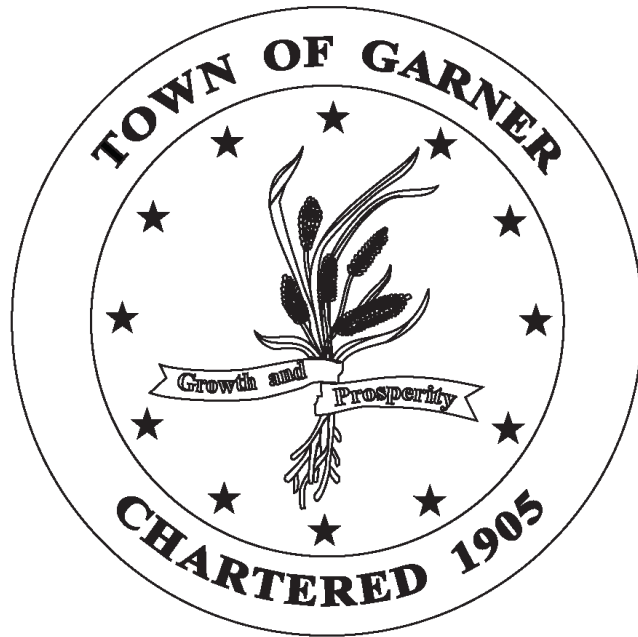


# Town of Garner



## Town Council Meeting June 4, 2024

Garner Town Hall  
900 7<sup>th</sup> Avenue  
Garner, NC 27529

**Town of Garner**  
**Town Council Regular Meeting Agenda**  
**June 4, 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 7<sup>th</sup> Avenue, Garner.

A. CALL MEETING TO ORDER/ROLL CALL: Mayor Buddy Gupton

B. PLEDGE OF ALLEGIANCE: Council Member Gra Singleton

C. INVOCATION: Council Member Gra Singleton

D. PETITIONS AND COMMENTS

E. ADOPTION OF AGENDA

F. PRESENTATIONS

1. Proclamation Recognizing June 19, 2024 as Juneteenth-Freedom Day.  
Presenter: Buddy Gupton, Mayor

G. CONSENT

1. Recognition of Disposable Property ..... Page 7  
Presenter: Lorie Smith, Police Chief

Recognize the service weapon and badge of Deputy Chief McIver as disposable property, so they can be awarded to him in recognition of his retirement from the Town after 30 years of creditable service.

Action: Consider approving Resolution (2024) 2579.

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

The Public Works Department has equipment and vehicles including a dump truck, mower, and tractor that have been replaced as part of the VERT program. Approval is sought to surplus the old items and allow them to be sold. The proceeds will supplement the VERT budget to purchase replacement equipment.

Action: Consider approving Resolution (2024) 2580.

3. CAMPO Memorandum of Understanding ..... Page 15  
Presenter: John Hodges, Assistant Town Manager

The Executive Board of the Capital Area Metropolitan Planning Organization (CAMPO) has approved a new Memorandum of Understanding (MOU) to be adopted by member organizations. The MOU changes include the addition of the newest members

(Lillington, Coats and Chatham County) as well as administrative updates to reflect current codes and practices.

Action: Consider adopting CAMPO Memorandum of Understanding

- 4. Town Hall Annex Bid Award ..... Page 58  
Presenter: Leah Harrison, Engineering Director

Award construction contract for renovation of Town Hall Annex to the lowest responsive, responsible bidder, CMC Building, Inc.

Action: Consider authorizing bid award to CMC Building, Inc in the amount of \$3,185,055 contingent upon approval by the LGC.

H. PUBLIC HEARINGS

- 1. Town Hall Annex Financing ..... Page 62  
Presenter: David Beck, Finance Director

Request to hold a public hearing regarding a proposed financing transaction of \$6.2 million to fund the Town Hall Annex project. Following the public hearing, Council shall also consider adopting a preliminary findings resolution which includes selection of the winning bidder for the financing transaction.

Action: Hold public hearing and adopt Resolution (2024) 2581

- 2. Special Use Permit # SUP-SP-23-02, Swift Creek Apartments ..... Page 79  
Presenter: Alison Jones, Development Review Manager

Special use permit request submitted by Bass, Nixon and Kennedy, LLC to construct a mixed use multifamily and retail development consisting of a maximum of 613 apartment units and 23,245 square feet of commercial space on a 40.91 +/- acre site located at 6201, 6301 and 6355 Fayetteville Road which may be further identified as Wake County PINs 0790654255, 0790559818 and 0790559977.

