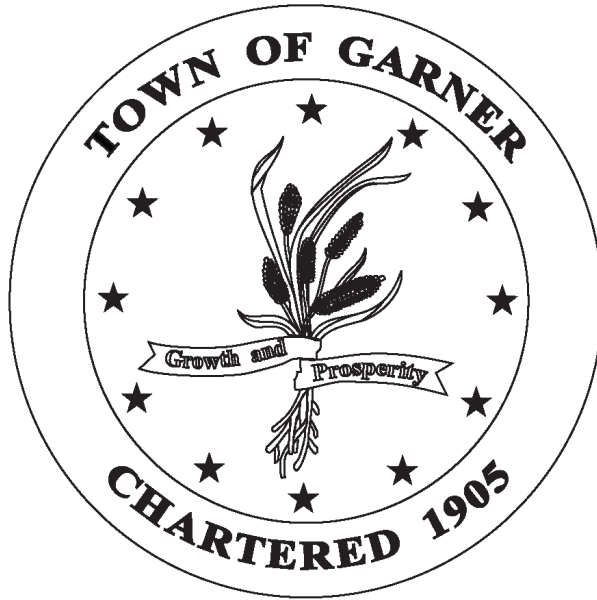


TOWN OF GARNER



Town Council Meeting

February 3, 2020
7:00 p.m.

Garner Town Hall
900 7th Avenue
Garner, NC 27529

**Town of Garner
Town Council Agenda
February 3, 2020**

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

- A. CALL MEETING TO ORDER/ROLL CALL: Mayor Ken Marshburn

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

- B. PLEDGE OF ALLEGIANCE: Council Member Elmo Vance

- C. INVOCATION: Council Member Elmo Vance

- D. PETITIONS AND COMMENTS

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

- E. ADOPTION OF AGENDA

- F. PRESENTATIONS

1. MLK Dream in Action Award
Presenter: MLK Celebration Committee

- G. CONSENT

1. Budget Amendment - Debt Service for Bonds..... Page 5
Presenter: David Beck, Finance Director

An interest only debt service payment for the 2019 G.O. Bond sale was not included in the original budget for FY 19-20. This expense was not budgeted because the exact amount was unknown at the time the budget was developed.

Action: Consider adopting Ordinance (2020) 4039

2. Budget Amendment – Grant Match PRCR.....Page 7
Presenter: David Beck, Finance Director

The Parks Recreation & Cultural Resources department has received a grant of \$6,000 through the Kaleidoscope Project of Wake County. The grant does not require a local match. The grant funds will be used to upgrade the classroom spaces in the Avery Street Annex.

Action: Consider adopting Ordinance (2020) 4040

- 3. Surplus Property – Public Works Equipment Replacement.....Page 9
Presenter: David Beck, Finance Director

The Public Works department has several pieces of equipment that have cycled out of service and have been replaced with new items. The old equipment will be sold once approved as surplus property.

Action: Consider adopting Resolution (2020) 2406

H. PUBLIC HEARINGS

- 1. CUD-Z-19-06 / CUP-SP-19-13, Eastern Wake Innovation Park.....Page 12
Presenter: David Bamford, Planning Services Manager

Conditional use zoning (CUD-Z-19-06) and associated conditional use site plan (CUP-SP-19-13) request submitted by Trustwell Property Group to re-zone 21.96 +/- acres from Single-Family Residential (R-20), Light Industrial (I-1), and Heavy Industrial (I-2 C-173) Conditional Use to Community Retail (CR C-219) Conditional Use for 300,000 square feet of office use with some limited retail/restaurant space. The site is located at the southwest corner of E. Garner and Jones Sausage roads and may be further identified as Wake County PIN#'s 1721-01-4200, 1721-01-5390, 1721-11-1205 and 1721-10-4884.

Action: Consider approving Ordinance (2020) 4042

- 2. CUD-Z-19-12 / CUP-SB-19-05, New Rand Road.....Page 58
Presenter: David Bamford, Planning Services Manager

Conditional use zoning (CUD-Z-19-12) and associated conditional use subdivision plan (CUP-SB-19-05) request submitted by Capital Partners LLC to re-zone 0.81 +/- acres from Single-Family Residential (R-15) to Single-Family Residential Conditional Use (R-9 C225) for three (3) single-family residential lots. The site is located at 699 New Rand Road south of Preakness Farm Drive and can be further identified as Wake County PIN# 1710-87-9071.

Action: Consider approving Ordinance (2020) 4043

I. NEW/OLD BUSINESS

J. COMMITTEE REPORTS

K. MANAGER REPORTS

- 1. Garner info
- 2. BRT Update and Public Meeting

L. ATTORNEY REPORTS

M. COUNCIL REPORTS

N. ADJOURNMENT

Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: February 3, 2020		
Subject: MLK Dream in Action Award		
Location on Agenda: Presentations		
Department: Administration		
Contact: Stella Gibson, Town Clerk		
Presenter: MLK Celebration Committee		
Brief Summary: Presentation of the Dream in Action award by the MLK Celebration Committee.		
Recommended Motion and/or Requested Action:		
Detailed Notes:		
Funding Source:		
Cost:	One Time: <input type="radio"/>	Annual: <input type="radio"/> No Cost: <input checked="" type="radio"/>
Manager's Comments and Recommendations:		
Attachments Yes: <input type="radio"/> No: <input checked="" type="radio"/>		
Agenda Form Reviewed by:	Initials:	Comments:
Department Head:	SG	
Finance Director:		
Town Attorney:		
Town Manager:	RD	
Town Clerk:		

Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: February 3, 2020		
Subject: Budget Amendment - 2019 Bonds Debt Service		
Location on Agenda: Consent		
Department: Finance		
Contact: David C. Beck, Finance Director		
Presenter: David C. Beck, Finance Director		
Brief Summary: An interest only debt service payment for the 2019 G.O. Bond sale was not included in the original budget for FY 19-20. I believe this expense was not budgeted because the exact amount was unknown at the time the budget was developed.		
Recommended Motion and/or Requested Action: Adopt ordinance (2020) 4039		
Detailed Notes:		
Funding Source:		
Cost: \$84,863	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. (2020) 4039

ORDINANCE AMENDING ORDINANCE NO. (2019) 3982 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		\$ 2,270,819	\$ 84,863	\$ 2,355,682

TOTAL REVENUE INCREASE (DECREASE) \$ 84,863.00

Expenditure Amendment Request

ACCOUNT NUMBER	DESCRIPTION	PROJECT	CURRENT BUDGET	EXPENDITURE CHANGE	REVISED BUDGET
10580000-526200	Bond Interest		\$ 1,143,835	\$ 84,863	\$ 1,228,698

TOTAL EXPENDITURE INCREASE (DECREASE) \$ 84,863.00

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 3rd day of February, 2020.

Ken Marshburn, Mayor

ATTEST:

Stella L. Gibson , Town Clerk

Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: February 3, 2020		
Subject: Budget Amendment - PRCR Grant		
Location on Agenda: Consent		
Department: Finance		
Contact: David C. Beck, Finance Director		
Presenter: David C. Beck, Finance Director		
Brief Summary: The Parks Recreation & Cultural Resources department has received a grant of \$6,000 through the Kaleidoscope Project of Wake County. The grant does not require a local match. The grant funds will be used to recreate the classroom spaces in the Avery Street Annex.		
Recommended Motion and/or Requested Action: Adopt ordinance (2020) 4040		
Detailed Notes:		
Funding Source: Kaleidoscope Project of Wake County		
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:		

ORDINANCE NO. (2020) 4040

ORDINANCE AMENDING ORDINANCE NO. (2019) 3982 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
10305000-465352	Contributions - Parks & Rec		\$ -	\$ 6,000	\$ 6,000

TOTAL REVENUE INCREASE (DECREASE) \$ 6,000.00

Expenditure Amendment Request

ACCOUNT NUMBER	DESCRIPTION	PROJECT	CURRENT BUDGET	EXPENDITURE CHANGE	REVISED BUDGET
10574000-523300	Departmental Supplies		\$ 6,220	\$ 6,000	\$ 12,220

TOTAL EXPENDITURE INCREASE (DECREASE) \$ 6,000.00

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 3rd day of February, 2020.

Ken Marshburn, Mayor

ATTEST:

Stella L. Gibson , Town Clerk

Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: February 3, 2020		
Subject: Surplus Property		
Location on Agenda: Consent		
Department: Finance		
Contact: David C. Beck, Finance Director		
Presenter: David C. Beck, Finance Director		
Brief Summary: The Public Works department has several pieces of equipment that have cycled out of service and have been replaced with new items. The old equipment will be sold once approved as surplus property.		
Recommended Motion and/or Requested Action: Consider adopting Resolution (2020) 2406		
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:	DCB	
Finance Director:	DCB	
Town Attorney:		
Town Manager:	RD	
Town Clerk:		

RESOLUTION NO. (2020) 2406

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 ID #	Year	Make/Model	Vin/Serial #
416		John Deere Tractor/Loader	
4060		Tuff Vac 5000	
828		Pace Trailer	
821		Tophat Trailer	

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 3rd day of February 2020.

Ken Marshburn, Mayor

ATTEST: _____
Stella L. Gibson, Town Clerk

Town of Garner Fixed Asset Record Change Request

Date 1/9/2020

Department Public Works

Division Parks & Grounds

TOG Asset#	Property Description	Check Appropriate Box Below				Explanation	Current Asset Value
		Surplus	Transfer	Addition	Other		
416	John Deere Tractor/Loader	<input checked="" type="checkbox"/>				Replacement in Service	\$9,000.00
4060	Tuff Vac 5000	<input checked="" type="checkbox"/>				Replacement in Service	\$2,500.00
828	Pace Trailer	<input checked="" type="checkbox"/>				Replacement in Service	\$400.00
821	Tophat Trailer	<input checked="" type="checkbox"/>				Replacement in Service	\$400.00

Instructions:

1. List Department and Division Asset is Currently Under.
2. List each item's Asset # and Property Description.
3. Check the Applicable box for Type of Change:
 Surplus--Request Item to be Sold or Otherwise Disposed.
 Transfer--Request Asset to be Transferred to Different Department/Division.
 Addition--Addition of an Asset through Seizure or Donation (should not include purchased assets).
 Other--Please include explanation.
4. Under Information, include the following:
 Surplus--Reason why Item is Being Surplused (if Vehicle or Equipment, Include Vehicle or Equipment Inspection Form).
 Transfer--Indicate Department and Division Property is Being Transferred to.
 Addition--Indicate if Item was Donated, Acquired through Seizure, or Other Method.
 (If Donated, need documentation supporting valuation of Asset.)
 Other--Please include explanation.

RETURN FORM TO FINANCE DEPARTMENT.

Department Head Signature _____

Woody Daniel
Department Contact

Phone Number _____

Approved for Surplus: (Under \$5,000 Value): _____

Town Manager

Approved for Surplus: (Council Resolution): _____

Resolution Date/Number _____

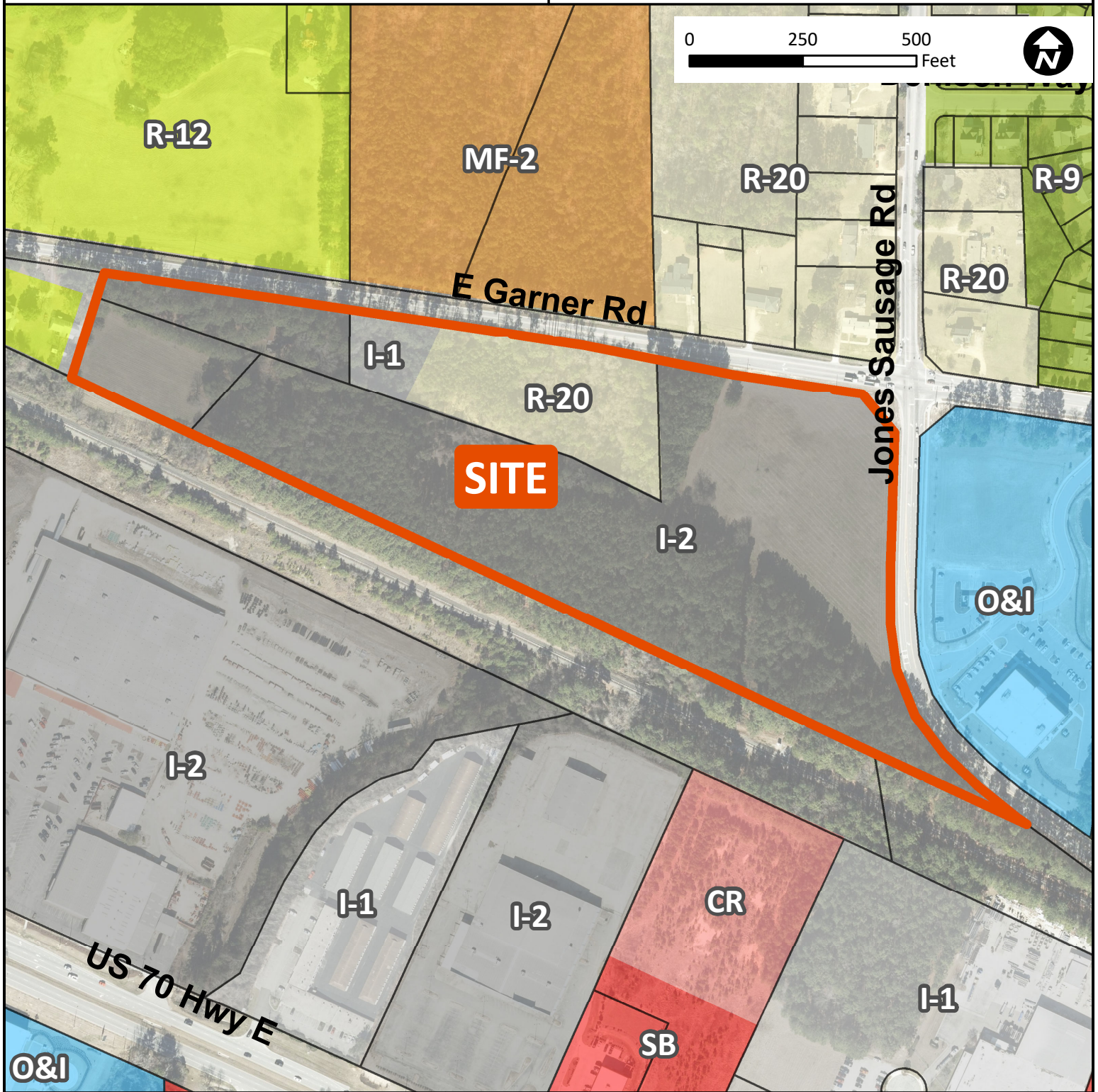
Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: February 3, 2020		
Subject: CUD-Z-19-06 & CUP-SP-19-13, Eastern Wake Innovation Park		
Location on Agenda: Public Hearings		
Department: Planning		
Contact: David Bamford, AICP; Planning Services Manager		
Presenter: David Bamford, AICP; Planning Services Manager; and Stacy Harper, AICP; Principal Planner		
Brief Summary: Conditional use zoning (CUD-Z-19-06) and associated conditional use site plan (CUP-SP-19-13) request submitted by Trustwell Property Group to re-zone 21.96 +/- acres from Single-Family Residential (R-20), Light Industrial (I-1), and Heavy Industrial (I-2 C-173) Conditional Use to Community Retail (CR C-219) Conditional Use for 300,000 square feet of office use with some limited retail/restaurant space. The site is located at the southwest corner of E. Garner and Jones Sausage roads and may be further identified as Wake County PIN#'s 1721-01-4200, 1721-01-5390, 1721-11-1205 and 1721-10-4884.		
Recommended Motion and/or Requested Action: Consider adoption of Ordinance (2020) 4042		
Detailed Notes: See attached vicinity map and staff report. A neighborhood meeting was required by ordinance and was held on August 14, 2019. Use restrictions and characteristics are voluntarily offered as zoning conditions. Staff recommends approval of CUD-Z-19-06 & finds CUP-SP-19-13 in conformity with the UDO. The re-zoning received a recommendation for approval by the Planning Commission on January 22, 2020, and they agreed that the site plan was in conformity with the UDO. Background on Jones Sausage Road feasibility study provided by project managing staff, including former Senior Planner, Director and current Senior Planner.		
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:	JST	
Finance Director:		
Town Attorney:		
Town Manager:	RD	
Town Clerk:		



**Town of Garner
Planning Department**

**Conditional Use Applications
CUP-SP-19-13 & CUD-Z-19-06**



Project: Eastern Wake Innovation Park
Applicant: Trustwell Property Group
Owner: North Sea Alliance, LLC
Location: E. Garner Rd. & Jones Sausage Rd.
Pin #: 1721-01-4200, 1721-01-5390,
 1721-11-1205, & 1721-10-4884

Proposed Use: Retail Sales and Services
Current Zoning: Single Family Residential (R-20) &
 Light Industrial (I-1) and Heavy Industrial (I-2 C173)
Proposed Zoning: Community Retail Conditional Use (CR C219)
Acreage: 21.99
Overlay: Garner Road Overlay

Planning Department Staff Report

TO: Honorable Mayor and Town Council

FROM: David Bamford, AICP; Planning Services Manager
Stacy Harper, AICP; Principal Planner

SUBJECT: *Conditional Use Rezoning # CUD-Z-19-06 and
Conditional Use Subdivision # CUP-SP-19-13, Eastern Wake Innovation Park*

DATE: February 3, 2020

I. PROJECT AT A GLANCE

Project Number(s): CUD-Z-19-06 Conditional Use Rezoning
CUP-SP-19-13 Conditional Use Site Plan

Applicant: Trustwell Property Group

Owners: North Sea Alliance, LLC

General Description -

Project Area & Location: 21.96 +/- acres located at the northwest corner of E Garner Road and Jones Sausage Rd

Wake Count PIN(s): 1721-01-4200, 1721-01-5390, 1721-11-1205, & 1721-10-4884

Current Zoning: Single-Family Residential (R-20), Light Industrial (I-1), and Heavy Industrial Conditional Use (I-2 C173)

Requested Zoning: Community Retail Conditional Use (CR C219)

Proposed Use(s): Office and limited specific Retail Sales & Service

Key Meeting Dates:

Planning Commission: January 22, 2020

Public Hearing & Action: February 3, 2020

II. BACKGROUND / REQUEST SUMMARY

The rezoning (CUD-Z-19-06) and associated site plan (CUP-SP-19-13) have been submitted to develop the site into a 300,000 square foot business office park. The three proposed office buildings would all be three stories in height. The primary use would be professional office with flexibility for limited retail sales and service on the first floor only. The site is currently zoned Residential 20 (R-20), 2.8-acres, Industrial 1 (I-1), 0.66-acres, and Industrial 2 Conditional Use (I-2 C 173), 18.5-acres. The applicant is requesting to rezone the 21.96-acre site to **Community Retail Conditional Use (CR C219)** district to allow both office and retail/ service uses. Use restrictions are proposed as conditions.

