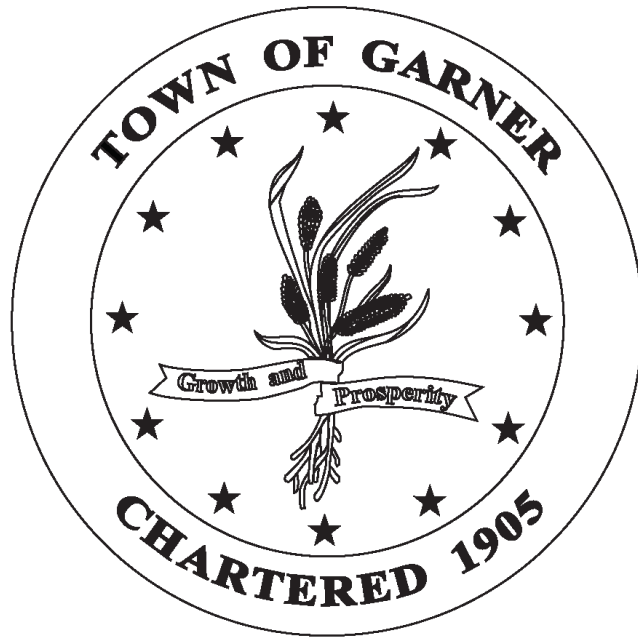


Town of Garner



Town Council Meeting May 7, 2024

Garner Town Hall
900 7th Avenue
Garner, NC 27529

**Town of Garner
Town Council Regular Meeting Agenda
May 7, 2024**

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

- A. CALL MEETING TO ORDER/ROLL CALL: Mayor Buddy Gupton
- B. PLEDGE OF ALLEGIANCE: Mayor Buddy Gupton
- C. INVOCATION: Mayor Buddy Gupton
- D. PETITIONS AND COMMENTS
- E. ADOPTION OF AGENDA
- F. PRESENTATIONS
 - 1. Proclamation recognizing May 12-18, 2024 as National Police Week
Presenter: Buddy Gupton, Mayor
 - 2. Proclamation recognizing May 19-25 as National Public Works Week
Presenter: Buddy Gupton, Mayor
 - 3. Resolution Proposing Unification of Garner Fire-Rescue, Inc. with the
Town of Garner Page 10
Presenter: Jodi Miller, Interim Town Manager

The proposed resolution directs Town staff to work with GFR staff and NC Fire Chief Consulting on organizational and financial analysis as the next steps toward moving forward with a fire department merger. The resolution includes authorization to proceed, projected date of merger, service area, ISO rating and accreditation, employee transfer, benefits, longevity, FY24 commitments, capital improvements planning, and relocation, and Emergency Operations Center (EOC). Members of the appointed MOU Committee have reviewed and support approval of the resolution.

Action: Consider approving Resolution (2024) 2576 Proposing Unification of Garner Fire-Rescue, Inc. with the Town.
 - 4. Southeast Area Study PresentationPage 14
Presenter: Gaby Lontos-Lawlor, Senior Transportation Planner (CAMPO)

The SEAS Update is an update to the original 2017 Southeast Area Study that looked at land use and multimodal transportation needs of the study area. The study covered parts of Wake and Johnston Counties, including the Town of Garner and was conducted in coordination with NCDOT and the Upper Coastal Plain RPO. This update has expanded the boundary (including the addition of Pine Level) and produced recommendations across all modes as well as refresh policies and priorities that may have evolved since the original study. The study officially began in February of 2022 and was completed in December 2023. The full plan may be viewed [HERE](#).

Action: Consider motion to adopt the attached Resolution of Support, (2024) 2578.

- 5. FY25 Recommended Budget Presentation Page 17
Presenter: Jodi Miller, Interim Town Manager

Presentation of the FY2024-2025 Recommended Budget to Council.

Action: This item is provided as information and background for Council's future budget deliberations.

G. CONSENT

- 1. FY23-24 Audit Contract Page 18
Presenter: David Beck, Finance Director

The FY 2023-24 audit contract proposal has been received from Mauldin & Jenkins. FY 2023-24 will be the fourth year of a five year agreement with Mauldin & Jenkins to provide these services. The proposal includes the basic audit fee, a required federal Single Audit, and financial statement preparation services.

Action: Consider approving contract with Mauldin & Jenkins to perform FY24 audit.

- 2. Garner Former Police Building Demo - Bid Award Page 39
Presenter: Leah Harrison, Engineering Director

Consider awarding of bid for demolition of building at 400 Aversboro to Webb-Harrell for \$37,500.

Action: Consider approving bid and authorize the Town Manager to execute the contract with Webb-Harrell for \$37,500.

- 3. Stop Conditions - Georgia's Landing Phase 2 Page 43
Presenter: Leah Harrison, Engineering Director

The Engineering Department is seeking approval of twelve stop conditions in Georgia's Landing Phase 2 at the intersections of Golden Isles Ave and Botanical Bend, Golden Isles Ave (Eastbound) and Georgia's Landing Parkway, Golden Isles Ave (Westbound) and Georgia's Landing Parkway, Golden Isles Ave and Red Myrtle Court, Botanical Bend (Southbound) and Rock Maple Lane, Botanical Bend (Northbound) and Rock Maple Lane, Rock Maple Lane (Eastbound) and Georgia's Landing Parkway, Rock Maple Lane (Westbound) and Georgia's Landing Parkway, Red Myrtle Court (Southbound) and Rock Maple Lane, Botanical Bend and Savannah Moss Way, Savannah Moss Way (Eastbound) and Georgia's Landing Parkway with basic traffic control measures.

Action: Consider approving recommended stop conditions, Ordinance (2024) 5265

- 4. Stop Conditions - Renaissance at White Oak Phase 1-Phase 3Page 48
Presenter: Leah Harrison, Engineering Director

The Engineering Department is seeking approval of eleven stop conditions in Renaissance at White Oak Phase 1-3 at the intersections of Wolf Willow Way and

Raynor Road, Wolf Willow Way and White Oak Garden Way, Beebrush Way and White Oak Garden Way, Beebrush Way (West) and Beebrush Way (North), Chesapeake Commons Street and White Oak Garden Way, Meadowbark Bend and Chesapeake Commons Street, Frosted Iris Lane (West) and Chesapeake Commons Street, Frosted Iris Lane (East) and Chesapeake Commons Street, Frosted Iris Lane (West) and Frosted Iris Lane (North), Frosted Iris Lane (East) and Frosted Iris Lane (North), White Oak Garden Way and Meadowbark Bend with basic traffic control measures.

Action: Consider approving recommended stop conditions, Ordinance (2024) 5266

H. PUBLIC HEARINGS

1. Tier 2 Conditional Rezoning # CZ-MP-23-04, Homestead at Bryan Farm Page 53
Presenter: Jeff Triezenberg, Planning Director

Tier 2 conditional rezoning request submitted by the Lennar Corporation to rezone 99 +/- acres from Rural Agricultural (RA) to Residential 8 (R8 C306) Conditional for the development of approximately 291 townhouse and single-family detached units. The site is generally located on the northwestern corner of Hebron Church and Clifford roads and may be further identified as Wake County PIN 1629568117 and 162958117 (portion of).

Action: Consider continuation of public hearing to May 21, 2024.

2. Special Use Permit # SUP-SP-23-01, Burnette Farms Apartments Page 77
Presenter: Joe Linsky, Planner

Special Use Permit application requested by Madison Holding LLC for the approval of a maximum of 348 multifamily (triplex and higher, including apartment) household living units on an 18.60 +/- acre tract located at 4100 Auburn Knightdale Road and can be further identified as Wake County PIN 1731607909 (portion of).

Action: Consider motion to approve special use permit with conditions.

3. Zoning Text Amendment # ZTA-23-02, Garner Forward ImplementationPage 105
Presenter: Jeff Triezenberg, Planning Director

Zoning text amendment request (ZTA-23-02) submitted by the Town of Garner Planning Department to add and/or revise regulations aimed at implementing the 2023 Garner Forward Comprehensive Plan. General topics include, but are not limited to: regulatory adjustments to nonconforming site elements, special use permits, transportation overlay zones, table of permitted uses, townhouse and two- to four-family dwelling unit definitions, research and development uses, open space, block faces, building materials, shared parking, and perimeter buffers on small lots.

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

I. NEW/OLD BUSINESS

1. Tier 1 Conditional Rezoning # CZ-24-001, 312 US 70 Highway EastPage 123
Presenter: Erin Joseph, Assistant Planning Director

Tier 1 conditional district rezoning request submitted by Traci Dusenbury Tate of Halcon Companies, LLC, to rezone approximately 5.04 +/- acres from Commercial Mixed Use (CMX) and Light Industrial (LI) to Commercial Mixed Use (CMX C300) Conditional. The site is located at 312 US 70 Highway East and may be further identified as Wake County PIN 1710991886.

Action: Consider statement of reasonableness and approval by adopting Ordinance (2024) 5267.

- 2. Extraterritorial Jurisdictions (ETJ) Extension RequestPage 137
Presenter: Jeff Triezenberg, Planning Director

The Town of Garner requests permission from Wake County to extend its extraterritorial jurisdiction (ETJ) primarily, albeit not exclusively, along the new North Carolina Highway 540 Corridor which will open in phases beginning this summer (2024) through 2028.

Action: Consider motion to adopt Resolution (2016) 2577 authorizing staff to forward request & report to Wake County.

- J. COMMITTEE REPORTS
- K. MANAGER REPORTS
- L. ATTORNEY REPORTS
- M. COUNCIL REPORTS
- N. CLOSED SESSION
- O. ADJOURN

Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: May 7, 2024 <input type="button" value="v"/>		
Subject: Proclamation for Police Week 2024		
Location on Agenda: Presentations <input type="button" value="v"/>		
Department: Police		
Contact: Lorie Smith, Police Chief		
Presenter: Buddy Gupton, Mayor		
Brief Summary: We are asking Mayor Gupton to issue a proclamation in honor of Peace Officers Memorial Day, May 15, 2024, and National Police Week in Garner to be held May 12-18, 2024.		
Recommended Motion and/or Requested Action: Presentation only		
Detailed Notes:		
Funding Source:		
Cost: n/a	One Time: <input type="radio"/>	Annual: <input type="radio"/> No Cost: <input checked="" type="radio"/>
Manager's Comments and Recommendations:		
Attachments Yes: <input checked="" type="radio"/> No: <input type="radio"/>		
Agenda Form Reviewed by:	Initials:	Comments:
Department Head:	LAS	
Finance Director:		
Town Attorney:		
Town Manager:	JM	
Town Clerk:		

PROCLAMATION

**PEACE OFFICERS' MEMORIAL DAY
POLICE WEEK IN GARNER**

WHEREAS, The Congress and President of the United States, through Public Law 87-726 signed by President John F. Kennedy in 1962, proclaimed May 15th as National Peace Officers Memorial Day and the calendar week in which May 15th falls, as National Police Week; and

WHEREAS, Public Law 103-322, signed by President William Clinton in 1994, directs that the flag of the United States on all Government buildings be displayed at half-staff on May 15th of each year; and

WHEREAS, the members of the Garner Police Department play an essential role in safeguarding the rights and freedoms of the Town of Garner; and

WHEREAS, it is important that all citizens know and understand the duties, responsibilities, hazards, and sacrifices of their law enforcement agency, and that members of our law enforcement agency recognize their duty to serve the people by safeguarding life and property, by protecting them against violence and disorder, and by protecting the innocent against deception and the weak against oppression; and

WHEREAS, the men and women of the Garner Police Department unceasingly provide a vital public service.

NOW THEREFORE, I Buddy Gupton, Mayor of the Town of Garner, North Carolina, do call upon all citizens of the Town of Garner and upon all patriotic, civic and educational organizations to observe the Week of May 12-18, 2024, as National Police Week with appropriate ceremonies and observances in which all of our people may join in commemorating law enforcement officers, past and present, who by their faithful and loyal devotion to their responsibilities, have rendered a dedicated service to their communities and, in so doing, have established for themselves an enviable and enduring reputation for preserving the rights and security of all citizens.

FURTHER, I call upon all citizens of Garner to observe May 15, 2024, as Peace Officers' Memorial Day in honor of those law enforcement officers who, through their courageous deeds, have made the ultimate sacrifice in service to their community or have become disabled in the performance of duty, and let us recognize and pay respect to the survivors of our fallen heroes.



In Witness Whereof, I have hereunto set my hand and caused the Great Seal of the Town of Garner, North Carolina, to be affixed the 7th day of May, 2024.

Buddy Gupton
Buddy Gupton, Mayor

Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: May 7, 2024 <input type="button" value="v"/>		
Subject: National Public Works Week		
Location on Agenda: Presentations <input type="button" value="v"/>		
Department: Public Works		
Contact: Forrest Jones, Public Works Director		
Presenter: Buddy Guption, Mayor		
Brief Summary: I am requesting a Proclamation recognizing May 19-25, 2024 as National Public Works Week.		
Recommended Motion and/or Requested Action: Presentation only		
Detailed Notes: N/A		
Funding Source: N/A		
Cost: N/A	One Time: <input type="radio"/>	Annual: <input checked="" type="radio"/> No Cost: <input type="radio"/>
Manager's Comments and Recommendations:		
Attachments Yes: <input checked="" type="radio"/> No: <input type="radio"/>		
Agenda Form Reviewed by:	Initials:	Comments:
Department Head:	Fj	
Finance Director:		
Town Attorney:		
Town Manager:	JM	
Town Clerk:		

PROCLAMATION

WHEREAS, public works services provided in our community are an integral part of our citizens' everyday lives; and

WHEREAS, the support of an understanding and informed citizenry is vital to the efficient operation of public works systems and programs such as water, sewers, streets, public buildings, solid waste collection and snow removal; and

WHEREAS, the health, safety and comfort of this community greatly depend on these facilities and services; and

WHEREAS, the quality and effectiveness of these facilities, as well as their planning, design and construction are vitally dependent upon the efforts and skill of public works personnel; and

WHEREAS, the efficiency of the qualified and dedicated personnel who staff public works departments is materially influenced by the people's attitude and understanding of the importance of the work they perform.

NOW, THEREFORE, I, Buddy Gupton, Mayor of the Town of Garner, do hereby proclaim the week of May 19-25, 2024 as

NATIONAL PUBLIC WORKS WEEK

in the Town of Garner, and call upon all citizens and civic organizations to acquaint themselves with the issues involved in providing our public works services and to recognize the contributions which public works officials make every day to our health, safety, comfort, and quality of life.



In Witness Whereof, I have hereunto set my hand and caused the Great Seal of the Town of Garner, North Carolina, to be affixed the 7th day of May, 2024.

Buddy Gupton
Buddy Gupton, Mayor

Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: May 7, 2024 ▼		
Subject: Resolution Proposing Unification of Garner Fire-Rescue, Inc. with the Town of Garner		
Location on Agenda: Presentations ▼		
Department: GFR and Town Manager's Office		
Contact: Jodi Miller, Interim Town Manager & Matt Poole, Chief GFR		
Presenter: Jodi Miller, Interim Town Manager		
<p>Brief Summary:</p> <p>The proposed resolution directs Town staff to work with GFR staff and NC Fire Chief Consulting on organizational and financial analysis as the next steps toward moving forward with a fire department merger. The resolution includes authorization to proceed, projected date of merger, service area, ISO rating and accreditation, employee transfer, benefits, longevity, FY24 commitments, capital improvements and planning, relocation, and Emergency Operations Center (EOC). Members of the appointed MOU Committee have reviewed and support approval of the resolution.</p>		
<p>Recommended Motion and/or Requested Action:</p> <p>That Council approve Resolution (2024) 2576 Proposing Unification of Garner Fire-Rescue, Inc. with the Town.</p>		
<p>Detailed Notes:</p> <p>Completion of the organizational and financial analysis allows for an implementation plan to be developed and a Memorandum of Understanding (MOU) agreement to be approved by spring 2025. This allows for the implementation of merging the GFR Department with the Town of Garner by July 1, 2025.</p>		
<p>Funding Source: Operating fund</p>		
Cost: \$12,000	One Time: <input checked="" type="radio"/>	Annual: <input type="radio"/> No Cost: <input type="radio"/>
<p>Manager's Comments and Recommendations:</p> <p>Cost would be up to \$12,000 depending on the number of hours required to complete the work.</p> <p>I recommend that Council approve the resolution directing the final merger operational and financial analysis to be completed.</p>		
<p>Attachments Yes: <input checked="" type="radio"/> No: <input type="radio"/></p>		
Agenda Form Reviewed by:	Initials:	Comments:
Department Head:		
Finance Director:		
Town Attorney:		
Town Manager:	JM	
Town Clerk:		

RESOLUTION (2024) 2576

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GARNER AND THE GARNER VOLUNTEER FIRE-RESCUE INC. RELATING TO THE PROPOSED UNIFICATION OF GARNER FIRE-RESCUE, INC., WITH THE TOWN OF GARNER

WHEREAS, Garner Volunteer Fire-Rescue Inc. (GVFR), a North Carolina non-profit corporation provides fire protection, emergency medical first-responder and other all-hazard mitigation services to the residents of the Town of Garner, a North Carolina municipal corporation (“Town”); and

WHEREAS, GVFR is governed by the Garner Volunteer Fire-Rescue Board (“Board”), pursuant to an agreement between the Town and the GVFR (“Parties”) for the provision of fire and rescue services; and

WHEREAS, the Board and the Town mutually desire to create a shared vision to continue to provide the highest level of fire protection and emergency services feasible to the residents of both the Town of Garner and the Garner Fire District; and

WHEREAS, GVFR and the Town created the MOU Committee to meet collaboratively together over the last seven years to discuss the benefits, opportunities, concerns, and challenges related to merging GVFR with the Town’s governance structure; and

WHEREAS, the Town desires to contract with Wake County Government for the provision of fire services outside of the Town limits in the Garner Fire District, just as GVFR has been providing in the past under the County’s cost-share agreement; and

WHEREAS, the Town Council and Garner Volunteer Fire-Rescue Board believe that working with North Carolina Fire Chief Consulting on organizational and financial analysis is the next required step toward moving forward with a Town/fire merger.

NOW, THEREFORE, in consideration of these premises, the Town Council and GVFR Board find and resolve the following:

1. Authorization to Proceed. The Town Council and GVFR Board hereby authorizes Town and Fire staffs, and the Town Attorney to (1) engage the services of NC Fire Chief Consulting to implement Phase 3- Conduct a Financial Feasibility Analysis and Develop an Implementation Plan and present such plan at public hearings similar to Phase 2; (2) prepare a definitive agreement between the Town and GVFR to finalize the terms

and conditions of a merger into the Town's municipal structure; and (3) implement Phase 4- Guide GVFR and Town staff during the transition process as included in the February 2021 contract.

2. Projected Date of Merger. The projected date of the merger is set for July 1, 2025, at which time the Town will no longer contract with GVFR for services. As part of the merger process both Parties will create an agreed-upon timeline for naming and rebranding GVFR. The timeline with milestones will be included in the organizational and financial analysis.
3. Service Area. Both Parties agree that the same level of fire protection and first-responder services will be provided to the unincorporated area in Wake County being served at the time of the merger and upon the approval of Wake County. In addition, both Parties recognize the critical partnership with Wake County in terms of service delivery and funding model. Upon the effective date of the merger, the Town will contract with Wake County for the provision of fire and first-responder services in the unincorporated area in the Garner Fire District.
4. ISO Rating and Accreditation. Both Parties agree that the ISO-1 Rating and Commission on Fire Accreditation International (CFAI) accreditation achieved by GVFR are significant achievements that need to be maintained after the merger. The Town agrees to continue to actively support these achievements after the merger.
5. Employee Transfer. Both Parties agree that all full-time GVFR employees that meet Town guidelines and standards for employment will become Town employees with full Town benefits on the effective date of the merger. The Town agrees to honor GVFR hiring dates for all GVFR employees and will work with GVFR staff for a seamless transition into the Town organization.
6. Benefits. The Town recognizes the specialized health needs of the fire service and is committed to providing comprehensive health coverage and access to all regional providers currently and in the future to all Town employees, including GVFR employees after the merger.
7. Longevity. The Town also recognizes that Town's longevity benefit does not align with GVFR's current longevity benefit. For GVFR employees who would not qualify under the Town's longevity policy, the Town is willing to provide a mutually agreed upon one-time benefit to GVFR employees upon the merger. This benefit shall be negotiated as part of the organizational and financial analysis.

8. FY24 Commitments. As part of the ongoing work and commitment to the merger process, the Town will purchase and install a generator for the Fire Administration building located at 914 7th Avenue. The Town and Wake County will reclassify a current FTE to create a Captain for Training position. Both the Town and Wake County have agreed to backfill the reclassified position in FY25 with a firefighter position.
9. Capital Improvements and Planning. Both Parties agree that the GVFR organization will convert to a new non-profit entity (Garner Firefighters' Association) and that the new GVFR organization will own the GVFR brand, the Fire Safety House located at 100 St. Mary's Street, Fire Station #2 on Sauls Road, Raleigh, and historical items related to GVFR.
10. Relocation. The Parties agree to complete, in cooperation, with Wake County, an internal station location/relocation study by July 1, 2024, to help better plan for current and future capital needs. The study will have a specific focus on the needs and challenges associated with Station 2.
11. Emergency Operations Center. Town agrees to begin a process with Fire, Police, and other relevant Town departments by January 1, 2024, to set up an Emergency Operations Center (EOC) that can become immediately operational to protect lives and properties in the Fire District.

duly adopted this ____ day of _____, 2024 -
by the Town Council of the Town of Garner

Duly adopted this ____ day of _____, 2024 – by the Board of
Directors of Garner Fire-Rescue Inc.

Buddy Gupton, Mayor

Joe Sample, GVFR President

ATTEST: _____
Stella Gibson, Town Clerk

Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: May 7, 2024		
Subject: Southeast Area Study		
Location on Agenda: Presentations		
Department: Planning		
Contact: Jeff Triezenberg, AICP, GISP; Planning Director		
Presenter: Gaby Lontos-Lawlor, Senior Transportation Planner (CAMPO)		
Brief Summary: The SEAS Update is an update to the original 2017 Southeast Area Study that looked at land use and multimodal transportation needs of the study area. The study covered parts of Wake and Johnston Counties, including the Town of Garner and was conducted in coordination with NCDOT and the Upper Coastal Plain RPO. This update has expanded the boundary (including the addition of Pine Level) and produced recommendations across all modes as well as refresh policies and priorities that may have evolved since the original study. The study officially began in February of 2022 and was completed in December 2023.		
Recommended Motion and/or Requested Action: Consider motion to adopt the attached Resolution of Support, (2024) 2578.		
Detailed Notes: See attached. Full plan may be viewed HERE .		
Funding Source:		
Cost:	One Time: <input type="radio"/>	Annual: <input type="radio"/> No Cost: <input checked="" type="radio"/>
Manager's Comments and Recommendations:		
Attachments Yes: <input checked="" type="radio"/> No: <input type="radio"/>		
Agenda Form Reviewed by:	Initials:	Comments:
Department Head:	JST	
Finance Director:		
Town Attorney:		
Town Manager:		
Town Clerk:		

RESOLUTION NO. (2024) 2578

**RESOLUTION OF THE GARNER TOWN COUNCIL SUPPORTING THE CAMPO
RECOMMENDATIONS ASSOCIATED WITH THE SOUTHEAST AREA STUDY UPDATE**

WHEREAS, The Capital Area Metropolitan Planning Organization maintains responsibility for regional transportation planning in Wake and portions of Chatham, Franklin, Granville, Harnett, and Johnston Counties; and

WHEREAS, The Capital Area Metropolitan Planning Organization has conducted a two-year study that includes Archer Lodge, Benson, Clayton, Four Oaks, Garner, Kenly, Micro, Pine Level, Selma, Smithfield, Wilson’s Mills and portions of Raleigh, Wake and Johnston Counties; and

WHEREAS, The study outcomes will result in recommended improvements for the roadway, the bicycle and pedestrian, and transit network, and an implementation strategy that recommends short-term, mid-term and long-term improvements; and

WHEREAS, Public engagement was conducted within the two phases of the Southeast Area Study Update process, and was completed in the Spring of 2024; and

WHEREAS, The recommendations from the Southeast Area Study Update will be incorporated into the 2055 Metropolitan Transportation Plan (MTP).

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

Section 1. Supports the recommendations associated with the Southeast Area Study Update.

Duly adopted this 7th day of May, 2024.

Buddy Gupton, Mayor

ATTEST: _____
Stella Gibson, Town Clerk

County of _____
State of North Carolina

I, _____, a Notary Public for said County and State, do hereby certify that
_____ personally appeared before me this day and acknowledged the
due execution of the foregoing instrument.

Witness my hand and official seal, this the _____ day of _____, 2024.

(Official Seal)

Notary Public

My commission expires _____, 202__.

Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: May 7, 2024		
Subject: FY25 Recommended Budget Presentation		
Location on Agenda: Presentations		
Department: Budget and Management Services		
Contact: Sara Warren, Budget Director		
Presenter: Jodi Miller, Interim Town Manager		
Brief Summary: The Interim Town Manager will present the FY2024-2025 Recommended Budget to Council.		
Recommended Motion and/or Requested Action: This item is provided as information and background for Council's future budget deliberations.		
Detailed Notes: The Interim Town Manager will present the FY2024-2025 Recommended Budget to Council. The presentation will include an update to proposed revenues and expenditures in the upcoming fiscal year.		
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:	SAW	
Finance Director:		
Town Attorney:		
Town Manager:	RD	
Town Clerk:		

Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: May 7, 2024		
Subject: FY 2023-24 Audit Contract		
Location on Agenda: Consent		<input type="checkbox"/>
Department: Finance		
Contact: David Beck, Finance Director		
Presenter: David Beck, Finance Director		
<p>Brief Summary:</p> <p>The FY 2023-24 audit contract proposal has been received from Mauldin & Jenkins. FY 2023-24 will be the fourth year of a five year agreement with Mauldin & Jenkins to provide these services. The proposal includes the basic audit fee, a required federal Single Audit, and financial statement preparation services.</p>		
<p>Recommended Motion and/or Requested Action:</p> <p>Approve contract with Mauldin & Jenkins to perform FY24 audit.</p>		
<p>Detailed Notes:</p> 		
<p>Funding Source: Budgeted funds</p>		
Cost: \$55,000	One Time: <input checked="" type="radio"/>	Annual: <input type="radio"/> No Cost: <input type="radio"/>
<p>Manager's Comments and Recommendations:</p> 		
<p>Attachments Yes: <input checked="" type="radio"/> No: <input type="radio"/></p>		
Agenda Form Reviewed by:	Initials:	Comments:
Department Head:	DCB	
Finance Director:	DCB	
Town Attorney:		
Town Manager:	JM	
Town Clerk:		

The	Governing Board
of	Primary Government Unit
and	Discretely Presented Component Unit (DPCU) (if applicable)

Primary Government Unit, together with DPCU (if applicable), hereinafter referred to as Governmental Unit(s)

and	Auditor Name
	Auditor Address

Hereinafter referred to as Auditor

for	Fiscal Year Ending	Date Audit Will Be Submitted to LGC
-----	--------------------	-------------------------------------

Must be within four months of FYE

hereby agree as follows:

1. The Auditor shall audit all statements and disclosures required by U.S. generally accepted auditing standards (GAAS) and additional required legal statements and disclosures of all funds and/or divisions of the Governmental Unit(s). The non-major combining, and individual fund statements and schedules shall be subjected to the auditing procedures applied in the audit of the basic financial statements and an opinion shall be rendered in relation to (as applicable) the governmental activities, the business- type activities, the aggregate DPCUs, each major governmental and enterprise fund, and the aggregate remaining fund information (non-major government and enterprise funds, the internal service fund type, and the fiduciary fund types). The basic financial statements shall include budgetary comparison information in a budgetary comparison statement, rather than as RSI, for the General Fund and any annually budgeted Special Revenue funds.

2. At a minimum, the Auditor shall conduct the audit and render the report in accordance with GAAS. The Auditor shall perform the audit in accordance with *Government Auditing Standards (GAGAS)* if the Governmental Unit expended \$100,000 or more in combined Federal and State financial assistance during the reporting period. The auditor shall perform a Single Audit if required by Title 2 US Code of Federal Regulations Part 200 *Uniform Administration Requirements, Cost Principles, and Audit Requirements for Federal Awards, Subpart F* (Uniform Guidance) or the State Single Audit Implementation Act. This audit and all associated audit documentation may be subject to review by Federal and State agencies in accordance with Federal and State laws, including the staffs of the Office of State Auditor (OSA) and the Local Government Commission (LGC). If the audit requires a federal single audit in accordance with the Uniform Guidance (§200.501), it is recommended that the Auditor and Governmental Unit(s) jointly agree, in advance of the execution of this contract, which party is responsible for submission of the audit and the accompanying data collection form to the Federal Audit Clearinghouse as required under the Uniform Guidance (§200.512).

Effective for audits of fiscal years beginning on or after June 30, 2023, the LGC will allow auditors to consider whether a unit qualifies as a State low-risk auditee based upon federal criteria in the Uniform Guidance §200.520(a), and (b) through (e) as it applies to State awards. In addition to the federal criteria in the Uniform Guidance, audits must have been submitted timely to the LGC. If in the reporting year, or in either of the two previous years, the unit reported a Financial Performance Indicator of Concern that the audit was late, then

the report was not submitted timely for State low-risk auditee status. Please refer to "Discussion of Single Audits in North Carolina" on the LGC's website for more information.

If the audit and Auditor communication are found in this review to be substandard, the results of the review may be forwarded to the North Carolina State Board of CPA Examiners (NC State Board).

3. If an entity is determined to be a component of another government as defined by the group audit standards, the entity's auditor shall make a good faith effort to comply in a timely manner with the requests of the group auditor in accordance with AU-6 §600.41 - §600.42.

4. This contract contemplates an unmodified opinion being rendered. If during the process of conducting the audit, the Auditor determines that it will not be possible to render an unmodified opinion on the financial statements of the unit, the Auditor shall contact the LGC Staff to discuss the circumstances leading to that conclusion as soon as is practical and before the final report is issued. The audit shall include such tests of the accounting records and such other auditing procedures as are considered by the Auditor to be necessary in the circumstances. Any limitations or restrictions in scope which would lead to a qualification should be fully explained in an attachment to this contract.

5. If this audit engagement is subject to the standards for audit as defined in *Government Auditing Standards*, 2018 revision, issued by the Comptroller General of the United States, then by accepting this engagement, the Auditor warrants that he/she has met the requirements for a peer review and continuing education as specified in *Government Auditing Standards*. The Auditor agrees to provide a copy of the most recent peer review report to the Governmental Unit(s) and the Secretary of the LGC prior to the execution of an audit contract. Subsequent submissions of the report are required only upon report expiration or upon auditor's receipt of an updated peer review report. If the audit firm received a peer review rating other than pass, the Auditor shall not contract with the Governmental Unit(s) without first contacting the Secretary of the LGC for a peer review analysis that may result in additional contractual requirements.

If the audit engagement is not subject to *Government Auditing Standards* or if financial statements are not prepared in accordance with U.S. generally accepted accounting principles (GAAP) and fail to include all disclosures required by GAAP, the Auditor shall provide an explanation as to why in an attachment to this contract or in an amendment.

6. It is agreed that time is of the essence in this contract. All audits are to be performed and the report of audit submitted to LGC Staff within four months of fiscal year end. If it becomes necessary to amend the audit fee or the date that the audit report will be submitted to the LGC, an amended contract along with a written explanation of the change shall be submitted to the Secretary of the LGC for approval.

7. It is agreed that GAAS include a review of the Governmental Unit's (Units') systems of internal control and accounting as same relate to accountability of funds and adherence to budget and law requirements applicable thereto; that the Auditor shall make a written report, which may or may not be a part of the written report of audit, to the Governing Board setting forth his/her findings, together with his recommendations for improvement. That written report shall include all matters defined as "significant deficiencies and material weaknesses" in AU-C 265 of the *AICPA Professional Standards (Clarified)*. The Auditor shall file a copy of that report with the Secretary of the LGC.

For GAAS or *Government Auditing Standards* audits, if an auditor issues an AU-C §260 report, commonly referred to as "Governance Letter," LGC staff does not require the report to be submitted unless the auditor cites significant findings or issues from the audit, as defined in AU-C §260.12 - .14. This would include issues such as difficulties encountered during the audit, significant or unusual transactions, uncorrected misstatements, matters that are difficult or contentious reviewed with those charged with governance, and other significant matters. If matters identified during the audit were required to be reported as described in AU-C §260.12-.14 and were communicated in a method other than an AU-C §260 letter, the written documentation must be submitted.

8. All local government and public authority contracts for audit or audit-related work require the approval of the Secretary of the LGC. This includes annual or special audits, agreed upon procedures related to internal controls, bookkeeping or other assistance necessary to prepare the Governmental Unit's records for audit, financial statement preparation, any finance-related investigations, or any other audit-related work in the State of North Carolina. Approval is also required for the Alternative Compliance Examination Engagement for auditing the Coronavirus State and Local Fiscal Recovery Funds expenditures as allowed by US Treasury. Approval is not required on audit contracts and invoices for system improvements and similar services of a non-auditing nature.
9. Invoices for services rendered under these contracts shall not be paid by the Governmental Unit(s) until the invoice has been approved by the Secretary of the LGC. This also includes any progress billings [G.S. 159-34 and 115C-447]. All invoices for audit work shall be submitted in PDF format to the Secretary of the LGC for approval. The invoice marked 'approved' with approval date shall be returned to the Auditor to present to the Governmental Unit(s) for payment. This paragraph is not applicable to contracts for audits of hospitals.
10. In consideration of the satisfactory performance of the provisions of this contract, the Governmental Unit(s) shall pay to the Auditor, upon approval by the Secretary of the LGC if required, the fee, which includes any costs the Auditor may incur from work paper or peer reviews or any other quality assurance program required by third parties (federal and state grantor and oversight agencies or other organizations) as required under the Federal and State Single Audit Acts. This does not include fees for any pre-issuance reviews that may be required by the NC Association of CPAs (NCACPA) Peer Review Committee or NC State Board of CPA Examiners (see Item 13).
11. If the Governmental Unit(s) has/have outstanding revenue bonds, the Auditor shall submit to LGC Staff, either in the notes to the audited financial statements or as a separate report, a calculation demonstrating compliance with the revenue bond rate covenant. Additionally, the Auditor shall submit to LGC Staff simultaneously with the Governmental Unit's (Units') audited financial statements any other bond compliance statements or additional reports required by the authorizing bond documents, unless otherwise specified in the bond documents.
12. After completing the audit, the Auditor shall submit to the Governing Board a written report of audit. This report shall include, but not be limited to, the following information: (a) Management's Discussion and Analysis, (b) the financial statements and notes of the Governmental Unit(s) and all of its component units prepared in accordance with GAAP, (c) supplementary information requested by the Governmental Unit(s) or required for full disclosure under the law, and (d) the Auditor's opinion on the material presented. The Auditor shall furnish the required number of copies of the report of audit to the Governing Board upon completion.
13. If the audit firm is required by the NC State Board, the NCACPA Peer Review Committee, or the Secretary of the LGC to have a pre-issuance review of its audit work, there shall be a statement in the engagement letter indicating the pre-issuance review requirement. There also shall be a statement that the Governmental Unit(s) shall not be billed for the pre-issuance review. The pre-issuance review shall be performed prior to the completed audit being submitted to LGC Staff. The pre-issuance review report shall accompany the audit report upon submission to LGC Staff.

14. The Auditor shall submit the report of audit in PDF format to LGC Staff. For audits of units other than hospitals, the audit report should be submitted when (or prior to) submitting the final invoice for services rendered. The report of audit, as filed with the Secretary of the LGC, becomes a matter of public record for inspection, review and copy in the offices of the LGC by any interested parties. Any subsequent revisions to these reports shall be sent to the Secretary of the LGC. These audited financial statements, excluding the Auditors' opinion, may be used in the preparation of official statements for debt offerings by municipal bond rating services to fulfill secondary market disclosure requirements of the Securities and Exchange Commission and for other lawful purposes of the Governmental Unit(s) without requiring consent of the Auditor. If the LGC Staff determines that corrections need to be made to the Governmental Unit's (Units') financial statements and/or the compliance section, those corrections shall be provided within three business days of notification unless another deadline is agreed to by LGC Staff.

15. Should circumstances disclosed by the audit call for a more detailed investigation by the Auditor than necessary under ordinary circumstances, the Auditor shall inform the Governing Board in writing of the need for such additional investigation and the additional compensation required therefore. Upon approval by the Secretary of the LGC, this contract may be modified or amended to include the increased time, compensation, or both as may be agreed upon by the Governing Board and the Auditor.

16. If an approved contract needs to be modified or amended for any reason, the change shall be made in writing and pre-audited if the change includes a change in audit fee (pre-audit requirement does not apply to hospitals). This amended contract shall be completed in full, including a written explanation of the change, signed and dated by all original parties to the contract. It shall then be submitted to the Secretary of the LGC for approval. No change to the audit contract shall be effective unless approved by the Secretary of the LGC.

17. A copy of the engagement letter, issued by the Auditor and signed by both the Auditor and the Governmental Unit(s), shall be attached to this contract, and except for fees, work, and terms not related to audit services, shall be incorporated by reference as if fully set forth herein as part of this contract. In case of conflict between the terms of the engagement letter and the terms of this contract, the terms of this contract shall take precedence. Engagement letter terms that conflict with the contract are deemed to be void unless the conflicting terms of this contract are specifically deleted in Item 30 of this contract. Engagement letters containing indemnification clauses shall not be accepted by LGC Staff.

18. Special provisions should be limited. Please list any special provisions in an attachment.

19. A separate contract should not be made for each division to be audited or report to be submitted. If a DPCU is subject to the audit requirements detailed in the Local Government Budget and Fiscal Control Act and a separate audit report is issued, a separate audit contract is required. If a separate report is not to be issued and the DPCU is included in the primary government audit, the DPCU shall be named along with the primary government on this audit contract. DPCU Board approval date, signatures from the DPCU Board chairman and finance officer also shall be included on this contract.

20. The contract shall be executed, pre-audited (pre-audit requirement does not apply to hospitals), and physically signed by all parties including Governmental Unit(s) and the Auditor, then submitted in PDF format to the Secretary of the LGC.

21. The contract is not valid until it is approved by the Secretary of the LGC. The staff of the LGC shall notify the Governmental Unit and Auditor of contract approval by email. The audit should not be started before the contract is approved.

22. Retention of Client Records: Auditors are subject to the NC State Board of CPA Examiners' Retention of Client Records Rule 21 NCAC 08N .0305 as it relates to the provision of audit and other attest services, as well as non-attest services. Clients and former clients should be familiar with the requirements of this rule prior to requesting the return of records.

23. This contract may be terminated at any time by mutual consent and agreement of the Governmental Unit(s) and the Auditor, provided that (a) the consent to terminate is in writing and signed by both parties, (b) the parties have agreed on the fee amount which shall be paid to the Auditor (if applicable), and (c) no termination shall be effective until approved in writing by the Secretary of the LGC.
24. The Governmental Unit's (Units') failure or forbearance to enforce, or waiver of, any right or an event of breach or default on one occasion or instance shall not constitute the waiver of such right, breach or default on any subsequent occasion or instance.
25. There are no other agreements between the parties hereto and no other agreements relative hereto that shall be enforceable unless entered into in accordance with the procedure set out herein and approved by the Secretary of the LGC.
26. E-Verify. Auditor shall comply with the requirements of NCGS Chapter 64 Article 2. Further, if Auditor utilizes any subcontractor(s), Auditor shall require such subcontractor(s) to comply with the requirements of NCGS Chapter 64, Article 2.
27. **Applicable to audits with fiscal year ends of June 30, 2020 and later.** For all non-attest services, the Auditor shall adhere to the independence rules of the AICPA Professional Code of Conduct and *Government Auditing Standards, 2018 Revision* (as applicable). Financial statement preparation assistance shall be deemed a "significant threat" requiring the Auditor to apply safeguards sufficient to reduce the threat to an acceptable level. If the Auditor cannot reduce the threats to an acceptable level, the Auditor cannot complete the audit. If the Auditor is able to reduce the threats to an acceptable level, the documentation of this determination, including the safeguards applied, must be included in the audit workpapers.
- All non-attest service(s) being performed by the Auditor that are necessary to perform the audit must be identified and included in this contract. The Governmental Unit shall designate an individual with the suitable skills, knowledge, and/or experience (SKE) necessary to oversee the services and accept responsibility for the results of the services performed. If the Auditor is able to identify an individual with the appropriate SKE, s/he must document and include in the audit workpapers how he/she reached that conclusion. If the Auditor determines that an individual with the appropriate SKE cannot be identified, the Auditor cannot perform both the non-attest service(s) and the audit. See "Fees for Audit Services" page of this contract to disclose the person identified as having the appropriate SKE for the Governmental Unit.
28. **Applicable to audits with fiscal year ends of June 30, 2021 and later.** The auditor shall present the audited financial statements including any compliance reports to the government unit's governing body or audit committee in an official meeting in open session as soon as the audited financial statements are available but not later than 45 days after the submission of the audit report to the Secretary. The auditor's presentation to the government unit's governing body or audit committee shall include:
- a) the description of each finding, including all material weaknesses and significant deficiencies, as found by the auditor, and any other issues related to the internal controls or fiscal health of the government unit as disclosed in the management letter, the Single Audit or Yellow Book reports, or any other communications from the auditor regarding internal controls as required by current auditing standards set by the Accounting Standards Board or its successor;
 - b) the status of the prior year audit findings;
 - c) the values of Financial Performance Indicators based on information presented in the audited financial statements; and
 - d) notification to the governing body that the governing body shall develop a "Response to the Auditor's Findings, Recommendations, and Fiscal Matters," if required under 20 NCAC 03 .0508.
29. Information based on the audited financial statements shall be submitted to the Secretary for the purpose of identifying Financial Performance Indicators and Financial Performance Indicators of Concern. See 20 NCAC 03 .0502(c)(6).

30. All of the above paragraphs are understood and shall apply to this contract, except the following numbered paragraphs shall be deleted (See Item 17 for clarification).

31. The process for submitting contracts, audit reports and invoices is subject to change. Auditors and units should use the submission process and instructions in effect at the time of submission. Refer to the N.C. Department of State Treasurer website at <https://www.nctreasurer.com/state-and-local-government-finance-division/local-government-commission/submitting-your-audit>

32. All communications regarding audit contract requests for modification or official approvals will be sent to the email addresses provided on the signature pages that follow.

33. Modifications to the language and terms contained in this contract form (LGC-205) are not allowed.

FEEES FOR AUDIT SERVICES

1. For all non-attest services, the Auditor shall adhere to the independence rules of the AICPA Professional Code of Conduct (as applicable) and *Government Auditing Standards, 2018 Revision*. Refer to Item 27 of this contract for specific requirements. The following information must be provided by the Auditor; contracts presented to the LGC without this information will be not be approved.

Financial statements were prepared by: Auditor Governmental Unit Third Party

If applicable: Individual at Governmental Unit designated to have the suitable skills, knowledge, and/or experience (SKE) necessary to oversee the non-attest services and accept responsibility for the results of these services:

Name: **Title and Unit / Company:** **Email Address:**

OR Not Applicable *(Identification of SKE Individual on the LGC-205 Contract is not applicable for GAAS-only audits or audits with FYEs prior to June 30, 2020.)*

2. Fees may not be included in this contract for work performed on Annual Financial Information Reports (AFIRs), Form 990s, or other services not associated with audit fees and costs. Such fees may be included in the engagement letter but may not be included in this contract or in any invoices requiring approval of the LGC. See Items 8 and 13 for details on other allowable and excluded fees.

3. The audit fee information included in the table below for both the Primary Government Fees and the DPCU Fees (if applicable) should be reported as a specific dollar amount of audit fees for the year under this contract. If any language other than an amount is included here, the contract will be returned to the audit form for correction.

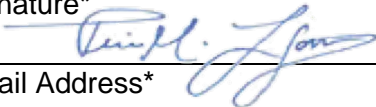
4. Prior to the submission of the completed audited financial report and applicable compliance reports subject to this contract, or to an amendment to this contract (if required) the Auditor may submit interim invoices for approval for services rendered under this contract to the Secretary of the LGC, not to exceed 75% of the billings for the unit's last annual audit that was submitted to the Secretary of the LGC. All invoices for services rendered in an audit engagement as defined in 20 NCAC .0503 shall be submitted to the Commission for approval before any payment is made. Payment before approval is a violation of law. (This paragraph not applicable to contracts and invoices associated with audits of hospitals).

Primary Government Unit	
Audit Fee (financial and compliance if applicable)	\$
Fee per Major Program (if not included above)	\$
Additional Fees Not Included Above (if applicable):	
Financial Statement Preparation (incl. notes and RSI)	\$
All Other Non-Attest Services	\$
TOTAL AMOUNT NOT TO EXCEED	\$

Discretely Presented Component Unit	
Audit Fee (financial and compliance if applicable)	\$
Fee per Major Program (if not included above)	\$
Additional Fees Not Included Above (if applicable):	
Financial Statement Preparation (incl. notes and RSI)	\$
All Other Non-Attest Services	\$
TOTAL AMOUNT NOT TO EXCEED	\$

SIGNATURE PAGE

AUDIT FIRM

Audit Firm*	
Authorized Firm Representative (typed or printed)*	Signature* 
Date*	Email Address*

GOVERNMENTAL UNIT

Governmental Unit*	
Date Governing Board Approved Audit Contract* (Enter date in box to right)	
Mayor/Chairperson (typed or printed)*	Signature*
Date	Email Address*

Chair of Audit Committee (typed or printed, or "NA")	Signature
Date	Email Address

GOVERNMENTAL UNIT – PRE-AUDIT CERTIFICATE

Required by G.S. 159-28(a1) or G.S. 115C-441(a1). Not applicable to hospital contracts.

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

Sum Obligated by This Transaction:	\$
Primary Governmental Unit Finance Officer* (typed or printed)	Signature*
Date of Pre-Audit Certificate*	Email Address*

**SIGNATURE PAGE – DPCU
(complete only if applicable)**

DISCRETELY PRESENTED COMPONENT UNIT

DPCU*	
Date DPCU Governing Board Approved Audit Contract* (Enter date in box to right)	
DPCU Chairperson (typed or printed)*	Signature*
Date*	Email Address*

Chair of Audit Committee (typed or printed, or "NA")	Signature
Date	Email Address

DPCU – PRE-AUDIT CERTIFICATE

Required by G.S. 159-28(a1) or G.S. 115C-441(a1). Not applicable to hospital contracts.

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

Sum Obligated by this Transaction:	\$
DPCU Finance Officer (typed or printed)*	Signature*
Date of Pre-Audit Certificate*	Email Address*

Remember to print this form, and obtain all required signatures prior to submission.



April 23, 2024

Honorable Mayor and Members of the
Town Council
Town of Garner, North Carolina
900 Seventh Avenue
Garner, NC 27529

Attn: Jodi Miller, Interim Town Manager and David Beck, Finance Director

We are pleased to confirm our understanding of the services we are to provide the Town of Garner, North Carolina (the Town) for the year ended June 30, 2024.

Audit Scope and Objectives

We will audit the financial statements of the governmental activities and each major fund, including the disclosures, which collectively comprise the basic financial statements, of the Town of Garner, North Carolina as of and for the year then ended. These statements will include the budgetary comparison information for the General Fund and any major special revenue funds. Accounting standards generally accepted in the United States of America (GAAP) provide for certain required supplementary information (RSI), such as management's discussion and analysis (MD&A), to supplement the Town's basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. As part of our engagement, we will apply certain limited procedures to the Town's RSI in accordance with auditing standards generally accepted in the United States of America (GAAS). These limited procedures will consist of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We will not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance. The following RSI is required by GAAP and will be subjected to certain limited procedures, but will not be audited:

1. Management's Discussion and Analysis (MD&A).
2. Schedule of Changes in the Total Pension Liability for the Law Enforcement Officers' Special Separation Allowance (LEOSSA).
3. Schedule of Total Pension Liability as a Percentage of Covered Payroll – LEOSSA.
4. Schedule of Changes in the Total OPEB Liability and Related Ratios.

5. Schedule of the Town's Proportionate Share of the Net Pension Liability (Asset) for the Local Governmental Employees' Retirement System (LGERS).
6. Schedule of Town Contributions – Pension Plan (LGERS).