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

I. NEW/OLD BUSINESS

- 1. Tier 2 Conditional Rezoning # CZ-MP-23-02, Wall Store Road ..... Page 100  
Presenter: Erin Joseph, Assistant Planning Director

Tier 2 conditional rezoning request submitted by Capital Partners of NC, LLC to rezone 8.95 +/- acres from Rural Agricultural (RA) and Multifamily B (MF-B C258) to Multifamily B (MF-B C277) Conditional for the development of a maximum of 60 townhouses. The site is generally located on the south side of Wall Store Road, west of Rock Quarry Road, and may be further identified as Wake County PIN(s) 1731610922, 1731518872 and a part of 1731607909.

Action: Consider motion to approve by approving Ordinance (2024) 5269.

- 2. FY25 Budget Continued Discussion ..... Page 132  
 Presenter: Sara Warren, Budget Director

Provide Council with updated information related to the FY25 Recommended Budget after the May 23, 2024 budget work session. The FY25 Recommended Budget was presented during the May 7, 2024 Council meeting. In addition, Town Council held its budget work session on May 23, 2024 and a second budget hearing on May 21, 2024. The FY25 Recommended Budget can be found on the Town's website at:  
<https://www.garnernc.gov/departments/budget/fy25-budget-portal>

Action: Council is asked to direct staff on the tax rate to be included for the FY25 Adopted Budget.

- 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: June 4, 2024		
Subject: Proclamation Recognizing Juneteenth		
Location on Agenda: Presentations		
Department: Administration		
Contact: Rick Mercier, Communications Director		
Presenter: Mayor Buddy Gupton		
Brief Summary: Mayor Gupton will read the Town's Juneteenth Proclamation.		
Recommended Motion and/or Requested Action:		
Detailed Notes: Mayor Gupton will read a proclamation declaring that June 19, 2024, be celebrated as Juneteenth-Freedom Day in Garner.		
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:	RKM	
Finance Director:		
Town Attorney:		
Town Manager:	JM	
Town Clerk:		

# Proclamation

**WHEREAS**, President Abraham Lincoln signed the Emancipation Proclamation on January 1, 1863, declaring enslaved people in Confederate-controlled territory free and paving the way for passage of the 13th Amendment, which formally abolished slavery in the United States; and

**WHEREAS**, enforcement of the Emancipation Proclamation was delayed by up to almost two and a half years in some Confederate territory, and by more than two years in the area that would become Garner; and

**WHEREAS**, on June 19, 1865, Union Major-General Gordon Granger read to the people of Galveston, Texas, General Order No. 3, which stated:

“The people of Texas are informed that, in accordance with a proclamation from the Executive of the United States, all slaves are free. This involves an absolute equality of personal rights and rights of property between former masters and slaves”; and

**WHEREAS**, June 19th thus has acquired special meaning, and is called Juneteenth, combining the words June and nineteenth, and has been celebrated as Freedom Day by many African Americans for over 150 years; and

**WHEREAS**, in Wake County, there were more than 10,000 enslaved people—nearly two-fifths of the county’s population—recorded in the 1860 Census; and

**WHEREAS**, these citizens contributed greatly to the prosperity and development of the area that would become Garner both during their enslavement and after they were freed; and

**WHEREAS**, the creation of a Garner Juneteenth Committee was authorized by this Town Council to raise awareness about Juneteenth and about other information that places Juneteenth in historical context; and

**WHEREAS**, the United States celebrates its freedom from tyranny on July 4, 1776, but we acknowledge that not all Americans were free on that day; therefore, Juneteenth should be celebrated alongside July 4th Independence Day and not in lieu of it.

