story

Question about DOT road approvals and what would happen if DOT does not approve the transportation proposals. The developer stated that what is proposed is what DOT has suggested and directed the project towards.

Question about the size of the townhomes: The developer responded that they will be 2- story and no more than 1900sf.

There was a lot of concern across the attendees about whether or not TIA had be submitted. The developer team provided a copy of the TIA to attendees who asked to receive one and provided an email address on the sign in sheet.

Question about how the cottage unit will be parked? The developer responded that they will use surface parking and the townhomes will have garages.

Question about how drainage will be handled: The developer highlighted the SCMs proposed on the concept.

Question about where water and sewer will come from: The developer responded that they will be using existing water from 401 and meeting with CORPUD to determine the sewer capacity and the least impactful location.

There was significant debate about the amount of impervious surface proposed and how the Swift Creek rules are administered.

The developer noted that access on St. Patrick that shown on a previous plan had been removed and that there would be trees along buffer areas.

Question about how many units would be built: The developer responded that around 700 units were planned.

Concerns were raised about the traffic impacts from that amount of development, which the developer acknowledged and then referred to the TIA.

Concern was raised about a septic field on the other side of the property line. The developer noted this concern and stated that they would look into it and make note of it.

Question was raised about the type of commercial uses expected for the commercial area: The developer responded that they were planning for retail and dining primarily.

Question about the timeline moving forward: The developer responded that the rezoning process was not finalized, after that there would be a site plan process and that it would likely be at least 12 months after zoning approval before dirt would be moved on the project.

September 1, 2023

RE: Neighborhood Meeting – 401 Crossing

Dear Property Owner,

On behalf of the owners of 0 Woodcrest Dr (PIN 0791902864), 5828 Woodcrest Dr (PIN 0790889826), 0 Pinedale Dr (0790884847), 0 St Patrick Dr (PIN 0790885319), 0 Fayetteville Rd (PIN 0790785341), 1912 St Patrick Dr (PIN 0790780066), 1910 St Patrick Dr (PIN 0790781096), 1904 St Patrick Dr (PIN 0790783046), 1808 St Patrick Dr (PIN 0790788067), 1714 St Patrick Dr (PIN 0790881017) 1708 St Patrick Dr (PIN 0790882057), 1700 St Patrick Dr (PIN 0790883098), 1612 St Patrick Dr (PIN 0790885048), 1610 St Patrick Dr (PIN 0790886087), 1604 St Patrick Dr (PIN 0790888028), 1600 St Patrick Dr (PIN 0790889068), 1518 St Patrick Dr (PIN 0790981008), 1514 St Patrick Dr (PIN 0790981161), 0 Woodcrest Dr (PIN 0790992175), 0 Woodcrest Dr (PIN 0790992265), 0 Woodcrest Dr (PIN 0790992386), 0 Woodcrest Dr (PIN 0790992476), and 5715 Fayetteville Rd (PIN 0790897596), I would like to invite you to attend a neighborhood information meeting concerning the development of said property. Specifically, SLI Capital and GTIS Partners has requested a rezoning of said property from R-40 Single Family (40,000 s.f. lots) to Planned Unit Development (PUD) to allow for the development of both commercial businesses and residential. The meeting details are as follows:

**September 14, 2023
6:00-7:00PM
Garner Senior Center
205 E Garner Road
Raleigh, NC 27529**

Per Town of Garner ordinance requirements, we are notifying you of this meeting because your property is located within the written notification area for public hearings. While this meeting is not a public hearing, it is an opportunity for you to meet with the owners and/or applicants to hear about their intention to rezone and/or develop the land. You are encouraged to ask questions and express concerns so that we may help you to more fully understand the proposed project.

Town Planning staff will not be in attendance at this meeting. Property owners within the notification area will receive a separate notice from Town Planning staff when a public hearing is scheduled before the Garner Town Council.

If you have any questions about this neighborhood information meeting, or if you are unable to attend and would like to speak with someone regarding the proposal, please feel free to contact me at 919-610-7377 or holloman@mcadamsco.com. We look forward to seeing you at the meeting.

Sincerely,

MCADAMS



Laura Holloman, AICP
Team Leader, Planning + Design

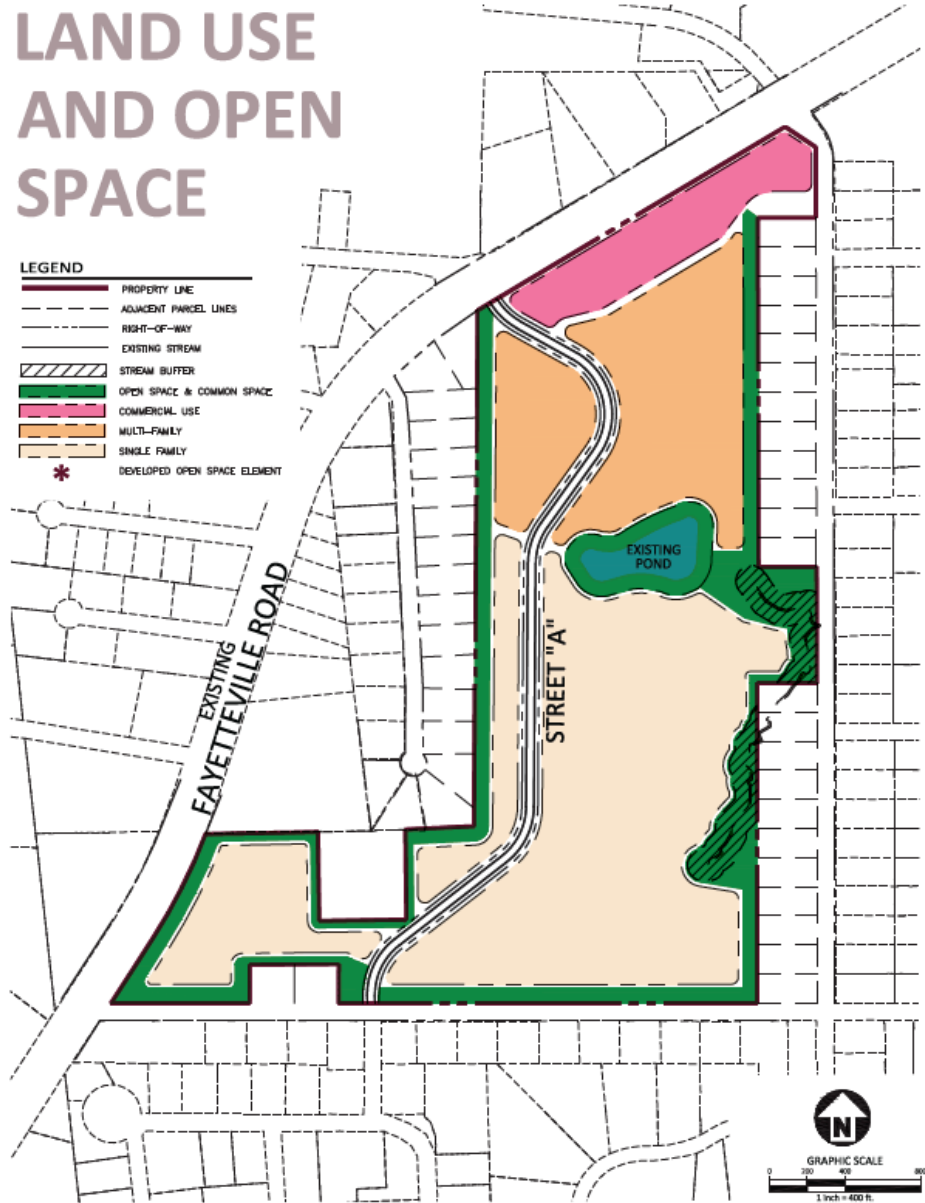
401 Crossing Planned Unit Development Rezoning

September 14, 2023

Neighborhood Meeting

LAND USE AND OPEN SPACE

- LEGEND**
- PROPERTY LINE
 - - - ADJACENT PARCEL LINES
 - RIGHT-OF-WAY
 - EXISTING STREAM
 - ▨ STREAM BUFFER
 - OPEN SPACE & COMMON SPACE
 - COMMERCIAL USE
 - MULTI-FAMILY
 - SINGLE FAMILY
 - * DEVELOPED OPEN SPACE ELEMENT

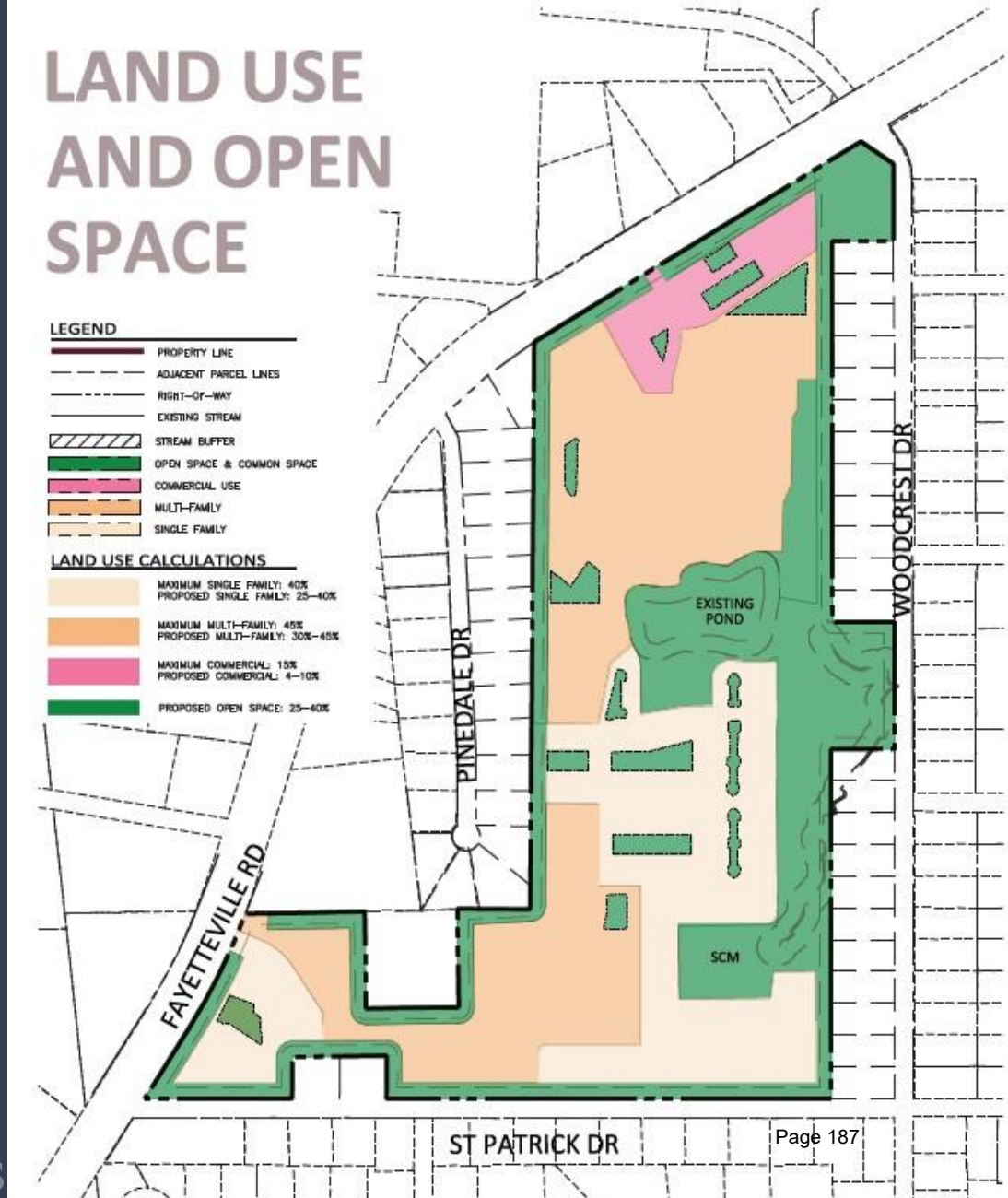


LAND USE AND OPEN SPACE

- LEGEND**
- PROPERTY LINE
 - - - ADJACENT PARCEL LINES
 - RIGHT-OF-WAY
 - EXISTING STREAM
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 - OPEN SPACE & COMMON SPACE
 - COMMERCIAL USE
 - MULTI-FAMILY
 - SINGLE FAMILY

LAND USE CALCULATIONS

- MAXIMUM SINGLE FAMILY: 40%
PROPOSED SINGLE FAMILY: 25-40%
- MAXIMUM MULTI-FAMILY: 45%
PROPOSED MULTI-FAMILY: 30%-45%
- MAXIMUM COMMERCIAL: 15%
PROPOSED COMMERCIAL: 4-10%
- PROPOSED OPEN SPACE: 25-40%



Proposed Open Space



A: PLANTED LINEAR PARK



D: VILLAGE GREEN



E: PARKLET



F: PLAYGROUND



B: LAKE LOOP



- AREA/PROGRAM**
- A** PLANTED LINEAR PARK
 - B** LAKE LOOP
 - C** NEIGHBORHOOD AMENITY CENTER
 - D** VILLAGE GREEN
 - E** PARKLET
 - F** PLAYGROUND
 - G** ACTIVITY LAWN
 - H** COMMUNITY TRAILS
 - I** POCKET PARKS
 - J** PRESERVED WOODLAND



G: ACTIVITY LAWN



H: COMMUNITY TRAILS



C: NEIGHBORHOOD AMENITY CENTER



I: POCKET PARKS



J: PRESERVED WOODLAND

Open Space Details

- a) The Planted Linear Park will provide approximately 500 linear feet of planted park offering shade and space for active recreation, like walking, biking, or jogging.
- b) The Trail & Arbor offers 401 Crossing users with opportunities of an enchanted gathering space nestled in nature and worthy of social media posts.
- c) The Commercial Green Spaces provide multiple places for reprieve from the bustling activity to enjoy lunch and people watch, allow kids to get their energy out after a bite, all while taking advantage of being outside!
- d) The Fire Pit & Community Gathering at 401 crossing will provide the modern-day fire pit and seating, allowing neighbors to interact during the evening and weekend hours, all from the comforts, all within a stroll of their front doors.
- e) The Playground provides children a place to play freely.
- f) The Open Lawns will provide multiple, wide open green fields, each approximately 18,000 SF in size, providing residents of all ages, that unrestricted greenspace of our past, ideal for playing tag or a pick-up ball game.
- g) Community Trails will connect the abundance of amenities throughout the development, weaving residents together and allowing all to have a neighborhood loop to enjoy.
- h) The Hammocks, Swings & Seating areas will be modern-day tuffets, allowing adults to experience the whimsy hangs of yesteryear.

Open Space Details

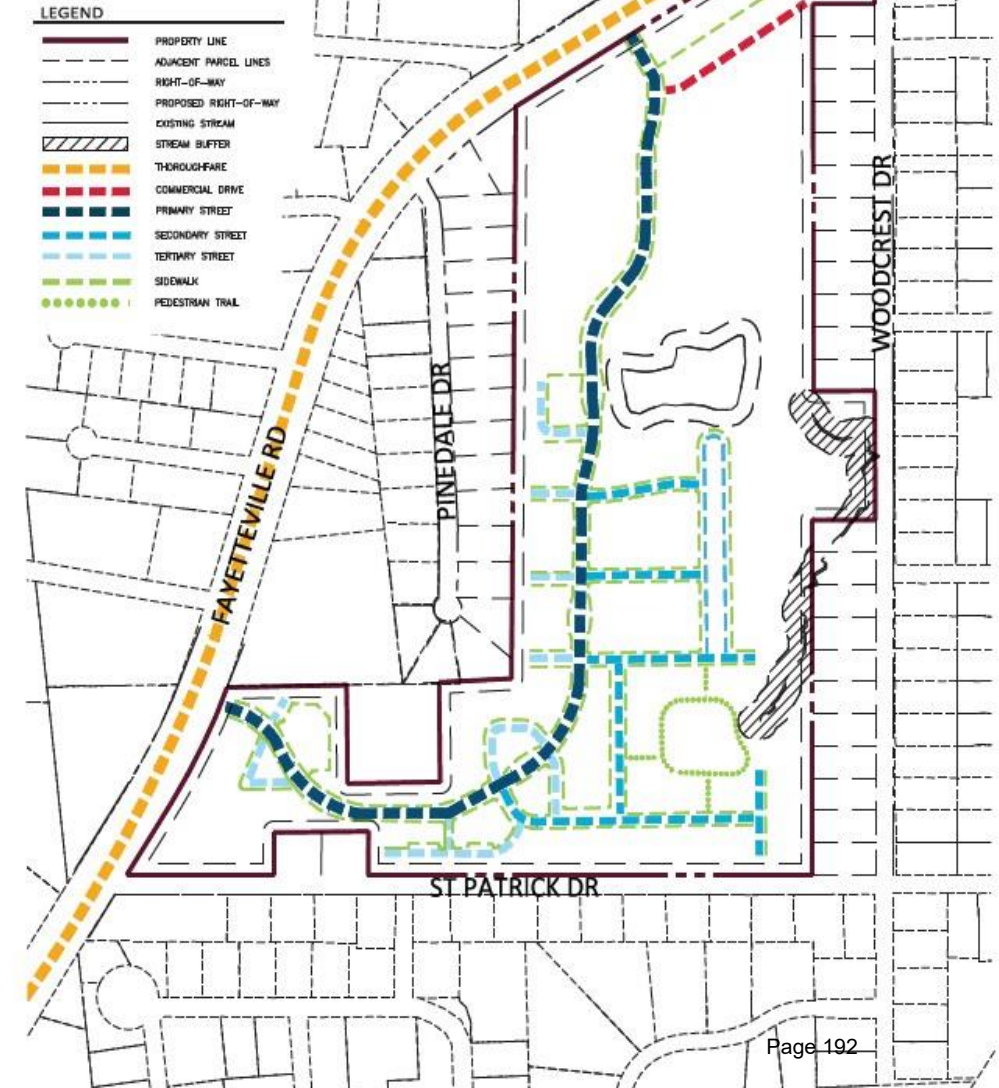
Area	Program	Minimum SF (+/-)	Quantity	Total
A	Linear Park	17,000	1	17,000
B	Lake Loop	100,000	1	100,000
C	Neighborhood Amenity Center	16,500	1	16,500
D	Village Green	18,000	1	18,000
E	Parklet	7,500	1	7,500
F	Playground	8,000	2	16,000
G	Activity Lawns	18,000	5	90,000
H	Community Trails	90,000	1	90,000
I	Pocket Parks	2,000	3	6,000
J	Preserved Wood-land	60,984	1	60,984

Total Minimum Activated Open Space Provided in square feet: 421,984

Total Minimum Activated Open Space Provided in acres: 9.69

Proposed Circulation

VEHICULAR AND PEDESTRIAN CIRCULATION



Additional Neighborhood Meeting

Monday September 25

6:00pm-7:00pm

Garner Performing Arts Center

742 W. Garner Road, Garner, NC 27529

Neighborhood Meeting Sign-In Sheet

Name	Address	Email
Steve Thomas	1820 Saint Patrick Dr. 27603	sjthomas6@ncsu.edu
Adam Block	5618 Woodcrest Dr	audioadam@gmail.com
Pammy & Carolyn Bell	5716 Woodcrest Dr	dbell514@aol.com
Bobby Dunnean	5726 Woodcrest Dr	Bx2863@ymail.com
Carol Dunnean	5726 Woodcrest Dr	cc
Larry & Judy Luchie	1525 St. Patrick Dr.	larchiejr@mc.net.com judy.archie@yahoo.com
CARSTOPESHINTS	5721 St Patrick Dr	CARLTONSAVED@gmail.com
Sharon Smith	1913 St. Patrick Drive	sbsmith7@gmail.com
BRADLEY MORROW	5968 WOODCREST DR	BRAD27511REGMAIL.COM
Rose Carroll	1715 St. Patrick Dr. Raleigh, NC 27603	mcarroll@bellsouth.net
John Cooke	1903 St. Patrick Dr. 27603	jctcooke@gmail.com
Anna G Collins	6113 Vicky Drive Raleigh, NC 27603	Chunterc@nc.rr.com
NANCY HEARN	6128 Vicky Dr. Raleigh 27603	PH725@yahoo.com
EVELYN CLOWERS	1517 St. Patrick Dr. Raleigh 27603	esclowers@aol.com
Joe Milillo	1717 Pinedale Dr Raleigh 27603	jim317@mail.harvard.edu

Neighborhood Meeting Sign-In Sheet

Name	Address	Email
Peter Heard	6128 Vicky Dr	PH7250/AHOI.COM
Michael Sturgill	1712 Pinedale Dr	MISTURGITL@NINDSPRING.COM
Brad Habeeb	5834 Woodcrest Dr.	bradhabeephoto@graphy@gmail
Emily Waters	1903 Saint Patrick Dr. ^{Raleigh}	emwaters@gmail.com
John Cooter	"	jctcooter@gmail.com
Kevin Adams	5703 N. Sharon Dr 27103	KevinAdams864@GMAIL.COM

401 Crossing Neighborhood Meeting Summary

21 Neighbors were in attendance

Michael Birch, Woodie Williams, Laura Holloman, and Kate Murdoch were in attendance to represent the project.

The meeting began at 6:00pm.

Michael Birch provided a brief overview of the updates that had been made to the project including building height limitations, construction parking and environmental quality concerns. Several neighbors expressed concerns about the environmental impacts of the project and of how the environmental studies were conducted. Michael Birch explained that the environmental report evaluated the current environmental conditions of the site and noted that no major concerns were raised in the report. He also noted that the site would be monitored for environmental impacts throughout construction.

Neighbors also expressed frustration that they were unable to increase the impervious surface of their lots, but that this development could go ahead in spite of that. Michael Birch explained the Swift Creek Watershed Overlay standards for different uses and how the project fell into different use categories than the single-family detached homes surrounding the site.

There were also a number of questions and concerns raised about sewer and water locations. Michael and Laura clarified that sewer would be connected to a pump station to the east of the site. Woodie clarified that water would be coming from the north, near the Wake Christian Academy.

Neighbors also had questions regarding the open space on the site and what it would be. Laura explained that the buffers, SCMs, and natural areas would count towards open space. She added that there will also be a number of amenitized open space features including trails, playgrounds, pocket parks, play lawns, and seating, as well as amenity centers.

Several neighbors expressed interest in a fence being included in the perimeter buffer. Michael, Woodie, and Laura noted that a fence would limit the amount of plantings and increase the need for intense maintenance of the fence, which could be undesirable, especially regarding concerns about tree save.

Parking was another major concern raised by the neighbors. There were several questions raised about how much parking would be provided for the project and whether or not that would be an adequate amount of parking. Michael and Laura stated that the project would need to be meet the Town of Garner's parking standards for the development and unit types. Neighbors still expressed concern that residents of 401 Crossing would end up parking on St. Patrick Drive and Woodcrest. The development team added that without any vehicular connections to those streets, it would be difficult for residents of 401 Crossing to park on those streets.

The TIA and traffic impacts of the development were of significant concern as well. Michael Birch outlined the process for the TIA to the group and explained the projects which were accounted for at the time, and the rates of growth that were included as part of the standard TIA process. Neighbors also expressed concerns about DOT's lack of funding and the lack of express NCDOT driveway approval for the project. Michael explained that NCDOT cannot issue a driveway permit for a project before it has received zoning approval. A question was raised about why the driveway for the site is not aligned with

the intersection at Simpkins Road. Woodie explained that NCDOT asked for the drive to be moved based on the number of crashes and incidents at the existing Simpkins Road intersection.

Concerns were raised about forced annexation into by a few neighbors. Michael explained that under North Carolina state law, annexations must be voluntary and no one can be forced to annex their property into a town's corporate limits.

The construction timeline for the buildout of the project was discussed at the end of the meeting. Michael explained that it would like be at least 18-24 months before any construction begins and that the project, if approved for the rezoning, would still need to go through a site plan approval process. The full build-out of the project is likely 5-7 years down the road.