An 18.5-acre portion of this project site was previously rezoned (CUD-Z 14-02) to I-2 C173 and approved (CUP-SB 14-04) in 2014 for the development of a light industrial business park which was never constructed.

Jones Sausage Road Feasibility Study

In anticipation of questions regarding the applicability and timeline of the Town's adjacent but separate study regarding improvements to Jones Sausage Road, Planning staff would offer the following as there are multiple projects along the re-aligned corridor that will be coming forth for Council consideration:

On June 3, 2019, the Town Council received a presentation from Mr. Het Patel, Senior Planner for the Town, and authorized the Town Manager to enter into contract with one of the Town's on-call Engineering firms to complete a conceptual study for improving Jones Sausage Road. The study consists of two (2) parts – Part 1 being a feasibility study which includes widening Jones Sausage from the Amazon property to Garner Road and realigning Jones Sausage from Garner to US 70. Part 2 will further the feasibility study to construction drawings for the widening from Amazon to Garner Road only.

The purpose of Part 1 was to gain a better understanding of the challenges and possible alignments for the grade separation at the North Carolina Railroad and position the ultimate improvements from Garner Road to US 70 for funding within the State Transportation Improvement Plan (STIP). It is important to note that this portion of the roadway was never anticipated to be funded through local dollars due to the estimated overall expense. The purpose of Part 2 is to leverage the Town's dollars for design into a successful bid for the Locally Administered Project Program (LAPP) funding administered by the Capital Area Metropolitan Planning Organization (CAMPO) – a program in which local matching construction dollars are a factor.

The timeline for Part 1 was slated to begin June 4 with the first deliverable to the Town on June 28th. The schedule endorsed by the Council was maintained throughout the drafting process, and the draft of the final feasibility study was due at the end of December 2019 – this target was also met. The draft is currently under staff review to ensure that all comments from the stakeholder meetings (meetings with the owners of all properties along the re-aligned corridor and held just prior to the Thanksgiving holiday according to schedule on the 21st and 25th of November) are adequately addressed with the final draft available shortly – no more than a

state statute, any applicant is entitled to choose the rules for review that are in place at the time of their initial complete application or the rules which are being debated/studied at the time of application. This is commonly referred to as “permit choice”. So, although this study has been moving forward according to schedule, the information being gathered from it has not preceded this application.

Of significant note, it should be pointed out that this Part 1 feasibility study is not the final design, and it is possible that the final design and construction undertaken by NCDOT at a future date for the realigned portion of Jones Sausage Road will be able to avoid conflicts with the site’s current proposed layout.

III. ZONING ANALYSIS

Existing: Approximately 2.8-acres of the project site are zoned **Single-Family Residential (R-20)**. This district allows single-family lots of at least 20,000 square feet (0.45 acres) with a density of around 2.18 units per acre. Under this zoning, this portion of the site could accommodate approximately five single-family lots as a minor subdivision (five lots or less) with public water and sewer. Over five lots are a major subdivision that requires open space, road improvements, and storm-water controls.

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

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

Approximately 0.66-acres of the site are zoned **Light Industrial (I-1)**. This I-1 (Light Industrial) district is intended to provide for a limited range of low-intensity industrial uses. Operations are restricted to inside a building (outdoor storage prohibited).

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

- | | |
|---|------------------------------------|
| 1. Security caretaker’s quarters | 5. Public park, pool, golf course |
| 2. Trade/Vocational school | 6. Bus passenger terminal |
| 3. Ambulance, rescue squad, police, or fire station | 7. Taxicab or limousine operations |
| 4. Prison, jail, detention facility | 8. Broadcast tower |
| | 9. Minor utility, elevated storage |

- | | | |
|-----|---|---|
| | tank | 25. Restaurant, drive in |
| 10. | Telecommunications facility | 26. Restaurant, indoor seating |
| 11. | Other major utility | 27. Restaurant, indoor seating, drive-through window |
| 12. | Bar, nightclub, tavern (prohibited within 500 feet of residential zoning) | 28. Restaurant, take out only |
| 13. | Gym, spa, indoor tennis, pool | 29. Convenience store with no fuel sales |
| 14. | Horse stables and related facilities | 30. Convenience store with fuel sales |
| 15. | Indoor entertainment facility | 31. Open air market |
| 16. | Outdoor athletic or entertainment facility | 32. Personal service use (indoor operations) |
| 17. | Theater—drive in (prohibited within 500 feet of residential zoning) | 33. Hair and beauty salons |
| 18. | Water slide, golf driving range | 34. Indoor repair |
| 19. | Bank, financial institution | 35. Indoor sales, retail |
| 20. | Medical offices | 36. Veterinarian, kennel indoor |
| 21. | Other offices | 37. Self-service storage |
| 22. | Extended stay facility (prohibited within 500 feet of residential zoning) | 38. Car wash (prohibited within 500 feet of residential zoning) |
| 23. | Hotel/motel | 39. Vehicle services limited |
| 24. | Parking commercial | 40. Flex space |
| | | 41. Industrial use indoor |
| | | 42. Wholesale sales |
| | | 43. Greenhouse, nursery |

Approximately 18.5-acres of the site are zoned **Heavy Industrial Conditional Use (I-2 C173)** District. This I-2 (Heavy Industrial) district is intended to provide for a wide range of low-to high intensity industrial uses with outdoor storage or operations being allowed. Under this 2014 conditional request, the applicant limited the range of I-2 uses that would be allowed.

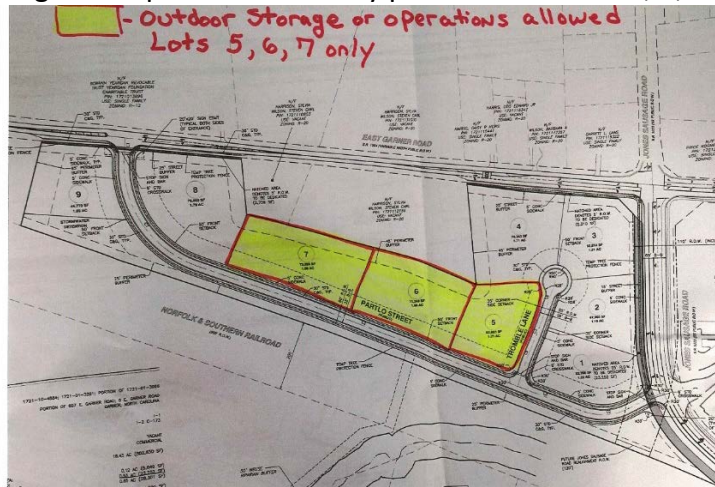
The following is a list of permitted uses in the I-2 C173 District:

- | | |
|---|---|
| 1. Trade / Vocational school | 12. Personal service-oriented use |
| 2. Government facility / Utility with outdoor storage | 13. Hair salons, barber shops |
| 3. Broadcast tower | 14. Banks and financial institutions |
| 4. Minor utility / Elevated storage tank | 15. Indoor repair use |
| 5. Telecommunication facility | 16. Sales, retail with indoor operations |
| 6. Other major utility | 17. Sales, retail with outdoor operations |
| 7. Indoor entertainment facility | 18. Veterinarian, kennel indoor |
| 8. Medical offices | 19. Self-service storage |
| 9. Other offices | 20. Car wash |
| 10. Parking, commercial | 21. Vehicle services limited |
| 11. Open air market | 22. Flex space |

- | | |
|--|--|
| 23. Industrial use, indoor | 25. Manufacturing use indoor operations only |
| 24. Industrial use with outdoor operations | 26. Warehouse |
| | 27. Wholesale sales |

The following condition also applies to the I-2 C173 District.

- Outdoor storage and operations are only permitted on Lots 5, 6, and 7 only:



Proposed: The proposed zoning of the 21.96-acre site is **Community Retail Conditional Use (CR C219)**. The CR zoning district is designed to accommodate commercial, retail, office, and service activities that serve the entire community. Outdoor operations, outdoor storage and outdoor retail sales are not permitted in the CR district. Uses are only permitted within an enclosed building.

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

- | | |
|---|--|
| 1. Townhouse or Condominium | fire station |
| 2. Upper-Story Residential | 15. Government office |
| 3. Community Center | 16. Hospice |
| 4. Library, museum, art center | 17. Hospital |
| 5. Other Community service | 18. Emergency Care Facility |
| 6. Lodges and fraternal clubs | 19. Medical Clinic |
| 7. Adult Day Care | 20. Mental Health facility |
| 8. Day Care Center | 21. Group Care Facility |
| 9. Business School, college or university satellite | 22. Handicapped Institution |
| 10. College/university | 23. Intermediate care institution |
| 11. Trade/vocational schools | 24. Nursing Care Institution |
| 12. Music, dance art instruction | 25. Cemetery |
| 13. Funeral home crematorium | 26. Parks, swimming pools, tennis courts, golf courses |
| 14. Ambulance, rescue squad, police, | 27. Religious institutions |

- 28. Minor utility, elevated water tank only
- 29. Telecommunication facility
- 30. Bars and nightclubs
- 31. Private golf or country club
- 32. Private gym, spa, indoor tennis, pool
- 33. Indoor entertainment facility
- 34. Electronic gaming center
- 35. Movie Theaters
- 36. Bank, financial institution
- 37. Medical office, individual
- 38. Other office
- 39. Bed and breakfast
- 40. Hotel and motels
- 41. Commercial Parking
- 42. Restaurant, indoor with seating
- 43. Restaurant with drive-through window
- 44. Restaurant take out only or walk up
- 45. Convenience store without fuel sales
- 46. Convenience store with fuel sales
- 47. Repair oriented use indoor only
- 48. Personal service use indoor only
- 49. Hair and beauty salons
- 50. Sales oriented use (indoor operations only)
- 51. Veterinarian/kennel indoor
- 52. Vehicle service-limited

The following permitted uses and conditions are proposed for the CR C219 District:

1. Permitted use table (selected from preceding generally permitted use list):

Use Category	Specific Use	CR C219
Household Living	Upper-Story Residential	P
Community Service	Community Center	SUP
	Other community service	SUP
	Library, Museum, Art Gallery	P
	Civil Service, Fraternal Clubs	SUP
Day Care	Adult Day Care	P*
	Day Care Center	P*
Educational Facilities and Services	Trade Vocational	SUP
	Business School, college, satellite campus	P
	Music, Dance Art Instruction	P
Government Facilities	Ambulance service, rescue squad, police or fire station	P
	Government office	SUP
Health Care	Medical clinic	P
	Ambulatory Health & Emergency Care	SUP
Institutions	Nursing Care Institution	P
Religious Institutions		P*
Utilities	Minor Utility	P*
	Telecommunications Facility	SUP
Entertainment	Gym, Spa, Indoor Tennis, Pool	P

Use Category	Specific Use	CR C219
	Indoor Entertainment Facility	P*
	Medical office – individual	P
	Other office	P
Overnight Accommodations	Hotel & Motel	SUP
Parking Commercial		SUP
Restaurants	Restaurants indoor seating only	P
	Restaurants indoor seating & drive-thru window	P
	Restaurants Take Out	P
Retail Sales and Service	Personal service-oriented uses	P*
	Repair oriented use (no outdoor operations)	P
	Sales oriented use (indoor operations)	P
	Hair solons, Barber shops	P
	Convenience store without fuel sales	P
	Banks , Financial Institution	P

2. No more than 5% of the total square-footage for all three (3) buildings/phases shall be used for the following uses: restaurant (take-out only), restaurant (indoor with seating only), restaurant (with seating and drive-through window), sales-oriented uses (no outdoor operations), and convenience store (without fuel sales).

[Staff Note: 5% of 300,000 s.f. would be 15,000 s.f. max]

Adjacent Zoning and Land Use:

North:	MF-2 C203	Avenue at White Oak Townhomes (under construction)
South:	NC Railroad / I-1 & I-2 CR, SB	Heavy Commercial Commercial
East:	O&I C192	Office
West:	R-12	Single-family



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
CUDZ 91-4	Sherman Yeargan	Time Warner & rezoning site	R-20/I-1 to SB C62
CUDZ 97-09	ST Wooten	E Garner Rd/I-40	SB to I-2 C73
CUDZ 03-01	H. Arthur & Elain Sandman	Ashlyn Subdivision	R-20 to R-9 C118
CUDZ 05-05	Frank Floyd, Jr	E Garner Middle School Jones Sausage Road	Residential Cluster 3 to R-20 C134
CUDZ 09-01	Sherman Yeargan	Southeast corner, Partlo Street	SB C62 and I-1 to O&I C158
CUD-Z-14-02	Sherman Yeargan	Portion of rezoning site	I-1 to I-2 C173
CUD-Z-16-02	East Garner LLC	Partlo Street	O&I C158 to O&I C192
CUD-Z-18-04	Garner Road Partners LLC	Avenues at White Oak Townhomes	R-20 to MF-2 C203

IV. COMMUNITY INFORMATION

Overall Neighborhood Character: The area around the intersection of Jones Sausage Road and East Garner Road has developed into mixed uses over the last 20 years. There are single-family, townhomes under construction, two schools, heavy commercial, and office uses around this intersection. Both East Garner Road and Jones Sausage Road are major corridors with a significant amount of commuter daily traffic from Raleigh and Johnston County coming in and out of Garner at peak hours in the morning and afternoons.

Traffic: The project will have about 1,700 feet of frontage on **East Garner Road**. The NCDOT average daily traffic count history in this area is as follows:

- Year 2007- 12,000
- Year 2009 -11,000
- Year 2011 -11,000
- Year 2013- 10,000
- Year 2015- 13,000
- Year 2017- 13,000

The project will have about 1,000 feet of frontage on **Jones Sausage Road**. The NCDOT average daily traffic count history in this area is as follows:

- Year 2007- 6,000
- Year 2009 -6,100
- Year 2011 -N/A
- Year 2013- 6,800
- Year 2015- 8,900
- Year 2017- 10,000

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

Based on the data provided and the assumptions identified in the TIA, the proposed development is anticipated to generate 3,110 daily trips including 440 AM peak hour trips (387 entering, 53 exiting) and 398 PM peak hour trips (72 entering, 326 exiting). The findings of the TIA confirmed that site traffic is anticipated to have minor negative impacts on the surrounding roadway network. The development is expected to account for 6% of the traffic at the surrounding intersections. Based on the findings of the TIA, specific geometric and traffic control improvements have been identified at study intersections.

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

- Provide signal timing adjustments

The following improvements have been identified and are recommended to accommodate the development traffic at the intersection of East Garner Road and Avenue at White Oak Driveway/Site Drive 1:

- Construct the northbound approach (Site Drive 1) with one ingress and one egress lane (full movement).
- Provide stop control for the northbound approach (Site Drive 1).
- Provide an exclusive eastbound right-turn lane on E. Garner Road with a minimum of 50 feet of storage and appropriate deceleration and taper length.

- Provide an exclusive westbound left-turn lane on E. Garner Road with a minimum of 100 feet of storage and appropriate deceleration and taper length. A two-way left-turn lane along the frontage of the site would be expected to accommodate the westbound left-turn with appropriate striping.

The following improvements have been identified and are recommended to accommodate the development traffic at the intersection of East Garner Road and Site Drive 2:

- Construct the northbound approach (Site Drive 2) with one ingress and one egress lane (full movement).
- Provide stop control for the northbound approach (Site Drive 2).
- Provide an exclusive eastbound right-turn lane on E. Garner Road with a minimum of 50 feet of storage and appropriate deceleration and taper length.
- Provide an exclusive westbound left-turn lane on E. Garner Road with a minimum of 100 feet of storage and appropriate deceleration and taper length. A two-way left-turn lane along the frontage of the site would be expected to accommodate the westbound left-turn with appropriate striping.