We have also been engaged to report on supplementary information other than RSI that accompanies the Town's financial statements. We will subject the following supplementary information to the auditing procedures applied in our audit of the financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and other additional procedures in accordance with GAAS and will provide an opinion on it in relation to the financial statements as a whole:

1. Schedule of expenditures of federal and state awards.
2. General Fund – Schedule of Revenues, Expenditures, and Changes in Fund Balances (Budget and Actual).
3. Capital Projects Fund – Schedule of Revenues, Expenditures and Changes in Fund Balance (Budget and Actual Non-GAAP).
4. Schedule of Ad Valorem Taxes Receivable.
5. Analysis of Current Tax Levy.
6. Detailed Analysis of Current Tax Levy.

In connection with our audit of the basic financial statements, we will read the following other information and consider whether a material inconsistency exists between the other information and the basic financial statements, or the other information otherwise appears to be materially misstated. If, based on the work performed, we conclude that an uncorrected material misstatement of the other information exists, we are required to describe it in our report:

1. Introductory section.
2. Statistical section.

The objectives of our audit are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and issue an auditor's report that includes our opinions about whether your financial statements are fairly presented, in all material respects, in conformity with GAAP, and report on the fairness of the supplementary information referred to in the second paragraph when considered in relation to the financial statements as a whole. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with GAAS and *Government Auditing Standards* will always detect a material misstatement when it exists. Misstatements, including omissions, can arise from fraud or error and are considered material if there is a substantial likelihood that, individually or in the aggregate, they would influence the judgment of a reasonable user made based on the financial statements. The objectives also include reporting on -

- Internal control over financial reporting and compliance with provisions of laws, regulations, contracts and award agreements, noncompliance with which could have a material effect on the financial statements in accordance with *Government Auditing Standards*.

- Internal control over compliance related to major programs and an opinion (or disclaimer of opinion) on compliance with federal statutes, regulations, and the terms and conditions of federal awards that could have a direct and material effect on each major program in accordance with the Single Audit Act Amendments of 1996 and Title 2 U.S. *Code of Federal Regulations* (CFR) Part 200, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* (Uniform Guidance) and the State of North Carolina Single Audit Implementation Act (State Single Audit Act).

Auditor's Responsibilities for the Audit of the Financial Statements and Single Audit

We will conduct our audit in accordance with GAAS; the standards for financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States; the Single Audit Act Amendments of 1996; and the provisions of the Uniform Guidance and the State Single Audit Act, and will include tests of accounting records, a determination of major program(s) in accordance with the Uniform Guidance and State Single Audit Act, and other procedures we consider necessary to enable us to express such opinions. As part of an audit in accordance with GAAS and *Government Auditing Standards*, we will exercise professional judgment and maintain professional skepticism throughout the audit.

We will evaluate the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management. We will also evaluate the overall presentation of the financial statements, including the disclosures, and determine whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation. We will plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement, whether from (1) errors, (2) fraudulent financial reporting, (3) misappropriation of assets, or (4) violations of laws or governmental regulations that are attributable to the government or to acts by management or employees acting on behalf of the government. Because the determination of waste and abuse is subjective, *Government Auditing Standards* do not expect auditors to perform specific procedures to detect waste or abuse in financial audits nor do they expect auditors to provide reasonable assurance of detecting waste or abuse.

Because of the inherent limitations of an audit, combined with the inherent limitations of internal control, and because we will not perform a detailed examination of all transactions, there is an unavoidable risk that some material misstatements or noncompliance may not be detected by us, even though the audit is properly planned and performed in accordance with GAAS and *Government Auditing Standards*. In addition, an audit is not designed to detect immaterial misstatements or violations of laws or governmental regulations that do not have a direct and material effect on the financial statements or on major programs. However, we will inform the appropriate level of management of any material errors, any fraudulent financial reporting or misappropriation of assets that come to our attention. We will also inform the appropriate level of management of any violations of laws or governmental regulations that come to our attention, unless clearly inconsequential. We will include such matters in the reports required for a Single Audit. Our responsibility as auditors is limited to the period covered by our audit and does not extend to any later periods for which we are not engaged as auditors.

We will also conclude, based on the audit evidence obtained, whether there are conditions or events, considered in the aggregate, that raise substantial doubt about the government's ability to continue as a going concern for a reasonable period of time.

Our procedures will include tests of documentary evidence supporting the transactions recorded in the accounts, tests of the physical existence of inventories, and direct confirmation of receivables and certain other assets and liabilities by correspondence with selected individuals, funding sources, creditors, and financial institutions. We will request written representations from your attorneys as part of the engagement, and they may bill you for responding to this inquiry.

According to GAAS, significant risks include the risk of management's override of internal controls. Accordingly, we have considered this item as a significant risk.

We may, from time to time and depending on the circumstances, use third-party service providers in serving your account. We may share confidential information about you with these service providers but remain committed to maintaining the confidentiality and security of your information. Accordingly, we maintain internal policies, procedures, and safeguards to protect the confidentiality of your personal information. In addition, we will secure confidentiality agreements with all service providers to maintain the confidentiality of your information and we will take reasonable precautions to determine that they have appropriate procedures in place to prevent the unauthorized release of your confidential information to others. In the event that we are unable to secure an appropriate confidentiality agreement, you will be asked to provide your consent prior to the sharing of your confidential information with the third-party service provider. Furthermore, we will remain responsible for the work provided by any such third-party service providers.

Our audit of financial statements does not relieve you of your responsibilities.

Audit Procedures—Internal Control

We will obtain an understanding of the government and its environment, including internal control relevant to the audit, sufficient to identify and assess the risks of material misstatement of the financial statements, whether due to error or fraud, and to design and perform audit procedures responsive to those risks and obtain evidence that is sufficient and appropriate to provide a basis for our opinions. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentation, or the override of internal control. Tests of controls may be performed to test the effectiveness of certain controls that we consider relevant to preventing and detecting errors and fraud that are material to the financial statements and to preventing and detecting misstatements resulting from illegal acts and other noncompliance matters that have a direct and material effect on the financial statements. Our tests, if performed, will be less in scope than would be necessary to render an opinion on internal control and, accordingly, no opinion will be expressed in our report on internal control issued pursuant to *Government Auditing Standards*.

As required by the Uniform Guidance and State Single Audit Act, we will perform tests of controls over compliance to evaluate the effectiveness of the design and operation of controls that we consider relevant to preventing or detecting material noncompliance with compliance requirements applicable to each major federal award program. However, our tests will be less in

scope than would be necessary to render an opinion on those controls and, accordingly, no opinion will be expressed in our report on internal control issued pursuant to the Uniform Guidance and State Single Audit Act.

An audit is not designed to provide assurance on internal control or to identify significant deficiencies or material weaknesses. Accordingly, we will express no such opinion. However, during the audit, we will communicate to management and those charged with governance internal control related matters that are required to be communicated under AICPA professional standards, *Government Auditing Standards*, and the Uniform Guidance.

Audit Procedures—Compliance

As part of obtaining reasonable assurance about whether the financial statements are free of material misstatement, we will perform tests of the Town of Garner, North Carolina's compliance with provisions of applicable laws, regulations, contracts and agreements, including grant agreements. However, the objective of those procedures will not be to provide an opinion on overall compliance and we will not express such an opinion in our report on compliance issued pursuant to *Government Auditing Standards*.

The Uniform Guidance and State Single Audit Act requires that we also plan and perform the audit to obtain reasonable assurance about whether the auditee has complied with federal statutes, regulations, and the terms and conditions of federal awards applicable to major programs. Our procedures will consist of tests of transactions and other applicable procedures described in the *OMB Compliance Supplement* and the *Audit Manual for Governmental Auditors in North Carolina* for the types of compliance requirements that could have a direct and material effect on each of the Town of Garner's major programs. For federal and/or state programs that are included in the Federal or State Compliance Supplements, our compliance and internal control procedures will relate to the compliance requirements that the Federal or State Compliance Supplement identifies as being subject to audit. The purpose of these procedures will be to express an opinion on the Town of Garner's compliance with requirements applicable to each of its major programs in our report on compliance issued pursuant to the Uniform Guidance and State Single Audit Act.

Other Services

We will also assist in preparing the financial statements, schedule of expenditures of federal and state awards, and related notes of the Town in conformity with U.S. generally accepted accounting principles and the Uniform Guidance and State Single Audit Act based on information provided by you. These nonaudit services do not constitute an audit under *Government Auditing Standards* and such services will not be conducted in accordance with *Government Auditing Standards*. We will perform these services in accordance with applicable professional standards. The other services are limited to the financial statements, schedule of expenditures of federal and state awards, and related notes services previously defined. We, in our sole professional judgement, reserve the right to refuse to perform any procedure or take any action that could be construed as assuming management responsibilities.

Responsibilities of Management for the Financial Statements and Single Audit

Our audit will be conducted on the basis that you acknowledge and understand your responsibility for (1) designing, implementing, establishing, and maintaining effective internal controls relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error, including internal controls over federal awards, and for evaluating and monitoring ongoing activities, to help ensure that appropriate goals and objectives are met; (2) following laws and regulations; (3) ensuring that there is reasonable assurance that government programs are administered in compliance with compliance requirements; and (4) ensuring that management and financial information is reliable and properly reported. Management is also responsible for implementing systems designed to achieve compliance with applicable laws, regulations, contracts, and grant agreements. You are also responsible for the selection and application of accounting principles; for the preparation and fair presentation of the financial statements, schedule of expenditures of federal and state awards, and all accompanying information in conformity with accounting principles generally accepted in the United States of America; and for compliance with applicable laws and regulations (including federal statutes) and the provisions of contracts and grant agreements (including award agreements). Your responsibilities also include identifying significant contractor relationships in which the contractor has responsibility for program compliance and for the accuracy and completeness of that information.

You are also responsible for making drafts of financial statements, schedule of expenditures of federal and state awards, all financial records and related information available to us and for the accuracy and completeness of that information (including information from outside of the general and subsidiary ledgers). You are also responsible for providing us with (1) access to all information of which you are aware that is relevant to the preparation and fair presentation of the financial statements, such as records, documentation, identification of all related parties and all related-party relationships and transactions, and other matters (2) access to personnel, accounts, books, records, supporting documentation, and other information as needed to perform an audit under the Uniform Guidance, (3) additional information that we may request for the purpose of the audit, and (4) unrestricted access to persons within the government from whom we determine it necessary to obtain audit evidence. At the conclusion of our audit, we will require certain written representations from you about the financial statements; schedule of expenditures of federal and state awards; federal award programs; state award programs; compliance with laws, regulations, contracts, and grant agreements; and related matters.

Your responsibilities include adjusting the financial statements to correct material misstatements and confirming to us in the management representation letter that the effects of any uncorrected misstatements aggregated by us during the current engagement and pertaining to the latest period presented are immaterial, both individually and in the aggregate, to the financial statements of each opinion unit taken as a whole.

You are responsible for the design and implementation of programs and controls to prevent and detect fraud, and for informing us about all known or suspected fraud affecting the government involving (1) management, (2) employees who have significant roles in internal control, and (3) others where the fraud could have a material effect on the financial statements. Your responsibilities include informing us of your knowledge of any allegations of fraud or suspected fraud affecting the government received in communications from employees, former employees,

grantors, regulators, or others. In addition, you are responsible for identifying and ensuring that the government complies with applicable laws, regulations, contracts, agreements, and grants. You are also responsible for taking timely and appropriate steps to remedy fraud and noncompliance with provisions of laws, regulations, contracts, and grant agreements that we report. Additionally, as required by the Uniform Guidance and State Single Audit Act, it is management's responsibility to evaluate and monitor noncompliance with federal statutes, regulations, and the terms and conditions of federal and state awards; take prompt action when instances of noncompliance are identified including noncompliance identified in audit findings; promptly follow up and take corrective action on reported audit findings; and to prepare a summary schedule of prior audit findings and a separate corrective action plan. The summary schedule of prior audit findings should be available for our review subsequent to the start of fieldwork.

With regard to an exempt offering document with which Mauldin & Jenkins is not involved, you agree to clearly indicate in the exempt offering document that Mauldin & Jenkins is not involved with the contents of such offering document. In the event that Mauldin & Jenkins is requested to be involved with an exempt offering document, you agree that the aforementioned auditor's report or reference to Mauldin & Jenkins will not be included without our prior permission or consent. Furthermore, any agreement to perform work in connection with an exempt offering document, including an agreement to provide permission or consent, will be a separate engagement.

You are responsible for identifying all federal and state awards received and understanding and complying with the compliance requirements and for the preparation of the schedule of expenditures of federal and state awards (including notes and noncash assistance received, and COVID-19 related concepts, such as lost revenues, if applicable) in conformity with the Uniform Guidance. You agree to include our report on the schedule of expenditures of federal and state awards in any document that contains and indicates that we have reported on the schedule of expenditures of federal and state awards. You also agree to include the audited financial statements with any presentation of the schedule of expenditures of federal and state awards that includes our report thereon or make the audited financial statements readily available to intended users of the schedule of expenditures of federal and state awards no later than the date the schedule of expenditures of federal and state awards is issued with our report thereon. Your responsibilities include acknowledging to us in the written representation letter that (1) you are responsible for presentation of the schedule of expenditures of federal and state awards in accordance with the Uniform Guidance; (2) you believe the schedule of expenditures of federal and state awards, including its form and content, is stated fairly in accordance with the Uniform Guidance; (3) the methods of measurement or presentation have not changed from those used in the prior period (or, if they have changed, the reasons for such changes); and (4) you have disclosed to us any significant assumptions or interpretations underlying the measurement or presentation of the schedule of expenditures of federal and state awards.

You are also responsible for the preparation of the other supplementary information, which we have been engaged to report on, in conformity with U.S. generally accepted accounting principles. You agree to include our report on the supplementary information in any document that contains and indicates that we have reported on the supplementary information. You also agree to include the audited financial statements with any presentation of the supplementary information that includes our report thereon or make the audited financial statements readily available to users of the supplementary information no later than the date the supplementary information is issued with

our report thereon. Your responsibilities include acknowledging to us in the written representation letter that (1) you are responsible for presentation of the supplementary information in accordance with GAAP; (2) you believe the supplementary information, including its form and content, is fairly presented in accordance with GAAP; (3) the methods of measurement or presentation have not changed from those used in the prior period (or, if they have changed, the reasons for such changes); and (4) you have disclosed to us any significant assumptions or interpretations underlying the measurement or presentation of the supplementary information.

Management is responsible for establishing and maintaining a process for tracking the status of audit findings and recommendations. Management is also responsible for identifying and providing report copies of previous financial audits, attestation engagements, performance audits or other studies related to the objectives discussed in the Audit Scope and Objectives section of this letter. This responsibility includes relaying to us corrective actions taken to address significant findings and recommendations resulting from those audits, attestation engagements, performance audits, or studies. You are also responsible for providing management's views on our current findings, conclusions, and recommendations, as well as your planned corrective actions, for the report, and for the timing and format for providing that information.

With regard to the electronic dissemination of audited financial statements, including financial statements published electronically on your website, you understand that electronic sites are a means to distribute information and, therefore, we are not required to read the information contained in these sites or to consider the consistency of other information in the electronic site with the original document.

You agree to assume all management responsibilities relating to the financial statements, schedule of expenditures of federal and state awards, related notes, and any other nonaudit services we provide. You will be required to acknowledge in the management representation letter our assistance with preparation of the financial statements, schedule of expenditures of federal and state awards, and related notes and that you have reviewed and approved the financial statements, schedule of expenditures of federal and state awards, and related notes prior to their issuance and have accepted responsibility for them. You agree to oversee the nonaudit services by designating an individual, preferably from senior management, who possesses suitable skill, knowledge, or experience; evaluate the adequacy and results of those services; and accept responsibility for them.

As an attest client, Mauldin & Jenkins, LLC cannot retain or store documents, data, or records on behalf of the Town of Garner. This is in accordance with ET section 1.295.143 of the *AICPA Code of Professional Conduct*. The Town is solely responsible for maintaining its own data and records.

In that regard, SuraLink is used solely as a method of transferring data to Mauldin & Jenkins, LLC and is not intended for the storage of the Town's information. All information you will provide through SuraLink is a copy and you will maintain original documents and data as part of your records.

Engagement Administration, Fees, and Other

We understand that your employees will prepare all cash or other confirmations we request and will locate any documents selected by us for testing. We will schedule the engagement based in part on deadlines, working conditions, and the availability of your key personnel. We will plan the engagement based on the assumption that your personnel will cooperate and provide assistance by performing tasks such as preparing requested schedules, retrieving supporting documents, and preparing confirmations. If, for whatever reason, your personnel are unavailable to provide the necessary assistance in a timely manner, it may substantially increase the work we have to do to complete our engagement, resulting in an increase in fees over our original estimate.

At the conclusion of the engagement, we will complete the appropriate sections of the Data Collection Form that summarizes our audit findings. It is management's responsibility to electronically submit the reporting package (including financial statements, schedule of expenditures of federal and state awards, summary schedule of prior audit findings, auditors' reports, and corrective action plan) along with the Data Collection Form to the federal audit clearinghouse. We will coordinate with you the electronic submission and certification. The Data Collection Form and the reporting package must be submitted within the earlier of 30 calendar days after receipt of the auditors' reports or nine months after the end of the audit period.

We will provide copies of our reports to the Town of Garner; however, management is responsible for distribution of the reports and financial statements. Unless restricted by law or regulation, or containing privileged and confidential information, copies of our reports are to be made available for public inspection.

The audit documentation for this engagement is the property of Mauldin & Jenkins and constitutes confidential information. However, subject to applicable laws and regulations, audit documentation and appropriate individuals will be made available upon request and in a timely manner to the North Carolina Local Government Commission or its designee, a federal agency providing direct or indirect funding, or the U.S. Government Accountability Office for purposes of a quality review of the audit, to resolve audit findings, or to carry out oversight responsibilities. We will notify you of any such request. If requested, access to such audit documentation will be provided under the supervision of Mauldin & Jenkins personnel. Furthermore, upon request, we may provide copies of selected audit documentation to the aforementioned parties. These parties may intend, or decide, to distribute the copies or information contained therein to others, including other governmental agencies.

The audit documentation for this engagement will be retained for a minimum of five years after the report release date or for any additional period requested by a regulatory body. If we are aware that a federal awarding agency, pass-through entity, or auditee is contesting an audit finding, we will contact the party (ies) contesting the audit finding for guidance prior to destroying the audit documentation.

We expect to begin our audit procedures during May 2024 and to issue our reports no later than December 1, 2024. Timothy M. Lyons is the engagement partner and is responsible for supervising the engagement and signing the reports or authorizing another individual to sign them. Our fee for these services will be \$55,000 for the year ended June 30, 2024. This fee includes the provision for the performance of Single Audit procedures on one major federal or state program. If the composition of the Town's federal and/or state awards require additional programs to be audited as major, our fee will be \$7,500 for each additional major program. Our hourly rates vary according to the degree of responsibility involved and the experience level of the personnel assigned to your audit. Our invoices for these fees will be rendered as work progresses and are payable upon presentation. The above fees are based on anticipated cooperation from your personnel (including complete and timely receipt by us of the information on the respective client participation listings) and the assumption that unexpected circumstances (including scope changes) will not be encountered during the audit. If significant additional time is necessary, we will discuss it with management and arrive at a new fee estimate before we incur the additional costs.

As a result of our prior or future services to you, we might be requested or required to provide information or documents to you or a third party in a legal, administrative, arbitration, or similar proceeding in which we are not a party. If this occurs, our efforts in complying with such requests will be deemed billable to you as a separate engagement. We shall be entitled to compensation for our time and reasonable reimbursement for our expenses (including legal fees) in complying with the request. For all requests we will observe the confidentiality requirements of our profession and will notify you promptly of the request.

Reporting

We will issue written reports upon completion of our Single Audit. Our reports will be addressed to the Members of the Town Council for the Town of Garner, North Carolina. We cannot provide assurance that unmodified opinions will be expressed. Circumstances may arise in which our report may differ from its expected form and content based on the results of our audit. Depending on the nature of these circumstances, it may be necessary for us to modify our opinions or add emphasis-of-matter or other-matter paragraphs to our auditor's report, or if necessary, withdraw from this engagement. If our opinions on the financial statements or the Single Audit compliance opinions are other than unmodified, we will discuss the reasons with you in advance. If, for any reason, we are unable to complete the audit or are unable to form or have not formed opinions, we may decline to express opinions or to issue reports, or may withdraw from this engagement.

The *Government Auditing Standards* report on internal control over financial reporting and on compliance and other matters will state (1) that the purpose of the report is solely to describe the scope of testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance, and (2) that the report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. The Uniform Guidance report on internal control over compliance will state that the purpose of the report on internal control over compliance is solely to describe the scope of testing of internal control over compliance and the results of that testing based on the requirements of the Uniform Guidance. Both reports will state that the report is not suitable for any other purpose.

We appreciate the opportunity to be of service to the Town of Garner and believe this letter accurately summarizes the significant terms of our engagement. If you have any questions, please let us know. If you agree with the terms of our engagement as described in this letter, please sign below and return it to us.

Sincerely,

MAULDIN & JENKINS, LLC



Timothy M. Lyons

RESPONSE:

This letter correctly sets forth the understanding of the Town of Garner, North Carolina.

By: _____

Title: _____

Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: May 7, 2024		
Subject: Garner Former Police Building Demo - Bid Award		
Location on Agenda: Consent <input type="checkbox"/>		
Department: Engineering		
Contact: Leah Harrison, Engineering Director		
Presenter: Leah Harrison, Engineering Director		
Brief Summary: Award of bid for demolition of building at 400 Aversboro to Webb-Harrell for \$37,500.		
Recommended Motion and/or Requested Action: Approve the bid award and authorize Town Manager to execute contract with Webb-Harrell for \$37,500.		
Detailed Notes: See attached memo and bid tab.		
Funding Source: Town Hall Annex budget (\$50,000 allocated in budget for this portion)		
Cost:	One Time: <input checked="" type="radio"/>	Annual: <input type="radio"/> No Cost: <input type="radio"/>
Manager's Comments and Recommendations:		
Attachments Yes: <input checked="" type="radio"/> No: <input type="radio"/>		
Agenda Form Reviewed by:	Initials:	Comments:
Department Head:	LH	
Finance Director:		
Town Attorney:		
Town Manager:	JM	
Town Clerk:		



ENGINEERING MEMORANDUM

DATE: May 7, 2024

TO: Town Council
Jodi Miller, Interim Town Manager
John Hodges, Assistant Town Manager

FROM: Leah Harrison, Engineering Director
Lisa Rodriguez, Senior Engineering Project Manager

SUBJECT: Garner Former Police Building Demo – Bid Award

BACKGROUND

The Town-owned building located at 400 Aversboro Rd was built in the late 70s and served as Garner’s Police Department Building and then was temporary space for various departments during the construction of the new Town Hall. Since the construction of the new Town Hall was completed in 2017, the former Police Building has been vacant, and all utility services have been removed from the building. The demolition of the building and parking lot is being pursued to offset the impervious surface on the Town Hall campus, and to remove potential vandalism and hazards. The scope of work consists of demolishing the one-story metal frame building, accompanying concrete and asphalt parking lot. Work includes asbestos abatement, demolition, and leaving the property clean, clear of debris, graded, and seeded. There will be a total of approximately 13,246 sqft of impervious surface removed, which will aid the construction of the Town Hall Annex site work and access road. With the removal of this building and parking lot, the addition of impervious surface needed for the Town Hall Annex site will not require a new stormwater control device for treatment.

BIDDING

This demo work was advertised for bid from March 28 to April 24, 2024. The Town received four bids from the following bidders at the shown value:

Bidder	Total Bid Amount
Abatemaster	\$41,427
Webb-Harrell	\$37,500
Foss Demolition	\$42,000
H+H Enterprises	\$90,000

Webb-Harrell is deemed the lowest, responsive, responsible bidder. They provided the lowest cost, a complete bid package with all required documentation and their references provided positive comments.



The cost of this demolition was accounted for in the overall Town Hall Annex project budget, the forecasted cost for this portion was \$50,000 and the lowest bid is within that budget.

NEXT STEPS

Following concurrence by Town Council, staff will finalize the construction contract and obtain signatures from applicable parties. Once the demolition is complete, Town staff will remove this property as a capital asset and remove this property from the insurance policy.

RECOMMENDATION

Approve the bid award to Webb-Harrell in the amount of \$37,500 to complete the scope of work.

Project Name: Garner Former Police Building Demo Project
 Project #: ENG2024-02
 Bid Opening: April 24, 2024



Item No.	Item Description	Quantity	Unit	Webb Harrell		Abatemaster		Foss Demolition		H&H Enterprises	
				Unit Price	Item Total	Unit Price	Item Total	Unit Price	Item Total	Unit Price	Item Total
1	Mobilization and Site Preparation	1	LS	\$ 100.00	\$ 100.00	\$ 1,247.00	\$ 1,247.00	\$ 2,000.00	\$ 2,000.00	\$ 3,530.00	\$ 3,530.00
2	Asbestos Abatement	1	LS	\$ 17,200.00	\$ 17,200.00	\$ 16,820.00	\$ 16,820.00	\$ 9,000.00	\$ 9,000.00	\$ 26,970.00	\$ 26,970.00
3	Demo and Removal of the Building (including all material/furnishings within the building)	1	LS	\$ 19,600.00	\$ 19,600.00	\$ 16,160.00	\$ 16,160.00	\$ 10,000.00	\$ 10,000.00	\$ 20,000.00	\$ 20,000.00
4	Demo and Removal of Building Foundation	1	LS	\$ 100.00	\$ 100.00	\$ 1,000.00	\$ 1,000.00	\$ 8,000.00	\$ 8,000.00	\$ 10,000.00	\$ 10,000.00
5	Demo and Removal of All Other Concrete	1	LS	\$ 100.00	\$ 100.00	\$ 1,200.00	\$ 1,200.00	\$ 2,000.00	\$ 2,000.00	\$ 7,500.00	\$ 7,500.00
6	Demo and Removal of Asphalt Parking Lot	1	LS	\$ 100.00	\$ 100.00	\$ 2,300.00	\$ 2,300.00	\$ 4,000.00	\$ 4,000.00	\$ 7,500.00	\$ 7,500.00
7	Grading of Area after Foundation Removal	1	LS	\$ 100.00	\$ 100.00	\$ 500.00	\$ 500.00	\$ 4,000.00	\$ 4,000.00	\$ 7,500.00	\$ 7,500.00
8	Seeding of Disturbed Area	1	LS	\$ 100.00	\$ 100.00	\$ 300.00	\$ 300.00	\$ 1,500.00	\$ 1,500.00	\$ 5,000.00	\$ 5,000.00
9	Sewer Stub Abandonment	1	EA	\$ 100.00	\$ 100.00	\$ 1,900.00	\$ 1,900.00	\$ 1,500.00	\$ 1,500.00	\$ 2,000.00	\$ 2,000.00
				TOTAL	\$ 37,500.00	TOTAL	\$ 41,427.00	TOTAL	\$ 42,000.00	TOTAL	\$ 90,000.00

Bid Certificate:

Due to the projected cost of contract, the informal bidding process was followed.
 The bids tabulated herein were received by the Town of Garner on April 24, 2024 by 2:00 p.m.
 The bid tabulation is correct in that it contains the cost as presented on the bid proposal of each bidder.



Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: May 7, 2024		
Subject: Georgia's Landing Phase 2		
Location on Agenda: Consent <input type="checkbox"/>		
Department: Engineering		
Contact: Leah Harrison, Engineering Director		
Presenter: Leah Harrison, Engineering Director		
Brief Summary: <p>The Engineering Department is seeking approval of twelve stop conditions in Georgia's Landing Phase 2 at the intersections of Golden Isles Ave and Botanical Bend, Golden Isles Ave (Eastbound) and Georgia's Landing Parkway, Golden Isles Ave (Westbound) and Georgia's Landing Parkway, Golden Isles Ave and Red Myrtle Court, Botanical Bend (Southbound) and Rock Maple Lane, Botanical Bend (Northbound) and Rock Maple Lane, Rock Maple Lane (Eastbound) and Georgia's Landing Parkway, Rock Maple Lane (Westbound) and Georgia's Landing Parkway, Red Myrtle Court (Southbound) and Rock Maple Lane, Botanical Bend and Savannah Moss Way, Savannah Moss Way (Eastbound) and Georgia's Landing Parkway with basic traffic control measures.</p>		
Recommended Motion and/or Requested Action: Consider approving recommended stop conditions, Ordinance (2024) 5265		
Detailed Notes: See attached memo, maps, and ordinance.		
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:	LH	
Finance Director:		
Town Attorney:		
Town Manager:	JM	
Town Clerk:		



Town of Garner
900 7th Avenue, Garner, NC 27529
Phone 919-772-4688 * Fax 919-662-8874
www.GarnerNC.gov

TO: Jodi Miller, Interim Town Manager
FROM: Leah Harrison, PE – Engineering Director
DATE: May 7, 2024
SUBJECT: Stop Conditions within Renaissance at White Oak Ph 1-3

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

	<u>Stop Condition</u>	<u>Through Street</u>
1	Golden Isles Ave	Botanical Bend
2	Golden Isles Ave (Eastbound)	Georgia's Landing Pkwy
3	Golden Isles Ave (Westbound)	Georgia's Landing Pkwy
4	Golden Isles Ave	Red Myrtle Court
5	Botanical Bend (Southbound)	Rock Maple Lane
6	Botanical Bend (Northbound)	Rock Maple Lane
7	Rock Maple Lane (Eastbound)	Georgia's Landing Pkwy
8	Rock Maple Lane (Westbound)	Georgia's Landing Pkwy
9	Red Myrtle Court (Southbound)	Rock Maple Lane
10	Red Myrtle Court (Northbound)	Rock Maple Lane
11	Botanical Bend	Savannah Moss Way
12	Savannah Moss Way	Georgia's Landing Pkwy

These stop conditions will serve as basic traffic control measures. The Engineering Department recommends amending the Town Code of Ordinances to include these stop conditions. Please let me know if there are any questions.

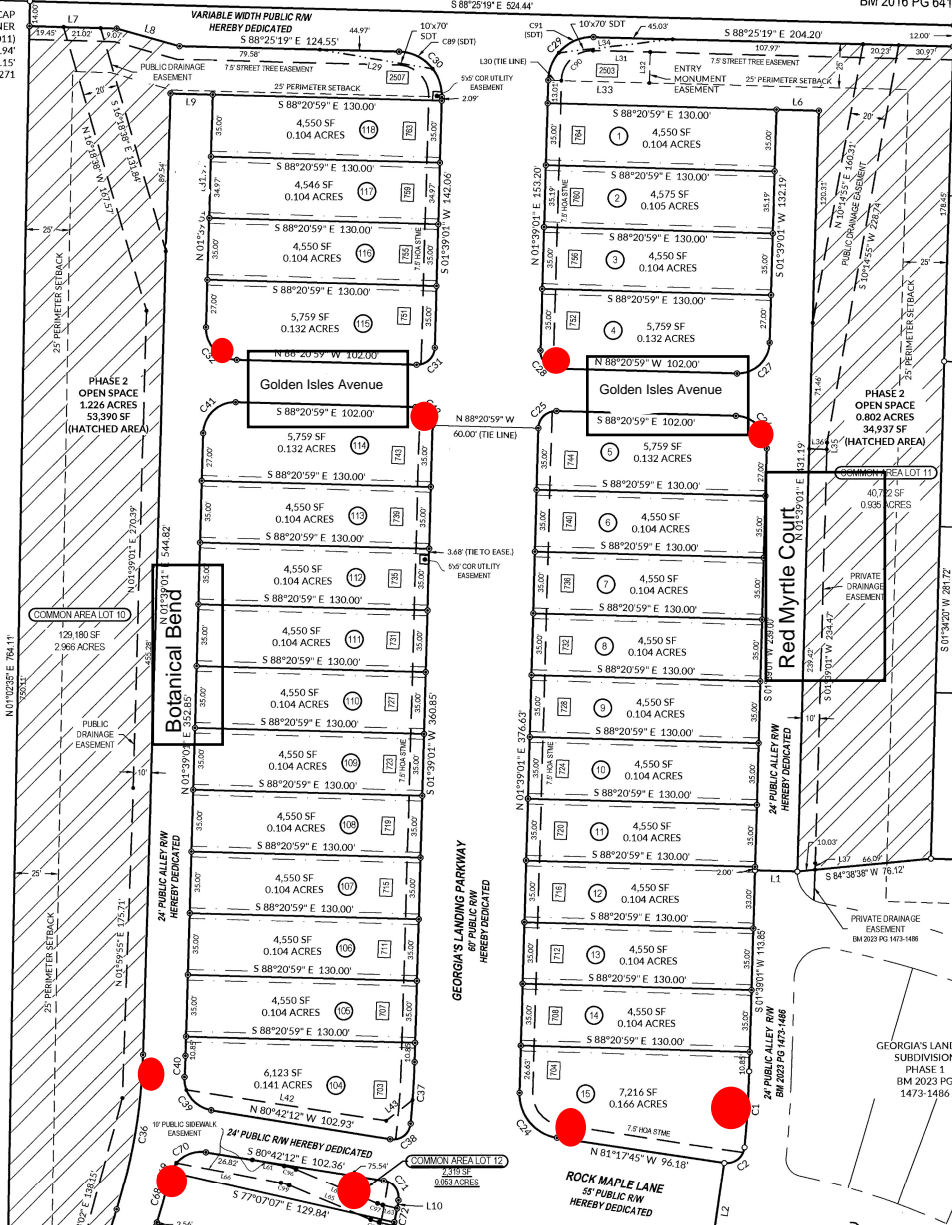
Attachment: Vicinity Map

CURVE	ARC LENGTH	RADIUS	CHORD BEARING	CHORD LENGTH
C1	43.16	660.00	S 03°31'25" W	43.15
C2	16.29	10.00	S 52°03'02" W	14.54
C3	16.29	10.00	S 04°03'01" E	14.54
C4	8.13	660.00	S 12°21'52" W	8.13
C5	42.01	660.00	S 14°32'26" W	42.00
C6	17.71	660.00	S 06°08'00" W	17.71
C7	3.97	340.00	S 17°34'21" W	3.97
C8	28.49	340.00	S 14°50'14" W	28.49
C9	28.49	340.00	S 10°00'00" W	28.49
C10	28.49	340.00	S 05°14'00" W	28.49
C11	10.41	340.00	S 07°55'38" W	10.41
C12	5.53	540.00	S 04°04'02" E	5.53
C13	29.08	540.00	S 01°03'09" E	29.08
C14	29.37	540.00	S 04°02'01" E	29.37
C15	29.37	540.00	S 01°15'12" E	29.37
C16	34.95	540.00	S 10°40'59" E	34.95
C17	15.43	10.00	S 31°40'12" W	13.95
C18	40.20	1,023.50	S 74°45'24" W	40.20
C19	41.31	25.00	N 59°01'48" W	36.77
C20	37.45	25.00	S 30°45'28" W	34.04
C21	56.21	970.00	S 73°17'44" W	56.20
C22	15.62	10.00	N 58°18'05" W	14.08
C23	224.42	884.00	N 06°11'44" W	223.82
C24	36.19	25.00	N 39°46'22" W	33.11
C25	15.71	10.00	N 46°59'01" E	14.14
C26	28.27	18.00	S 43°20'59" E	25.46
C27	28.27	18.00	S 43°20'59" E	25.46
C28	15.71	10.00	S 43°20'59" E	14.14
C29	39.24	25.00	N 46°36'49" E	35.33
C30	39.30	25.00	N 46°36'49" E	35.38
C31	15.71	10.00	S 44°39'01" W	14.14
C32	28.27	18.00	N 43°20'59" W	25.46
C33	124.84	684.00	N 09°52'57" E	124.66
C34	38.48	684.00	N 13°50'02" E	38.48
C35	17.60	684.00	N 17°10'12" W	17.60
C36	89.66	316.00	N 08°44'42" W	89.66
C37	34.95	670.00	S 03°46'50" W	34.94
C38	16.30	10.00	S 52°36'13" W	14.55
C39	26.50	18.00	N 05°31'20" W	24.17
C40	11.92	340.00	N 08°31'20" W	11.92
C41	28.27	18.00	N 46°39'01" E	25.46
C42	15.71	10.00	S 43°20'59" E	14.14
C43	33.53	670.00	N 10°45'44" W	33.53
C44	36.44	670.00	N 07°16'12" W	36.44
C45	36.44	670.00	N 04°05'13" W	36.44
C46	37.41	670.00	N 05°46'44" W	37.41
C47	5.53	670.00	N 00°50'27" E	5.53
C48	14.40	470.00	N 01°51'71" E	14.40
C49	39.39	470.00	N 07°01'42" E	39.38
C50	39.39	470.00	N 10°02'07" E	39.38
C51	39.39	470.00	N 14°01'14" E	39.38
C52	5.49	470.00	N 17°42'11" E	5.49
C53	14.27	530.00	N 17°08'08" E	14.27
C54	20.64	530.00	N 15°14'55" E	20.64
C55	13.89	25.00	N 30°01'47" E	13.71
C56	23.01	25.00	N 72°19'57" E	22.21
C57	47.63	860.00	N 11°38'18" W	47.63
C58	40.14	860.00	N 09°02'55" W	40.13
C59	40.14	860.00	N 06°22'26" W	40.13
C60	40.14	860.00	N 03°42'00" W	40.13
C61	40.14	860.00	N 01°01'33" W	40.13
C62	11.50	860.00	N 00°14'40" E	11.50
C63	37.01	660.00	N 02°41'02" E	37.00
C64	42.01	660.00	N 06°04'49" E	42.00
C65	42.01	660.00	N 09°45'38" E	42.00
C66	42.01	660.00	N 13°24'26" E	42.00
C67	30.83	660.00	N 16°54'07" E	30.83
C68	27.49	340.00	N 15°35'25" E	27.49
C69	2.33	18.00	N 16°48'55" E	2.33
C70	24.69	18.00	N 09°29'56" E	22.80
C71	15.69	10.00	S 35°46'02" E	14.13
C72	7.97	470.00	S 12°23'45" W	7.97
C73	41.23	470.00	S 02°22'22" W	41.21
C74	24.76	530.00	S 16°34'07" W	24.76
C75	33.73	530.00	S 13°24'26" W	33.73
C76	33.73	530.00	S 09°06'49" W	33.73
C77	33.73	530.00	S 05°06'49" W	33.73
C78	29.72	530.00	S 04°01'42" W	29.72
C79	9.76	340.00	S 01°43'40" W	9.76
C80	34.07	730.00	S 01°01'33" E	34.07
C81	34.07	730.00	S 03°42'00" E	34.07
C82	34.07	730.00	S 06°22'26" E	34.07
C83	34.07	730.00	S 09°02'55" E	34.07
C84	22.96	730.00	S 11°17'09" E	22.96
C85	16.24	10.00	S 30°52'57" W	14.51
C86	181.40	884.00	S 07°35'23" E	181.08
C87	53.04	684.00	S 09°18'48" W	53.02
C88	2.09	684.00	S 16°15'14" W	2.09
C89	22.16	684.00	S 30°15'55" E	21.44
C90	27.49	17.50	N 46°34'39" E	24.75
C91	22.17	25.00	N 04°04'07" E	21.45
C92	24.05	45.00	N 85°48'52" W	23.76
C93	27.97	55.00	N 85°04'14" W	27.67
C94	3.82	10.00	S 10°20'46" W	3.80
C95	1.94	470.00	S 12°59'48" W	1.94
C96	6.97	33.00	S 72°53'28" E	6.95
C97	3.11	37.00	S 72°05'34" E	3.11
C98	4.95	47.00	N 72°05'34" W	4.94
C99	4.85	23.00	N 72°53'28" W	4.85

LINE	BEARING	DISTANCE
L1	N 88°20'59" W	24.00
L2	S 08°42'15" W	55.00
L3	S 77°20'49" W	60.30
L4	S 73°38'08" W	40.39
L5	S 79°45'10" W	24.04
L6	N 88°20'59" W	24.00
L7	S 88°25'19" E	49.53
L8	S 74°33'09" E	37.11
L9	S 68°20'59" E	24.00
L10	S 09°10'08" W	4.02
L11	N 08°00'52" W	10.53
L12	N 08°00'52" W	10.53
L13	N 82°04'12" E	11.03
L14	S 88°25'19" E	21.50
L15	N 89°53'27" E	14.28
L16	S 67°19'16" E	8.29
L17	N 67°19'16" W	5.93
L18	S 44°28'05" E	16.54
L19	S 33°15'31" E	31.21
L20	S 31°12'47" W	49.12
L21	N 73°02'22" W	29.27
L22	N 44°53'43" W	40.15
L23	S 39°24'08" W	10.98
L24	N 50°07'52" W	20.00
L25	N 39°24'08" E	21.58
L26	S 44°28'05" E	11.25
L27	S 67°19'16" E	16.33
L28	S 67°19'16" E	9.86
L29	N 80°17'26" W	64.99
L30	S 88°20'59" E	7.50
L31	S 88°25'19" E	32.50
L32	S 01°01'44" W	17.50
L33	N 88°25'19" W	50.00
L34	S 83°26'55" W	65.06
L35	S 01°01'39" E	3.85
L36	N 88°20'59" W	10.00
L37	S 02°15'07" W	3.72
L38	N 55°01'14" W	41.34
L39	N 50°40'43" E	22.97
L40	N 02°46'27" W	140.95
L41	S 05°25'11" W	182.70
L42	S 81°07'56" E	114.66
L43	N 52°06'08" E	19.02
L44	S 00°00'00" E	41.34
L45	S 59°02'55" W	34.48
L46	S 42°06'27" W	33.05
L47	S 78°45'08" W	71.06
L48	N 75°45'08" E	36.72
L49	S 26°40'01" E	59.18
L50	S 63°40'36" E	15.66
L51	S 50°21'17" E	12.53
L52	S 41°49'56" E	11.84
L53	S 16°39'18" E	34.22
L54	S 08°15'05" W	10.27
L55	S 29°26'20" W	19.38
L56	S 42°22'30" W	59.42
L57	S 60°42'42" E	13.52
L58	N 70°39'15" W	10.00
L59	S 80°11'43" W	29.08
L60	N 70°30'15" W	54.43
L61	S 78°56'17" E	18.44
L62	S 66°59'07" E	30.24
L63	S 76°41'36" E	8.40
L64	N 77°20'29" W	8.43
L65	N 66°59'07" E	50.74
L66	N 78°56'17" W	60.38

IRON PIPE WITH CAP
CONTROL CORNER
NC GRID COORDINATES NAD83 (2011)
N: 710.17594
E: 2,094.495.15
COMBINED SCALE FACTOR: 0.99999871

PIN: 0791402305
ISSA SHAIKH
MAHA SHAIKH
DB 11903, PG 2237
BM 2021, PG 198
ZONING: RA
LAND USE: RESIDENTIAL



PIN: 0791501605
LOT 6
ISSA SHAIKH
MAHA SHAIKH
DB 10407, PG 1718
BM 1968, PG 99
ZONING: R-40W
LAND USE: SINGLE FAMILY RESIDENTIAL

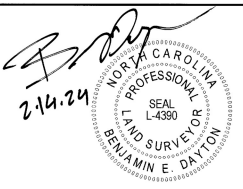
PIN: 0791500595
LOT 7
WILLIAM ORLANDO CASTILLO
ARGUETA
JOSE MARVIN CASTILLO ARGUETA
DB 19232, PG 1240
BM 1968, PG 99
ZONING: R-40W
LAND USE: SINGLE FAMILY RESIDENTIAL

PIN: 0791500485
LOT 8
THOMAS DOUGLAS PEARSON
ANN H. PEARSON
DB 2022, PG 57
BM 1968, PG 99
ZONING: R-40W
LAND USE: SINGLE FAMILY RESIDENTIAL

PIN: 0791500396
LOT 9
TSM VENTURES, LLC
DB 18102, PG 1822
BM 1968, PG 99
ZONING: R-40W
LAND USE: SINGLE FAMILY RESIDENTIAL

PIN: 0791500266
LOT 10
DKI HOMES LLC
DB 17485, PG 2209
BM 1968, PG 99
ZONING: R-40W
LAND USE: SINGLE FAMILY RESIDENTIAL

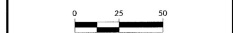
WAKE COUNTY, NC 49
TAMM L. BRUNNER
REGISTER OF DEEDS
PRESENTED & RECORDED ON
03/07/2024 15:34:11

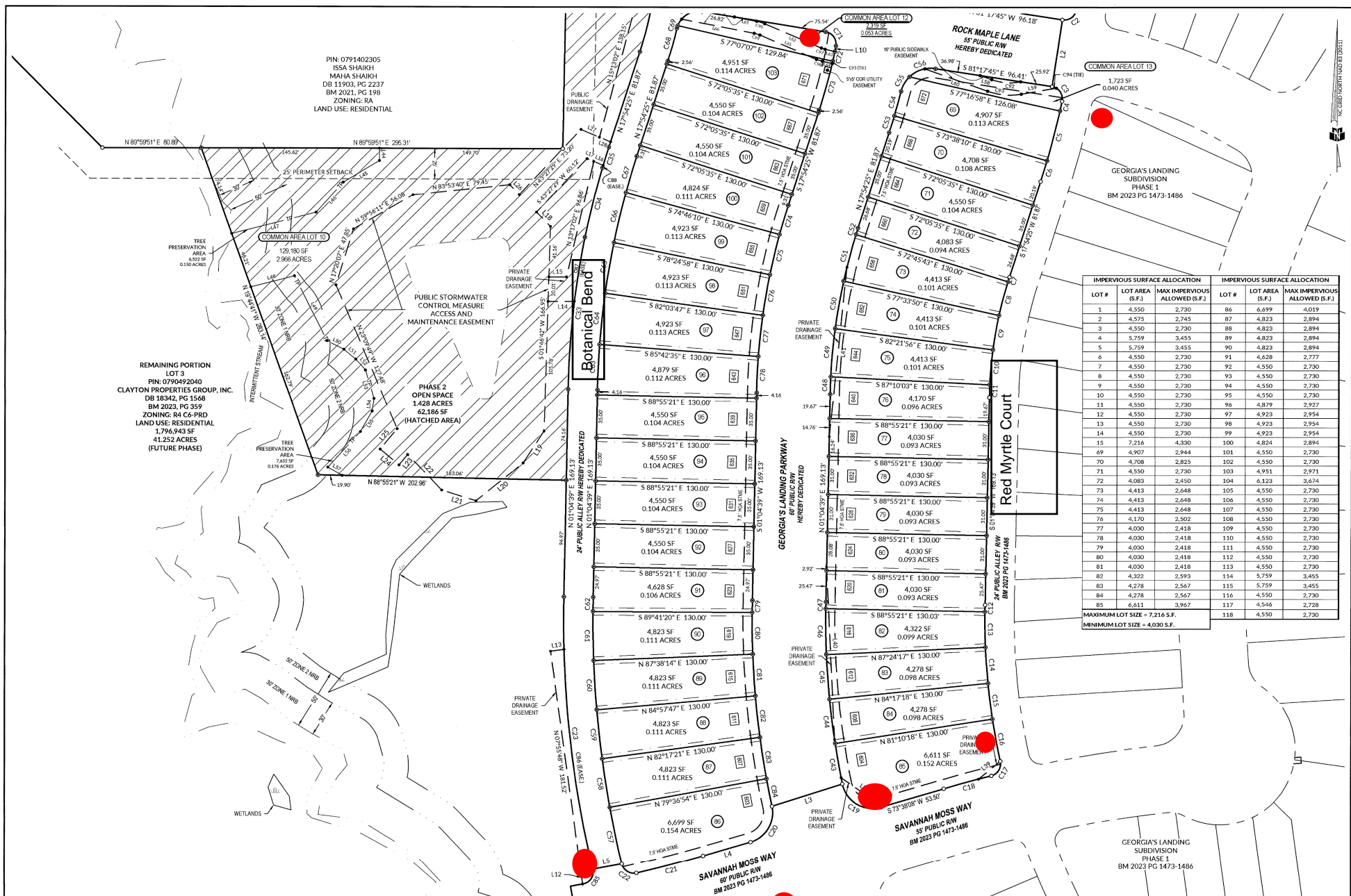


PLAT OF CORRECTION FOR
GEORGIA'S LANDING
PHASE 2
PROPERTY OF
CLAYTON PROPERTIES GROUP, INC.