**NOW THEREFORE**, I, Buddy Gupton, Mayor of the Town of Garner, do hereby proclaim June 19, 2024, as

## Juneteenth—Freedom Day



*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 19<sup>th</sup> day of June 2024.*

*Buddy Gupton*  
Mayor Buddy Gupton

Town of Garner  
Town Council Meeting  
Agenda Form

Meeting Date: June 4, 2024 <span style="float: right;"><input type="button" value="v"/></span>		
Subject: Recognition of Disposable Property		
Location on Agenda: Consent <span style="float: right;"><input type="button" value="v"/></span>		
Department: Police		
Contact: Shannon Grice, Executive Assistant		
Presenter: Lorie Smith, Police Chief		
Brief Summary:  Recognize the service weapon and badge of Deputy Chief Mike McIver as disposable property, so they can be awarded to him in recognition of his retirement from the Town after 30 years of creditable service.		
Recommended Motion and/or Requested Action: Consider approving Resolution (2024) 2579		
Detailed Notes:		
Funding Source:		
Cost:	One Time: <input type="radio"/>	Annual: <input type="radio"/> No Cost: <input checked="" type="radio"/>
Manager's Comments and Recommendations:		
Attachments Yes: <input checked="" type="radio"/> No: <input type="radio"/>		
Agenda Form Reviewed by:	Initials:	Comments:
Department Head:	LAS	
Finance Director:		
Town Attorney:		
Town Manager:	JM	
Town Clerk:		

RESOLUTION NO. (2024) 2579  
RESOLUTION AUTHORIZING DISPOSITION OF PERSONAL PROPERTY

WHEREAS, Deputy Chief Mike McIver will retire from the Garner Police Department on July 1, 2024, following twenty-seven years of service to the Town of Garner; and

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

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

THEREFORE, BE IT RESOLVED that the Sig Sauer P226 service sidearm, Serial #UU731133 and the badge carried by Deputy Chief Mike McIver be deemed as disposable property and awarded to him, at no cost, on the occasion of his retirement; and

THEREFORE, BE IT FURTHER RESOLVED that Deputy Chief Mike McIver will be responsible for obtaining the necessary permits as required by law to possess and carry such a side arm further described as a Sig Sauer P226, Serial #UU731133.

Duly adopted this 4<sup>th</sup> day of June 2024.

---

Buddy Gupton, Mayor

ATTEST:

---

Stella Gibson, Town Clerk

Town of Garner  
Town Council Meeting  
Agenda Form

Meeting Date: June 4, 2024		
Subject: Surplus Property		
Location on Agenda: Consent <input type="checkbox"/>		
Department: Finance		
Contact: David Beck, Finance Director		
Presenter: David Beck, Finance Director		
<p><b>Brief Summary:</b></p> <p>The Public Works Department has equipment and vehicles including a dump truck, mower, and tractor that have been replaced as part of the VERT program. Approval is sought to surplus the old items and allow them to be sold. The proceeds will supplement the VERT budget to purchase replacement equipment.</p>		
<p><b>Recommended Motion and/or Requested Action:</b></p> <p>Approve Resolution (2024) 2580</p>		
<p><b>Detailed Notes:</b></p>    		
<p><b>Funding Source:</b></p> <p>N/A</p>		
Cost:	One Time: <input type="radio"/>	Annual: <input type="radio"/> No Cost: <input checked="" type="radio"/>
<p><b>Manager's Comments and Recommendations:</b></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:		

RESOLUTION NO. (2024) 2580

RESOLUTION AUTHORIZING DISPOSITION OF SURPLUS PERSONAL PROPERTY

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

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

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

<b>Asset Tag #</b>	<b>Year</b>	<b>Make/Model</b>	<b>Vin/Serial #</b>
4069	2014	Turfco Mete-R-Matic Top Dresser	398914
4122	2017	John Deere Z960M	1TC960MCKHT060009
5087	2014	John Deere 5055E 4x4 Tractor	1LV5055ECEY245787
240	2006	International 4200 – Dump Bed	1HTMPAFL06H202886
600	2004	Bomag Roller BW 100 AD-3	101150514419

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

Duly adopted this the 4th day of June 2024.