The following improvements have been identified and are recommended to accommodate the development traffic at the intersection of Jones Sausage Road and Site Drive 3:

- Construct the eastbound approach (Site Drive 3) with one ingress and one egress lane.
- Restrict the intersection to right-in/right-out with left-in access with a concrete barrier.
- Provide stop control for the eastbound approach (Site Drive 3).
- Provide an exclusive southbound right-turn lane on Jones Sausage Road with a minimum of 50 feet of storage and appropriate deceleration and taper length.
- Provide an exclusive westbound left-turn lane on E. Garner Road with a minimum of 150 feet of storage and appropriate deceleration and taper length.
- Provide a concrete barrier on the northbound left-turn lane to prevent vehicles from entering the storage for the southbound left-turn at Jones Sausage Road and Partlo Street.

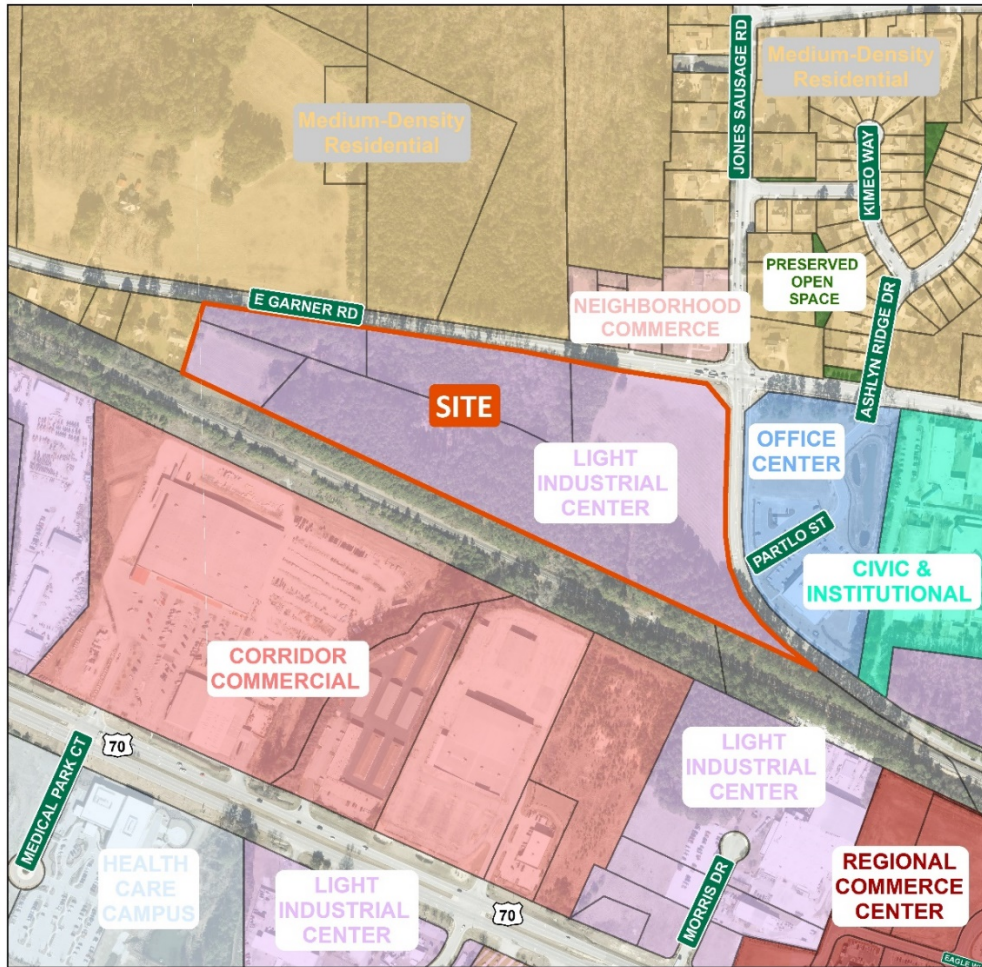
Neighborhood Meeting: A neighborhood meeting was held on August 14, 2019 at 409 US HWY 870 E (Old Store Building) with only one person in attendance. The letter and sign-in sheet are attached. There appears to be at least two adjoining property owners that contacted the applicant separately for information and did not attend the meeting.

V. CONSISTENCY WITH THE COMPREHENSIVE PLAN

2018 Garner Forward Plan: In addition to land use, the 2018 *Garner Forward Comprehensive Plan* also provides guidance on keeping the Town’s character, living spaces, working places, recreation opportunities and transportation. Applicable sections are analyzed in the following paragraphs.

Land Use:

On the Future Land Use map (below), this site is designated as **Light Industrial Center (LIC)**. The **LIC** land use category would include small to medium-scale, on-site manufacturing and production uses including warehousing, light manufacturing, distribution, medical research/laboratory, and assembly operations. When drafting the 2018 Garner Forward Land Use Map, the existing industrial zoning was considered, and the assumption was made that it would likely not change in the near future.



Working Places:

The guiding principles and recommendations for commercial development and working spaces are found on pages 69 – 74. Staff finds this request in support of the following:

1. Support Anticipated Increase in Office Needs (Page 68). This rezoning and proposed development would provide Garner with “Class A” professional office space.
2. Attract Unique Commercial Establishments (Page 68). This rezoning and proposed development could provide a mix of office and retail / service together in one location that is found in a few places around Garner such as the Southside Shopper building at 2339 Timber Drive, and the building at 1401 Aversboro Rd. These 2-story

buildings have office in the upper stories with retail and restaurants on the first floor.

3. Ensure that existing regulations allow new kinds of hybrid office, retail, industrial, and even housing combinations in commercial areas of town (practice/ policy 69). This rezoning and proposed development could support this goal of mixing and combining different compatible uses, specifically office and retail/ service.
4. Develop the North - North Garner is undergoing and will continue to experience a major renaissance as development pressures from downtown Raleigh move south. Investing in streetscaping, maintenance and parks, and seeking opportunities for redevelopment of commercial and residential properties has happened and should continue to occur (Page 72). This rezoning and proposed development is located in North Garner as defined in the 2004 North Garner Plan.

Zoning Consistency Statement: The requested zoning from Single-Family Residential (R-20), Light Industrial (I-1), and Heavy Industrial Conditional Use (I-2 C 173) to **Community Retail Conditional Use (CR C219)** is consistent with the 2018 *Garner Forward Comprehensive Plan's* guiding principles and recommendations of the Working Spaces section of the plan and with the surrounding zonings which include O&I, CR, SB, I-1, I-2, and MF-2 zoning districts; however it is not consistent with the Future Land Use Map designation of Light Industrial Center (LIC). Therefore, this rezoning will require an **amendment** to the Future Land Use Map to designate the site from Light Industrial Center (LIC) to Office Center (OFC) which may be considered a voluntary reduction in the intensity of use.

The Plan describes Office Centers as follows: may have multiple, non-government tenants occupying a single building, adjacent spaces, or separate buildings accessed by 1-2 driveways from an arterial roadway. Examples may include professional or medical offices. Workers tend to arrive in single shifts, and some retail activities may occur on the premises, although that is not the primary use. Buffering from adjacent uses is light, usually locating near transitional uses like moderate- to higher-density residential and mixed-use developments.

Building Material and Color:

The building will be constructed primarily of a light red-brown brick with accents of medium red-brown brick and tan/light gray metal panels.



Landscape and Buffer Requirements:

Tree Cover: 10% requirement met with 10.79% existing trees.

Street Buffers: There are 20-foot wide street buffers against both East Garner Road and Jones Sausage Road. Street trees are provided every 40 feet as required.

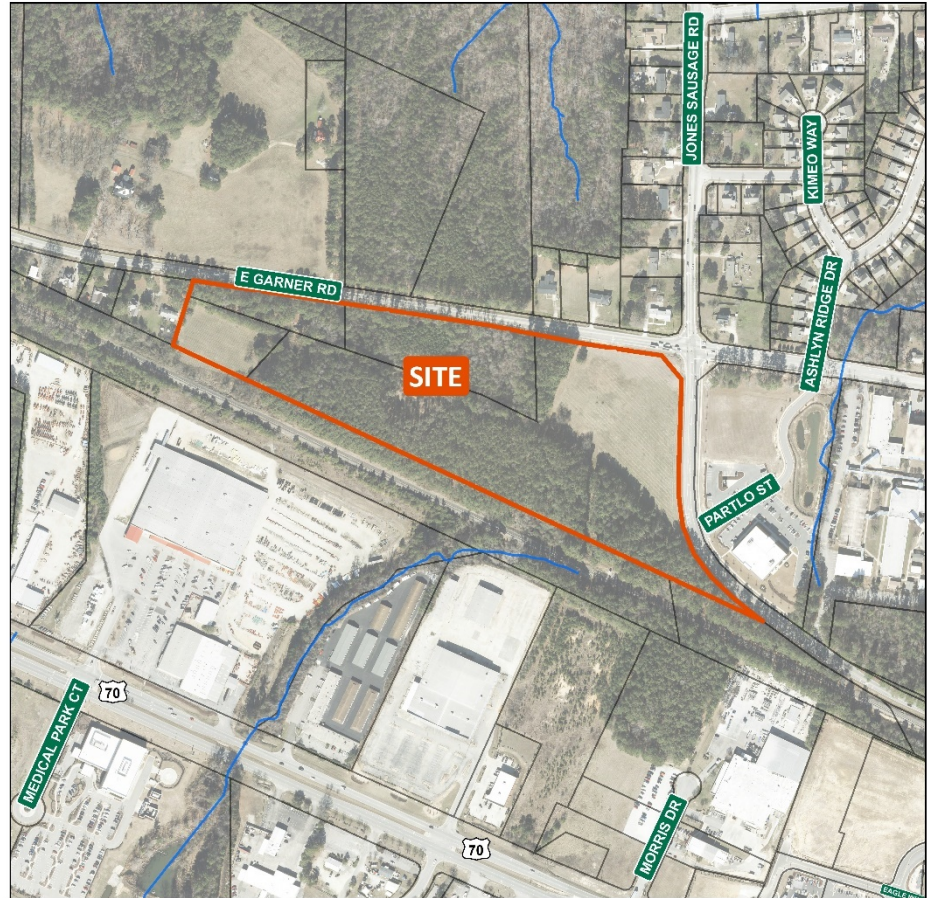
Perimeter Buffers: There are two perimeter buffers on the site. On the western property line there is a 35-foot perimeter buffer and on the southern property line there is a 25-foot perimeter buffer. Along the southern property line behind the stormwater device a 30 percent

buffer width reduction was granted. The buffer width in that area is 17.5 feet.

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

Environmental Features:

This site does not contain FEMA designated floodplain.



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

Parking: Parking is based on the square footage (300,000) of office space which is 1 space for every 300 square feet.

- Required: 1,000 spaces
- Proposed: 1,071 spaces

The site has 71 excess parking spaces at this time. The applicant has included a note that those excess spaces may be allocated toward up to 14,200 square feet of medical office which may be located, in whole, or in part, in any of the three buildings.

If road realignments cause the removal of any of the “excess” parking spaces, they could not be used toward medical office (which has a higher parking rate) as parking is evaluated at the time each tenant applies for a Zoning Compliance Permit.

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

Infrastructure: **Water/Sewer** - Connection to the City of Raleigh public sanitary sewer and water system will occur through existing infrastructure.



Stormwater Management: Eastern Wake Innovation Business Park 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 and water quantity requirements for the 1-, 10- and 25-year storm events. This development plan proposes two stormwater wet retention ponds to treat impervious surface from this development site. The stormwater wet retention ponds will provide treatment for both nitrogen and all water quantity requirements for

entire development site. A nitrogen offset payment will also be required as part of this development.

Frontage Improvements: The site of Eastern Wake Innovation Park is on the southwest corner of East Garner Road and Jones Sausage Road. It has approximately 1800 linear feet of frontage on East Garner Road. Right-of-way will be dedicated to provide half of 74' and additional pavement installed to accommodate half of a major collector street. Sidewalk will also be installed along East Garner Road. Two full access driveways for the site will be constructed and a right turn lane will be provided for entrance into each. The site has approximately 1000 linear feet of frontage along Jones Sausage Road. Along the majority of this frontage, additional right-of-way will be dedicated to achieve half of 100'. At the southern end of the site, a full 100' width will be reserved for future right-of-way dedication to accommodate the future realignment of Jones Sausage Road. Because of the pending construction on Jones Sausage Road, the development will pay a fee-in-lieu of constructing sidewalk along this road frontage. One right in/right out driveway for the site will be constructed and a right turn lane off Jones Sausage into the site will be provided.

Site Access: There are two full access driveways for the site on East Garner Road and a right in/right out driveway on Jones Sausage Road.

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

2018 Garner Forward Transportation Plan:

The 2018 *Garner Forward Transportation Plan* recommends Garner Road as a 2-lane divided facility and Jones Sausage Road as a 4-lane divided facility. Any new curb and pavement installed on Jones Sausage Road, south of Garner Road intersection will likely require removal and replacement by the Town/NC DOT for the future grade separation at the railroad. Rather than installing curb that will require future removal/replacement, the Town asked the developer to install a ribbon paved turn lane and submit a fee in lieu for all future widening, curb, and sidewalk along the property frontage of Jones Sausage Road. A cost estimate for the road frontage improvements, to Jones Sausage Road, for which a fee in lieu will be provided must be reviewed and approved by the Town prior to construction drawing approval. Additionally, the developer is required to provide R/W and permanent slope dedication from East Garner Road to the southern boundary to accommodate the future realignment. The bicycle and pedestrian portions of the Plan call for sidewalk and bicycle facilities along both Jones Sausage and Garner roads. With the construction of half of the ultimate roadway section for Garner Road, construction of the ribbon paved turn lane on Jones Sausage Road, the provision of fee in lieu for other frontage improvements and provision of R/W and permanent slope dedication along Jones Sausage Road, the plans may be considered consistent with the 2018 *Garner Forward Transportation Plan*.

Parks & Recreation, Open Space & Greenways Master Plan:

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

Unified Development Ordinance Regulations:

After sufficient review and plan revisions, staff finds that this project, as now proposed, may be considered consistent with the regulations of the Unified Development Ordinance so long as the following project specific conditions are met:

1. Prior to obtaining a building permit, a recombination plat must be filed and recorded;
2. Prior to receipt of approved plans, Engineering Department inspection fees must be paid to the Town of Garner;
3. Prior to issuance of the first building permit, all applicable water and sewer fees must be paid to the City of Raleigh Public Utilities Department
4. Construction Drawing submittal to the Engineering Department and City of Raleigh Public Utilities will be required following site plan approval;
5. Prior to construction drawing approval, a fee-in-lieu of frontage improvements along Jones Sausage Road shall be submitted and agreed to by the Town Engineer with actual payment to be received prior to issuance of the first building permit; and
6. A detailed downstream sewer analysis must be completed and approved during construction plan review.

VIII. PLANNING COMMISSION NOTES AND RECOMMENDATION

The Planning Commission reviewed this request at their January 22, 2019 meeting. With a vote of 4-1, the Planning Commission confirmed staff's findings in Section VII that CUP-SP-19-13, Eastern Wake Innovation Park, is in conformity with adopted town plans and policies, and further accepted, by a unanimous vote, staff's statements regarding zoning consistency with the Garner Forward Comprehensive Plan, being detailed in Section V of this report, as their own, and recommended approval of CUD-Z-19-06 to the Town Council with an added condition that the 5% retail/ sales limit proposed by the applicant be increased to 15%. While the applicant has proposed a 5% limit (of total square footage) on several retail uses, there was concern from some members of the Commission that this may not be adequate due to the large-scale of the project, and that 15% would be more appropriate. This condition has not been formally agreed to by the applicant but may be discussed further by the Town Council if desired.

Staff recommendations for rezoning request (CUD-Z-19-06) and minor subdivision plan (CUP-SB-19-13) conformity are highlighted in the motion worksheet in the next section.

CUD-Z-19-06 – Eastern Wake Innovation Park

Rezoning Motion Worksheet

Choose one (1) of the following three (3) options: *(staff recommendation is highlighted below)*
If not accepting staff recommendation, please select your own finding from below options.

1. Find Consistent with the Comprehensive Plan and Approve:
2. Find Inconsistent with the Comprehensive Plan and Deny:

3. Find Partly Inconsistent with the Comprehensive Plan and Approve:

Please find the correlating motion option below to make your motion (number 1, 2 or 3):

1. Find Consistent with the Comprehensive Plan and Approve:

“I move that the Town Council accept staff’s statements regarding zoning consistency with the Garner Forward Comprehensive Plan, detailed in Section V of the staff report, as our own; and I therefore move further that the Town Council adopt Ordinance No. (2020) 4042 approving rezoning request CUD-Z-19-06 as it is reasonable and in the public interest because it will likely select as many reasons as appropriate from below list or provide your own reasoning”

- Allow appropriate types of business and industry at the described location which will provide opportunities for access to goods and/or services useful to the surrounding area.
- Allow development of retail sales, service, convenience stores, restaurants, or office uses as desired ends identified in the Future Land Use.
- Allow and provide an opportunity to attract and develop unique non-residential establishments.
- Provide your own reason: _____

2. Find Inconsistent with the Comprehensive Plan and Deny:

“I move that the Town Council find the rezoning request inconsistent with the Garner Forward Comprehensive Plan for the following reason(s): provide your reasoning and therefore, I move further that the Town Council reject the recommendation of the Planning Commission and deny rezoning request number CUD Z 19-06.”