September 14, 2023

RE: Neighborhood Meeting – 401 Crossing

Dear Property Owner,

On behalf of the owners of 0 Woodcrest Dr (PIN 0791902864), 5828 Woodcrest Dr (PIN 0790889826), 0 Pinedale Dr (0790884847), 0 St Patrick Dr (PIN 0790885319), 0 Fayetteville Rd (PIN 0790785341), 1912 St Patrick Dr (PIN 0790780066), 1910 St Patrick Dr (PIN 0790781096), 1904 St Patrick Dr (PIN 0790783046), 1808 St Patrick Dr (PIN 0790788067), 1714 St Patrick Dr (PIN 0790881017) 1708 St Patrick Dr (PIN 0790882057), 1700 St Patrick Dr (PIN 0790883098), 1612 St Patrick Dr (PIN 0790885048), 1610 St Patrick Dr (PIN 0790886087), 1604 St Patrick Dr (PIN 0790888028), 1600 St Patrick Dr (PIN 0790889068), 1518 St Patrick Dr (PIN 0790981008), 1514 St Patrick Dr (PIN 0790981161), 0 Woodcrest Dr (PIN 0790992175), 0 Woodcrest Dr (PIN 0790992265), 0 Woodcrest Dr (PIN 0790992386), 0 Woodcrest Dr (PIN 0790992476), and 5715 Fayetteville Rd (PIN 0790897596), I would like to invite you to attend a neighborhood information meeting concerning the development of said property. Specifically, SLI Capital and GTIS Partners has requested a rezoning of said property from R-40 Single Family (40,000 s.f. lots) to Planned Unit Development (PUD) to allow for the development of both commercial businesses and residential. The meeting details are as follows:

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6:00-7:00PM
Garner Performing Arts Center
742 W. Garner Road
Garner NC, 27529**

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If you have any questions about this neighborhood information meeting, or if you are unable to attend and would like to speak with someone regarding the proposal, please feel free to contact me at 919-610-7377 or holloman@mcadamsco.com. We look forward to seeing you at the meeting.

Sincerely,

MCADAMS



Laura Holloman, AICP

Team Leader, Planning + Design

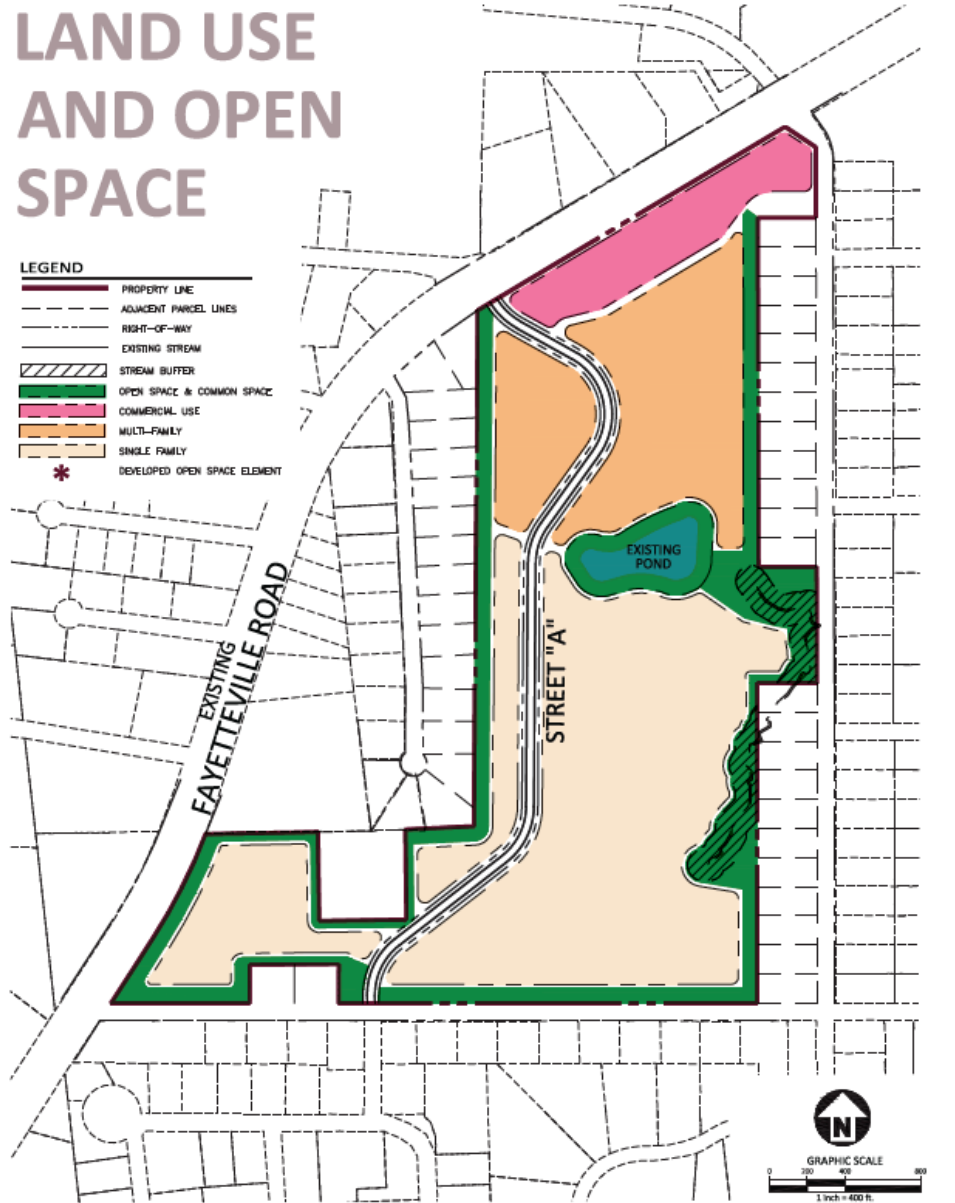
401 Crossing Planned Unit Development Rezoning

September 25, 2023

Neighborhood Meeting

LAND USE AND OPEN SPACE

- LEGEND**
- PROPERTY LINE
 - - - ADJACENT PARCEL LINES
 - RIGHT-OF-WAY
 - EXISTING STREAM
 - ▨ STREAM BUFFER
 - OPEN SPACE & COMMON SPACE
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 - MULTI-FAMILY
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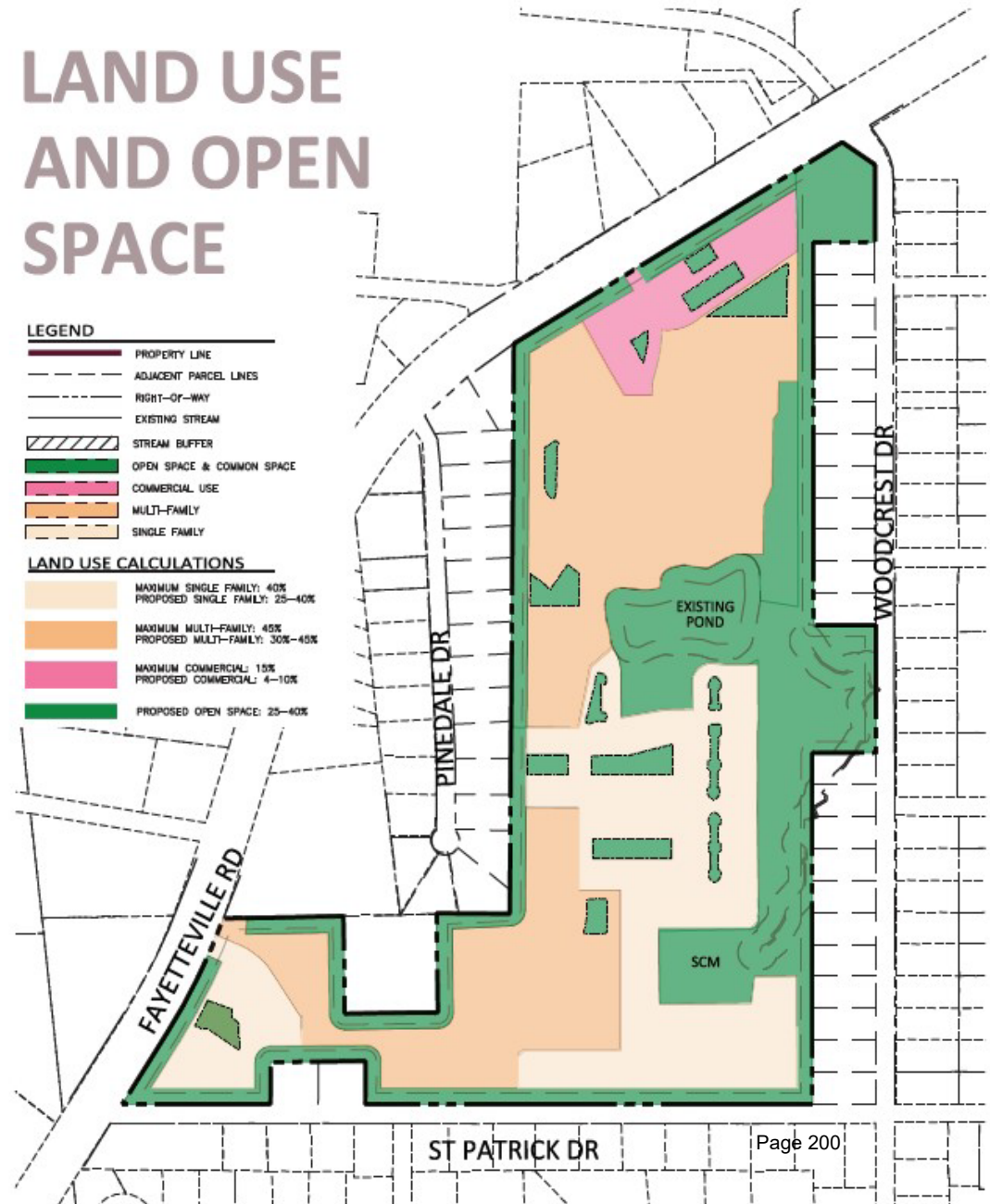


LAND USE AND OPEN SPACE

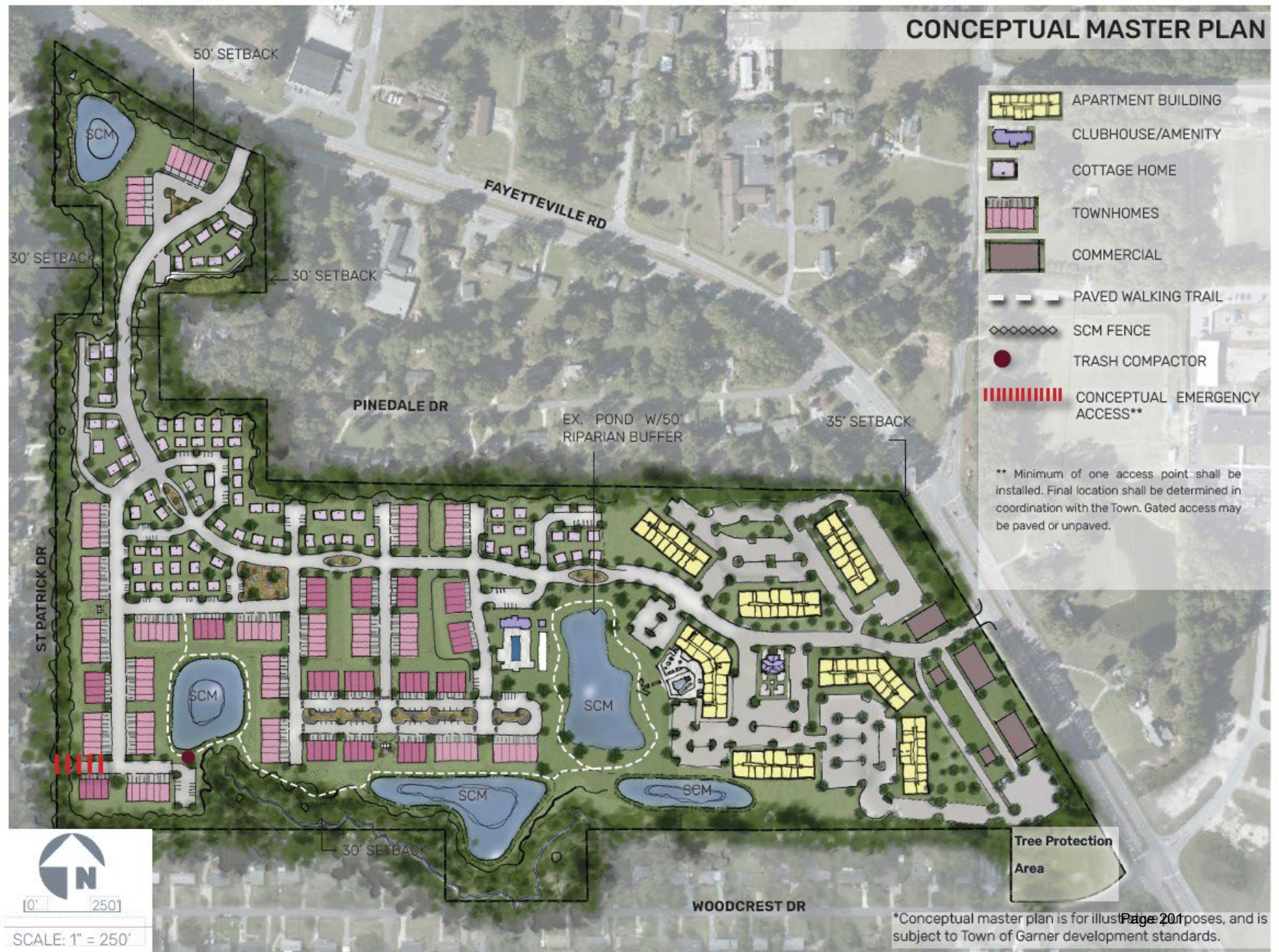
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LAND USE CALCULATIONS

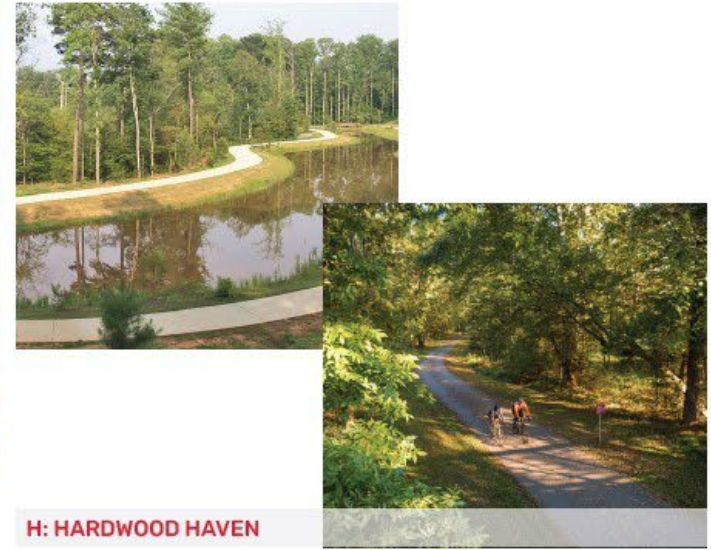
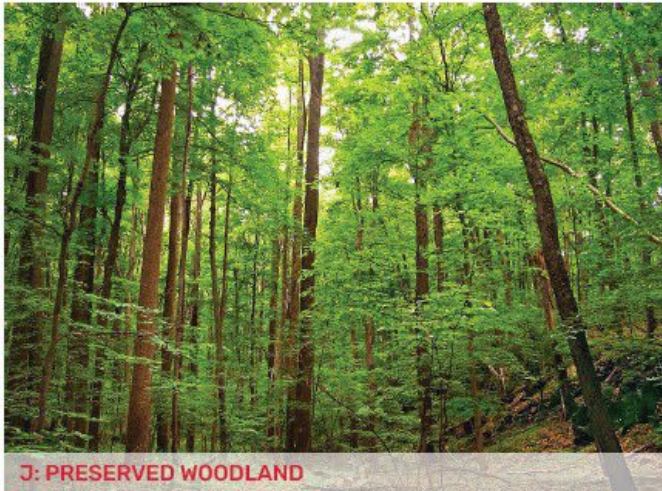
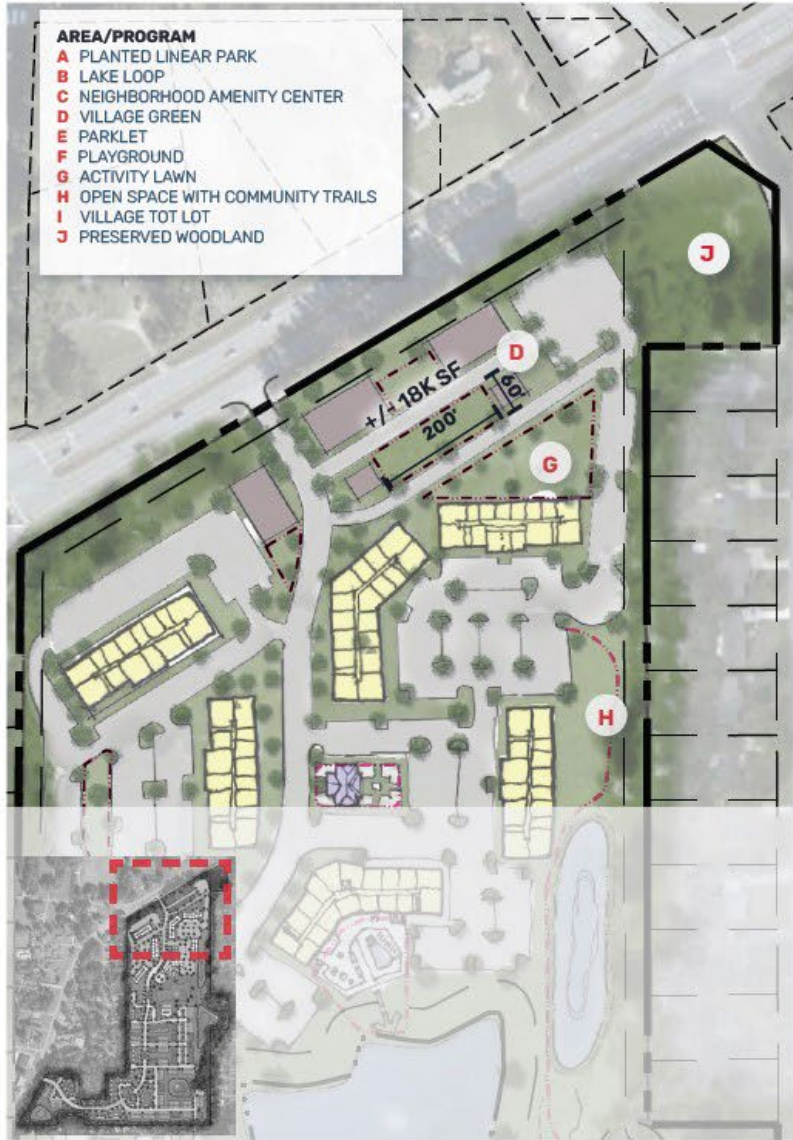
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PROPOSED SINGLE FAMILY: 25-40%
- MAXIMUM MULTI-FAMILY: 45%
PROPOSED MULTI-FAMILY: 30%-45%
- MAXIMUM COMMERCIAL: 15%
PROPOSED COMMERCIAL: 4-10%
- PROPOSED OPEN SPACE: 25-40%



Concept Plan



OPEN SPACE COMMERCIAL



OPEN SPACE MULTI-FAMILY



SINGLE-FAMILY



C: NEIGHBORHOOD AMENITY CENTER

MULTI-FAMILY



G: ACTIVITY LAWN

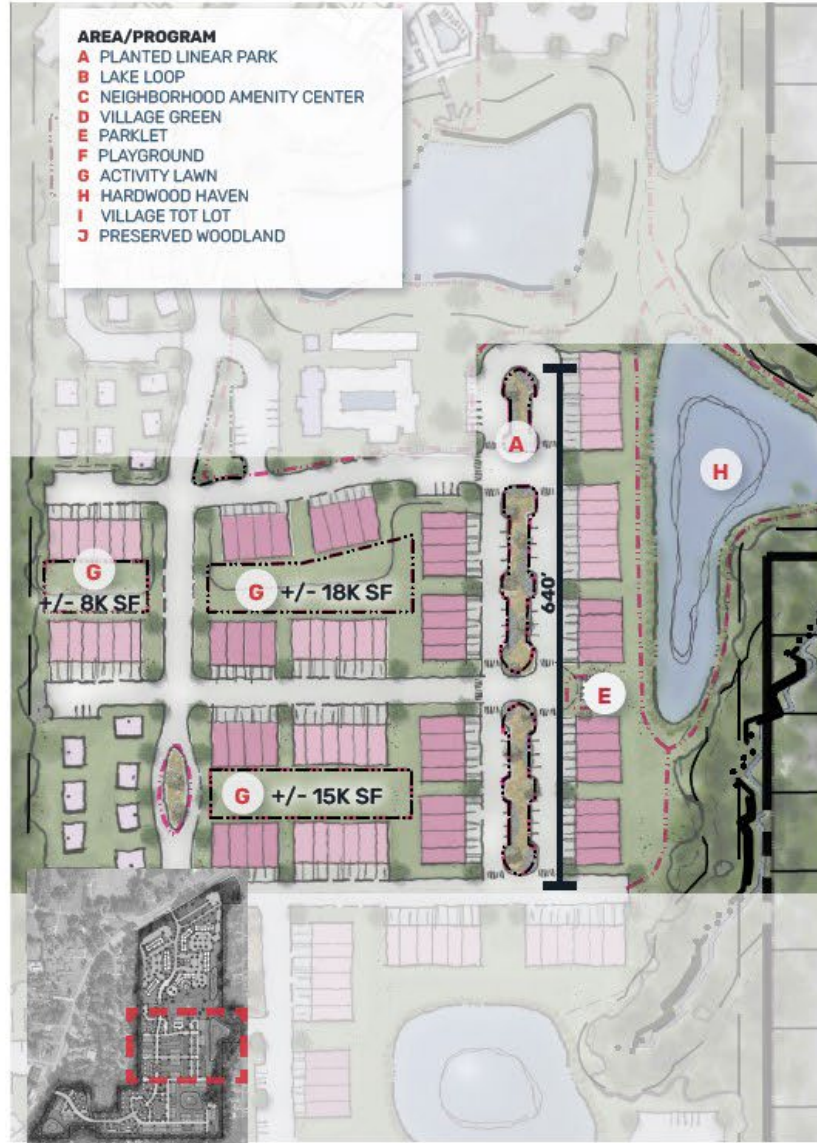


B: LAKE LOOP



E: PARKLET

OPEN SPACE TOWNHOMES



A: PLANTED LINEAR PARK



H: HARDWOOD HAVEN



G: ACTIVITY LAWN



E: PARKLET

OPEN SPACE COTTAGE COURT & TOWNHOMES

- AREA/PROGRAM**
- A PLANTED LINEAR PARK
 - B LAKE LOOP
 - C NEIGHBORHOOD AMENITY CENTER
 - D VILLAGE GREEN
 - E PARKLET
 - F PLAYGROUND
 - G ACTIVITY LAWN
 - H COMMUNITY TRAILS
 - I VILLAGE TOT LOT
 - J PRESERVED WOODLAND