SWIFT CREEK TOWNSHIP | WAKE COUNTY | NORTH CAROLINA
PIN: 0790492040
ZONING: R4 C6-PRD

WR Job No.: 02210185.0
DATE: 02/13/2024
SURVEYED BY: JM
DRAWN BY: MDE
CHECK & CLOSURE BY: BED





IMPERVIOUS SURFACE ALLOCATION				IMPERVIOUS SURFACE ALLOCATION			
LOT #	LOT AREA (S.F.)	MAX IMPERVIOUS ALLOWED (S.F.)	LOT #	LOT AREA (S.F.)	MAX IMPERVIOUS ALLOWED (S.F.)		
1	4,550	2,730	86	4,699	4,019		
2	4,575	2,745	87	4,823	2,894		
3	4,550	2,730	88	4,823	2,894		
4	5,759	3,455	89	4,823	2,894		
5	5,759	3,455	90	4,823	2,894		
6	4,550	2,730	91	4,628	2,777		
7	4,550	2,730	92	4,550	2,730		
8	4,550	2,730	93	4,550	2,730		
9	4,550	2,730	94	4,550	2,730		
10	4,550	2,730	95	4,550	2,730		
11	4,550	2,730	96	4,879	2,927		
12	4,550	2,730	97	4,923	2,954		
13	4,550	2,730	98	4,923	2,954		
14	4,550	2,730	99	4,923	2,954		
15	7,216	4,330	100	4,824	2,894		
69	4,907	2,944	101	4,550	2,730		
70	4,708	2,825	102	4,550	2,730		
71	4,550	2,730	103	4,951	2,971		
72	4,083	2,450	104	6,123	3,674		
73	4,413	2,648	105	4,550	2,730		
74	4,413	2,648	106	4,550	2,730		
75	4,413	2,648	107	4,550	2,730		
76	4,170	2,502	108	4,550	2,730		
77	4,030	2,418	109	4,550	2,730		
78	4,030	2,418	110	4,550	2,730		
79	4,030	2,418	111	4,550	2,730		
80	4,030	2,418	112	4,550	2,730		
81	4,030	2,418	113	4,550	2,730		
82	4,322	2,593	114	5,759	3,455		
83	4,278	2,567	115	5,759	3,455		
84	4,278	2,567	116	4,550	2,730		
85	6,611	3,967	117	4,546	2,728		
			118	4,550	2,730		

MAXIMUM LOT SIZE = 7,216 S.F.
MINIMUM LOT SIZE = 4,030 S.F.

WAKE COUNTY, NC 58
TAMMY L. BRUNNER
REGISTER OF DEEDS
PRESENTED & RECORDED ON
03/07/2024 15:34:11

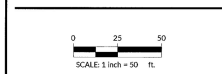
Ed
2.14.24

NORTH CAROLINA
PROFESSIONAL
LAND SURVEYOR
SEAL
L-4390
BENJAMIN E. DALTON

PLAT OF CORRECTION FOR
GEORGIA'S LANDING
PHASE 2
PROPERTY OF
CLAYTON PROPERTIES GROUP, INC.

SWIFT CREEK TOWNSHIP | WAKE COUNTY | NORTH CAROLINA
PIN: 0790492040
ZONING: R4 C6-PRD

WR Job No.: 02210185.0
DATE: 02/13/2024
SURVEYED BY: JH
DRAWN BY: MRF
CHECK & CLOSURE BY: BED



WithersRavenel

115 MacKean Drive | Cary, NC 27511
License #: F-1479 | t: 919.469.3340 | www.withersravenel.com

ORDINANCE NO. (2024) 5265

AN ORDINANCE AMENDING SECTION 10-42b OF THE
CODE OF ORDINANCES REGARDING STOP CONDITIONS

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF GARNER, NORTH
CAROLINA:

Section One. That Section 10-42b be and is hereby amended by adding the following stop
intersections:

STOP CONDITION

THROUGH CONDITION

Golden Isles Ave

Botanical Bend

Golden Isles Ave (Eastbound)

Georgia's Landing Pkwy

Golden Isles Ave (Westbound)

Georgia's Landing Pkwy

Golden Isles Ave

Red Myrtle Court

Botanical Bend (Southbound)

Rock Maple Lane

Botanical Bend (Northbound)

Rock Maple Lane

Rock Maple Lane (Eastbound)

Georgia's Landing Pkwy

Rock Maple Lane (Westbound)

Georgia's Landing Pkwy

Red Myrtle Court (Southbound)

Rock Maple Lane

Red Myrtle Court (Northbound)

Rock Maple Lane

Botanical Bend

Savannah Moss Way

Savannah Moss Way

Georgia's Landing Pkwy

Section Two. That the above streets will be included alphabetically in the codification of
this section.

Duly adopted this 7th day of May 2024.

Buddy Gupton, Mayor

ATTEST: _____
Stella Gibson, Town Clerk

Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: May 7, 2024		
Subject: Renaissance at White Oak Phase 1-Phase 3		
Location on Agenda: Consent <input type="button" value="v"/>		
Department: Engineering		
Contact: Leah Harrison, Engineering Director		
Presenter: Leah Harrison, Engineering Director		
Brief Summary: <p>The Engineering Department is seeking approval of eleven stop conditions in Renaissance at White Oak Phase 1-3 at the intersections of Wolf Willow Way and Raynor Road, Wolf Willow Way and White Oak Garden Way, Beebrush Way and White Oak Garden Way, Beebrush Way (West) and Beebrush Way (North), Chesapeake Commons Street and White Oak Garden Way, Meadowbark Bend and Chesapeake Commons Street, Frosted Iris Lane (West) and Chesapeake Commons Street, Frosted Iris Lane (East) and Chesapeake Commons Street, Frosted Iris Lane (West) and Frosted Iris Lane (North), Frosted Iris Lane (East) and Frosted Iris Lane (North), White Oak Garden Way and Meadowbark Bend with basic traffic control measures.</p>		
Recommended Motion and/or Requested Action: <p>Consider approving recommended stop conditions, Ordinance (2024) 5266</p>		
Detailed Notes: <p>See attached memo, maps, and ordinance.</p>		
Funding Source: <p>n/a</p>		
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:	LH	
Finance Director:		
Town Attorney:		
Town Manager:	JM	
Town Clerk:		



Town of Garner
900 7th Avenue, Garner, NC 27529
Phone 919-772-4688 * Fax 919-662-8874
www.GarnerNC.gov

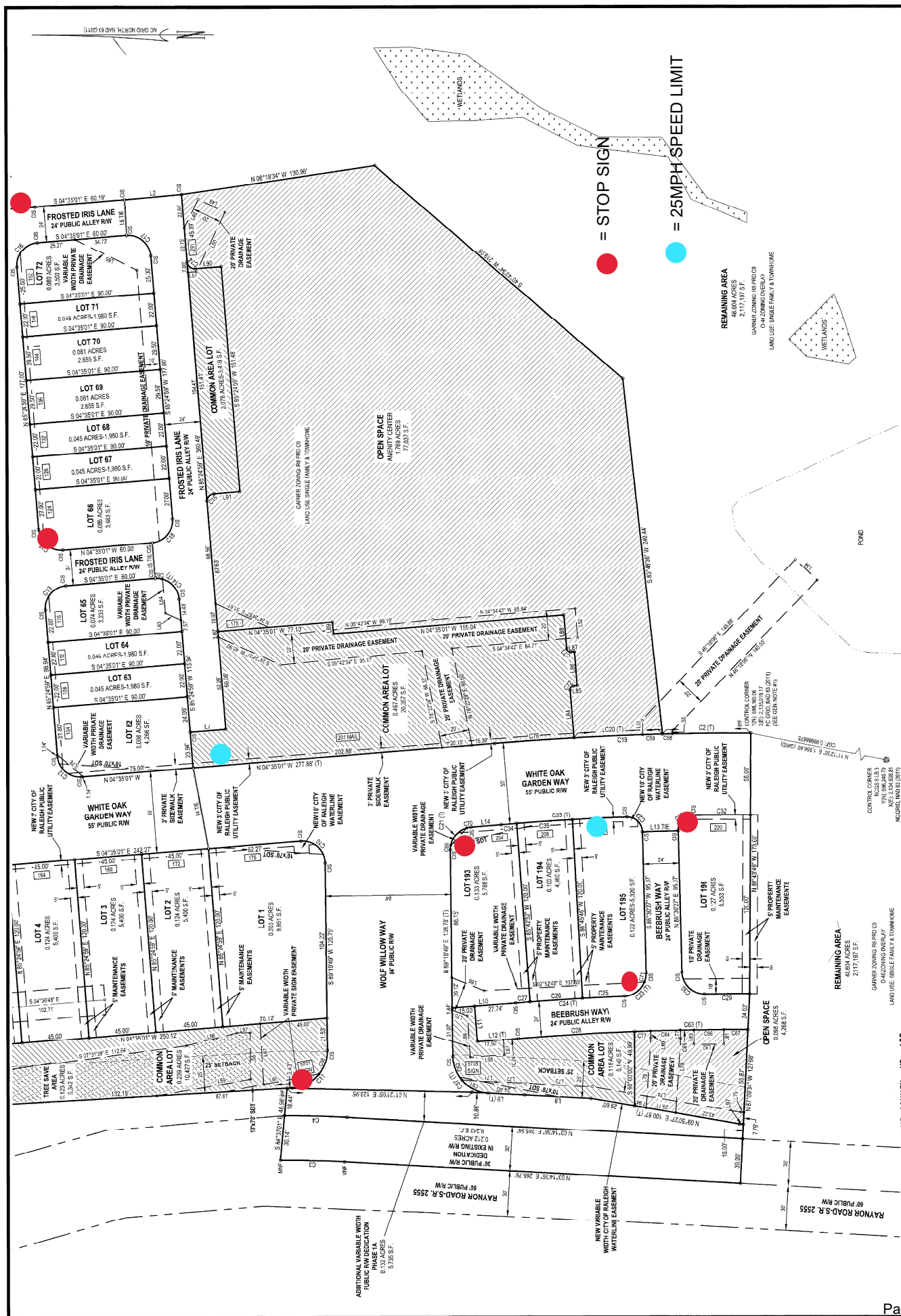
TO: Jodi Miller, Interim Town Manager
FROM: Leah Harrison, PE – Engineering Director
DATE: May 7, 2024
SUBJECT: Stop Conditions within Renaissance at White Oak Ph 1-3

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

	<u>Stop Condition</u>	<u>Through Street</u>
1	Wolf Willow Way	Raynor Road
2	Wolf Willow Way	White Oak Garden Way
3	Beebrush Way	White Oak Garden Way
4	Beebrush Way (West)	Beebrush Way (North)
5	Chesapeake Commons Street	White Oak Garden Way
6	Meadowbark Bend	Chesapeake Commons Street
7	Frosted Iris Lane (West)	Chesapeake Commons Street
8	Frosted Iris Lane (East)	Chesapeake Commons Street
9	Frosted Iris Lane (West)	Frosted Iris Lane (North)
10	Frosted Iris Lane (East)	Frosted Iris Lane (North)
11	White Oak Garden Way	Meadowbark Bend

These stop conditions will serve as basic traffic control measures. The Engineering Department recommends amending the Town Code of Ordinances to include these stop conditions. Please let me know if there are any questions.

Attachment: Vicinity Map



CASE NO.: FP-22-15, SB-20-03, PD-MP-19-04 & PD-Z-19-04
 FINAL PLAN OF MAJOR SUBDIVISION FOR
RENAISSANCE AT WHITE OAK
PHASE 1A
 OWNER: CLAYTON PROPERTIES GROUP, INC.; 2321 SCHIEFFELIN RD., SUITE 1.15, APEX, NC 27702
 TOWNSHIP: ST. MARY'S COUNTY: WAKE STATE: NORTH CAROLINA
 P.I.L.N.: 1-0339-58-1150 ZONING: R8 PD C9 SHEET: 3 OF 10
 O-40 ZONING OVERLAY

SHEET: 0311292524
 SCALE: 1" = 40'
 SURVEYED BY: JC
 DRAWN BY: JMB
 CHECK & CLOSE BY: WBT, TMG
 CAD FILE: ROPH1450B.MXD, 0/06
 PROJECT NO: 0315032400

WAKE COUNTY, NC 133
 TAMMY L. BRUNNER
 REGISTERED PLANNING & RECORDING
 01/17/2024 15:45:34
 80X1: 2H2824 PAGE: 00151
 GRAPHIC SCALE
 1 INCH = 40 FEET

WithersRavenel
 Engineers | Planners | Surveyors
 115 McKinnon Drive, Cary, NC 27511
 t: 919-469-3300 | licenses: t: F-1479 | www.withersravenel.com

ORDINANCE NO. (2024) 5266

AN ORDINANCE AMENDING SECTION 10-42b OF THE
CODE OF ORDINANCES REGARDING STOP CONDITIONS

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF GARNER,
NORTH CAROLINA:

Section One. That Section 10-42b be and is hereby amended by adding the following stop intersections:

STOP CONDITION	THROUGH CONDITION
Wolf Willow Way	Raynor Road
Wolf Willow Way	White Oak Garden Way
Beebrush Way	White Oak Garden Way
Beebrush Way (West)	Beebrush Way (North)
Chesapeake Commons Street	White Oak Garden Way
Meadowbark Bend	Chesapeake Commons Street
Frosted Iris Lane (West)	Chesapeake Commons Street
Frosted Iris Lane (East)	Chesapeake Commons Street
Frosted Iris Lane (West)	Frosted Iris Lane (North)
Frosted Iris Lane (East)	Frosted Iris Lane (North)
White Oak Garden Way	Meadowbark Bend

Section Two. That the above streets will be included alphabetically in the codification of this section.

Duly adopted this 7th day of May 2024.

Buddy Gupton, Mayor

ATTEST: _____
Stella Gibson, Town Clerk

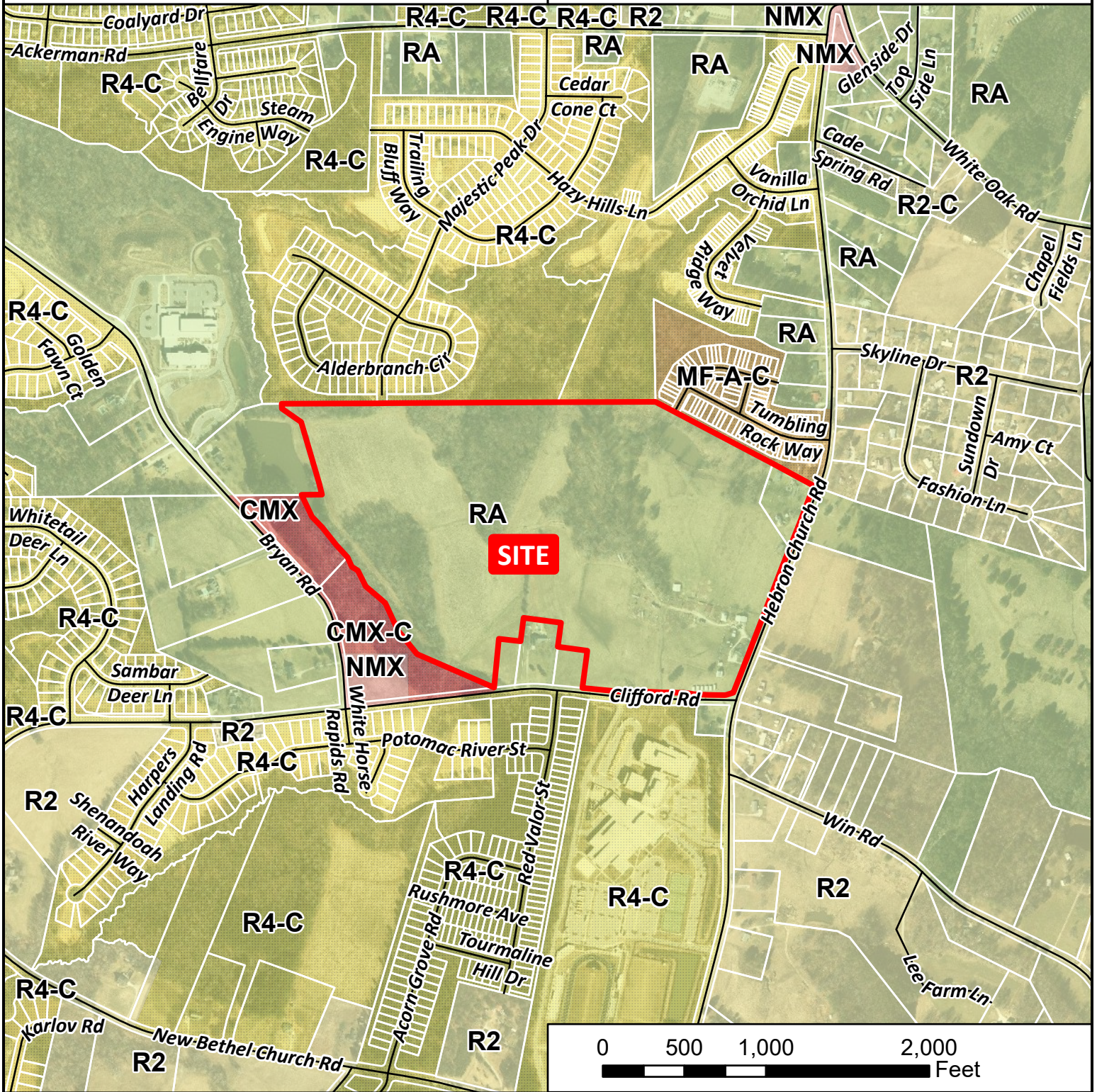
Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: May 7, 2024		
Subject: Tier 2 Conditional Rezoning # CZ-MP-23-04, Homestead at Bryan Farm		
Location on Agenda: Public Hearings		
Department: Planning		
Contact: Ashley Harris, Planner II		
Presenter: Jeff Triezenberg, AICP, GISP, Planning Director		
Brief Summary: Tier 2 conditional rezoning request submitted by the Lennar Corporation to rezone 99 +/- acres from Rural Agricultural (RA) to Residential 8 (R8 C306) Conditional for the development of approximately 291 townhouse and single-family detached units. The site is generally located on the northwestern corner of Hebron Church and Clifford roads and may be further identified as Wake County PIN 1629568117 and 162958117 (portion of).		
Recommended Motion and/or Requested Action: Consider continuation of public hearing to May 21, 2024.		
Detailed Notes: Zoning conditions are proposed that restrict the range of R8 permissible uses to a list of two and provide architectural commitments that address appearance and quality of materials and construction. A continuation is recommended by staff to allow more time for the applicant and staff to discuss recent Council direction regarding the types of architectural and site design commitments expected of new residential subdivisions and for the applicant to respond to any additional Council feedback, given there have not been opportunities for prior feedback regarding this case.		
Funding Source:		
Cost:	One Time: <input type="radio"/>	Annual: <input type="radio"/> No Cost: <input checked="" type="radio"/>
Manager's Comments and Recommendations:		
Attachments Yes: <input checked="" type="radio"/> No: <input type="radio"/>		
Agenda Form Reviewed by:	Initials:	Comments:
Department Head:	JST	
Finance Director:		
Town Attorney:		
Town Manager:	JM	
Town Clerk:		



Town of Garner Planning Department

Tier 2 Conditional Rezoning CZ-MP-23-04



Project: Homestead at Bryan Farm
Applicant: Lennar Corporation
Owners: R A Bryan Farms LLC;
 Joyce Rose Hagwood & Ben Roger Hagwood
Location: 8100 Hebron Church Rd
PID #: 1629-56-8117, Part of 1629-45-3996

Proposed Use: Single-Family Detached and Townhouses
Current Zoning: RA
Proposed Zoning: R8-C
Acreage: 99.17 +/-
Overlay: Lower Swift Creek Overlay



II. ZONING AND CONTEXT

EXISTING ZONING: The existing zoning of the site is **Rural Agricultural (RA)**.

The Rural Agricultural (RA) District primarily accommodates agriculture, silviculture, and rural residential (aka large-lot single-family residential) uses. Other uses typically found in rural areas, including utility structures and other compatible uses are also found in the district. Properties zoned RA are typically found in areas outside the Town’s corporate limits where public water and sewer services are not readily available.

The following uses are permitted in the RA district by right or by special use permit (see UDO Article 6):

- | | |
|---|---|
| <ol style="list-style-type: none"> 1. Single-Family Detached 2. Manufactured Home – Class A 3. Manufactured Home – Class B 4. Other Group Living Uses Not Listed (SUP) 5. Group Care (with 9 or fewer residents) 6. Assembly, Civil, Service Fraternal Clubs, Lodges and Similar Uses 7. Community Center 8. Higher Education (SUP) 9. School, Primary or Secondary 10. Emergency Services 11. Prison, Jail, Detention Facility (SUP) 12. Cemetery 13. Religious Institution 14. Golf Course or Country Club, Private 15. Horse Stables and Related Facilities | <ol style="list-style-type: none"> 16. Other Outdoor Parks and Open Space Uses Not Listed (SUP) 17. Public Park, Passive Open Space, Nature Park 18. Bed and Breakfast Home, 8 rooms or fewer 19. In Home Family Childcare Home 20. Crematorium (SUP) 21. Water Treatment, Wastewater Treatment, Natural Gas, Electric Substation (SUP) 22. Minor Utility 23. Solar Farms (SUP) 24. Telecommunication Facility 25. Other Agricultural Uses Not Listed (SUP) 26. Agriculture or Silviculture 27. Greenhouse, Nursery (commercial), indoor operations 28. Greenhouse, Nursery (commercial), outdoor operations (SUP) |
|---|---|

Contextual Setting:

This site is located on the west side of Bryan Road and north of Hebron Church Road. The area is undergoing increased development, with several residential projects under construction or in review with town staff.

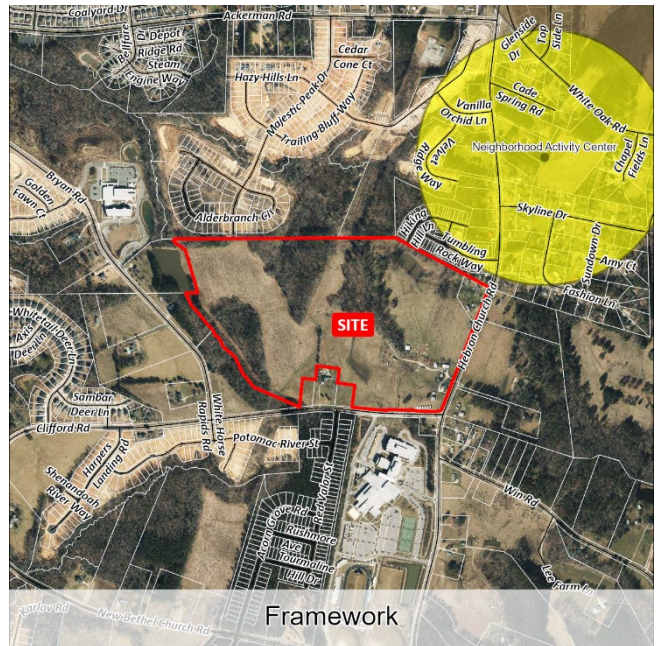
- North: Single-Family Detached and Townhouse (Ridgemoor and Townes of Ridgemoor)
- South: Single-Family Detached (Oak Manor) / South Garner High School
- East: Single-Family Detached (Large Lot) / Vacant / Agriculture
- West: Vacant/ Single-Family Detached (Large Lot)



This area of the community consists of a mixture of vacant tracts, agricultural uses, and single-family neighborhoods. Since 2015 this area has been transitioning from low-density rural agriculture to suburban

developments and densities. The driving force for these development pressures was both the development of South Garner High and Bryan Road Elementary schools; road improvements and the addition of utilities extended to serve this area. Several projects have been approved in this area over the last several years including:

- Oak Park
- Oak Manor
- Magnolia Park
- Clifford Grove
- Ridgemoor
- Cambria
- Towns at Ridgemoor
- Harper’s Landing



Hebron Church Road and Clifford Road are NCDOT-maintained roads, classified as secondary routes. Both roads serve local traffic, connecting several residential subdivisions and schools. They also serve as the primary connectors to larger state roads including White Oak Road and NC 50. The most recent NCDOT traffic count for Hebron Church Road was 2400 average daily trips in 2015. Clifford Road averaged 1100 daily trips in 2015.

PROPOSED ZONING: The proposed zoning of the site is **Residential 8 (R8 C306) Conditional**.

The R8 district is a dense, residential district with urban character and potentially a mix of low-impact nonresidential and mixed-use structures at select locations. House-scale multifamily units are also appropriate and add to the diversity of the neighborhood. These neighborhoods are very walkable and often border or are within a short distance of commercial or mixed-use districts where shopping, retail, and services exist. The R8 district may also provide a transition from more commercially active districts to lower density single-family district.

NOTE: All applicable requirements of the Garner Unified Development Ordinance will be met, including setbacks and dimensional requirements, open space, streets, utilities, building design, parking, lighting, landscaping, stormwater management, nitrogen reduction, water supply watershed protection, floodplain management, and tree conservation/preservation/protection.

Conditions: The applicant has identified the two (of a possible 18) uses that are permitted in the R8 district by right or by special use permit to be part of the proposed C306 district:

1. Permitted Use table:

Use Category	Specific Use	R8 C306
Residential Use*	Townhouse (3 or 4 dwelling units per structure)	P
	Single Family	P

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

2. The maximum density shall not exceed 3.12 dwelling units per acre with a maximum of 310 dwelling units.



3. A Homeowners Association (HOA) shall be established in accordance with the Town of Garner Unified Development Ordinance. HOA documents must be recorded with the first final plat.
4. The pool shall be a minimum of 1500 square feet and the cabana shall be a minimum of 800 square feet.
5. All slab foundations with an exposed height of greater than 12 inches shall be finished with masonry product - applies to front and side elevations with right of way frontage. All slab foundations with an exposed height of 12 inches or less shall be textured with parging - applies to front and side elevations.
6. Garage doors shall have windows.
7. All homes shall have a minimum 12" eaves on all sides.
8. An outdoor deck, porch, or patio, a minimum of 80 square feet, is required as part of all dwelling units.
9. A covered front porch, a minimum of 20 square feet, is required as part of all dwelling units.
10. Any cantilevered projection shall have cosmetic brackets or shelf supports directly underneath them.
11. All dwelling units shall have at least one window per habitable floor on each side elevation, excluding interior townhomes.
12. Shutters or 1x4 window trim shall be provided on the front facade of all dwellings and side facades of all townhome dwellings with right of way frontage.
13. The following is required, but not limited to, in the main amenity: swimming pool, cabana, benches, trash receptacles, and bike racks.
14. A decorative light fixture, a minimum of 6" wide and 12" long, shall be included on all garage door façades.
15. Black aluminum picket fencing shall be provided around wet pond SCMs.
16. Vinyl siding shall be prohibited. Vinyl trim and decorative details are permitted.
17. The main amenity shall begin construction upon receiving the first certificate of occupancy for the homes in Phase 1 and shall be completed within 18 months.
18. Each pocket park shall contain a minimum of two of the following site elements: Benches, pet waste stations, shade structure, playground, dog park, or paved walking trails.
19. All dwelling units shall have either a 2-car garage or a 1-car garage with a size of at least 12'x20'.
20. Articulation of the front façades of townhomes and/or an offset between units will be provided to avoid flat building faces.
21. Existing farmhouse shall be exempt from all architectural conditions listed above.
22. At least one dog park shall be provided in the development.
23. Two play lawns (minimum 10,000 sq ft) shall be provided within the development.

Master Plan Condition/Site Data:

Area:

99.17 +/- acres

Units/Bldg Size:

88 single-family
203 townhouses
(~2.93 du/acre)

Open Space:

9.92 +/- acres required;
25% must be active

Privately maintained open space areas are a combination of qualifying conservation areas and recreation space.

Conservation areas exist on-site in the form of wetlands and buffered streams. Recreation space will include qualifying open areas, amenities, and pedestrian trails with connections to a new segment of public greenway.

Stormwater Notes:

The site is not located within the watershed protection area but is subject to stormwater water quality requirements for nitrogen as well as water quantity requirements for the 1-, 10-, and 25-year storm events. To satisfy these needs, the development plans to use a single stormwater control measure (SCM).





Utility Notes:

The site will be served by City of Raleigh water and sewer infrastructure. Water and sewer will connect to the utility lines in the adjacent Ridgemoor development. Sewer lines will be extended to adjacent and upstream properties per the Raleigh Water policy.

Transportation Notes:

The project will have four points of access: one from Hiking Hill Lane, one from Majestic Peak Drive, one along Clifford Road, and one along Hebron Church Road. A Traffic Impact Analysis (TIA) was required by the Town and NCDOT. The TIA was completed in June of 2023. The TIA highlighted the following:

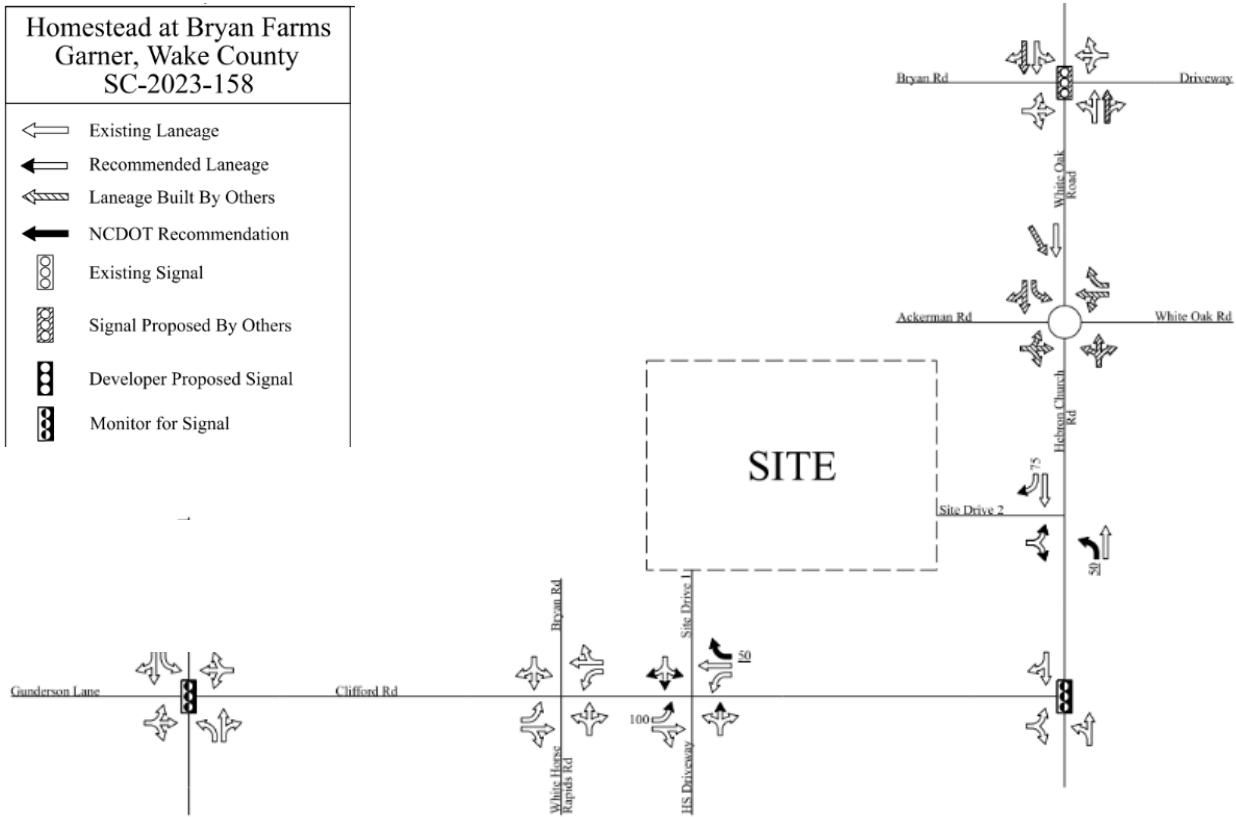
- Expected 2,555 trips on the average weekday;
- Expected 44 inbound trips in the AM peak hour;
- Expected 134 outbound trips in the AM peak hour;
- Expected 134 inbound trips in the PM peak hour;
- Expected 87 outbound trips in the PM peak hour;

No off-site improvements are recommended as needed to reflect the limited proportional impact of the added traffic generated by this proposal; however, the figure below shows the 2027 future build out lane configuration and the requirement for a new 50-foot dedicated northbound left turn lane on Hebron Church Road and a new 50-foot dedicated westbound right turn lane on Clifford Road. Two intersections may be approaching warrants for signalization and will be monitored by the District Engineer, the Division Traffic Engineer, and the Regional Traffic Engineer from NCDOT. These intersections are Clifford Road at New Bethel Church Road and Hebron Church Road at New Bethel Church Road.



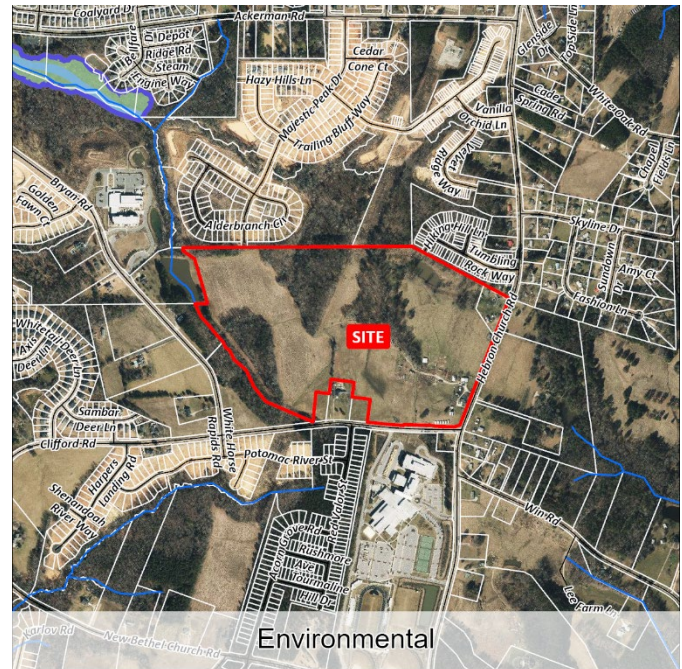
**Homestead at Bryan Farms
Garner, Wake County
SC-2023-158**

- Existing Laneage
- Recommended Laneage
- Laneage Built By Others
- NCDOT Recommendation
- Existing Signal
- Signal Proposed By Others
- Developer Proposed Signal
- Monitor for Signal



Significant Environmental/Cultural Feature Notes:

There are existing streams with associated buffers along the northern boundary of the project. There is also an existing pond in the northeastern portion of the site, which is proposed to be drained. A public greenway is proposed within the utility easement that bisects the site and the historic farmhouse on the corner of Clifford Road and Hebron Church Road is proposed to remain as a single-family home with access from street E within the development.





III. PROPOSAL REVIEW

NEIGHBORHOOD MEETING(S): Staff identified 126 properties and occupants within the notification radius as shown at right and provided the list to the applicant for first class mailed notices. A series of meetings were held as follows:

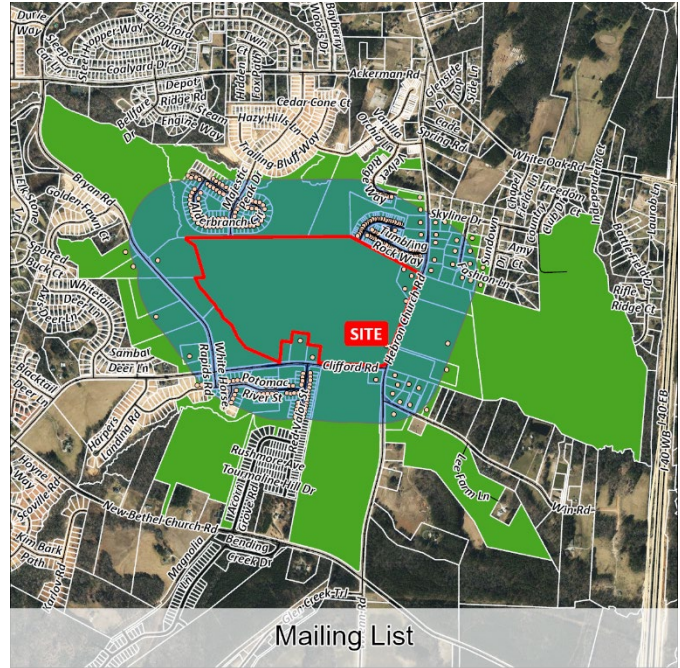
- June 26, 2023, at 6:00 PM in the Omega Multipurpose Center. There were approximately 9 people in attendance.
- January 23, 2024, at 5:30 PM in 6:00 PM in the Omega Multipurpose Center. There were approximately 11 people in attendance.

Full neighborhood meeting information, including a list of questions and concerns, is attached at the end of this report for further detail.

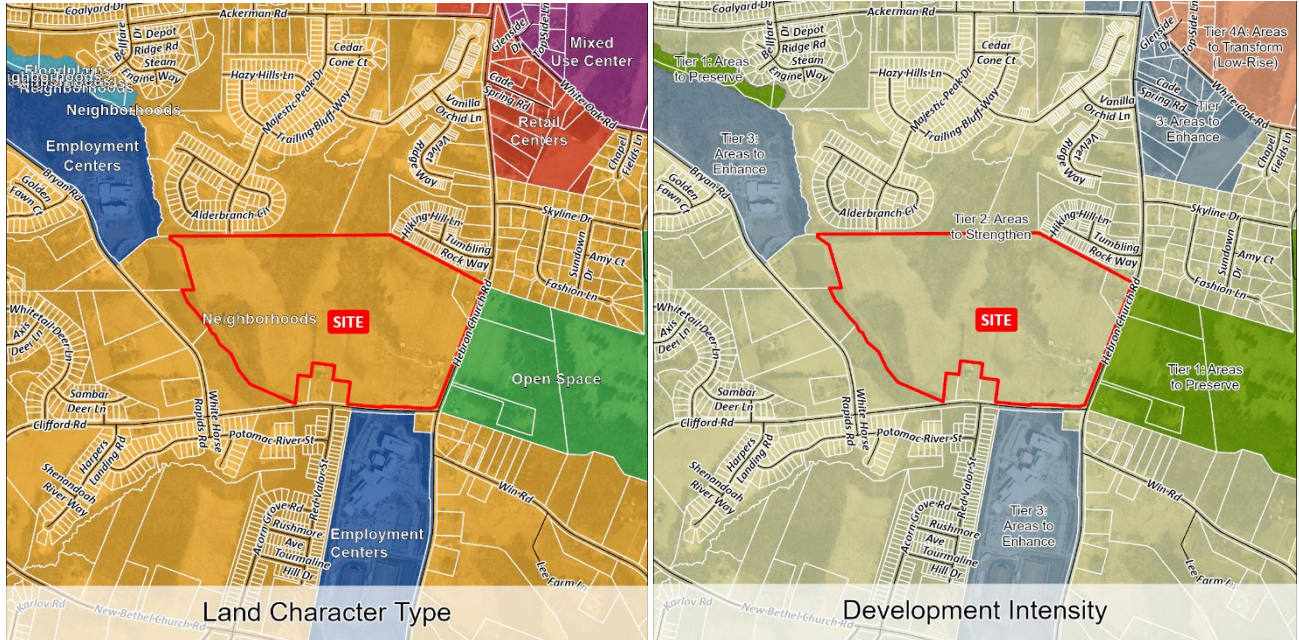
PLAN CONSISTENCY: When considering a rezoning request, the Planning Commission is required by state statute to make a written recommendation regarding the consistency of the zoning proposal with the Town’s current Comprehensive Plan and other applicable adopted plans. Specifically, a comprehensive plan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

Staff notes that the applicable plans for Tier 2 rezoning requests are typically:

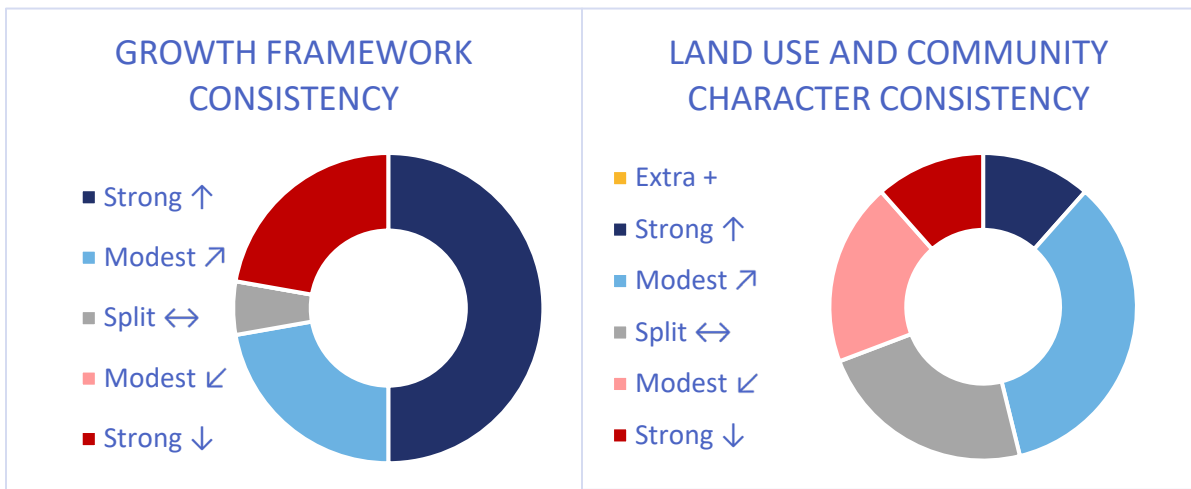
- The 2023 Garner Forward Comprehensive Plan,
- The 2010/2018 Garner Transportation Plan,
- The most recent Parks and Recreation Master Plan, and
- The Swift Creek Land Management Plan (where applicable, *n/a* for CZ-MP-23-04).



2023 Garner Forward Comprehensive Plan Staff Review Summary:



Strong Support	Modest Support	Split Modest	Modest Non-Support	Strong Non-Support
↑	↗	↔	↘	↓



18 growth framework criteria were evaluated using the scale above with favorable support. While there is a lean towards consistency at the present time, staff feels that adjustments or additions of details to either the master plan or written conditions could further consistency support. While R8 is a supported zoning district in Neighborhood Areas and the plan proposes single family detached and townhouses, the SFD units do not meet the intended form of small lot single family houses and it is unclear if the townhouses are front or rear loaded (non-support). The open and natural space provided received a modest rating of support, however a non-support rating was given due to the lack of a playground.

26 land use and community character criteria were determined applicable or possible to address in a meaningful way. Consistency is divided. Several of the modest non-support revolve the lack of emphasis on the public realm. Exploring the use of open space for creating a stronger central focal point to the



neighborhood and proffering additional conditions (or clarifying existing ones) that may speak more directly to specific recommendations of the comprehensive plan.

With some continued fine tuning in response to this evaluation tool and additional public input, staff will likely be able to support an overall finding of consistency.

See full “Staff Consistency Review Item Detail” attached at the end of this report for more information, and staff is available to answer any questions regarding individual ratings.

REASONABLENESS: In addition to approving a statement regarding plan consistency upon the advice of the Planning Commission, the Town Council must also approve a statement of reasonableness when making their decision. Sources of reasonableness are included in Section 4.6.1.F. of the Garner Unified Development Ordinance. They include:

1. Consistency (or lack thereof) with the Comprehensive Plan and other adopted plans.
2. Compatibility with the present zoning and conforming uses of nearby property and with the character of the neighborhood.
3. Suitability of the subject property for uses permitted by the current versus the proposed district.
4. Whether the proposed change tends to improve the balance of uses or meets a specific demand in the Town.
5. Availability of sewer, water, transportation infrastructure, stormwater facilities, and other necessary infrastructure generally suitable and adequate for the proposed use.
6. Preservation of key features of the natural environment.

IV. RECOMMENDATION

Staff recommends that once the Town Council has heard comments, concerns and questions from the general public and provided feedback to the applicant, that conditional zoning request # CZ-MP-23-04 be continued to the regular meeting of May 21, 2024.

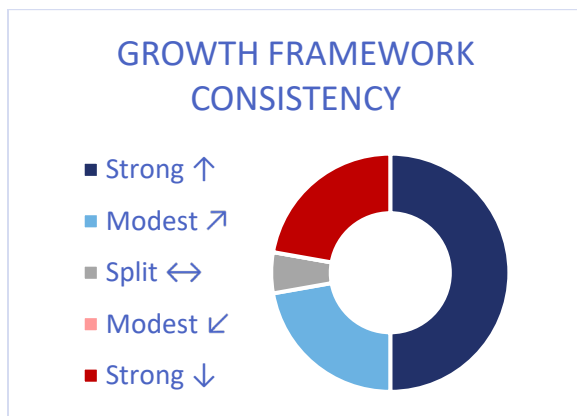
A continuation is recommended by staff to allow more time for the applicant and staff to discuss recent Council direction regarding the types of architectural and site design commitments expected of new residential subdivisions and for the applicant to respond to any additional Council feedback, given there have not been opportunities for prior feedback regarding this case.

In the event Town Council requests the applicant or staff to provide specific additional information beyond that cited above, the public hearing may be continued to a different specific date and time which allows sufficient time for applicant response and any needed staff review.

ATTACHMENT: STAFF CONSISTENCY REVIEW ITEM DETAIL

Chapter 2: Framework Maps and Crosswalks Consistency Section

Strong Support ↑ Modest Support ↗ Split Modest ↔ Modest Non-Support ↘ Strong Non-Support ↓



GROWTH FRAMEWORK MAP DESIGNATIONS





General Framework Map: N/A
 Character Typology Map: Neighborhood Areas
 Development Change & Intensity Map: Level Two – Area to Strengthen

Character Area Crosswalk pp.58-59		
<i>Note: Project may include more than one proposed zoning designation – rated Strong Support or Strong Non-Support only.</i>		
Z1	Zoning District #1: R8 – (R8-C) Conditional	↑
Z2	Zoning District #2:	n/a
Development Intensity Metrics pp.64-65		
<i>Note: Rated on full 5-point scale.</i>		
I1	Prevailing Development Pattern: Separated Uses	↑
I2	Prevailing Building Heights: 1-3 Stories (limited to 35 feet)	↑
I3	Building Enclosure Ratio: 3:1	↔
I4	Typical Block Lengths: 300 to 800	↑
I5	Transportation Choices: Bicycle- Walking-Auto	↗
I6	Parking Provisions: Surface	↑
I7	Setbacks or Build-To Lines: Setbacks	↑
I8	Typical Street Cross Section: Suburban	↑

Building Typology Crosswalks pp.66-67 & 72-73		
<i>Note: Rated Strong Support or Strong Non-Support only.</i>		
R1	Residential Building Type 1: Townhouse (3-4 units/structure)	↓
R2	Residential Building Type 2: SFD, Small Lot	↓
R3	Residential Building Type 3: SFD, Large Lot	↓
N1	Non-Residential Building Type 1:	n/a
N2	Non-Residential Building Type 2:	n/a
N3	Non-Residential Building Type 3:	n/a
Block Sizes and Patterns Crosswalk p.76		
<i>Note: Rated on full 5-point scale.</i>		
P1	Block Size and Pattern: Curvilinear Streets in Modified Grid	↑
Open Space and Natural Features Crosswalk pp.78-79		
<i>Note: Rated Strong Support or Strong Non-Support only.</i>		
O1	Feature 1: 1 Common Green	↑
O2	Feature 2: 2 Pocket Parks	↗
O3	Feature 3: Trails	↗
O4	Feature 4: Natural Areas	↗
O5	Feature 4: Playgrounds	↓




THEME 2 - LAND USE MIX AND DEVELOPMENT INTENSITY




















Note: The following recommendations supplement the maps and broader recommendations of Chapter 2.












<p>2a</p> <p><i>p.95</i></p>	<p>Project emphasizes bringing new employment, retail, and services to town residents; and/or provides greater home choices in the community to support different backgrounds: the creative class, working class, retirees, and children.</p> 	<p>↓</p>
<p>2b</p> <p><i>p.96</i></p>	<p>Project, if located at or near a mixed-use activity center on the General Framework Map, furthers the activity center as a place people can live, work, shop, play, and be entertained, as well as supporting connection to any nearby activity centers via bus circulator, bicycle lanes, sidewalks, or greenways to minimize the number of vehicle trips in the community.</p> 	<p>n/a</p>
<p>2c</p> <p><i>p.98</i></p>	<p>Project's open spaces, if located within the expanded civic center area, provide order in the landscape and provide opportunities for informal community gathering.</p> 	<p>n/a</p>
<p>2d</p> <p><i>p.98</i></p>	<p>Project, if located within the expanded civic center area, provides an opportunity to increase the number of residents living in or near the area (e.g. integrates new housing through infill development or redevelopment of existing sites) in a manner that established a stronger relationship to the surrounding community character and context (e.g. building orientation to streets, public spaces, and surrounding non-residential development).</p> 	<p>n/a</p>
<p>2e</p> <p><i>p.99</i></p>	<p>Project, if located within the downtown area, promotes the vision of a more traditional, small-town downtown area with activity on both sides of the railroad with neighborhoods surrounding the historic downtown that provide stability for the area along with recreation uses in, and leading into, the historic downtown.</p> 	<p>n/a</p>
<p>2f</p> <p><i>p.100</i></p>	<p>Project, if located within the downtown area along Main Street or Garner Road, adds buildings that face the railroad corridor with building heights of at least two stories.</p> 	<p>n/a</p>
<p>2g</p> <p><i>p.101</i></p>	<p>Project does not seek to reclassify activity centers, character areas, or development intensities (as shown on the maps in Chapter 2) to residential unless it is part of a mixed-use development and plays a subservient role to the non-residential components of the same development.</p> 	<p>n/a</p>















THEME 3 - HOME & NEIGHBORHOOD CHOICES

Note: Applicable to projects proposing the addition of dwelling units of any type.