3. Find Partly Inconsistent with the Comprehensive Plan and Approve:

“I move that the Town Council find that although the rezoning request is partly inconsistent with the Garner Forward Comprehensive Plan as detailed in Section V of the staff report, it is reasonable and in the public interest because it will likely select as many reasons as appropriate from below list or provide your own reasoning

- Allow appropriate types of business and industry at the described location which will provide opportunities for access to goods and/or services useful to the surrounding area.
- Allow development of retail sales, service, convenience stores, restaurants, or office uses as desired ends identified in the Future Land Use.
- Allow and provide an opportunity to attract and develop unique non-residential establishments.
- Provide your own reason:

and therefore, I move further that the Town Council adopt Ordinance No. (2020) 4042 approving rezoning request number CUD-Z-19-06, and in so doing, also amend the Town’s Comprehensive Growth Plan from designating the subject property identified previously as Light Industrial Center (LIC) to Office Center (OFC).”

CUP SP 19-13 Eastern Wake Innovation Park

Conditional Use Permit Motion Worksheet

Choose one (1) of the following two (2) options: *(staff recommendation is highlighted below) If not accepting staff recommendation, please select your own finding from below options.*

1. Find Consistent with Town plans and ordinances and Approve:

2. Find Inconsistent with Town plans and ordinances and Deny:

Please find the correlating motion option below to make your motion (number 1 or 2):

1. Find Consistent with Town plans and ordinances and Approve:

“I move that the Council accept the staff statements regarding plan consistency in Section VII of this report as our own and find the application meets the 10 permit criteria in Section 3.14.D. and therefore approve CUP-SP-19-13, Eastern Wake Innovation Park with six (6) specific conditions to be listed on the permit that will be prepared by Staff.”

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, etc.:

2. Find Inconsistent with Town plans and ordinances and Deny:

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

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

1. The proposed use will endanger the public health or safety
because/as evidenced by _____;
2. The proposed use will substantially injure the value of adjoining or abutting property;
because/as evidenced by _____;
3. The proposed use does not comply with all applicable provisions of this UDO;
because/as evidenced by _____;
4. If completed as proposed, the development will not comply with all requirements of this section;
because/as evidenced by _____;
5. The proposed use will not be compatible with the proximate area in which it is to be located;
because/as evidenced by _____;
6. The proposed use is inconsistent with the Transportation Plan, other relevant adopted plans and policies, and the stated purpose and intent of this UDO (the fact that the use is permitted under certain circumstances in the zoning district creates a rebuttable presumption that the proposed use is in harmony with the intent of the UDO as relates to the general zoning plan);
because/as evidenced by _____;
7. The proposed use is incompatible with adjacent uses in terms of building scale, site design, buffering and screening, operating characteristics (hours of operation, traffic generation, lighting, noise, odor, dust, and other external impacts);
because/as evidenced by _____;
8. Any significant adverse impacts resulting from the use will not be mitigated or offset, including impacts on the natural environment;
because/as evidenced by _____;
9. The public safety, transportation and utility facilities and services will not be available to serve the subject property while maintaining sufficient levels of service for existing development;
because/as evidenced by _____;
10. Adequate assurances of continuing maintenance have not been provided;
because/as evidenced by _____;

and therefore, deny site plan Eastern Wake Innovation Park – CUP-SP-19-13.

OWNER

HARRIS, OTIS EDWARD JR
ASHLYN HOMEOWNERS ASSN INC
HILLIARD, ELOISE
FERGUSON, SHERRY BUFFALOE WINTON, DEAN BUFFALOE
BANNISTER PROPERTIES LLC
LWOHC LLC WALTER RAND YEARGAN IRREVOCABLE TRUST THE
EAST GARNER LLC
PRICE KORNEGAY LLC
WAKE COUNTY BOARD OF EDUCATION
TURTLE RUN, LLC
GARNER TOWN OF
WAKEMED PROPERTY SERVICES
COCKS, JENNIFER ANNE COCKS, THOMAS HENRY
ROWAN ASSET CO LLC
BRYANT, ROYASTINE BRYANT, ROY ALEXANDER HEIRS
JORDAN, WILLIE JR JORDAN, MARY H
ROWANN YEARGAN REVOCABLE TRUST
WILSON, BARBARA A
MORRIS & ASSOCIATES INC
GARNER ROAD PARTNERS LLC
DEH GARNER LLC
HARRISON POOLE INC
K & J GARNER LLC
SIMMONS, PATRICIA F SIMMONS, CLYDE E
NORTH SEA ALLIANCE LLC
ARGOS READY MIX (CAROLINAS) CORP
YEARGAN, SHERMAN A JR ROWANN YEARGAN RVCBLE TRUST
WHITE OAK NW ASSOCIATES LLC
STARKS PROPERTIES LLC
MITCHELL, JOHN E MITCHELL, SELINA
AMH NC PROPERTIES, LP
LISANE, PALMER LEE LISANE, LAEULIA
THOMPSON, SHERRY
WAKE CT SOC PREV CRUEL ANIMALS INC
NC RAILROAD COMPANY

ADDR1

665 E GARNER RD
1183 W CHATHAM ST
PO BOX 1053
1709 OAKBORO DR
PO BOX 769
831 E MOREHEAD ST STE 445
PO BOX 799
13401 US HIGHWAY 70 W
1551 ROCK QUARRY RD
PO BOX 608
900 7TH AVE
3000 NEW BERN AVE
2000 NEW BETHEL CHURCH RD
1310 S TRYON ST STE 104
2 ANNIE V DR
5444 JONES SAUSAGE RD
7777 WHITE OAK RD
675 E GARNER RD
803 MORRIS DR
PO BOX 10669
518 PLAZA BLVD
273A BLUE POND RD
PO BOX 799
6906 DENLEE RD
100 PARTLO ST STE 100
3015 WINDWARD PLZ STE 300
7777 WHITE OAK RD
831 E MOREHEAD ST STE 445
329 US HWY 70 EAST
109 ASHLYN RIDGE DR
30601 AGOURA RD STE 200
5835 JONES SAUSAGE RD
105 ASHLYN RIDGE DR
327 US HIGHWAY 70 E
2809 HIGHWOODS BLVD STE 100

ADDR2

GARNER NC 27529-8576
CARY NC 27513-5257
CLAYTON NC 27528-1053
RALEIGH NC 27614-7742
GARNER NC 27529-0769
CHARLOTTE NC 28202-2784
GARNER NC 27529-0799
CLAYTON NC 27520-2139
RALEIGH NC 27610-4145
SMITHFIELD NC 27577-0608
GARNER NC 27529-3796
RALEIGH NC 27610-1231
GARNER NC 27529-8868
CHARLOTTE NC 28203-4233
CLAYTON NC 27520-8029
GARNER NC 27529-8776
GARNER NC 27529-8808
GARNER NC 27529-8576
GARNER NC 27529-4037
RALEIGH NC 27605-0669
KINSTON NC 28501-1636
CLAYTON NC 27520-7493
GARNER NC 27529-0799
RALEIGH NC 27603-5157
GARNER NC 27529-3368
ALPHARETTA GA 30005-8713
GARNER NC 27529-8808
CHARLOTTE NC 28202-2784
GARNER NC 27529
GARNER NC 27529-3363
AGOURA HILLS CA 91301-2148
GARNER NC 27529-9439
GARNER NC 27529-3363
GARNER NC 27529-4053
RALEIGH NC 27604-1000

August 14, 2019

<RECIPIENT NAME>
<ADDRESS 1>
<ADDRESS 2>
<CITY>, <STATE> <ZIP>

Dear Property Owner,

On behalf of the owners of 0 Jones Sausage Road and 0 E Garner Road, I would like to invite you to attend a neighborhood information meeting concerning the development of said property. Specifically, Stewart has requested a rezoning of said property from R-20 and I-2 to Community Retail to allow for the development of an office park. The meeting details are as follows:

August 28, 2019
5:30pm – 6:30pm
409 US East Highway 70
Old Store Building
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 attention 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) 866-4789 or mtarrant@stewartinc.com. We look forward to seeing you at the meeting.

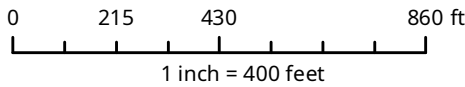
Sincerely,



Michael P. Tarrant
Studio Leader, Landscape Architecture
Stewart



Subject Property 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.
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SIGN-IN SHEET



Eastern Wake Innovation Park

Neighborhood Meeting

August 28, 2019

5:30PM - 6:30PM

NAME

ADDRESS

EMAIL (optional)

Joe Stillings

900 7th Ave Gannett NE 27529

jstillings@gannett.com



Eastern Wake Innovation Park – Neighborhood Meeting, 8/28/19



Cindy Szwarcop

To: Cindy Szwarcop
Subject: FW: 600 Block of East Garner Rd

From: Mike Tarrant <MTarrant@stewartinc.com>
Sent: Wednesday, August 21, 2019 6:10 PM
To: Pat Morris <bannister4lease@bellsouth.net>
Subject: RE: 600 Block of East Garner Rd

Hi Mr. Morris,

We are planning on presenting the project at the meeting and discussing the details of it with the group. We will have a set of plans available to review. They should also be available at the Planning Department in Town Hall if you are not able to attend the meeting.

Sincerely,

Mike Tarrant, PLA
Studio Leader, Landscape Architecture

STEWART
STRONGER BY DESIGN

Direct 919.866.4789
Office 919.380.8750
Mobile 919.418.4338

From: Pat Morris <bannister4lease@bellsouth.net>
Sent: Wednesday, August 21, 2019 11:43 AM
To: Mike Tarrant <MTarrant@stewartinc.com>
Subject: 600 Block of East Garner Rd

Good Morning Mr. Tarrant,

We received your letter concerning the August 28th meeting at Old Store Building 409 US East Hwy 70 in Garner. Would it be possible for you to send us the proposed site plan in advance of this meeting to review?

Thank you, Pat
Pat Morris
Bannister Properties, LLC
5413 Fayetteville Rd.
Raleigh, NC 27603
919-779-1523
919-779-1560 (Fax)

Partlo Tract Traffic Impact Analysis Garner, North Carolina



**TRAFFIC IMPACT
ANALYSIS**

FOR

PARTLO TRACT

LOCATED

IN

GARNER, NORTH CAROLINA

Prepared For:
STEWART
101 West Main St.
Durham, NC 27701

Prepared By:
Ramey Kemp & Associates, Inc.
5808 Faringdon Place, Suite 100
Raleigh, NC 27609
License #C-0910

April 2019

RKA Project No. 19060



Prepared By: MLS

Reviewed By: JTR

TRAFFIC IMPACT ANALYSIS
PARTLO TRACT
GARNER, NORTH CAROLINA

EXECUTIVE SUMMARY

1. Development Overview

A Traffic Impact Analysis (TIA) was conducted for the proposed Partlo Tract development in accordance with the Town of Garner (Town) Unified Development Ordinance (UDO) and North Carolina Department of Transportation (NCDOT) capacity analysis guidelines. The proposed development is to be located at the southwest corner of E. Garner Road and Jones Sausage Road in Garner, North Carolina. The proposed development, anticipated to be completed in 2025, is assumed to consist of 302,400 sq. ft. of office space. The study will consider two (2) alternative site drive scenarios and are described as follows:

- Scenario 1 assumes two (2) full movement driveways on E. Garner Road and one (1) left-over driveway on Jones Sausage Road. It should be noted that the westernmost driveway along E. Garner Road will be aligned with the access to the Avenue at White Oak development.
- Scenario 2 assumes one (1) full movement driveway on E. Garner Road (aligned with the access to the Avenue at White Oak development), one (1) left-over (right-in / right-out with left-in) driveway on E. Garner Road, and one (1) left-over driveway on Jones Sausage Road.

2. Existing Traffic Conditions

The study area for the TIA was determined through coordination with the Town and NCDOT and consists of the following existing intersections:

- E. Garner Road and Jones Sausage Road
- US 70 and Jones Sausage Road / White Oak Road

Peak hour turning movement counts were conducted by Ramey Kemp & Associates, Inc. at the intersection of Jones Sausage Road and Garner Road in June of 2018 during weekday AM (7:00 to

9:00) and weekday PM (4:00 to 6:00) peak hours while schools were in session. The counts at the intersection of US 70 and Jones Sausage Road / White Oak Road were also conducted while schools were in session in March of 2019 by Ramey Kemp & Associates, Inc.

It should be noted that although the counts at the intersection of Jones Sausage Road and Garner Road were taken within a year, they were conservatively grown for one year at a 2% growth rate to account for any growth in the area. As approved in the Memorandum of Understanding (MOU) by the Town and NCDOT, counts were not balanced because the imbalances were reasonable due to development (retail and school) along Jones Sausage Road.

3. Site Trip Generation

The proposed development is assumed to consist of a maximum of 150 single-family homes. Average weekday daily, AM peak hour, and PM peak hour trips for the proposed development were estimated using methodology contained within the ITE Trip Generation Manual, 10th Edition. Table E-1 provides a summary of the trip generation potential for the site.

Table E-1: Site Trip Generation

LAND USE (ITE Code)	INTENSITY	DAILY TRIPS (VPD)	WEEKDAY AM PEAK HOUR (VPH)		WEEKDAY PM PEAK HOUR (VPH)	
			Enter	Exit	Enter	Exit
General Office (710)	302,400 sq. ft.	3,110	387	53	72	326

4. Future Traffic Conditions

Through coordination with the Town and NCDOT, it was determined that an annual growth rate of 2% would be used to generate projected (2022) weekday AM and PM peak hour traffic volumes. The following adjacent developments were identified to be considered under future conditions:

- Avenue at White Oak
- Amazon

The study analyzes traffic conditions during the weekday AM and PM peak hours for the following scenarios:

- Existing (2019) Traffic Conditions
- Background (2025) Traffic Conditions
- Combined (2025) Traffic Conditions

5. Capacity Analysis Summary

The analysis considered weekday AM and PM peak hour traffic for existing (2019), background (2025), and combined (2025) conditions. Refer to Section 7 of the report for the capacity analysis summary performed at each study intersection.

6. Recommendations

Based on the findings of this study, specific geometric and traffic control improvements have been identified at study intersections. Scenario 1 [two (2) full movement driveways on E. Garner Road and one (1) left-over driveway on Jones Sausage Road] is recommended for the proposed development due to SimTraffic queuing results. The improvements are summarized below and are illustrated in Figure E-1.

Committed Improvements by Others

E. Garner Road and Jones Sausage Road [Amazon]

- Construct an exclusive southbound right-turn lane on Jones Sausage Road with a minimum of 150 feet of storage and appropriate deceleration and taper length.
- Provide signal modifications to accommodate the geometric improvement above.

E. Garner Road and Avenue at White Oak Driveway [Avenue at White Oak]

- Construct an exclusive eastbound left-turn lane on Garner Road with a minimum of 100 feet of storage and appropriate deceleration and taper length.
- Construct southbound approach of Avenue at White Oak Driveway with one ingress and one egress lane as a full movement intersection.
- Provide stop control for the southbound approach (Avenue at White Oak Driveway).

Recommended Improvements by the Partlo Tract Development

Town Required Frontage Improvements

- Construct half of the ultimate roadway sections along the frontage of the proposed site per the Town’s guidelines. This includes a three-lane section on Garner Road and a four-lane, median-divided section on Jones Sausage Road.

E. Garner Road and Jones Sausage Road

- Provide signal timing adjustments.