F: PLAYGROUND



E: PARKLET



I: VILLAGE TOT LOT

Open Space Details

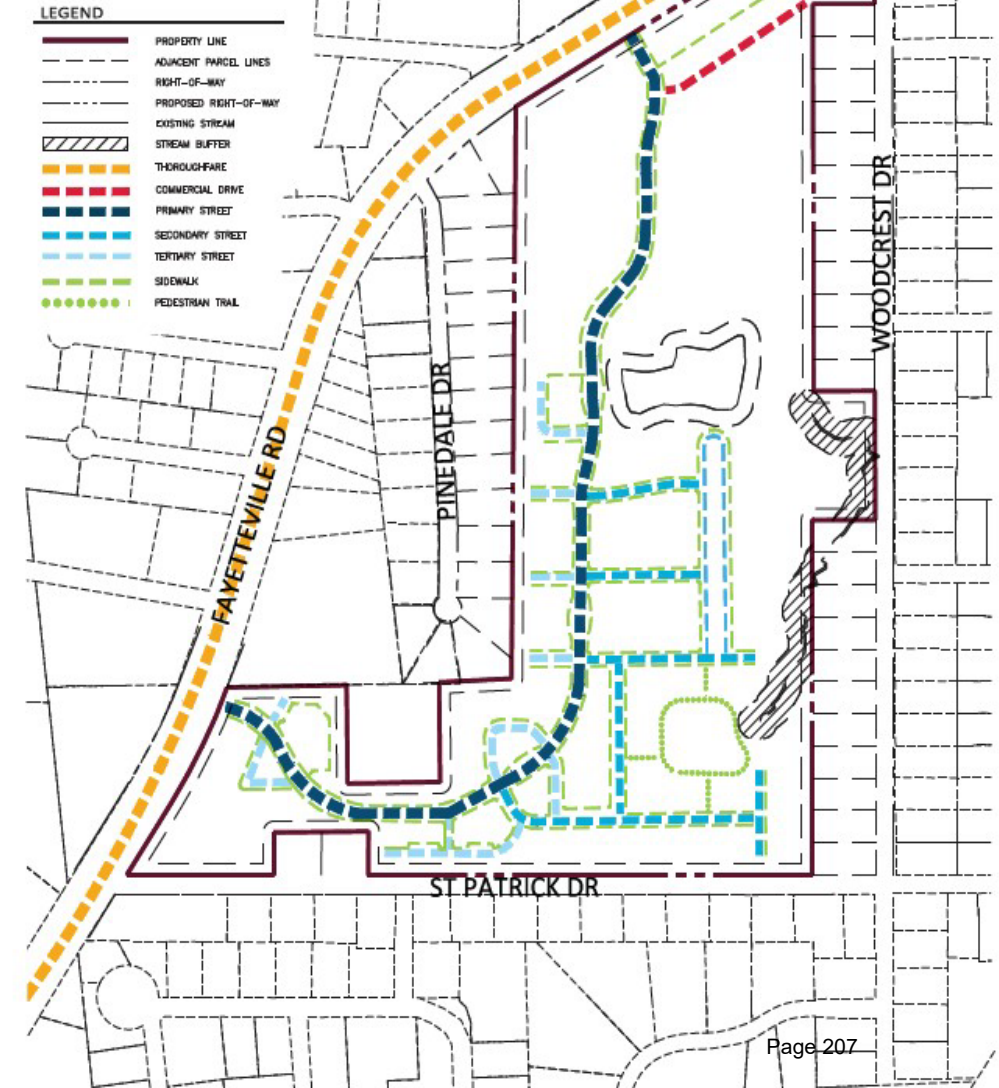
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C	Neighborhood Amenity Center	16,500	1	16,500
D	Village Green	18,000	1	18,000
E	Parklet	7,500	1	7,500
F	Playground	8,000	2	16,000
G	Activity Lawns	18,000	5	90,000
H	Hardwood Haven	90,000	1	90,000
I	Pocket Parks	2,000	3	6,000
J	Preserved Wood-land	60,984	1	60,984

Total Minimum Activated Open Space Provided in square feet: 421,984

Total Minimum Activated Open Space Provided in acres: 9.69

Proposed Circulation

VEHICULAR AND PEDESTRIAN CIRCULATION



1504 HARMONT DRIVE LLC
210 N COLUMBIA ST
CHAPEL HILL NC 27514-3501

1607 SAINT PATRICK DRIVE, LLC
PAUL M DUBBELING
210 N COLUMBIA ST
CHAPEL HILL NC 27514-3501

ABERNATHY, RICHARD ABERNATHY, JOYCE
626 WOODLAND RD
RALEIGH NC 27603-4742

ACG ALL STAR LLC
2054 KILDAIRE FARM RD # 413
CARY NC 27518-6614

ADAM, JONATHAN
5937 WOODCREST DR
RALEIGH NC 27603-4655

ADAMS, CORA L
1613 SAINT PATRICK DR
RALEIGH NC 27603-4911

ADAMS, KEVIN D ADAMS, ERICA W
1409 PONDEROSA DR
RALEIGH NC 27603-4637

ADAMS, KEVIN D ADAMS, ERICA W
5703 N SHARON DR
RALEIGH NC 27603-4641

ADAMS, KIMBERLY BEST
134 RED BIRD LN
HAMPSTEAD NC 28443-2400

ALEXIEVA, PAVLETA HABEEB, BRADLEY
5834 WOODCREST DR
RALEIGH NC 27603-4654

AMERICAN IRA, LLC FBO CATHERINE MURPHY 401K
135 BROAD ST
ASHEVILLE NC 28801-1985

ANEX, GREGORY
5927 WOODCREST DR
RALEIGH NC 27603-4655

ANEX, GREGORY M
5931 WOODCREST DR
RALEIGH NC 27603-4655

AQUA NORTH CAROLINA, INC.
202 MACKENAN DR
CARY NC 27511-6447

ARCHIE, LARRY T JR ARCHIE, JUDY B
1525 SAINT PATRICK DR
RALEIGH NC 27603-4909

ARELLANES-MENDOZA, EVELIA
5825 WOODCREST DR
RALEIGH NC 27603-4653

ARVIN, JAMES LEE
7600 LAKE WHEELER RD
RALEIGH NC 27603-5132

ASHBY, CARLTON S & CONNIE B HEIRS
CARLTON S ASHBY JR EXEC
6912 PENNY RD
RALEIGH NC 27606-9318

ASHBY, CARLTON STEPHEN III
5708 DUTCH CREEK DR
RALEIGH NC 27606-8600

BELL, CAROLYN B BELL, DANNY L
5716 WOODCREST DR
RALEIGH NC 27603-4652

BERDUO, ROLANDO MORALES ORTIZ ROBLERO,
FLORISELDA ICENIA
5735 WOODCREST DR
RALEIGH NC 27603-4651

BEST INVESTMENT REALTY LLC
166 BONICA CREEK DR
GARNER NC 27529-5097

BLANTON, NATHAN YEN, HSIANG-TING
1709 SAINT PATRICK DR
RALEIGH NC 27603-4913

BLOCK, ADAM
5618 WOODCREST DR
RALEIGH NC 27603-4650

BLUE OAK INVESTING LLC
7608 GOLD MINE CT
RALEIGH NC 27615-6007

BURKE, JERRY BURKE, CYNTHIA
5803 WOODCREST DR
RALEIGH NC 27603-4653

CANTER, DIONNE LEIGH NAULT, LISA
5739 WOODCREST DR
RALEIGH NC 27603-4651

CARINCI, SHERE WILLIAMS CARINCI, GEORGE P
1813 SAINT PATRICK DR
RALEIGH NC 27603-4915

CARROLL, WILLIE M CARROLL, ORA ROSE C
1715 SAINT PATRICK DR
RALEIGH NC 27603-4913

CASSIDY, PATRICK CASSIDY, TIFFANY R
5911 WOODCREST DR
RALEIGH NC 27603-4655

CHURCH, BRAD EVERIDGE
5613 WOODCREST DR
RALEIGH NC 27603-4649

CHURCH, DAVID A CHURCH, WANDA C
5809 WOODCREST DR
RALEIGH NC 27603-4653

CHURCH, DAVID ALBERT CHURCH, WANDA CRABTREE
5815 WOODCREST DR
RALEIGH NC 27603-4653

CLAYTON PROPERTIES GROUP INC
5000 CLAYTON RD
MARYVILLE TN 37804-5550

CLEAVER, MICHAEL O
1721 SAINT PATRICK DR
RALEIGH NC 27603-4913

CLIFT, SARAH CUTLER
5907 WOODCREST DR
RALEIGH NC 27603-4655

CLODFELTER, RYAN C
1601 PINEDALE DR
RALEIGH NC 27603-4533

CLOWERS, EVELYN S
1517 SAINT PATRICK DR
RALEIGH NC 27603-4909

COOTER, JOHN C WATERS, EMILY S
1903 SAINT PATRICK DR
RALEIGH NC 27603-4917

CORTEZ, ANGELITA ALCAUTER, RUBEN FLORES
5512 W PLANTATION CIR
RALEIGH NC 27603-4648

CREECH, CAROLYN T CREECH, CAROL-LYNN
5725 WOODCREST DR
RALEIGH NC 27603-4651

DUNCAN, BOBBY L DUNCAN, CAROL C
5726 WOODCREST DR
RALEIGH NC 27603-4652

EUTSLER, DAVID L
1704 PINEDALE DR
RALEIGH NC 27603-4536

FADOIL, JEROME J FADOIL, CYNTHIA B
1804 PINEDALE DR
RALEIGH NC 27603-4538

FARZANA INVESTMENT INC
3913 DEVAN OAKS WAY
RALEIGH NC 27606-4350

FAYETTEVILLE ROAD PROPERTIES LLC
1212 HOME CT
RALEIGH NC 27603-4541

FERNANDEZ, BLADIMIRO J JR FERNANDEZ, KAREN DIANE
1805 SAINT PATRICK DR
RALEIGH NC 27603-4915

FLORES, ARIEL FLORES JARAMILLO, VANESSA GARCIA
1808 PINEDALE DR
RALEIGH NC 27603-4538

FOUR O ONE SOUTH LLC
6912 PENNY RD
RALEIGH NC 27606-9318

FRANKS, GARY LEE FRANKS, SHANNON DEANS
5626 FAYETTEVILLE RD
RALEIGH NC 27603-4126

GONZALEZ, RODRIGO JIMENEZ
5619 WOODCREST DR
RALEIGH NC 27603-4649

GOWER, CLARENCE W GOWER, SHIRLEY M
1604 PINEDALE DR
RALEIGH NC 27603-4534

GOWER, CLARENCE WINFIELD GOWER, SHIRLEY M
1608 PINEDALE DR
RALEIGH NC 27603-4534

HAMILTON, MELISSA W HAMILTON, LINWOOD L JR
5512 DIANE DR
RALEIGH NC 27603-4122

HICKS, LORI DALE BRASWELL, AMANDA
5706 FAYETTEVILLE RD
RALEIGH NC 27603-4526

HILL, DARRYL HILL, ANGELA
1613 PINEDALE DR
RALEIGH NC 27603-4533

HOANG, KIM TIEN
6109 VICKY DR
RALEIGH NC 27603-4923

HOLLAND, MICKEY LEE JR MILLER, SARA NICOLE
6100 MALIBU DR
RALEIGH NC 27603-4902

HOME COURT PROPERTIES LLC
1212 HOME CT
RALEIGH NC 27603-4541

HOWELL-GARNER LLC
14216 WYNDFIELD CIR
RALEIGH NC 27615-1317

HUDGINS, PETER DANIEL JR HUDGINS, LENA R
432 BROOKCLIFF LN
CARY NC 27511-5603

IGLESIAS, LEOVIGILDO MORA, EUNISSE GONZALEZ
1609 PINEDALE DR
RALEIGH NC 27603-4533

ISLEEM, AHMED JOUDEH, MOHAMMAD
103 MINDEN LN
CARY NC 27513-6292

JELOKHANI, ZOL ALEXANDER
1819 SAINT PATRICK DR
RALEIGH NC 27603-4915

JOHNSON, JOHNNY DAREN
6200 MALIBU DR
RALEIGH NC 27603-4904

JOHNSON, L ALTON HEIRS
C/O JOSEPH IRA LEE
501 MARLOWE RD
RALEIGH NC 27609-7019

JOHNSON, TIMOTHY L JOHNSON, TRACIE M
1516 HARMONT DR
RALEIGH NC 27603-4936

JUSINO, ANTHONY LEIBOVICH, MAYA
1409 PONDEROSA DR
RALEIGH NC 27603-4637

KEENAN, COLIN COOK, JULIE
5734 WOODCREST DR
RALEIGH NC 27603-4652

KIRKS, KRANDON K
5715 WOODCREST DR
RALEIGH NC 27603-4651

KLEIN, JANA I
1401 VALLEY DR
RALEIGH NC 27603-4645

LEE, ASHLYN STYNE
4630 INWOOD RD
RALEIGH NC 27603-3997

LEE, JOSEPH I III TRUSTEE THE JOSEPH I LEE JR RVCBLE
TRUST
501 MARLOWE RD
RALEIGH NC 27609-7019

LEE, JOSEPH IRA III
4200 GLEN LAUREL DR
RALEIGH NC 27612-3704

LEE, RUTH JOHNSON
501 MARLOWE RD
RALEIGH NC 27609-7019

LINTON, ANGELA TANT
1816 PINEDALE DR
RALEIGH NC 27603-4538

MARIN, SERGIO ROSAS CERVANTES SANCHEZ, CARLA
BRICEIDA
5730 WOODCREST DR
RALEIGH NC 27603-4652

MARKEY, ROBERT
1619 SAINT PATRICK DR
RALEIGH NC 27603-4911

MASON, STACEY B TRUSTEE JEAN D MASON RVCBLE
TRUST
2860 ANFIELD RD
RALEIGH NC 27606-9279

MATTHEWS, JACK N MATTHEWS, SERNA F
1812 PINEDALE DR
RALEIGH NC 27603-4538

MCCASKILL, DEATON B MCCASKILL, SANDY
1408 COLONY DR
RALEIGH NC 27603-4608

MILILLO, JOSEPH JAMES CHATTERJEE, DEBALINA
1717 PINEDALE DR
RALEIGH NC 27603-4535

MILLER, LARRY THOMAS MANNING, EVE NICOLE M
LARRY THOMAS MILLER
7129 ROCK SERVICE STATION RD
RALEIGH NC 27603-8307

MISNER, FRANCES M HEIRS
C/O SHARON EFIRD
5729 WOODCREST DR
RALEIGH NC 27603-4651

MOLLO, VINCENT J MOLLO, DENISE
5740 WOODCREST DR
RALEIGH NC 27603-4652

MONKS PROPERTY LLC
9301 SMART DR
RALEIGH NC 27603-8982

MORROW, BRADLEY JAY
5908 WOODCREST DR
RALEIGH NC 27603-4656

MORROW, RONALD L MORROW, LINDA E
1520 HARMONT DR
RALEIGH NC 27603-4936

MURPHY, JOHN D MURPHY, CATHERINE T
1809 PINEDALE DR
RALEIGH NC 27603-4537

NESBITT, CASEY A
1708 PINEDALE DR
RALEIGH NC 27603-4536

OBERHOLTZER, WALTER SCOTT OBERHOLTZER, LINDA
MARIE
5607 WOODCREST DR
RALEIGH NC 27603-4649

OUTEN, DEBORAH HEIRS
ANGIE SIFFORD
40 GRISSINGER CT
GARNER NC 27529-8361

OWENS, KIRBY A MONTAGUE, DANIEL TYLER
5912 WOODCREST DR
RALEIGH NC 27603-4656

PAKTIAWAL, NOORYA
1726 CRAG BURN LN
RALEIGH NC 27604-6900

PARTIN, GEVODA PARTIN, SYLVIA
5917 WOODCREST DR
RALEIGH NC 27603-4655

PEARSON, MARY F
1705 PINEDALE DR
RALEIGH NC 27603-4535

PENNY, SETH TRUSTEE PENNY FAMILY TRUST
1302 COLONY DR
RALEIGH NC 27603-4606

RACKLEY, RALPH C
6204 MALIBU DR
RALEIGH NC 27603-4904

RALEIGH RITE LIVING LLC
303 EVANS ESTATES DR
CARY NC 27513-9628

REGULES-PEDRO, EDILIA
1820 PINEDALE DR
RALEIGH NC 27603-4538

REINIGER, HANS
1404 VALLEY DR
RALEIGH NC 27603-4646

RHODES, STEVEN H RHODES, KAREN E
6108 MALIBU DR
RALEIGH NC 27603-4902

RIGSBEE, KENNETH SCOTT JR
1220 MYLYNN DR
WENDELL NC 27591-7422

ROBERSON, CROSWELL AUGUSTUS III ROBERSON, NINA
BASS
6212 MALIBU DR
RALEIGH NC 27603-4904

RODRIGUEZ, ESTEBAN M SANCHEZ, SONIA JIMENEZ
5719 FAYETTEVILLE RD
RALEIGH NC 27603-4525

RS RENTAL I LLC
31 HUDSON YARDS
NEW YORK NY 10001-2170

RUMBLE, MICHAEL E RUMBLE, HEIDE W
5702 WOODCREST DR
RALEIGH NC 27603-4652

SHARP, DONALD SHARP, JOSEPHINE
6208 MALIBU DR
RALEIGH NC 27603-4904

SHEFFIELD, EDWIN L SHEFFIELD, PATRICIA M
1512 HARMONT DR
RALEIGH NC 27603-4936

SMITH, DAVID LEE SMITH, SHARON BARNES
1913 SAINT PATRICK DR
RALEIGH NC 27603-4917

SMITH, JOSEPH RALPH
5932 WOODCREST DR
RALEIGH NC 27603-4656

SOUZA, ROBERT A SOUZA, RENEE F
5511 WAKE ACADEMY DR
RALEIGH NC 27603-4119

STEPHENSON, KIMBERLY D BRUMBLES, OWEN MICHAEL JR
1716 PINEDALE DR
RALEIGH NC 27603-4536

STEWART, LARRY ANTHONY TRUSTEE STEWART, KATHY B
TRUSTEE
1508 HARMONT DR
RALEIGH NC 27603-4936

STURGILL, MICHAEL C STURGILL, TREVA T
1712 PINEDALE DR
RALEIGH NC 27603-4536

SUGGS, WILLIAM BENJAMIN SUGGS, KELLY ERIN
1703 SAINT PATRICK DR
RALEIGH NC 27603-4913

TALTON, RAYMOND C TRUSTEE TALTON, HARRIETT C
TRUSTEE
5944 FAYETTEVILLE RD
RALEIGH NC 27603-4530

TANNER, MARIEL
6012 WOODCREST DR
RALEIGH NC 27603-4666

THOMAS, NATHAN GOLDBERG, RACHEL
5938 WOODCREST DR
RALEIGH NC 27603-4656

THOMAS, STEPHEN JOHN
1820 SAINT PATRICK DR
RALEIGH NC 27603-4916

TILLEY, BONNIE B TRUSTEE BUFFALOE FAMILY TRUST
5521 WAKE ACADEMY DR
RALEIGH NC 27603-4119

TOMLINSON, THOMAS WILLIAM
5833 WOODCREST DR
RALEIGH NC 27603-4653

TOWN OF GARNER
900 7TH AVE
GARNER NC 27529-3796

UPCHURCH, SAMUEL WALTER UPCHURCH, DEBORAH
HONEYCUTT
5217 PENNY RD
RALEIGH NC 27606-9037

VALENZUELA, ORFIDIO HOYOS HOYOS, MARLEN
1319 LEGEND RD
RALEIGH NC 27603-4623

VANDERWALL, WILLIAM JOHN
707 ROSEMONT AVE
RALEIGH NC 27607-7207

WAKE CHRISTIAN ACADEMY INC
5500 WAKE ACADEMY DR
RALEIGH NC 27603-4120

WALSH, JAMES A
1709 PINEDALE DR
RALEIGH NC 27603-4535

WATKINS, DAISY R
5928 WOODCREST DR
RALEIGH NC 27603-4656

WATSON, MELVIN ANDREW
5942 WOODCREST DR
RALEIGH NC 27603-4656

WHITAKER, CARLTON
5921 FAYETTEVILLE RD
RALEIGH NC 27603-4542

WHITAKER, JOSHUA MICHAEL TRUSTEE THE MICHAEL AND
JANICE WHITAKER FAMILY TRUST
2028 SIMPKINS RD
RALEIGH NC 27603-4518

WHITAKER, ZACHARY BRAXTON TRUSTEE THE MICHAEL
AND JANICE WHITAKER FAMILY TRUST
2028 SIMPKINS RD
RALEIGH NC 27603-4518

WHITAKER, ZACHARY BRAXTON TRUSTEE TRUSTEE OF
THE MICHAEL AND JANICE WHITAKER FAMILY
2032 SIMPKINS RD
RALEIGH NC 27603-4518

WILLIAMS, KIRBY R HUNT-WILLIAMS, YVONNE S
1713 PINEDALE DR
RALEIGH NC 27603-4535

WILLIAMS, KURT CAMPBELL WILLIAMS, SUSAN MAE ROSS
5515 DIANE DR
RALEIGH NC 27603-4121

WILLIAMS, LYNISIE MAREE BARNES, RYAN AUSTIN
5712 WOODCREST DR
RALEIGH NC 27603-4652

WILLIAMS, THOMAS L WILLIAMS, DEBORAH B
5519 WAKE ACADEMY DR
RALEIGH NC 27603-4119

WILSON, MARK A
8316 CROWDER RD
RALEIGH NC 27603-8728

WOODLIEF, BARBARA M
1032 RIDGE DR
CLAYTON NC 27520-9667

WROBEL, CARL
1812 SAINT PATRICK DR
RALEIGH NC 27603-4916

Neighborhood Meeting Sign-In Sheet

Name	Address	Email
Steve Thomas	1820 Saint Patrick Drive	sithomas6@encsuedu
RAAD MORALES	5908 WOODCREST DR	RAAD2751@GMAIL.COM
ROBBY + CAROL DUNCAN	5726 WOODCREST	aded63@gmail.com
DANNY + CAROLYN BELL	5716 Woodcrest Dr.	dbell514@aol.com
Heide Rumble	5702 Woodcrest Dr.	heide.rumble@gmail.com
CARLTON WHITAKER	5921 ST PATRICK / EAGLEHILL DR	CARLTONS5AVE@aol.com
WALTER OBERHOLTZER	5487 WOODCREST / ARLING	oberholzer71@gmail.com
HRT + Kim Kincaid	6517 MACIBU DRIVE RALEIGH NC	hkkk43@aol.com
John + Emily Costello	1903 St Patrick Dr. Emirate	NCWATERS@gmail.com
LARA LEE ADAMS	1413 ST. PATRICK	ADAMS1113@gmail.com
Dave Church	5809 Lynnway Dr.	
Kevin Adams	5703 N. Sharon Dr.	
Aaron Roberts	6200 Vicky Dr.	aroberts9@gmail.com
Margie Eutstler	1704 Pinedale Dr.	
Glenn Garrett	5714 N. Sharon Dr. Raleigh NC	garrettoglenn@gmail.com

401 Crossing Neighborhood Meeting Summary

September 25, 2023

30 Neighbors were in attendance

Michael Birch, Woodie Williams, Laura Holloman, and Kate Murdoch were in attendance to represent the project.

The meeting began at 6:00pm.

Michael Birch provided a brief overview of the updates that had been made to the project including TIA updates to better reflect the added road capacity that will result from the improvements asked for by NCDOT. Michael also informed the attendees of the added 60' building setback requirement along the property boundary and that additional evergreen plantings will be provided in the perimeter buffer.

Michael Birch explained that the environmental report evaluated the current environmental conditions of the site and noted that no major concerns were raised in the report. He also noted that the site would be monitored for environmental impacts throughout construction.

There were also a number of questions and concerns raised about sewer and water locations. Michael and Laura clarified that sewer would be connected to a pump station to the east of the site and that the finer details would be determined during the Special Use Permit process.

Parking was another major concern raised by the neighbors. There were several questions raised about how much parking would be provided for the project and whether or not that would be an adequate amount of parking. Michael and Laura stated that the project would need to meet the Town of Garner's parking standards for the development and unit types.

The TIA and traffic impacts of the development were of significant concern as well. A question was raised about why the driveway for the site is not aligned with the intersection at Simpkins Road. Woodie explained that NCDOT asked for the drive to be moved based on the number of crashes and incidents at the existing Simpkins Road intersection. The locations of u-turns were brought up, and Michael confirmed that those locations would be shown later in the process.

A question was asked about the emergency fire access and if there would be any process to remove it and make it public. Laura explained that it is a zoning condition of the site, asked for by the fire department and in order to remove it, the site would need to go back through this rezoning process.

Many questions were asked about the unit sizes, bedroom counts, and price point. Michael explained that the development would likely serve the 80-120% AMI range, but that it was too early to put any exact price point down. He also added that the unit sizes and bedroom counts would be determined during the Special Use Permit process. It was also noted that the owners of the property would continue to own the property for a minimum of 10 years and that it will be managed by a professional management company, who will deal with landscaping, maintenance, and security.

Concerns were also raised about stormwater runoff from the project. Michael and Laura explained that the SCMs are designed to capture and filter runoff to prevent flooding and that the project will likely improve runoff conditions for the surrounding neighborhood.

Concerns were raised about the project being all rental units and the type of person who would be a neighbor to the surrounding neighborhood, Michael reiterated that the property would be professionally managed and landscaped, and maintained. Neighbors were also worried about the number of people who would be living in this development. Concerns were raised about trash locations, Michael confirmed that this would be addressed during the Special Use Permit stage.