<p>3a</p> <p><i>p.108</i></p>	<p>Project further diversifies the Town's mix of housing options for lease and for ownership alike: variety in price points, variety in sizes of single-family houses, variety in multi-family types (duplexes, triplexes, quadplexes, townhouses, multifamily condominiums, apartment buildings and live/work buildings), allows or provides accessory dwelling units.</p> 	<p>↔</p>
<p>3b</p> <p><i>p.109</i></p>	<p>Project offers homes that include architectural details that provide visual interest along the street, including façade treatments, front porches, roof eaves, roof pitches, and windows.</p> 	<p>↔</p>
<p>3c</p> <p><i>p.109</i></p>	<p>Project offers a scale of homes and the spaces between them that conveys a welcoming environment that includes maximum fence heights and minimum materials, landscaping, or driveway placement.</p> 	<p>↗</p>

3d <i>p.109</i>	Project provides similar home types and styles that face each other on a street, meaning transitions between home types occur at the rear lot line or along an alleyway. 	
3e <i>p.109</i>	Project provides a connected network of streets and sidewalks to serve the neighborhood; limiting cul-de-sacs to areas with environmental concerns or steep slopes. 	
3f <i>p.109</i>	Project provides street trees that can provide tree canopy over neighborhood streets when trees reach maturity. 	
3g <i>p.109</i>	Project provides garages, and especially garage doors, that are secondary in size, scale, and design as compared to the principal structure. 	
3h <i>p.109</i>	Project provides different types of open spaces with the neighborhood and are located as prominent features (e.g. a central green as a focal point and small neighborhood parks in close proximity to residential blocks). 	
3i <i>p.109</i>	Project emphasizes a neighborhood design that has a defined center and edges in terms of mixing home densities or housing types. 	
3j <i>p.115</i>	Project provides a product mix that is aimed at workforce housing (small homes, townhomes, duplexes, cluster housing, row homes and small condominium buildings). 	
THEME 4 - SITE DESIGN AND DEVELOPMENT SCALE		
<i>Note: Applicable to specific types and locations of projects as noted.</i>		
4a <i>p.124</i>	Projects with multiple buildings demonstrate architectural unity and use of compatible quality and type of building materials. 	n/a
4b <i>p.128</i>	Projects on smaller infill or redevelopment sites where existing development patterns are established and expected to remain in the future, propose a massing and scale of new buildings that is similar to nearby surrounding buildings. 	n/a
4c <i>p.128</i>	Projects on larger infill or redevelopment sites propose new lots or buildings that are significantly different in mass or scale from adjacent development to be located toward the center of the site, and lots or buildings near the perimeter transitioning in massing and scale between the center and the existing surrounding development. 	n/a
4d <i>p.128</i>	Projects for new commercial, light industrial, or flex space development adjacent to residential areas propose uses and operations that are considered low-intensity, unobtrusive, or at a scale and design compatible with the adjacent residential neighborhoods. 	n/a
4e <i>p.128</i>	Projects for new activity centers exhibit effective transitions between the project's residential and non-residential uses and include safe and convenient pedestrian and bicycle access for nearby residents. 	n/a

4f <i>p.128</i>	Projects in large activity centers focus density and intensity around existing or new street intersections on or adjacent to the site and provide appropriate transitions to less intense edges of the site compatible with adjacent existing development. 	n/a
4g <i>p.128</i>	Projects opposite a street from existing development exhibit complementary lot sizes, building mass and building placement. Changes in scale and massing take place along streets rather than across streets, or at rear lot lines/alleyways. 	n/a
4h <i>p.128</i>	Project recognizes a significant building character in the project area that is expected to remain and proposes new buildings and site design elements that are similar in size and architectural detail, including roof types windows, doors, awnings, arcades, cornices, façade materials, outdoor furniture, or other building and site details. 	n/a
4i <i>p.129</i>	Projects with new neighborhoods exhibit a well-formed center, including a civic open space such as a park, square, or plaza, depending on its location within the range of contexts from suburban to urban. 	↘
4j <i>p.129</i>	Project with new neighborhoods exhibit organization around a pedestrian shed, where all residents are within a short 5-minute walk of a meaningful destination such as mixed-use areas or other civic open spaces. This pedestrian shed is typically circular but may be linear in the case of corridor development. 	↗
4k <i>p.131</i>	Projects located at activity centers in the General Framework Map promote increased development density and mix of uses. 	n/a
THEME 5 - COMMUNITY CONNECTIONS <i>Note: Focus on "systems", including roads, greenways, transit, parks, utilities, natural areas, and floodplains.</i>		
5a <i>p.132</i>	Project connects streets dispersing traffic and limiting congestion, except where there are topographic or ecological constraints, or neighborhood safety concerns (e.g., excessive cut-through traffic or the absence of sidewalks to reduce vehicle-pedestrian conflicts). 	↑
5b <i>p.132</i>	Project will construct a network of connected sidewalks, side paths and other pedestrian passages that provides more interesting walking and jogging alternatives, access to a variety of neighborhoods and destinations, and more opportunity for social interaction. 	↑
5c <i>p.133</i>	Projects along an important mobility corridor (US 70, US 401, NC 50, Timber Drive, White Oak Rd, Ten Ten Rd, Creech Rd, Garner Rd, Aversboro Rd, Vandora Springs Rd) promote improved access management (ingress/egress, circulation, stub outs, cross access, connectivity, etc.) for the corridor. 	n/a
5d <i>p.138</i>	Project exhibits open spaces aimed at maximizing a comprehensive, connected, and continuous larger (Town-wide) open space network that is easily recognizable and accessible to residents. 	↗
5e <i>p.138</i>	Project demonstrates preservation of the existing hydrological pattern of drainage and percolation, the use low impact or light imprint development strategies, and a consideration of the least technologically complex solutions first. 	↔

<p>5f</p> <p><i>p.139</i></p>	<p>Project demonstrates green street solutions such as small rain gardens, bioretention systems, bioswales, infiltration planters, flow-through planters, and pervious paving materials.</p> 	
<p>THEME 6 - NATURAL CONSERVATION AND HISTORIC PRESERVATION</p> <p><i>Note: Applies to projects where floodplains, mature tree canopy and historic resources are present.</i></p>		
<p>6a</p> <p><i>p.142</i></p>	<p>Project demonstrates efforts to preserve and plant shade trees to assist in the prevention of stream erosion, save energy, and cool streets and buildings.</p> 	
<p>6b</p> <p><i>p.143</i></p>	<p>Projects located along the Swift Creek corridor and its tributaries protects those areas and promotes them as an important part of a comprehensive and connected system of green space integrated into the surrounding built environment.</p> 	
<p>6c</p> <p><i>p.144</i></p>	<p>Project demonstrates efforts to identify and ultimately protect historic structures and other historic resources on the site or relocates a historic structure to another location suitable for its preservation.</p> 	
<p>EXTRA CREDIT SECTION</p>		
<p>E-2a</p> <p><i>p.102</i></p>	<p>Project represents infill development or redevelopment that helps to shorten vehicle trip lengths, minimize expensive infrastructure expansion investments, and avoid the loss of rural areas for future development beyond municipal limits.</p> 	<p>n/a</p>
<p>E-2b</p> <p><i>p.102</i></p>	<p>Project offers land or building space dedicated for new parks, schools or something else to meet future community facility and service needs.</p> 	<p>n/a</p>
<p>E-3a</p> <p><i>p.112</i></p>	<p>Project demonstrates (through research or studies) consideration of vulnerabilities to surrounding neighborhoods such as gentrification or displacement, or it provides evidence of the equitable distribution of benefits associated with the project for the neighborhood in which it is located.</p> 	<p>n/a</p>
<p>E-4a</p> <p><i>p.125</i></p>	<p>Project adaptively reuses existing non-residential buildings that are either abandoned or in decline and exhibits reinvestment in building architecture, parking lot design, landscaping or open space.</p> 	<p>n/a</p>
<p>E-5a</p> <p><i>p.136</i></p>	<p>Project demonstrates an applicant's work with appropriate Town officials to modify street standards that result in a better representation of the conditions for their particular development context.</p> 	<p>n/a</p>
<p>E-5b</p> <p><i>p.139</i></p>	<p>Project dedicates land for a future park or builds a park to be made accessible to the public in an area of interest identified by Town officials.</p> 	<p>n/a</p>

January 12, 2024

Re: Notice Second of Neighborhood Meeting

Neighboring Property Owners:

You are invited to attend a second neighborhood meeting on January 23, 2024 from 6:00pm to 7:00pm at the Omega Multipurpose Center, located at 1004 Vandora Springs Road, Garner, NC 27529. The purpose of the meeting is to discuss CZ-MP-23-04, the requested rezoning of two parcels of land located at 8110 Hebron Church Road (PIN 1629568117) and 8140 Hebron Church Road (PIN 1629453996) (the "Property"). Attached is a vicinity map outlining the location of the parcels. The Property is currently zoned Residential Agricultural-w/ Lower Swift Creek Overlay (RA-w/ LSC), and is proposed to be rezoned to Residential-8-w/ Lower Swift Creek Overlay (R8-w/ LSC). At the meeting, the applicant will describe the nature of the proposed rezoning request, provide updates since the first neighborhood meeting, and field any questions from the public.

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 request 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.

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) 835-4023 or markfrederick@parkerpoe.com. We look forward to seeing you at the meeting.

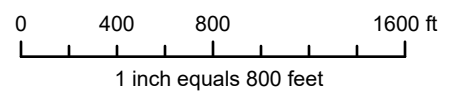
Thank you,

Mark D. Frederick



8110 & 8140 Hebron Church Road

Vicinity 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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PROJECT CONTACT INFORMATION

This document is a public record under the North Carolina Public Records Act and may be published on the Town’s website or disclosed to third parties.

Development Contacts:

Project Name: Homestead at Bryan Farm Zoning: Residential Agricultural w/ Lower Swift Creek Overlay (RA-w/ LSC)

Location: See attached addendum

Property PIN(s): See attached addendum Acreage/Square Feet: See attached addendum

Property Owner: See attached addendum

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Email: _____

Developer: Lennar Carolinas, LLC c/o Mark D. Frederick

Address: 301 Fayetteville Street, Suite 1400

City: Raleigh State: NC Zip: 27601

Phone: (919) 835-4023 Email: markfrederick@parkerpoe.com

Engineer: McAdams

Address: 621 Hillsborough Street, Suite 500

City: Raleigh State: NC Zip: 27603

Phone: (919) 361-5000 Fax: _____ Email: hardesty@mcadamsco.com

Builder (if known): Same as Developer

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Fax: _____ Email: _____

Please note that Town staff will not have complete information about a proposed development until the application is submitted for review. If you have a question about Town development standards and how they relate to the proposed development, please contact the appropriate staff person listed below.

Town of Garner Department Contacts	
Planning Department Main Number	(919) 773-4449
Parks, Recreation & Cultural Resources Department	(919) 773-4442
Public Works Service Desk	(919) 772-7600
Solid Waste/Recycling/Streets – Public Works	(919) 772-7600
Water/Sewer Customer Service (Raleigh Public Utilities)	(919) 996-3245

Homestead at Bryan Farm
Ownership Addendum

Owner Information

Parcel 1

Site Address:	8140 Hebron Church Road
Pin:	1629453996
Deed Reference (book/page):	18578/2449
Acreage:	97.95 ac
Owner:	R A BRYAN FARMS, LLC
Owner Address:	8483 Bryan Road, Garner, NC 27529-9156

Parcel 2

Site Address:	8110 Hebron Church Road
Pin:	1629568117
Deed Reference (book/page):	11189/610
Acreage:	2.30 ac
Owner:	Ben Roger Hagwood and Joyce Hagwood
Owner Address:	8100 Hebron Church Road, Garner, NC 27529-9167

WHO TO CALL

This document is a public record under the North Carolina Public Records Act and may be published on the Town's website or disclosed to third parties.

Contact Building Inspections at 919-773-4433 for the following:

- Building Permits – HVAC, Mechanical, Electrical, Plumbing
- Additions to home – Interior/Exterior
- Decks
- Garages over 12' x 12'
- New Construction Residential/Commercial permits
- Construction Drawings (after initial approval by Town)
- Fire Inspections
- Footing Inspections
- Change of tenant
- Building up-fit

Contact Engineering at 919-773-4425 for the following:

- Change of tenant
- Building up-fit
- Stormwater questions / concerns
- Erosion Control/ Grading
- Construction Drawings (after initial approval by Town)
- Driveway permits

Contact Planning at 919-773-4449 for the following:

- Preliminary Site/Subdivision plan review
 - Sign permits
 - Plat review – Final, Minor, Exemption
 - Zoning verification
 - Landscaping inspection
 - Tree protection fencing inspection
 - Board of Adjustment - Variance, Special Exception, Appeal
 - Zoning Permits –Accessory Buildings (***Under 12x12***), Fences, Home Occupations, General (New Business, Change of Tenant) this must have a Business Registration accompanying the zoning permit
- * **Code enforcement lookup can be found [here](#)**

Contact City of Raleigh Public Utilities at 919-996-3000 for the following:

- Utility easements
- Water / Sewer questions / concerns

Contact Wake County Register of Deeds at 919-856-5460 for the following:

- Copy of HOA Covenants
- Copy of plat/plot plan
- Copy of Deed

Contact Wake County Tax Office at 919-856-5400 for the following:

- The name and/or address is wrong on my Tax Bill
- I want to appeal my tax value

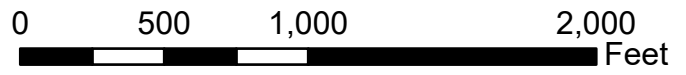
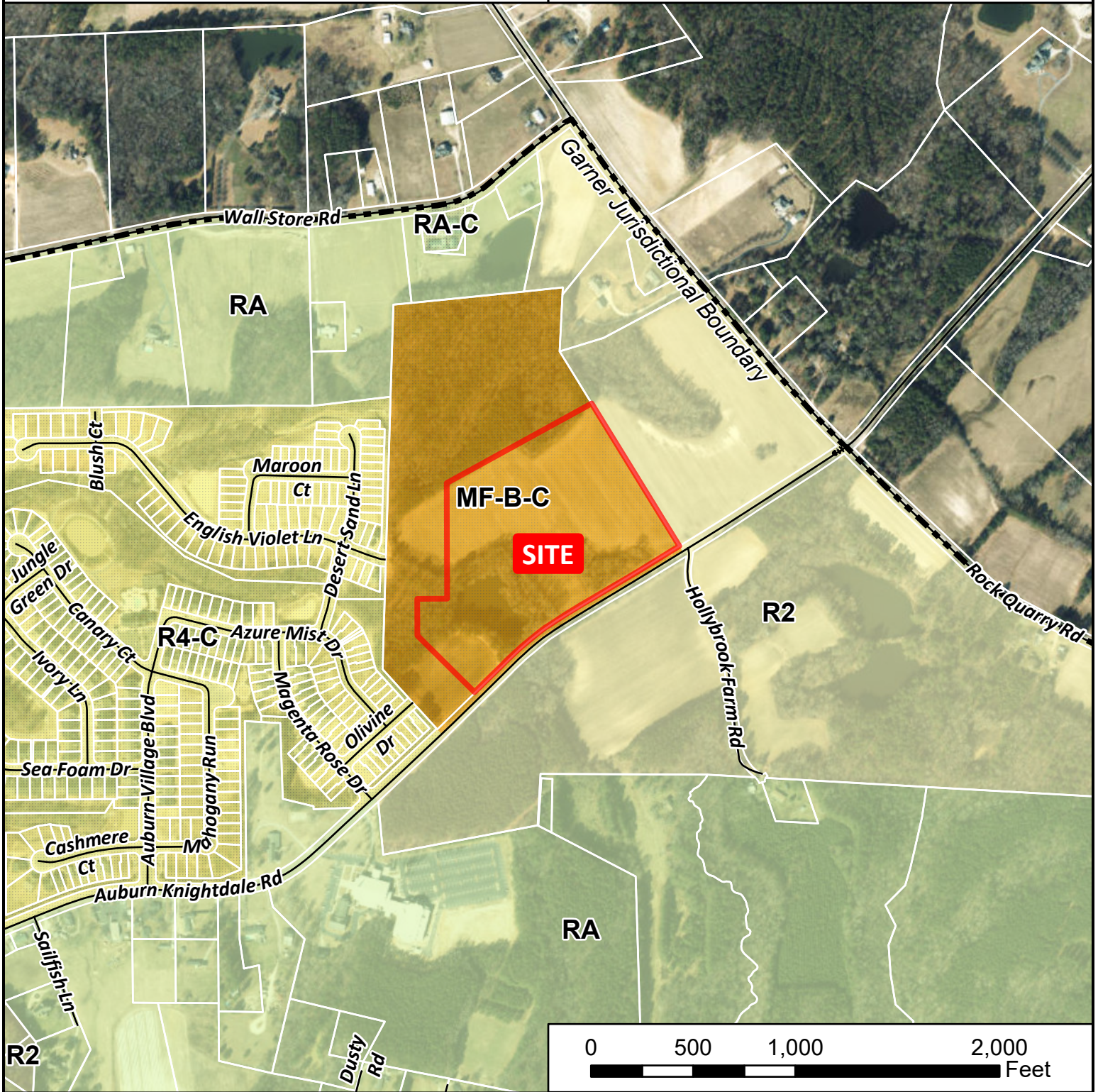
Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: May 7, 2024		
Subject: Special Use Permit # SUP-SP-23-01, Burnette Farms Apartments		
Location on Agenda: Public Hearings		
Department: Planning		
Contact: Joseph Linsky, Planner I		
Presenter: Joseph Linsky, Planner I		
<p>Brief Summary:</p> <p>Special Use Permit application requested by Madison Holding LLC for the approval of a maximum of 348 multifamily (triplex and higher, including apartment) household living units on an 18.60 +/- acre tract located at 4100 Auburn Knightdale Road and can be further identified as Wake County PIN 1731607909 (portion of)</p>		
<p>Recommended Motion and/or Requested Action:</p> <p>Consider motion to approve special use permit with conditions.</p>		
<p>Detailed Notes:</p> <p>This project received conditional zoning approval through CZ-MP-22-01 on January 17, 2023. The neighborhood meeting at which the site plan was presented was held March 25, 2024 at the Best Western on Mechanical Blvd (only one required in previous version of the UDO).</p>		
<p>Funding Source:</p> <p>n/a</p>		
Cost: n/a	One Time: <input type="radio"/>	Annual: <input type="radio"/> No Cost: <input checked="" type="radio"/>
<p>Manager's Comments and Recommendations:</p> 		
<p>Attachments Yes: <input checked="" type="radio"/> No: <input type="radio"/></p>		
Agenda Form Reviewed by:	Initials:	Comments:
Department Head:	JST	
Finance Director:		
Town Attorney:		
Town Manager:	JM	
Town Clerk:		



Town of Garner Planning Department

Special Use Permit SUP-SP-23-01



Project: Burnette Farms Apartments
Applicant: Madison Holding, LLC
Owners: ITAC 356, LLC
Location: 4100 Auburn Knightdale Rd
Pin #: 1731-60-7909 (portion of)

Proposed Use: Apartments
Current Zoning: MF-B-C258
Acreage: 18.6 +/-
Overlay: Not Applicable

PLANNING MEMORANDUM

DATE: May 7, 2024
TO: Honorable Mayor Gupton and Town Council Members
FROM: Joseph Linsky; Planner I
SUBJECT: Special Use Site Plan # SUP-SP-23-01, Burnette Farms Apartments

I. PROJECT AT A GLANCE

Project Number(s): SUP-SP-23-01

Request: Special Use Permit application requested by Madison Holding LLC for the approval of a maximum of 348 multifamily (triplex and higher, including Apartment) household living units on an 18.60 +/- acre tract located at 4100 Auburn Knightdale Road and can be further identified as Wake County PIN 1731607909 (portion of).

Applicant: Madison Holding, LLC

Owner: ITAC 356 LLC

Key Meeting Dates:

Public Hearing: May 7, 2024

II. ZONING AND CONTEXT

ZONING: The zoning is Multifamily B (MF-B C258) Conditional and was approved via rezoning case # CZ-MP-22-01 on January 17, 2023.

The MF-B district is intended to primarily accommodate more intense multifamily uses with larger structures that contain more units. Structures are more urban in character and are located closer to the street than in the MF-A District with parking generally in the rear. These multifamily developments generally are clustered around active areas and allow



Site Map



people to live closer to places where they work and play. Some nonresidential or mixed-use structures and uses may also occur.

The conditions of the MF-B C258 conditional district are as follows (note that the use table includes uses as listed and defined in the effective version of the UDO at time of rezoning application):

1. Permitted use table:

Use Category	Specific Use	MF-B C258
Residential Use**	Townhouse	P
	Multifamily (triplex and higher, including apartment)	P

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

2. Stormwater control measures shall be enclosed with commercial-grade black aluminum picket fencing.
3. The multi-family apartments shall include the following amenities:
 - a. clubhouse with health club totaling a minimum of 6,000 sf;
 - b. swimming pool, sun deck and grilling area totaling a minimum of 2,500 sf;
 - c. play lawn and outdoor gathering space measuring at least 150' X 75'; and
 - d. landscaped dog park with seating totaling a minimum of 2,000 sf.
4. The multi-family apartments shall be subject to the following architectural guidelines:
 - a. The permitted primary exterior building materials for the principal and accessory buildings developed on the site shall be brick veneer or similar masonry products, stone, manufactured stone, stucco and cementitious siding or a combination of the foregoing and shall vary in type and color;
 - b. The masonry component shall be a minimum of 20% per building;
 - c. Vinyl may not be used as an exterior building material. Notwithstanding the foregoing, vinyl may be utilized on windows, doors, garage doors, soffits, trim and railings; and
 - d. Offsets in the plane of each façade for each apartment building to be provided. secondary (side) facades shall have hip roofs; primary facades (front and rear) shall have hip accents with roof planes that vary from the primary roof plane;
 - e. Primary (front or rear) facades addressing public streets shall not contain breezeway openings with visible stairwells; and
 - f. The project shall include a mix of building types.
5. The townhouse units shall include a landscaped dog park. The dog park shall be a minimum 2,000 sf with seating to accommodate up to 6 people.
6. The townhouse units shall be subject to the following architectural guidelines:
 - a. Townhouse buildings shall have a 2' horizontal offset in the front and rear planes of the building every second unit;

- b. Each unit shall have at least a 12' x 20' one-car garage which may be front-loaded; front-facing garage doors shall be paneled doors with carriage hardware and windows and shall vary from building to building;
- c. Vinyl siding is not permitted; however, vinyl windows, decorative elements, and trim are permitted;
- d. A minimum of 20% of the front facade of each unit shall be masonry, stone, or brick veneer;
- e. Townhouse units shall have turn down slab or stem wall construction with 12" exposed on front; front and sides shall be clad with brick or stone veneer in a continuous wainscoting; rear shall have paint to cover exposed concrete;
- f. Articulation in the side elevations shall include side entry doors and two or more windows; gable ends to have a horizontal band board at the attic floor level with a different pattern or color of siding above and below the band board;
- g. First floor glazing shall consist of front doors with windows, sidelights and/or transoms;
- h. 8" minimum eaves and rakes on front, rear, and sides to be provided;
- i. Townhouse units shall have covered entry porches or stoops;
- j. Front-loaded townhouse units shall have at least 10' x 10' rear patios; and
- k. Townhouse units with rear yards along Auburn-Knightdale Rd shall have enhanced landscaping.

Contextual Setting:

This site is located north of Auburn-Knightdale Road east of the Auburn Village subdivision in an area that is expanding development toward planned activity centers along Rock Quarry Road. Uses in the vicinity include single-family detached and vacant parcels. The future extension of NC 540 will play an important role in this area as an interchange is planned on Rock Quarry Road between Auburn-Knightdale Road and Old Baucom Road. On the other portion of the site parcel, 96 townhomes were approved as part of the rezoning request and wrap around the west and northern portions of this multifamily site.

- North: Single-family detached use and vacant tracts
- East: Vacant tracts, agriculture
- South: Vacant tracts, agriculture
- West: Auburn Village subdivision

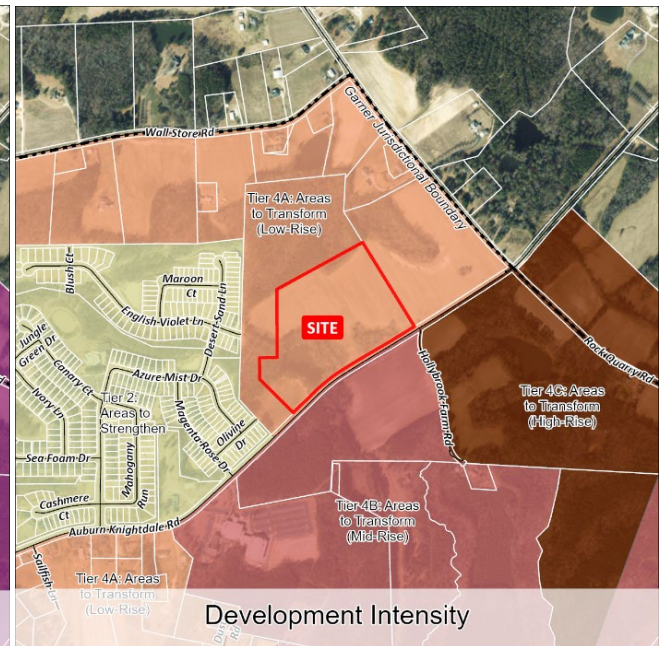
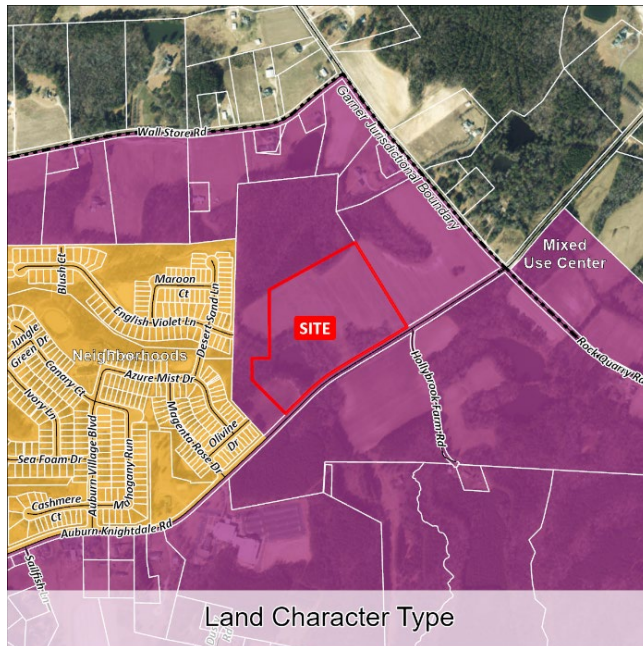
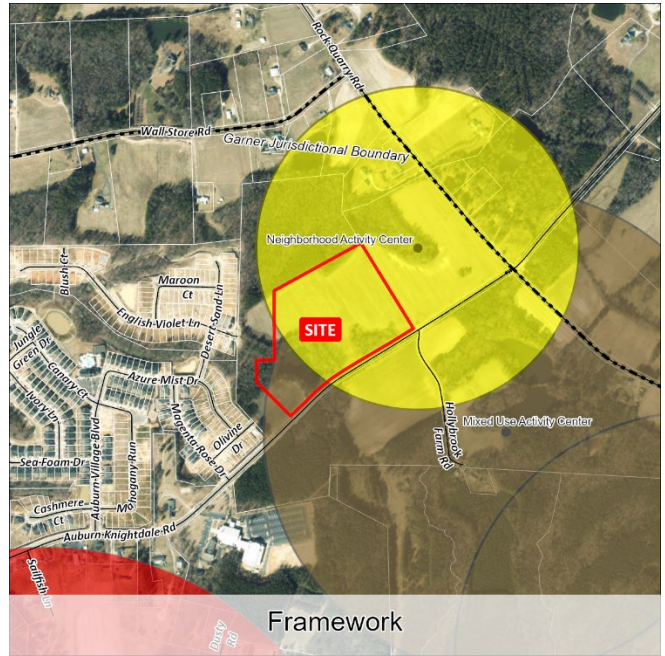




This stretch of Auburn-Knightdale Road is primarily two lanes (future cross-section: a collector street with two lanes with center turn lane and/or median). Auburn-Knightdale Road collects local traffic and connects future activity centers at Rock Quarry Road to US 70 Hwy.

The most recent NCDOT traffic counts for Auburn-Knightdale Road (collected every two years) is 6,300 in 2021 and showing a slow upward trajectory from 3,900 trips per day since 2011.

In the Town’s 2023 Garner Forward Comprehensive Plan, the project area falls within both a Neighborhood Activity Center and a Community Activity Center with the north side of Auburn-Knightdale Road primarily being focused on the Neighborhood Activity Center. Additionally, the site is part of a large Mixed Use development typology area and is called out as a Level 4, A: Low-Rise area of transformation.



III. PROPOSAL REVIEW

NEIGHBORHOOD MEETING(S): Staff identified 88 properties within the notification radius as shown at right and provided the list to the applicant for first class mailed notices. The meeting was held as follows:

- March 25, 2024 - held in the Best Western Plus on Mechanical Blvd at 6:00pm with 6 people documented in attendance.

Full neighborhood meeting information, including a list of questions and concerns, is attached at the end of this report for further detail.

GENERAL SITE DATA:

Area:

- 45.08 +/- acres (total)
- 18.60 +/- acres (site)

Units/Building Size:

- 11 apartment buildings
- 18 units – 3 bldgs.
- 24 units – 6 bldgs.
- 36 units – 2 bldgs.
- 1 clubhouse building
- 4 garage buildings

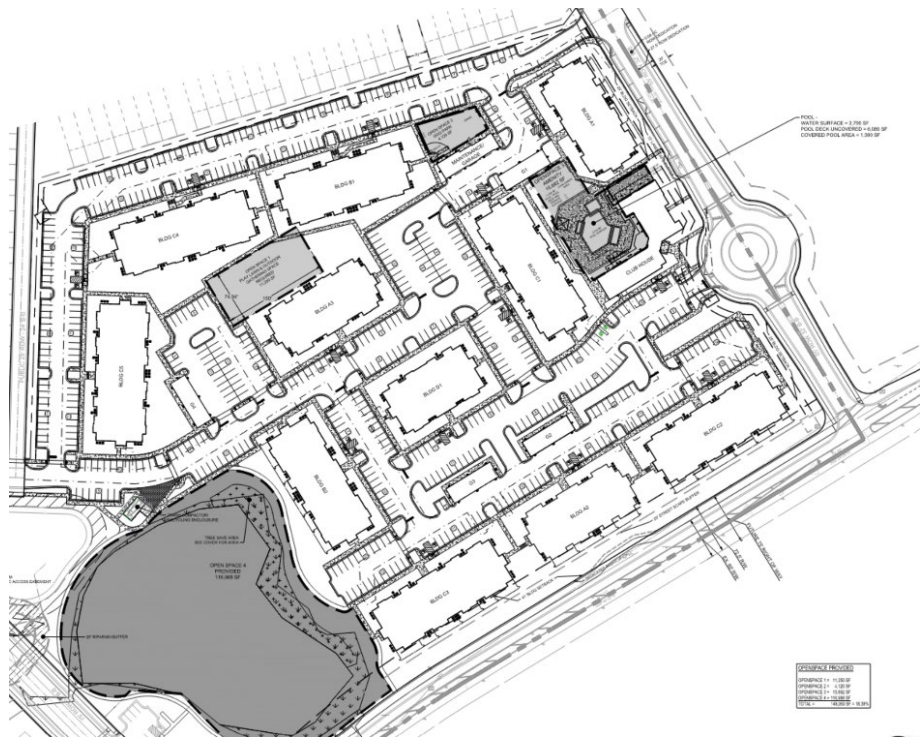
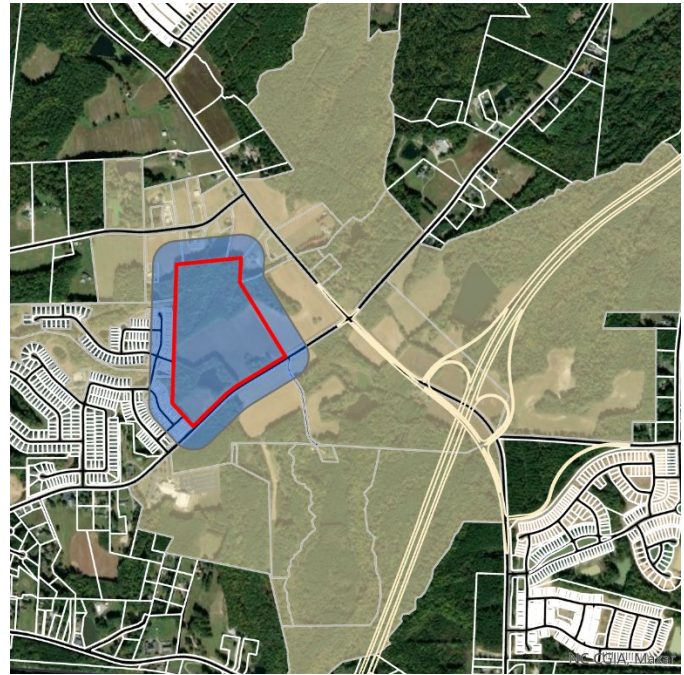
TRC REVIEW AND FINDINGS:

Open Space:

- 1.86 +/- acres required
- 3.40 +/- acres proposed

Privately maintained open space areas are a combination of qualifying conservation areas (existing pond is defined as a “primary conservation area”) and recreation space. The open spaces include the existing pond, walking trails, the 150’ X 75’ play lawn, a dog park and the amenity center site.

TRC Finding: The open spaces features and sizes are consistent with what is required per the zoning conditions and the requirements of the applicable Unified Development Ordinance.





Stormwater:

Burnette Farms Apartments is a multifamily development site that is not located within the watershed protection area. This site is subject to stormwater water quality requirements for nitrogen only as well as water quantity requirements for the 1-, 10-, and 25-year storm events. This development plan will utilize four (4) proposed wet retention ponds associated with the development of the adjacent Burnette Farms Subdivision (townhouses) to treat impervious surface from this multifamily part of the overall development. A nitrogen offset payment will also be required as part of this development.

TRC Finding: Together, the offset payment and installation of devices will satisfy all water quality and water quantity requirements at this site for nitrogen and will detain the 1-, 10-, and 25-year storm events.

Landscape and Buffers:

The landscaping was reviewed for consistency in regard to landscaping in the perimeter and street buffers, around vehicular surface areas, and around each individual building. Landscaping requirements will be met with existing vegetation and supplemented with new plant material where required.

Tree Canopy Coverage:

- Minimum coverage required: 12.5%
- Provided: 7.8% preservation (some of which is from townhome development as part of CZ-MP-22-01 rezoning) with additional 4.7% of coverage provided by new plantings.

Street Trees: Trees provided along public street frontage every 40 feet as required.

Perimeter Buffers: A 7.5-foot street buffer along townhome subdivision (50% reduction applied).

TRC Finding: The landscaping plan meets the requirements of the UDO.

Lighting:

Site plan lighting meets both the requirements of the UDO and staff policy regarding LED fixtures.

TRC Finding: The lighting plan was evaluated for several criteria including light product specifications, pole locations and footcandle distribution. It was determined the proposal meets the requirements of the UDO.

Parking:

Parking requirements are as noted: 1½ spaces for each one-bedroom unit; 2 spaces for each two-bedroom unit; 2½ spaces for each unit with three or more bedrooms, plus one additional space for every four units in the development. The applicant is using the flexibility in administering parking standards as permitted in section 7.4.C. for a 15% reduction. The proposed total is reflective of the requirements of the effective UDO.

- Required: 720
- Proposed: 603

TRC Finding: Staff finds the orientation and quantity of spaces meets the regulations of the UDO and applicable Engineering Department standards and specifications.

Fire Protection:

The applicant provided turn radius exhibits for emergency vehicles accessing the site and sufficient spacing and provision of hydrants.

TRC Finding: The Fire Department and Fire Marshall have reviewed the plan for fire protection found it in compliance with the State Fire Code and other applicable ordinances and policies.

Utilities:

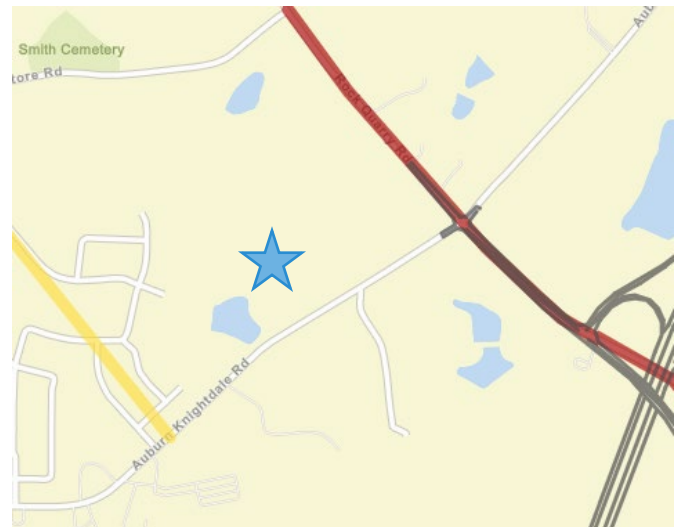
As depicted at right, the site has access to City of Raleigh water and sewer infrastructure. There is an existing 16” water main along Auburn-Knightdale Road and the 8” sewer main will be extended from Auburn Village.



TRC Finding: Raleigh Water staff, as part of the Town’s Technical Review Committee, find that current plans satisfy applicable regulations and policies.

Transportation Notes:

Burnette Farms Apartments is a multifamily development on the northwest side of Auburn Knightdale Road, which is an NCDOT-maintained road. The multifamily development will adjoin the proposed Burnette Farms Subdivision, which will be responsible for constructing the proposed driveways and frontage improvements. Along Auburn Knightdale Road, the development proposes two full access driveways and will widen the frontage to half of a three-lane major collector road with curb, gutter, and 10’ multi-use path. Both driveways will also have dedicated left turn lanes along Auburn Knightdale Road. A Traffic Impact Analysis (TIA) was completed with the rezoning case CZ-MP-22-01.



TRC Finding: Engineering and Planning staff of the TRC find that current plans satisfy applicable regulations and policies.



Significant Environmental/Cultural Features:

The site does not contain any FEMA designated floodplains. However, north of the project area, in the townhouse portion, there is a stream and buffer where the public greenway will traverse east to west across the property. The existing pond is on the apartment site will remain as an open space feature for the benefit of the community.

TRC Finding: The Technical Review Committee finds that current plans satisfy applicable regulations and policies.

Architectural Zoning Conditions:

Elevations were provided for each building façade and each building along with material calculations.



Building A1 Front:



Building A1 Side:



Clubhouse:



Parking Garage:



TRC Finding: The Technical Review Committee finds that current plans satisfy the architectural standards of the zoning conditions regarding materials, façade offsets, building orientation and building types.

TRC RECOMMENDED CONDITIONS OF APPROVAL:

1. Prior to construction drawing approval, the applicant is required to permit the water as public and the sewer as private with plan and profile for both.
2. Prior to construction document approval, required final plats shall be recorded with the Wake County Register of Deeds;
3. Prior to issuance of building permit, construction plans for the associated subdivision must be approved.
4. Prior to issuance of building permit, payment of Engineering Inspection fees shall be paid to the Town of Garner.
5. Prior to issuance of building permit, the Garner Engineering Department shall be in receipt of documentation that a nitrogen offset payment has been made to an approved mitigation bank.
6. Prior to issuance of building permit, annexation request must be submitted to the Planning Department.

IV. RECOMMENDATION

MOTION OPTIONS: There are two options the Town Council might consider for a motion on this case outside of a motion to table/continue. Each option is presented below along with the associated draft motion.



① *Meets 8 SUP Criteria and Draft Motion to Approve:* I find that application # SUP-SP-23-01 meets the Town’s eight (8) criteria for special use permits as identified in Article 4.7.4.D.; therefore, I move that the Town Council approve SUP-SP-23-01, Burnette Farms Apartments with the six (6) site-specific conditions recommended by the TRC 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: _____

Condition #3, etc.: _____

② *Does Not Meet 8 SUP Criteria and Draft Motion to Deny:* I find that application # SUP-SP-23-01 does not meet one or more of the Town’s eight (8) criteria for special use permits as identified in Article 4.7.4.D: (*Check and read all that apply – include stated reason/evidence*)

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

2. The proposed use will substantially injure the value of adjoining or abutting property because/as evidenced by _____;

3. If completed as proposed, the development will not comply with all the requirements of this Ordinance because/as evidenced by _____;

4. The proposed use is not consistent with the Town’s adopted transportation plan(s), other relevant adopted plans and policies, and the stated purpose and intent of this UDO because/as evidenced by _____;

- 5. The proposed use is not compatible with adjacent uses and proximate neighborhood in terms of building scale, site design, buffering and screening, operating characteristics (hours of operation, traffic generation, lighting, noise, odor, dust, and other external impacts) because/as evidenced by _____;
- 6. Any significant adverse impacts resulting from the use will not be mitigated or offset, including impacts on the natural environment because/as evidenced by _____;
- 7. The public safety, transportation and utility facilities and services will not be available to serve the subject property while maintaining sufficient levels of service for existing development because/as evidenced by _____;
- 8. Inadequate assurances of continuing maintenance have been provided because/as evidenced by _____;

therefore, I move that the Town Council deny SUP-SP-23-01, Burnette Farms Apartments.



5410 Trinity Road
Suite 102
Raleigh, NC 27607

P 919.866.4951
F 919.859.5663
www.timmons.com

March 14, 2024

Dear Property Owner or Current Resident,

On behalf of Madison Holding LLC, the owner of **4100 Auburn Knightdale Road ("Burnette Farms")**, I would like to invite you to attend the neighborhood information meeting concerning the development of said property. Specifically, Madison Holding is requesting a Special Use Permit (SUP) to allow for the development of 348 apartments. The meeting details are as follows:

March 25, 2024
5:00 PM
Best Western Plus Edison Inn
1595 Mechanical Boulevard
Garner, NC 27529

Madison Holding previously held a neighborhood meeting on May 22, 2022, to discuss a conditional rezoning of 4100 Auburn Knightdale Road and master plan for up to 125 townhomes and 350 apartments. The Town Council approved the rezoning and master plan on February 6, 2023. Madison Holding has prepared detailed site plans consistent with the approved master plan and has reduced the number of townhomes to 95 and apartments to 348. The Town of Garner ordinances require that the applicant present site plans for the apartments to the Town Council for consideration and issuance of a Special Use Permit.

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 plans. You are encouraged to ask questions so that we may help you better 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, Joseph Linsky at 919-773-4447 or jlinsky@garnernc.gov. Property owners and residents 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 919-866-4509 or beth.blackmon@timmons.com. We look forward to seeing you at the meeting.

Sincerely,

Beth Blackmon
Sr. Project Manager
Timmons Group

Meeting Location



Meeting location is in the Best Wester Plus Edison Inn conference room. The easiest way to access the conference room is through the back entrance stairway. Turn left immediately upon entering the parking lot from Valrose Court.

ZONING CONDITIONS

Use Category	Specific Use	MF-2
Household Living**	Townhouse	P
	Multifamily (including Apartment)	P

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

- STORMWATER CONTROL MEASURES SHALL BE ENCLOSED WITH COMMERCIAL-GRADE BLACK ALUMINUM PICKET FENCING
- THE MULTI-FAMILY APARTMENTS SHALL INCLUDE THE FOLLOWING AMENITIES:
 - CLUBHOUSE WITH HEALTH CLUB TOTALING A MINIMUM OF 6,000 SF;
 - SWIMMING POOL, SUN DECK AND GRILLING AREA TOTALING A MINIMUM OF 2,500 SF;
 - PLAY LAWN AND OUTDOOR GATHERING SPACE MEASURING AT LEAST 150' X 75'; AND
 - LANDSCAPED DOG PARK WITH SEATING TOTALING A MINIMUM OF 2,000 SF.
- THE MULTI-FAMILY APARTMENTS SHALL BE SUBJECT TO THE FOLLOWING ARCHITECTURAL GUIDELINES:
 - THE PERMITTED PRIMARY EXTERIOR BUILDING MATERIALS FOR THE PRINCIPAL AND ACCESSORY BUILDINGS DEVELOPED ON THE SITE SHALL BE BRICK VENEER OR SIMILAR MASONRY PRODUCTS, STONE, MANUFACTURED STONE, STUCCO AND CEMENTITIOUS SIDING OR A COMBINATION OF THE FOREGOING AND SHALL VARY IN TYPE AND COLOR;
 - THE MASONRY COMPONENT SHALL BE A MINIMUM OF TWENTY PERCENT (20%) PER BUILDING;
 - VINYL MAY NOT BE USED AS AN EXTERIOR BUILDING MATERIAL. NOTWITHSTANDING THE FOREGOING, VINYL MAY BE UTILIZED ON WINDOWS, DOORS, GARAGE DOORS, SOFFITS, TRIM AND RAILINGS; AND
 - OFFSETS IN THE PLANE OF EACH FAÇADE FOR EACH APARTMENT BUILDING TO BE PROVIDED. SECONDARY (SIDE) FAÇADES SHALL HAVE HIP ROOFS; PRIMARY FAÇADES (FRONT AND REAR) SHALL HAVE HIP ACCENTS WITH ROOF PLANES THAT VARY FROM THE PRIMARY ROOF PLANE;
 - PRIMARY (FRONT OR REAR) FAÇADES ADDRESSING PUBLIC STREETS SHALL NOT CONTAIN BREEZEWAY OPENINGS WITH VISIBLE STAIRWELLS; AND
 - THE PROJECT SHALL INCLUDE A MIX OF BUILDING TYPES.
- THE TOWNHOUSE UNITS SHALL INCLUDE A LANDSCAPED DOG PARK. THE DOG PARK SHALL BE A MINIMUM 2,000 SF WITH SEATING TO ACCOMMODATE UP TO 6 PEOPLE.
- THE TOWNHOUSE UNITS SHALL BE SUBJECT TO THE FOLLOWING ARCHITECTURAL GUIDELINES:
 - TOWNHOUSE BUILDINGS SHALL HAVE A 2" HORIZONTAL OFFSET IN THE FRONT AND REAR PLANES OF THE BUILDING EVERY SECOND UNIT;
 - EACH UNIT SHALL HAVE AT LEAST A 12' X 20' ONE-CAR GARAGE WHICH MAY BE FRONT-LOADED; FRONT-FACING GARAGE DOORS SHALL BE paneled DOORS WITH CARRIAGE HARDWARE AND WINDOWS AND SHALL VARY FROM BUILDING TO BUILDING;
 - VINYL SIDING IS NOT PERMITTED; HOWEVER, VINYL WINDOWS, DECORATIVE ELEMENTS, AND TRIM ARE PERMITTED;
 - A MINIMUM OF 20% OF THE FRONT FAÇADE OF EACH UNIT SHALL BE MASONRY, STONE, OR BRICK VENEER;
 - TOWNHOUSE UNITS SHALL HAVE TURN DOWN SLAB OR STEM WALL CONSTRUCTION WITH 12" EXPOSED ON FRONT; FRONT AND SIDES SHALL BE CLAD WITH BRICK OR STONE VENEER IN A CONTINUOUS WAINSCOTING; REAR SHALL HAVE PAINT TO COVER EXPOSED CONCRETE;
 - ARTICULATION IN THE SIDE ELEVATIONS SHALL INCLUDE SIDE ENTRY DOORS AND TWO OR MORE WINDOWS; GABLE ENDS TO HAVE A HORIZONTAL BAND BOARD AT THE ATTIC FLOOR LEVEL WITH A DIFFERENT PATTERN OR COLOR OF SIDING ABOVE AND BELOW THE BAND BOARD;
 - FIRST FLOOR GLAZING SHALL CONSIST OF FRONT DOORS WITH WINDOWS, SIDELIGHTS AND/OR TRANSOMS;
 - 8" MINIMUM EAVES AND RAKES ON FRONT, REAR, AND SIDES TO BE PROVIDED;
 - TOWNHOUSE UNITS SHALL HAVE COVERED ENTRY PORCHES OR STOOPS;
 - FRONT-LOADED TOWNHOUSE UNITS SHALL HAVE AT LEAST 10' X 10' REAR PATIOS; AND
 - TOWNHOUSE UNITS WITH REAR YARDS ALONG AUBURN-KNIGHTDALE ROAD SHALL HAVE ENHANCED LANDSCAPING.