E. Garner Road and Avenue at White Oak Driveway / Site Drive 1

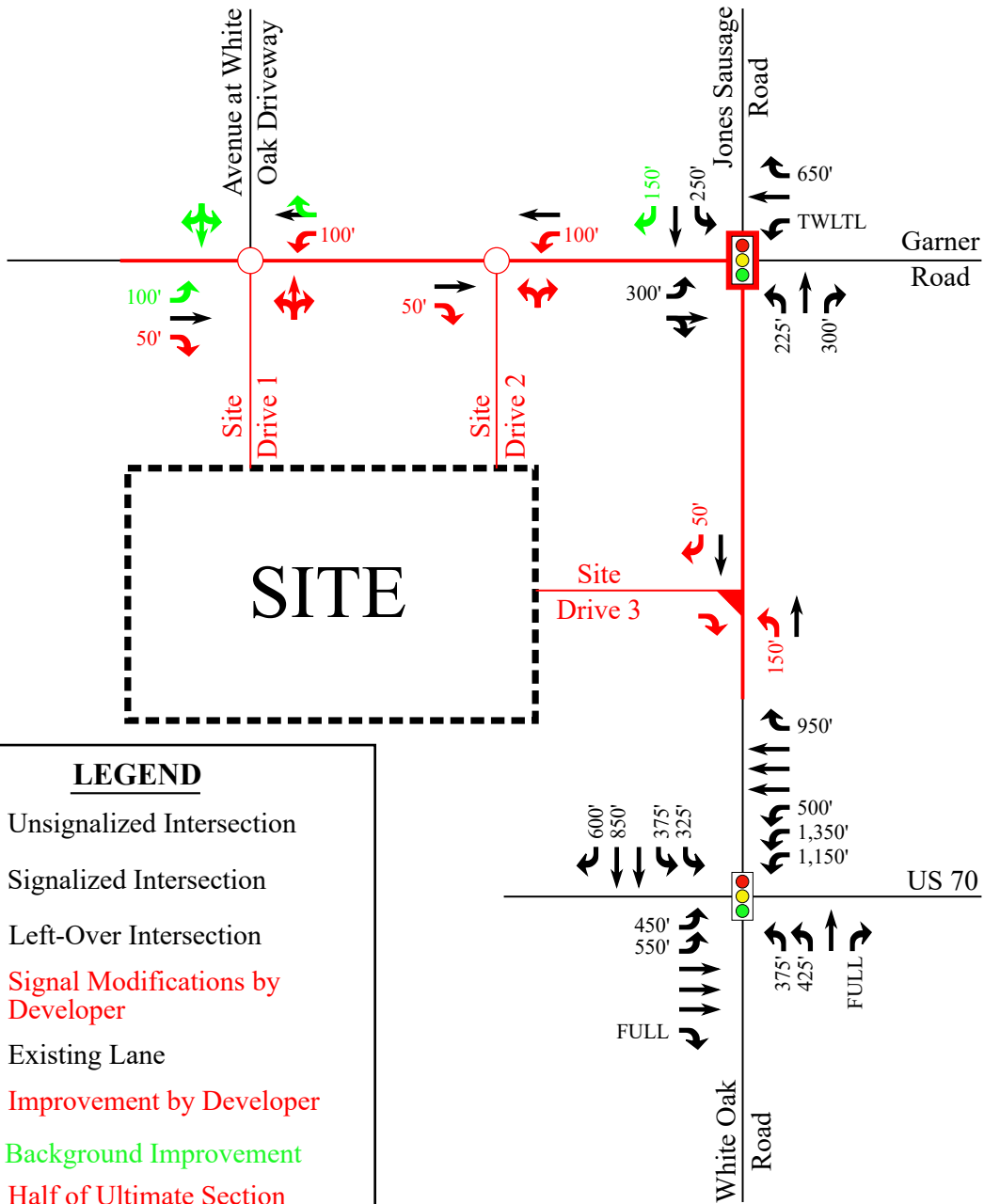
- Construct the northbound approach (Site Drive 1) with one ingress and one egress lane (full movement).
- Provide stop control for the northbound approach (Site Drive 1).
- Provide an exclusive eastbound right-turn lane on E. Garner Road with a minimum of 50 feet of storage and appropriate deceleration and taper length.
- Provide an exclusive westbound left-turn lane on E. Garner Road with a minimum of 100 feet of storage and appropriate deceleration and taper length. A two-way left-turn lane along the frontage of the site would be expected to accommodate the westbound left-turn with appropriate striping.

E. Garner Road and Site Drive 2

- Construct the northbound approach (Site Drive 2) with one ingress and one egress lane (full movement).
- Provide stop control for the northbound approach (Site Drive 2).
- Provide an exclusive eastbound right-turn lane on E. Garner Road with a minimum of 50 feet of storage and appropriate deceleration and taper length.
- Provide an exclusive westbound left-turn lane on E. Garner Road with a minimum of 100 feet of storage and appropriate deceleration and taper length. A two-way left-turn lane along the frontage of the site would be expected to accommodate the westbound left-turn with appropriate striping.

Jones Sausage Road and Site Drive 3

- Construct the eastbound approach (Site Drive 3) with one ingress and one egress lane.
- Restrict the intersection to right-in / right-out with left-in access with a concrete barrier.
- Provide stop control for the eastbound approach (Site Drive 3).
- Provide an exclusive southbound right-turn lane on Jones Sausage Road with a minimum of 50 feet of storage and appropriate deceleration and taper length.
- Provide an exclusive westbound left-turn lane on E. Garner Road with a minimum of 150 feet of storage and appropriate deceleration and taper length.
- Provide a concrete barrier on the northbound left-turn lane to prevent vehicles from entering the storage for the southbound left-turn at Jones Sausage Road and Partlo Street.



LEGEND

- Unsignalized Intersection
- ◫ Signalized Intersection
- ▲ Left-Over Intersection
- ◫ (with red border) Signal Modifications by Developer
- Existing Lane
- (red) Improvement by Developer
- (green) Background Improvement
- (red) Half of Ultimate Section by Developer
- X' Storage (In Feet)



Partlo Tract
Garner, NC

Recommended
Lane Configurations

Scale: Not to Scale

Figure E-1



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

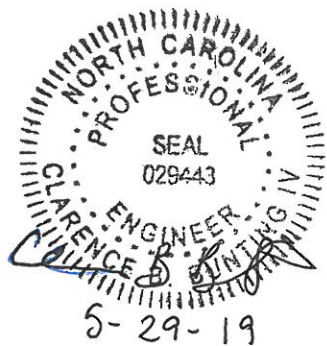
ROY COOPER
GOVERNOR

JAMES H. TROGDON, III
SECRETARY

May 29, 2019

Partlo Tract
Traffic Impact Analysis Review Report
Congestion Management Section

TIA Project: SC-2019-086
Division: 5
County: Wake



Doumit Y. Ishak, Regional Engineer
Clarence B. Bunting, IV, P.E. Project Engineer
Joseph D. Magnuson

Mailing Address:
NC DEPARTMENT OF TRANSPORTATION
TRANSPORTATION MOBILITY & SAFETY DIVISION
1561 MAIL SERVICE CENTER
RALEIGH, NC 27699-1561

Telephone: (919) 814-5000
Fax: (919) 771-2745
Customer Service: 1-877-368-4968

Website: www.ncdot.gov

Location:
750 N. GREENFIELD PARKWAY
GARNER, NC 27529

Partlo Tract Development

SC-2019-086

Wake

May 29, 2019

Per your request, the Congestion Management Section (CMS) of the Transportation Mobility and Safety Division has completed a review of the subject site. The comments and recommendations contained in this review are based on data for background conditions presented in the Traffic Impact Analysis (TIA) and are subject to the approval of the local District Engineer's Office and appropriate local authorities.

Date Initially Received by CMS	5/01/19	Date of Site Plan	N/A
Date of Complete Information	5/01/19	Date of Sealed TIA	04/26/19

Proposed Development

Per the TIA, the proposed Partlo Tract development is to be located at the southwest corner of E. Garner Road and Jones Sausage Road in Garner, Wake County. The TIA assumes the development is to be constructed by 2025 and is to consist of the following:

Land Use	Land Use Code	Size
General Office	710	302,400 s.f.

Trip Generation - Unadjusted Volumes During a Typical Weekday

	IN	OUT	TOTAL
AM Peak Hour	387	53	440
PM Peak Hour	72	326	398
Daily Trips			3,110

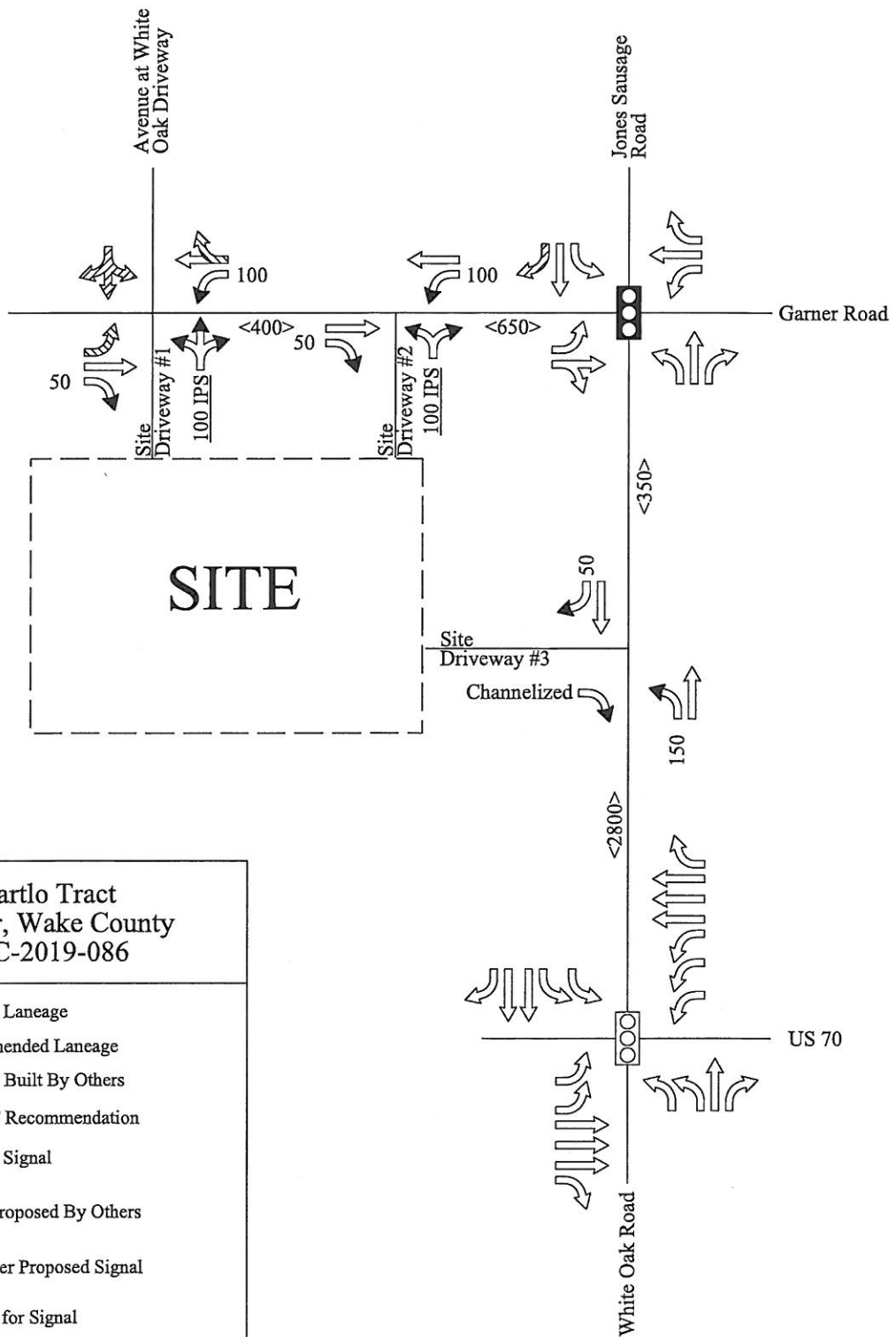
Improvements By Others

The analysis includes background improvements by others. If these improvements are not in place at the time of construction, the site should provide these improvements or analysis demonstrating mitigation is not necessary.

General Reference

For reference to various documents applicable to this review please reference the following link: <http://www.ncdot.org/doh/preconstruct/traffic/tepl/Topics/C-37/C-37.html>

Once the driveway permit has been approved and issued, a copy of the final driveway permit requirements should be forwarded to this office. If we can provide further assistance, please contact the Congestion Management Section.



**Partlo Tract
Garner, Wake County
SC-2019-086**

- Existing Laneage
- Recommended Laneage
- Laneage Built By Others
- NCDOT Recommendation
- Existing Signal
- Signal Proposed By Others
- Developer Proposed Signal
- Monitor for Signal
- Roundabout
- Storage
- NCDOT Recommended Storage
- Distance Between Intersections
- IPS Internal Protected Stem
- All Distances in Feet
- Drawing Not to Scale

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

ORDINANCE NO. (2020) 4042

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

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

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

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

Section 1. That the Official Zoning Map of the Town of Garner and Extraterritorial Jurisdiction be amended by changing the zoning classification of the property described below from its present zoning to that requested by **Trustwell Property Group** in Rezoning Application CUD-Z-19-06.

Section 2. There is hereby created a new conditional use zoning district, to be known as the **Community Retail Conditional Use District (CR C219)**; within this district, all of the regulations that apply to property within the **CR C219** shall be applicable and that all other uses are prohibited except those that are listed as permissible shall require a conditional use permit:

The following permitted uses and conditions are proposed for the CR C219 District:

1. Permitted use table (selected from preceding generally permitted use list):

Use Category	Specific Use	CR C219
Household Living	Upper-Story Residential	P
Community Service	Community Center	SUP
	Other community service	SUP
	Library, Museum, Art Gallery	P
	Civil Service, Fraternal Clubs	SUP
Day Care	Adult Day Care	P*
	Day Care Center	P*
Educational Facilities and Services	Trade Vocational	SUP
	Business School, college, satellite campus	P
	Music, Dance Art Instruction	P
Government Facilities	Ambulance service, rescue squad, police or fire station	P
	Government office	SUP
Health Care	Medical clinic	P
	Ambulatory Health & Emergency Care	SUP
Institutions	Nursing Care Institution	P
Religious Institutions		P*
Utilities	Minor Utility	P*
	Telecommunications Facility	SUP
Entertainment	Gym, Spa, Indoor Tennis, Pool	P
	Indoor Entertainment Facility	P*
	Medical office - individual	P
	Other office	P
Overnight Accommodations	Hotel & Motel	SUP
Parking Commercial		SUP
Restaurants	Restaurants indoor seating only	P
	Restaurants indoor seating & drive-thru window	P
	Restaurants Take Out	P
Retail Sales and Service	Personal service-oriented uses	P*
	Repair oriented use (no outdoor operations)	P
	Sales oriented use (indoor operations)	P
	Hair solons, Barber shops	P
	Convenience store without fuel sales	P
	Banks , Financial Institution	P

2. No more than 5% of the total square-footage for all three (3) buildings/phases shall be used for the following uses: restaurant (take-out only), restaurant (indoor with seating only), restaurant (with seating and drive-through window), sales-oriented uses (no outdoor operations), and convenience store (without fuel sales).

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
North Sea Alliance, LLC	1721-01-4200, 1721-01-5390, 1721-11-1205, & 1721-10-4884	Single-Family Residential (R-20), Light Industrial (I-1), and Heavy Industrial Conditional Use (I-2 C173)	Community Retail Conditional Use (CR C219)

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 3rd day of February, 2020.

Ken Marshburn, Mayor

ATTEST: _____
 Stella L. Gibson, Town Clerk

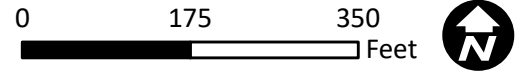
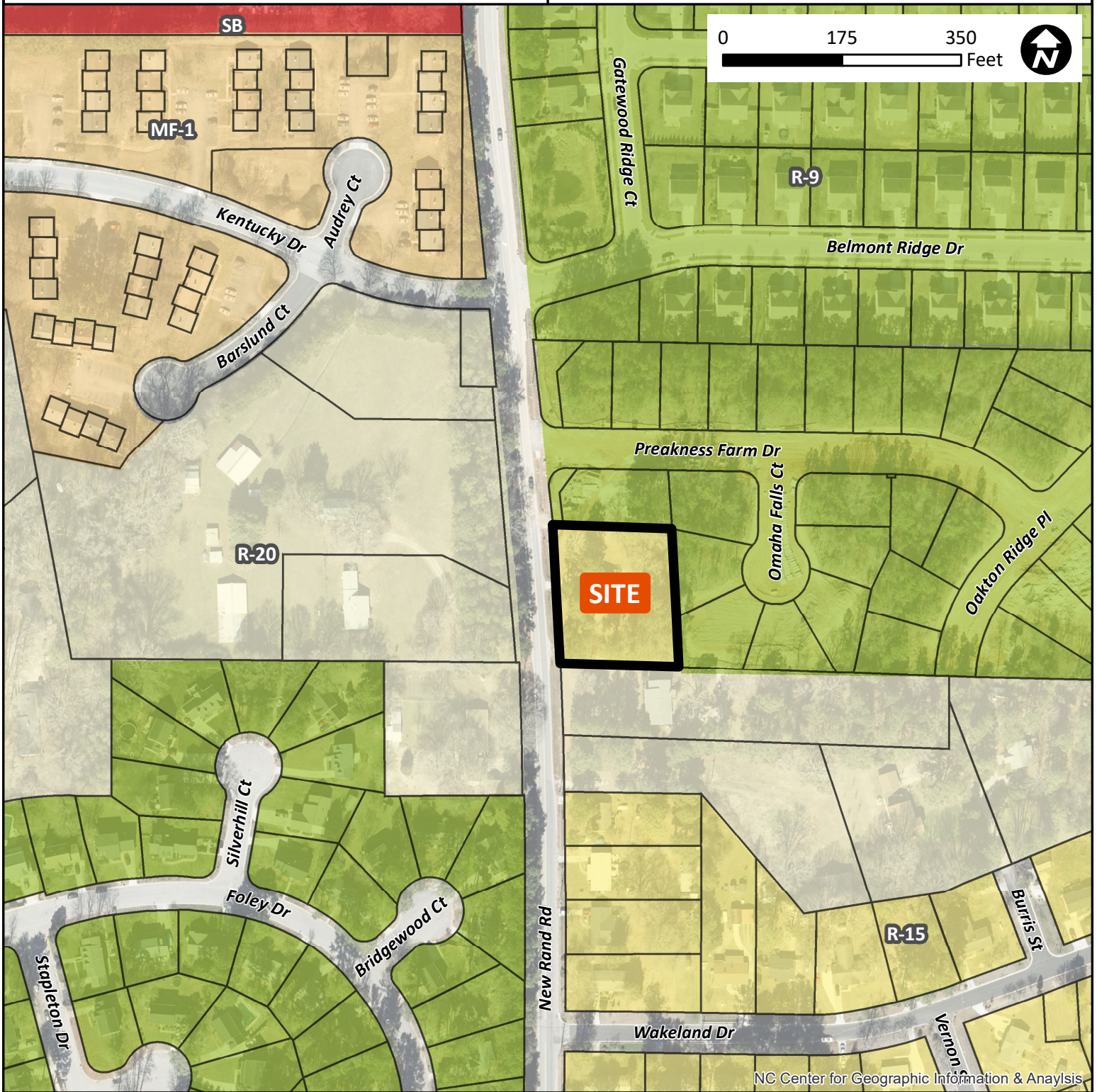
Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: February 3, 2020		
Subject: CUD-Z-19-12 & CUP-SB-19-05, 699 New Rand Road		
Location on Agenda: Public Hearings		
Department: Planning		
Contact: David Bamford, AICP; Planning Services Manager		
Presenter: David Bamford, AICP; Planning Services Manager		
Brief Summary: Conditional use zoning (CUD-Z-19-12) and associated conditional use subdivision plan (CUP-SB-19-05) request submitted by Capital Partners LLC to re-zone 0.81 +/- acres from Single-Family Residential (R-15) to Single-Family Residential Conditional Use (R-9 C225) for three (3) single-family residential lots. The site is located at 699 New Rand Road south of Preakness Farm Drive and can be further identified as Wake County PIN# 1710-87-9071.		
Recommended Motion and/or Requested Action: Consider adoption of Ordinance (2020) 4043		
Detailed Notes: See attached vicinity map and staff report. A neighborhood meeting was required by ordinance and was held on January 6 , 2020. Use restrictions and characteristics are voluntarily offered as zoning conditions. Staff recommends approval of CUD-Z-19-12 & finds CUP-SB-19-05 in conformity with the UDO. The re-zoning received a recommendation for approval by the Planning Commission on January 22, 2020, and they agreed that the site plan was in conformity with the UDO.		
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:	JST	
Finance Director:		
Town Attorney:		
Town Manager:	RD	
Town Clerk:		