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

ORDINANCE NO. (2024) 5237

AN ORDINANCE AMENDING THE TEXT OF THE GARNER UNIFIED DEVELOPMENT ORDINANCE TO CREATE A NEW CONDITIONAL 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 zoning district be established and that this new district classification be applied to the applicant's property; and

WHEREAS, the Town Council finds this request to rezone approximately 72.24 +/- acres from Wake County Residential 40 Watershed (R-40W) to Town of Garner Planned Unit Development (PUD C15) Conditional for a mixed-use development of a maximum of 300 single-family residential units (platted individual residential lots, 25-40% land area proposed, max allowed 40%), 500 multifamily residential units (multiple units on common lots, 30-45% land area proposed, max allowed 45%), and 45,000 square feet of commercial space (land area proposed 4-10%, max allowed 15%) is inconsistent with the Future Land Use Map's designation of Active Recreation (ACR) and Low Density Residential (LDR) in both use and density, despite introducing a commercial component as the plan envisioned would likely occur.

WHEREAS, the Town Council acknowledges the Planning Commission's determination that the proposal is consistent with the Garner's *Transportation Plan and Parks, Recreation, Greenways and Cultural Resources Master Plan*; and

WHEREAS, the Town Council further finds the request is reasonable and in the public

interest because it will promote multi-family housing in select areas; be located and designed to create good multi-family places with quality exterior materials, open spaces and facades; and cluster townhomes, ancillary units, single-family attached and detached homes with similar design characteristics where they can live compatibly;

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF GARNER HEREBY 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 Laura Holloman of the McAdams Company in Zoning Map Amendment Application No. CZ-PD-22-03 from Wake County Residential 40 Watershed District (R-40W) to Commercial Mixed Use (CMX C15) Conditional.

Section 2. That there is hereby created a new conditional zoning district based on the former Planned Development District (PUD) in effect at the time of project submittal, to be known going forward as Commercial Mixed Use (CMX C15) Conditional; all of the regulations that apply to property within the CMX C15 district shall be applicable subject to the following conditions:

1. Permitted Use Table

Use Category	Specific Use	CMX C15
Household Living*	Two-Family Dwelling	P
	Townhouse	P
	Multifamily (triplex and higher, including Apartment)	P
Community Service	Library, Museum, Art Gallery, Art Center	P
Day Care	Adult Day Care	P
	Day Care Center	P
Educational Facilities and Services	Music/Dance/Art Instruction	P
Health Care	Medical Clinic	P
Institutions	Nursing Care Institution	P
Entertainment	Theater	P
	Gym, Spa, Indoor Tennis Court or Pool, Private	P
	Indoor Entertainment Facility	P
	Outdoor Athletic or Entertainment Facility, Private	P
	Water Slide, Golf Driving Range, Miniature	P

Use Category	Specific Use	CMX C15
	Golf, Batting Cage or Similar Use	
Office	Medical Office, Individual	P
	Other Office	P
Religious Institution		P
Restaurants	Restaurant, Drive-In or Outdoor Curb Service	P
	Restaurant, Indoor, with Seating Only	P
	Restaurant with Seating and Drive-Through Window	P
	Restaurant, Take-Out Only (Drive-Through or Walk Up)	P
Retail Sales and Service	Personal Service Oriented Use (excludes commercial greenhouses or any use with outdoor operations)	P
	Hair Salons, Beauty Shops, Barbershops	P
	Banks or Financial Institution	P
	Repair Oriented Use (No Outdoor Operations)	P
	Sales Oriented Use (No Outdoor Operations)	P
	Veterinarian/Kennel, Indoor	P
Vehicle Sales and Service	Car Wash (accessory use only)	P
	Convenience Store with Fuel Sales (minimum retail area 3,000 sf)	P
	Vehicle Service, Limited	P

** Any form of group living protected by state or federal statute for use in single-family dwellings shall be permitted according to the specific use standards of the Garner Unified Development Ordinance*

2. Open space, estimated to be between 25% and 35% of the total developable land area (Garner UDO Section 8.2), shall contain a minimum of three (3) of the following elements: paved walking trails; cornhole boards; butterfly garden; seat wall; bench; dog park; community garden; cut flower garden; playground; enhanced landscaping.
3. The existing pond will remain as an environmental and amenity feature. The pond's area shall remain at either its current size or greater. The pond shall include at least two of the following:
 - Benches
 - Gazebo
 - Enhanced landscaping
 - Natural (paved) walking trail(s)

4. On-site recreational facilities shall include:
 - A pool
 - Playground
 - Fitness center
 - Passive open space.
5. Perimeter buffer shall be a minimum of 30 feet. Existing trees and vegetation will be used with supplemental native plants.
6. Outside of protected environmental areas, perimeter buffers shall be supplemented with evergreen plant material to achieve 50% evergreen material within the buffer.
7. All supplemental landscaping added to the perimeter buffer landscaping shall utilize native plant material.
8. Foundation condition - will follow developer standards for foundation band board.
 - Townhomes shall have a 12" foundation band board.
 - Cottages shall have an 8" foundation band board.
9. A varied color palette shall be utilized on buildings for each residential portion of the development to include a minimum of two-color families for siding and shall include varied trim, shutter, and accent colors complimenting the siding color.
10. Townhomes, cottages, and duplexes that have frontage on a right-of-way shall have trim around the windows on rear and side elevations.
11. The following shall apply to townhome buildings: Roof line cannot be a single mass; it must be broken up either horizontally and/or vertically between, at a minimum, every other unit.
12. Three of the following decorative elements shall be used on each building: decorative shake, board and batten siding, decorative porch rails and posts, shutters, decorative functional foundation and roof vents, recessed windows, decorative windows, decorative brick or stone, decorative gables, decorative cornices, or metal roofing.
13. Fences not exposed to common open spaces or surrounding stormwater ponds shall be powder-coated aluminum picket type fencing.
14. Vinyl siding shall be prohibited as a building material except as a trim option.
15. All garage doors shall be affixed with carriage door adornments and windows.
16. Multifamily amenity area shall include:
 - A minimum 3,000 sf Clubhouse;
 - A minimum 2,500 sf swimming pool;
 - Dog Wash Station;
 - Parcel/Mail Room;
 - Coworking Area;
 - Elevators;

- Covered Parking; and
 - All to be constructed within 18 months of issuance of multi-family building permit.
17. Multi-family apartments shall not use vinyl siding and shall have:
 - Cementitious siding that shall vary in type and color with brick, shakes, board and batten, or stone accents provided as decorative features - the masonry component shall be a minimum of fifty percent (50%) per building;
 - Other accessory buildings may only have a masonry wainscot;
 - Offsets in the plane of each facade for each apartment building;
 - Either masonry embellishment or 1x4 casing on all windows.
 18. Multi-family apartments shall be located a minimum of 60 feet from existing single-family residential lot/structure.
 19. Non-residential buildings shall have architectural treatments such as varying roof forms, façade articulation, breaks in roof, walls with texture materials and ornamental details as well as landscaping may be incorporated to add visual interest. Large expanses of blank walls, greater than 25' in length or height, shall be broken up with architectural features such as windows, awnings etc. to reduce visual impacts.
 20. Adjacent to all perimeter property lines, maximum building height will be limited to four stories.
 21. Non-residential building roof features shall include flat roofs with parapet, hip roofs or awnings with metal or canvas material.
 22. Amenities that will serve a particular phase shall be built concurrently with that phase.
 23. All off-street parking shall meet minimum parking standards outlined in the UDO.
 24. Access shall be granted to the now or formerly known as the Carleton property (REID# 001329/PIN# 0790787494) via an access easement.
 25. All road frontage improvements shall be made in accordance with the approved TIA (diagram showing committed improvements immediately following this sheet).
 26. Streets shall be improved per TOG standards. Each street section shall be improved as follows, Fayetteville Road should be improved to half of a 6-lane thoroughfare with curb, gutter, and a 10' asphalt side path. St. Patrick Dr. and Woodcrest should be improved to half of a major local section with curb, gutter, and sidewalk.
 27. Construction entrance shall be located on the subject property.
 28. Related construction parking shall be located on site.
 29. Developer shall perform a Phase I Environmental Assessment as part of their routine diligence. If contamination is found, and the developer is admitted into the NC

Brownfield Program, the developer will follow the conditions provided there-under by NCDEQ.

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
Johnson, L Alton Heirs, Joseph Ira Lee III, Peter Daniel Hudgins Jr, Lena R Hudgins, The Joseph I Lee Jr Revocable Trust, Ruth Johnson Lee	0790781096, 0709788067, 0790889826, 0790884847, 0790886087, 0790886098, 0790780066, 0790897596, 0790992265, 0790992386, 0790992476, 0791902864, 0790992175, 0790885319, 0790981008, 0790882057, 0790783046, 0790981161, 0790885048, 0790881017, 0790785341, 0790889068, and 0790888028	Wake County Residential 40 Watershed District (R-40W)	Commercial Mixed Use (CMX C15) Conditional

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. That the Town’s 2018 Garner Forward Comprehensive Plan’s land use map be amended to change the site’s designation from Low-Density Residential and Active Recreation to Mixed-Density Neighborhood Center.

Section 6. All provisions of any town ordinance in conflict with this ordinance are repealed.

Section 7. 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 8. This ordinance shall become effective upon adoption.

Duly adopted this 16th day of January 2024.

Buddy Gupton, Mayor

ATTEST: _____
Stella L. Gibson, Town Clerk

Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: January 16, 2024		
Subject: Tier 2 Conditional Rezoning Request # CZ-MP-22-06, Ackerman Road Subdivision		
Location on Agenda: Old/New Business		
Department: Planning		
Contact: Ashley Harris, Planner II		
Presenter: Ashley Harris, Planner II		
Brief Summary: Tier 2 conditional rezoning request (CZ-MP-22-06) submitted by Construction Masters, LLC to rezone approximately 7.57 +/- acres from Single-Family Residential (R-40) to Single-Family Residential (R-9 C255) Conditional for the development of up to 21 single-family detached homes.		
Recommended Motion and/or Requested Action: Consider motion to approve CZ-MP-22-06 by adopting Ordinance (2024) 5236		
Detailed Notes: Effective July 5, 2022, the Town Council approved ZTA-22-01 and CZ-22-01, adopting a new Unified Development Ordinance and establishing new zoning districts. The request is now amended to be from Rural Agricultural (RA) to Residential 4 (R4 C255) Conditional and Multifamily A (MF-A C255) Conditional. However, due to permit choice rules, the specific conditions of the request are to be considered according to the rules of the former UDO in effect at the time of application (2/1/2022) governing the former Single-Family Residential (R-9) and Multifamily Residential (MF-1) zoning districts.		
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:	JST	
Finance Director:		
Town Attorney:		
Town Manager:	RD	
Town Clerk:		



Town of Garner Planning Department

Conditional District Zoning Application CZ-MP-22-06



Project: Ackerman Road
Applicant: Construction Masters, LLC
Owner: Construction Masters, LLC & Mohamed Elfadaly
Location: 1932 Ackerman Road
Pin #: 1629381473, 1629380782

Proposed Use: Multifamily Residential
Current Zoning: RA
Proposed Zoning: R4 C255 & MF-A C255
Acreage: 7.57
Overlay: Lower Swift Creek
 Overlay District

Planning Department Staff Report

TO: Honorable Mayor Gupton and Town Council Members

FROM: Ashley Harris; Planner I

SUBJECT: *Tier 2 Conditional Rezoning # CZ-MP-22-06, Ackerman Road*

DATE: January 16, 2024

I. PROJECT AT A GLANCE

Project Number(s): CZ-MP-22-06, Tier 2 Conditional Rezoning

Applicant: Construction Masters, LLC

Owners: Construction Masters, LLC and Mohamed Elfadaly

Designer: Jones & Cossen Engineering, PLLC

General Description -

Project Area & Location: 7.57 +/- acres at 1932 and 0 Ackerman Road

Wake Count PIN(s): 1629381473 and 1629380782

Current Zoning: At time of application: Single-Family Residential (R-40)
As of 7-5-22: Rural Agricultural (RA)

Requested Zoning: At time of application: Single-Family Residential (R-9 C255) Conditional
As of 7-5-22: Residential 4 (R4 C255) Conditional

Overlay: At time of application: Swift Creek Conservation District
As of 7-5-22: Lower Swift Creek Overlay (LSC)

Key Meeting Dates:

Public Hearing: December 20, 2022

Planning Commission: October 9, 2023 & December 11, 2023

Action: January 16, 2024

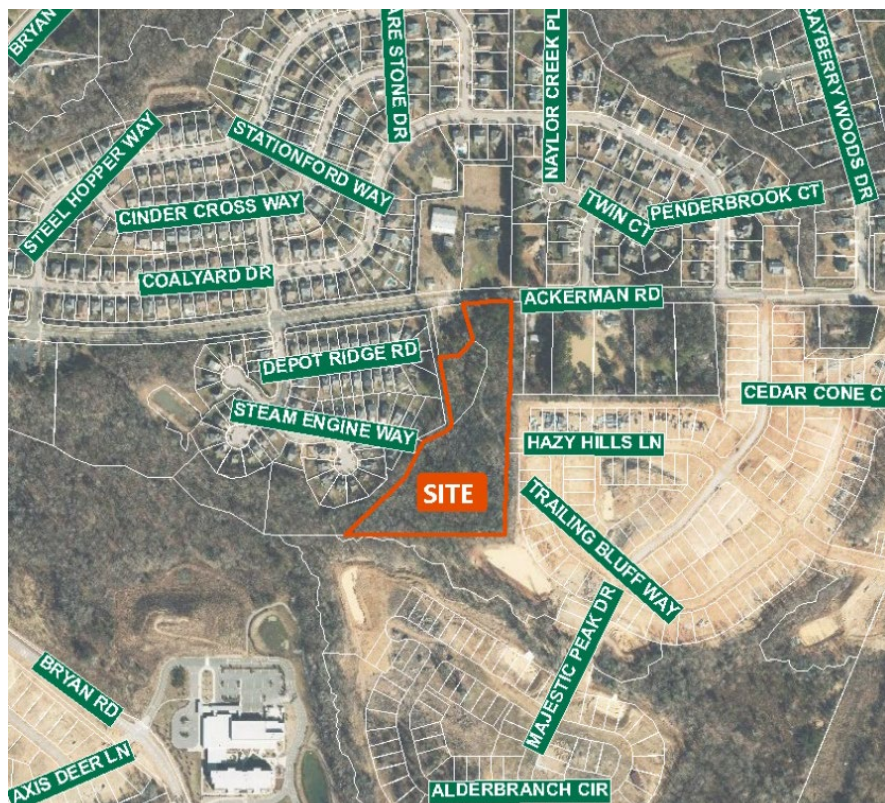
II. BACKGROUND / REQUEST SUMMARY

Request: Tier 2 conditional rezoning request (CZ-MP-22-06) submitted by Construction Masters, LLC to rezone approximately 7.57 +/- acres from single family residential (R-40) to Single-Family Residential (R-9 C255) Conditional for the development of 20 single family detached homes.

Tier 2 requests are those where an illustrative master plan is included with the written conditions. The master plan is not intended to have the detail of a full site plan. However, it will show a layout of how streets, parking, buffers, stormwater, utilities, amenities, and lots or buildings will relate to each other as well as the surrounding properties. If the rezoning is approved, the applicant must submit a full site plan in keeping with the master plan to staff (and Town Council in the event a SUP is triggered) for review and approval.

Effective July 5, 2022, the Town Council approved ZTA-22-01 and CZ-22-01, adopting a new Unified Development Ordinance and establishing new zoning districts. The request is now amended to be from Rural Agricultural (RA) to Residential 4 (R4 C255) Conditional. However, due to permit choice rules, the specific conditions of the request are to be considered according to the rules of the former UDO in effect at the time of application (2/1/2022) governing the former Single-Family Residential (R-9) zoning district.

Staff note: Since the public hearing on December 20, 2022, the applicant has reduced the scope of the project. The previous iteration proposed a combination of townhomes and single family detached. The amended application is now for only single family detached. Because the project decreased in intensity, an additional public hearing was not required.



III. ZONING ANALYSIS

Existing: The site is currently zoned **Rural Agricultural (RA)**. The RA district primarily accommodates agriculture, silviculture, and rural residential (aka large-lot single-family residential) uses. Other uses typically found in rural areas, including utility structures and other compatible uses are also found in the district. Properties zoned RA are typically found in areas outside the Town's corporate limits where public water and sewer services are not readily available.

The following is a list of permitted uses in the RA District:

- | | |
|--|--|
| 1. Single-Family Detached | 11. Golf Course or Country Club, Private |
| 2. Manufactured Home - Class A | 12. Horse Stables and Related Facilities |
| 3. Manufactured Home - Class B | 13. Public Park, Passive Open Space, Nature Park |
| 4. Group care home (with 9 or fewer residents) | 14. Private golf course or country club |
| 5. Assembly, Civil, Service Fraternal Clubs, Lodges and Similar Uses | 15. Bed and Breakfast Home, 8 rooms or fewer |
| 6. Community center | 16. In Home Family Childcare Home |
| 7. School, Primary or Secondary | 17. Minor Utility |
| 8. Emergency Services | 18. Telecommunications Facility |
| 9. Cemetery | 19. Agriculture or Silviculture |
| 10. Religious Institution | |

Proposed: The proposed zoning of the 7.57-acre site is **Single-Family Residential (R-9 C255) Conditional**. The R-9 district allows single-family lots of at least 9,000 square feet (0.21 acres). These districts are designed to create and maintain residential neighborhoods composed primarily of single-family residences 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 as a place for healthful, quiet, and aesthetically pleasing residential living.

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

1. Permitted use table:

Use Category	Specific Use	R-9 C255
Residential Use**	Single-Family Detached	P
	Residential Cluster Subdivision	P

** Any form of group living protected by state or federal statute for use in single-family dwellings shall be permitted according to the specific use standards of the Garner Unified Development Ordinance.

2. All single-family homes shall have at least a 2-car garage. Garage doors shall have carriage door hardware and windows.
3. Accent light fixtures a minimum of 8-inches wide or 8-inches tall shall be required above all single-family garage doors.
4. If masonry is not the predominant single-family first floor finish (greater than 50%), then the front elevations shall have two types of fiber-cement siding patterns, i.e. lap and shake or board and batten.
5. No vinyl siding shall be allowed for single-family homes.
6. At a minimum, all single-family homes shall have at least a 24-inch stone/masonry water table on the front façade.
7. Each single-family home must have a masonry foundation with crawl space (not including garage), turn down slab, or stem wall slab foundation with a minimum height of 12 inches with brick or stone veneer on front and sides.
8. Single-family front elevations with cantilevered projection shall include cosmetic brackets or shelf supports directly beneath it.
9. All single-family homes shall have a minimum 8-inch eave on the front and rear façade with a minimum 8-inch roof overhang on all sides.
10. An outdoor deck, patio, or screened porch, a minimum of 100 square feet is required as part of all single-family homes.
11. A projecting covered front porch, a minimum of 20 square feet, is required as part of all single-family dwelling units.
12. All single-family dwelling units shall have at least one trimmed window per habitable floor on the side elevation. Window trim shall be a minimum 1X4 board.
13. No more than 21 single family homes will be constructed on the property.

Overlay Districts: This property falls within the **Lower Swift Creek Overlay (LSC) District**. This overlay district has additional development standards applicable to new residential and non-residential development in the LSC: The overlay is explained in Article 5.14.3 of the *Unified Development Ordinance*:

1. The standards of both the LSC overlay district and the underlying zoning district shall apply to each parcel. Where the standards of the overlay district and the underlying district differ, the more restrictive standards shall control development in new projects created after effective date of the LSC which is May 31, 2005.
2. The maximum impervious surface coverage of the new residential development projects and new non-residential development projects, which are defined as those projects approved or permitted after May 31, 2005, are as follows:
 - a. New single-family detached residential subdivision development projects shall be limited to a maximum of 30 percent total impervious surface area.
 - b. New multifamily residential development projects defined to include townhomes, condominiums, apartments, or other attached multifamily housing units shall be limited to a maximum of 50 percent total impervious surface area.
 - c. New non-residential development projects shall be limited to a maximum of 70 percent of total of impervious surface area.

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 / Project	Zoning Change
CUD-Z-91-5	Wade and Dora Bryan	Bryan Road	R-40 and R-40 to SB-C36 and NB
CUD-Z-98-11	Troy D. Hall	Cade Springs Road	R40 to R5 C85
PD-Z-04-01	KB Home Raleigh/Durham, LLC	Ackerman Road	RMH to PD C-1
CUD-Z-06-02	Piedmont Land Design	Ackerman Road	Residential 40 (R-40) to Residential 12 (R-12) (C-136)
CUD-Z-06-08	Homestead Developers, LLC	Ackerman Road	Residential-40 (R-40) to Residential-12 Conditional Use District 142 (R-12 C-142)
CUD-Z-06-10	RLA Development, LLC	New Bethel Church Road	Residential 40 (R-40) to Residential 15 Conditional Use (R-15 C144)
PD-Z-17-01	DR Horton, Inc.	Ackerman Road	Residential 12 (R-12 C135), R-40, RMH to Planned Development C5 (PD-C5)
CUD-Z-17-02 (R-9 C195)	Hopper Communities	Bryan Road	R-40 to R-9 C195
CUD-Z-18-11 (R-9 C210)	Bass, Nixon and Kennedy, Inc.	Ackerman Road	Single-Family Residential (R-40), Planned Residential Development (PRD C1)

Adjacent Zoning and Land Use:

North:	Rural Agricultural	Single-Family
South:	Residential (R-4)	Vacant
East:	Residential (R-4)	Ridgemoor Subdivision
West:	Residential (R-4)	Bingham Station



IV. COMMUNITY INFORMATION

Overall Neighborhood Character: Ackerman Road is a secondary road that has connection to White Oak Road, which is a major corridor with a significant amount of daily traffic. The area has seen a good amount of residential development in the past and is currently experiencing new high density residential growth in the surrounding area. The area is supported by Bryan Road Elementary School and South Garner High School and White Oak Shopping Center.

Traffic: At a maximum of 35 residential dwellings and generating 226 trips per day, this project did not require a TIA, and is therefore not subject to the recent Walters Buffaloe Development Agreement. The project will have about 0.04-mile border along Ackerman Road. The NCDOT average daily traffic count history in this area on Ackerman Road is as follows:

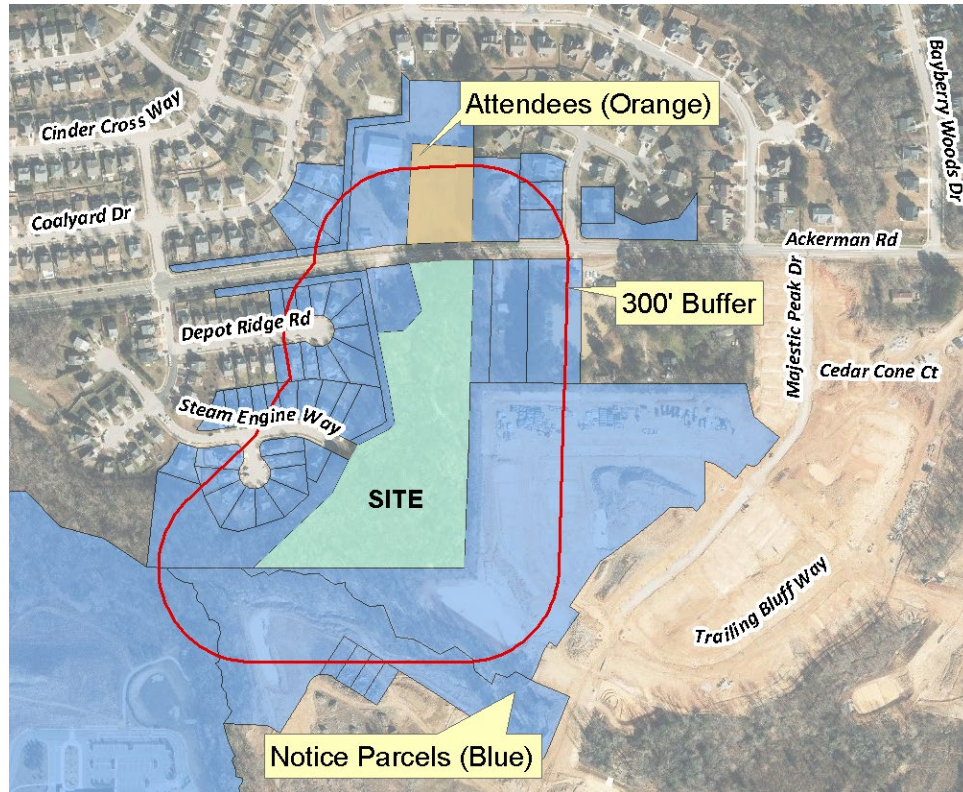
- Year 2011 – 1,600
- Year 2013 – 1,700
- Year 2015 – 1,700
- Year 2017 – not collected

- Year 2019 – not collected

- Year 2021 – not collected

Neighborhood Meeting: Staff identified 52 properties within the notification radius as shown below and provided the list below to the applicant for first class mailed notices.