\_\_\_\_\_  
Buddy Gupton, Mayor

ATTEST: \_\_\_\_\_  
Stella L. Gibson, Town Clerk



**TOWN OF GARNER  
FIXED ASSET RECORD CHANGE REQUEST  
VALUED AT LESS THAN \$5,000**

Department: Public Works Division: P&G

Qty	TOG Asset #	Name & Description (Year, Make, Model, etc.)	Serial No./ Vin No.	Surplus	Transfer	Addition	Other	Explanation	Present Condition (i.e. poor, fair, good)	Current Asset Value
1	4069	2014 Mete-R-Matic Top Dresser	398914	<input checked="" type="checkbox"/>				Replacement Arrived	Poor	\$400

**INSTRUCTIONS:**

- List Department & Division where asset is currently assigned
- List Asset #, Name, Description, Serial No./Vin No.
- Check the Applicable box for Type of Change:
  - Surplus:** Request Item to be Sold or Otherwise Disposed
  - Transfer:** Request Asset to be Transferred to Different Department/Division
  - Addition:** Asset through Seizure or Donation (should not include purchased assets)
  - Other:** Please include explanation.
- Under Explanation, include the following:**
  - Surplus:** Reason why Item is Being Surplused (if Vehicle or Equipment, include Vehicle or Equipment Inspection Form).
  - Transfer:** Indicate Department and Division Property is Being Transferred to.
  - Addition:** Indicate if Item was Donated, Acquired through Seizure, or Other Method.
    - If Donated, need documentation supporting valuation of Asset.)
  - Other:** Please include explanation.

Department Contact Information:  
 Name: Woody Daniel  
 Phone # 919.661.6875

Permission is hereby granted to dispose of the above items which are surplus and no longer used in this Department.

Department Head Signature [Signature] Date 5-17-24

Finance Director Signature \_\_\_\_\_ Date \_\_\_\_\_

Town Manager Signature \_\_\_\_\_ Date \_\_\_\_\_

**\*\*SUBMIT FULLY EXECUTED FORM TO FINANCE DEPARTMENT\*\***

**TOWN OF GARNER  
FIXED ASSET RECORD CHANGE REQUEST  
VALUED AT LESS THAN \$5,000**

Department: Public Works Division: P&G

Qty	TOG Asset #	Name & Description (Year, Make, Model, etc.)	Serial No./ Vin No.	Surplus	Transfer	Addition	Other	Explanation	Present Condition (i.e. poor, fair, good)	Current Asset Value
1	4122	2017 John Deere Z960M	ITC960MCKHT060009	✓				Replacement Arrived	Poor	\$3,000

**INSTRUCTIONS:**

- List Department & Division where asset is currently assigned
- List Asset #, Name, Description, Serial No./Vin No.
- Check the Applicable box for Type of Change:
  - Surplus:** Request Item to be Sold or Otherwise Disposed
  - Transfer:** Request Asset to be Transferred to Different Department/Division
  - Addition:** Asset through Seizure or Donation (should not include purchased assets)
  - Other:** Please include explanation.
- Under Explanation, include the following:**
  - Surplus:** Reason why Item is Being Surplused (if Vehicle or Equipment, Include Vehicle or Equipment Inspection Form).
  - Transfer:** Indicate Department and Division Property is Being Transferred to.
  - Addition:** Indicate if Item was Donated, Acquired through Seizure, or Other Method.
    - If Donated, need documentation supporting valuation of Asset.)
  - Other:** Please include explanation.

Department Contact Information:  
 Name: Woody Daniel  
 Phone #: 919.661.6875

Permission is hereby granted to dispose of the above items which are surplus and no longer used in this Department.

Department Head Signature [Signature] Date 5-17-24

Finance Director Signature \_\_\_\_\_ Date \_\_\_\_\_

Town Manager Signature \_\_\_\_\_ Date \_\_\_\_\_

\*\*SUBMIT FULLY EXECUTED FORM TO FINANCE DEPARTMENT\*\*



**TOWN OF GARNER  
FIXED ASSET RECORD CHANGE REQUEST  
VALUED AT MORE THAN \$5,000**

Department: Public Works Division: P&G

Qty	TOG Asset #	Name & Description (Year, Make, Model, etc.)	Serial No./ Vin No.	Surplus	Transfer	Addition	Other	Explanation	Present Condition (i.e. poor, fair, good)	Current Asset Value
1	5087	2014 John Deere 5055E 4x4 Tractor	1LV5055ECEY245787	<input checked="" type="checkbox"/>				Replacement Arrived	Poor	\$22,000

**INSTRUCTIONS:**

- List Department & Division where asset is currently assigned
- List Asset #, Name, Description, Serial No./Vin No.
- Check the Applicable box for Type of Change:
  - Surplus: Request item to be Sold or Otherwise Disposed
  - Transfer: Request Asset to be Transferred to Different Department/Division
  - Addition: Asset through Seizure or Donation (should not include purchased assets)
  - Other: Please include explanation.
- Under Explanation, include the following:
  - Surplus: Reason why item is Being Surplused (if Vehicle or Equipment, Include Vehicle or Equipment Inspection Form).
  - Transfer: Indicate Department and Division Property is Being Transferred to.
  - Addition: Indicate if item was Donated, Acquired through Seizure, or Other Method.
    - If Donated, need documentation supporting valuation of Asset.
  - Other: Please include explanation.