SITE DATA:

PIN: PORTION OF 1731706353
 TOTAL AREA: 45.02 ACRES
 EXISTING ZONING: R-20
 PROPOSED ZONING: MF-2

TOTAL UNITS PROPOSED

TOWNHOMES: 125 UNITS
 MULTI-FAMILY APARTMENTS: 350 UNITS
 PROPOSED DENSITY: 10.55 DUA

TOTAL REQUIRED PARKING

TOWNHOMES REQUIRED: 24 SPACES
 PROVIDED: 24 SPACES
 MULTI-FAMILY REQUIRED SURFACE PARKING: 600 SPACES
 PROVIDED SURFACE PARKING: 574 SPACES
 PROVIDED GARAGE PARKING: 36 SPACES
 TOTAL PROVIDED PARKING: 600 SPACES

TREE PRESERVATION AREA PROVIDED: 18% (8.1 AC)

MULTI-FAMILY REQUIRED OPEN SPACE

10% OF AREA: 4.5 AC
 PROVIDED: OVER 4.5 AC

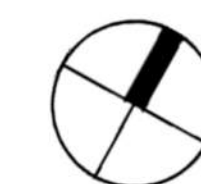
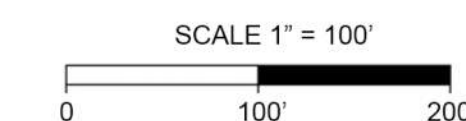
LIGHTING WILL FOLLOW UDO STANDARDS

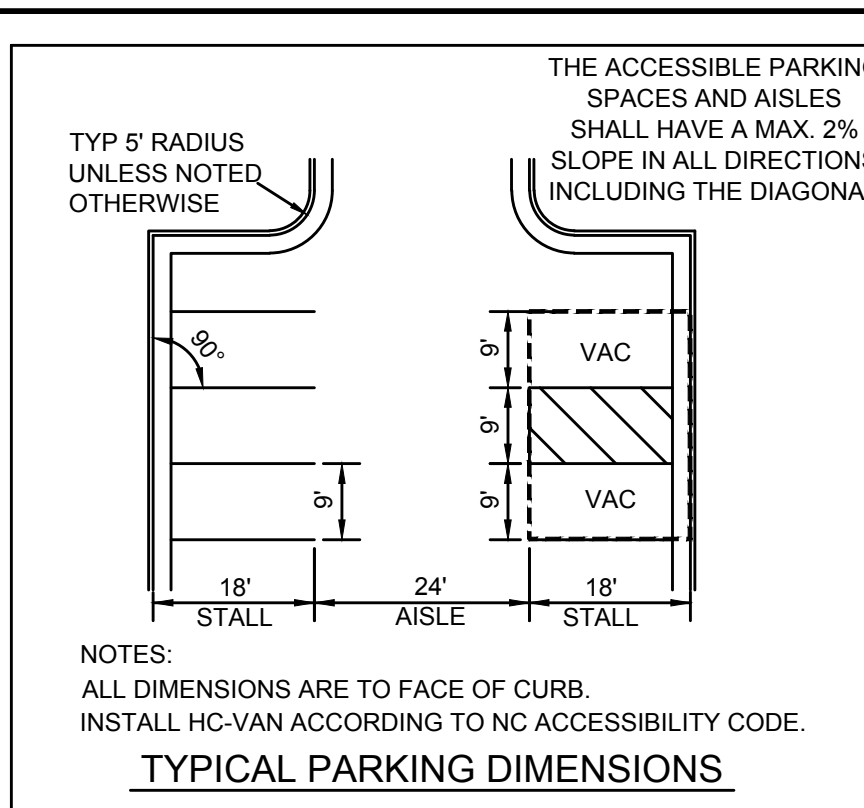
OFF-SITE IMPROVEMENTS TO BE MADE AS PER CMU REPORT

LEGEND:

- MULTI-FAMILY
- TOWNHOME REAR LOAD LOT (20' x 90')
- TOWNHOME FRONT LOAD LOT (26' x 115')
- TOWNHOME FRONT LOAD LOT (20' x 100')

BURNETTE FARMS - GARNER, NC
 CONCEPTUAL DEVELOPMENT PLAN - October 21, 2022



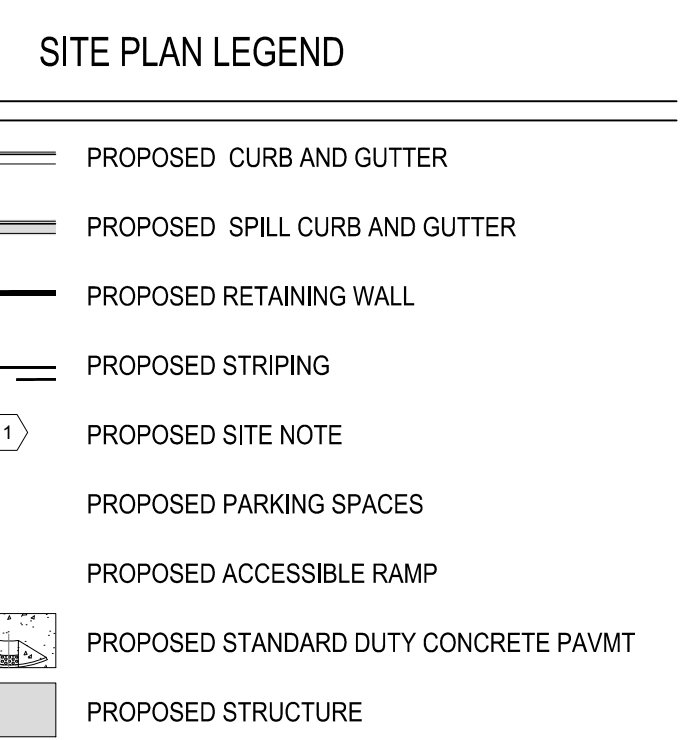


CONTRACTOR NOTES

PRIOR TO ANY LAND DISTURBANCE OR IMPROVEMENTS, CONTRACTOR TO NOTIFY AND COORDINATE WITH ALL UTILITY PROVIDERS FOR LOCATION OF UTILITIES, REQUIRED IMPROVEMENTS, OR REMEDIATION IN AFFECTED WORK AREAS. CONTRACTOR IS TO NOTIFY PROJECT ENGINEER OF ANY REQUIRED ADJUSTMENTS TO THE PLANS BASED ON ANY UTILITY PROVIDER'S REQUIREMENTS AND IS TO REMEDIATE OR UNDERTAKE WORK ONLY AFTER CONSULTATION WITH THE UTILITY PROVIDER, OWNER, AND PROJECT ENGINEER.

CONTRACTOR IS TO NOTIFY THE ENGINEER OF ANY CHANGES TO THE PLANS REQUIRED DUE TO APPLICABLE CODES, STANDARDS, AND OR PRACTICES WHICH MIGHT TAKE PRECEDENCE OVER THE DRAWING PLANS PRIOR TO DISTURBANCE AND INSTALLATION OF IMPROVEMENTS. CONTRACTOR WILL BE HELD LIABLE AND WILL INCUR ALL COST ASSOCIATED WITH CORRECTING INSTALLED IMPROVEMENTS IF CONTRACTOR PROCEEDS WITHOUT WITH NOTIFICATION AND/OR IN VIOLATION OF KNOWN CODES, STANDARDS, OR PRACTICES.

CONTRACTOR IS TO NOTIFY THE PROJECT ENGINEER IF CONFLICTS ARE FOUND WITHIN THE PLAN SET PRIOR TO ANY DISTURBANCE AND INSTALLATION OF IMPROVEMENTS. CONTRACTOR WILL BE HELD LIABLE AND WILL INCUR ALL COST ASSOCIATED WITH RECTIFYING IMPROVEMENTS IF CONTRACTOR PROCEEDS WITHOUT WITH NOTIFICATION.



BUILDING DATA TYPE

RESIDENTIAL BLDGS: TYPE 5A
CLUBHOUSE AND GARAGE BLDGS: TYPE 5B

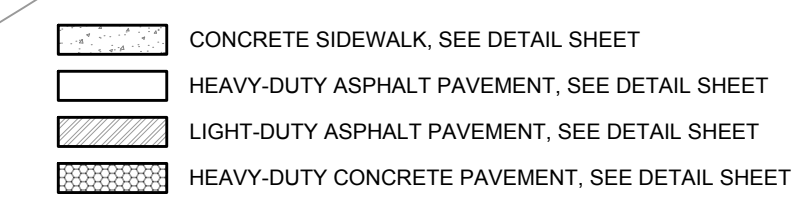
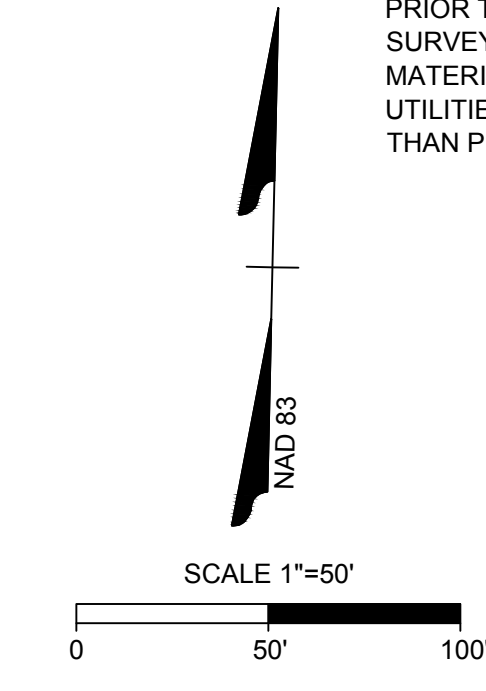
SITE DATA TABLE

PROJECT NAME:	BURNETTE FARMS APARTMENTS
PROPERTY OWNER:	BURNETTE FARMS, LLC PO BOX 18724 RALEIGH, NC 27619-8724
DEVELOPER / APPLICANT:	MADISON HOLDING, LLC CONTACT: DANIEL SMOOT EMAIL: daniel.smoot@madisonholding.com PHONE: (919) 789-1864
DEED REFERENCE:	PIN: 137170633 A PORTION OF DB 010805 PG 01845
PROPERTY ADDRESS:	0 ROCK QUARRY ROAD, GARNER, NORTH CAROLINA
TOWNSHIP:	SAINT MARY'S
PROPERTY ZONING:	MF-B-C258
CURRENT USE:	AGR-FARM
PROPOSED USE:	RESIDENTIAL - MULTI-FAMILY APARTMENTS
TOTAL PROJECT AREA:	810,391 SF (18.60 AC)
TOTAL DISTURBED SITE AREA:	663,101.99 SF (15.22 AC)
RIVER BASIN:	NEUSE
SURFACE WATER CLASSIFICATION:	C: NSW
WATERSHED:	BIG BRANCH
SETBACKS:	FRONT (FROM PRIMARY STREET): BLDG: 35' SIDE STREET: BLDG: 25' SIDE: BLDG: 15' REAR: BLDG: 25' BLDG SEPARATION: 30'
PARKING REQUIRED:	162 = 1 BEDROOM = 1.5 PER UNIT = 243 SPACES 150 = 2 BEDROOM = 2.0 PER UNIT = 300 SPACES 36 = 3 BEDROOM = 2.5 PER UNIT = 90 SPACES 348 = TOTAL = 633 TOTAL SPACES
ALSO PLUS ONE ADDITIONAL SPACE FOR EVERY FOUR UNITS IN THE DEVELOPMENT = 87 SPACES	
TOTAL SPACES REQUIRED = 720 SPACES	
PARKING PROVIDED: *	577 UNCOVERED ON SITE 26 GARAGE / COVERED 603 TOTAL SPACES = 603/720 = 84% = 15% UNDER
EXISTING ONSITE IMPERVIOUS AREA:	18.60 ACRES = 0%
PROPOSED ONSITE IMPERVIOUS:	9.97 ACRES = 54%

* UTILIZING THE FLEXIBILITY IN ADMINISTRATION AUTHORIZED IN SECTION 7.4.C, WE REQUEST A 15% PARKING REDUCTION. WE'RE REQUESTING THIS SINCE MORE RECENT PARKING STANDARDS IN GARNER AND THROUGHOUT THE AREA HAVE SHOWN A REDUCED NEED FOR SPACES.

AS PER NEW UDO CODE REQUIRED SPACES = 601. NEW UDO CODE SPACES PROVIDED = 601 PER NEW UDO CODE PARKING REQUIREMENTS ARE MET.

GENERAL CONTRACTOR
PRIOR TO BEGINNING ANY CONSTRUCTION, FIELD SURVEY SHALL VERIFY LOCATION, DEPTH SIZE MATERIAL, AND CONDITION OF ALL EXISTING UTILITIES. IN CASE OF CONFLICT OR IF DIFFERENT THAN PLAN, NOTIFY ENGINEER.



USPS NOTE

MAIL KIOSK TO BE LOCATED IN CLUBHOUSE.
CLUBHOUSE SHALL BE INSTALLED AND HAVE CERTIFICATE OF OCCUPANCY PRIOR TO THE CO OF ANY DWELLING UNIT.
FINAL OR TEMPORARY DUMPSTER ENCLOSURE SHALL BE INSTALLED PRIOR TO CO OF ANY BUILDING.



TRAFFIC CONTROL NOTES

- ALL SITE SIGNAGE SHALL BE IN ACCORDANCE WITH THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (MUTCD) AND NCDOT STANDARDS.

SIGN	MUTCD STD.	SIZE
ACCESSIBLE PARKING	R7-1	12"x18"
STOP SIGN	R1-1	30"x30"
- ALL SIGNS SHALL BE MOUNTED WITH 5-FT MIN. VERTICAL CLEARANCE TO THE BOTTOM OF THE SIGN ON POST SET IN 18-IN DEEP x 8-IN DIA. CONCRETE FOOTING. SIGNS MOUNTED ADJACENT TO SIDEWALKS MUST BE MOUNTED WITH 7-FT MIN. VERTICAL CLEARANCE TO THE BOTTOM OF SIGN.
- ALL PAVEMENT MARKINGS SHALL BE IN ACCORDANCE WITH THE MUTCD AND NCDOT STANDARDS AND THE PROJECT SPECIFICATIONS.

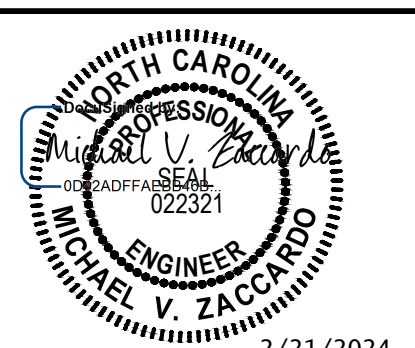
MARKING	NCDOT STD.	SIZE	COLOR
PARKING SPACE	-	4-IN	WHT.
NO PARKING - FIRE LANE	-	4-IN	YEL.

* NO PARKING - FIRE LANE MARKING SHALL CONSIST OF A 4" SOLID YELLOW STRIPE AND 8" HIGH YELLOW TEXT "NO PARKING - FIRE LANE" AT 40' INTERVALS.

STRIPING SHALL BE PLACED AS INDICATED BY THE FOLLOWING LINETYPE: - - - - -
- ALL PAVEMENT MARKINGS SHALL BE THERMO PLAST TYPE PAINT AS REQUIRED BY THE TOWN.

ALL CONSTRUCTION TO BE IN ACCORDANCE WITH ALL TOWN OF GARNER, CITY OF RALEIGH, NCDEQ AND NCDOT STANDARDS, SPECIFICATIONS, AND DETAILS

- GENERAL NOTES**
- ALL CONSTRUCTION SHALL CONFORM TO TOWN OF GARNER AND CITY OF RALEIGH STANDARDS AND SPECIFICATIONS.
 - ROADS AND DRIVEWAYS SHALL COMPLY WITH TOWN OF GARNER STANDARDS.
 - SIGN PERMITS SHALL BE REQUIRED FOR ANY ENTRANCE SIGNAGE. PERMITS SHALL BE REQUIRED PRIOR TO FABRICATION OR INSTALLATION OF SIGNS. SIGNAGE SHALL BE RESTRICTED TO AN ON-SITE LOCATION.
 - THE WATER AND SEWER SYSTEMS SHALL COMPLY WITH CITY OF RALEIGH STANDARDS.
 - ALL DESIGN AND CONSTRUCTION METHODS SHALL COMPLY WITH WAKE COUNTY'S SEDIMENTATION AND EROSION CONTROL REGULATIONS. AN EROSION CONTROL PLAN SHALL BE APPROVED BY WAKE COUNTY PRIOR TO ANY GRADING.
 - BOUNDARY INFORMATION TAKEN FROM A SURVEY BY TIMMONS GROUP.
 - TOPOGRAPHIC INFORMATION TAKEN BY TIMMONS GROUP GIS.
 - PRIOR TO ISSUANCE OF A GRADING PERMIT, INSTALLATION AND INSPECTION BY THE TOWN OF GARNER OF TREE PROTECTION FENCING IS REQUIRED FOR LOTS ADJACENT TO TREE PRESERVATION AREAS.
 - CONSTRUCTION DRAWINGS SHALL BE SUBMITTED AND APPROVED BY THE TOWN OF GARNER AND CITY OF RALEIGH PRIOR TO CONSTRUCTION.
 - ALL STREETS WITHIN THE SUBDIVISION WILL HAVE A POSTED SPEED LIMIT OF 25 MPH.
 - MULTI-FAMILY OWNER WILL MAINTAIN ALL OPEN SPACE PARCELS AND WILL BE RESPONSIBLE FOR MAINTAINING ALL LANDSCAPING REQUIRED BY THE TOWN OF GARNER UNITED DEVELOPMENT ORDINANCE (UDO).
 - STORMWATER CONTROL MEASURES SHALL BE CONTAINED IN AND ACCESSED VIA OPEN SPACE MAINTAINED AND OWNED BY THE MULTI-FAMILY OWNER. A MAINTENANCE PLAN MUST BE DEVELOPED TO ADDRESS THE STORMWATER CONTROL MEASURES. SEE COMMUNITY DEVELOPMENT PLAN SET.
 - PRIVATE STORM DRAINAGE EASEMENTS SHALL BE MAINTAINED BY THE MULTI-FAMILY OWNER.
 - PRIOR TO RELEASE OF THE CERTIFICATE OF OCCUPANCY, THE OWNER/BUILDER MUST SUPPLY THE TOWN WITH A FINAL LETTER OF CERTIFICATION FROM LIGHTING ENGINEER, LIGHTING MANUFACTURE, OR AUTHORIZED LIGHTING CONTRACTOR VERIFYING THAT ALL SITE LIGHTING IS INSTALLED ACCORDING TO TOWN STANDARDS, THE APPROVED PLANS AND ANY APPLICABLE CONDITIONS.
 - CONTACT THE ENGINEERING DEPARTMENT AT ENG-INSPECTIONS@GARNERN.C.GOV TO SCHEDULE A PRE-CONSTRUCTION MEETING PRIOR TO OBTAINING BUILDING PERMITS FOR THIS PLAN.
 - DURING THE ENTIRE PERIOD OF CONSTRUCTION ACTIVITY, ALL PROTECTED TREES SHALL BE SURROUNDED AND PROTECTED BY AN ORANGE TENSAR GEOTEXTILE FENCING. TREE PROTECTION FENCING SHALL BE INSTALLED A MINIMUM OF 10' FROM TRUNK OF ANY PROTECTED TREE OR DRIP LINE. ONE SIGN SHALL BE PLACED EVERY 200' ALONG FENCING TO READ "TREE PROTECTION AREA - DO NOT ENTER / PARA PROTECCION DE LOS ARBOLES - PROHIBIDO ENTRAR".
 - PRIOR TO RELEASE OF THE CERTIFICATE OF OCCUPANCY, THE OWNER/BUILDER MUST SUPPLY THE TOWN WITH A FINAL LETTER OF CERTIFICATION FROM LIGHTING ENGINEER, LIGHTING MANUFACTURE.
 - TREE PROTECTION FENCE MUST BE ON ITS OWN POLE AND CANNOT SHARE POLES WITH SILT FENCE.
 - AT THE CONCLUSION OF THE PROJECT, ALL SCMs INSTALLED ON-SITE MUST BE CERTIFIED BY A DESIGN PROFESSIONAL AND THE TOWN OF GARNER ENGINEERING DEPARTMENT MUST RECEIVE ALL AS-BUILT DRAWINGS PRIOR TO RECEIVING THE CERTIFICATE OF OCCUPANCY AND RECORD DRAWING REVIEW FEE WILL BE CHARGED AT PROJECT CLOSE OUT.
 - PERMANENT AND TEMPORARY SIGNAGE REQUIRES AN APPROVED SIGN PERMIT PRIOR TO INSTALLATION. SIGNAGE IS A SEPARATE SUBMITTAL, REVIEW, AND APPROVAL.



2/21/2024
NOT FOR CONSTRUCTION

THIS DRAWING PREPARED AT THE
RALEIGH OFFICE
5410 Trinity Road, Suite 102 | Raleigh, NC 27607
TEL 919.866.9511 FAX 919.833.8124 www.timmons.com

REVISION DESCRIPTION

DATE	REVISION DESCRIPTION
2023-05-22	PER TOWN OF GARNER COMMENTS
2023-09-29	PER TOWN OF GARNER COMMENTS
2023-10-27	PER TOWN OF GARNER COMMENTS
2024-02-23	PER TOWN OF GARNER COMMENTS

YOUR VISION ACHIEVED THROUGH OURS.

DATE

02/01/2023

DRAWN BY
331

DESIGNED BY
331

CHECKED BY
331

SCALE
AS SHOWN

TIMMONS GROUP

BURNETTE FARMS APARTMENTS
TOWN OF GARNER - WAKE COUNTY - NORTH CAROLINA

OVERALL SITE PLAN

JOB NO. 47849
SHEET NO. C2.0



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NAME	ADDR1	ADDR2	ADDR3
HUNT-HARRIS, JUDY W	231 AZURE MIST DR	RALEIGH NC 27610-9723	
CAM HOLDINGS LLC	1540 GRAND WILLOW WAY	RALEIGH NC 27614-6002	
COURTNEY, JEAN MARIE	249 AZURE MIST DR	RALEIGH NC 27610-9723	
DURKIN, GLORIA	242 AZURE MIST DR	RALEIGH NC 27610-9723	
LETOURNEAU, LUCY HARDING LETOURNEAU, ROLLAND JERROLD	8211 TRIPLE CROWN RD	BOWIE MD 20715-4538	
JANSSEN, JOHN JANSSEN, JUDITH	224 AZURE MIST DR	RALEIGH NC 27610-9723	
SPILLER, LINDA J	112 OLIVINE DR	RALEIGH NC 27610-9726	
BATEMAN-DOLAN, KIM DOLAN, KIM BATEMAN	246 AZURE MIST DR	RALEIGH NC 27610-9723	
COLFER, ROBERT COLFER, KATHRYN	118 OLIVINE DR	RALEIGH NC 27610-9726	
KEENER, RONALD KEENER, PHYLLIS	124 OLIVINE DR	RALEIGH NC 27610-9726	
AVANCENA, LAURA V AVANCENA, MICHAEL ANTHONY C	225 AZURE MIST DR	RALEIGH NC 27610-9723	
CROSS, DEBORAH LYNCH CROSS, LEONARD EDWARD	PO BOX 1187	GARNER NC 27529-1187	
RAMPY, REBECCA	150 DESERT SAND LN	RALEIGH NC 27610-7291	
SNYDER, KATHERINE T	243 AZURE MIST DR	RALEIGH NC 27610-9723	
SLAGLE, BEVERLY B	237 AZURE MIST DR	RALEIGH NC 27610-9723	
LICHTMAN, JEROME L TRUSTEE LICHTMAN, BARBARA TRUSTEE	408 ENGLISH VIOLET LN	RALEIGH NC 27610-7295	
MCCADDEN, KELVIN WAYNE MCCADDEN, CHERYL D	266 AZURE MIST DR	RALEIGH NC 27610-9723	
CROSS, ROBBIE HERMAN	6840 ROCK QUARRY RD	RALEIGH NC 27610-9616	
ITAC 356 LLC , DAVID SMOOT	1415 HILLSBOROUGH ST	RALEIGH NC 27605-1828	
JOHNSON, DELORIS A	254 AZURE MIST DR	RALEIGH NC 27610-9723	
MOSINIAK, STEVE LAWRENCE MOSINIAK, BRENDA MCMASTERS	261 AZURE MIST DR	RALEIGH NC 27610-9723	
KENNEDY, ROBERT A KENNEDY, KATHY J	142 OLIVINE DR	RALEIGH NC 27610-9726	
BURNETTE FARMS LLC	PO BOX 18724	RALEIGH NC 27619-8724	
BOUDREAULT, ROBERT J JR BOUDREAULT, MEREDITH J	200 AZURE MIST DR	RALEIGH NC 27610-9723	
POOLE, MICHAEL B SR POOLE, CAROL DEVANEY	3008 WALL STORE RD	GARNER NC 27529-8711	
SCHIRO, PAULA	236 AZURE MIST DR	RALEIGH NC 27610-9723	
GOODING, PETRA	267 AZURE MIST DR	RALEIGH NC 27610-9723	
POOLE, MICHAEL BRAXTON SR	3008 WALL STORE RD	GARNER NC 27529-8711	
DODSON, LEWIS DODSON, DEBRA	307 ENGLISH VIOLET LN	RALEIGH NC 27610-7294	
MARKERT, RONALD MARKERT, MARSHA	1212 PEACHCREEK RD	CENTERVILLE OH 45458-3264	
HOUCHENS, RONDELL HOUCHENS, RHONDA	273 AZURE MIST DR	RALEIGH NC 27610-9723	
VANN, JOHN VANN, MARIA	213 AZURE MIST DR	RALEIGH NC 27610-9723	
AUBURN VILLAGE HOMEOWNERS ASSOCIATION INC , ELITE MANAGEMENT	4112 BLUE RIDGE RD STE 100	RALEIGH NC 27612-4652	
LUCAS, MYRTLE CHARLENE LUCAS, ANTHONY CARL	174 DESERT SAND LN	RALEIGH NC 27610-7291	
CLARK, KATHY	400 ENGLISH VIOLET LN	RALEIGH NC 27610-7295	
AUBURN VILLAGE HOMEOWNERS ASSOCIATION INC , ELITE MANAGEMENT	4112 BLUE RIDGE RD STE 110	RALEIGH NC 27612-4652	
VANBLARCOM, EVELYN R VANBLARCOM, KEVIN A	407 ENGLISH VIOLET LN	RALEIGH NC 27610-7295	
CLAYTON, JOSEPH CLAYTON, KAREN	144 DESERT SAND LN	RALEIGH NC 27610-7291	
CLYMENS, ZANETA LEA	138 DESERT SAND LN	RALEIGH NC 27610-7291	
KRYWENKO, GAIL KRYWENKO, PAWLO	209 MAROON CT	RALEIGH NC 27610-8028	

PATIENCE, SUSAN HECKLER, KATHLEEN
DORSHIMER, KENNETH LEE
HUSAIN, ROBERT KARAM
MANUEL, KEVIN MANUEL, JACQUELINE
KUNG, TSE GUIN
SMIZER, CARMELA
LANCASTER, JOHN LANCASTER, SANDRA
SCHRODER, STEPHEN D TRUSTEE TRUSTEE OF STEPHEN D SCHRODER REVOCABLE LIVING TRU
COLLIER, LINDA K
ROSS, JANET
VAUGHAN, RACHEL CASANDRA
STREET, DONNA STREET, DANNY
HAMEL, THOMAS TRUSTEE HAMEL, KIMBERLY H TRUSTEE
SIBLEY, ANTHONY M
HANRAHAN, DIANE
HOOD, MARY
ROBBINS, JUDITH
BROMELL, SYNETHIA BROMELL, CHRISTOPHER
RUTHERFORD, ALAIN
MARCUS-TAYLOR, OPHELIA TAYLOR, NATHAN JR
STEWART, LYNNE STEWART, TERRY
CANNON, ALICE G
ELLIES-GREEN, MILLICENT E
CASTIGLIONE, DONNA BOHN, ROBERT
ABRAMS, ALAN D ABRAMS, ALICIA P
LEO, DOREEN K TRUSTEE ERIC B LEO THIRD-PARTY DISCRETIONARY TRUST
KHAN, TARA KHAN, MONIS
ZENNI, THERESA
KATZENELSON, MITCHELL PAUL KATZENELSON, BETTY SUE
BURRELL, CARLA M
HOBBY COURT PROPERTIES LLC
MILLER, KATTIE M
COGGBURN, THOMAS JOSEPH COGGBURN, EMILY
MG&BK PROPERTIES LLC
MCLAMB, JAMES HAROLD MCLAMB, ANDREA KOCH
ADAMS, JEANNETTE R HEIRS C/O THOMAS D ADAMS JR
MURPHY, ROY V MURPHY, REBECCA L
DEAN, THOMAS DEAN, SUSAN
HICKS, CHARLES E
PEACOCK, JON M
BURNETTE FOREST LLC

278 AZURE MIST DR RALEIGH NC 27610-9723
196 MAROON CT RALEIGH NC 27610-8027
255 AZURE MIST DR RALEIGH NC 27610-9723
151 OLIVINE DR RALEIGH NC 27610-9726
414 ENGLISH VIOLET LN RALEIGH NC 27610-7295
168 DESERT SAND LN RALEIGH NC 27610-7291
180 DESERT SAND LN RALEIGH NC 27610-7291
202 MAROON CT RALEIGH NC 27610-8028
208 MAROON CT RALEIGH NC 27610-8028
126 DESERT SAND LN RALEIGH NC 27610-7291
162 DESERT SAND LN RALEIGH NC 27610-7291
192 DESERT SAND LN RALEIGH NC 27610-7291
198 DESERT SAND LN RALEIGH NC 27610-7291
185 DESERT SAND LN RALEIGH NC 27610-7291
197 MAROON CT RALEIGH NC 27610-8027
132 DESERT SAND LN RALEIGH NC 27610-7291
191 DESERT SAND LN RALEIGH NC 27610-7291
301 ENGLISH VIOLET LN RALEIGH NC 27610-7294
413 ENGLISH VIOLET LN RALEIGH NC 27610-7295
420 ENGLISH VIOLET LN RALEIGH NC 27610-7295
197 DESERT SAND LN RALEIGH NC 27610-7291
203 MAROON CT RALEIGH NC 27610-8028
154 OLIVINE DR RALEIGH NC 27610-9726
401 ENGLISH VIOLET LN RALEIGH NC 27610-7295
272 AZURE MIST DR RALEIGH NC 27610-9723
6092 CHADEAU AVE KALAMAZOO MI 49009-9741
207 AZURE MIST DR RALEIGH NC 27610-9723
248 AZURE MIST DR RALEIGH NC 27610-9723
130 OLIVINE DR RALEIGH NC 27610-9726
148 OLIVINE DR RALEIGH NC 27610-9726
6320 DANPATCH LN WILLOW SPRING NC 27592-6819
250 AZURE MIST DR RALEIGH NC 27610-9723
136 OLIVINE DR RALEIGH NC 27610-9726
PO BOX 18724 RALEIGH NC 27619-8724
3017 WALL STORE RD GARNER NC 27529-8712
5979 WINDCHASE POINTE CT ROCKY MOUNT NC 27803-8784
7200 HOLLYBROOK FARM RD RALEIGH NC 27610-9401
2933 WALL STORE RD GARNER NC 27529-8710
230 US HIGHWAY 70 E GARNER NC 27529-4050
4121 AUBURN KNIGHTDALE RD RALEIGH NC 27610-8218
PO BOX 18724 RALEIGH NC 27619-8724

SPRINGFIELD BAPTIST CHURCH
LOPEZ-FEMAT, JOSE
WALL, CARL LINNIE II
ORTIZ, ALEJANDRO ROBLERO HERNANDEZ, DORA NELY BRAVO
PHILLIPS, CLAUDE DOUGLAS JR
CROSS, LEONARD EDWARD TR LEONARD EDWARD CROSS REVOCABLE TRUST
EDGE OF AUBURN LLC
Town of Garner Planning Dept. ATTN Jeff Triezenberg, Planning Director

4309 AUBURN KNIGHTDALE RD RALEIGH NC 27610-8221
2929 WALL STORE RD GARNER NC 27529-8710
2820 WALL STORE RD GARNER NC 27529-9203
6756 ROCK QUARRY RD RALEIGH NC 27610-9614
2901 WALL STORE RD GARNER NC 27529-8710
PO BOX 1187 GARNER NC 27529-1187
PO BOX 97846 RALEIGH NC 27624-7846
900 Seventh Ave Garner, NC 27529



TIMMONS GROUP

YOUR VISION ACHIEVED THROUGH OURS.

Meeting Sign-in Sheet			
Project:	Burnette Farms Apartments SUP	Meeting Date:	25-Mar-24
Faciliator:	Timmons Group	Place/ Room:	Best Western Plus Edison Inn

Name	Address	Phone	Email
Beth Blackmon	5410 Trinity Rd, Suite 102, Raleigh NC 27607	919-866-4509	beth.blackmon@timmons.com
Tim Hess	5410 Trinity Rd, Suite 102, Raleigh NC 27607	984-255-2367	tim.hess@timmons.com
Jeff Hochanadel	5410 Trinity Rd, Suite 102, Raleigh NC 27607	919-866-4511	jeff.hochanadel@timmons.com
Daniel Smoot	409 Ramblewood Drive, Raleigh, NC 27609-6407	919-789-1864	daniel.smoot@madisonholding.com



TIMMONS GROUP
YOUR VISION ACHIEVED THROUGH OURS.

Meeting Sign-in Sheet			
Project:	Burnette Farms Apartments SUP	Meeting Date:	March 25, 2024
Faciliator:	Timmons Group	Place/ Room:	Best Western Plus Edison Inn

Name	Address	Phone	Email
Betty Katzenelson	130 Olivine Dr.	410-591-4860	bkatzen@gmail.com
Kathy Colfer	118 Olivine Dr.	631-839-3878	MRSC428@aol.com
Rondell Houchens	273 Azure Mist Dr.	919-616-7822	rhouchens@nc.rv.com
Steve & Brenda Mosiniak	261 Azure Mist	571-723-2617	mosiniak7@gmail.com
Alan Abrams	272 Azure Mist Dr	7327101267	alabrams@comcast.net
Ophelia Taylor	420 English Violet Ln	919-589-3854	opheliahome1@gmail.com

Burnette Farms Apartments Neighborhood SUP Meeting

Time March 25, 2024
5:00 PM to 6:00 PM

Location Best Western Plus
1595 Mechanical Blvd, Garner NC 27529

Attendees - See Attached – Provided List.

Began with a presentation by Beth Blackmon - Timmons Group describing the Apartment site plan including the associated Townhouse Development

- Presentation Boards were exhibits showing the Original Master Plan Rezoning for the Townhouse and Apartment Development and the latest Apartment Site Plan Layout.

Described Apartment Site as

- 348 Units in 11 3-story walk up buildings with full amenities associated with a market rate apartment community. Amenities include a clubhouse and pool, dog park, dog wash facility, play lawn, and maintenance facility.

Questions were asked as follows:

Is it a subsidized, HUD or Section 8 housing community?

- No plans for HUD, Section 8, or Subsidized housing. Its design and intended to be a market rate community.

Can Council ask that it be made subsidized, HUD, or Section 8 Housing as part of the SUP Approval?

- In our opinion, because it is already zoned, we do not believe the council can ask that it be treated as such.
- Council should be addressing Health Safety and Welfare items only as part of the SUP approval.

Where is English Violet Lane, Desert Sand Lane, Asure Mist Drive, and Olivine Dr. and will the barricaded streets (Olivine and English Violet) be opened up to the apartment community?

- Yes, the streets will be continued and barricades removed to the townhome and apartment community.

What is the buffer measurement between Auburn Village and the Townhome portion of the Burnette Farms Community?

- 25' for Auburn Village on Desert Sand Lane and an additional 15' the rear of the Burnette Farms Townhomes for a total of 40'.

What is the distance between the back of the homes on Desert Sands and the Townhomes?

- More than 100' because of the buffer and 75' road right of way.

Will the storm water ponds be fenced?

- Yes – They are required to be fenced by the Town of Garner with a commercial grade black aluminum fence.

What Amenities will be provided for the Apartments?

- Apartments will have a Clubhouse and pool, dog park, dog wash facility, play lawn and maintenance facility.

Will English Violet and Olivine Drives be extended into the Community?

- Yes.

Will the drive through the Townhomes continue to Wall Store Road?

- Yes. It will connect through another property that is presently being considered for Development.

Is the townhouse development drive two way?

- Yes.

Will Auburn Knightdale be widened?

- Yes, the development will widen the road partially and install a center turn lane however the full widening will take place with the other side of Auburn-Knightdale Road is developed.

Which will be developed first, the Townhomes or the Apartments?

- It is envisioned that the Townhomes will be developed first since the stormwater control is being utilized by the Apartments and the sewer connection is at the rear of the site. However, that could be altered based on how the final developer chooses to proceed.
- It could be developed by the same company but different divisions so the sequencing will be determined by the builder.

Has a Supermarket been considered for any of the surrounding properties?

- Owner of the surrounding properties is Burnette Farms, LLC only this portion of the site is under the control of the Developer so we cannot answer that question but commercial or mixed use is intended for the remainder based on the land use plan.

What is the start date for construction?

- Site must still go through the Construction Document portion of the approval process. That could take between 3-9 months; therefore, the site construction can't be started until the Construction Documents are approved and all permits are obtained.

Where is the Stormwater and Sewer Infrastructure going?

- Referred to the boards provided as part of the presentation.
- To the rear of the site.

Where will the Townhome Models be located?

- Unknown.

Is the Project in Raleigh or Garner in that Auburn Village having a Raleigh Mailing Address?

- Project is under Garner's Jurisdiction but has a Raleigh zip code.

When construction begins can there be rules set about access to avoid accidents – Flagmen or similar?

- Access should be controlled by construction entrance devices and time of work is controlled by city ordinances.
- Any other rules will need to be discussed with the developer and/or contractor.

Can the Speed limit on Auburn Knightdale be reduced?

- NCDOT makes that call and most of the time only after there is determined to be an issue.
- We would suggest that the residents of Auburn Village continue to contact NCDOT. - Ron Garrett. We will reach out to him as well concerning the speed limit in front of this development.

What are the amenities and who will have access to them Amenities?

- Townhomes will have dog park and Trails.
- Apartments will have a Clubhouse and pool, dog park, dog wash facility, play lawn and maintenance facility which will be only for the Apartment Residents.

What are the sizes of the Townhomes?

- Approximately 2,000 SF Front Loaded and Rear Loaded.

What are the sizes of the Apartments?

- Exact Sizes are unknown but unit types include One, Two, and Three-Bedroom Units.

Will there be On-street parking?

- Garner encourages On-Street Parking but with front loaded garages on the Townhomes there will be limited space for on street parking. Rear Loaded Townhomes will have the opportunity to allow on-street parking.
- Two guest parking lots have been included in the design to provide guest parking.
- Historically Townhome parking is usually 1-2 cars due to the household being made up of mostly two individuals or two individuals with non-driving age children.
- One car is usually parked in the driveway and one in the Garage.

Are there provisions for Traffic Calming and cut through into Auburn Village?

- Site has been designed so that traffic should not traverse through Auburn Village.
- Traffic may go out to Wall Store Road once the road out to Wall Store Road is completed.

What is the size of the Units on the Townhomes on the Lots?

- +/- 50' deep unit on a 115' deep lot.
- 20' front setback - 50' unit - 10-15' for patio – remaining in Rear Lot.
- Also, front set back will vary because of zoning requirements to stagger units so rear yard may vary.

Will there be Windows on the sides of the Townhome units on the ends of a row of Townhomes?

- Yes.

Are there enough parking spaces for the Apartments?

- Yes, the parking count exceeds the required.

Will the extension of the road to Wall store include other development?

- Yes, the road is intended to extend out to Wall Store Road and there is envisioned a 60 Unit Townhome community planned along this road if the zoning is approved.

What is the ownership of the other corners at Auburn Knightdale Road and Rock Quarry Road?

- Burnette Farms LLC owns the property on all the corners. Not associate with Madison Holding the developer of this property.

Who will control or regulate the development of those other corners?

- Garner and Raleigh will regulate all new development on those corners.
- Garner would like to see mixed use.

Why do you have both Townhomes and Apartments on this site?

- Wanted to provide transition from Townhomes to Apartment to not adversely impact the Housing within Auburn Village.
- Transition of Single Family to Duplexes in Auburn Village to Townhomes and Apartments on this property.

End of Questions and Comments
Meeting ended at 6:15 PM

TIMMONS GROUP

5410 TRINITY ROAD, SUITE 102 • RALEIGH, NC 27607

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CENTERVILLE OH 45458-3264

AL: 93260100866315

27607-5003

454583264



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Raleigh, NC 27603

RALEIGH NC 276
28 FEB 2024



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Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: May 7, 2024		
Subject: Zoning Text Amendment # ZTA-23-02, Garner Forward Implementation		
Location on Agenda: Public Hearings		
Department: Planning		
Contact: Jeff Triezenberg, AICP, GISP; Planning Director		
Presenter: Jeff Triezenberg, AICP, GISP; Planning Director		
Brief Summary: Zoning text amendment request (ZTA-23-02) submitted by the Town of Garner Planning Department to add and/or revise regulations aimed at implementing the 2023 Garner Forward Comprehensive Plan. General topics include, but are not limited to: regulatory adjustments to nonconforming site elements, special use permits, transportation overlay zones, table of permitted uses, townhouse and two- to four-family dwelling unit definitions, research and development uses, open space, block faces, building materials, shared parking, and perimeter buffers on small lots.		
Recommended Motion and/or Requested Action: Consider closing public hearing to refer to the Planning Commission for consistency review and recommendation.		
Detailed Notes: See attached staff report. Previous discussions of this amendment package occurred at the work sessions of June 27, 2023, and March 26, 2024. Additional topics in this public hearing package include: administrative modifications, MF-B district uses and standards, and building heights.		
Funding Source:		
Cost:	One Time: <input type="radio"/>	Annual: <input type="radio"/> No Cost: <input checked="" type="radio"/>
Manager's Comments and Recommendations:		
Attachments Yes: <input checked="" type="radio"/> No: <input type="radio"/>		
Agenda Form Reviewed by:	Initials:	Comments:
Department Head:	JST	
Finance Director:		
Town Attorney:		
Town Manager:	JM	
Town Clerk:		



PLANNING MEMORANDUM

DATE: May 7, 2024
TO: Honorable Mayor Gupton and Town Council Members
FROM: Jeff Triezenberg, AICP, GISP; Planning Director
SUBJECT: Zoning Text Amendment # ZTA-23-02, Garner Forward Implementation

I. BACKGROUND

This memo sets out proposals for a first round of text amendments to the UDO aimed at better implementing the goals and objectives of the 2023 Garner Forward Comprehensive Plan.

The comprehensive planning project began in earnest in July of 2022, with the contracted consulting team committing to 172 +/- hours of face-to-face engagement with the community as well as producing a project website and online engagement tools for broader outreach. A Steering Committee made up of the entire Garner Town Council and Planning Commission memberships met five (5) times over the course of the project, and select members also participated (along with interested citizens and Town staff) in more focused discussions as part of three (3) strategic advisory groups. Those groups provided specific input and assistance related to public outreach, community character and future land use scenario planning.

A draft of the full plan was first released on February 27, 2023, as the consultant's draft. During the remainder of 2023, the draft was reviewed extensively by the public, Planning Commission and the Town Council. This review culminated in a final draft being adopted on November 21, 2023, with an effective date of February 16, 2024.

II. PROPOSED UDO TEXT CHANGES

...

2.7.2. Applicability Matrix

Notwithstanding other portions of this Article, the following table summarizes the minimum requirements that shall be met when there are changes of use or changes to existing nonconforming development and/or to nonconforming structures or uses. A "✓" indicates that compliance with all applicable standards of this UDO is required, unless noted otherwise.



Figure 2.7-A. Required Site Element Upfits

	DIMENSIONAL STANDARDS	BUILDING DESIGN STANDARDS	SIDEWALKS, STREET TREES, CURB & GUTTER	TREE PROTECTION & LANDSCAPING	BUFFERS & SCREENING	PARKING LOT LANDSCAPING	OUTDOOR LIGHTING
Change of use from residential to nonresidential or mixed use.	✓(d)	✓(d)	✓(d)	✓	✓(d)	✓	✓
...

Notes:

- (a) For expanded/reconstructed portion only. For sidewalks, curb and gutter, this includes any areas of abutting right-of-way.
- (b) Exception: Maximum front setback should be met to the extent practical as determined by the Board of Adjustment (see 2.7.3.).
- (c) For expansions, reconstruction areas and all other walls facing public streets.
- (d) Not required for change of use meeting off-street parking requirements with a shared parking agreement or approved use of public parking.

...

4.7.4. Special Use Permit

Special use permits, as defined in G.S. § 160D-102(30) and described in G.S. § 160D-705(c), are required for uses which in an unmitigated state may create negative impacts to neighboring properties or uses. This process allows each proposed use to be evaluated by its merits and conditions specific to each site.

A. Applicability

Except for those uses listed in subsection 3, in addition to the other special uses listed in the use table in *Article 6. Use Regulations*, the following development types have significant city-wide impacts and require special use permits:

1. Any nonresidential or mixed-use development with an individual building(s) encompassing 100,000 or more square feet of gross floor area or more, except that this threshold shall be 250,000 square feet of gross floor or more for:
 - a. development within the Activity Center (AC) zoning district; or
 - b. development on a tract already within the corporate limits of the Town of Garner at the time of site-specific development application.
2. **Any residential development or subdivision involving 200 dwelling units or more, except that this requirement shall not apply to Upper-Story Residential uses.**
3. **The following development types do not require a special use permit due to their recognized substantial economic and social benefits to the Town:**
 - a. **Research & Development**

b. Hospital

c. Ambulatory Health & Emergency Care Facility

...

5.9.1. Nonresidential Development Standards

...

C. Buildings in the CMX district may exceed the designated height limit via a special use permit, provided the depth of the required front, rear and side yards shall be increased by a minimum of 0.5 feet for each foot, or fraction thereof, of building height exceeding the standard, or that the building may be designed with a stepped profile to achieve the same outcome.

5.14.2. Commercial Highway (CHO) Overlay District

...

F. Design Standards

1. Building Height

- a. The maximum building height for all buildings in the CHO is 70 feet, unless otherwise specified below.
- b. When a nonresidential use or mixed-use structure directly adjoins an existing residential use, the maximum building height is 24 feet unless an additional setback distance of one foot is provided for every additional foot of building height over 24 feet measured from the property line adjoining the existing residential use.
- c. These building height limitations do not apply to the property within the CHO located east of New Rand Road along U.S. 70.
- d. These building height limitations also do not apply to property within the CHO located west of McCormick Street along U.S. 70 or north of Purser Drive along U.S. 401, unless located within 300 feet of a single-family detached residential use.

...

5.14.3 Limited Access Highway (LHO) Overlay District

...

1. Design Standards

1. Lot Dimensions

All dimensional requirements, including minimum lot area and minimum lot width requirements, are established in the underlying zones, but may be enlarged based on the enhanced setback requirements herein.

2. Building Height

No building shall exceed ~~150~~ 200 feet above grade; other building height restrictions are governed by *Subsection 3. Building Setbacks*, below.



3. Building Setbacks

The required setback for yards not abutting the right-of-way shall be as set forth in the underlying zone. The minimum building setbacks measured from the ~~scenic corridor~~ limited access highway right-of-way, including access ramps and interchanges, shall be 65 feet, as follows:

- a. ~~For buildings up to 35 feet above grade, there shall be a minimum setback of 50 feet from the right of way.~~
- b. ~~For buildings extending up to 60 feet above grade, there shall be a minimum setback of 100 feet.~~
- c. ~~For buildings exceeding 60 feet above grade, there shall be an additional setback, measured beyond the initial 100-foot setback, consisting of two feet for each additional one foot in height up to the maximum height of 150 feet.~~

...