The neighborhood meeting was held on February 2, 2022, at the Garner Recreation Center located at 215 W. Main Street Road with 3 in attendance. Attending was Mr. B.C. Raynor, 1018 Hwy. 70 W. Garner, NC 27529 and John and Tammy Auman, 1931 Ackerman Road, Garner, NC 27529.



Neighborhood Meeting Summary:

On Wednesday, February 2, 2022, at 6:00 p.m., the applicant held a neighborhood meeting at the Garner Recreation Center, 215 W. Main Street, Garner, NC 25729. Only three representatives from nearby properties attended the meeting.

- **Question/Concern #1:** Is natural gas going to be brought to the development?
Applicant’s Response: There are no plans to bring natural gas to the development. The extension of gas mains will be by PSNC or other gas companies that serve this area.
- **Question/Concern #2:** The Ackerman Road frontage was reported to have limited sight distance, so safety was brought up as a concern.
Applicant’s Response: Site access and improvements to Ackerman Road will be discussed with the Town of Garner and NCDOT as part of the development plan

process. The understanding is that Ackerman Road will be improved to provide a 3-lane section with sidewalk. This will hopefully improve the current conditions.

- **Question/Concern #3:** Will existing vegetation be preserved as there is currently a good stand of trees on the site.

Applicant's Response: The development will comply with Town of Garner UDO requirements to provide appropriate perimeter buffers to adjacent properties. Also, a buffered stream traverses through the site that will be preserved with exception to any required street and/or utility crossings. So, existing vegetation will be preserved as much as practical.

- **Question/Concern #4:** What is the time frame for approvals?

Applicant's Response: The rezoning will be submitted 2/4/22, and likely to go before Town Board for vote in about 4 months if all goes as expected. Public notices will be mailed, and opportunity is given for public input at the meetings. If approved, we will move forward with development plans with the goal to break ground as soon as possible.

Additional Neighborhood Meeting 1 Summary: Although not required, the applicant held a second meeting on January 23, 2023 at the Avery Street Recreation Center. Approximately 4 people attended.

- **Question/Concern #1:** An existing storm drainage pipe crosses Ackerman Road and discharges stormwater to the eastern corner of the site. How will the site convey this stormwater to not impact existing properties across Ackerman Road?

Applicant's Response: The development will need to pipe this existing stormwater through the internal storm drainage network so that Existing properties are not impacted. This will be handled with the subdivision design.

- **Question/Concern #2:** the Ackerman Road frontage was again reported to have limited sight distance, so safety was brought up as a concern.

Applicant's Response: site access and improvements to Ackerman Road will be discussed with the town of Garner and NCDOT as part of the development plan process. The understanding is that Ackerman Road will be improved to provide a 3-lane section with sidewalk. This will hopefully improve the current conditions.

- **Question/Concern #3** The extension of Steam Engine way was mentioned as having a negative impact on the Bingham subdivision. Parking on the street and difficult access onto Ackerman Road were mentioned as issues.

Applicant's Response: the development is required to extend steam engine way to provide interconnectivity between developments. This provides options for access, which is good planning. It was mentioned that street parking and other issues should be addressed with the town of Garner.

- **Question/Concern #4:** The number of single-family homes off Ackerman Road was mentioned as too dense. Also, removal of the existing vegetation was mentioned as a concern.

Applicant's Response: The change to single-family lots is a significant reduction in the number of units access Ackerman Road. The number is reasonable to provide the necessary value to make required improvements to Ackerman Road and internal development. The removal of existing vegetation will be minimized as much as practical.

Additional Neighborhood Meeting 2 Summary: Although not required, the applicant held a third meeting on February 15, 2023 at the Avery Street Recreation Center. Approximately 2 neighbors attended.

- **Question/Concern #1:** How do you plan to convey the stormwater discharge from Ackerman Road to the site? The site is low relative to Ackerman Road, so water pond was expressed as a concern.

Applicant's Response: The development will need to pipe this existing stormwater through the internal storm drainage network so that existing properties are not impacted. This will be handled with the subdivision design. As the site development, fill will likely be required to construct the entrance driveway which is handled at construction drawings.

- **Question/Concern #2:** The number of single-family homes off Ackerman Road was mentioned as too dense. Also, removal of the existing vegetation was mentioned as a concern.

Applicant's Response: The change to single-family lots is a significant reduction in the number of units access Ackerman Road. The number is reasonable to provide the necessary value to make required improvements to Ackerman Road and internal development. The removal of existing vegetation will be minimized as much as practical.

- **Question/Concern #3:** Will the single-family homes be lower than the access alley if fill is required for construction?

Applicant's Response: It's likely that the single-family lots will also need to be filled so that runoff is conveyed to the alley. The intention is to provide storm drainage inlets within the alley for collection and conveyance of stormwater to the planned stormwater pond in the southern portion of the site.

For additional neighborhood meeting details, see the full neighborhood meeting report attached to the end of this document.

Public Hearing Summary: The Town Council conducted a public hearing at their meeting on Tuesday, December 20, 2022. Please refer to **Town Council Meeting for 12/20/22** video (<https://www.youtube.com/watch?v=Tnc2qTi0ses>) at the Town of Garner's YouTube page (<https://www.youtube.com/@TownofGarner/streams>). The staff presentation begins at the 1:03:00 minute mark of the video, and comments begin at 1:16:00.

Council discussion focused on open space calculations and access, existing stream buffers and wetlands, neighborhood meetings, proposed road sections, and the townhomes that were previously proposed at the time of public hearing.

Public comments begin at the 1:27:00 minute mark. Public comments concerned the proposed density (with the previously proposed townhomes), traffic, access and visibility from Ackerman Road, stormwater, safety concerns, and stub connections into existing neighborhoods.

The Town Council closed the public hearing and by a vote of 4 to 1 recommended the conditional rezoning request be sent to the Planning Commission.

V. MASTER PLAN PROJECT DATA

Acreeage: 7.57 +/- acres

Master Plan:



Lots and Setbacks:

Single-Family Detached in R-9:
 Minimum lot width: 60 feet
 Minimum lot area: 9,000 square feet
 Front setback: 25'
 Side setback: 6' min. / 15' combined

Rear setback: 20'
Corner side setback: 20'

Cluster residential in R-9:

Minimum lot width: 50'
Minimum lot area: 6,000 square feet
Front setback: 20'
Side setback: 10'
Rear setback: 20'
Corner side setback: 20'
Max. du/acre: 3.0

Landscape and Buffer Requirements:

Tree Canopy Cover: Sliding scale from 18-20% (rule at time of submittal) to be met. Master plan envisions 23% (1.74 acres) of canopy via preservation only.

Perimeter Buffers:

- No requirement between single-family and adjacent single-family

Street Buffers: Along Ackerman Road is 25'.

Street Trees: Must be provided approximately every 40 feet along all roadways and internal drives (not within a parking lot)

Parks and Open Space:

Open Space –

- Required: 10% (0.76 acres min.)
- Anticipated: 11.1% (0.84 acres)

Open space areas will be owned and maintained by an HOA. Required open space will be met by qualifying conservation areas. Additional passive recreation pockets will also exist along walkways and near mail kiosk.

Lighting:

To meet UDO requirements and staff policies for LED fixtures.

Environmental Features:

There are no FEMA designated floodplains; however, there is a buffered stream and associated wetlands that run through the site.



Infrastructure:

Water/Sewer – The site will be served by City of Raleigh water and sewer infrastructure. Water will connect to and be extended from existing lines on Ackerman Road. Sewer will be extensions from adjacent Bingham Station and Ridgemoor Subdivisions per Raleigh Water policy.



Stormwater Management – Ackerman Road is a residential master plan site that is not located within the watershed protection area. This site is subject to stormwater water quality requirements for nitrogen as well as water quantity requirements for the 1-, 10-, and 25-year storm events. This development master plan proposes a single stormwater control measure (SCM). This SCM shall satisfy all water quality and water quantity requirements at this site for nitrogen and will be required to detain the 1-, 10-, and 25-year storm events.

Transportation/Access – The northern portion of the project will have a single point of access via Ackerman Road. The southern portion of the project will have access from both Hazy Hills Lane in the adjacent Ridgemoor development and Steam Engine Way in the adjacent Bingham Station development. Pedestrian paths will connect the northern and southern portions of the proposed development. Sidewalks will also connect to those on Ackerman Road, Steam Engine Way and Hazy Hills Lane.

VI. PLAN CONSISTENCY

Statutory Directive: When considering a rezoning request, the Planning Commission is required by state statute to make a written recommendation regarding the consistency of the zoning proposal with the Town’s current Comprehensive Plan and other applicable adopted plans. Specifically, a comprehensive plan is only advisory in nature and has no independent regulatory effect; nor does it expand, diminish or alter the scope of the Town of Garner UDO. A determination of inconsistency with the Plan does not preclude a rezoning request from being found to be reasonable. In those cases where the request is deemed inconsistent yet reasonable, an amendment to the Comprehensive Plan is automatically made upon approval of the request.

Planning Commission Meeting Summary: The Planning Commission conducted a consistency review of the case at their meeting on Monday, October 9, 2023. Please refer to the *Planning Commission Meeting for 10/9/2023* video (https://www.youtube.com/watch?v=KD4_vYKQKrK) at the Town of Garner’s YouTube page (<https://www.youtube.com/@TownofGarner/streams>). The staff presentation begins at the 9:35 mark of the video, and discussion with the applicant and interested citizens begins at the 22:10 mark.

Questions and comments from the Planning Commission included:

- Asking how this proposal compares to the adjacent subdivisions in terms of density and lot size;
- Clarifying that the dwelling units per acre calculation included the portion of the property where there is a buffered stream;
- Commenting that the town may need to lead a project to fill in sidewalk gaps along Ackerman Road;
- Inquiring about the stormwater and the flow of water across the site;

- Inquiring about any existing wetlands on the property and the proposed drainage easements and clarifying that those easements would also function as maintenance and access easements;
- Asking if any runoff from the adjacent property would be captured through this development;
- Asking for clarifications about the stream crossings, the proposed mail kiosk locations, and the road improvements along Ackerman Road;
- Commenting that there was appreciation for the applicant’s response to neighbor concerns in amending their plan;
- Inquiring about the dimension of roof overhangs, the number of homes allowed to be built on site, the building materials, number of windows, and the orientation of the homes;
- Suggestion to position the homes to maximize natural light and energy efficiency;
- Inquiring about the open space, passive recreation areas, and if there is any wildlife present in the stream;
- Suggestion to limit mass grading of the site and work to preserve more trees around the perimeter; and
- Clarifying the naming of the subdivision since there is no vehicular connection between the north and south portion of the project.

Questions and comments from the public included:

- Expressing concerns related to stormwater, tree preservation, and traffic/safety.

Additional Planning Commission Meeting Summary: The Planning Commission previously considered this case at their regular meeting of October 9, 2023. Following that meeting, staff noticed a discrepancy between the proposed use table and lot design elements in the master plan. While most of the proposed lots are illustrating traditional subdivision design, not all were, and “Residential Cluster” is considered a separate use under the applicable UDO. While cluster standards were discussed at the meeting, staff determined that the case should come back to the Planning Commission for re-consideration so all parties are clear as to the intent. Neighbors were re-notified of this public meeting as there was no date certain for this re-consideration to occur.

The Planning Commission re-conducted a consistency review of the case at their meeting on Monday, December 11, 2023. Please refer to the *Planning Commission Meeting for 12/11/2023* video (<https://www.youtube.com/watch?v=1tMzKznvAEk&t=163s>) at the Town of Garner’s YouTube page (<https://www.youtube.com/@TownofGarner/streams>). The staff presentation begins at the 12:55 mark of the video, and discussion with the applicant and interested citizens begins at the 16:35 mark.

There were no questions and comments from the Planning Commission.

Relevant Land Use Plan Analysis:

2018 Garner Forward Plan – CONSISTENT:

This site is designated as medium density residential (MDR). The MDR designation includes single-family, duplex, triplex, quadplex, and townhome-style residences with no less than two and a half (2.5) nor more than five (5) units per acre. MDR structures may also include auxiliary units detached from the primary house. The MDR district encourages context sensitive residential uses that preserve and enhance the culture of adjacent residential communities.

This zoning request for R-9 conditional at no more than 21 dwelling units can be considered consistent with the medium-density residential designation in terms of both permitted uses and densities.



2010/18 Garner Transportation Plan - CONSISTENT:

The Town's transportation plan calls for sidewalks along Ackerman Road as a pedestrian recommendation. This project will install curb, gutter, and sidewalks. With these improvements, this project can be considered consistent with the Transportation Plan.

Parks, Recreation, Greenways and Cultural Resources Master Plan – CONSISTENT:

The site is not designated as a park land search area. In addition, there is no proposed greenway corridor proposed for this location; therefore, this rezoning master plan can be considered consistent with the PRCR Master Plan.

Consistency Statement: On a unanimous vote of 6-0 on October 9, 2023, and then again on a unanimous vote of 5-0 on December 13, 2023, the Planning Commission voted to accept the following consistency statement drafted by staff and recommended approval of CZ-MP-22-06 to the Town Council:

“We, the Planning Commission, find this request to rezone approximately 7.57 +/- acres from **Single-Family Residential (R-40)** to **Single-Family Residential (R-9 C255) Conditional** for the development of up to 21 single-family detached homes in either traditional or cluster subdivision form consistent with the Town of Garner’s adopted plans, including the Future Land Use Map’s designation of **Medium-Density Residential.**”

VII. REASONABLENESS

In addition to approving a statement regarding plan consistency upon the advice of the Planning Commission, the Town Council must also approve a statement of reasonableness when making their decision. Sources of reasonableness may include other sections of the 2018 *Garner Forward Comprehensive Plan* providing guidance on keeping the Town’s character, living spaces, working places, recreation opportunities and transportation. Other adopted Town plans and policies providing guidance on parks, greenways, cultural resources and more may serve as sources as well. The Town Council may find that a rezoning request furthers the efforts to achieve specific goals and objectives stated within these plans and policies; and thereby render said request a reasonable one. The converse may also apply.

VIII. RECOMMENDATION

Staff Recommendation: In addition to findings of plan consistency, staff would note the following in support of a motion to approve CZ-MP-22-06 as presented:

1. This development will connect into two existing stub streets, including the existing non-conforming Steam Engine Way, which will be brought into compliance with this development.
2. The minimum sizes of lots proposed (6,000 square feet cluster / 9,000 square feet standard) are similar or greater to the minimum sizes of lots permitted in the adjacent subdivisions to both the west (5,000 square feet) and east (6,750 square feet).

Recommended Motion: See following worksheet. Staff has highlighted the most likely motion for both approving (in green – staff recommendation) and denying (in red) the applicant’s request.

CZ-MP-22-06, Ackerman Road

Zoning Amendment Motion Worksheet

Choose one of the following motions (*staff recommendation highlighted in green*):

<p>1. CONSISTENT AND REASONABLE</p>	<p>“I move that the Town Council accept the Planning Commission’s written statement regarding consistency of the zoning amendment request with adopted land use plans, detailed in Section VI of the staff report, as our own; and I further move that the Town Council adopt Ordinance No. (2024) 5236 approving rezoning CZ-MP-22-06, as the request is reasonable and in the public interest because it will likely (<u>select all applicable reasonableness options on next page and/or provide your own reasoning</u>).”</p>
<p>2. CONSISTENT BUT NOT REASONABLE</p>	<p>“I move that the Town Council accept the Planning Commission’s written statement regarding consistency of the zoning amendment request with adopted land use plans, detailed in Section VI of the staff report, as our own; however, I also move that the Town Council deny rezoning CZ-MP-22-06, as the request is not reasonable nor in the public interest because it will likely not (<u>select all applicable reasonableness options on next page and/or provide your own reasoning</u>).”</p>
<p>3. INCONSISTENT YET REASONABLE</p>	<p>“I move that the Town Council accept the Planning Commission’s written statement regarding consistency of the zoning amendment request with adopted land use plans, detailed in Section VI of the staff report, and find the request inconsistent due to (<u>cite and insert land use plan evidence</u>); yet, I also move that the Town Council adopt Ordinance No. (2024) 5236 approving rezoning CZ-MP-22-06, as the request is still reasonable and in the public interest because it will likely (<u>select all applicable reasonableness options on next page and/or provide your own reasoning</u>).”</p>
<p>4. INCONSISTENT NOR REASONABLE</p>	<p>“I move that the Town Council accept the Planning Commission’s written statement regarding consistency of the zoning amendment request with adopted land use plans, detailed in Section VI of the staff report, and find the request inconsistent due to (<u>cite and insert land use plan evidence</u>); and I further move that the Town Council deny rezoning CZ-MP-22-06, as the request is not reasonable nor in the public interest because it will likely not (<u>select all applicable reasonableness options next page and/or provide your own reasoning</u>).”</p>

See next page for staff-identified possible reasonableness options...

Select all applicable reasonableness options to be included in a motion:	
	Promote multi-family housing in select areas.
✓	Be of an overall design that keeps within the Town’s character and improves property values.
✓	Encourage redevelopment and reuse of existing sites that are complimentary to the surrounding area.
	Invest significantly in outdoor spaces and/or promote natural features such as major trees, streams, hills and woodlands.
	Provide attractive and pedestrian-friendly streetscapes that communicate small-town feel and a human-scaled environment.
	Create attractive and unique gateways to Garner; thereby attracting new visitors and encouraging people to return.
	Attract both younger and older populations.
	Be located and designed to create good multi-family places with quality exterior materials, open spaces and facades.
	Refocus development on our centers – including Downtown and North Garner.
	Allow/encourage shared-use and mixed-use developments.
✓	Support more 55+ housing opportunities.
✓	Emphasize new housing styles in walkable, mixed-use locations identified for growth.
	Mix housing types in infill areas in harmony with adjoining, older neighborhoods.
✓	Create better neighborhood appearance by rear-loading driveways and using alleys, promoting walking in front of homes and allowing trash removal to be kept out of sight.
	Cluster townhomes, ancillary units, single-family attached and detached homes with similar design characteristics where they can live compatibly.
	Align the development code with the Town’s desired ends.
	Support work-in-place trends.
	Require all or a high percentage of parking to be at the side or rear of buildings and allow for the creation of enclosed pedestrian spaces.
	Allow a mix of smaller, leaner and cleaner manufacturing and industry with office and/or ground-floor retail; even housing.
	Connect the community internally with open spaces.
✓	Enhance the surrounding transportation network by providing interconnectivity, constructing proposed greenway trails, improving intersections and/or filling sidewalk gaps.
	Improve Garner’s position as a community that is a successful candidate for more fixed route transit services.
	Reflect a significant change in conditions or support a public policy established by the Town since the adoption of applicable land use plans.
	Achieve substantial improvement in the quality of life for Town residents.
	Increase the ability to achieve other goals of the Comprehensive Plan or improve Town operations.
	Other: _____
	Other: _____

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

ORDINANCE NO. (2024) 5236

AN ORDINANCE AMENDING THE TEXT OF THE GARNER UNIFIED DEVELOPMENT ORDINANCE TO CREATE A NEW CONDITIONAL 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 zoning district be established and that this new district classification be applied to the applicant's property; and

WHEREAS, the Town Council finds this original request to rezone 7.57 +/- acres from Single-Family Residential (R-40) to Single-Family Residential (R-9 C255) Conditional – now from Rural Agricultural (RA) to Residential 4 (R4 C255) Conditional – for the development of single family detached homes or a clustered residential subdivision is consistent with the 2018 *Garner Forward Comprehensive Plan's* future land use map designation of Medium-Density Residential; and

WHEREAS, the Town Council also finds this request to also be consistent with the *Garner's Transportation Plan and Parks, Recreation, Greenways and Cultural Resources Master Plan*; and

WHEREAS, the Town Council further finds the request is reasonable and in the public interest because it will be of an overall design that keeps within the Town's character and improves property values; will encourage redevelopment and reuse of existing sites that are complimentary to the surrounding area; and will enhance the surrounding transportation network by providing interconnectivity, constructing proposed greenway trails, improving intersections and/or filling sidewalk gaps;

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF GARNER HEREBY 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 Construction Masters, LLC in Zoning Map Amendment Application No. CZ-MP-22-06: from Single-Family Residential (R-40) to Single-Family Residential (R-9 C255) Conditional – now from Rural Agricultural (RA) to Residential 4 (R4 C255) Conditional.

Section 2. That there is hereby created a new conditional zoning district, to be known as Residential 4 (R4 C255) Conditional where all of the property within the R4 C255 district shall be subject to the following conditions based on the applicable Single-Family Residential (R-9) regulations in place at the time of application:

1 Permitted use table:

Use Category	Specific Use	R4 C255
Residential Use**	Single-Family Detached	P
	Residential Cluster Subdivision	P

*** Any form of group living protected by state or federal statute for use in single-family dwellings shall be permitted according to the specific use standards of the Garner Unified Development Ordinance.*

2. All single-family homes shall have at least a 2-car garage. Garage doors shall have carriage door hardware and windows.
3. Accent light fixtures a minimum of 8-inches wide or 8-inches tall shall be required above all single-family garage doors.
4. If masonry is not the predominant single-family first floor finish (greater than 50%), then the front elevations shall have two types of fiber-cement siding patterns, i.e. lap and shake or board and batten.
5. No vinyl siding shall be allowed for single-family homes.
6. At a minimum, all single-family homes shall have at least a 24-inch stone/masonry water table on the front façade.
7. Each single-family home must have a masonry foundation with crawl space (not including garage), turn down slab, or stem wall slab foundation with a minimum height of 12 inches with brick or stone veneer on front and sides.
8. Single-family front elevations with cantilevered projection shall include cosmetic brackets or shelf supports directly beneath it.
9. All single-family homes shall have a minimum 8-inch eave on the front and rear façade with a minimum 8-inch roof overhang on all sides.
10. An outdoor deck, patio, or screened porch, a minimum of 100 square feet is required as part of all single-family homes.

11. A projecting covered front porch, a minimum of 20 square feet, is required as part of all single-family dwelling units.
12. All single-family dwelling units shall have at least one trimmed window per habitable floor on the side elevation. Window trim shall be a minimum 1x4 board.
13. No more than 21 single family homes will be constructed on the property.

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 the application file:

Owner(s)	Tract No.	Existing Zoning	New Zoning
Construction Masters, LLC and Mohamed Elfadaly	1629381473 and 1629380782	Rural Agricultural (RA)	Residential 4 (R4 C255) Conditional

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 16th day of January 2024.

Buddy Gupton, Mayor

ATTEST: _____
 Stella L. Gibson, Town Clerk



Jones & Clossen
ENGINEERING, PLLC

Civil Engineering | Construction Management | Land Planning

221 N. SALEM ST, SUITE 001
PO BOX 1062
APEX, NC 27502
Office: 919-387-1174
Fax: 919-387-3375
www.jonesclossen.com

January 19, 2022

Dear Property Owner;

On behalf of the owners of 1932 and 0 Ackerman Road (PINs 1629-38-1473 & 1629-38-0782), I would like to invite you to attend a neighborhood information meeting concerning the development of said properties. Specifically, Jones & Clossen Engineering has requested a rezoning of said properties from R-40 to R-9 and MF-1 to allow for the development of single-family and multi-family homes. We have enclosed a map showing the location and the proposed zoning areas of the properties.