Permission is hereby granted to dispose of the above items which are surplus and no longer used in this Department.

*[Signature]* 5-17-24  
Date

Department Head Signature

Finance Director Signature

Town Manager Signature

Resolution Number

Res. Date

Approved for Surplus (Council Resolution)

Department Contact Information:

Name: Woody Daniel

Phone #: 919.661.6875

**\*\*SUBMIT FULLY EXECUTED FORM TO FINANCE DEPARTMENT\*\***

**TOWN OF GARNER  
FIXED ASSET RECORD CHANGE REQUEST  
VALUED AT MORE THAN \$5,000**

Department: Public Works Division: Streets

Qty	TOG Asset #	Name & Description (Year, Make, Model, etc.)	Serial No./Vin No.	Surplus	Transfer	Addition	Other	Explanation	Present Condition (i.e. poor, fair, good)	Current Asset Value
1	240	2006 International 4200 - Dump bed	IHTMPAFL06H202886	✓				Replacement Arrived	Poor	\$26,000
1	600	2004 Bomag roller BW 100 AD-3	101150514419	✓				Replacement Arrived	Poor	\$16,000

**INSTRUCTIONS:**

- List Department & Division where asset is currently assigned
- List Asset #, Name, Description, Serial No./Vin No.
- Check the Applicable box for Type of Change:
  - Surplus:** Request item to be Sold or Otherwise Disposed
  - Transfer:** Request Asset to be Transferred to Different Department/Division
  - Addition:** Asset through Seizure or Donation (should not include purchased assets)
  - Other:** Please include explanation.
- Under Explanation, include the following:**
  - Surplus:** Reason why item is Being Surplused (if Vehicle or Equipment, Include Vehicle or Equipment Inspection Form).
  - Transfer:** Indicate Department and Division Property is Being Transferred to.
  - Addition:** Indicate if item was Donated, Acquired through Seizure, or Other Method.
    - If Donated, need documentation supporting valuation of Asset.
  - Other:** Please include explanation.

Department Contact Information:  
 Name: Woody Daniel  
 Phone #: 919.661.6875

Permission is hereby granted to dispose of the above items which are surplus and no longer used in this Department.

*[Signature]* 5-17-24  
 Department Head Signature Date

Finance Director Signature Date

Town Manager Signature Date

Resolution Number Res. Date  
 Approved for Surplus (Council Resolution)

\*\*SUBMIT FULLY EXECUTED FORM TO FINANCE DEPARTMENT\*\*

Town of Garner  
Town Council Meeting  
Agenda Form

Meeting Date: June 4, 2024 <span style="float: right;"><input type="button" value="v"/></span>		
Subject: CAMPO Memorandum of Understanding		
Location on Agenda: Consent <span style="float: right;"><input type="button" value="v"/></span>		
Department: Administration		
Contact: John Hodges, Assistant Town Manager		
Presenter: John Hodges, Assistant Town Manager		
<b>Brief Summary:</b> The Executive Board of the Capital Area Metropolitan Planning Organization (CAMPO) has approved a new Memorandum of Understanding (MOU) to be adopted by member organizations. The MOU changes include the addition of the newest members (Lillington, Coats and Chatham County) as well as administrative updates to reflect current codes and practices.		
<b>Recommended Motion and/or Requested Action:</b> Adopt CAMPO Memorandum of Understanding		
Detailed Notes:		
Funding Source:		
Cost:	One Time: <input type="radio"/>	Annual: <input type="radio"/> No Cost: <input checked="" type="radio"/>
Manager's Comments and Recommendations:		
Attachments Yes: <input checked="" type="radio"/> No: <input type="radio"/>		
Agenda Form Reviewed by:	Initials:	Comments:
Department Head:	JMH	
Finance Director:		
Town Attorney:		
Town Manager:	JM	
Town Clerk:		