6.1. USE TABLES

TABLE OF PERMITTED USES														
P = PERMITTED BY-RIGHT; SEE ADDITIONAL STANDARDS LISTED IN ARTICLE 5.; S = SPECIAL USE PERMIT														
SPECIFIC USE	RESIDENTIAL DISTRICTS							NONRESIDENTIAL AND MIXED USE DISTRICTS						NOTES
	RA	R2	R4	R8	RMH	MF-A	MF-B	NMX	CMX	TBD	AC	LI	HI	
RESIDENTIAL USE CATEGORY														
...														
Two-Family <u>Two-to Four-Family</u> Dwelling (2 to 4 dwelling units per structure, aka Duplex/Triplex/Quadplex)		P	P	P		P								6.4.4.B.
Townhouse (3 or 2 to 4 2 to 4 dwelling units per structure)				P		P	P	P						6.4.4.C.
Townhouse (>4 dwelling units per structure)						P	P	S	P					6.4.4.D.
...														
Multifamily (>4 units per structure or over 2,500 sq ft footprint)						P	P	S	P <u>S</u>					6.4.4.D.
...														
CIVIC AND INSTITUTIONAL USE CATEGORY														
...														
Higher Education	S						P		P		P	P		Includes Business School/Satellite; 6.5.4.E.
...														
RECREATIONAL AND ENTERTAINMENT USE CATEGORY														
...														
Indoor Athletic of Entertainment Facility (not theater)							P	S	P	S	P	P		Including Gym, Spa, Indoor Pool, etc.; 6.6.4.E.
...														

COMMERCIAL, OFFICE, RETAIL, SERVICE USE CATEGORY													
...													
Other Office Uses Not Listed							P	P	P	P	P	P	6.8.4.A.
Medical Office							P	S	P	P	P	P	Includes Medical Clinic or Urgent Care Clinic; 6.8.4.B.
...													
Restaurant, Sit-down Establishment							P	P	P	P	P	P	6.8.4.D.
...													
Day Care Center							P	P	P			P	Includes Adult and Child Day Care, Family Child Day Care; 6.8.4.H.
Gym, Spa or Pool, Private							P	P	P	P	P		SF max for TBD; 6.8.4.I.
...													
Personal or Professional Services (up to 5,000 sqft ground floor footprint)							P	P	P	P	P	P	Including Hair Salons, art studio, dance studio (excludes commercial greenhouses or any use with outdoor operations; 6.8.4.L.
...													
Sales, Retail (no outdoor operations)							P	S	P	P	P	P	6.8.4.N.
...													

All uses added to the MF-B district above would have the following standards added to their respective sections identified in the Notes column:

- In the MF-B district, use is only permitted in buildings with an Upper-Story Residential use.

...

6.1.3. Uses not Listed

The Planning Director shall determine whether or not an unlisted use is part of an existing use category defined in or is substantially similar to an already defined use, using the criteria in Section 6.2. Use Categories.

(Table of Permitted Uses begins on next page)

TABLE OF PERMITTED USES (pages 6-2 through 6-7):

Add the following uses as “P” in the Activity Center (AC) district:

- Hospital
- Ambulatory Health & Emergency Care Facility



- Banks or Financial Institution, with Drive-thru or Vehicular ATM
- ~~Industrial, Manufacturing, or Production, Indoor Only~~

Remove the following use from the “Flex Space, Other Light Industrial, Manufacturing, Warehousing, or Transportation Uses Not Listed” specific use and add as a permitted (“P”) separate and distinct specific use in the AC CMX, LI and HI districts with a note referring users to subsection 6.9.5.O.:

- Research and Development

...

6.4.4. Specific Uses

...

B. ~~Two-family~~ Two- to Four-Family Dwelling Unit (Duplex/Triplex/Quadplex)

1. Defined

~~Two to four dwelling units in a single structure on a single lot or on two lots where the dwelling units share a wall.~~

2. Use Standards

(None)

C. ~~Townhouse (Townhome, Rowhome-Rowhouse)~~

1. Defined

~~A form of single-family attached dwelling in which three-two or more units share common side walls and are often designed in rows and have individual entrances on the ground floor. Units are purchased on a fee-simple basis on small individual parcels of land fronting on either a public or private street, and have parking located on each lot or attached to each dwelling unit, although garages may be separated from the dwelling. Yards are typically small or shared, and privacy requires careful protection. A townhouse with only two units is classified as a duplex.~~

...

6.9.5. Specific Uses

...

O. Research and Development

1. Defined

An establishment primarily engaged in nanotechnology and biotechnology research and experimental development, or in conducting research and experimental development in the physical, engineering, cognitive and life sciences, such as agriculture, electronics, ecology, biology, botany, computers, chemistry, food, fisheries, forests, geology, health, mathematics, medicine, oceanography, pharmacy, physics, veterinary and other allied subjects.

2. Use Standards

(None)

...

8.2.1. Purpose

- A. ~~Residential~~ All development best promotes the public health, safety, and welfare if a portion of the land remains as common open space for purposes including recreational enjoyment, exercise and relaxation, community character, environmental conservation, and aesthetics.
- B. The regulations in this Section seek to benefit the general public – which includes, but is not limited to, residents, workers and visitors – by:
 1. Preserving open vistas;
 2. Providing relief from an urban landscape;
 3. Preserving environmentally sensitive lands vulnerable to encroaching development;
 4. Preserving wildlife habitats;
 5. Preserving historically or archaeologically significant areas; and
 6. Providing areas for active and passive recreation.

8.2.2. Applicability

- A. For purposes of this Section, “open space” refers to an area or areas that meets all of the following requirements:
 1. Is not encumbered with any substantial structure, save those structures necessary for the purposes identified herein;
 2. is not exclusively devoted to use as a roadway, parking area, or sidewalk;
 3. is not part of any privately owned lot that is used or intended for use for residential purposes, except as noted in subsection 8.2.2.C.;
 4. If private, is legally and practicably accessible to the residents of the subdivision and/or development it is designed to serve; and
 5. If publicly dedicated, is legally and practicably accessible to the general public.
- B. Narrow strips of common area that separate lots within a development from other lots, streets, or adjoining tracts shall generally not be regarded as open space, unless these areas meet one of the following requirements:
 1. Are at least 50 feet in width and are capable of functioning as a substantial visual buffer meeting or exceeding the requirements of a Type A buffer as described in *Article 10. Lighting and Landscaping*.
 2. Are configured and improved in ways conducive to actual use for passive recreational purposes (e.g., walking, jogging, gathering, pet exercise) by the residents of the development.
- C. The following areas shall be regarded as open space where such areas satisfy the criteria in this Section:
 1. Utility easements greater than 50 feet in width and located outside of street rights-of-way;
 2. Cemeteries located on a tract prior to its development;
 3. Areas used for the growing of crops and under the control of a homeowners association; and
 4. Golf courses as private open space.
 5. Indoor recreational amenities (see subsection 8.2.3.C.).
- D. The term “primary conservation areas” shall mean any of the following:



1. Areas shown as greenways on the adopted Garner Open Space and Greenways Plan or other applicable policies or plans; or
 2. ~~Neuse River buffers; or~~
 3. ~~Areas containing slopes greater than 25 percent.~~
- E. The term “secondary conservation areas” shall mean any of the following:
1. Lakes and ponds;
 2. Wetlands as defined pursuant to Section 404 of the Clean Water Act;
 3. Areas containing slopes greater than 15 percent but not more than 25 percent;
 4. Other areas containing unique vistas or unusual natural features (such as major rock formations); or
 5. Other unique areas of documented environmental, historical, or archaeological significance.
- F. Except as otherwise provided herein, every proposed residential land use or development with residential uses shall be developed so that at least 10 percent of the total area of the development remains permanently as open space-, and every development composed exclusively of non-residential uses shall be developed so that at least 5 percent of the total area of the development remains permanently as passive open space. To emphasize consistency with the open and public character of certain portions of the town, wherever a proposed development boundary is within ¼ mile of a parcel boundary containing public park land or a Town operations facility, the required percentage of open space shall be increased by 50 percent.
1. Smaller developments may need less open space. Therefore, developments of less than one acre shall be exempt from the open space provisions of this Section.
 2. For purposes of this Section, the term “development” refers to the entire project developed on a single tract or multiple, contiguous tracts under common ownership or control, regardless of whether the development is phased or subdivided.
- G. If a tract where a residential land use or residentially zoned development is proposed and contains any areas defined above as primary or secondary conservation areas, then such areas shall be designated as passive open space, subject to subsection 8.2.3.B. and the following:
1. in no case shall the developer be required to set aside more than the minimum required percentage of passive open space specified herein;
 2. if the tract contains primary or secondary conservation areas, then the specific areas to be set aside as passive open space shall be determined by the permit issuing authority, with priority given to primary conservation areas over secondary conservation areas; and
 3. if the total of primary and secondary conservation areas on a development tract is less than the minimum required percentage of passive open space specified, then the choice of additional passive open space areas to be set aside to satisfy this minimum percentage shall remain with the developer, provided the location is acceptable to the permit-issuing authority-as meeting the goal of establishing a discernible center for the development in the form of a common green or public square.
- H. Notwithstanding the other provisions of this Section, where a developer agrees to dedicate land to the Town that is intended to be used by the Town for open space purposes such dedication shall be credited to the developer in satisfaction of the open space requirements.

8.2.3. Private Open Space Structure

Provided private open space shall meet the following requirements for passive and active space:

A. Required tree preservation and/or conservation buffers area may account for up to 30 percent of a development’s required open space and shall be considered passive open space.

B. Passive Open Space

For proposed residential land uses or development with residential uses, up to 75 percent of the required open space shall be provided for passive recreation purposes such as walking, jogging, relaxation, etc. Preservation of cultural or natural resources such as steep slopes, rock outcroppings, mature woodlands, or water resources may also be counted towards passive recreation provided there is access for the public to these resources.

C. Active Space

For proposed development with 25 dwelling units or more, at least 25 percent of the required open space shall be provided as improved park active space. Improved park active space must be centrally-located so as to establish either a vista (i.e. street terminus) within the development or to establish a discernible center for the development or phase of a development, and be primarily grassed and properly maintained, and contain the minimum amenities described below. ~~Additionally, one third of the required active-~~Active space must be completely designed for active recreation purposes such as playgrounds, tennis courts, ball fields, volleyball courts, open play fields (minimum 50’ x 100’ of grass area with no more than a 2% cross slope), etc. Constructed private multi-use paths (paved and 8 feet wide) which could reasonably connect to a planned public greenway shown in an adopted plan, while passive in nature, shall be credited as active recreational open space for an area equivalent to a 20-foot corridor along the path. Indoor recreational facilities, including but not limited to indoor pools and fitness centers, as well as permitted rooftop amenities may also count towards active space requirements but may not comprise more than 30% of the active space required.

D. Supplemental active space requirements include:

1. Public Seating

Provide seating areas appropriate to the intended use of the space (e.g., park benches and durable theft/vandalism-resistant chairs in formal/active spaces and garden wall seats in informal spaces). Seating must be provided at a minimum rate of one seating area per 10,000 square feet.

3. Tree Requirement

A minimum of one tree (two-inch caliper minimum) or one preserved existing canopy tree a minimum of 12 inches DBH for every 2,500 square feet of required park space.

4. Trash Receptacles

Garbage receptacles and recycling receptacles shall be required for each park space at a minimum rate of one per 20,000 square feet of space. Receptacles shall use a metal, decorative design and shall be placed in close proximity to gathering spaces. Park spaces less than 10,000 square feet, where no more than two public seating areas are provided, are exempt from this requirement.

5. Bicycle Parking



At least two bicycle parking spaces shall be required for every one- quarter acre of park space (minimum 0.25 acre).

6. Paved Walkways

All park spaces shall incorporate hard-surface (non-gravel), 6-foot-wide walkways into the overall design so that they are accessible from adjacent sidewalks, streets, and parking areas.

8.2.4. Private Ownership and Maintenance

- A. Private recreational facilities or open space shall remain under the ownership and control of the developer, their successor, or a homeowners’ association or similar organization.
- B. Recreational facilities and open space shall be available to all residents, workers or visitors of the development. The responsible party shall establish reasonable rules and regulations to govern the use of facilities and open space by the residents. There shall be no separate fees or optional fees for use, other than homeowners’ association or similar organization membership fees.
- C. In residential developments, persons not residing in the development may be allowed access to the facilities and open space on a limited basis, as long as this practice does not render the facility or open space a principal use. Access fees may be instituted.
- D. Maintenance of the facilities and open space shall be the owner’s responsibility.
- E. Homeowners’ associations or similar legal entities responsible for the maintenance and control of common areas shall be established as follows:
 - 1. The association or similar legal entity shall be established prior to the sale or occupancy of any lot or building in the development.
 - 2. The association or similar legal entity shall have the authority to compel residents to contribute funds to cover their shares of costs associated with the maintenance and upkeep.
 - 3. The association shall establish a capital fund for the maintenance and upkeep of common areas and devise a funding method to spread maintenance and upkeep costs to the residents over a number of years.

...

8.3.3. Layout and ~~Coordination~~ Connectivity

...

B. Block Face Lengths

1. Applicability

These regulations shall apply to any side of a local or collector street on which buildings front.

2. Maximum Lengths

A block face is regularly defined as one side of a street between two intersections of other streets. For purposes of this UDO, a block face may also be defined as one side of a street between two spaces equivalent to the width of the Town’s narrowest local street right-of-way and associated building corner side setbacks. Such spaces may be used for alleyways, off-street parking, open space, greenways, etc; but should focus on increasing pedestrian connectivity throughout the development.

ZONING DISTRICT	BLOCK FACE MAXIMUM LENGTH
HI, LI, RA	n/a
R2	1,500 feet
R4, MFA, RMH, NMX	1,000 feet
R8, MF-B, CMX, TBD	800 feet
AC	600 feet

BC. Connectivity Index

...

8.3.4. Coordination with Surrounding Streets

...

D. Local Streets

- Local streets shall be designed to provide parking unless an alley is provided. See Town’s Engineering Manual.

Remove subsection 2.

...

9.2.5. Material Requirements

- No metal lap siding or vinyl siding on nonresidential buildings shall be permitted.
- At least 50 percent of the primary building materials shall consist of brick, stone, or decorative/scored concrete masonry units.
- Buildings shall be limited to a maximum of three types of materials and colors. This excludes decorative and functional elements such as fastenings and trim. No more than 10 percent of the structure’s exterior materials may be metal. Metal fastenings and trim shall not count toward this standard.
- All primary structures on a single non-residentially zoned parcel, or within a subdivision (one and two-family structures excluded) shall feature one primary building material that is common between all structures. For purposes of this section, a primary building material shall cover at least 15 percent of the structure’s exterior on facades facing a public right-of-way, internal private drive, or parking drive aisle.

...

9.3.3. Administrative Modifications

- Strict adherence to the parking standards contained herein may result in inadequate or excessive parking; therefore, the Administrator shall permit modifications from the requirements of up to ~~20~~ 15 percent upon written request and a parking study certified by an engineer showing that:
 - Any such modification shall not reduce the required number of accessible parking spaces, bicycle parking or electrical vehicle charging stations.
 - No reduction shall be granted for uses in the Residential Use Category as defined in Article 6. *Use Regulations.*
- Nonresidential development in the AC district shall be permitted a 25 percent reduction in off-street parking requirements.
- In the TBD District:



1. Nonresidential uses shall be permitted a 20 percent reduction in off-street parking requirements.
2. Parking on the street in front of property lines may be counted toward parking requirements. However, this parking is not proprietary to the establishment.

...

9.3.5. Off-Street Parking Requirement

...

TABLE OF PARKING REQUIREMENTS	
USE	MINIMUM NUMBER OF VEHICLE SPACES
...	
INDUSTRIAL, MANUFACTURING, WAREHOUSING, WASTE SERVICES, AND TRANSPORTATION USE CATEGORY	
...	
<u>Research and Development</u>	<u>1.0 spaces per 1,000 square feet of gross floor area</u>
...	

...

9.3.8. Shared Parking Standards

...

A. Applicability

1. Shared parking shall be considered only for new developments or significant increases in building size or additions.
2. Shared parking may not include a reduction in accessible parking spaces.
3. Shared parking is only permitted in the NMX, TBD, AC, CMX, LI, and HI districts, as well as for any non-residential uses in residential zoning districts where both uses participating in the shared parking agreement are non-residential where the non-residential use for which an application is made for shared parking is also in a conservation overlay district.
4. A use for which an application is made for shared parking shall be located within 800 feet of the parking facility.

...

10.6.7. Design Requirements

A. Perimeter Buffer Widths and Types

1. The following tables provide requirements for perimeter buffers between zoning districts. Identify the zoning districts for the proposed use and adjacent property. The required perimeter buffer width in feet and type are listed at the intersection of the respective row and column.
2. For single-family residential, duplex, and townhome subdivisions of 12 lots or fewer, the maximum buffer required is 15 feet wide.
3. For lots in nonresidential or mixed-use zoning districts less than 2 acres in size, the required buffer width shall be half of the width specified herein.

...

13.2.2. B

...

Block Face. A block face is regularly defined as one side of a street between two intersections of other streets. For purposes of this UDO, a block face may also be defined as one side of a street between two spaces equivalent to the width of the Town’s narrowest local street right-of-way and associated building corner side setbacks. Such spaces may be used for alleyways, off-street parking, open space, greenways, etc; but should focus on increasing pedestrian connectivity throughout the development..

...

13.2.18. R

...

Rowhome or Rowhouse. See “Townhouse.”

...

13.2.20. T

...

Townhouse. A form of single-family attached dwelling in which ~~three~~two or more units share common side walls and are often designed in rows and have individual entrances on the ground floor. Units are purchased on a fee-simple basis on small individual parcels of land fronting on either a public or private street, and have parking located on each lot or attached to each dwelling unit, although garages may be separated from the dwelling. Yards are typically small or shared, and privacy requires careful protection. ~~A townhouse with only two units is classified as a duplex.~~

...

Throughout the UDO – correction of any errors in cross-references, citations, etc. in sections of the original adopted UDO brought about by the amendments within this case.

III. PLAN CONSISTENCY

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

Staff offers that the Planning Commission shall review consistency with the following plans:

- 2023 Garner Forward Comprehensive Plan

IV. REASONABLENESS

For zoning text amendments, § 160D-605. Governing board statement does not require the Council to make a statement on reasonableness; only a statement on plan consistency is required.



V. RECOMMENDATION

Staff asks that the Town Council consider closing the public hearing to refer this matter to the Planning Commission for consistency review and recommendation.

PLANNING

MEMORANDUM - ATTACHMENT

The following notes describe the general nature of the proposed amendments with cross-references to the draft language in the planning memorandum for ZTA-23-02, Garner Forward Implementation.

Overall

- Throughout – correction of any errors/omissions in sections of the original adopted UDO that are subject to amendment within this case.
- Section 9.3.3. – In support of ensuring the right-sizing of parking accommodations for the various building typologies on pages 66 to 75, acknowledge appropriate thresholds for staff-approved variability of parking requirements versus those that must be more rigorously scrutinized as part of a conditional zoning process. *See 9.3.3. Administrative Modifications.*

Adaptive Re-Use, Efficient Use and More Intensive Use of Property

- Section 2.7.2. – In support of objective on page 118 “Encourage retrofit and adaptive reuse of existing residential structures for commercial uses in some portions of the planning area”, amend Figure 2.7-A. to only require upfits to Buffers & Screening and Outdoor Lighting for changes of use where the parcel has access to shared and/or public parking. *See 2.7.2. Applicability Matrix.*
 - Section 10.6.7.A. – Add a subsection where small non-residential/mixed use lots are required to install ½ the otherwise required perimeter buffer width and quantities. 2 acres seems to be a critical lot size. Lots still need to meet canopy requirements – allows more of the landscaping to be mixed into the site to help create great commercial open spaces. Would also support challenges with residential to commercial adaptive reuse as most individual residential detached lots do not require buffers. *See 10.6.7. Design Requirements.*
- Sections 4.74. and 6.1. – In support of Level 4-B Mid-Rise Areas to Transform on pages 60 to 65, and in keeping with the stated intent and purpose of the MF-B zoning district, add a limited number of permitted non-residential uses to the MF-B district that are supportive of residents and of vertical mixed use at mid-rise heights, as well as incentivizing Upper-Story Residential (vertical mixed use) by removing a process step. *See 4.7.4. Special Use Permit and 6.1. Use Tables.*
- Section 5.14.2. – In support of Level 4-B on the Development Change and Intensity Map (pages 58-59), expand building height cap exemption in the CHO overlay district to include the corridor west of McCormick Street, north of Purser Drive – unless located within 300’ of single-family detached residential use – to allow for up to 10 stories of development. *See 5.14.2. Commercial Highway (CHO) Overlay District.*
- Section 5.14.3. – In support of Level 4-C on the Development Change and Intensity Map (pages 58-59), raise maximum building height in the LHO to 200 feet above grade, to allow for up to 20 stories of development and establish consistent setback from the highway right-of-way at 65’ to allow for 50’ of vegetative preservation. *See 5.14.3. Limited Access Highway (LHO) Overlay District.*



- Section 9.3.8. – In support of the objective on page 143 to “Protect natural areas and environmental assets throughout the community”, allow nonresidential uses in residential districts to be eligible for shared parking; thereby reducing required impervious surface areas overall and encouraging more efficient use of impervious spaces permitted. *See 9.3.8. Shared Parking Standards.*

Housing and Neighborhoods

- Section 6.1. – In support of the Spotlight on: Small-Format Multifamily Housing on pages 116 and 117, adjust housing type uses and definitions and more clearly define differences between the residential zoning districts in the Use Table itself to emphasize or de-emphasize small-format multifamily housing uses as appropriate. *See 6.1. Use Tables, 6.4.4. Specific Uses, 13.2.18. R, and 13.2.20. T.*

Pedestrian Movement

- Section 8.3.3. – In support of the objective on page 132 to “Improve street connectivity in new and existing neighborhoods, retail areas, employment areas and mixed-use areas”, and specifically to support the language included within that objective to encourage “a network of connected sidewalks, side paths and pedestrian passages...” to make “walking more convenient and enjoyable...” and increase “pedestrian access throughout the community”; adjust the regulation of maximum block lengths to specifically focus on the regulation of maximum block face lengths so that pedestrian passages between long rows of housing are more frequent and accessible. This adjustment also resolves an inherent conflict with minimum street intersection spacing standards required by standard engineering details for safe vehicle movement. *See 8.3.3. Layout and Connectivity and 13.2.2. B.*

Economic Development / Nonresidential Development

- Section 5.9.1. –In support of Level 4-B Mid-Rise Areas to Transform and 4-C High-Rise Areas to Transform on pages 60 to 65, remove the Special Use Permit process requirement for projects exceeding 45’ in height in the CMX zoning district and rely on the existing formula for additional setbacks to self-regulate appropriate separations of taller buildings from adjacent parcels. *See 5.9.1. Nonresidential Development Standards.*
- Section 6.1. – In support of Initiative #4 – Regional Employment Activity Centers, introduce a new research and development use that caters to “technology, creativity, and innovation”, and include associated regulations. *See 6.1.3. Uses not Listed, 6.9.5. Specific Uses and 9.3.5. Off-Street Parking Requirement.*
 - Section 4.7.4. – As well as Initiative #4, also in support of objective on page 100 “Encourage infill development and redeveloping in existing developed areas” and objective on page 101 “Build a community attractive to today’s businesses and their employees”, establish tiered non-residential or mixed-use building size threshold triggering SUP review based on zoning district to incentivize infill, as well as the existing AC district – which does not exist on the zoning map today and should be applied only in conformance with the comprehensive plan’s general framework map (Regional Employment Activity Centers or Regional Transit Activity Centers) – at 250,000 square feet in AC as well as any site already within the Town’s corporate limits. Also establish further incentive through a process exemption for specific uses with considerable economic and/or social impact such as Research and Development, Hospital and Ambulatory Health and Emergency Care Facilities. *See 4.7.4. Special Use Permit.*
 - Section 6.1 – Establish list of permitted uses based on Initiative #4 and introduce new uses where current uses are too broad. *See 6.1.3. Uses not Listed.*
 - Sections 6.4. – 6.11. – Establish definitions and use standards for any new uses. *See 6.9.5. Specific Uses.*

- Section 9.3 – Add any parking standards for any new uses recommended for Section 6.1. *See 9.3.5. Off-Street Parking Requirement.*
- Section 9.2.5. – In support of the objective on page 116 to “Require multiple buildings on the same lot or parcel be architecturally unified”, add requirement for architectural unity within a commercial subdivision or within a parcel with multiple buildings. *See 9.2.5. Material Requirements.*

Open Space

- Section 8.2. – In support of the objective on page 115 to “Amend the town’s UDO to strengthen design standards for non-residential development”, differentiate between residential and non-residential open space requirements in subsections 8.2.1. through 8.2.4., and set open space dedication minimums for non-residential at 5% of project acreage and specify list of acceptable improvements based on Garner Forward Comprehensive Plan definitions of Greenways, Common Greens, Public Squares and Public Plazas. *See 8.2.1. Purpose, 8.2.2. Applicability, 8.2.3. Private Open Space Structure, and 8.2.4. Private Ownership and Maintenance.*
 - Section 8.2.2. – Further, and in support of the objective on page 88 to “Emphasize the public realm as a unifying feature when contemplating new development and redevelopment projects”, increase the open space requirement by 50% for developments within ¼ mile of park land or Town operations facility, and clarify that only utility easements greater than 50 feet wide will count as open space – currently it is all utility easements. *See 8.2.2. Applicability.*
 - Section 8.2.3. – Further, and in support of the objective on page 107 that “Neighborhoods in Garner should reflect the community’s values and preferences toward housing mix, building quality, and neighborhood amenities”, and objective on page 121 “Establish a discernible structure for new neighborhoods in the town’s planning area”, add requirement for residential development to place a qualifying open space element – playground, common green or public square – in the center of the neighborhood. *See 8.2.2. Applicability, and 8.2.3. Private Open Space Structure.*
 - Section 8.2.3. – Further, and in support of the objective on page 120 to “Build support in Garner to use design and development standards that enhance community appearance and maintain a unique sense of place”, and specifically to develop “open space requirements that require minimum size, location and, design qualities to integrate open spaces within a development and activate spaces with people”, add minimum sizes and maximum slopes for active open play fields. *See 8.2.3. Private Open Space Structure.*

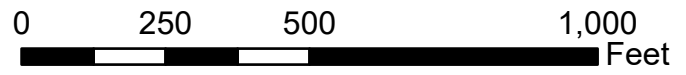
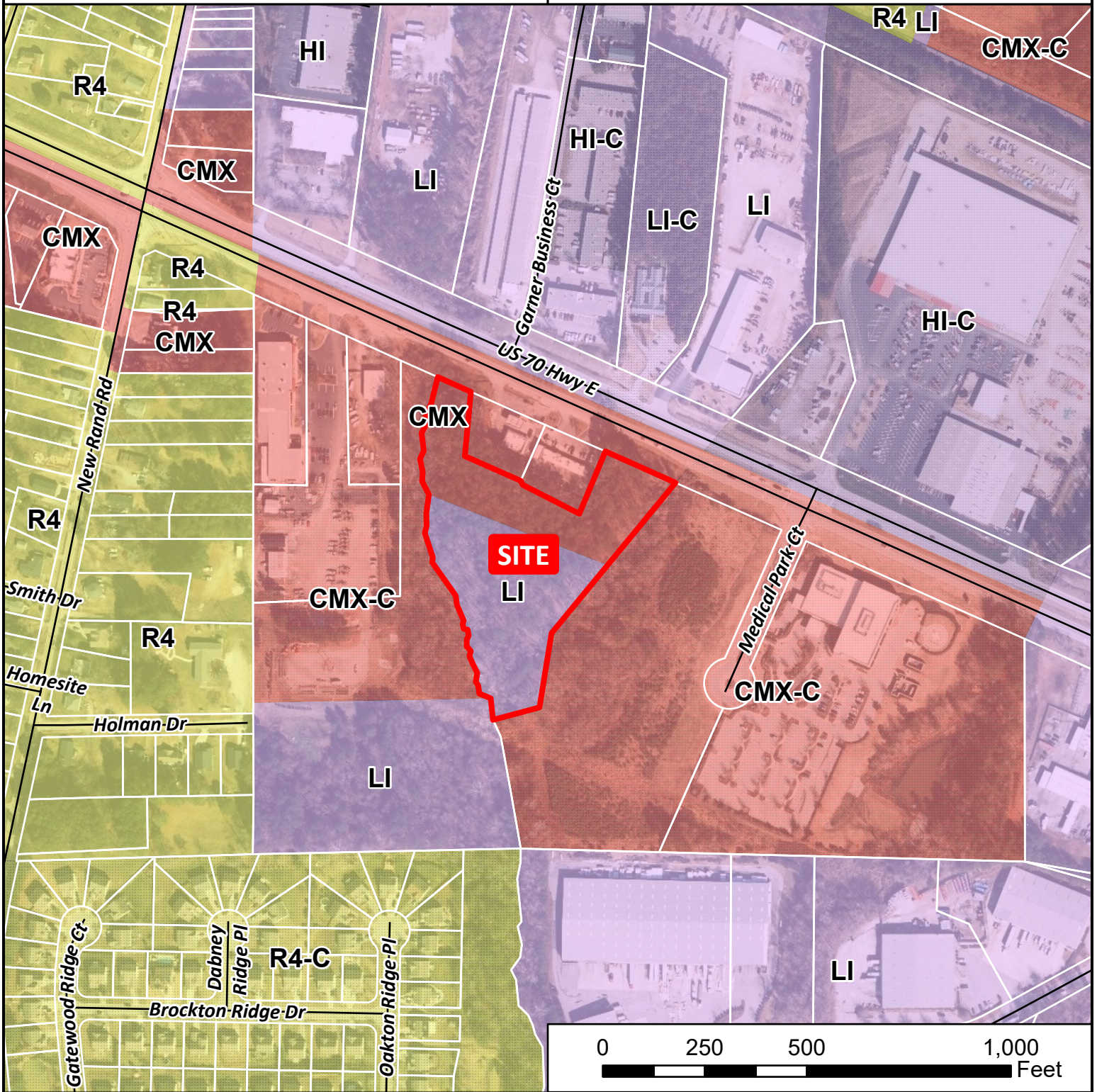
Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: May 7, 2024 <input type="button" value="v"/>		
Subject: Tier 1 Conditional Rezoning # CZ-24-001, 312 US 70 Highway East		
Location on Agenda: Old/New Business <input type="button" value="v"/>		
Department: Planning		
Contact: Erin Joseph; Assistant Planning Director		
Presenter: Erin Joseph; Assistant Planning Director		
Brief Summary: Tier 1 conditional district rezoning request submitted by Traci Dusenbury Tate of Halcon Companies, LLC, to rezone approximately 5.04 +/- acres from Commercial Mixed Use (CMX) and Light Industrial (LI) to Commercial Mixed Use (CMX C300) Conditional. The site is located at 312 US 70 Highway East and may be further identified as Wake County PIN 1710991886.		
Recommended Motion and/or Requested Action: Consider statement of reasonableness and approval by adopting Ordinance (2024) 5267.		
Detailed Notes: Reminder that Tier 1 requests do not include/require a site-specific master plan. Zoning conditions are proposed that restrict the range of CMX permissible uses to a list of three out of a possible 37. See accompanying staff report and attachments for more information.		
Funding Source:		
Cost:	One Time: <input type="radio"/>	Annual: <input type="radio"/> No Cost: <input checked="" type="radio"/>
Manager's Comments and Recommendations:		
Attachments Yes: <input checked="" type="radio"/> No: <input type="radio"/>		
Agenda Form Reviewed by:	Initials:	Comments:
Department Head:	JST	
Finance Director:		
Town Attorney:		
Town Manager:	JM	
Town Clerk:		



Town of Garner Planning Department

Tier 1 Conditional Rezoning CZ-24-001



Project: *The Villas at White Oak*
Applicant: *Halcon Companies, LLC;*
Trinity Housing Development, LLC
Owners: *ANH Hospitality, LLC*
Location: *312 US 70 Highway East*
Pin #: *1710-99-1886*

Proposed Use: *Independent Senior Living,*
Apartments
Current Zoning: *CMX, LI*
Proposed Zoning: *CMX-C*
Acreage: *5.04 +/-*
Overlay: *CHO*

PLANNING MEMORANDUM

DATE: May 7, 2024
TO: Planning Commission Members
FROM: Erin Joseph, CZO; Assistant Planning Director
SUBJECT: Tier 1 Conditional Rezoning # CZ-24-001, 312 US 70 Highway East

I. PROJECT AT A GLANCE

Project Number(s): CZ-24-001

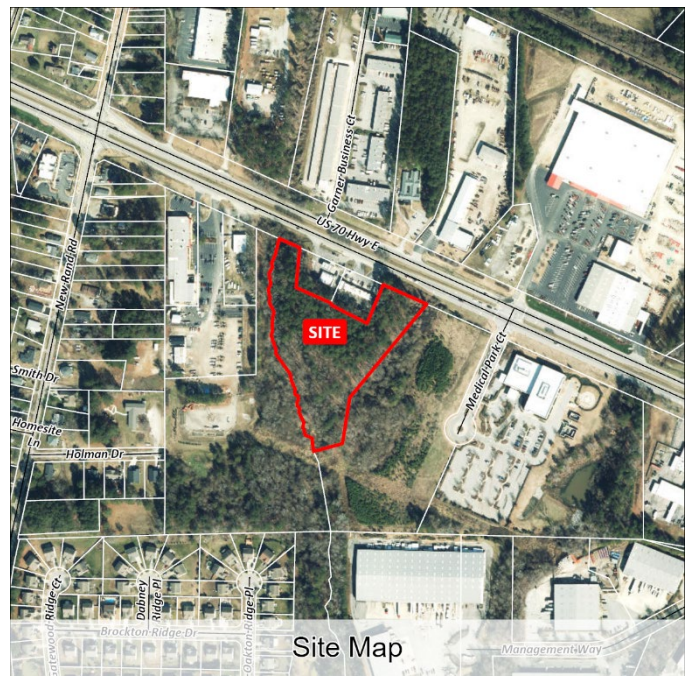
Request: Tier 1 conditional district rezoning request submitted by Traci Dusenbury Tate of Halcon Companies, LLC, to rezone approximately 5.04 +/- acres from Commercial Mixed Use (CMX) and Light Industrial (LI) to Commercial Mixed Use (CMX C300) Conditional. The site is located at 312 US 70 Highway East and may be further identified as Wake County PIN 1710991886. Use conditions are proposed. Reminder that Tier 1 requests do not include/require a site-specific master plan.

Applicant: Traci Dusenbury Tate

Owner: ANH Hospitality LLC

Key Meeting Dates:

- Public Hearing:** March 19, 2024
- Planning Commission:** April 8, 2024
- Action:** May 7, 2024



Site Map



II. ZONING AND CONTEXT

EXISTING ZONING: The existing zoning of the site is split between **Commercial Mixed Use (CMX)** and **Light Industrial (LI)**.

The Commercial Mixed Use district is designed to accommodate general commercial, retail, and service activities that serve the whole community. Offices and very light industrial uses may also be appropriate depending on the context. This district serves a wide range of users and may draw customers from outside of the town. It must have good automobile access and access to transit is preferred. Pedestrian connectivity is also important.

The Light Industrial District is intended to provide for a limited range of low intensity industrial uses that are not noxious or offensive due to odors, smoke, dust, noise, fumes, or vibration. Operations are restricted inside a building with outdoor storage prohibited.

The following uses are permitted in the CMX district by right or by special use permit (see UDO Article 6, common permitted uses on the whole parcel highlighted):

- | | |
|--|--|
| <ol style="list-style-type: none"> 1. Townhouse (Greater than 4 dwelling units per structure) 2. Multifamily (Greater than 4 dwelling units per structure or over 2,500 sq ft footprint) 3. Upper-Story Residential 4. Security or Caretaker’s Quarters 5. Group Care (with 9 or more residents) 6. Other Civic and Institutional Uses Not Listed 7. Assembly, Civil, Service Fraternal Clubs, Lodges and Similar Uses 8. Library, Museum, Art Gallery 9. Community Center 10. Higher Education 11. School, Primary or Secondary 12. Emergency Services 13. Cemetery 14. Hospice 15. Hospital 16. Ambulatory Health & Emergency Care Facility 17. Religious Institution 18. Other Indoor Recreational and Entertainment Uses Not Listed 19. Bar, Nightclub, Tavern 20. Indoor Athletic or Entertainment Facility (not theater) 21. Electronic Gaming Centers 22. Outdoor Athletic or Entertainment Facility 23. Theater 24. Other Outdoor Parks and Open Space Uses Not Listed 25. Public Park, Passive Open Space, Nature Park 26. Sexually Oriented Business | <ol style="list-style-type: none"> 27. Theater, Drive-In 28. Other Overnight Accommodation Uses Not Listed 29. Bed and Breakfast Home, 8 rooms or fewer 30. Bed and Breakfast Inn, 9-30 rooms 31. Hotel/Motel 32. Other Office Uses Not Listed 33. Medical Office 34. Other Restaurant and Food Service Uses Not Listed 35. Restaurant, Sit-down Establishment 36. Restaurant, with Drive-in or Outdoor Curb Service 37. Convenience Store, without Fuel Sales 38. Convenience Store, with Fuel Sales 39. Day Care Center 40. Gym, Spa, or Pool 41. Funeral Home 42. Personal or Professional Services (up to 5,000 sq ft ground floor footprint) 43. Personal or Professional Services (> 5,000 sq ft ground floor footprint) 44. Banks or Financial Institution 45. Banks or Financial Institution, with Drive-thru or Vehicular ATM 46. Sales/Retail (no outdoor operations) 47. Sales/Retail (with outdoor operations up to 25 percent of total sales area) 48. Sales Oriented Use (with outdoor operations > 25 percent of total sales area) 49. Parking Lot or Deck, Commercial 50. Self Storage, Mini Storage |
|--|--|

- 51. Veterinarian/Kennel, Indoor
- 52. Veterinarian/Kennel, with Outdoor Operations
- 53. Vehicle Sales, Rental, Service, Repair
- 54. Microbrewery/Microdistillery
- 55. Passenger Terminals
- 56. Minor Utility

- 57. Telecommunication Facility
- 58. Concealed Telecommunications Facility
- 59. Greenhouse, Nursery (commercial), indoor operations
- 60. Greenhouse, Nursery (commercial), outdoor operations

The following uses are permitted in the LI district by right or by special use permit (see UDO Article 6):

- 1. Security or Caretaker’s Quarters
- 2. Assembly, Civil, Service Fraternal Clubs, Lodges and Similar Uses
- 3. Higher Education
- 4. Emergency Services
- 5. Prison, Jail, Detention Facility
- 6. Cemetery
- 7. Hospital
- 8. Ambulatory Health & Emergency Care Facility
- 9. Religious Institution
- 10. Bar, Nightclub, Tavern
- 11. Indoor Athletic or Entertainment Facility (not theater)
- 12. Outdoor Athletic or Entertainment Facility
- 13. Theater, Drive-In
- 14. Hotel/Motel
- 15. Other Office Uses Not Listed
- 16. Medical Office
- 17. Restaurant, Sit-down Establishment
- 18. Convenience Store, without Fuel Sales
- 19. Convenience Store, with Fuel Sales
- 20. Funeral Home
- 21. Crematorium
- 22. Personal or Professional Services (up to 5,000 sq ft ground floor footprint)
- 23. Personal or Professional Services (> 5,000 sq ft ground floor footprint)

- 24. Sales/Retail (no outdoor operations)
- 25. Sales/Retail (with outdoor operations up to 25 percent of total sales area)
- 26. Sales Oriented Use (with outdoor operations > 25 percent of total sales area)
- 27. Parking Lot or Deck, Commercial
- 28. Self Storage, Mini Storage
- 29. Veterinarian/Kennel, Indoor
- 30. Veterinarian/Kennel, with Outdoor Operations
- 31. Vehicle Sales, Rental, Service, Repair
- 32. Flex Space, Other Light Industrial, Manufacturing, Warehousing, or Transportation Uses Not Listed
- 33. Microbrewery/Microdistillery
- 34. Wholesale Sales
- 35. Industrial, Manufacturing, or Production, Indoor Only
- 36. Passenger Terminals
- 37. Water Treatment, Wastewater Treatment, Natural Gas, Electric Substation
- 38. Minor Utility
- 39. Telecommunication Facility
- 40. Concealed Telecommunications Facility
- 41. Greenhouse, Nursery (commercial), indoor operations



Contextual Setting:

This site is located along US 70 Highway east near the intersection with Medical Park Court. Much of the area is comprised of a mix of commercial and industrial zones.

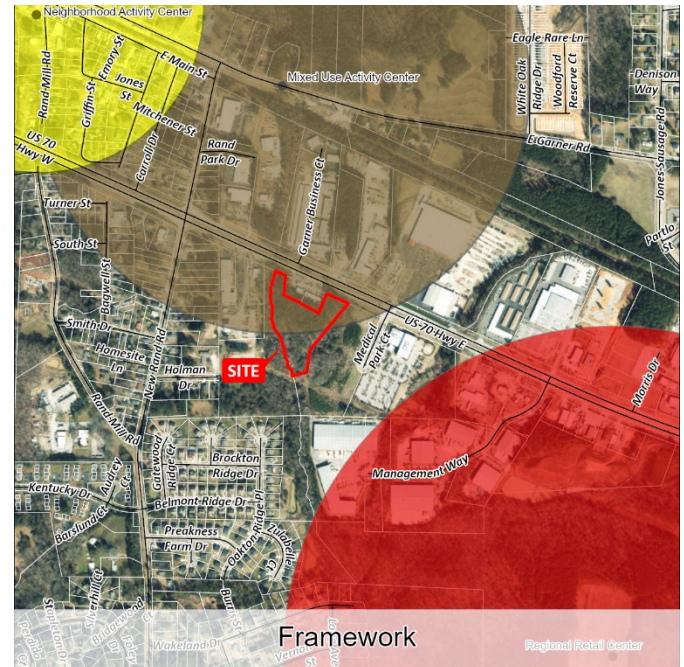
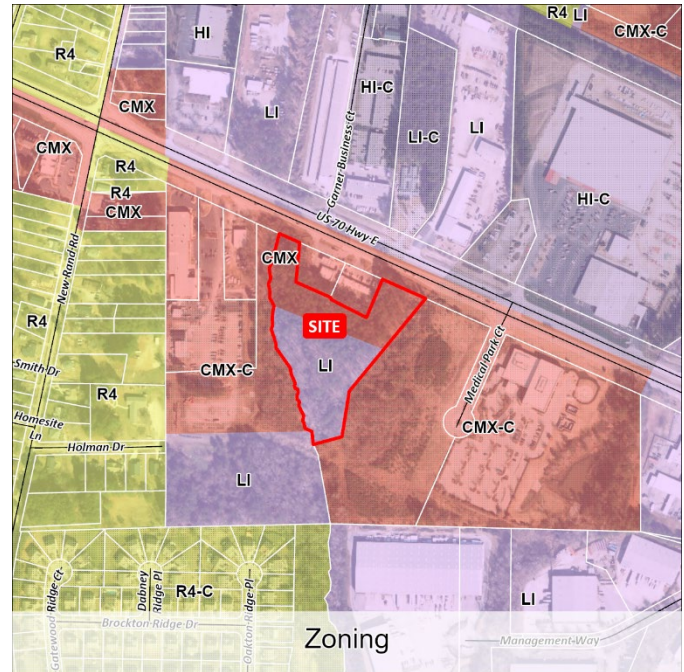
- North: State of NC Property, Flex Space, SPCA, Sales and Service
- South: Vacant Areas of Adjacent Parcels
- East: Vacant and Hospital
- West: Flex Space, Sales and Service, Vehicle Service and Repair

US Highway 70 East is a major thoroughfare and handles high volumes of traffic, notably during morning and afternoon peak hours. The thoroughfare connects a series of activity centers in Garner and also serves as a regional route connecting Johnston County and points east into the greater Raleigh area. Currently, the last traffic count for this portion of US Highway 70 East was 32,500 AADT (annual average daily trips) in 2021 and is estimated to be 34,000 AADT today. AADT counts have ranged from 26,000 to 32,500 over the past decade. Please note, AADT counts are conducted every two years by NCDOT across the entire state and differ from TIAs which focus on peak hour only counts conducted primarily by privately contracted traffic engineers.

PROPOSED ZONING: The proposed zoning for the site is **Commercial Mixed Use (CMX C300) Conditional**.

The CMX district is intended to accommodate general commercial, retail, and service activities that serve the whole community. Offices and very light industrial uses may also be appropriate depending on the context. This district serves a wide range of users and may draw customers from outside of the town. It must have good automobile access and access to transit is preferred. Pedestrian connectivity is also important.

Conditions: The applicant has identified the following six (of a possible 60) uses that are permitted in the CMX district by right or by special use permit to be part of the proposed CMX C300 district:



1. Proposed Permitted Use Table

Use Category	Specific Use	CMX C300
Residential	Multi-family (>4 dwelling units per structure or over 2,500 sq ft footprint)	P
	Group Care (9 or more residents)	P
Civic and Institutional	Hospice	P
Overnight Accommodation	Hotel/Motel	P
Commercial, Office, Retail, Service	Medical Office	P
	Other Office Uses Not Listed	P

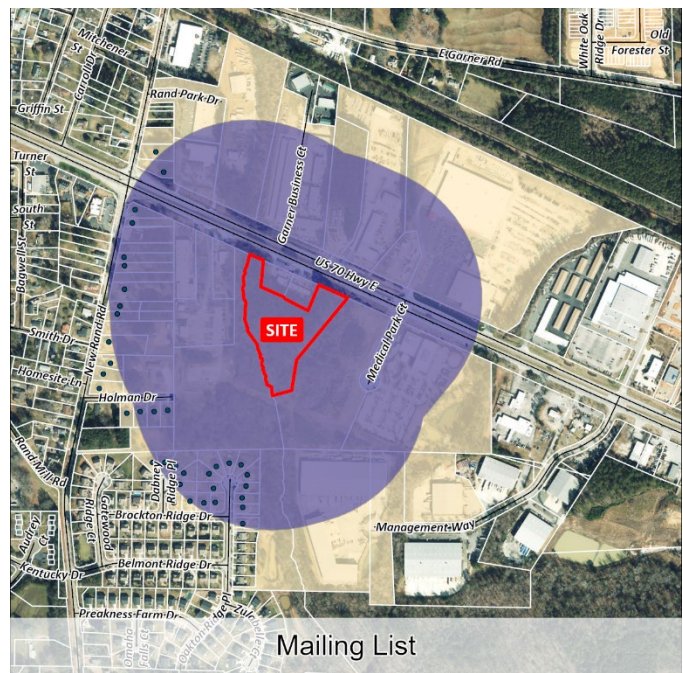
- If the property is developed with multifamily use, the multifamily units will be designated as housing for older persons, according to the following formula: Eighty percent (80%) of the units will be reserved for elderly households. Twenty percent (20%) of the units will be reserved for either elderly households, or households in which all household members are forty-five (45) years of age or older. "Elderly household" means a household that meets the following criteria: (i) one member of the household is fifty-five (55) years of age or older, and (ii) all other household members are forty-five (45) years of age or older."
- A pedestrian connection or sidewalk will be provided, allowing access to the public sidewalk and onto adjacent parcels to the east so that future residents may access future medical offices or other complementary uses on the adjacent parcel to the east.
- Any multifamily building shall be at least 4 stories in height.
- A minimum of 1,800 square feet of interior recreation/social space (either active or passive) shall be provided.
- A minimum of 4,000 square feet of exterior recreation/social space (either active or passive) shall be provided.

III. PROPOSAL REVIEW

NEIGHBORHOOD MEETING(S): Staff identified 71 property owners and occupants within the notification radius as shown at right and provided the list to the applicant for first class mailed notices. The neighborhood meeting was held on February 15, 2024, at The Borrow, located at 1411 Aversboro Rd., Suite 309, with approximately 10 people in attendance. See full neighborhood meeting information attached at the end of this report for further detail.

PUBLIC HEARING: The Town Council conducted a public hearing on the case at their meeting on Tuesday, March 19, 2024.

Meeting video may be found: (<https://www.youtube.com/watch?v=gk42CHlty8o>). The staff presentation begins at the 22:30 mark of the video, and discussion with the applicant and interested citizens begins at the 37:40 mark.





Questions and comments from the Town Council revolved around acknowledging the need for affordable senior housing and investigating whether there is a way to connect the site in the future to the larger greenway system.