The meeting details are as follows:

February 2, 2022
6:00 PM
Garner Recreation Center – Multipurpose Room
215 W Main St.
Garner, NC 27529

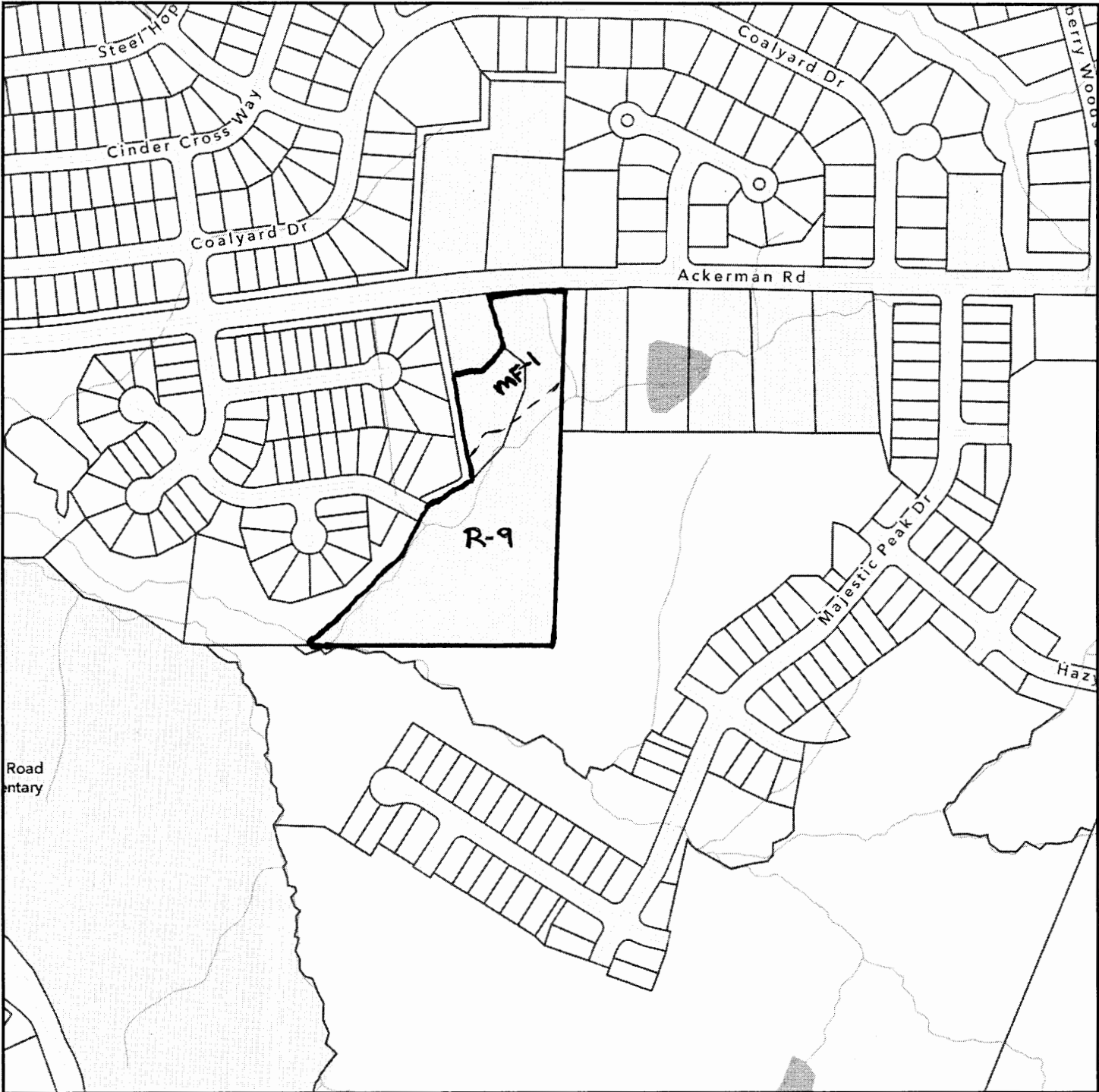
Per Town of Garner ordinance requirements, we are notifying you of this meeting because your property is located within the written notification area for public hearings. While this meeting is not a public hearing, it is an opportunity for you to meet with the owners and/or applicants to hear about their intention to rezone and/or develop the land. You are encouraged to ask questions and express concerns so that we may help you to more fully understand the proposed project.

Town Planning staff will not be in attendance at this meeting, but if you have additional questions about the project you may contact the Town's case manager, David Bamford, at 919-773-4443 or dbamford@garnernc.gov. Property owners within the notification area will receive a separate notice from Town Planning staff when a public hearing is scheduled before the Garner Town Council.

If you have any questions about this neighborhood information meeting, or if you are unable to attend and would like to speak with someone regarding the proposal, please feel free to contact me at 919-387-1174 or peter@jonesclossen.com. We look forward to seeing you at the meeting.

Sincerely,

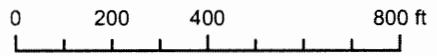

Peter Clossen, P.E.



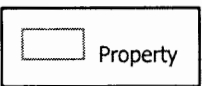
Road
entary

R-9

MS-1



1 inch equals 400 feet



Disclaimer
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OWNER	ADDR1	ADDR2	ADDR3
LOPES, DENISE C	125 WAGON TIE LN	GARNER NC 27529-7388	
MOORING, MITCHELL ALEXANDER	164 DEPOT RIDGE RD	GARNER NC 27529-7367	
LOO, MICHAEL G	165 DEPOT RIDGE RD	GARNER NC 27529-7368	
BINGHAM STATION COMMUNITY ASSN INC	C/O WILLIAM DOUGLAS PROPERTY MGMT	3716 NATIONAL DR STE 118	RALEIGH NC 27612-4863
POWELL, CORY M POWELL, TAMMY J	156 DEPOT RIDGE RD	GARNER NC 27529-7367	
WALL, JONATHAN WALL, CHRISTY	1269 TURNER MEADOW DR	RALEIGH NC 27603-7971	
LOUNSBERRY, ROBERT	181 DEPOT RIDGE RD	GARNER NC 27529-7368	
ELFADALY, MOHAMED	1932 ACKERMAN RD	GARNER NC 27529-9701	
DAVIS, RODERICK DAVIS, JULIA	165 STEAM ENGINE WAY	GARNER NC 27529-7394	
MCLYMORE, ROBERT LEE JR	189 STEAM ENGINE WAY	GARNER NC 27529-7394	
CAHILL, MICHAEL RITCHINGS, MELISSA	100 WAGON TIE LN	GARNER NC 27529-7387	
PROGRESS RESIDENTIAL 2015-2 BORROWER LLC	PO BOX 4090	SCOTTSDALE AZ 85261-4090	
MOKBEL, NIHAL MOHAB TORKY, LEENA MOHAMED	106 HIDDEN FOX PATH	GARNER NC 27529-6408	
AUMAN, JOHN A COHEN AUMAN, TAMMY ANN	1931 ACKERMAN RD	GARNER NC 27529-8833	
RUPARD, MELINDA	180 DEPOT RIDGE RD	GARNER NC 27529-7367	
DAY, ARTHELL S	364 COALYARD DR	GARNER NC 27529-7383	
RODRIGUEZ, GARIBALDI JR RODRIGUEZ, MIRIAM	348 COALYARD DR	GARNER NC 27529-7383	
SWICK, SHANE A	197 DEPOT RIDGE RD	GARNER NC 27529-7368	
GUTIERREZ, CESAR GUTIERREZ, MONICA	181 STEAM ENGINE WAY	GARNER NC 27529-7394	
SANDERS, BARBARA A	117 WAGON TIE LN	GARNER NC 27529-7388	
STEAD, LESTER H JR STEAD, KRISTINE	356 COALYARD DR	GARNER NC 27529-7383	
JOYNER, PEYTON	173 STEAM ENGINE WAY	GARNER NC 27529-7394	
ROBINSON, STEVEN VICTOR BENKIEL, RHONDA MICHELLE	323 FELSPAR WAY	CARY NC 27518-2202	
BOGUE, STEPHANIE M	173 DEPOT RIDGE RD	GARNER NC 27529-7368	
PHAN, QUANG	149 STEAM ENGINE WAY	GARNER NC 27529-7394	
KANDEFER, BRIAN N EWASYSHYN, TARIN H	188 DEPOT RIDGE RD	GARNER NC 27529-7367	
SFR JV-1 2020-1 BORROWER LLC	TRICON AMERICAN HOMES LLC	1508 BROOKHOLLOW DR	SANTA ANA CA 92705-5426
SILVER, DEREK NUNEZ, CASSANDRA	105 WAGON TIE LN	GARNER NC 27529-7388	
BINGHAM STATION COMMUNITY ASSN INC	2610 WYCLIFF RD STE 102	RALEIGH NC 27607-3073	
BRASWELL, JESSE L BRASWELL, MARANDA	172 DEPOT RIDGE RD	GARNER NC 27529-7367	
BRADY, ANGIE	180 STEAM ENGINE WAY	GARNER NC 27529-7393	
JAMSHIDI PROPERTIES LLC	2002 GREYHAWK PL	APEX NC 27539-9309	
AMH 2015-2 BORROWER LLC	AMERICAN HOMES 4 RENT	30601 AGOURA RD STE 200	AGOURA HILLS CA 91301-2148
BAIER, TIMOTHY BAIER, CECILIA S	340 COALYARD DR	GARNER NC 27529-7383	
HUYNH, NGUYEN QUOC	101 WAGON TIE LN	GARNER NC 27529-7388	
LEE, JACQUELINE ANN	108 WAGON TIE LN	GARNER NC 27529-7387	
VIGIL, JOSEPH VIGIL, AUREA	124 WAGON TIE LN	GARNER NC 27529-7387	
AMH 2014-3 BORROWER LLC	AMERICAN HOMES 4 RENT	30601 AGOURA RD STE 200	AGOURA HILLS CA 91301-2148
VALDEZ, JENNIFER VALDEZ, EDUARDO	233 SWANN TRL	CLAYTON NC 27527-6502	
LYNWOOD ESTATES HOMEOWNERS ASSC INC	101 SEAGROVES CT	APEX NC 27502-4976	
JONES, EDMOND JONES, CHARITY	5612 CARDINAL LANDING DR	RALEIGH NC 27603-7882	
RAYNOR, BOBBY C	PO BOX 365	GARNER NC 27529-0365	
MCMILLIAN, THOMAS C MCMILLIAN, JESSICA	107 HIDDEN FOX PATH	GARNER NC 27529-6409	
EDWARDS, NATHANIEL MARTIN BONIFACIO, KRIS ANNE ORETA	115 HIDDEN FOX PATH	GARNER NC 27529-6409	
LENNAR CAROLINAS LLC	TROY J GEORGE	1100 PERIMETER PARK DR STE 112	MORRISVILLE NC 27560-9119
PIETSCH, GARY C	1968 ACKERMAN RD	GARNER NC 27529-9701	
MOORE, JENNIFER	1980 ACKERMAN RD	GARNER NC 27529-9701	

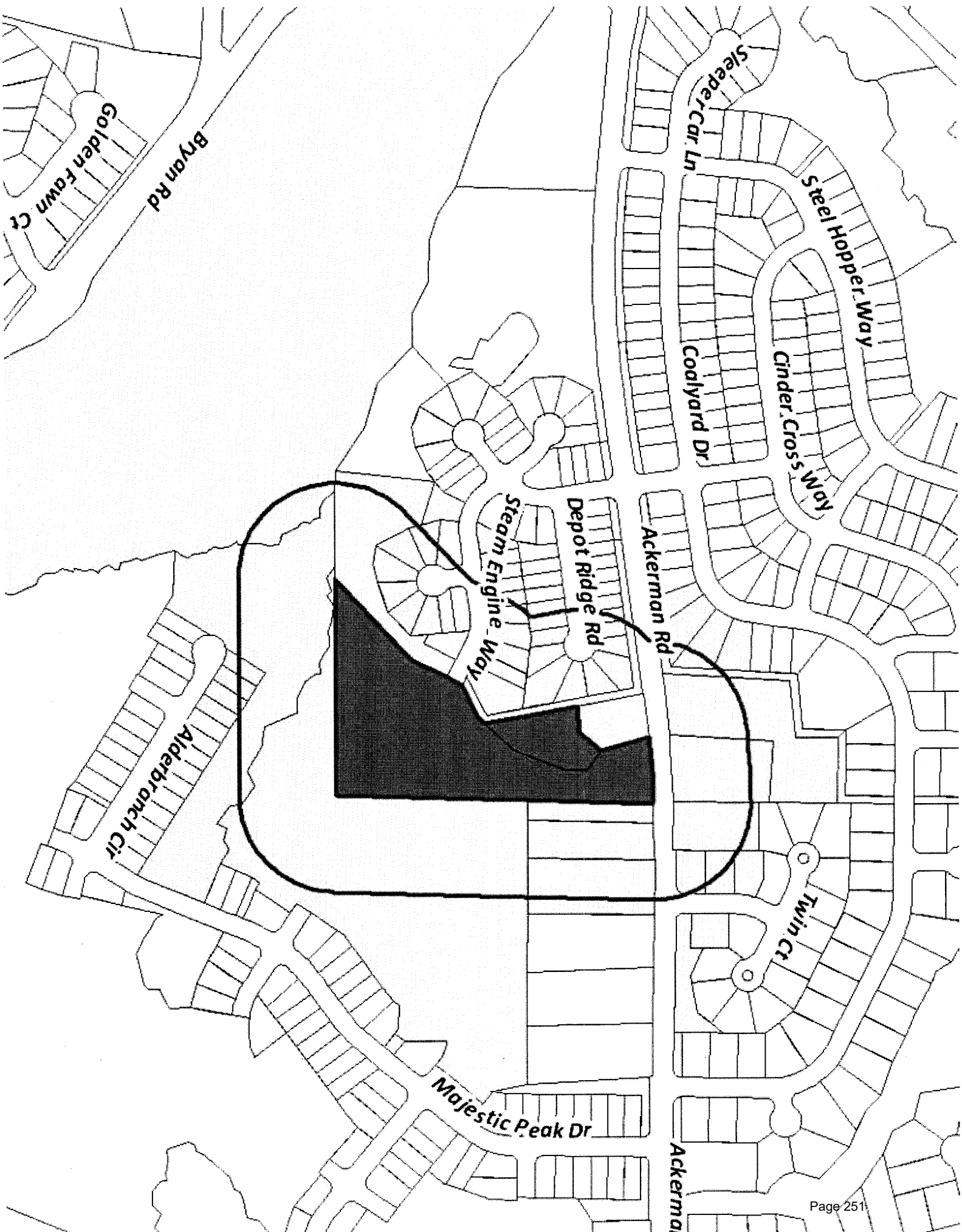
PLEASANTS, JOSEPH C PLEASANTS, CAROLYN
WAKE CNTY BOARD OF EDUCATION
BRYANT, KRISTIN A
GAITAN, DEBORAH MENCHACA, AYIN L GAITAN
IH6 PROPERTY NORTH CAROLINA LP

1932 ACKERMAN RD
RE SERVICES DIRECTOR
125 STEAM ENGINE WAY
133 STEAM ENGINE WAY
INVITATION HOMES-TAX DEPT

GARNER NC 27529-9701
1551 ROCK QUARRY RD
GARNER NC 27529-7394
GARNER NC 27529-7394
1717 MAIN ST STE 2000

RALEIGH NC 27610-4145

DALLAS TX 75201-4657



Golden Fawn Ct

Bryan Rd

Sleepy Car Ln

Steal Hopper Way

Coalyard Dr

Cinder Cross Way

Steam Engine Way

Depot Ridge Rd

Ackerman Rd

Alderbranch Cir

Twin Ct

Majestic Peak Dr

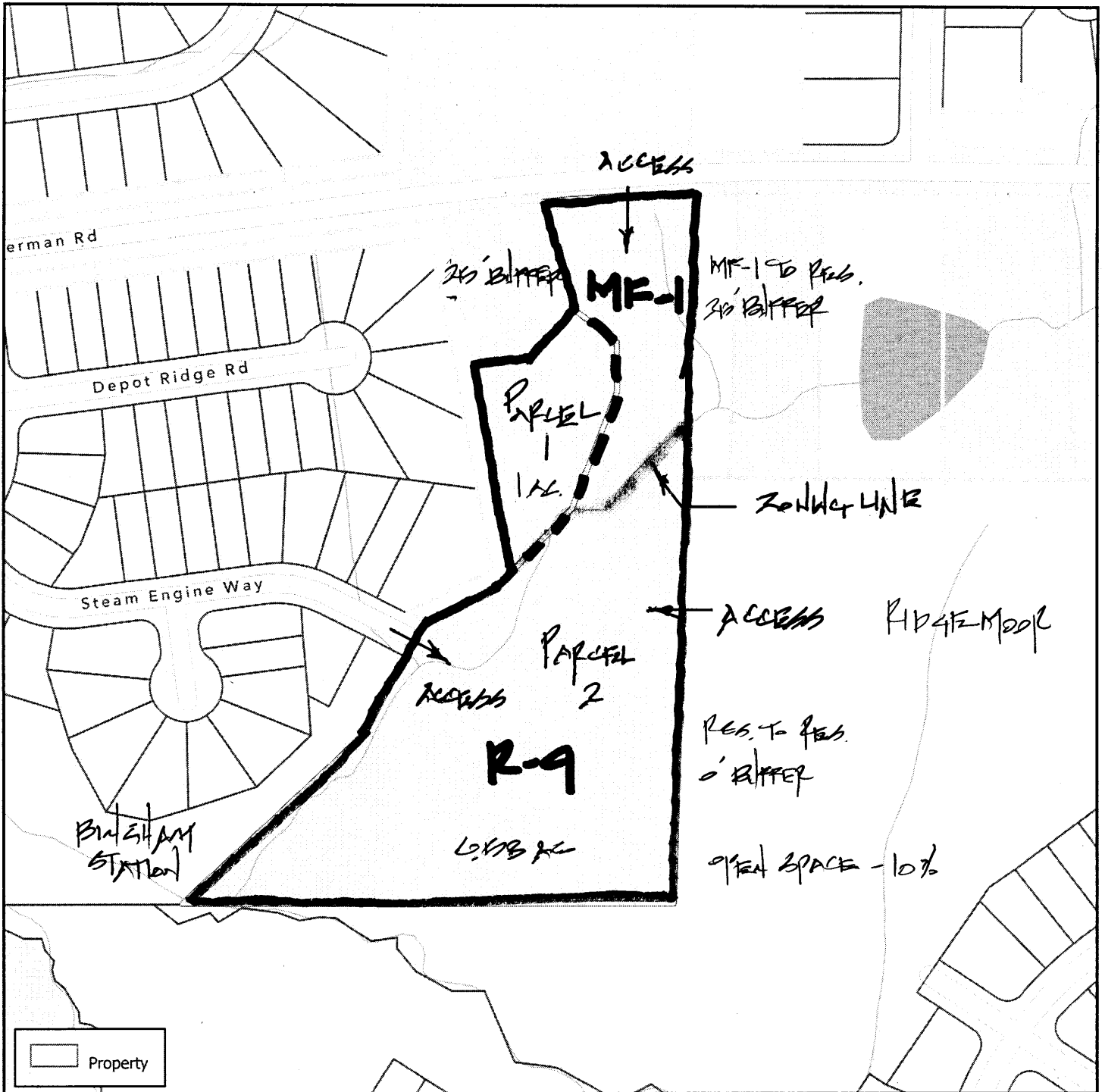
Ackerman

NEIGHBORHOOD MEETING SIGN-IN SHEET

Meeting Address: Garner Recreation Center - 215 W. Main St, Garner, NC 27529
 Date of meeting: February 2, 2022 Time of meeting: 6:00 pm
 Property Owner(s) name(s): Construction Masters, LLC and Mohamed Elfadaly
 Applicant(s): Coonstruction Masters LLC, 5520 Louisburg Rd, Raleigh NC 27616/Ph: 919-480-6721/Email: office@conzalpm.com

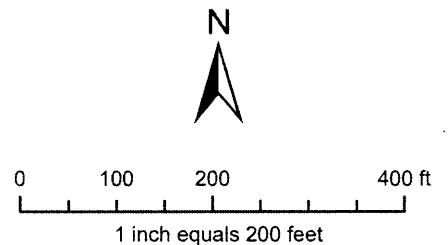
Please print your name below, state your address and/or affiliation with a neighborhood group, and provide your phone number and email address. Providing your name below does not represent support or opposition to the project; it is for documentation purposes only.

	NAME/ORGANIZATION	ADDRESS	PHONE #	EMAIL	SEND PLANS & UPDATES
1.	B.C. Kaura	1018 Hwy 70 West # 400	NC 27529	919 606 0604	
2.	John + Tammy Auman	1931 Ackerman	723-8072	javresearch@nc.rr.com	yes
3.					
4.					
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13.					
14.					



PIN: 1629381473
 PIN Ext: 000
 Real Estate ID: 0100168
 Map Name: 1629 01
 Owner: PLEASANTS, JOSEPH C PLEASANTS, CAROLYN
 Mail Address 1: 1932 ACKERMAN RD
 Mail Address 2: GARNER NC 27529-9701
 Deed Book: 002539
 Deed Page: 00157
 Deed Acres: 6.58
 Deed Date: 1/1/1977
 Building Value: 124100
 Land Value: 228560
 Total Value: 352660
 Billing Class: Individual
 Description: SMITH LD.
 Heated Area: 1338

Street Name: ACKERMAN RD
 Site Address: 1932 ACKERMAN RD
 Planning Jurisdiction: GA
 Township: St. Mary's
 Year Built: 1978
 Use Type: SINGLFAM
 Design Style: Conventional
 Land Class: Residential Less Than 10 Acres
 Old Parcel Number: 750-00000-0064



Disclaimer
 iMaps makes every effort to produce and publish the most current and accurate information possible. However, the maps are produced for information purposes, and are NOT surveys. No warranties, expressed or implied, are provided for the data therein, its use, or its interpretation.
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Use Category	Specific Use	R-9	Notes
Residential			<i>Included</i>
<i>Household Living</i>	Single-family detached	P	6.1 & 6.8
	Residential cluster	P	6.3
	Single-family residential subdivision	P	
	Modular home	P	6.8
<i>Group Living</i>	Family Care Home	P	5.3A.1
	Group Care Home	P	5.3A.1
	Intermediate Care Home	P	5.3A.1
<i>Community Service</i>	Community Center	S	
<i>Day Care</i>	Child Day Care (up to 3 as home occupation)	P	5.3B.3
	Family Child Day Care (up to 8 in-home)	P	5.3B.3
<i>Education Facilities and Services</i>	School, Public or Private	S	5.3B.7
<i>Government Facilities</i>	Ambulance Service, Rescue Squad, Police or Fire Station	S	
<i>Parks and Open Space</i>	Cemetery	P	5.3B.2
	Public Park, Swimming Pool, Tennis Court, Golf Course	S	
<i>Religious Institution</i>		P	5.3B.6
<i>Utilities</i>	Minor Utility, Elevated Water Storage Tank	P	5.3B.4
	Bed and Breakfast	S	

Use Category	Specific Use	MF-1	Notes	Included
Residential				
Household Living	Residential cluster	P	6.3	
	Two-family dwelling	P	6.2	
	Townhouse	P	6.5	
	Condominium	P	6.5	
	Multi-family (triplex & higher incl. apartment)	P	6.2	
Group Living	Family Care Home	P	5.3A.1	
	Group Care Home	P	5.3A.1	
	Intermediate Care Home	P	5.3A.1	
Community Service	Community Center	S		
	Other Community Service	S		
Day Care	Child Day Care (up to 3 as home occupation)	P	5.3B.3	
Education Facilities and Services	School, Public or Private	S	5.3B.7	
Government Facilities	Ambulance Service, Rescue Squad, Police or Fire Station	S		
Health Care	Continuing Care, Retirement Facility	S	5.3B.10	
	Hospice	P		
Parks and Open Space	Cemetery	P	5.3B.2	
	Public Park, Swimming Pool, Tennis Court, Golf Course	S		
Religious Institution		P	5.3B.6	
Utilities	Minor Utility, Elevated Water Storage Tank	P	5.3B4	
Overnight Accomodation	Bed and Breakfast	S		

SUMMARY OF DISCUSSION FROM THE NEIGHBORHOOD MEETING

Property Owner(s) name(s): Mohamed Elfadaly
Applicant(s): Construction Masters, LLC
Contact information (email/phone): office@conzalpm.com/919-480-6721
Meeting Address: Garner Recreation Center, 215 W. Main St, Garner NC 27529
Date of meeting: February 02, 2022 Time of meeting: 6:00 pm

Returned mailed meeting notifications: None

Question/Concern #1:

Is natural gas going to be brought to the development?

Applicant's Response:

There are no plans to bring natural gas to the development. The extension of gas mains will be by PSNC or other gas companies that serve this area.

Question/Concern #2:

The Ackerman Road frontage was reported to have limited sight distance, so safety was brought up as a concern.

Applicant's Response:

Site access and improvements to Ackerman Road will be discussed with the Town of Garner and NCDOT as part of the development plan process. The understanding is that Ackerman Road will be improved to provide a 3-lane section with sidewalk. This will hopefully improve the current conditions.

Question/Concern #3:

Will existing vegetation be preserved as there is currently a good stand of trees on the site.