**NORTH CAROLINA  
CAPITAL AREA METROPOLITAN PLANNING ORGANIZATION**

**MEMORANDUM OF UNDERSTANDING  
BETWEEN**

**THE GOVERNOR OF THE STATE OF NORTH CAROLINA,  
TOWN OF ANGIER, TOWN OF APEX, TOWN OF ARCHER LODGE, TOWN OF  
BUNN, TOWN OF CARY, TOWN OF COATS, TOWN OF CLAYTON, CITY OF  
CREEDMOOR, TOWN OF FRANKLINTON, TOWN OF FUQUAY-VARINA, TOWN  
OF GARNER, TOWN OF HOLLY SPRINGS, TOWN OF KNIGHTDALE, TOWN OF  
LILLINGTON, TOWN OF MORRISVILLE, CITY OF RALEIGH, TOWN OF  
ROLESVILLE, TOWN OF WAKE FOREST, TOWN OF WENDELL, TOWN OF  
YOUNGSVILLE, TOWN OF ZEBULON, COUNTY OF CHATHAM, COUNTY OF  
FRANKLIN, COUNTY OF GRANVILLE, COUNTY OF HARNETT, COUNTY OF  
JOHNSTON, COUNTY OF WAKE, TRIANGLE TRANSIT AUTHORITY, AND THE  
NORTH CAROLINA DEPARTMENT OF TRANSPORTATION  
(Hereinafter referred to as the Municipalities, the Agencies, the Counties and the State)**

**IN COOPERATION WITH  
THE UNITED STATES DEPARTMENT OF TRANSPORTATION,**

**Agreement No. 2024-04-17**

**WITNESSETH THAT**

**WHEREAS, Chapter 136, Article 3A, Section 136.66.2(d)** provides that:

*"For MPOs, either the MPO or the Department of Transportation may propose changes in the plan at any time by giving notice to the other party, but no change shall be effective until it is adopted by both the Department of Transportation and the MPO."; and*

**WHEREAS, Section 134(a) of Title 23 United States Code** states:

*"It is in the national interest to encourage and promote the development of transportation systems embracing various modes of transportation in a manner which will efficiently maximize mobility of people and goods within and through urbanized areas and minimize transportation-related fuel consumption and air pollution. To accomplish this objective, metropolitan planning organizations, in cooperation with the State, shall develop transportation plans and programs for urbanized areas of the State. Such plans and programs shall provide for the development of transportation facilities (including pedestrian walkways and bicycle transportation facilities)*

**N. C. Capital Area Metropolitan Planning Organization**

**Memorandum of Understanding (cont.)**

April 17, 2024

*which will function as an intermodal transportation system for the State, the metropolitan areas, and the Nation. The process for developing such plans and programs shall provide for consideration of all modes of transportation and shall be continuing, cooperative, and comprehensive to the degree appropriate, based on the complexity of the transportation problems.”; and*

**WHEREAS, Section 134(c) of Title 23 United States Code** states:

*Development of long-range plans and TIPs.— To accomplish the objectives in subsection (a), metropolitan planning organizations designated under subsection (d), in cooperation with the State and public transportation operators, shall develop long-range transportation plans and transportation improvement programs for metropolitan planning areas of the State; and*

**WHEREAS, Chapter 136, Article 3A, 66.2(a)** of the General Statutes of North Carolina require that:

*“Each MPO, with cooperation of the Department of Transportation, shall develop a comprehensive transportation plan in accordance with 23 U.S.C. § 134. In addition, an MPO may include projects in its transportation plan that are not included in a financially constrained plan or are anticipated to be needed beyond the horizon year as required by 23 U.S.C. § 134. For municipalities located within an MPO, the development of a comprehensive transportation plan will take place through the metropolitan planning organization. For purposes of transportation planning and programming, the MPO shall represent the municipality's interests to the Department of Transportation.”; and,*

**WHEREAS, Chapter 136, Article 3A, 66.2(b)** provides that:

*“After completion and analysis of the plan, the plan shall be adopted by both the governing body of the municipality or MPO and the Department of Transportation as the basis for future transportation improvements in and around the municipality or within the MPO. The governing body of the municipality and the Department of Transportation shall reach agreement as to which of the existing and proposed streets and highways included in the adopted plan will be a part of the State highway system and which streets will be a part of the municipal street system. As used in this Article, the State highway system shall mean both the primary highway system of the State and the secondary road system of the State within municipalities.”; and,*