**Town of Garner
Planning Department**

**Conditional Use Applications
CUP-SB 19-05 & CUD-Z 19-12**



Applicant: Capital Partners LLC
Owner: Capital Partners LLC
Location: 699 New Rand Road
Pin #: 1710-87-0971

Current Zoning: R-15
Proposed Zoning: R-9 C225
Acreage: 1 +/-
Overlay: None

NC Center for Geographic Information & Analysis

Planning Department Staff Report

TO: Honorable Mayor and Town Council

FROM: David Bamford, AICP; Planning Services Manager

SUBJECT: *Conditional Use Rezoning # CUD-Z-19-12, and
Conditional Use Subdivision #CUP-SB-19-05 – 699 New Rand Road*

DATE: February 3, 2020

I. PROJECT AT A GLANCE

Project Number(s): CUD-Z-19-12 Conditional Use Rezoning
CUP-SB-19-05 Conditional Use Subdivision Plan

Applicant: Capital Partners of NC LLC

Owner: Capital Partners of NC LLC

General Description -

Project Area & Location: 0.81 +/- acres at 699 New Rand Road

Wake Count PIN(s): 1710-87-0971

Current Zoning: Single-Family Residential (R-15)

Requested Zoning: Single-Family Residential (R-9 C225) Conditional Use

Proposed Use(s): Single-Family Detached

Overlay: None

Key Meeting Dates:

Planning Commission: January 22, 2020

Public Hearing & Action: February 3, 2020

II. BACKGROUND / REQUEST SUMMARY

As recent as 3 years ago, this 0.81-acre property contained an abandoned dilapidated house and was zoned Single-Family Residential (R-20). The property was sold in 2016, and the new owners, New Hope Life LLC, demolished the old house and cleaned up the property and filed a general use rezoning to R-15 to subdivide the property into 2 lots. The Town approved this request on May 6, 2019. An annexation petition was also filed and approved at this time. No homes were ever built, and the property was sold again in 2019 to the current applicant who now wishes to build 3 single-family homes.

Due to the property's location and that it backs up to 4 lots in Preakness Place Subdivision, staff suggested to the applicant to file a conditional use application to address residential build quality concerns so that any home built on these 3 lots would be compatible with the surrounding residential construction. The applicant is requesting to rezone from R-15 (max 2 lots) to **Single-Family Residential Conditional Use (R-9 C225)** in order to subdivide the property into 3 lots for single-family development. The applicant has also filed **CUP-SB 19-05** to subdivide the property into 3 lots. This is a minor subdivision (5 lots or less), and this does not require major review as there are no extensions of public infrastructure needed; however, all applicable sections of the UDO must still be met.



III. ZONING ANALYSIS

Existing: The existing zoning is **Single-Family Residential (R-15)**. This is primarily a single-family district with a minimum lot size of 15,000 square feet (.34 acres). Properties zoned R-15 can be developed at a density of approximately 2.904 units per acre.

The following is a list of permitted uses R-15 district:

- | | |
|--|---|
| 1. Single-Family Detached | 11. School, Public or Private (SUP) |
| 2. Residential Cluster | 12. Ambulance Service, Police or Fire Station (SUP) |
| 3. Single-Family Residential Subdivision | 13. Cemetery |
| 4. Modular Home | 14. Public Park, Swimming Pool, Tennis Court, Golf Course (SUP) |
| 5. Family Care Home | 15. Religious Institution |
| 6. Group Care Home | 16. Minor Utility, Elevated Water Storage Tank |
| 7. Intermediate Care Home | 17. Golf Course, or Country Club, Private (SUP) |
| 8. Community Center (SUP) | 18. Bed and Breakfast (SUP) |
| 9. Child Day Care (up to 3 as home occupation) | |
| 10. Family Child Day Care (up to 8 in-home) | |

Proposed: The proposed zoning is **Single-Family Residential Conditional Use (R-9 C225)**. This is primarily a single-family district with a minimum lot size of 9,000 square feet (.20 acres). Properties zoned R-9 can be developed at a density of approximately 4.84 units per acre.

Below is a summary table for Single-Family residential dimensional standards in the Town’s Unified Development Ordinance (UDO Section 6.1.A.)

DESCRIPTION	EXISTING ZONING	PROPOSED ZONING
Zoning District:	R-15	R-9
Minimum Lot Area:	15,000 sq. ft.	9,000 sq. ft.
Minimum Lot Width:	80 ft.	60 ft.
Front Yard:	30 ft.	25 ft.
Rear Yard:	20 ft.	20 ft.
Side Yard:	6’ min. / 15’ combined	6’ min. / 15’ combined
Corner Lot Side Yard:	20 ft.	20 ft.
Maximum Height:	35 ft.	35 ft.

The following is a list of permitted uses R-9 district:

(See above list for the R-15 district as they are identical).

The following is a list of permissible uses and conditions for the proposed R-9 C225 district:

1. Permitted use table (selected from preceding generally permitted use list):

USE	PROPOSED ZONING
<i>P* = Permitted subject to standards</i> <i>SUP = Special use permit required</i>	R-9 C225
Single-Family Detached	P*

2. 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.
3. Each house will have at a minimum of 1800 sq-ft. of heated floor space.
4. Each house will have a two-car garage, screened porch or unheated sunroom, and a deck or concrete patio (120 sq. ft. min.).
5. Each house will be constructed of hardiplank, masonry (brick or stone), or vinyl siding (minimum gauge .045) on at least 80% of each side.
6. Each house will have a masonry foundation with crawl space for at least 70% of the foundation area (not including the garage), or stem wall slab foundation with a minimum height of 12 inches with brick/stone veneer on the front elevation. All foundation sides without brick/stone shall be parged (textured).

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

Case	Applicant	Location	Zoning Change
CUD-Z-04-06	Hughes Development	New Rand Rd. & New Hill Rd.	R-40 to R-9 C128
CUD-Z-15-02	Bass, Nixon & Kennedy	601 New Rand Rd (Preakness Place)	R-9 to R-9 C176
Z-19-01	Steven Hall	699 New Rand	R-20 to R-15

Adjacent Zoning and Land Uses:

North:	Single-Family Residential (R-9)	Single-Family Detached
South:	Single-Family Residential (R-20)	Single-Family Detached
East:	Single-Family Residential (R-9)	Single-Family Detached
West:	Single-Family Residential (R-20)	Single-Family Detached



IV. COMMUNITY INFORMATION

Overall Neighborhood Character: This area along New Rand Road is located north of Wakeland Drive and south of Rand Mill Road. This area contains mostly Single-Family Residential (R-9, R-15 and R-20) zoning districts and a Multi-Family (MF-1) zoning district tract is also in the area at the intersection of New Rand Road and Kentucky Drive. Uses in this area predominantly include “single-family subdivisions” and “single-family detached” residential uses.

Traffic: The project will have about 200 feet of frontage on New Rand Road. The NCDOT average daily traffic count history in this area is as follows:

- Year 2007- 8,500
- Year 2009 -N/A
- Year 2011 -8,100
- Year 2013- 3,700
- Year 2015- 3,700
- Year 2017- 3,700

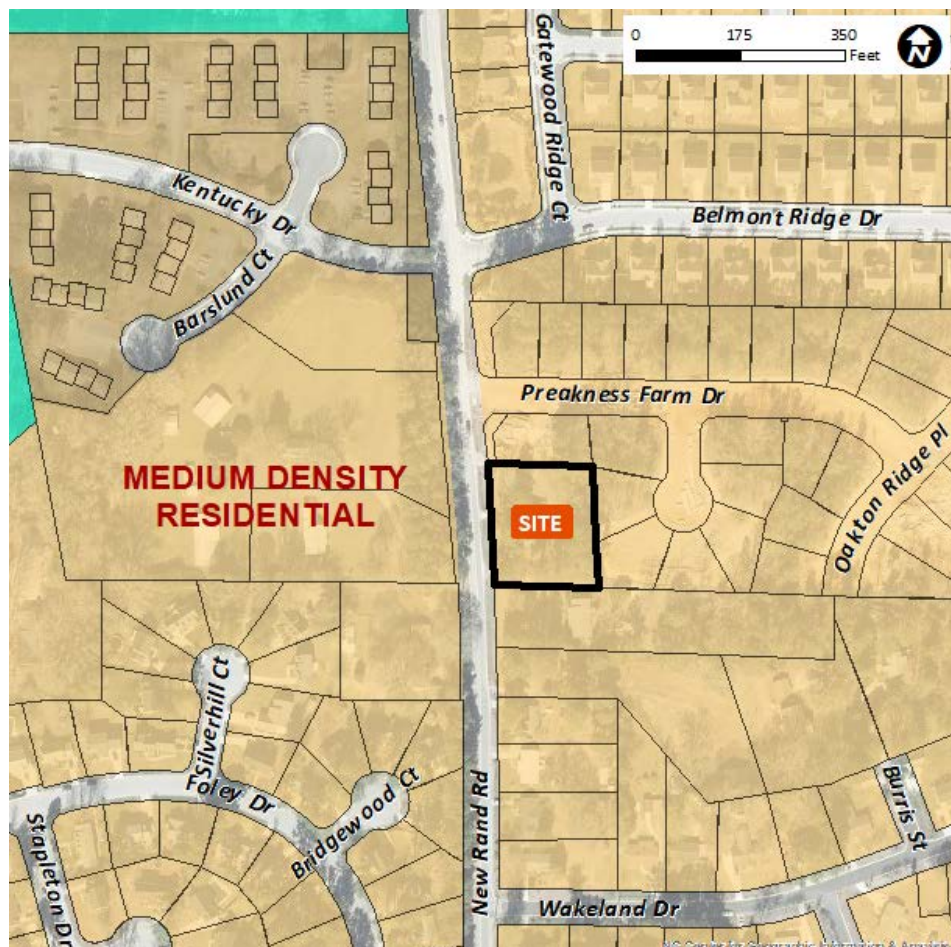
Neighborhood Meeting: A neighborhood meeting was held on January 6, 2020 at the Garner Senior Center on 205 E Garner Road. There were four (4) persons in attendance. Questions surrounded the existing trees on the property, the home sizes and price-points, lot sizes, and an adjoining driveway.

V. STATEMENTS OF ZONING CONSISTENCY WITH THE COMPREHENSIVE PLAN

According to the 2018 Garner Forward Comprehensive Plan and the Future Land Use map, the rezoning site falls within the **Medium-Density Residential** category, and the surrounding tracts in this area are also designated as either Medium-Density Residential or High-Density Residential (Kentucky Drive).

Land Use:

The **Medium-Density Residential** land use category 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. Medium-Density Residential 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.



Living Spaces:

The guiding principles and recommendations for living spaces and housing are found on pages 63 – 68 of the Plan. Staff finds this request in support of the following:

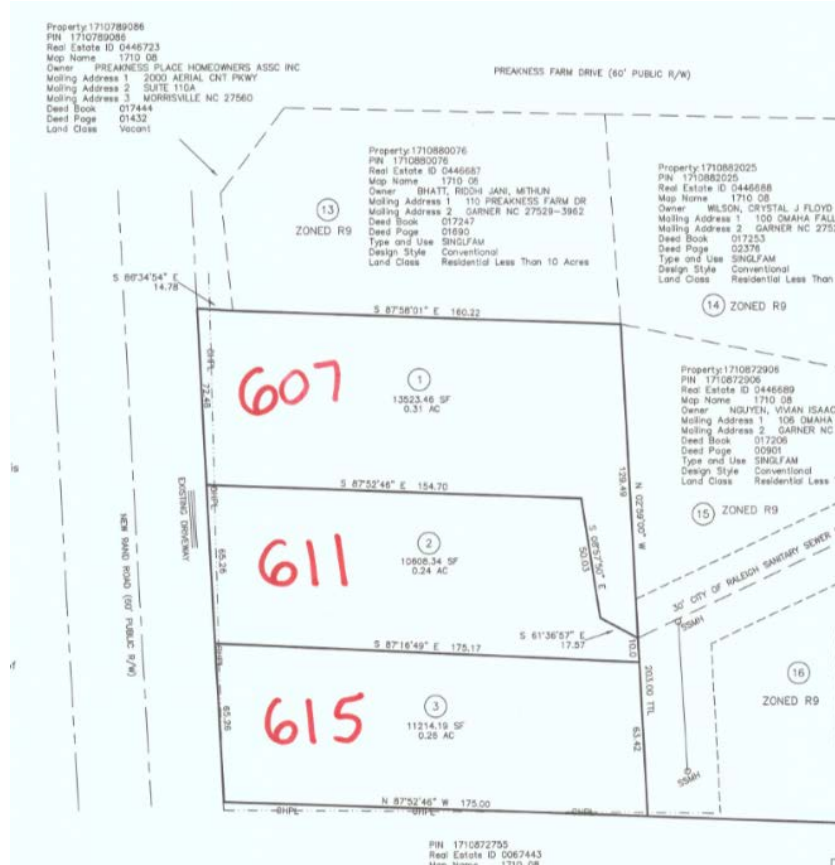
1. “Garner recognizes that its housing stock is aging and that it could be more diverse to attract younger residents and retain older ones” (p.63). This rezoning provides for new residential single-family development, which will add new housing stock to Garner.
2. “Favor infill housing, especially in North Garner to support the ongoing redevelopment that is already occurring” (pg. 64). This rezoning provides a highest and best opportunity for developing this infill lot.
3. “Preserve and protect Garner’s existing housing stock” (pg. 66). This rezoning provides specific conditions to address housing construction quality on these 3 lots so that is compatible with the surrounding neighborhoods in terms of square footage, size, character, and appearance.

Zoning Consistency Statement: This request, CUD Z-19-12, seeks to rezone the property from R-15 to **R-9 Conditional Use District (R-9 C225)**. The requested district is consistent with the *2018 Garner Forward Comprehensive Plan’s* future land use designation of Medium-Density Residential because the R-9 zoning district allows a gross density of 4.84 units per acre which falls within the recommended range of 2.5 to 5 units per acre. Additionally, the rezoning would also be in harmony with the above-mentioned guiding principles of the living spaces and housing section of the *2018 Garner Forward Comprehensive Plan*. Finally, the rezoning is also consistent with the surrounding land uses and zoning along New Rand Road in this area and would allow the opportunity to develop single-family detached residential at appropriate densities.

VI. SITE PLAN PROJECT DATA

Acreege: Total project acreage is 0.81 acres.

Number of Lots: 3



Dimensional Requirements: Setbacks that would apply to the home are: front, 25 feet; side, 6 feet minimum 15 feet combined; rear, 20 feet.

Landscape and Buffer Requirements: *Street Trees:* To be provided every 40' on average along New Rand Road. This item will be reviewed at building permit application for compliance.

Lighting: None.

Environment Features: This site does not contain a FEMA designated floodplain. There are however riparian buffers, and these are shown on the site plan survey.