Applicant's Response:

The development will comply with Town of Garner UDO requirements to provide appropriate perimeter buffers to adjacent properties. Also, a buffered stream traverses through the site that will be preserved with exception to any required street and/or utility crossings. So, existing vegetation will be preserved as much as practical.

Question/Concern #4:

What is the time frame for approvals?

Applicant's Response:

The rezoning will be submitted 2/4/22, and likely to go before Town Board for vote in about 4 months if all goes as expected. Public notices will be mailed, and opportunity is given for public input at the meetings. If approved, we will move forward with development plans with the goal to break ground as soon as possible.



Jones & Clossen
ENGINEERING, PLLC

Civil Engineering | Construction Management | Land Planning

221 N. SALEM ST, SUITE 001
PO BOX 1062
APEX, NC 27502
Office: 919-387-1174
Fax: 919-387-3375
www.jonesclossen.com

January 10, 2023

Dear Property Owner,

On behalf of the owners of 1932 and 0 Ackerman Road (PINs 1629-38-1473 & 1629-38-0782), I would like to invite you to attend an additional neighborhood meeting concerning the development of these properties. After receiving comments on the original proposal from the Town of Garner and neighbors, we have made changes to the Master Plan and would like to take an opportunity to share them with you. The meeting details are as follows:

January 23, 2023
6:00 PM
Avery Street Recreation Center – Multipurpose Room
125 Avery St.
Garner, NC 27529

We are notifying you of this additional meeting since your property is located within the written notification area by the Town of Garner and should have received invitation to the first neighborhood meeting on February 2, 2022. This additional meeting is an opportunity for you to meet with the owners and/or applicants to hear about updates to the project. You are encouraged to ask questions and express concerns.

Town Planning staff will not be in attendance at this meeting, but if you have additional questions about the project, you may contact the Town's case manager, David Bamford, at 919-773-4443 or dbamford@garnernc.gov.

If you have any questions about this neighborhood information meeting, or if you are unable to attend and would like to speak with someone regarding the proposal, please feel free to contact me at 919-387-1174 or peter@jonesclossen.com. We look forward to seeing you at the meeting.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter Clossen". The signature is fluid and cursive, written over a light blue horizontal line.

Peter Clossen, P.E.
Jones & Clossen Engineering, PLLC

NEIGHBORHOOD MEETING SIGN-IN SHEET

Meeting Address: Avery Street Recreation Center - 125 Avery St, Garner, NC 27529
 Date of meeting: January 23, 2023 Time of meeting: 6:00 pm
 Property Owner(s) name(s): Construction Masters, LLC and Mohamed Elfadaly
 Applicant(s): Construction Masters LLC, 5520 Louisburg Rd, Raleigh NC 27616/Ph: 919-480-6721/Email: office@conzalpm.com

Please print your name below, state your address and/or affiliation with a neighborhood group, and provide your phone number and email address. Providing your name below does not represent support or opposition to the project; it is for documentation purposes only.

	NAME/ORGANIZATION	ADDRESS	PHONE #	EMAIL	SEND PLANS & UPDATES
1.	Jamie Vinson	135 Bellfare Dr.	919-801-1168	_____	
2.	John+Tammy Auman	1931 Ackerman	919 723 8072		
3.	Peter Crassen	project representative			
4.	Moe Elfadaly	1932 Ackerman			
5.					
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10.					
11.					
12.					
13.					
14.					

SUMMARY OF DISCUSSION FROM THE NEIGHBORHOOD MEETING

Property Owner(s) name(s): Mohamed Elfadaly

Applicant(s): Construction Masters, LLC

Contact information (email/phone): office@conzalpm.com/919-480-6721

Meeting Address: Avery Street Recreation Center, 125 W. Main St, Garner NC 27529

Date of meeting: January 23, 2023

Time of meeting: 6:00 pm

Question/Concern #1:

An existing storm drainage pipe crosses Ackerman Road and discharges stormwater to the eastern corner of the site. How will the site convey this stormwater to not impact existing properties across Ackerman Road?

Applicant's Response:

The development will need to pipe this existing stormwater through the internal storm drainage network so that existing properties are not impacted. This will be handled with the subdivision design.

Question/Concern #2:

The Ackerman Road frontage was again reported to have limited sight distance, so safety was brought up as a concern.

Applicant's Response:

Site access and improvements to Ackerman Road will be discussed with the Town of Garner and NCDOT as part of the development plan process. The understanding is that Ackerman Road will be improved to provide a 3-lane section with sidewalk. This will hopefully improve the current conditions.

Question/Concern #3:

The extension of Steam Engine Way was mentioned as having a negative impact on the Bingham Subdivision. Parking on the street and difficult access onto Ackerman Road were mentioned as issues.

Applicant's Response:

The development is required to extend Stream Engine Way to provide interconnectivity between developments. This provides options for access which is good planning. It was mentioned that street parking and other issues should be addressed with the Town of Garner.

Question/Concern #4:

The number of single-family homes off Ackerman Road was mentioned as too dense. Also, removal of the existing vegetation was mentioned as a concern.

Applicant's Response:

The change to single-family lots is a significant reduction in the number of units access Ackerman Road. The number is reasonable to provide the necessary value to make required improvements to Ackerman Road and internal development. The removal of existing vegetation will be minimized as much as practical.



Jones & Clossen
ENGINEERING, PLLC

Civil Engineering | Construction Management | Land Planning

221 N. SALEM ST, SUITE 001
PO BOX 1062
APEX, NC 27502
Office: 919-387-1174
Fax: 919-387-3375
www.jonesclossen.com

January 25, 2023

Dear Property Owner,

We held a Neighborhood Meeting on January 23, 2023, regarding the proposed development at 1932 and O Ackerman Road (PINs 1629-38-1473 & 1629-38-0782). We presented changes to the Master Plan layout and a copy of the layout is enclosed for your convenience. However, at that meeting a concern was raised that more neighbors would likely have attended the meeting if more advance notice had been given. We want to be sure that any neighbors who are interested in the project be given the opportunity to attend a meeting to ask questions and provide comments. So, we are scheduling another voluntary Neighborhood Meeting on February 15th.

The meeting details are as follows:

February 15, 2023
6:00 PM
Avery Street Recreation Center – Multipurpose Room
125 Avery St.
Garner, NC 27529

We are notifying you of this additional meeting since your property is located within the written notification area provided by the Town of Garner.

Town Planning staff will not attend this meeting, but if you have additional questions about the project, you may contact the Town's case manager, David Bamford, at 919-773-4443 or dbamford@garnernc.gov.

If you have any questions about this neighborhood information meeting, or if you are unable to attend and would like to speak with someone regarding the proposal, please feel free to contact me at 919-387-1174 or peter@jonesclossen.com. We look forward to seeing you at the meeting.

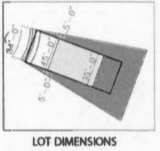
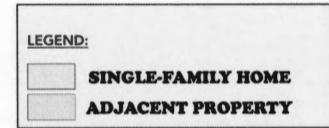
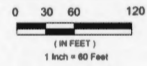
Sincerely,

Peter Clossen, P.E.
Jones & Clossen Engineering, PLLC

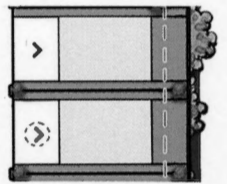
Enclosure



RENDERED CONCEPTUAL SITE PLAN

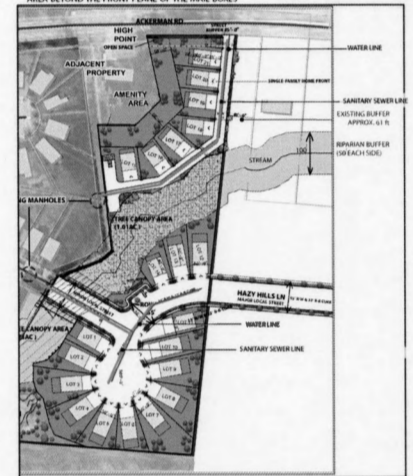


EXISTING BUFFER APPROX. 61 ft
 RIPARIAN BUFFER (50' EACH SIDE)



MAIL KIOSK EXAMPLE
 THE CANOPY PROVIDES AT LEAST 4' OF COVERED AREA BEYOND THE FRONT PLANE OF THE MAIL BOXES

ALL SINGLE-FAMILY HOME FRONT ARE ON THE PUBLIC ALLEY



NEIGHBORHOOD MEETING SIGN-IN SHEET

Meeting Address: Avery Street Recreation Center - 125 Avery St, Garner, NC 27529

Date of meeting: February 15, 2023 Time of meeting: 6:00 pm

Property Owner(s) name(s): Construction Masters, LLC and Mohamed Elfadaly

Applicant(s): Construction Masters LLC, 5520 Louisburg Rd, Raleigh NC 27616/Ph: 919-480-6721/Email: office@conzalpm.com

Please print your name below, state your address and/or affiliation with a neighborhood group, and provide your phone number and email address. Providing your name below does not represent support or opposition to the project; it is for documentation purposes only.

	NAME/ORGANIZATION	ADDRESS	PHONE #	EMAIL	SEND PLANS & UPDATES
1.	Edmond P. Jones	1955 Ackerman Rd	919-623-0651	edmond_jones_bellsouth.net	✓
2.	John Auman	1931 " "	919-723-8072	jauman1@nc.rr.com	✓
3.					
4.					
5.					
6.					
7.					
8.					
9.					
10.					
11.					
12.					
13.					
14.					

SUMMARY OF DISCUSSION FROM THE NEIGHBORHOOD MEETING

Property Owner(s) name(s): Mohamed Elfadaly
Applicant(s): Construction Masters, LLC
Contact information (email/phone): office@conzalpm.com/919-480-6721
Meeting Address: Avery Steet Recreation Center, 125 Avery Street, Garner NC 27529
Date of meeting: February 15, 2023 Time of meeting: 6:00 pm

Question/Concern #1:

How do you plan to convey the stormwater discharge from Ackerman Road to the site? The site is low relative to Ackerman Road, so water pond was expressed as a concern.

Applicant's Response:

The development will need to pipe this existing stormwater through the internal storm drainage network so that existing properties are not impacted. This will be handled with the subdivision design. As the site development, fill will likely be required to construct the entrance driveway which is handled at construction drawings.

Question/Concern #2:

The number of single-family homes off Ackerman Road was mentioned as too dense. Also, removal of the existing vegetation was mentioned as a concern.

Applicant's Response:

The change to single-family lots is a significant reduction is the number of units access Ackerman Road. The number is reasonable to provide the necessary value to make required improvements to Ackerman Road and internal development. The removal of existing vegetation will be minimized as much as practical.

Question/Concern #3:

Will the single-family homes be lower than the access alley if fill is required for construction?

Applicant's Response:

It's likely that the single-family lots will also need to be filled so that runoff is conveyed to the alley. The intention is the provide storm drainage inlets within the alley for collection and conveyance of stormwater to the planned stormwater pond in the southern portion of the site.

Question/Concern #4:

Applicant's Response:

Reports



Talk of the TOWN

Council Requests & Updates

January 16, 2024

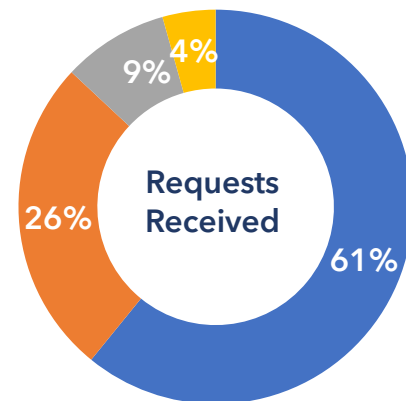
This monthly report provides an update on Council requests, items submitted on the Garner Info app, and quarterly development statistics.

Garner Info Monthly Analytics

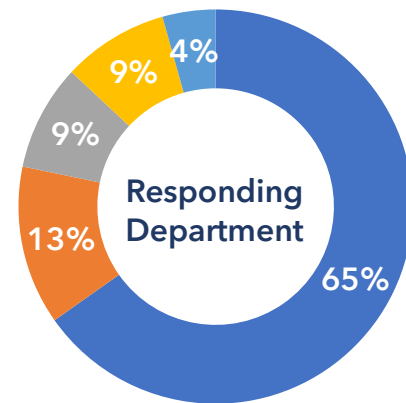
December 13 – January 7, 2024 – 23 Total Requests

Request by Type

Garbage	3	13.0%
Litter Pickup	2	8.7%
Pothole/ Pavement Repair	2	8.7%
Sidewalk Repair	2	8.7%
Street Sign Maintenance	2	8.7%
Zoning Use	2	8.7%
Misc. - Parks / Town Property	1	4.3%
Pipe and Storm Drain Maintenance	1	4.3%
Streetlight Problem	1	4.3%
Water Quality	1	4.3%
Neighborhood Speeding	1	4.3%
Water/Sewer Emergency	1	4.3%
Temporary Sign Violation	1	4.3%
Home Occupation	1	4.3%
Grounds/ Trail Maintenance	1	4.3%
Misc. - Streets	1	4.3%



■ Completed ■ Submitted ■ In Progress ■ Received



■ Public Works ■ Engineering ■ Inspections ■ Police ■ Planning

Garner Info Analytics - Year End Summary

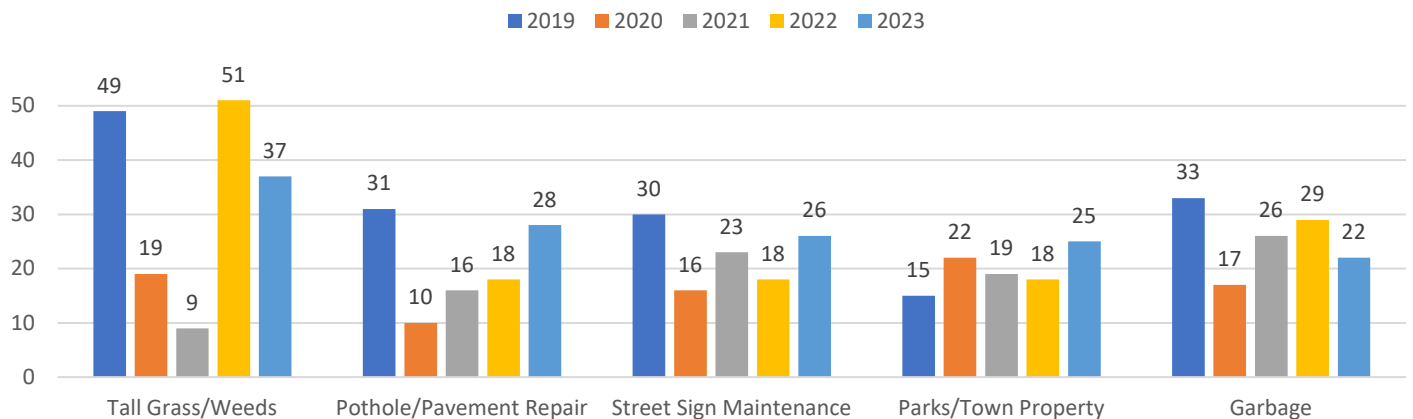
January 1 – December 31, 2023 – 398 Total Requests

Request by Type

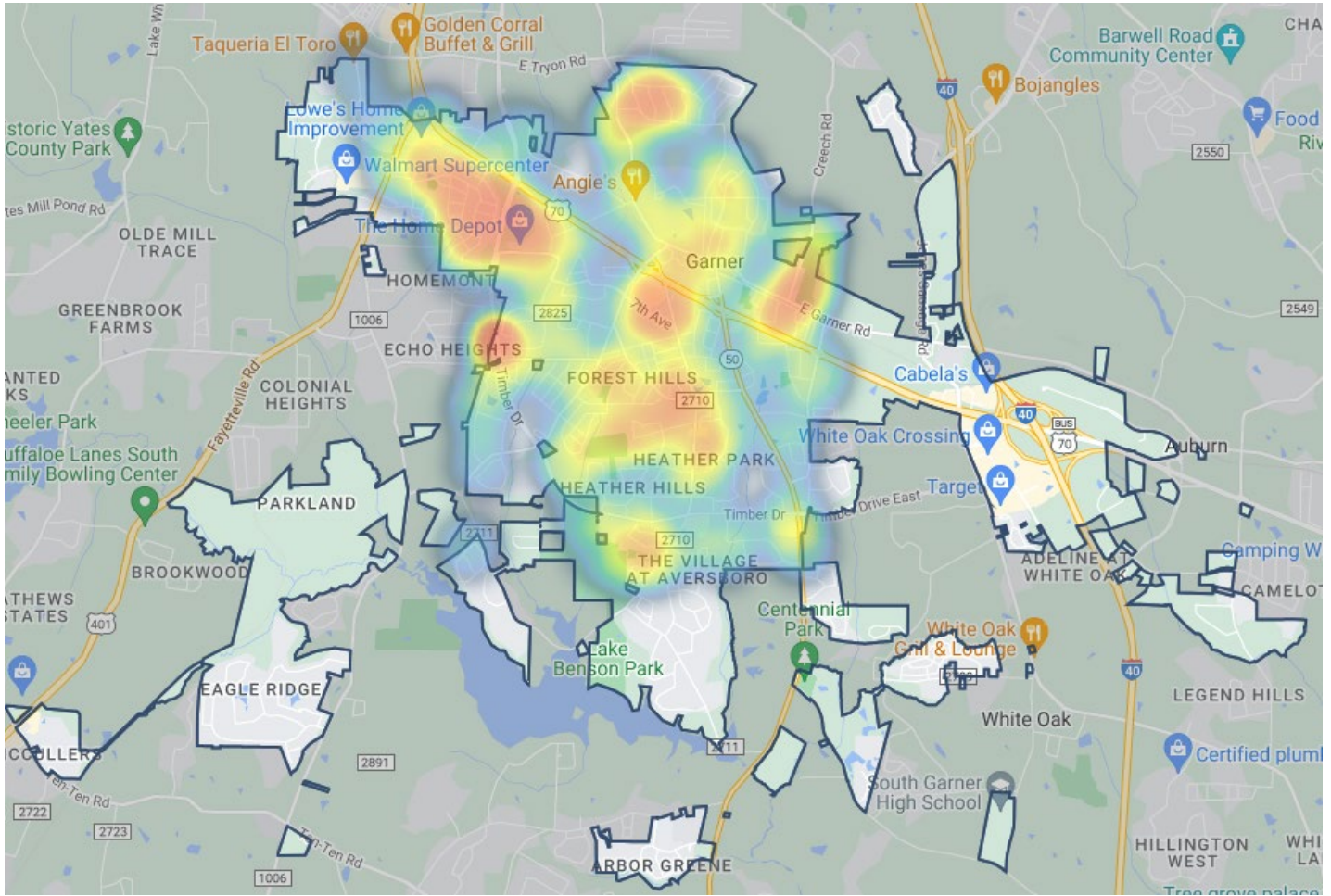
Tall Grass/Weeds (Private Property)	37	8.9%
Pothole/ Pavement Repair	28	6.7%
Street Sign Maintenance	26	6.3%
Misc. - Parks / Town Property	25	6.0%
Garbage	22	5.3%
Misc. - Streets	21	5.0%
Dead Animal Pickup	19	4.6%
Litter Pickup	18	4.3%
Temporary Sign Violation	18	4.3%
Neighborhood Speeding	17	4.1%
Sign Violation	14	3.4%
Streetlight Problem	12	2.9%
Junk Vehicle (Private Property)	11	2.6%
Graffiti	11	2.6%
Grounds/ Trail Maintenance	11	2.6%
Roadway Obstruction	10	2.4%
Trim Vegetation	9	2.2%
Commercial Vehicles	9	2.2%
Rollout Container	7	1.7%
Sidewalk Repair	7	1.7%
Talk to an Officer Non Emergency	7	1.7%
Yard Waste/ Loose Leaves	7	1.7%

Substandard Living Conditions	7	1.7%
Pipe and Storm Drain Maintenance	7	1.7%
Sight Distance	7	1.7%
Anonymous Tip	6	1.4%
Trash/Solid Waste (Private Property)	5	1.2%
Get a Copy of an Accident Report	5	1.2%
Zoning Use	5	1.2%
Construction Without Permit	4	1.0%
Ditch/ Surface Drainage Problem	4	1.0%
Recycling	3	0.7%
Playground Problem	3	0.7%
Landscaping	2	0.5%
Home Occupation	2	0.5%
Parking	2	0.5%
Dead Tree (Private Property)	1	0.2%
Animal Concern - Non Emergency	1	0.2%
Buildings/ Shelter Maintenance	1	0.2%
Noise (Business)	1	0.2%
Auto Repair in Residential District	1	0.2%
Water/Sewer Emergency	1	0.2%
Water Quality	1	0.2%
Stagnant Swimming Pool	1	0.2%