**WHEREAS,** a transportation planning process includes the operational procedures and working arrangements by which short and long-range transportation plans are soundly conceived and developed and continuously evaluated in a manner that will:

1. Assist governing bodies and official agencies in determining courses of action and in formulating attainable capital improvement programs in anticipation of community needs; and,
2. Guide private individuals and groups in planning their decisions which can be important factors in the pattern of future development and redevelopment of the area; and,

**N. C. Capital Area Metropolitan Planning Organization  
Memorandum of Understanding (cont.)**

April 17, 2024

**WHEREAS**, it is the desire of these agencies that a continuing, cooperative, and comprehensive transportation planning process as set forth in a Memorandum of Understanding dated January 28, 1993 comply with Title 23 U.S.C. Section 134; and any subsequent amendments to that statute, and any implementing regulations; Title 49 U.S.C. Chapter 53 and any subsequent amendments to these statutes and any implementing regulations; and the Clean Air Act of 1970, as amended, [42 U.S.C.7504 and 7506].

**NOW THEREFORE**, the following **Memorandum of Understanding** is made:

**Section I. Membership**

It is hereby agreed that the Municipalities, the agencies, the Counties and the State in cooperation with the United States Department of Transportation, will participate in a continuing, cooperative and comprehensive (“3-C”) transportation planning process with responsibilities and undertakings as related in the following paragraphs:

1. The **N. C. Capital Area Metropolitan Planning Area** (as defined by the Metropolitan Area Boundary, also known as the Planning Area Boundary) will be all of Wake County and parts of Chatham, Franklin, Granville, Harnett, and Johnston Counties.
2. The **N. C. Capital Area Metropolitan Planning Organization (MPO)** shall include the local governments of the Municipalities and the Counties, the North Carolina Department of Transportation, an **Executive Board** hereinafter defined, a **Technical Coordinating Committee** hereinafter defined, and the various agencies and units of local, regional, and state government participating in the transportation planning for the area.
3. The **Urbanized Area Boundary** and the **Metropolitan Area Boundary** shall be periodically reviewed and revised in light of new developments and basic data projections.
4. The continuing transportation planning process will be a cooperative one reflective of and responsive to the programs of the North Carolina Department of Transportation, and to the comprehensive plans for growth and development of the Municipalities and the Counties in the Triangle Region with attention being given to cooperative planning with the neighboring metropolitan and rural planning organizations.
5. The continuing transportation planning process will be in accordance with the intent, procedures and programs of Title VI of the Civil Rights Act of 1964, as amended.
6. The continuing transportation planning process will be in accordance with the intent, procedures, and programs of the Clean Air Act of 1970, as amended.

## N. C. Capital Area Metropolitan Planning Organization

### Memorandum of Understanding (cont.)

April 17, 2024

7. Transportation policy decisions within the planning area are the shared responsibility of the North Carolina Board of Transportation, the Executive Board and the governing bodies of the participating local governments.
8. Transportation plans and programs and land use policies and programs having regional impacts will be coordinated with the applicable regional Councils of Governments.
9. **An Executive Board is hereby established** with the responsibility for cooperative transportation planning decision making for the MPO. The **Executive Board** shall have the responsibility for keeping the policy boards of the participating local governments informed of the status and requirements of the transportation planning process; for assisting in the dissemination and clarification of the decisions and policies of the policy boards; for providing opportunities for citizen participation in the transportation planning process; and all other duties and responsibilities customary for a governing board of a public authority.

The **Executive Board** will be responsible for carrying out the provisions of 23 U.S.C. Section 134 and Title 49 U.S.C. Chapter 53; and 42 U.S.C.; including, but not necessarily limited to:

- a. Establishment of goals and objectives for the transportation planning process.
- b. Review and approval of a **Prospectus** for transportation planning which defines work tasks and responsibilities for the various agencies participating in the transportation planning process;
- c. Review and approval of changes to the **Metropolitan Area Boundary** as well as review and recommendation for changes to the **National Highway System**;
- d. Review and approval of the transportation **Unified Planning Work Program**;
- e. Review and approval of the adopted **Comprehensive and Metropolitan Transportation Plans**. As specified in General Statutes Section 136-66.2(a), the Comprehensive Transportation Plan shall include the projects in the Metropolitan Area's Transportation Plan as well as projects that are not included in the financially constrained plan or are anticipated to be needed beyond the horizon year as required by 23 U.S.C. Section 134. As specified in General Statutes Section 136-66.2(d) certain revisions to the **Comprehensive Transportation Plan** may be required to be jointly approved by the North Carolina Department of Transportation;
- f. Review and approval of the MPO's **Transportation Improvement Program** for multimodal capital and operating expenditures ensuring coordination between local and State capital improvement and operating programs. As specified in 23 U.S.C. Section 134(k), all federally funded projects carried out within the boundaries of a metropolitan planning area serving a transportation