Parks and Open Space: No open space required; however, the fee-in-lieu of park land dedication will be collected with each building permit.

Fire Protection: NC Building Code for a residential dwelling and accessory building will apply.

Infrastructure: *Stormwater* – Not required.

Water/Sewer – The site will be served by public water and sewer.

Access – The site has access to New Rand Road, which is a paved public NCDOT road.



VII. PLAN CONFORMITY WITH ADOPTED TOWN PLANS AND POLICIES

2018 Garner Forward / Transportation Plan:

The proposed rezoning and density are within the recommended range of the Medium Density category (2.5 – 5 units per acre) of the *Garner Forward Plan*.

The *2018 Garner Forward Transportation Plan* does not provide any recommendations for New Rand Road

Parks & Recreation, Open Space & Greenways Master Plan:

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

Unified Development Ordinance:

After sufficient review, staff finds that this project, as now proposed, conforms to the regulations of the Unified Development Ordinance so long as the following project specific conditions are met:

1. Prior to issuance of the first building permit all applicable water and sewer fees must be paid to the City of Raleigh Public Utilities Department; and
2. Prior to the issuance of each building permit, a fee-in-lieu of park land dedication shall be paid to the Town of Garner.

VIII. PLANNING COMMISSION NOTES AND RECOMMENDATION

The Planning Commission reviewed this request at their January 22, 2019 meeting. With a unanimous vote, the Planning Commission confirmed staff's findings in Section VII that CUP-SB-19-05, 699 New Rand Rd, is in conformity with adopted town plans and policies, and further accepted the staff's statements regarding zoning consistency with the Garner Forward Comprehensive Plan, being detailed in Section V of this report, as their own, and recommended approval of CUD-Z-19-12 to the Town Council.

Staff recommendations for rezoning request (CUD-Z-19-12) and minor subdivision plan (CUP-SB-19-05) conformity are highlighted in the motion worksheet in the next section.

CUD-Z-19-12 – 699 New Rand Rd

Rezoning Motion Worksheet

Choose one (1) of the following three (3) options: *(staff recommendation is highlighted below)*
If not accepting staff recommendation, please select your own finding from below options.

1. Find Consistent with the Comprehensive Plan and Approve:

2. Find Inconsistent with the Comprehensive Plan and Deny:

3. Find Inconsistent with the Comprehensive Plan and Approve:

Please find the correlating motion option below to make your motion (number 1, 2 or 3):

1. Find Consistent with the Comprehensive Plan and Approve:

"I move that the Town Council accept staff's statements regarding zoning consistency with the Garner Forward Comprehensive Plan, detailed in Section V of the staff report, as our own; and I therefore move further that the Town Council adopt Ordinance No. (2020) 4043 approving rezoning request CUD-Z-19-12 as it is reasonable and in the public interest because it will likely select as many reasons as appropriate from below list or provide your own reasoning."

- Allow household living and supporting day care uses that are attractive to younger families with children as well as older residents looking to maintain private but smaller outdoor spaces.
- Allow adequate buffers and usable open spaces that help to preserve and protect adjacent housing stock.
- Allow the development of an appropriate density of housing in the area in which it is located.
- Allow for the conservation and preservation of natural features and green space to promote recreation opportunities.
- Provide your own reason: _____

2. Find Inconsistent with the Comprehensive Plan and Deny:

“I move that the Town Council find the rezoning request inconsistent with the Garner Forward Comprehensive Plan for the following reason(s): provide your reasoning and therefore, I move further that the Town Council reject the recommendation of the Planning Commission and deny rezoning request number CUD-Z-19-12.”

3. Find Inconsistent with the Comprehensive Plan and Approve:

“I move that the Town Council find that although the rezoning request is inconsistent with the Garner Forward Comprehensive Plan, detailed in Section V of the staff report, it is reasonable and in the public interest because it will likely select as many reasons as appropriate from below list or provide your own reasoning

- Allow household living and supporting day care uses that are attractive to younger families with children as well as older residents looking to maintain private but smaller outdoor spaces.
- Allow adequate buffers and usable open spaces that help to preserve and protect adjacent housing stock.
- Allow the development of an appropriate density of housing in the area in which it is located.
- Allow for the conservation and preservation of natural features and green space to promote recreation opportunities.
- Provide your own reason: _____

and therefore, I move further that the Town Council adopt Ordinance No. (2020) 4043 approving rezoning request number CUD-Z-19-12.

CUP-SB-19-05- 699 New Rand Rd

Conditional Use Permit Motion Worksheet

Choose one (1) of the following two (2) options: *(staff recommendation is highlighted below)*
If not accepting staff recommendation, please select your own finding from below options.

1. Find Consistent with the plans and Approve:

2. Find Inconsistent with the plans and Deny:

Please find the correlating motion option below to make your motion (number 1 or 2):

1. Find Consistent with the plans and Approve:

“I move that the Council accept the staff statements regarding plan consistency in Section V of this report as our own and find the application meets the 10 permit criteria in Section 3.14.D. and therefore approve CUP-SB-19-05, 699 New Rand Road, with the two site-specific conditions to be listed on the permit that will be prepared by Staff.”

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:

2. Find Inconsistent with the Comprehensive Plan and Deny:

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

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

1. The proposed use will endanger the public health or safety
because/as evidenced by _____;
2. The proposed use will substantially injure the value of adjoining or abutting property;
because/as evidenced by _____;
3. The proposed use does not comply with all applicable provisions of this UDO;
because/as evidenced by _____;
4. If completed as proposed, the development will not comply with all requirements of this section;
because/as evidenced by _____;
5. The proposed use will not be compatible with the proximate area in which it is to be located;
because/as evidenced by _____;
6. The proposed use is inconsistent with the Transportation Plan, other relevant adopted plans and policies, and the stated purpose and intent of this UDO (the fact that the use is permitted under certain circumstances in the zoning district creates a rebuttable presumption that the proposed use is in harmony with the intent of the UDO as relates to the general zoning plan);
because/as evidenced by _____;
7. The proposed use is incompatible with adjacent uses in terms of building scale, site design, buffering and screening, operating characteristics (hours of operation, traffic generation, lighting, noise, odor, dust, and other external impacts);
because/as evidenced by _____;
8. Any significant adverse impacts resulting from the use will not be mitigated or offset, including impacts on the natural environment;
because/as evidenced by _____;
9. The public safety, transportation and utility facilities and services will not be available to serve the subject property while maintaining sufficient levels of service for existing development;
because/as evidenced by _____;
10. Adequate assurances of continuing maintenance have not been provided;
because/as evidenced by _____;

and therefore, deny Conditional Use Permit for 699 New Rand Rd – CUP-SB-19-05.

Property: 1710789086
 PIN 1710789086
 Real Estate ID 0446723
 Map Name 1710 08
 Owner PREAKNESS PLACE HOMEOWNERS ASSC INC
 Mailing Address 1 2000 AERIAL CNT PKWY
 Mailing Address 2 SUITE 110A
 Mailing Address 3 MORRISVILLE NC 27560
 Deed Book 017444
 Deed Page 01432
 Land Class Vacant

PREAKNESS FARM DRIVE (60' PUBLIC R/W)

Certificate of Approval
 I hereby certify that the minor subdivision shown on this plat does not involve the creation of new public streets or any change in existing public streets, that the subdivision shown is in all respects in compliance with the Town of Garner Unified Development Ordinance and that therefore this pat has been approved by the reviewing board, subject to its being recorded in the Wake County Registry within 90 days of the date below.

 Planning Director (Print) Date

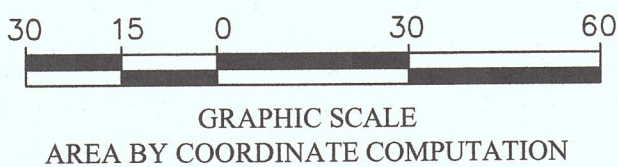
 Planning Director (Signature)

Certificate of Ownership
 I hereby certify that I am the owner of the property described hereon, which property is within the subdivision regulation jurisdiction of the Town of Garner, and that I freely adopt this plan of subdivision.

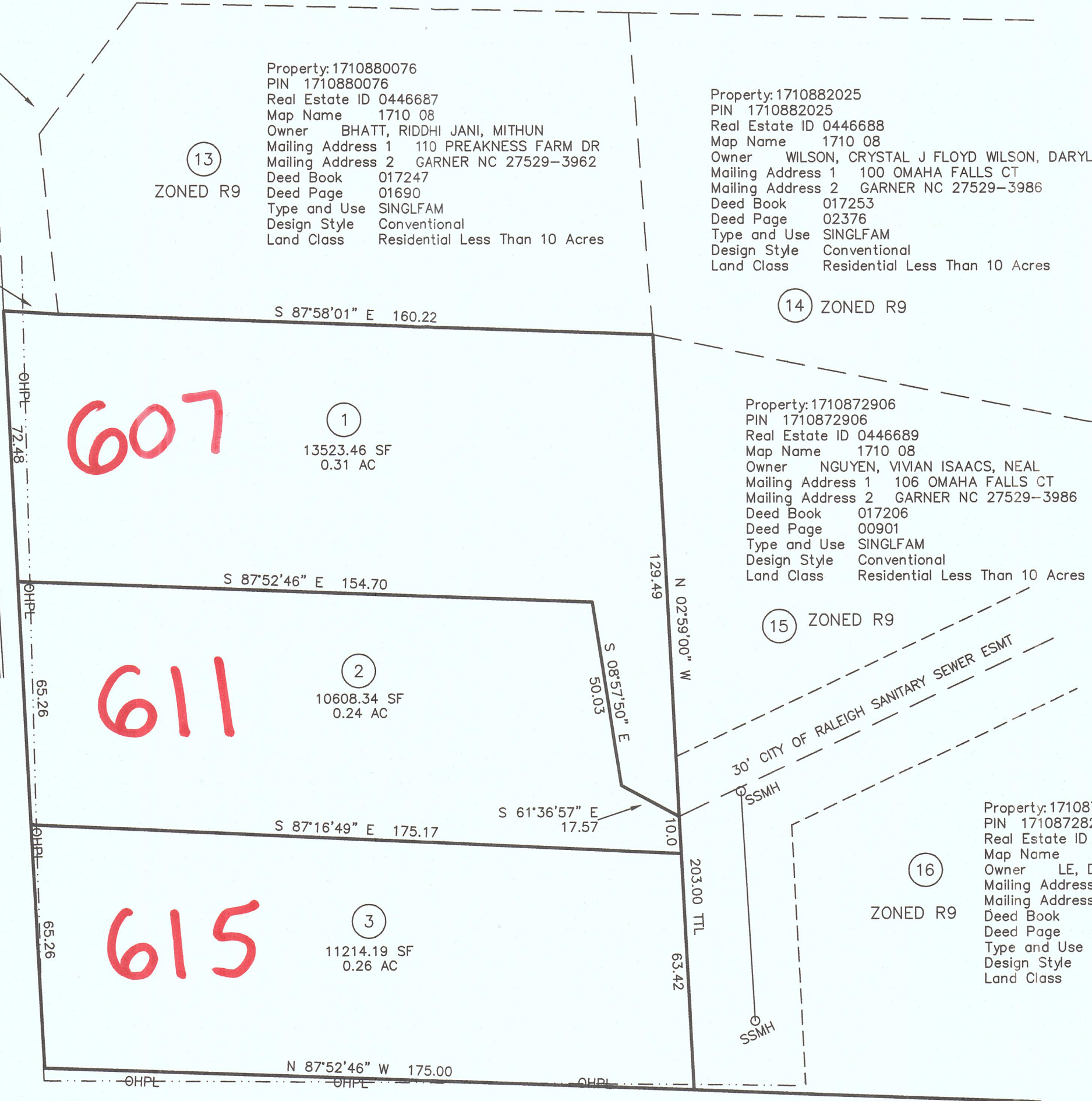
 Date Owner (Printed) Owner (Signature)

NOTES:
 NO SURVEY AT THIS TIME. THIS BOUNDARY DRAWN FROM AN UNRECORDED SURVEY BY ALSEY GILBERT, PLS FOR NEW HOPE LIFE, LLC DATED 01/15/19.

THIS MAP IS OF AN EXISTING PARCEL OR PARCELS OF LAND OR AN EXISTING EASEMENT AND DOES NOT CREATE A NEW STREET OR CHANGE AND EXISTING STREET.



LEGEND:
 OHPL = OVERHEAD POWER LINE (BY SCALE)
 SSMH = SANITARY SEWER MANHOLE (BY SCALE)
 EIP = EXISTIGN IRON PIPE
 ERB = EXISTING REBAR



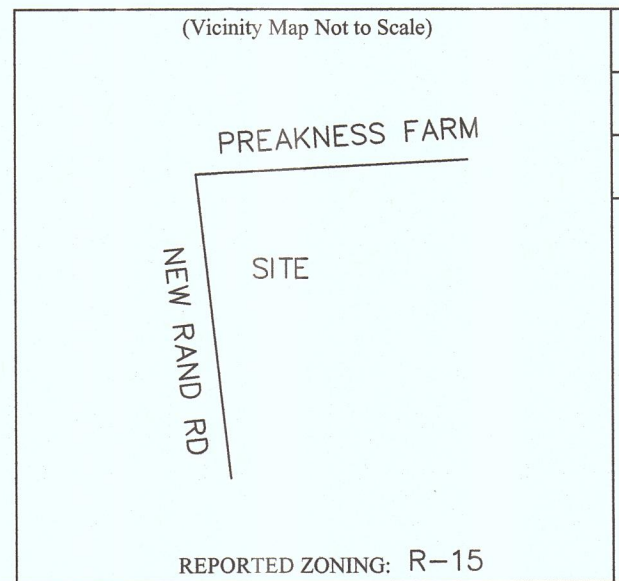
Property: 1710880076
 PIN 1710880076
 Real Estate ID 0446687
 Map Name 1710 08
 Owner BHATT, RIDDHI JANI, MITHUN
 Mailing Address 1 110 PREAKNESS FARM DR
 Mailing Address 2 GARNER NC 27529-3962
 Deed Book 017247
 Deed Page 01690
 Type and Use SINGLFAM
 Design Style Conventional
 Land Class Residential Less Than 10 Acres

Property: 1710882025
 PIN 1710882025
 Real Estate ID 0446688
 Map Name 1710 08
 Owner WILSON, CRYSTAL J FLOYD WILSON, DARYL E
 Mailing Address 1 100 OMAHA FALLS CT
 Mailing Address 2 GARNER NC 27529-3986
 Deed Book 017253
 Deed Page 02376
 Type and Use SINGLFAM
 Design Style Conventional
 Land Class Residential Less Than 10 Acres

Property: 1710872906
 PIN 1710872906
 Real Estate ID 0446689
 Map Name 1710 08
 Owner NGUYEN, VIVIAN ISAACS, NEAL
 Mailing Address 1 106 OMAHA FALLS CT
 Mailing Address 2 GARNER NC 27529-3986
 Deed Book 017206
 Deed Page 00901
 Type and Use SINGLFAM
 Design Style Conventional
 Land Class Residential Less Than 10 Acres

Property: 1710872827
 PIN 1710872827
 Real Estate ID 0446690
 Map Name 1710 08
 Owner LE, DUNG NINH, NHU
 Mailing Address 1 112 OMAHA FALLS CT
 Mailing Address 2 GARNER NC 27529-3986
 Deed Book 017029
 Deed Page 02521
 Type and Use SINGLFAM
 Design Style Conventional
 Land Class Residential Less Than 10 Acres

PIN 1710872755
 Real Estate ID 0067443
 Map Name 1710 08
 Owner STEPHENSON, DOLORIS B
 Mailing Address 1 701 NEW RAND RD
 Mailing Address 2 GARNER NC 27529-4024
 Deed Book 001522
 Deed Page 00233
 Type and Use SINGLFAM
 Design Style Conventional
 Land Class Residential Less Than 10 Acres



TOWNSHIP	ST MARY'S	
COUNTY	WAKE	STATE NC
DATE	11/30/19	SCALE 1" = 30'
OWNER:	CAPITAL PARTNERS OF NC LLC 1013 OPEN FIELD DRIVE GARNER, NC 27529	
	PIN 1710870971 DB 17661 PG 1300	

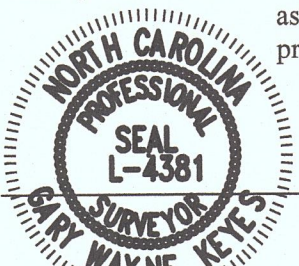
**PRELIMINARY FOR REVIEW ONLY
 NOT FOR RECORDATION
 CONVEYENCES OR SALES**
MINOR DIVISION PLAT (PROPOSED)

LIVED 12/6/2019
 PD NO. MP-19-13
 10

I, Gary W. Keyes, certify that this plat was drawn under my supervision from an actual survey made under my supervision (deed description recorded in Book _____, Page _____, or other source as noted); that the boundaries not surveyed are clearly indicated as drawn from information found in Book _____, Page _____ (or other source as noted); that the ratio of precision as calculated is 1: 10,000; that this plat was prepared in accordance with G.S. 47-30 as amended.

Witness my original signature, registration number and seal this 30 day of NOV, A.D., 20 19.