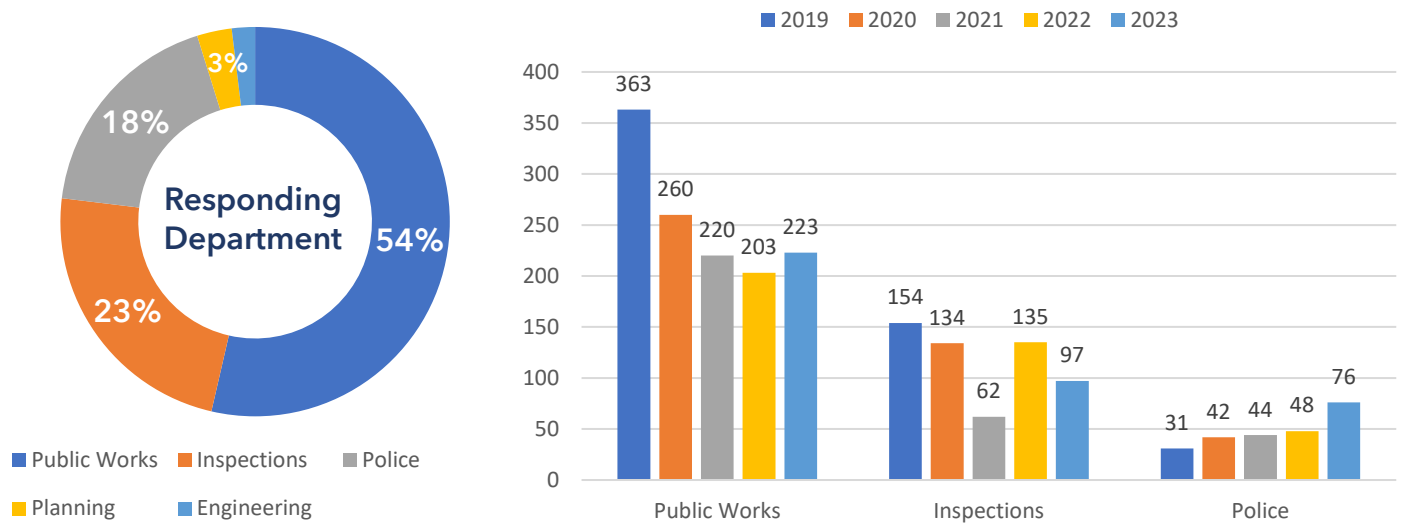
2023 Top 5 Request Types - 5 Year Trend



Garner Info Analytics - Year End Summary

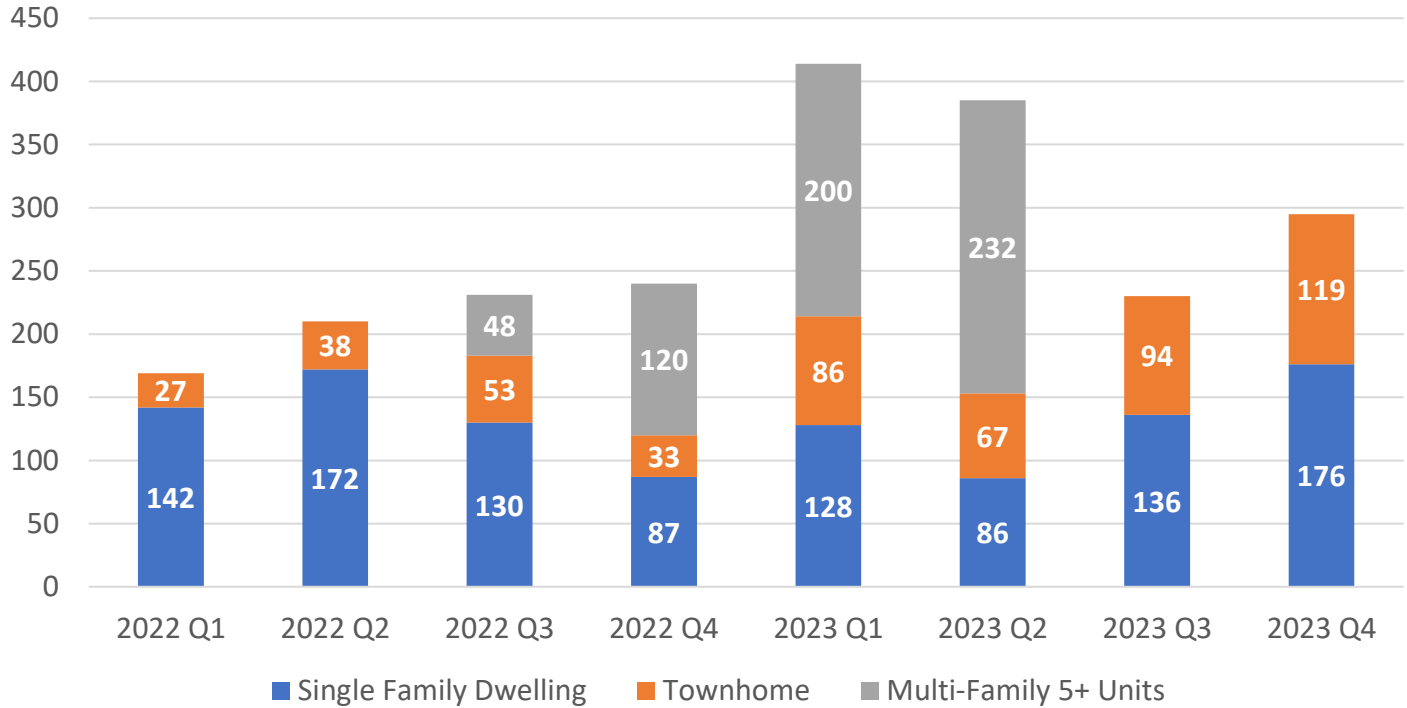


Annual Requests by Responding Department

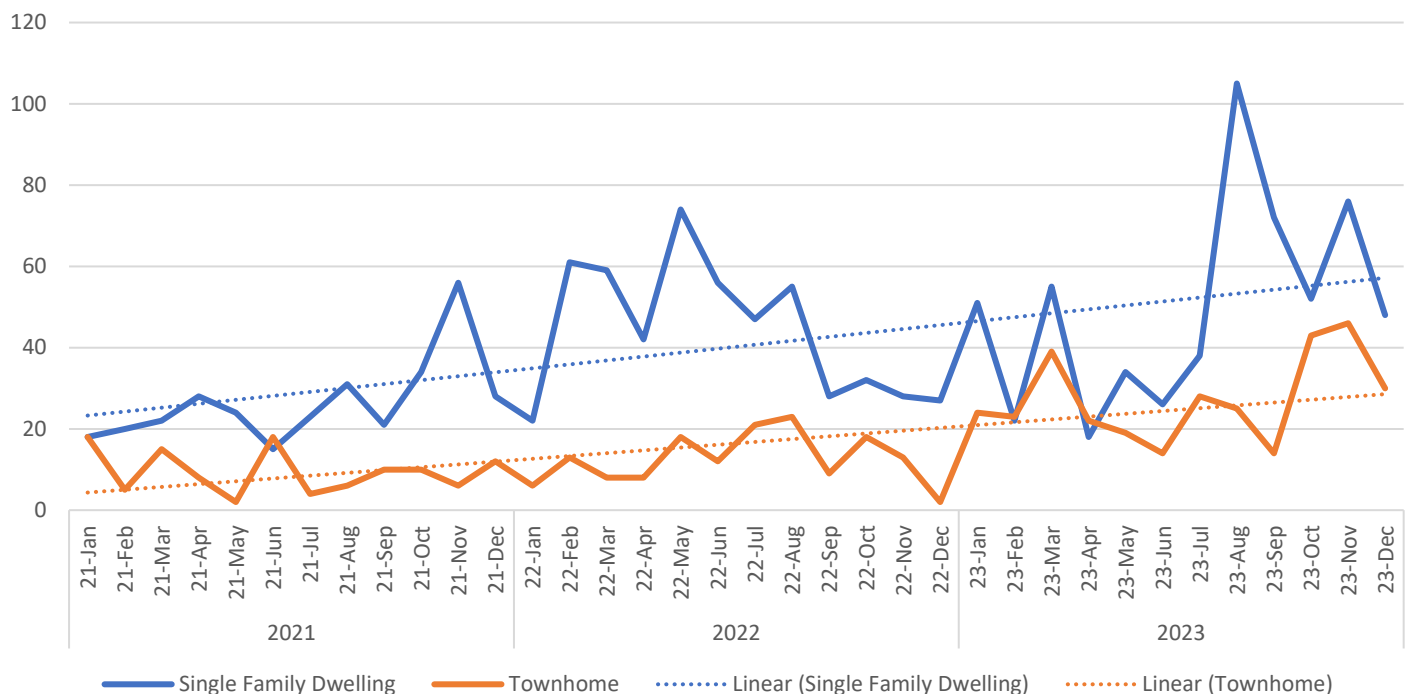


Quarterly Development Statistics

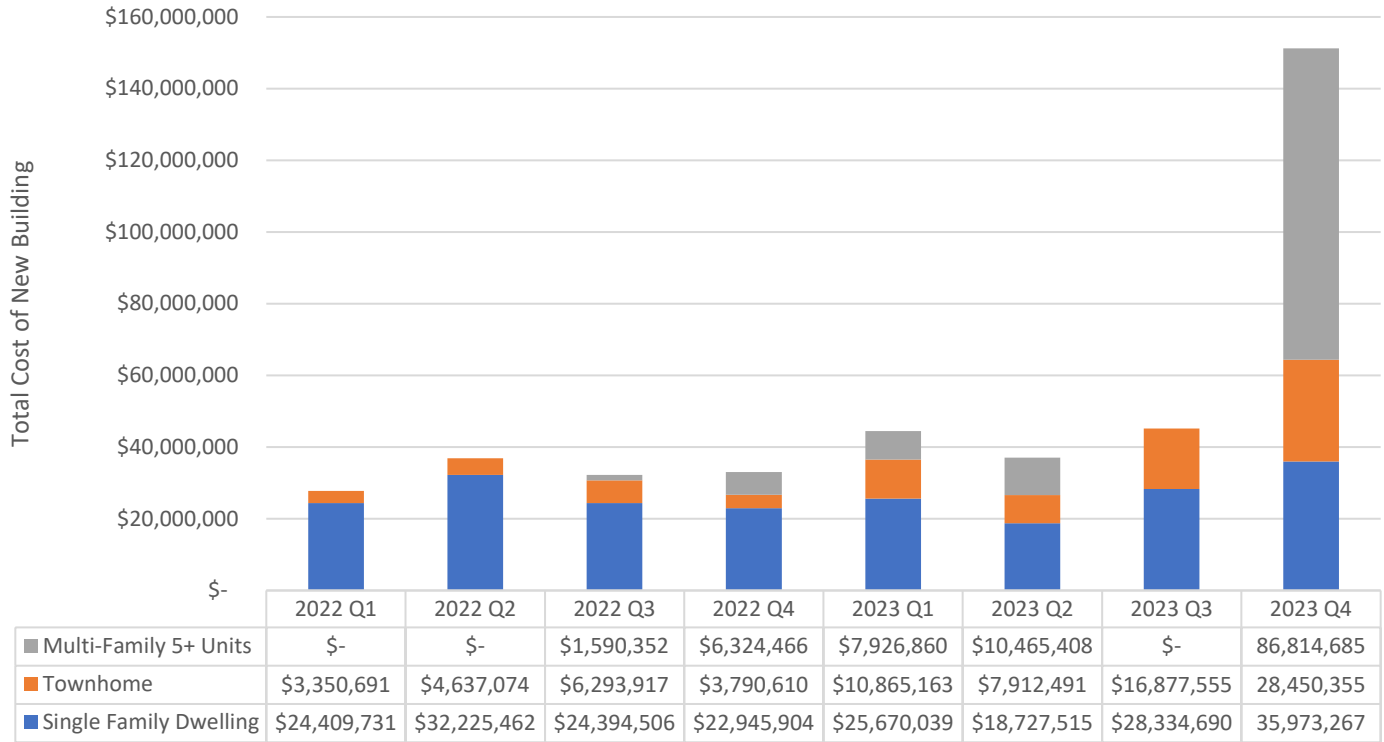
Quarterly COs Issued for New Residential Building



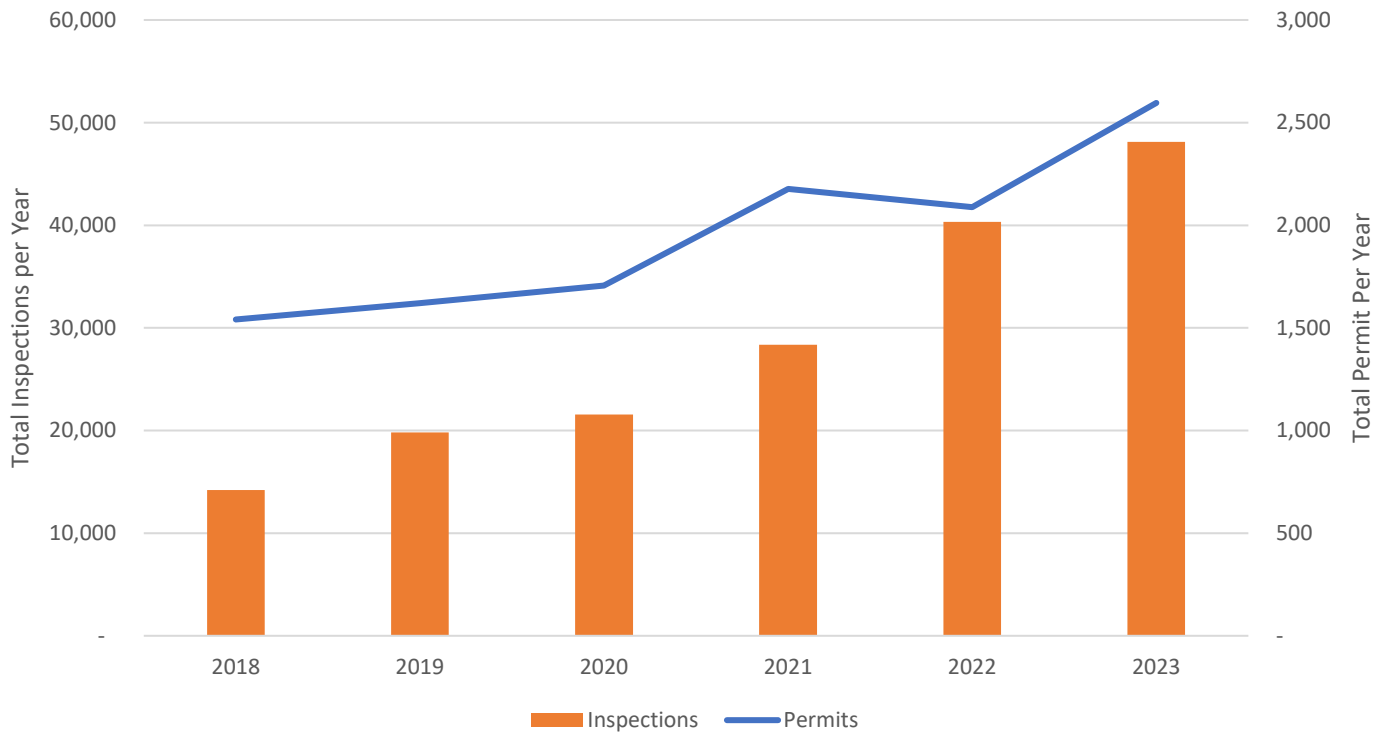
Trend for COs Issued by Month



Total Cost of New Residential Construction by CO Date



Total Permits & Inspections Per Year



Memorandum

To: Rodney Dickerson, Town Manager
From: David C. Beck, Finance Director
Date: January 16, 2024
Subject: Financial Reports for 2nd Quarter FY 2023-24
CC: Town Council

Attached is a statement of revenues and expenditures for FY 2024 through December 31, 2023. We are six months or approximately 50% into the fiscal year.

Year-to-date, the Town has collected approximately 48.1% of estimated revenues. A few revenue highlights include:

- Most property tax revenues (apart from vehicle taxes) are collected in the months of November, December, and January. At the end of December, we have collected 61.5% of the budgeted property tax revenue for the year.
- Sales tax revenues received through December show a modest growth rate of 2.3% over the prior year.
- Building permit revenues are up 9.3% year to date. Development related line items continue to provide a steady revenue stream for the Town.
- Unrestricted interest on invested and deposited monies have outpaced budget estimates as we remain in a high interest rate environment.

Please review the attached Analysis of Revenues for additional information on key revenue streams. The Sales Tax Tracker has been updated to show detail for each month received to date.

Overall, the Town has expended approximately 36.6% of its budget. When encumbrances are added to the actual expenditures that rises to 48.8%. At the same point in the previous fiscal year, the Town had spent 21.9% of its budget. Some of the notable expenditures so far include:

- Annual dues and subscriptions as well as annual renewals of contracted services are paid at the beginning of each fiscal year.
- The Town has expended nearly \$2.8 million for debt service costs which represents 46% of the total budget for debt service.
- Year-to-date salary and benefits are 46.6% of all expenditures.
- The Town has made its annual premium payment for workers compensation insurance.

All fiscal indicators are pointing in a positive direction thus far in the year. Although sales tax growth has slowed substantially year to date it still shows modest gains. Sales tax can be very volatile from month to month based on many factors including refunds and consumer spending. We will monitor trends in sales tax as well as other economic factors including inflation, fuel prices, and interest rates to anticipate local impacts here in Garner. Please let me know if you have any questions.

Town of Garner
Statement of Revenues and Expenditures
For the Period July 1, 2023 - December 31, 2023

	Budget	Actual	Over (Under) Budget	Percentage of Budget	Actual Prior Year
REVENUES					
Ad valorem taxes	\$ 35,728,397	\$ 21,986,185	\$ (13,742,212)	61.5%	\$ 18,691,460
Other taxes and licenses	10,029,941	2,784,858	(7,245,083)	27.8%	2,840,065
Intergovernmental revenues	3,396,215	1,877,572	(1,518,643)	55.3%	1,834,728
Permits and fees	3,690,283	3,875,966	185,683	105.0%	2,179,874
Sales and services	681,876	393,579	(288,297)	57.7%	335,787
Investment earnings	400,000	483,739	83,739	120.9%	231,583
Other revenues	272,723	112,266	(160,457)	41.2%	141,140
Other Financing Sources	11,455,896	34,454	(11,421,442)	0.3%	145,243
Total Revenues	\$ 65,655,331	\$ 31,548,620	\$ (34,106,711)	48.1%	\$ 26,399,880
EXPENDITURES					
Governing body	\$ 928,250	\$ 257,203	(671,047)	27.7%	\$ 225,271
Administration	2,241,185	888,161	(1,353,024)	39.6%	891,998
Budget Office	270,692	126,908	(143,784)	46.9%	501,887
Finance	1,268,703	578,029	(690,674)	45.6%	175,291
Economic development	476,292	171,190	(305,102)	35.9%	-
Economic incentives	-	-	-	0.0%	539,363
Planning	1,305,508	440,265	(865,243)	33.7%	757,724
Inspections	2,043,091	946,617	(1,096,474)	46.3%	499,413
Engineering	1,432,194	613,108	(819,086)	42.8%	427,114
Information technology	1,317,428	425,074	(892,354)	32.3%	4,828,150
Police	12,090,900	5,359,861	(6,731,039)	44.3%	2,652,772
Fire services	6,981,126	3,254,360	(3,726,766)	46.6%	4,442,444
Public works	14,684,735	5,765,818	(8,918,917)	39.3%	2,243,641
Parks and recreation	3,511,088	1,480,017	(2,031,071)	42.2%	2,790,459
Debt service	5,939,342	2,738,044	(3,201,298)	46.1%	951,163
Special appropriations	2,262,566	976,832	(1,285,734)	43.2%	194,204
Transfers out	8,866,241	-	(8,866,241)	0.0%	-
Contingency	35,990	-	(35,990)	0.0%	-
Total expenditures	\$ 65,655,331	\$ 24,021,486	\$ (41,633,845)	36.6%	\$ 22,120,894
Revenues over Expenditures	\$ -	\$ 7,527,133	\$ 7,527,133		\$ 4,278,986

Town of Garner
 Analysis of Major Revenues
 For the Period July 1, 2023 Through December 31, 2023

Property Tax Collections

(collections compared to budget)

	Through Month Ending	
	12/31/2023	12/31/2022
Collections--Current Year	\$ 21,931,328	\$ 18,678,662

Note:

Collection % Budget	61.60%	63.48%
Collection % Value/Levy (both DMV & Wake Co)	62.07%	65.80%

Property Tax Billings (from Wake County & DMV)

	Through Month Ending		
	12/31/2023	12/31/2022	
Real Property	\$4,828,477,495	\$4,396,887,820	
Personal Property	450,794,326	447,778,784	
Public Service Property	187,077,935	194,829,680	
Vehicles	182,479,649	171,687,429	
			Percent Change
Total	\$5,648,829,405	\$5,211,183,713	8.40%

Sales Tax Distributions

	Through Month Ending		
	12/31/2023	12/31/2022	% Change
Sales Taxes	\$2,670,327	\$2,610,943	2.27%

Note: Sales tax revenues for July 2023 will not be received until October

Building Permit Fees

	Through Month Ending		
	12/31/2023	12/31/2022	% Change
Fees Collected	\$1,228,944	\$1,124,860	9.25%

PRCR Fees

	Through Month Ending		
	12/31/2023	12/31/2022	% Change
Recreation Fees	\$155,340	\$124,187	25.09%
Facility Rentals	\$145,020	\$139,794	3.74%

Town of Garner
 Selected Balance Sheet accounts
 As of December 31, 2023

FOR INTERNAL USE ONLY

		General
ASSETS		
Cash in Bank	\$	9,256,935
Petty cash and change funds		1,656
NC Cash Management Trust investments		34,084,089
PFM Investments		10,856,056
Police Asset Forfeiture account		107,355
Receivables & Inventory (excluding Taxes & Assessments)		605,400
		\$ 54,911,491
LIABILITIES		
Accounts Payable	\$	561,771
Bonds on deposit for Planning/Engineering		56,350
Rental Deposits		22,541
Deferred Revenue		88,599
		\$ 729,261
Current Year Revenues to date		31,548,620
Current Year Expenditures to date		(24,021,486)
Restricted Fund Balance July 1		975,196
Committed Fund Balance July 1		23,489,380
Unrestricted Fund Balance		22,190,521
		\$ 54,182,230
		\$ 54,911,491

**Town of Garner
Sales Tax Analysis Actual to Actual and Budget to Actual**

Note: Sales tax revenues received from the state run three months behind, for example sales taxes received in October 2023 are for July 2023 taxable sales.

Month	Total Sales Tax								
	<u>2020-2021</u>	<u>2021-2022</u>	<u>2022-2023</u>	<u>2023-2024</u>	<u>2023-2024</u>	<u>2022-2023</u>	<u>2022-2023</u>	<u>2023-2024</u>	<u>2023-2024</u>
	Actual	Actual	Actual	Budget	Actual	Actual	Variance %	Budget	Budget
July	656,314.09	783,239.66	841,430.10	817,205.42	892,055.15	50,625.05	6.02%	74,849.73	9.16%
August	612,156.78	728,176.09	885,976.37	817,205.42	916,611.79	30,635.42	3.46%	99,406.37	12.16%
September	667,569.95	750,342.26	883,536.63	817,205.42	861,660.28	(21,876.35)	-2.48%	44,454.86	5.44%
October	655,336.35	752,819.83	861,072.19	817,205.42					
November	697,235.15	762,124.51	819,711.53	817,205.42					
December	799,729.16	904,831.08	981,871.76	817,205.42					
January	667,675.79	630,126.80	818,688.31	817,205.42					
February	535,278.80	668,015.21	629,974.97	817,205.42					
March	755,683.32	816,854.90	925,764.30	817,205.42					
April	720,085.16	836,233.41	771,590.80	817,205.42					
May	753,958.97	809,186.38	904,801.06	817,205.42					
June	806,664.85	879,976.42	941,855.80	817,205.42					
Totals	8,327,688.37	9,321,926.55	10,266,273.82	9,806,465.00	2,670,327.22	59,384.12	-73.99%	218,710.97	-72.77%

Month	Article 39 Sales Tax								
	<u>2020-2021</u>	<u>2021-2022</u>	<u>2022-2023</u>	<u>2023-2024</u>	<u>2023-2024</u>	<u>2022-2023</u>	<u>2022-2023</u>	<u>2023-2024</u>	<u>2023-2024</u>
	Actual	Actual	Actual	Budget	Actual	Actual	Variance %	Budget	Budget
July	288,519.66	341,465.88	365,320.88	377,857.75	388,237.56	22,916.68	6.27%	10,379.81	2.75%
August	266,443.23	318,528.16	388,366.29	377,857.75	398,207.76	9,841.47	2.53%	20,350.01	5.39%
September	297,989.75	337,787.16	393,808.17	377,857.75	382,760.03	(11,048.14)	-2.81%	4,902.28	1.30%
October	292,909.64	341,552.14	386,504.81	377,857.75					
November	316,370.45	328,779.37	360,620.02	377,857.75					
December	363,851.66	407,140.90	438,221.35	377,857.75					
January	301,982.12	266,200.24	363,015.84	377,857.75					
February	234,357.55	301,884.59	265,863.57	377,857.75					
March	323,857.74	350,857.91	412,985.19	377,857.75					
April	313,134.03	371,012.49	330,216.21	377,857.75					
May	342,386.83	352,749.99	399,503.93	377,857.75					
June	352,650.95	384,546.71	408,830.88	377,857.75					
Totals	3,694,453.61	4,102,505.54	4,513,257.14	4,534,293.00	1,169,205.35	21,710.01	-74.09%	35,632.10	-74.21%

Month	Article 40, 42, 44, City HH Sales Tax								
	<u>2020-2021</u>	<u>2021-2022</u>	<u>2022-2023</u>	<u>2023-2024</u>	<u>2023-2024</u>	<u>2022-2023</u>	<u>2022-2023</u>	<u>2023-2024</u>	<u>2023-2024</u>
	Actual	Actual	Actual	Budget	Actual	Actual	Variance %	Budget	Budget
July	367,794.43	441,773.78	476,109.22	439,347.67	503,817.59	27,708.37	5.82%	64,469.92	14.67%
August	345,713.55	409,647.93	497,610.08	439,347.67	518,404.03	20,793.95	4.18%	79,056.36	17.99%
September	369,580.20	412,555.10	489,728.46	439,347.67	478,900.25	(10,828.21)	-2.21%	39,552.58	9.00%
October	362,426.71	411,267.69	474,567.38	439,347.67					
November	380,864.70	433,345.14	459,091.51	439,347.67					
December	435,877.50	497,690.18	543,650.41	439,347.67					
January	365,693.67	363,926.56	455,672.47	439,347.67					
February	300,921.25	366,130.62	364,111.40	439,347.67					
March	431,825.58	465,996.99	512,779.11	439,347.67					
April	406,951.13	465,220.92	441,374.59	439,347.67					
May	411,572.14	456,436.39	505,297.13	439,347.67					
June	454,013.90	495,429.71	533,024.92	439,347.67					
Totals	4,633,234.76	5,219,421.01	5,753,016.68	5,272,172.00	1,501,121.87	37,674.11	-73.91%	183,078.87	-71.53%

Town of Garner
One-Time Funding Tracker

ARP Act Funds

Funding Received as of 9/30/2022	\$10,009,331
Earmarked for Eligible Project per ARP Guidelines	\$9,331
PFRM Program FY23 Funding	\$400,000
CLUE Study	\$290,240
Cost of Municipal Services Study	\$55,000
Economic Development Site Assessments	\$150,000
DFI Housing Affordability Workshop	\$10,350
Employee Retention Bonuses	\$1,018,035
Meadowbrook Dam Study	\$344,209
Splashpad & Inclusive Playground (Design)	\$133,100
Affordable Housing Gap Funding	\$750,000
Rebuilding Together	\$100,000
Pay & Class Implementation (FY24 VERT Funding)	\$1,485,000
Fire Station #5 Gap Funding	\$1,657,193
Remaining Balance	<u><u>\$3,616,204</u></u>