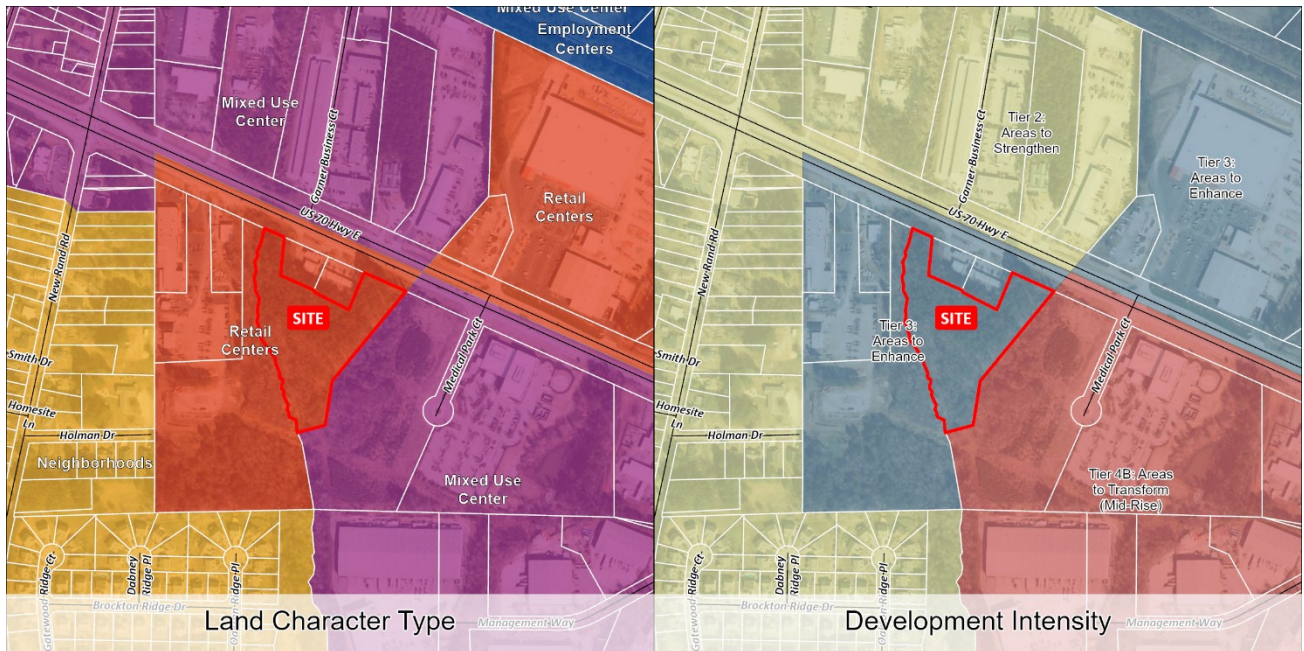
Motion made by Mayor Pro Tem Vance to close the public hearing and refer the case to the Planning Commission for consistency review and recommendation. Seconded by Council Member Behringer. Motion passed unanimously.

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

Staff notes that the applicable plans for Tier 1 rezoning requests is typically only the 2023 Garner Forward Comprehensive Plan as there is no site-specific master plan included with these requests.

2023 Garner Forward Comprehensive Plan Staff Review Summary:

May 7, 2024, Update: No change since public hearing.



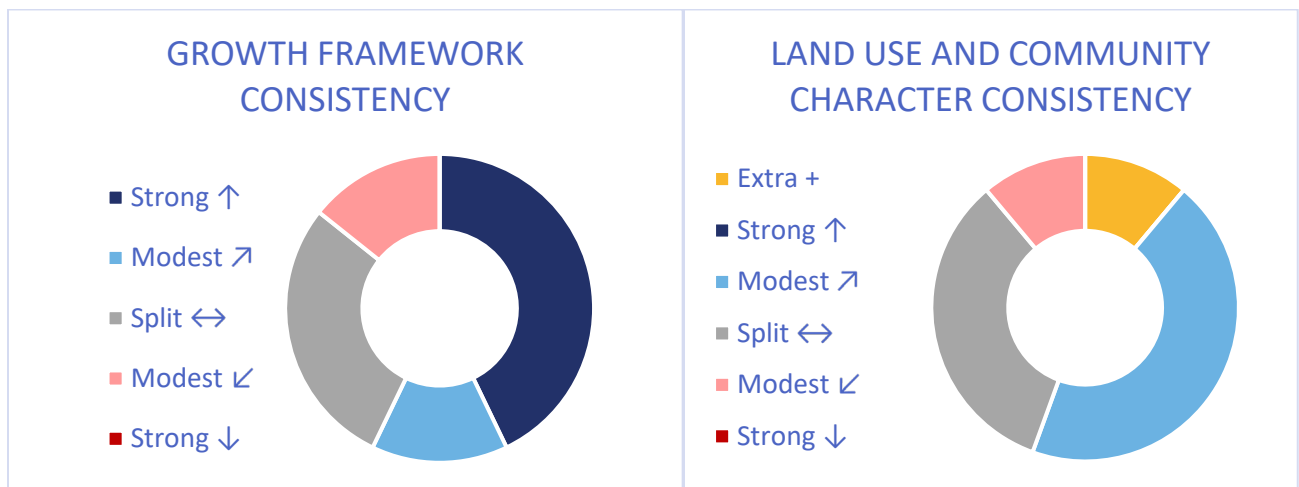
Strong Support	Modest Support	Split Modest	Modest Non-Support	Strong Non-Support
↑	↗	↔	↘	↓

Seven (7) growth framework criteria were evaluated using the scale above with a slight finding of consistency. Staff feels that the layering of a community activity center on top of a retail area as well as being near a regional employment activity center signals some support for greater massing and intensity on the site. Without a master plan commitment, it is difficult to evaluate some metrics; however, some are implied due to the unique shape of the site. Transportation choices are limited at the current time; however, the site

is located along the identified future collector transit service route, and several of the proposed uses would benefit from that service if implemented.

Eight (8) land use and community character recommendations were determined applicable or possible to address in a meaningful way with the written conditions that were proffered. Staff did not find any strong points of consistency or inconsistency based on the limited conditions of this Tier 1 request. If the residential use were to be constructed it would not likely be part of a mixed-use development, but it would play a subservient role in the larger area as recommended for community activity centers. The non-residential uses proffered would add to the mix in the general area, and while taller than most buildings in the area, the overall massing is expected to be similar. Without specific transportation and access information from a master plan, it is difficult to assess access management along US 70 and the effectiveness of pedestrian facilities. Extra credit was given due to the site being an infill location that will expand use of the existing site without straining the existing infrastructure.

In the absence of any strong non-supporting criteria and a modest level of consistency with the Plan’s growth framework, staff believes that a finding of consistency could be made should the Council find the proposed list of permitted uses and conditions may advance the public interest – particularly in the area of housing options for low-income seniors.



See full “Staff Consistency Review Item Detail” attached at the end of this report for more information.

PLANNING COMMISSION MEETING: The Planning Commission conducted a consistency review of the case at their meeting on Monday, April 8, 2024.

Meeting video may be found: (<https://www.youtube.com/watch?v=L3qSYf0jCnE&t=50s>). The staff presentation begins at the 31:45 mark of the video, and discussion with the applicant and interested citizens begins at the 43:10 mark.

Questions and comments from the Planning Commission were brief: Commissioners appreciated the intent to bring affordable housing for seniors. Commissioners also noted that they would like to see the sidewalk connect and loop around the edge of the parking lot and possibly incorporate an internal trail.

Consistency Statement: We, the Planning Commission, find that in the absence of any strong non-supporting comprehensive plan criteria and a strong level of consistency with the Plan’s growth framework, this request to rezone approximately 5.04 +/- acres from Commercial Mixed Use (CMX) and Light Industrial (LI) to Commercial Mixed Use (CMX C300) Conditional is consistent with the Town’s adopted land use plans.



Motion: I move that the Planning Commission accept the Consistency Statement herein as their own written recommendation regarding the consistency of the request with the Town’s adopted land use plans and recommend approval of Case # CZ-24-001 to the Town Council.

Motion made by Commission Member Carson and seconded by Commission Member Avent. Motion passed unanimously.

REASONABLENESS: In addition to approving a statement regarding plan consistency upon the advice of the Planning Commission, the Town Council must also approve a statement of reasonableness when making their decision. Sources of reasonableness are included in Section 4.6.1.F. of the Garner Unified Development Ordinance. Aside from consistency with the comprehensive plan, they include:

1. Compatibility with the present zoning and conforming uses of nearby property and with the character of the neighborhood.
2. Suitability of the subject property for uses permitted by the current versus the proposed district.
3. Whether the proposed change tends to improve the balance of uses or meets a specific demand in the Town.
4. Availability of sewer, water, transportation infrastructure, stormwater facilities, and other necessary infrastructure generally suitable and adequate for the proposed use.
5. Preservation of key features of the natural environment.

IV. RECOMMENDATION

MOTION OPTIONS: There are four options the Town Council might consider for a motion on this case outside of a motion to table/continue. The highlighted option indicates staff’s summary finding of the analysis and review to date, along with the associated draft motion.

Approve	① Consistent and Reasonable	② Inconsistent but Reasonable
Deny	③ Consistent but Not Reasonable	④ Inconsistent and Not Reasonable

① DRAFT MOTION TO FIND CONSISTENT AND REASONABLE, AND APPROVE: I move that the Town Council accept the Planning Commission’s written statement regarding consistency of the zoning amendment request with adopted land use plans, detailed in Section III of the staff report, as our own; and I further move that the Town Council adopt Ordinance No. (2024) 5267 approving rezoning CZ-24-001, as the request is reasonable and in the public interest because:

- the proposed district is compatible with present zoning and conforming uses on nearby property and with the character of the neighborhood, and
- the available sewer, water, transportation infrastructure, stormwater facilities and other necessary infrastructure are suitable and adequate for the proposed uses.

② **DRAFT MOTION TO FIND INCONSISTENT BUT REASONABLE, AND APPROVE:** I move that the Town Council, having considered the Planning Commission’s recommendations and relevant portions of the 2023 Garner Forward Comprehensive Plan, find CZ-24-001 inconsistent with said Plan; however, I also move that the Town Council adopt Ordinance No. (2024) 5267 approving rezoning CZ-24-001, as the request is reasonable and in the public interest because:

- the proposed district is compatible with present zoning and conforming uses on nearby property and with the character of the neighborhood, and
- the available sewer, water, transportation infrastructure, stormwater facilities and other necessary infrastructure are suitable and adequate for the proposed uses.

③ **DRAFT MOTION TO FIND CONSISTENT BUT NOT REASONABLE, AND DENY:** I move that the Town Council accept the Planning Commission’s written statement regarding consistency of the zoning amendment request with adopted land use plans, detailed in Section III of the staff report, as our own; however, I also move that the Town Council deny rezoning request CZ-24-001, as the request is not reasonable nor in the public interest because *[choose one of the following]*:

- the proposed district is not compatible with present zoning and conforming uses on nearby property and with the character of the neighborhood.
- the property is not suitable for uses in the proposed district as it is for uses in the current district.
- it does not improve the balance of uses within the Town or fulfill a specific demand.
- sewer, water, transportation infrastructure, stormwater facilities and/or other necessary infrastructure that would be suitable and adequate for the proposed uses is not available.
- key features of the natural environment are not preserved.

④ **DRAFT MOTION TO FIND INCONSISTENT AND NOT REASONABLE, AND DENY:** I move that the Town Council, having considered the Planning Commission’s recommendations and relevant portions of the 2023 Garner Forward Comprehensive Plan, find CZ-24-001 inconsistent with said Plan, and I further move that the Town Council deny rezoning request CZ-24-001, as the request is not reasonable nor in the public interest because *[choose one of the following]*:

- the proposed district is not compatible with present zoning and conforming uses on nearby property and with the character of the neighborhood.
- the property is not suitable for uses in the proposed district as it is for uses in the current district.
- it does not improve the balance of uses within the Town or fulfill a specific demand.
- sewer, water, transportation infrastructure, stormwater facilities and/or other necessary infrastructure that would be suitable and adequate for the proposed uses is not available.
- key features of the natural environment are not preserved.

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

ORDINANCE NO. (2024) 5267

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

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

WHEREAS, the Town Council finds this request to conditionally rezone 5.04 +/- acres from Commercial Mixed Use (CMX) and Light Industrial (LI) to Commercial Mixed Use (CMX C300) Conditional; and

WHEREAS, the Town Council also finds this request to be consistent with the Garner's Transportation Plan and Parks, Recreation, Greenways and Cultural Resources Master Plan; and

WHEREAS, the Town Council further finds the request is reasonable and in the public interest because it will encourage redevelopment and reuse of existing sites and buildings that are complimentary to the surrounding area, and reflects a significant change in conditions or support a public policy established by the Town since the adoption of applicable land use plans.

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 Traci Dusenbury Tate of Halcon Companies, LLC, in Zoning Map Amendment Application No. CZ-24-001, 312 US 70 E.

Section 2. That there is hereby created a new conditional zoning district, to be known as the Commercial Mixed Use (CMX C300) Conditional District; all of the regulations that apply to property within the CMX C300 district shall be applicable subject to the following conditions:

1. Permitted use table:

Use Category	Specific Use	CMX C300
Residential	Multi-family (>4 dwelling units per structure or over 2,500 sq ft footprint)	P
	Group Care (9 or more residents)	P
Civic and Institutional	Hospice	P
Overnight Accommodation	Hotel/Motel	P
Commercial, Office, Retail, Service	Medical Office	P
	Other Office Uses Not Listed	P

2. If the property is developed with multifamily use, the multifamily units will be designated as housing for older persons, according to the following formula: Eighty percent (80%) of the units will be reserved for elderly households. Twenty percent (20%) of the units will be reserved for either elderly households, or households in which all household members are forty-five (45) years of age or older. "Elderly household" means a household that meets the following criteria: (i) one member of the household is fifty-five (55) years of age or older, and (ii) all other household members are forty-five (45) years of age or older."
3. A pedestrian connection or sidewalk will be provided, allowing access to the public sidewalk and onto adjacent parcels to the east so that future residents may access future medical offices or other complementary uses on the adjacent parcel to the east.
4. Any multifamily building shall be at least 4 stories in height.
5. A minimum of 1,800 square feet of interior recreation/social space (either active or passive) shall be provided.
6. A minimum of 4,000 square feet of exterior recreation/social space (either active or passive) shall be provided.

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
ANH Hospitality LLC	1710991886	Commercial Mixed Use (CMX) and Light Industrial (LI)	Commercial Mixed Use (CMX C300) Conditional

Section 4. The Planning Department shall change the Official Zoning Map displayed for the public to reflect this change immediately following adoption of this ordinance. In addition, a copy

of this ordinance shall be filed in the Planning Department.

Section 5. All provisions of any town ordinance in conflict with this ordinance are repealed.

Section 6. That the Town Clerk shall cause a duly certified copy of this ordinance to be recorded in the office of the Wake County Register of Deeds.

Section 7. This ordinance shall become effective upon adoption.

Duly adopted this 7th day of May 2024.

Buddy Gupton, Mayor

ATTEST: _____
Stella L. Gibson, Town Clerk

Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: May 7, 2024		
Subject: Extraterritorial Jurisdictions (ETJ) Extension Request		
Location on Agenda: Old/New Business		
Department: Planning		
Contact: Jeff Triezenberg, AICP, GISP; Planning Director		
Presenter: Jeff Triezenberg, AICP, GISP; Planning Director		
<p>Brief Summary:</p> <p>The Town of Garner requests permission from Wake County to extend its extraterritorial jurisdiction (ETJ) primarily, albeit not exclusively, along the new North Carolina Highway 540 Corridor which will open in phases beginning this summer (2024) through 2028.</p>		
<p>Recommended Motion and/or Requested Action:</p> <p>Consider motion to adopt Resolution (2024) 2577, authorizing staff to forward request & report to Wake County.</p>		
<p>Detailed Notes:</p> <p>See attached final extension request report, resolution and cover letter. This report outlines staff's recommendation concerning a request to the Wake County Board of Commissioners for permission to extend Garner's ETJ (zoning and subdivision authority) to a net additional 8,858 acres of land in the Town's urban services area. The report represents the Town's justification for said request according to the County-established review criteria for granting permission to extend a municipality's ETJ and will be revised as feedback is provided from reviewing entities. A draft resolution of request and cover letter to the County Board of Commissioners is included.</p>		
Funding Source:		
Cost:	One Time: <input type="radio"/>	Annual: <input type="radio"/> No Cost: <input checked="" type="radio"/>
Manager's Comments and Recommendations:		
Attachments Yes: <input checked="" type="radio"/> No: <input type="radio"/>		
Agenda Form Reviewed by:	Initials:	Comments:
Department Head:	JST	
Finance Director:		
Town Attorney:		
Town Manager:	JM	
Town Clerk:		



PLANNING MEMORANDUM

DATE: May 7, 2024
TO: Honorable Mayor Gupton and Town Council Members
FROM: Jeffrey S. Triezenberg, AICP, GISP; Planning Director
SUBJECT: Extraterritorial Jurisdiction (ETJ) Request

Request

The Town of Garner requests permission from Wake County to extend its extraterritorial jurisdiction (ETJ) primarily, albeit not exclusively, along the new North Carolina Highway 540 Corridor which will open in phases beginning this summer (2024) through 2028.

The requested areas comprise three major areas:

- Northwest Area: 936 acres (1.46 sq. mi.)
 - Southern Area: 5,973 acres (9.33 sq. mi.)
 - Northeast Area: 1,949 acres (3.05 sq. mi.)
- TOTAL AREA: 8,858 acres (13.84 sq. mi.)

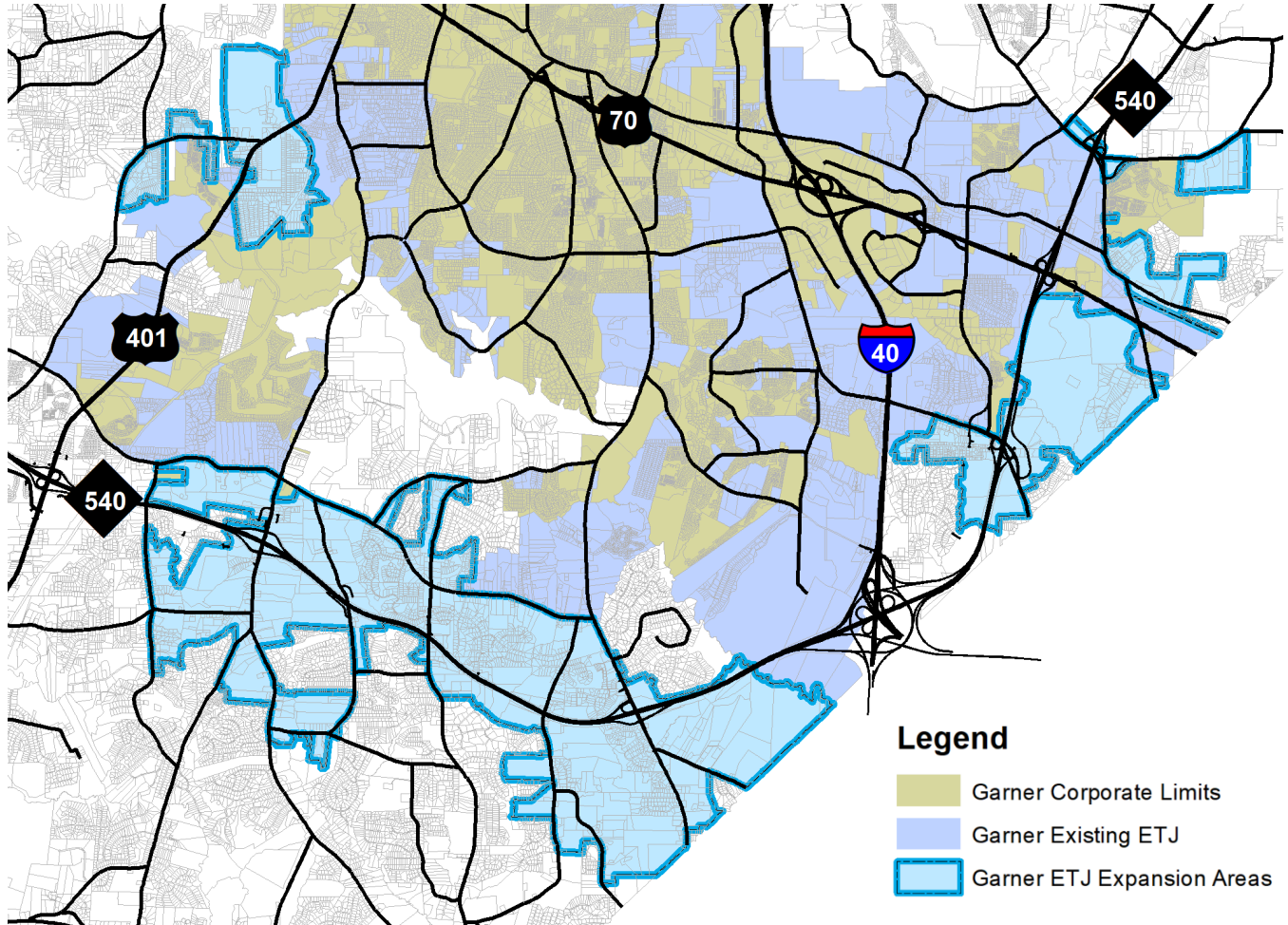
Throughout the Town’s request drafting process, efforts were made to avoid existing county subdivisions which have been constructed largely on private well and septic systems and are generally not in need of municipal services. However, in some cases, including such subdivisions has been necessary to maintain a cohesive jurisdictional boundary. Other barriers to urban growth such as the southern shores of Lake Benson between Old Stage Road and Benson Road have also been left out of this request.

In all cases, the boundaries of the extension areas do not split individual parcels (except where the parcel is already split by an intervening roadway) or subdivisions (as defined by the NCGS). Furthermore, all of the extension areas (save a portion of one parcel) are located within the Town’s former Urban Service Area as defined by Wake County. The parcel in question is PIN# 1731805246, of which a portion is currently located in the City of Raleigh’s former Urban Service Area. However, this tract of land is being presented to both Raleigh and Garner governing boards as part of a small land swap via a renewed annexation agreement that is slated to be up for adoption later this summer (2024).

Note: Throughout this report, the request area may be referred to as either the “extension” area or “expansion” area and are used interchangeably.



Figure 1: Overall Expansion Area

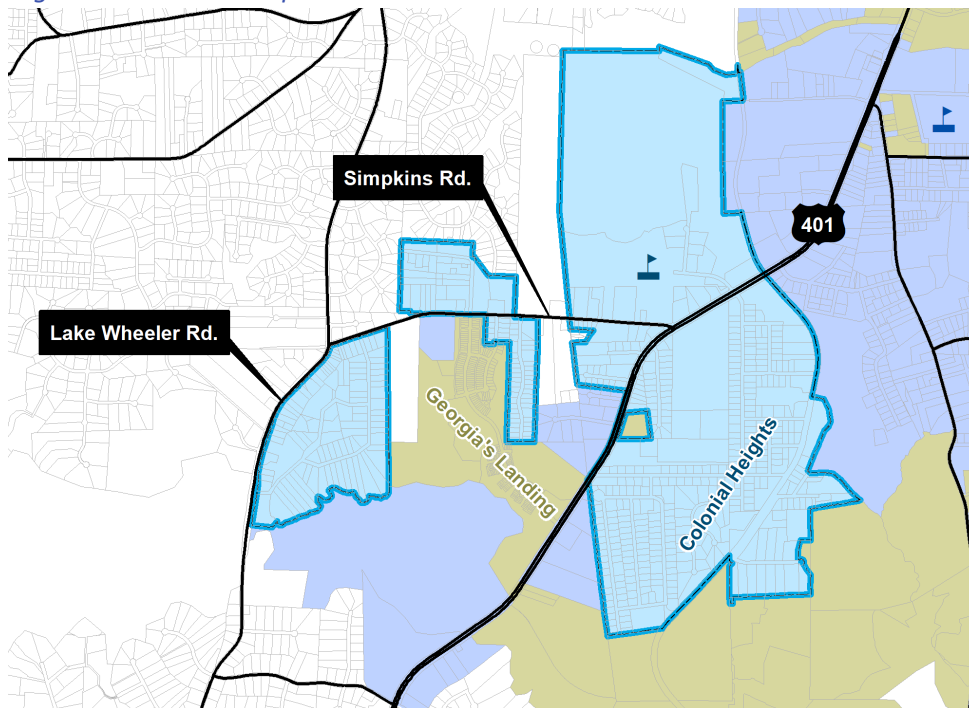


Northwest Area

The Northwest Area of the expansion request lies along Fayetteville (US 401), Simpkins and Lake Wheeler roads encompassing 936 acres (1.46 sq. mi.) spread across three subareas. This area is seeing increased development and redevelopment interest with the arrival of municipal water and sewer service at the nearby Georgia’s Landing subdivision. Already, there have been three official requests for connections onto these utility mains from owners of property (or their representatives) outside of Garner’s 2017 ETJ boundary and covering nearly 150 acres.

The Town recognizes that the Northwest Area would include the existing Colonial Heights and other nearby smaller subdivisions; however, it is also recognized that not doing so would result in small jurisdictional donut holes – in this case less than ½ square mile – which the Town understands that Wake County staff are not in favor of creating.

Figure 2: Northwest Expansion Area



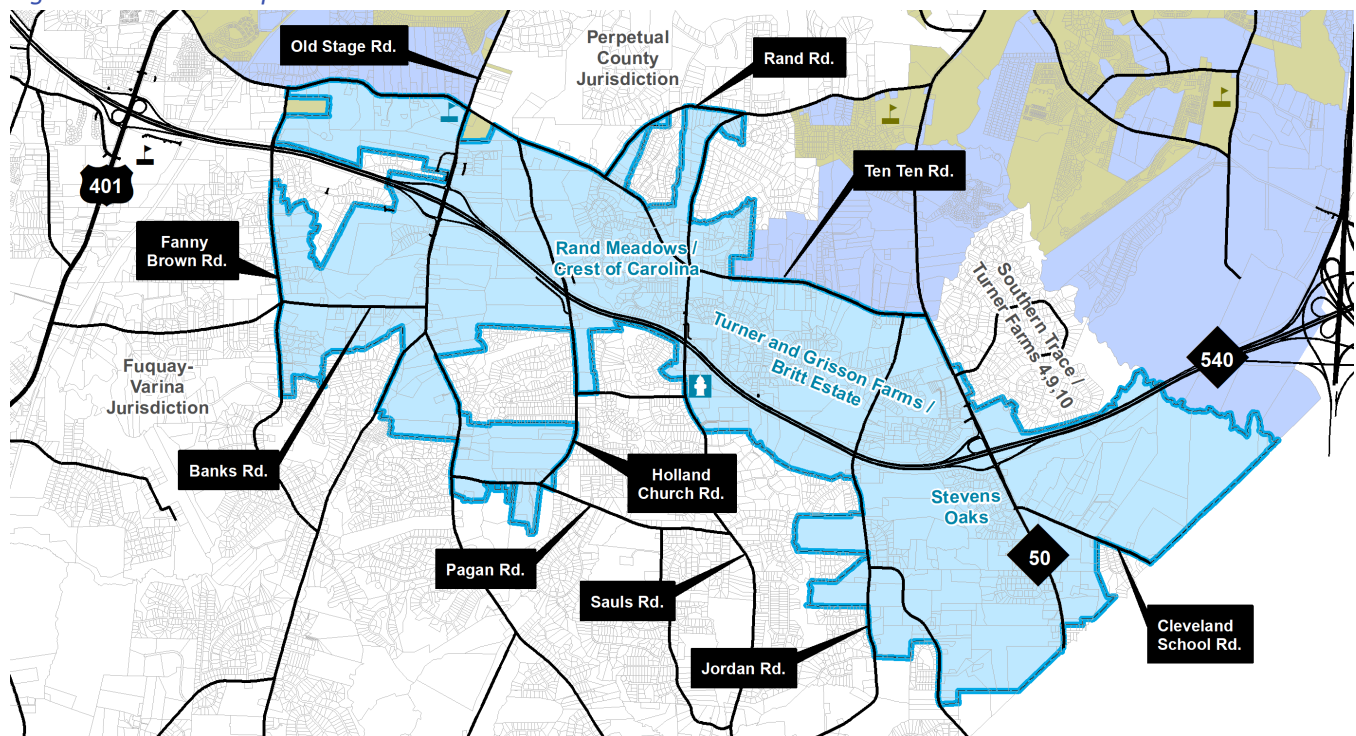


Southern Area

The Southern Area of the expansion request lies along the NC 540 corridor from Fanny Brown Road to Swift Creek encompassing 5,973 acres (9.33 sq. mi.) in one cohesive area. This area is seeing increased development interest due to the arrival of NC 540 along with coordinated efforts between the City of Raleigh and private developers to extend municipal water and sewer to the areas around the future interchanges at Old Stage Road and NC 50 (Benson Road).

The Town recognizes that the Southern Area would include several existing subdivisions surrounded by NC 540, Holland Church Road, Ten Ten Road and NC 50; however, it is also recognized that not doing so would result in jurisdictional holes tucked in off the main roads which the Town understands that Wake County staff are not in favor of creating. If favorable, the Town proposes leaving Southern Trace and Sections 4, 9 and 10 of Turner Farms under the County’s jurisdiction as they comprise an area of just over one square mile. Additionally, the Town proposes that Trebor Meadows, Nottingham Forest and Highland Trails subdivisions remain under the County’s jurisdiction as they are directly adjacent to lands south of Lake Benson that are almost certain to remain in perpetuity with Wake County.

Figure 3: Southern Expansion Area

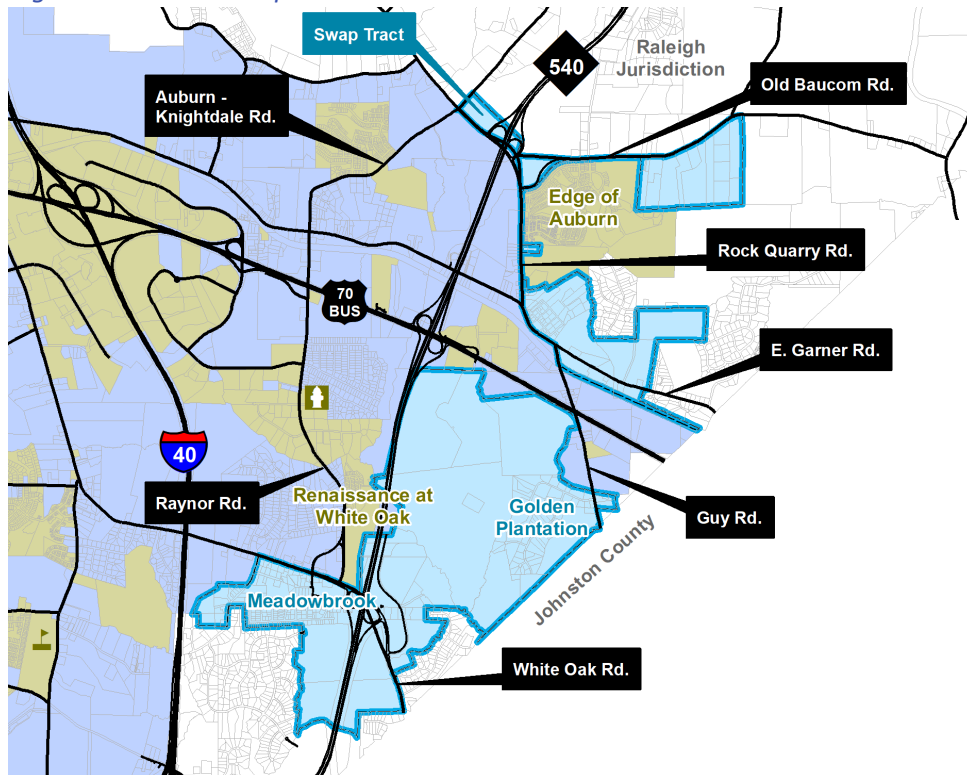


Northeast Area

The Northeast Area of the expansion request lies along the NC 540 corridor from the lands surrounding the future White Oak Road interchange up to the remaining lands in Garner’s Urban Service Area near the US 70 Business and Rock Quarry Road interchanges. This expansion area is comprised of two (2) subareas encompassing 1,949 acres (3.05 sq. mi.). The largest cohesive subarea (southern) is in the vicinity of the future White Oak Road interchange where several nearby roadways will be re-aligned, while the other (northern) is a collection of tracts connected by strips of right-of-way along Rock Quarry and Old Baucom roads. The larger southern subarea includes the underdeveloped Meadowbrook Estates subdivision south of White Oak Road and the Golden Plantation subdivision west of Guy Road. The northern subarea stops well short of the Johnston County line as much of that remaining area is comprised of the Clemmons Education Forest, other State lands and the existing Pine Hollow Golf Course development.

This area is seeing increased development interest due to the arrival of NC 540 along with coordinated efforts between the City of Raleigh and private developers to extend municipal water and sewer to the areas around the future interchanges at White Oak and Rock Quarry roads. US 70 Business continues to emerge as an industrial and logistics corridor between Garner and Clayton, having spawned several hundreds of thousands of industrial square feet over the last 6-8 years. Already, a new regional sewer pump station exists at the Edge of Auburn development and smaller public utility extensions are extending lines and capacity along the US 70 Business corridor and at the Renaissance at White Oak subdivision.

Figure 4: Northeast Expansion Area





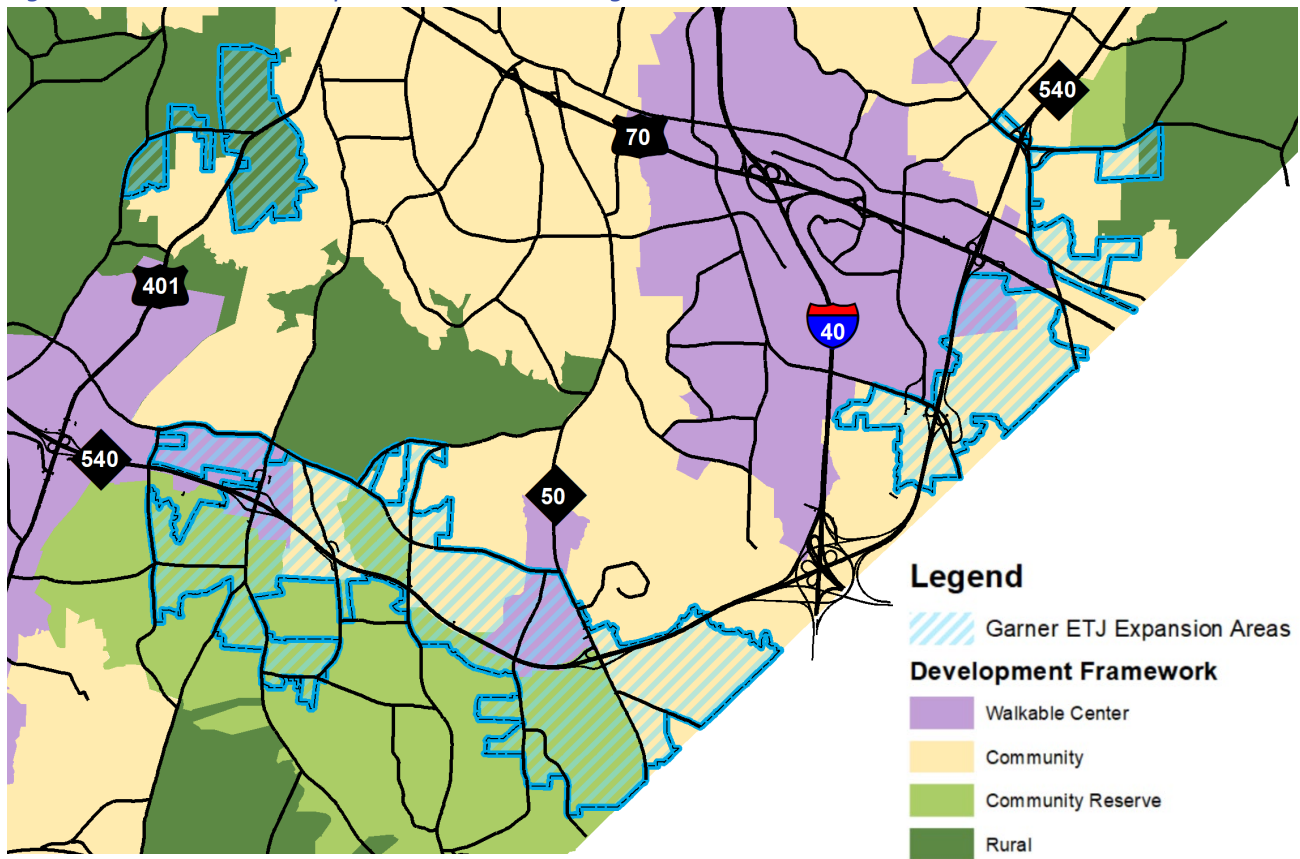
Justification: PLANWake Criteria

Although state law specifies the requirements for municipal extraterritorial jurisdiction, or “ETJ” extension, it does not provide detailed evaluation criteria. The following ETJ criteria have been established by Wake County in order to evaluate Garner’s ability to provide services and its capability and commitment to good planning and managing of development.

Criteria 1 - Wake County Development Framework Map Designation

The requested ETJ must be located within an area designated as Walkable Center or Community on the PLANWake Development Framework Map. ETJ extension in areas not noted as one of these two designations will require an amendment to the Wake County Comprehensive Plan. Any ETJ requests for Community Reserve or Rural areas will require an amendment to the PLANWake Comprehensive Plan to change the designation of the area to a more appropriate category that supports municipal development. Likewise, any applicable Small Area Plan will also need amending to identify this area as a site for municipal development.

Figure 5: PLANWake Development Framework Designation



WALKABLE CENTER OR COMMUNITY DESIGNATION

Of the requested extension area, 57.7% is designated in PLANWake as either Walkable Center or Community area. This covers all but 71 acres (3.6%) of the Northeast Area, and a little over half of the Southern Area (54.4%). None of the Northwest Area is in either of these designations.

COMMUNITY RESERVE OR RURAL DESIGNATION

In the Northeast Area, the remaining 71 acres (3.6%) is designated as Rural. All of this land is either owned by a member of the Baucom family or part of the Camilla P. Baucom subdivision. It is the easternmost land in

the Northeast request area and directly adjacent to the City of Raleigh’s Homeland Farms tracts. Intense development is not envisioned.

In the Southern Area, the remaining 45.6% of the acreage is designated as Community Reserve. At the time PLANWake was adopted, there was still some uncertainty to the timing of NC 540 and the City of Raleigh’s plans to serve the areas south of Ten Ten Road with water and sewer utilities. Both of those issues have gained more certainty in the intervening time and have largely been reflected in the County’s subsequent Area Plans. For more on these subjects, please refer to Criteria 2 and 3. Given this more recent certainty, the Town of Garner offers that the swath of Community Reserve in the Southern Area is ready to be re-classified as Community.

In the Northwest Area, the entire request is designated Rural. This is in large part to the Town’s 2017 ETJ extension and the decision to omit these areas at that time. In 2016, the Georgia’s Landing subdivision was still in its infancy. Full subdivision plans would not be filed until 2020. The development potential along Simpkins Road and the nearby section of US 401 was largely dependent on the ability to bring sewer service to the area. It has only been after much determined work by the developer of Georgia’s Landing and staff at the City of Raleigh that a plan for a series of pump stations and force mains was developed. The implementation of this plan was only fully realized in 2023. This development is a significant change in the existing conditions of the area; therefore, it is not surprising that an amendment to County plans would be needed. Town staff would also note again that a significant portion of the Northwest Area is already subdivided and is only being included so as not to create small jurisdictional donut holes.

Criteria 2 - Growth and Development within the ETJ Expansion Area

Requests for ETJ expansion should be where joint planning has taken place between the county and the Town of Garner in areas that are prime for investment. Garner must demonstrate recent growth and development activity (annexations, development requests, water and sewer expansion, new roadways) within the requested ETJ area. This activity, along with population and job growth, must be compared to areas already with the Garner’s corporate limits.

JOINT PLANNING

County and Town staff have been particularly active in joint planning efforts over the past two (2) years. For a more complete description of these efforts, please see Criteria 3.

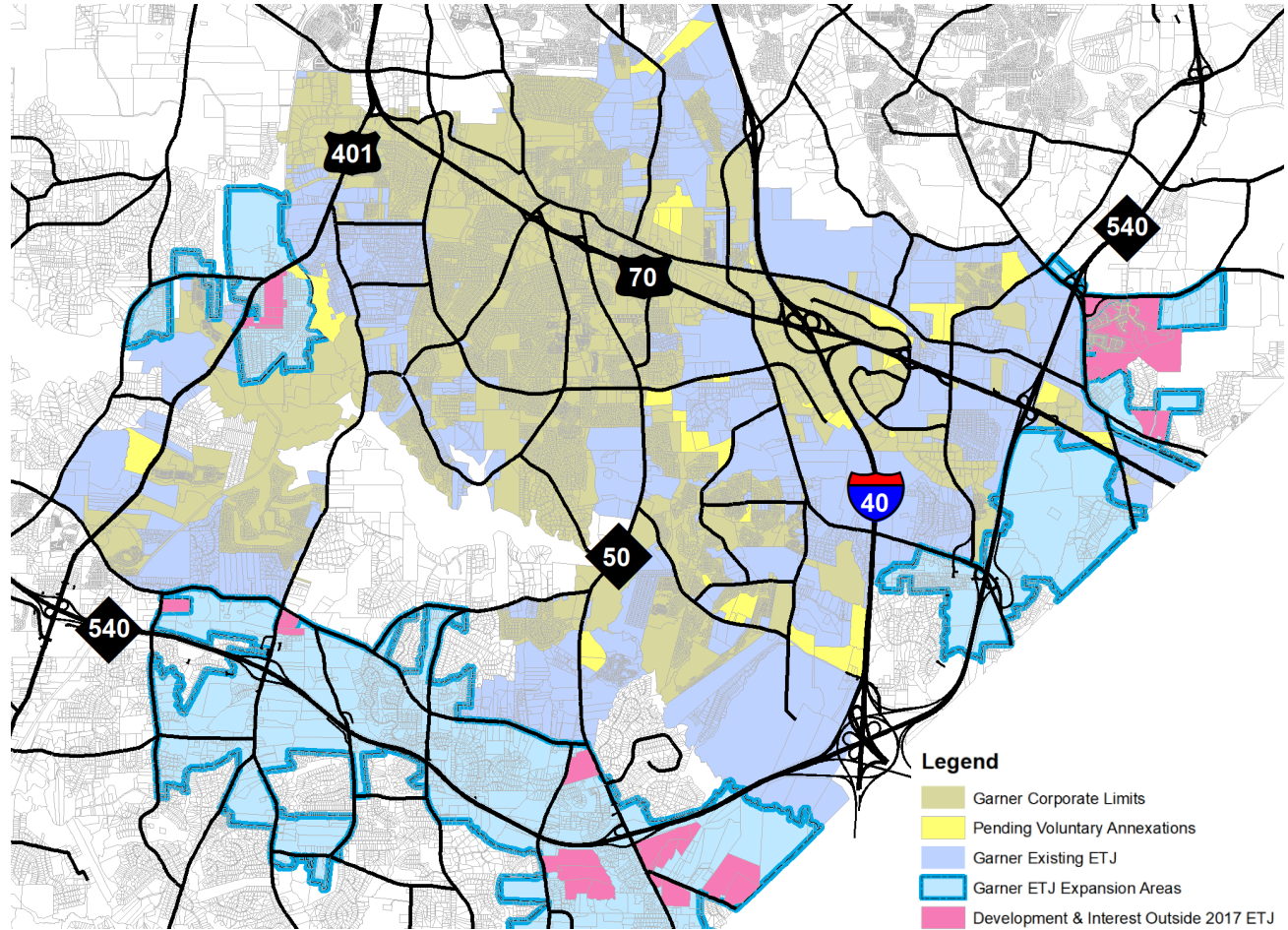
DEVELOPMENT ACTIVITY IN THE REQUESTED AREA AND ANNEXATION PROGRESS

Outside of the 2017 ETJ limits or within the requested areas, the Town is either already seeing development (as is the case with the Edge of Auburn and Gatsby Station subdivisions off Rock Quarry Road) or has been in discussions with owners and developers of property in excess of 850 acres or 1.32 square miles as shown in Figure 6.

Although the vast majority of pending annexation areas are within the 2017 ETJ limits, there are annexations pending for more than 975 acres or 1.52 square miles. When combined with the 19.87 square miles of corporate limits shown in the attached figures, the Town’s corporate limits will soon grow to more than 21.39 square miles.



Figure 6: Development in Expansion Request Area and Growth through Annexation



At the time of the writing of the 2017 ETJ Extension report in mid-2016, the Town of Garner comprised 15.71 square miles. By the end of 2024, it is anticipated that the Town will have added more than 5.68 square miles to its land area within the corporate limits – an increase of 36% over eight (8) years.

When looking at population, the Town’s state certified estimate in mid-2016 was 28,999. As of April 1, 2024, the Town estimates a population of 39,124 – an increase of 10,125 residents or 35% in just a little less than eight (8) years. A recent report from Town staff shows the year over year increase since the 2020 Census:

DATE	ESTIMATE	% GAIN
April 1, 2024	39,124	+ 8.4%
April 1, 2023	36,105	+ 6.5%
April 1, 2022	33,889	+ 5.1%
April 1, 2021	32,249	+ 3.5%
April 1, 2020	31,159	

NEW ROADWAYS

As noted at the outset of this report, perhaps the biggest driver of growth in the majority of the requested areas is the new North Carolina Highway 540 Corridor which will open in phases beginning this summer (2024) through 2028, completing the “Outer Loop” from Holly Springs to Knightdale. Although not new, existing roads that will have interchanges with NC 540 will certainly take on a higher level of importance. These roadways include US 401 (Fayetteville Road), Old Stage Road, NC 50 (Benson Road), White Oak Road,

US 70 Business and Rock Quarry Road. Each of these roadways feature prominently in serving the requested ETJ expansion areas.