**PRELIMINARY FOR REVIEW ONLY
 NOT FOR RECORDATION
 CONVEYENCES OR SALES**

 L-4381
 Registration # _____

Gary W. Keyes Land Surveying, P.C.
 NC Firm # C-4086
 PO Box 1624 Wrightsville Beach, NC 28480
 (910) 228-4773 keyessurveying@gmail.com

STATE OF NORTH CAROLINA COUNTY OF _____
 I, _____, Review Officer of _____ County, certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.

REVIEW OFFICER _____ DATE _____

STATE OF NORTH CAROLINA _____ COUNTY
 Filed for Registration at _____ M. _____ 20____ in
 the Register of Deeds Office Recorded in Book _____ Page _____

REGISTER OF DEEDS BY _____

OWNER

STEPHENS, JASON BLAKE STEPHENS, SALLIE DIANE-ALLEN
GOMES, EUGENE GOMES, MARTHA
HAYES, PATRICIA C
LME HOLDINGS LLC
MCGEE, WILLIAM MCGEE, BETTY M JR
HAYES, JOSEPH E HAYES, MARGARET W
MILLAR, SAMUEL J MILLAR, EVA M
RABOIN, SOFFIA
RABOIN, SHANNON RABOIN, KRISTIN
WALKER, BRUCE J JR WALKER, DENA J
COOMBS, LARRY S
HUNTER, LARRY T
OSBORNE, DANIEL W
BAKER, D STEPHEN
WEAVER, KEITH WEAVER, THERESA
SHELDON PLACE HOMEOWNERS ASSN INC
JONES, WILLIAM ADDISON JONES, MAI
PITTMAN, DONALD E
NEW HOPE LIFE, LLC
BUI, TUAN HUU NGUYEN, HANH K
STEPHENSON, DOLORIS B
CASTRO, JOSEPH B JR CASTRO, RANI D
PINKINS-HARDAWAY, REGINA HARDAWAY, CLIFFORD J
STAMP, AMY CHARBONNEAU
ZHANG, CHEN
ROBERTS, BRENT ROBERTS, DANIELLE
FIELDS, TERRIL SEAN FIELDS, STEPHANIE CORRIHER
LU, XIAOHONG
PREAKNESS PLACE HOMEOWNERS ASSC INC
BHATT, RIDDHI JANI, MITHUN
WILSON, CRYSTAL J FLOYD WILSON, DARYL E
NGUYEN, VIVIAN ISAACS, NEAL
LE, DUNG NINH, NHU
MILLER, BRANDON E
WAITS, KAMI LYNNETTE
SMITH, VIRDELL SMITH, VERNELL
MORTON, BRENNON BLAKE MORTON, TEMPESTT H
DUNN, JENNIFER E DUNN, WILLIE D
JONES, HELENA B MERRITT, SHERRY D
MCCABE, PAUL T MCCABE, MARTHA KAYE
SANDLIN BRANCH HOMEOWNERS ASSOC
GARNER ORIGINAL FREE WILL BAPTIST CHURCH INC
WILLIAMS, BRADLEY DEREK WILLIAMS, ABBI LOVELACE
D R HORTON, INC
WIGGINS, THOMAS MARTIN WIGGINS, NAN P

ADDR1

803 NEW RAND RD
1033 OPEN FIELD DR
101 BURRIS ST
103 N EAST ST
603 WAKELAND DR
1207 SILVERHILL CT
1200 SILVERHILL CT
606 NEW RAND RD
5401 ALPINE DR
1203 SILVERHILL CT
108 BARSLUND CT
101 OMAHA FALLS CT
702 NEW RAND RD
1200 BRIDGEWOOD CT
106 BELMONT RIDGE DR
2180 W STATE ROAD 434 STE 5000
112 BELMONT RIDGE DR
1204 BRIDGEWOOD CT
4612 STONEWALL DR
118 BELMONT RIDGE DR
701 NEW RAND RD
105 PREAKNESS FARM DR
111 PREAKNESS FARM DR
117 PREAKNESS FARM DR
123 PREAKNESS FARM DR
129 PREAKNESS FARM DR
135 PREAKNESS FARM DR
141 PREAKNESS FARM DR
2000 AERIAL CNT PKWY, SUITE 110A
110 PREAKNESS FARM DR
100 OMAHA FALLS CT
106 OMAHA FALLS CT
112 OMAHA FALLS CT
118 OMAHA FALLS CT
115 OMAHA FALLS CT
107 OMAHA FALLS CT
228 OAKTON RIDGE PL
230 OAKTON RIDGE PL
202 OAKDALE AVE
1204 SILVERHILL CT
4001 PRESIDENTIAL PKWY STE 1506
PO BOX 326
150 PREAKNESS FARM DR
8001 ARROWRIDGE BLVD
1208 BRIDGEWOOD CT

ADDR2

GARNER NC 27529-4034
GARNER NC 27529-6816
GARNER NC 27529-4038
RALEIGH NC 27601-1111
GARNER NC 27529-4030
GARNER NC 27529-4662
GARNER NC 27529-4662
GARNER NC 27529-4023
RALEIGH NC 27609-4603
GARNER NC 27529-4662
GARNER NC 27529-4202
GARNER NC 27529-3986
GARNER NC 27529-4025
GARNER NC 27529-4661
GARNER NC 27529-4085
LONGWOOD FL 32779-5042
GARNER NC 27529-4085
GARNER NC 27529-4661
RALEIGH NC 27604-4996
GARNER NC 27529-4085
GARNER NC 27529-4024
GARNER NC 27529-3962
GARNER NC 27529-3962
GARNER NC 27529-3962
GARNER NC 27529-3962
GARNER NC 27529-3962
GARNER NC 27529-3962
GARNER NC 27529-3962
GARNER NC 27529-3962
MORRISVILLE NC 27560
GARNER NC 27529-3962
GARNER NC 27529-3986
GARNER NC 27529-3986
GARNER NC 27529-3986
GARNER NC 27529-3986
GARNER NC 27529-3986
GARNER NC 27529-3963
CLAYTON NC 27520-1839
GARNER NC 27529-4662
ATLANTA GA 30340-3795
GARNER NC 27529-0326
GARNER NC 27529-3962
CHARLOTTE NC 28273-5604
GARNER NC 27529-4661

Capital Partners of North Carolina, LLC
1013 Open Field Dr.
Garner, NC 27529

Summary of Discussion from the Neighborhood Meeting

Project	699 New Rand Rd. Re-zoning	Meeting Date	January 6, 2020, 6:30pm
Facilitator	Mike Nedriga, Wade Braswell 919-779-9664, cpncllc@gmail.com	Location	Garner Senior Center, 205 E. Garner Rd., Garner, NC 27529

Minutes:			
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The table display included map of property showing proposed 3 lots, images of 2 representative homes with floor plans, handouts of Meeting Overview, and the sign-in sheet. There were 3 neighbors that arrived around 6:30pm. Discussion focused around several points and specific questions were addressed as follows:

1) Will all the trees at the rear and sides of the property be cut down?

Response: We intend to remove only trees needed for the construction of each home.

2) Will dead trees at the rear of the property be removed?

Response: Yes.

3) Will we work with the neighbor at 701 New Rand Rd. to move their exiting dirt/gravel driveway entrance that may be encroaching onto the 699 New Rand Rd. property?

Response: Yes - we intend to find a reasonable, efficient and cost effective solution to shift the dirt/gravel driveway to be entirely on the property at 701 New Rand Rd.

4) What home sizes will be built and what approximate selling price do we expect?

Response: Homes are expected to be approximately 2000-2500 sq-ft, with a selling range of approximately \$250,000 to \$300,000. Homes are intended to be very similar in value to the homes found in the adjacent Preakness neighborhood.

5) What is the approximate size of each lot?

Response: Each lot will be approximately .25-.30 ac.

6) Why is lot #3 L-shaped, and protruding behind lot #2?

Response: To allow connection to the existing sewer easment located behind lot #2.

Capital Partners of North Carolina, LLC
 1013 Open Field Dr.
 Garner, NC 27529

Sign-In Sheet

Project: 699 New Rand Rd. Re-zoning
Facilitators: Mike Nedriga, Wade Braswell

Meeting Date: January 6, 2020, 6: 30pm

Location: Garner Senior Center, 205 E. Garner Rd., Garner, NC

<u>Name</u>	<u>Address</u>	<u>Phone</u>	<u>Email</u>
GRADY STEPHENSON	701 NEW RAND RD	919-772-0896	stephenson51@gmail.com
Neal I Spacs	106 Omaha Falls Ct	919-621-1248	Neal I Spacs@nb.com
Brad/Abbi Williams	150 Freshness Farm Dr		aslowelace@gmail.com

Capital Partners of North Carolina, LLC
1013 Open Field Dr.
Garner, NC 27529

December 23, 2019

WADE BRASWELL
286 REEDY CREEK RD.
FOUR OAKS, NC 27524

Dear Property Owner,

On behalf of the owners of the property located at 699 New Rand Rd., Garner, NC 27529, I would like to invite you to attend a neighborhood information meeting concerning the development of said property. Specifically, Capital Partners of North Carolina, LLC has requested a rezoning of said property from R15 to R9 to allow for the development of Single-Family Homes. The meeting details are as follows:

Monday January 6, 2020
6:30 – 7:30 PM
GARNER SENIOR CENTER
205 E. Garner Rd.
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 attention 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 919-779-9664 or cpncllc@gmail.com. We look forward to seeing you at the meeting.

Sincerely,

Mike Nedriga, Owner
Capital Partners of North Carolina, LLC

699 Rand Road Rezoning

From: David Bamford (dbamford@garnernc.gov)

To: gary@ksurv.com

Cc: mwn1001@yahoo.com; wadebraswell@braswellcc.com; rbuie@garnernc.gov

Date: Wednesday, December 18, 2019, 03:35 PM EST

I am not sure if we discussed this but you are required to have a neighborhood meeting before I can move this to the first board meeting- tentatively for January 22.

POSTMARK
DEC 23, 2019

If you move quickly, we can stay on schedule. To stay on schedule, you would need to mail-out the invites no later than the first of next week to have a meeting the week of January 6th and then get us the summary no later than January 13th or 14th at the latest.

MEETING

JAN 10

SUMMARY TO TCG

You will need to mail letters (using the letter template attached) to all the property owners on the list (excel spreadsheet attached). My suggestion is to call the Garner Senior Center below and reserve a room to hold the meeting one evening the week of January 6th.

There have been quite a few neighborhood meetings held there but you can pick any other convenient space in the area.

I will be in the office through next Monday so call with questions- or stop by for a short meeting if needed. I have attached some examples.

Also don't forget to send a revised draft of conditions.

David Bamford

Town of Garner

919-773-4443

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

ORDINANCE NO. (2020) 4043
AN ORDINANCE AMENDING THE TEXT OF THE GARNER UNIFIED DEVELOPMENT ORDINANCE
TO CREATE A NEW CONDITIONAL USE ZONING DISTRICT AND TO AMEND THE OFFICIAL
ZONING MAP TO APPLY THE NEW ZONING CLASSIFICATION

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

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

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

Section 1. That the Official Zoning Map of the Town of Garner and Extraterritorial Jurisdiction be amended by changing the zoning classification of the property described below from its present zoning to that requested by **Capital Partners of NC LLC** in Rezoning Application CUD-Z-19-12.

Section 2. There is hereby created a new conditional use zoning district, to be known as the **Single-Family Residential Conditional Use District (R-9 C225)**; within this district, all of the regulations that apply to property within the **R-9 C225** shall be applicable and that all other uses are prohibited except those that are listed as permissible shall require a conditional use permit:

The following is a list of permissible uses and conditions for the proposed R-9 C225 district:

1. Permitted use table (selected from preceding generally permitted use list):

USE	PROPOSED ZONING
<i>P* = Permitted subject to standards</i> <i>SUP = Special use permit required</i>	R-9 C225
Single-Family Detached	P*

2. 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.
3. Each house will have at a minimum of 1800 sq-ft. of heated floor space.
4. Each house will have a two-car garage, screened porch or unheated sunroom, and a deck or concrete patio (120 sq. ft. min.).
5. Each house will be constructed of hardiplank, masonry (brick or stone), or vinyl siding (minimum gauge .045) on at least 80% of each side.
6. Each house will have a masonry foundation with crawl space for at least 70% of the foundation area (not including the garage), or stem wall slab foundation with a minimum height of 12 inches with brick/stone veneer on the front elevation. All foundation sides without brick/stone shall be parged (textured).

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
Capital Partners of NC LLC	1710-87-0971	Residential 15 (R-15)	Single-Family Residential Conditional Use (R-9 C225)

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 3rd day of February, 2020.

Ken Marshburn, Mayor

ATTEST: _____
Stella L. Gibson, Town Clerk

Reports

Garner Info

Id	Title	Department	Current Status	Address	Date Created
6606045	Playground Problem	Rope climbing structure is breaking and there's exposed metal	In Progress	Lake Benson Park, 921 Buffaloe Rd	8/15/2019
6746886	Yard Waste/ Loose Leaves	For months limbs have been piled 4 feet high at back side corner of property by	In Progress	608 Hilltop Ave	9/10/2019
7238159	Junk Vehicle (Private Property)	junk car - white mitsubishi sedan	In Progress	1802 Spring Dr	12/22/2019
7238161	Junk Vehicle (Private Property)	junk car - green dodge caravan	In Progress	1703 Spring Dr	12/22/2019
7238173	Junk Vehicle (Private Property)	junk car - maroon ford mustang	In Progress	1000 Springview Trail	12/22/2019
7238199	Junk Vehicle (Private Property)	junk cars - 3+ cars	In Progress	109 Rolling Ridge Cir	12/22/2019
7238238	Junk Vehicle (Private Property)	junk car - white chevrolet suburban	In Progress	1319 Sycamore Dr	12/22/2019
7296321	Animal Concern - Non Emergency	3-4 feral cats need to be picked up. Cages have been left at 145 Parkhaven	Received	146 Parkhaven Ln	1/6/2020
7318866	Animal Concern - Non Emergency	Rooster crowing all hours of the night and day. The night before last it was nonstop	Submitted	228 Weston Rd	1/10/2020
7318868	Animal Concern - Non Emergency	Rooster crowing all hours of the night and day. The night before last it was nonstop	Received	228 Weston Rd	1/10/2020
7318928	Home Occupation	Flea market/salvage yard-type of business being operated out of backyard.	Submitted	236 Weston Rd	1/10/2020
7331840	Junk Vehicle (Private Property)	black ford truck in front of garage	In Progress	1500 Pineview Dr	1/13/2020
7331848	Junk Vehicle (Private Property)	four junk vehicles, dodge caravan, box truck	In Progress	1513 Wiljohn Rd	1/13/2020
7331858	Junk Vehicle (Private Property)	white volvo sedan	In Progress	1301 Valley Rd	1/13/2020

Garner Info

7333548	Junk Vehicle (Private Property)	Red Ford Explorer	In Progress	1416 Kelly Rd	1/14/2020
7333561	Junk Vehicle (Private Property)	white chevy and gold chevy beside camper	In Progress	1416 Valley Rd	1/14/2020
7333597	Junk Vehicle (Private Property)	Camaro beside shed in yard	In Progress	1324 Pineview Dr	1/14/2020
7346870	Junk Vehicle (Private Property)	Two, large, junk motorhome vehicles.	In Progress	603 Curtiss Dr	1/16/2020
7356651	Junk Vehicle (Private Property)	junk car - maroon camry at rear of lot	In Progress	104 Val-Del Ct	1/19/2020
7356659	Junk Vehicle (Private Property)	2 junk cars - black SUV and white mercedes	In Progress	206 Forest Manor Dr	1/19/2020
7356671	Junk Vehicle (Private Property)	junk car - green dodge caravan	In Progress	308 Forest Manor Dr	1/19/2020
7356679	Junk Vehicle (Private Property)	junk car - ford bronco (?) in rear of lot	In Progress	507 Royal Oak Dr	1/19/2020
7356681	Junk Vehicle (Private Property)	junk car - PT cruiser	In Progress	1411 Spring Dr	1/19/2020
7356684	Junk Vehicle (Private Property)	jun car - old truck at rear of lot	In Progress	404 Adrian Dr, Garner	1/19/2020
7356696	Junk Vehicle (Private Property)	junk car - crown vic	In Progress	1330 Vandora Springs Rd	1/19/2020
7356703	Junk Vehicle (Private Property)	junk car - white sedan behind house and next to shed visible from Hwy 70	In Progress	204 Yeargan Rd, Garner	1/19/2020
7356707	Junk Vehicle (Private Property)	junk car - ford expediton	In Progress	1402 Pineview Dr, Garner	1/19/2020
7356714	Junk Vehicle (Private Property)	junk car - silver mercedes	In Progress	1312 Kelly Rd, Garner	1/19/2020
7356776	Trim Vegetation	Please trim all bushes along this property in the right-of-way.	In Progress	101 Skipping Rock Ln	1/19/2020

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7367035	Junk Vehicle (Private Property)	This vehicle has not moved since I moved into this neighborhood in 2018.	In Progress	100–108 Foxbury Dr	1/21/2020
7395057	Dead Animal Pickup	Squirrel. The photo feature isn't working on iPhone by the way.	Submitted	1010 Meadowbrook Dr	1/27/2020