WATER AND SEWER EXPANSION

In terms of improvements to facilitate continued expansion of the water and sewer systems, perhaps the most critical effort has been the Town and Raleigh Water working proactively with NCDOT to install “sleeves” that will accommodate these needed expansions across the new NC 540 corridor between US 401 and I-40. Please see the figures below for these plans:

Figure 7: Water/Sewer Accommodations Along NC 540 (Old Stage Road to Holland Church Road)

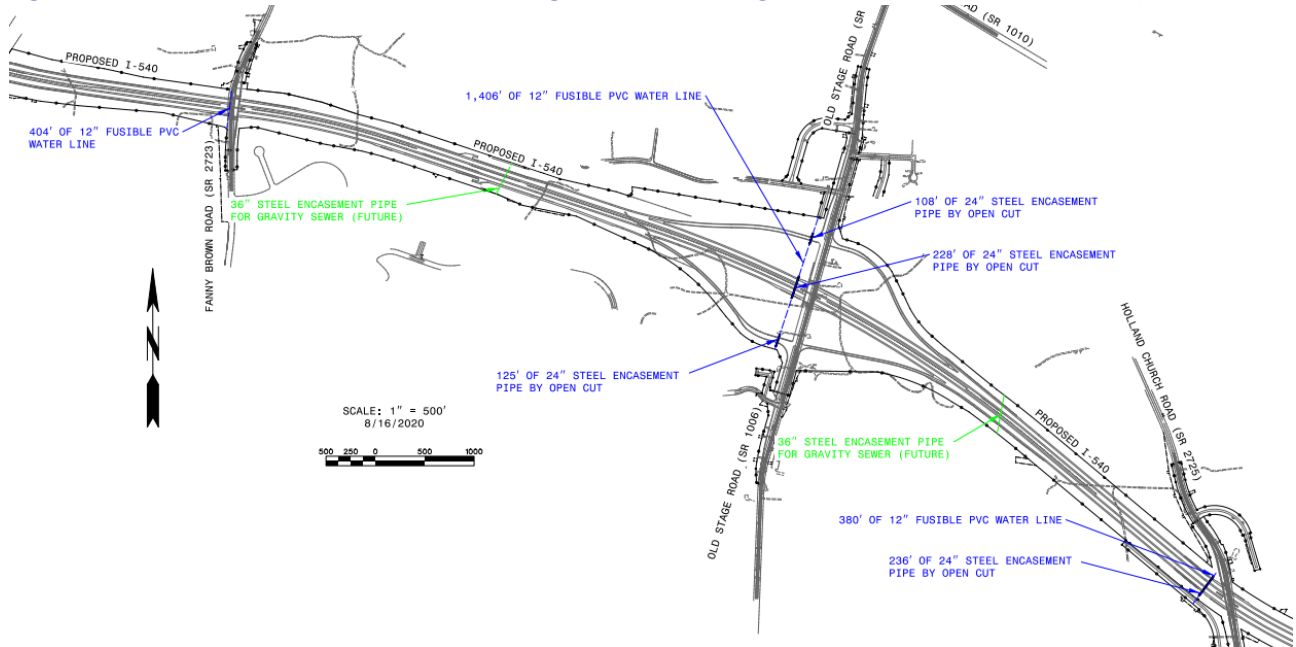
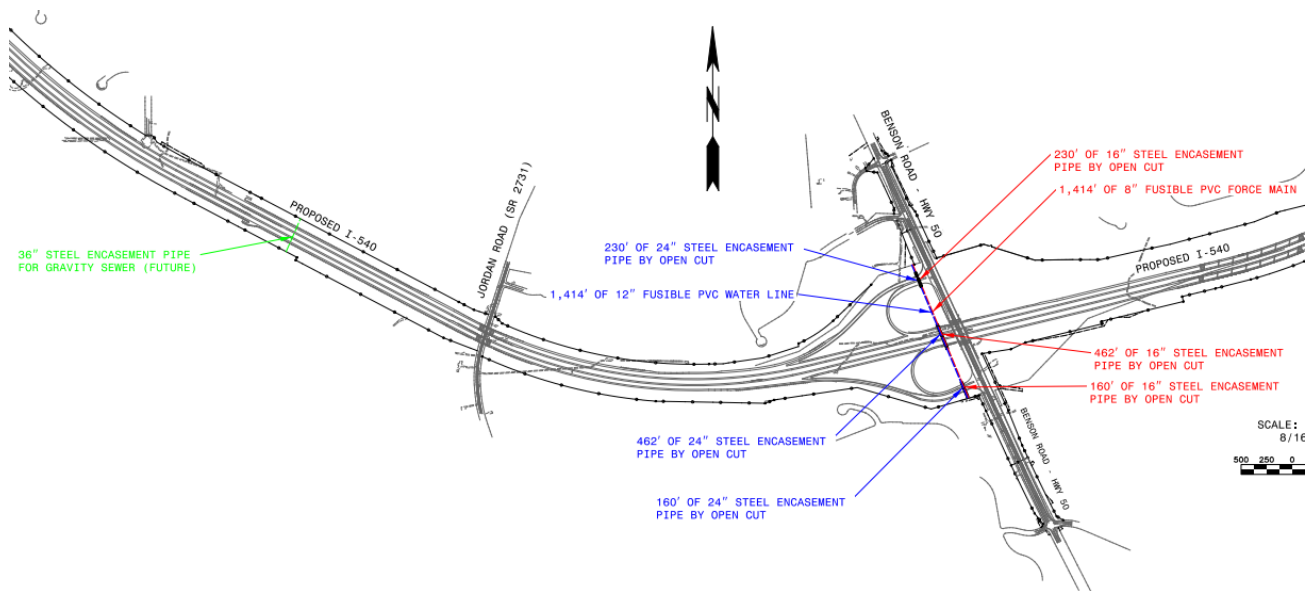


Figure 8: Water/Sewer Accommodations Along NC 540 (Sauls Road to NC 50/Benson Road)





Working closely with the Town’s Economic Development staff, a needed sewer main extension was provided to improve service to the east of the Auburn community along the US 70 corridor near the Northeast Area of the request. Developers have extended water mains all around town per Raleigh Water policy to expand the water network and sewer lift stations and new collection mains in a coordinated effort to maintain the existing major pump stations lifting sewage to the Neuse Wastewater Treatment Plant. Of particular importance, Raleigh Water leadership has reached an internal understanding of the preferred routes for these for force mains in the Southern Area to feed the regional pump station along NC 50 at the Dempsey Benton Water Treatment Plant as opposed to needing to construct a new regional pump station elsewhere. In a similar cooperative effort with developers, a smaller regional pump station location has been identified near the Northwest Area along Old Stage Road at Swift Creek to serve the growth in that portion of town as well.

Figure 9: Water/Sewer Utilities in the Northwest Area

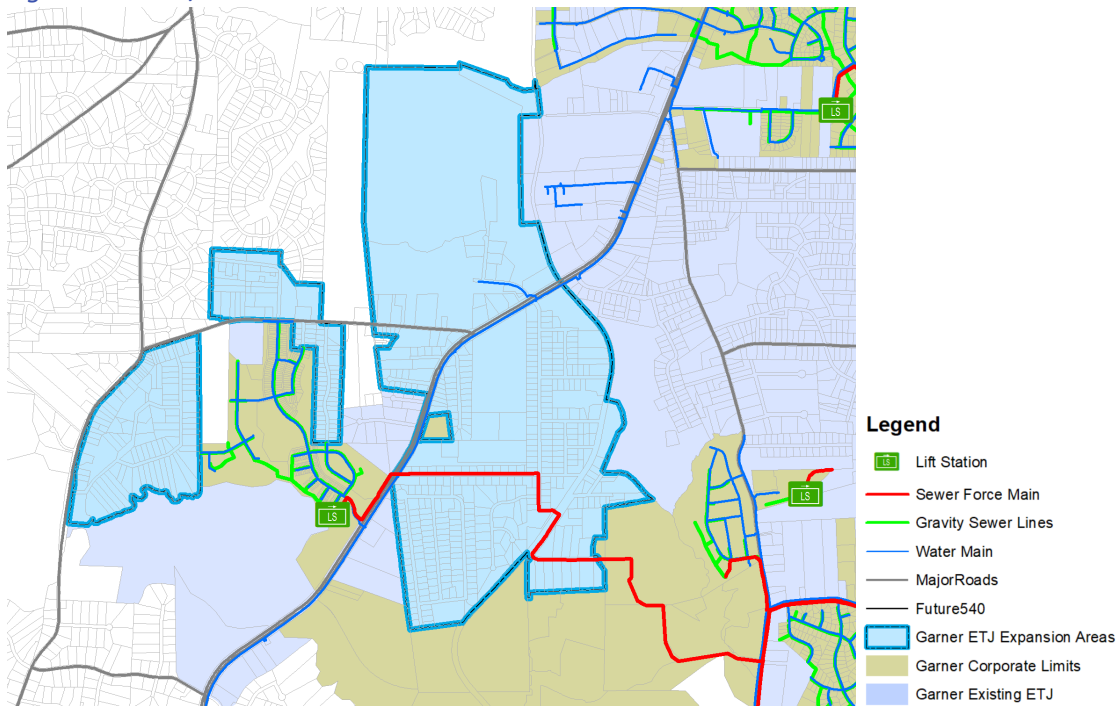
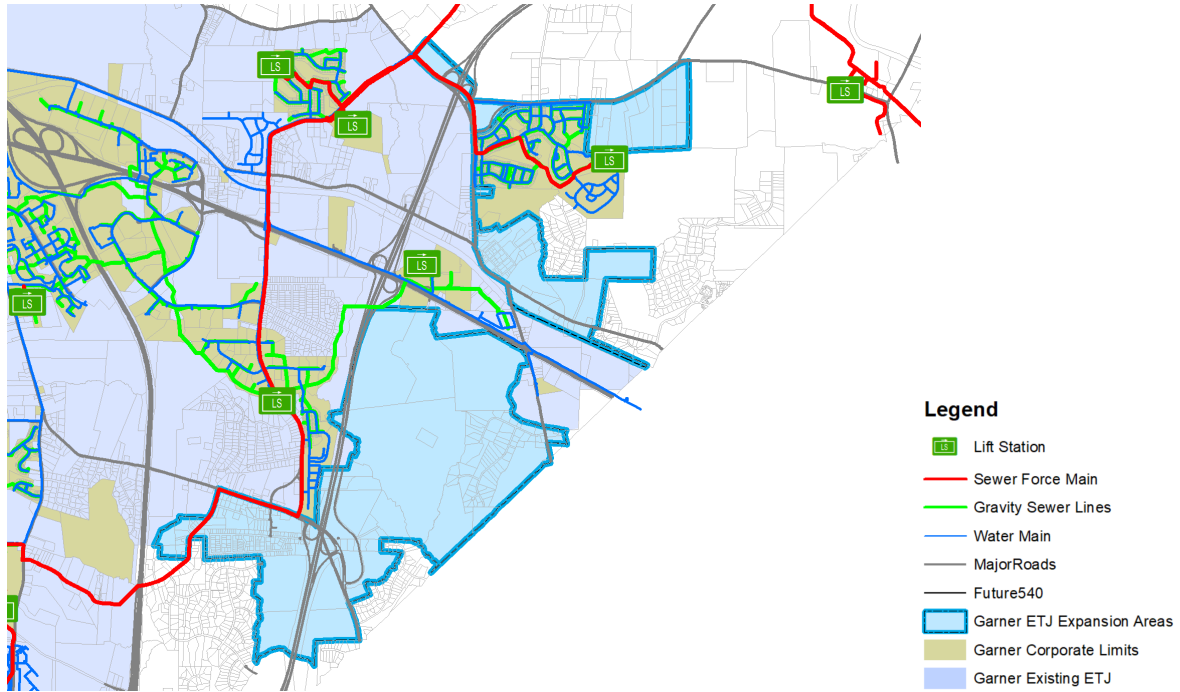


Figure 10: Water/Sewer Utilities in the Northeast Area



Criteria 3 - Municipal Comprehensive Plan Alignment

The Garner Forward Comprehensive Plan must align with the Wake County Comprehensive Plan and Development Framework. The Town of Garner should demonstrate past examples of working with the development market to implement projects consistent with the Garner Forward Comprehensive Plan.

PLANWAKE AND COUNTY AREA PLANS

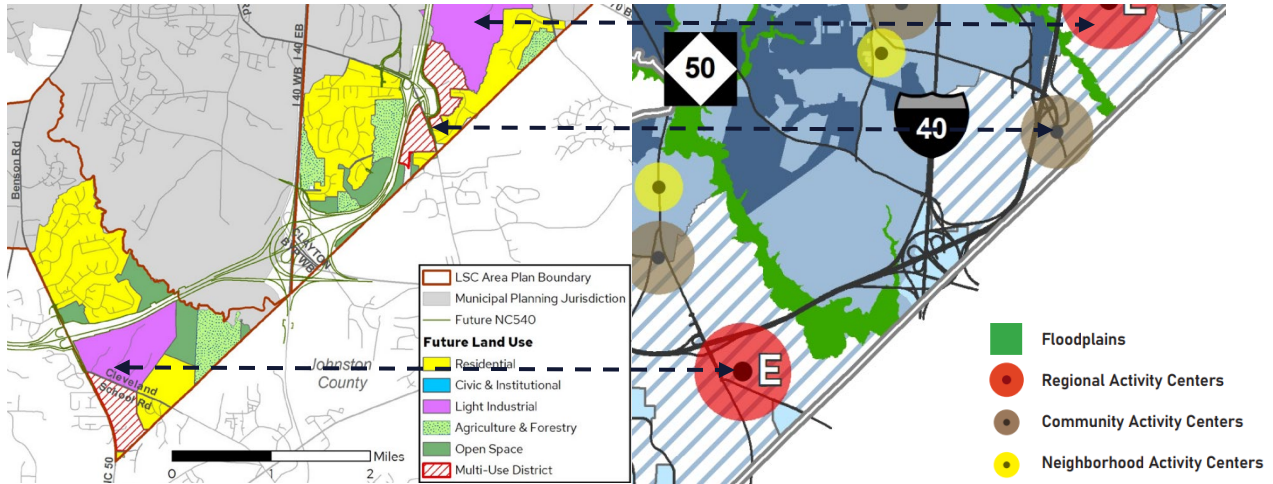
Following the County’s adoption of PLANWake in April of 2021, Garner staff have played an active role in providing input and review of the County’s first three area plans which are considered a major part of implementing PLANWake. These community area plans have included the Lower Swift Creek Area Plan adopted in October 2022, the Middle Creek Area Plan adopted in June 2023, and the Lower Neuse Area Plan adopted in April 2024. Together, these three area plans have covered Garner’s entire urban services area.

GARNER FORWARD COMPREHENSIVE PLAN

Over much of that same time, the Town of Garner was also re-writing its Garner Forward Comprehensive Plan which was first adopted in 2018. Work on the 2023 version of the plan began in the late summer of 2022. Together, Garner and County staff worked to coordinate the County’s Development Framework in PLANWake with the Town’s new Growth Framework in Garner Forward. This coordination was further emphasized as the Garner Forward re-write placed additional emphasis on the NC 540 corridor – an emphasis that was lacking in the Town’s 2018 plan.



Figure 11: Plan Coordination – County Industrial and Multi-Use Districts with 2023 Garner Activity Centers



COOPERATIVE CONSISTENT DEVELOPMENT EFFORTS

Even prior to the adoption of the 2023 Garner Forward Comprehensive Plan, Town staff have been working with the development community to bring about projects that are consistent with it. There are numerous Regional Activity Centers identified as “E”mployment centers. Projects approved in consistency with these designations since 2017 have included:

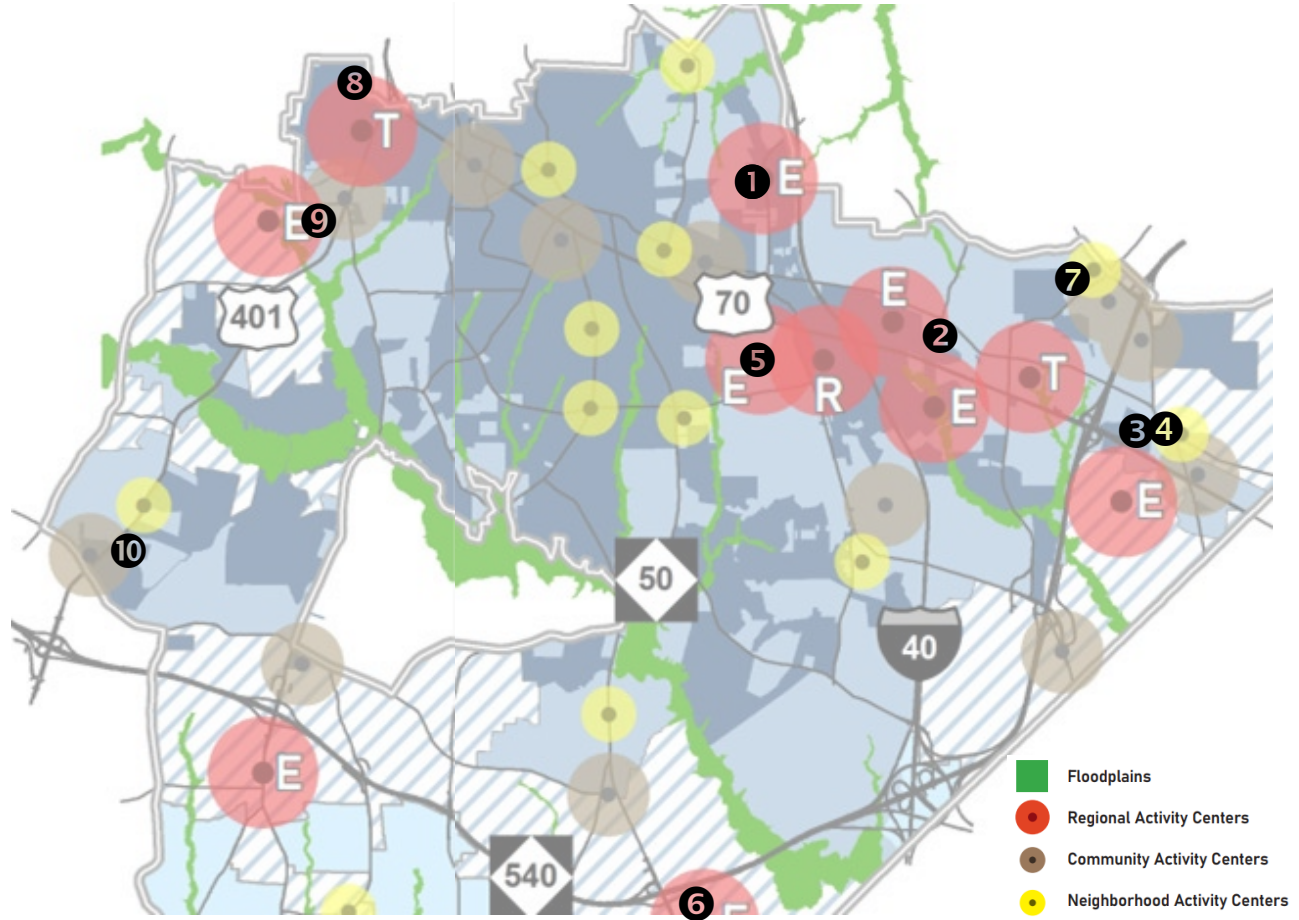
- ❶ Beacon Commerce Park at Jones Sausage Road (across from Amazon Distribution Center)
- ❷ Gregory Poole Parts and Service Center on North Greenfield Parkway
- ❸ Garner Business Park at Garner Business Park Drive and US 70 Business (just west of Guy Road)
- ❹ Guy Road Flex/Warehouse Park on US 70 Business

Other significant employment projects in the early stages of development include the ❺ “E District” anchored by WakeMed Health and Hospitals at the NW corner of Timber Drive East and White Oak Road, and ❻ “Gateway 540” located at the NE corner of NC 50 and Cleveland School Road.

In promoting future mixed-use centers of activity, projects bringing higher densities of residential include ❼ Burnette Farms at Rock Quarry and Auburn-Knightdale roads; ❸ 601 Tryon adjacent to the North/South Station shopping center; ❹ Vintage Garner at Farm Road and US 401; and ❷ Taryn Apartments near McCullers Crossroads.

These are many other smaller developments that the Town has worked alongside developers to ensure consistency with the Growth Framework ranging from the Tryon Station apartments – a smaller affordable complex located at Creech Road and the future Tryon Road extension, to a new Costco-anchored shopping center at McCullers Crossroads. Most projects have been officially reviewed against the 2017 Garner Forward plan as the 2023 plan has only been effective since mid-February 2024. While some approved projects have been inconsistent with the 2017 plan, the Town Council has found them reasonable; often in light of the work that was being done on shaping the 2023 plan.

Figure 12: Cooperative Consistent Development



Criteria 4 - Municipal Capital Improvement Plan/Program and Service Expansion Plan Alignment

The Town of Garner must demonstrate that it is ready to provide appropriate infrastructure to the requested ETJ area. The provision of infrastructure, including water and sewer lines, vehicle capacity, storm water, sidewalks, greenways, parks and other capital projects, shall be documented in a multi-year Capital Improvement Plan/Program. Garner must also demonstrate that it is ready to provide appropriate municipal services to the requested ETJ area. These services shall include police, fire, trash collection, inspections and other municipal services.

CAPITAL IMPROVEMENTS

WATER AND SEWER LINES

Raleigh Water, as the regional public water and sewer provider for northern and eastern Wake County municipalities maintains a robust Capital Improvement Plan / Integrated Master Plan for major improvements to the entire regional system. See attached for additional information.

VEHICLE CAPACITY

The Town of Garner maintains a local transportation plan containing recommendations for roadway improvements that feed into the larger regional metropolitan transportation plan maintained by the Capital Area Metropolitan Planning Organization (CAMPO). The most recent version of this local plan is the Town’s 2018 plan. The Town uses this adopted plan and the requirements of the Garner Unified Development Ordinance to require that developers widen, construct and otherwise improve streets within the Town’s



planning jurisdiction to their ultimate cross-sections which provide the necessary capacity to accommodate the Town's growth.

Additionally, the Town seeks federal and state funding through various programs administered by CAMPO to improve roadway capacity and other transportation goals. Recent and current projects include:

- White Oak Roundabout (at Hebron Church/Ackerman roads) – construction expected to start summer 2024 and complete spring 2025. Construction estimate \$2.4 million.
- South Garner Greenway (vicinity of Buffalo Road and Lake Benson Park) – construction expected to start fall 2025 and complete fall 2026. Construction estimate \$5.4 million.
- Jones Sausage Road Widening (includes additional lane between E. Garner Road and Amazon) – currently at 65% design, construction expected to start Spring 2026 and complete Spring 2028. Construction estimate \$15.8 million.
- New Rand Road Sidewalks (included minimal lane widening either side of US 70) – construction completed spring 2022. Construction cost \$2.77 million.
- Timber Drive Sidewalks – construction completed fall 2020. Construction cost \$500k.

STORM WATER, SIDEWALKS, GREENWAYS AND PARKS

A formal CIP is still in its infancy as the Town of Garner has grown over the last 5 years; however, a new dedicated budget staff has worked diligently over the past 3 years to implement a formal CIP that allows the Council to better prioritize, plan and budget for these significant projects.

The FY25-29 CIP includes funding of \$85.3 million to cover capital improvements and asset maintenance and repairs across the Town. This includes \$8 million for Greenway projects, \$28 million for Parks, \$691,000 for Stormwater, and \$24 million for Streets and Sidewalks. These projects are primarily funded through voter approved bonds as well as more than \$12 million dollars in state and federal grants.

The CIP includes several studies to update existing master plans, including the Transportation and Parks master plans, in order to better align capital projects to the new Garner Forward Plan as well as accommodate a changing and growing community. Funding of \$4.1 million is set aside for future sidewalk, greenway, and roadway projects.

MUNICIPAL SERVICES

POLICE

Police protection for Garner's residents and business owners is provided by 83 sworn officers and support personnel. Police Headquarters is located on Seventh Avenue near Town Hall. Officers patrol in the community 24 hours a day. General services for the department include: traffic enforcement, criminal investigation, wellness checks, education, and special events. Popular programs within the department include Achievement Academy, Citizens' Police Academy, Community Watch, and School Resource Officers.

In 2022, the department reported 36,474 calls for service inside town limits, including 6,866 traffic stops. Average travel time to an incident was six minutes and forty-two seconds. GVFR staff logged 4,323 training hours in the year to maintain certifications and be ready for service calls. The police budget is reviewed and adjusted annually to maintain the desired level of personnel necessary for the Department to maintain its hard-earned national accreditation status.

FIRE

The town contracts its fire and rescue services with Garner Volunteer Fire-Rescue, Inc. (GVFR). The company is a combination department serving 64,746 people in Garner and surrounding Wake County which includes

the requested expansion area. It operates four stations that are each staffed twenty-four hours per day with a 5th scheduled to open shortly near US 401 and Caddy Road through cooperative/joint funding efforts of the Town of Garner and Wake County. Services provided include fire suppression, first responder medical services, basic emergency medical technician services, technical rescue, and fire prevention and education.

Firefighters at GVFR are not employees of the town at this point in time, and as an independent organization, the organization is governed by a Board of Directors autonomous from the Town of Garner. The cost of services for the town are formalized in an annual contract. Wake County Government provides additional funds to GVFR for services provided outside town limits. The Town and Fire Board are, however, developing a long-range sustainability plan, which could include a merger, to ensure adequate fire protection for the Town, ETJ and surrounding unincorporated urban services area.

In 2022, the department reported 7,233 calls for service inside town limits, including 3,750 calls for service at resident addresses. Most calls were for medical assistance. Average travel time to an incident was seven minutes and thirty-three seconds. GVFR staff logged 23,622 training hours in the year to maintain certifications and be ready for service calls.

TRASH COLLECTION

The town contracts its trash collection services for single-family homes to a private company. Businesses and multifamily homes contract separately for trash collection services. Residential curbside pickup is provided on a weekly basis. Curbside recycling collection is also provided to customers every two weeks. Yard waste, from November 1 to February 28 each year, and bulk pickup programs are also provided to customers. Solid waste collected in the town is sent to the South Wake Landfill that is operated by the Wake County Solid Waste Management Division

INSPECTIONS

The Town's building inspections are funded through the fees it collects, and state law requires all inspections to be completed within certain time frames. Staff are added as needed through fee revenues to maintain compliance with state law.

Criteria 5 - Community Engagement

The Town of Garner must demonstrate that it conducted meaningful public engagement with impacted residents and landowners and document how the concerns of residents and landowners have been addressed by Garner (such as UDO changes or modification of the request). Garner shall document all outreach activities to all populations.

1. Website – the Town's website will continue to host a page dedicated to both ETJ generally and this specific request. The main page will be located at:
<https://www.garnernc.gov/departments/planning/extraterritorial-jurisdiction-etj>
2. Video - The Town's Communications staff will work with Garner Planning Department staff to produce a short video highlighting the primary points of what ETJ is and is not. This video will be linked from the Town's website as well as being features on the Town's various social media platforms. Draft text for the video is as follows:

It's no secret that Garner is one of the fastest-growing municipalities in Wake County. With that growth comes the need to ensure that development standards and building codes—both in current and future parts of Garner—remain consistent with the Town's land-use plan, its unified development code and its building code requirements.



The best way to ensure this consistency as we continue to grow our municipal boundaries is with a cooperative agreement between the Town and Wake County known as Extra-Territorial (Planning) Jurisdiction, or ETJ.

The ETJ is generally a three-mile extension beyond the Town's corporate limits. Inside the ETJ, work on current residential and non-residential property that involves things such as new additions, decks, porches, fences, pools, storage sheds, dumpster placement, parking areas and signage, are required to be constructed according to the Town's zoning regulations.

If a building permit is required under the North Carolina Building Code, that permit would be obtained locally from Garner Inspections Department.

Property owners inside an ETJ do not pay property taxes to the Town—nor is an extension of an ETJ's boundaries an annexation.

To see if your property is within the Town's current ETJ, visit [MAP URL] and check the interactive map.

3. Mailings – Town staff will mail a notice to each impacted property owner with the proposed extension areas. This notice will include a list of frequently asked questions, contact information (phone and email) for one-on-one consultation, as well as information about a series of community meetings that will be held with the cooperation of local community non-profit and faith-based organizations.
4. ETJ "Hotline" – The Garner Planning Department will staff a phone line and email address for citizens who would like to reach out directly and discuss the ETJ proposal in greater detail.
5. Community Meetings – During the latter portions of May and throughout June, the Town will host community drop-in sessions at locations more convenient to residents and property owners. Locations that have confirmed availability include Juniper Level Missionary Baptist Church, Holland's Church and the Panther Branch Community Development Corporation. Garner Planning Department staff are also seeking out at least one location each in closer proximity to the Northwest and Northeast expansion areas.

As in past requests, Garner staff will document all of the above community engagement activities over the course of the next months and convey those materials promptly to County staff as each activity is completed.

Criteria 6 - Achieving Comprehensive Community Goals

The Town of Garner must demonstrate a track record of working with the County to achieve county-wide comprehensive goals. This track record will be assessed on the following factors: support and actions related to affordable housing, walkability, transit use, vulnerable communities, storm water and green infrastructure.

AFFORDABLE HOUSING

The Town of Garner works closely with Wake County Housing Affordability & Community Revitalization to support housing affordability efforts. In FY2024, the Town of Garner provided gap financing of \$750,000 in partnership with Wake County's commitment of \$25M in financing for Tryon Station, a multi-family, low-income, rental housing development consisting of 176 units. The Town worked closely with County staff and the development team to ensure the project met required timelines for financing approval. On an ongoing basis, the Town works with the department to monitor the status of existing affordable housing and properties that may be opportunities for their housing preservation program. Town staff recently served on the 2024 Application Review Committee for Wake County's Affordable Housing Development Program (AHDP). The Town is currently

developing an Affordable Housing Task Force and Wake County staff will be invited to participate as subject-matter resources to support the work of the group.

Additionally, the Town is actively engaged with other builders to support their applications for Low-Income Housing Tax Credits through the state’s Housing Finance Agency. Past project have included:

- Weston Trace Apartments, opened in 1997;
- Timber Spring Senior Apartments, opened in 2014;
- Pennington Grove Senior Apartments, Phase I opened in 2017 and Phase 2 in 2021;
- Pine Ridge Apartments, opened in 2022.

Presently, the Town is working to support another senior apartment project along US 70, tentatively titled White Oak Villas, as well as several tracts of land to be developed under the leadership of Wake County Habitat for Humanity. Within the past 7-8 years, Wake County Habitat has complete a small neighborhood on Johnson Street, is completing plans for another small neighborhood on Weston Road, and has recently titled nearly 150 cohesive acres along Creech Road in what could become their largest project to date and one of the largest in the state.

WALKABILITY

The Town of Garner continues to make considerable strides in promoting walkability within the Town and adjacent developments within other jurisdictions. Since at least 2003, the Garner Unified Development Ordinance has required sidewalks on both sides of every new street except for local streets in residential subdivisions where just sidewalks on one side of the street were required. This changed in 2022 with the adoption of new rules requiring sidewalks on both sides of every new street in the Town. Additionally, the Town applied for and received a pedestrian planning grant from NCDOT in 2021. Work began on this plan in 2022 and was concluded in 2023, with the plan being adopted earlier this year (2024). This plan allowed the Town the time and space needed to evaluate and re-prioritize a pedestrian project list that had existed since the 2010 Garner Transportation Plan. This was a critical step in providing needed guidance and support for the considerable pedestrian bond dollars that have been approved by voters over the past decade.

2013 Bonds: \$4.3 million dedicated exclusively to pedestrian facilities.
Over \$250,000 for sidewalks included in larger transportation projects.

2021 Bonds: \$1.66 million dedicated exclusively to sidewalks.
\$6.3 million dedicated exclusively to greenways; leveraged \$2.7 million federal.
Over \$250,000 for sidewalks included in larger transportation projects.

In the Town’s newly adopted Garner Forward Comprehensive Plan, this renewed focus on walkability is intrinsic to more broad concepts such as “livability”, “a great quality of life”, “high-quality design principles”, and “vibrancy”. Two of the 13 guiding principles of the plan speak to walkability directly: *Parks, Recreation, and Open Space* states that the town should “Promote and expand opportunities where people can be more involved in an active community lifestyle represented, in part, by the presence of high-quality parks and recreation facilities located near where residents live and work, and the bicycle and pedestrian connections between them”; and *Transportation* states that the town should “...consider land use and infrastructure investments together, promoting a network of complete, connected and walkable streets that emphasize the quality and character of both the street design and surrounding development pattern...”.

Figure 13: Garner Forward Comprehensive Plan – Spotlight on Complete Streets

Spotlight on: Complete Streets

What are Complete Streets?

Complete Streets are streets for everyone. They are designed and operated to enable safe access for all users, including pedestrians, bicyclists, motorists, and transit riders of all ages and abilities. Complete Streets make it easy to cross the street, walk to shops, and bicycle to work. They allow buses to run on time and make it safe for people to walk to and from train stations.

Creating Complete Streets means Town governments and their partner transportation agencies must change their approach to building community roads. By adopting a Complete Streets policy, communities direct their transportation planners and engineers to routinely design and operate the entire right of way to enable safe access for all users, regardless of age, ability, or mode of transportation. This means that every transportation project will make the street network better and safer for drivers, transit users, pedestrians, and bicyclists—making your town a better place to live.

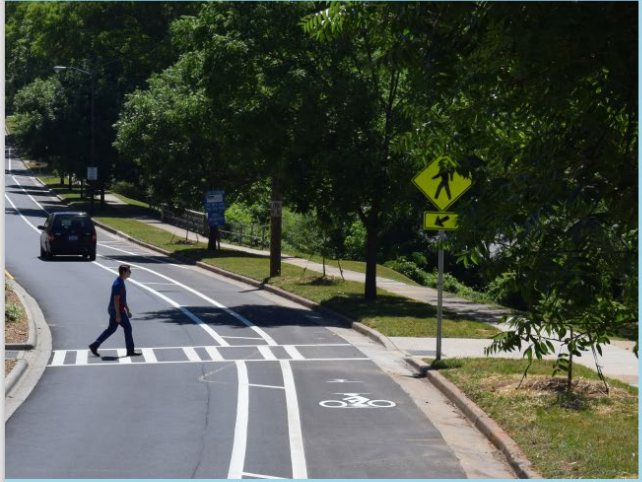
What does a Complete Street look like?

What are the benefits of Complete Streets? There is not a singular design solution for Complete Streets; each one is unique and responds to community needs and development context. A complete street may include: sidewalks, bicycle lanes (or wide paved shoulders), special bus lanes, comfortable and accessible public transportation stops, frequent and safe crossing opportunities, median islands, accessible pedestrian signals, curb extensions, narrower travel lanes, roundabouts, and more. A Complete Street in a rural area may look different from a Complete Street in a highly urban area, but both are designed to balance safety and convenience for everyone using the road.

What are the benefits of Complete Streets?

Complete Streets help create livable communities for various types of users, including children, people with disabilities, and older adults. Complete Streets improve equity, safety, and public health, while reducing transportation costs and traffic congestion. Please see the website www.smartgrowthamerica.org/program/national-complete-streets-coalition/ for more information on Complete Streets, their design characteristics, and impact on creating more complete, livable communities.

— Source: *Smart Growth America Organization Website, July 17, 2018*



TRANSIT USE

Outside of the City of Raleigh, Garner plays one of the most significant roles in the pursuit of the goals of the Wake Transit Plan. Garner is situated along planned routes to introduce both Bus Rapid Transit (BRT) and Commuter Rail (CRT) to the region as well as to expand regular transit services. The Town has incorporated these new BRT and CRT services into its local plans with a special focus on promoting transit-oriented development at Garner Station Boulevard, Downtown and Auburn.

Figure 14: Garner Forward Comprehensive Plan – Focus Area Drawing at Garner Station (BRT)



Garner Station (Area 1)

As a western gateway into the town, Garner Station presents an opportunity to redevelop existing commercial spaces and make a statement about the town at this critical point of entry. In addition to maximizing the utilization of the real estate, more intense development that features signature architecture could welcome visitors and help establish a new image for Garner.

- 1** Signature architecture facing the main traffic routes can serve to welcome those arriving from points north.
- 2** Central green is also a gathering space near a possible transit stop location.
- 3** An internal network of streets provides local access while reducing connections to and vehicular trips on the highways (i.e., US-401 and US-70).
- 4** The potential redevelopment of big-box stores opens up opportunities for more intense development needed for a successful transit service in this node.
- 5** Structured parking allows more real estate to be devoted to building space and amenities.

This conceptual illustration is one of several possibilities for development. It conveys the intended scale, mix of uses, organization of buildings and public spaces, locations for parking, and streetscape design. It is not meant to be prescriptive. Instead, it is a guide, expanding on the direction provided by the Character Typology Map.



Figure 15: Garner Forward Comprehensive Plan – Focus Area Drawing at Auburn (CRT)



NC-540 at Rock Quarry Road / Auburn Station (Area 4)

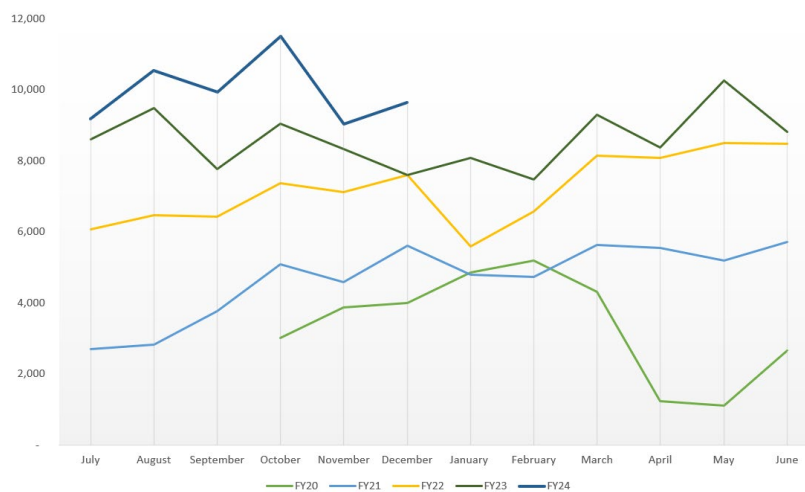
This area presents an opportunity for the town to create an eastern gateway into the town and do so with a level of development that also supports future transit service. This area is envisioned as a stop for regional rail service at "Auburn Station" and a place to accommodate a development activity center with employment, commercial, and institutional uses. The residential neighborhoods in between are an expansion of development already emerging in this area. The mix of housing types would offer options to meet a broad range of demand based on life-stage preferences.

- 1 Access to NC-540 via Rock Quarry Road makes the northern part of this focus area a key location in the region for employment growth, which can be created as a mixed-use environment that includes attached residential and multifamily units.
- 2 The southern portion, with proximity to US-70 and the rail corridor, is ideally suited for transit-supportive development, which should also consist of a mix of uses, including multifamily units in a walkable environment.
- 3 New neighborhoods with a mix of housing products would complement existing residential development while expanding housing choices and increasing population around the area with future transit access.
- 4 Institutional uses, including existing churches, will be components of the mixed-use center and be integrated sensitively.
- 5 Logical connections to existing streets tie compatible neighborhoods together.
- 6 Greenway connections through this area may be accessible from various points, including trailheads that can utilize excess commercial parking on weekends.

This conceptual illustration is one of several possibilities for development. It conveys the intended scale, mix of uses, organization of buildings and public spaces, locations for parking, and streetscape design. It is not meant to be prescriptive. Instead, it is a guide, expanding on the direction provided by the Character Typology Map.

In 2020, GoRaleigh took over the responsibility of providing more direct linkage to the larger transit network in the form of a new Route 20; something that had previously been provided by GoTriangle. Route 20 serving the core of Garner and the White Oak area is one of the few routes in the system that continues to show strong growth in ridership year over year. Originally started as a route with a one-way loop through Garner, this service was expanded in 2022 to include a reverse loop as well. Service is set to expand again to include weekend service later this year.

Figure 16: GoRaleigh Route 20 Ridership Graph Since Inception of Service



GoRaleigh Route 7 has been in service for a much longer time and connects the Garner Station Boulevard area to downtown Raleigh. This route is continuously one of the highest ridership routes in the entire system (currently ranked 3rd in ridership), averaging around 35,000 riders each month with total boardings averaging 27 for each hour of service.

With the assistance of Wake Transit funding, the Town has studied implementation options for a “circulator” service that would connect Routes 7 and 20 through the heart of Garner, providing Garner citizens with improved access to both regular transit routes. The Town hopes to partner with Wake Transit within the next 2-3 fiscal years to have the service up and running, particularly in advance of the “Southern” BRT service from downtown Raleigh to Garner Station Boulevard commencing.

VULNERABLE COMMUNITIES

The Town of Garner is always willing to partner with the County on efforts to improve the lives of our vulnerable populations – those who are unemployed, age dependent (under 18 or over 65), have a lower educational attainment, are below the poverty level, and may have trouble staying in their home. Garner is fortunate in that it has a close proximity to Wake Technical Community College and has significant affordable housing opportunities as discussed elsewhere in this report. An example of the Town’s independent cooperative efforts, Town staff have worked with Ford’s Produce Garage on Withers Road in Garner to recently expand their operations in terms of providing fresh produce and food at their existing location. Additionally, child and adult senior care are other services that Town staff continuously encourage developers to provide space for and actively recruit as we know these services are in short supply. Other, perhaps more notable, programs and partnerships are as follows:

REBUILDING TOGETHER OF THE TRIANGLE, INC. (RTT)

The Town of Garner has engaged RTT to operate the Town's new *Housing Preservation Assistance Program*. The purpose of this program is to preserve affordable homeownership and support our Garner neighbors through home repairs, accessibility modifications and home performance upgrades. These improvements are funded by the Town annually and delivered by RTT.

UTILITY CUSTOMER ASSISTANCE PROGRAM (UCAP)

UCAP was established by the City of Raleigh to help economically distressed water and sewer utility customers manage their utility bills. UCAP is administered in partnership with the Wake County Human Services Department, which provides eligibility screening services for the program. The Town of Garner provides annual funding to allow its residents to receive support from this program.

GARNER SENIOR CENTER

The Garner Senior Center hosts three (3) agencies within its walls to provide a focal point for the community.

- *The Town of Garner*: Manages the facility and all recreational programming and activities. Currently 3500 members with an average of 15-20 new participants each month. Overall average attendance: 325 per day, 6,500 participants each month. (weekdays only).
- *Resources for Seniors*: Provides information and referral for community resources as well as health and wellness.
- *Meals on Wheels of Wake County*: Provides a daily meal Monday thru Friday for adults 60 and older. Attendance: 80 per day, 1,700 per month (weekdays only). Home delivered meals from site: 50 per day, 1,100 per month (weekdays only).



STORM WATER

Stormwater management has been a priority for the Town of Garner since the late 1970s when floodplain management rules were implemented to prevent development in potential flood hazardous areas. In the 1980s, the Swift Creek Land Management Plan was adopted by the Town of Garner, among several other municipalities within Wake County, with a primary focus on land management of designed impervious surfaces areas in relation to the Swift Creek Watershed and the water supply protection area of Lake Benson. Development located within this area could increase their impervious surface percentages by addition of wet retention pond stormwater devices. By the late 1980s, the Town required stormwater detention for the 1-, 10- and 25-year storm events for most new developments.

In 1993, the water supply watershed protections rules were implemented by NC Department of Environmental Quality, which required stormwater to be treated for total suspended solids (TSS) with the use of stormwater control measures. At this time, the Town planned on building a regional retention pond, which would treat TSS from all developments within the water supply watershed and started to collect a fee-in-lieu for of TSS removal. The Town also started requiring detention of the 100-year storm in certain areas of town by the mid-1990s in areas that had known downstream drainage problems.

By the late 1990s, the Town was one of several municipalities involved in developing the Neuse Rules for Nitrogen Control, which took effect in 2001. Neuse riparian buffer rules were also implemented at the same time as the Neuse Rules for Nitrogen Control. When the Neuse Rules for Nitrogen Control were implemented in 2001, the Town no longer collected a fee-in-lieu of TSS removal for at developments located within the water supply watershed protection area and required developments to treat stormwater on site for both nitrogen and TSS. Retrofit stormwater control measures were built with all monies collected in the 1990s for fee-in-lieu of TSS removal.

In 2005, the Town was designated as a MS4 community with a NPDES Phase II permit. Today, stormwater and flood protection remain an important component of the Engineering Department's function for both development review as well as regulation of stormwater permits.

GREEN INFRASTRUCTURE

Green infrastructure is a broad term that continues to evolve over time, gaining considerable steam in the United States as part of the LEED certification program in the building industry. The Town has shown its commitment to green facilities for decades and green stormwater control measures are something that the Town of Garner has recently begun to investigate how it might be incorporated into the Town's stormwater permit with the State of North Carolina. In terms of green facilities, the White Deer Park Nature Center opened in November 2009, having achieved a LEED Gold Rating from the US Building Code Council.

The Town's Garner Forward Comprehensive Plan devotes considerable space to recommendations and tasks related to furthering the Town's efforts in the area of promoting green infrastructure. The Plan defines green infrastructure as including all of the parks, greenways, floodplains, and forested areas now or planned for in the planning area. The first recommendation/task is that the Town create a comprehensive and connected green infrastructure network for the town's planning area. The second is to incorporate natural stormwater management strategies in new developments or stormwater restoration projects. The last is to consider green streets for stormwater management in areas of the community.

Given Garner Forward's definition of green infrastructure, it would also be important to note the Town's strong history in protecting floodplains beyond what state and federal agencies would require. All 100-year floodplains in Garner since March 1, 1987, are further protected by a minimum 50' undisturbed conservation buffer zone that do provide for expanded corridors for wildlife and habitat support as well as greenways. The Plan continues

to emphasize the importance of these efforts by recommending that the Town protect natural areas and environmental assets throughout the community – particularly around Lake Benson and the Swift Creek corridor and Swift Creek’s tributaries.

Concluding Remarks

Based on the extensive information provided in this report, and Garner’s history of working closely with Wake County’s collegial Planning staff, Town staff believe that the Town of Garner not only meets but exceeds the County’s criteria for granting this ETJ request. Garner Planning looks forward to engaging with the citizens of the area to provide clear information regarding what is often mistakenly perceived as a precursor to some kind of forceable annexation of a neighborhood or street and a direct impact on the citizen’s wallet, but rather to explain the minimal impacts to everyday life and perhaps even a benefit or two such as not having to travel to downtown Raleigh for certain permitting and administrative services.

Town staff are open to any further discussions regarding the exact boundaries of the extension but believes a context-sensitive proposal has been put forth in an effort to minimize any concerns as was the case in 2016. Town staff are also once again on stand-by to address any questions or need for additional information should County staff, County Planning Commission members or members of the Wake County Board of Commissioners desire a response.

Special thanks for assistance in preparation of this report:
John Hodges, Garner Assistant Town Manager
Leah Harrison, David Talbert and Jaclyn Stannard; Garner Engineering
Sara Warren and Ian Johnson, Garner Budget Office
Rick Mercier and Kyle Kettler, Garner Communications Division
Maria Munoz-Blanco, Garner Parks, Recreation & Cultural Resources Director
Forrest Jones, Garner Public Works Director
Nate Groover, Garner Economic Development Director
Rene Hagan, Raleigh Water
Melanie Rausch, GoRaleigh
Erin Joseph, Garner Assistant Planning Director
Alex Bone, Garner GIS Specialist
and to the entire Garner Planning Department team for their support



Town of Garner

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May 7, 2024

Honorable Shinica Thomas, Chair
Wake County Board of Commissioners
Post Office Box 550
Raleigh, North Carolina 27602

Dear Ms. Thomas:

The Town of Garner requests approval from the Wake County Board of Commissioners for an extension of the Town's extraterritorial planning jurisdiction (ETJ). The Town of Garner last requested an extension in 2016. In the time since then, Garner has undergone a considerable amount of growth. The Town's state certified estimate in mid-2016 was 28,999. As of April 1, 2024, the Town estimates a population of 39,124 – an increase of 10,125 residents or 35% in those nearly eight (8) years from the Town's last request. Today, the Town has seen its publicly managed water and sewer infrastructure gradually expand beyond the core area roughly bounded by Timber Drive and the City of Raleigh corporate limits out towards an arc created by Lake Wheeler Road and the NC 540 corridor. Within the next 4 years, NC 540 will push from Holly Springs around the current edges of Garner to Knightdale. With the opening of NC 540 on the near horizon, the Town believes that these targeted future growth areas need to be within its ETJ so that the Town's land use regulations may be administered, allowing it to more adequately plan infrastructure improvements to accommodate the anticipated urban growth in this area.

Attached for your use are a Resolution, adopted by the Garner Town Council on May 7, 2024, formally requesting an extension of its ETJ; and a report documenting and illustrating compliance with Wake County's criteria for reviewing requests for ETJ extensions and including general location maps identifying the requested ETJ extension areas. This report can and will be updated as feedback is received from County reviewing entities. Should the Board of Commissioners or the county staff have questions concerning the request, please contact Jeff Triezenberg, AICP, GISP; Planning Director for the Town of Garner at 919-773-4445.

We look forward to working with Wake County on this important planning endeavor. Thank you for your consideration and cooperation.

Sincerely,

Buddy Gupton
Mayor

Enclosure

RESOLUTION NO. (2024) 2577

**RESOLUTION OF THE GARNER TOWN COUNCIL REQUESTING
EXTENSION OF THE TOWN'S EXTRATERRITORIAL JURISDICTION**

WHEREAS, the area requested for extraterritorial jurisdiction (ETJ) extension is generally designated by Wake County as lying within the Town of Garner's future urban service area; and

WHEREAS, the Town of Garner has annexation agreements with the neighboring municipalities of Fuquay-Varina and Raleigh; and

WHEREAS, the annexation agreement with the City of Raleigh is presently recommended by Raleigh staff to allow for those areas not presently in the Town of Garner's future urban service area to be so designated; and

WHEREAS, the Town of Garner has demonstrated a commitment to comprehensive planning through its past planning efforts and present process to re-write the Garner Comprehensive Growth Plan and update to the 2010/18 Garner Transportation Plan; and

WHEREAS, the Town of Garner, through Raleigh Water, is working with the private development community and the City's Capital Improvement Program to develop plans for serving this area with public water and sewer; and

WHEREAS, future development within this area will be at urban and suburban densities and voluntarily annexed into the Town of Garner's corporate limits; and

WHEREAS, the area designated for ETJ extension is within three (3) miles of Garner's corporate limits; and

WHEREAS, the Town's most recent official certified population estimate from the North Carolina Office of State Budget and Management stands at 33,537 for July 1, 2022; and

WHEREAS, the Town of Garner anticipates holding a public hearing on the question of adopting an ordinance extending its ETJ and the setting of zoning districts in the area upon County approval of this request.

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

Section 1. That the Garner Town Council requests that Wake County designate as Garner ETJ the area shown in the attached "Figure 1" from the Town of Garner ETJ Extension proposal dated May 7, 2024; and

Section 2. That the Garner Town Council requests that the Wake County Board of Commissioners consider imposing a moratorium on any new subdivisions utilizing well and septic systems in the proposed ETJ expansion area while the Town of Garner is in the process of receiving ETJ expansion approval from Wake County.

Duly adopted this 7th day of May, 2024.

Buddy Gupton, Mayor

ATTEST: _____
Stella Gibson, Town Clerk