## N. C. Capital Area Metropolitan Planning Organization

### Memorandum of Understanding (cont.)

April 17, 2024

- management area (excluding projects carried out on the National Highway System) shall be selected for implementation from the approved TIP by the metropolitan planning organization designated for the area in consultation with the State and any affected public transportation operator;
- g. Review and approval of planning procedures for air quality conformity and review and approval of air quality conformity determination for projects, programs, and plans;
  - h. Review and approval of a Congestion Management Process;
  - i. Review and approval of the distribution and oversight of federal funds designated for the Raleigh Urbanized Area under the provisions of IIIJA and any other subsequent Transportation Authorizations;
  - j. Review and approval of a policy for public involvement for the MPO;
  - k. Review and approval of an agreement between the MPO, the State, and public transportation operators serving the Metropolitan Planning Area that defines mutual responsibilities for carrying out the metropolitan planning process in accordance with 23 C.F.R. 450
  - l. Development and approval of committee by-laws for the purpose of establishing operating policies and procedures;
  - m. Oversight of the MPO Staff;
  - n. Revisions to membership of Technical Coordinating Committee as defined herein;
  - o. Review and approval of cooperative agreements with other transportation organizations, transportation providers, counties, and municipalities.

The membership of the **Executive Board** shall include:

- One member of the Angier Town Board of Commissioners
- One member of the Apex Town Council
- One member of the Archer Lodge Town Council
- One member of the Bunn Town Council
- One member of the Cary Town Council
- One member of the Clayton Town Council
- One Member of the Coats Board of Commissioners
- One member of the Creedmoor Board of Commissioners
- One member of the Franklinton Town Board of Commissioners



## **N. C. Capital Area Metropolitan Planning Organization**

### **Memorandum of Understanding (cont.)**

April 17, 2024

- One member of the Fuquay-Varina Town Board of Commissioners
- One member of the Garner Town Council
- One member of the Holly Springs Town Council
- One member of the Knightdale Town Council
- One member of the Lillington Board of Commissioners
- One member of the Morrisville Town Council
- One member of the Raleigh City Council
- One member of the Rolesville Town Board of Commissioners
- One member of the Wake Forest Town Board of Commissioners
- One member of the Wendell Town Board of Commissioners
- One member of the Youngsville Town Board of Commissioners
- One member of the Zebulon Town Board of Commissioners
- One member of the Chatham County Board of Commissioners
- One member of the Franklin County Board of Commissioners
- One member of the Granville County Board of Commissioners
- One member of the Harnett County Board of Commissioners
- One member of the Johnston County Board of Commissioners
- One member of the Wake County Board of Commissioners
- Four members of the North Carolina Board of Transportation representing the Highway Divisions (currently 4, 5, 6 and 8) within the Metropolitan Planning Area
- One member of the Research Triangle Regional Public Transportation Authority Board of Trustees; and
- The Division Administrator of the Federal Highway Administration or his or her representative who shall serve as an advisory, non-voting member.
- The Regional Administrator of the Federal Transit Administration or his or her representative, who shall serve as an advisory, non-voting member.
- The Regional Administrator of the Federal Rail Administration or his or her representative, who shall serve as an advisory, non-voting member.

Municipal and county public transit providers shall be represented on the Executive Board through their respective municipal and county local government board members.

Voting representatives of the Municipalities and the Counties shall be designated by their respective governing boards. Requirements for voting, quorums, and membership in good standing shall be included in the adopted bylaws of the Executive Board. Weighted voting shall be applied as invoked by any voting member of the Executive

**N. C. Capital Area Metropolitan Planning Organization  
Memorandum of Understanding (cont.)**

April 17, 2024

Board. In the instance of a weighted vote, each member government shall be apportioned weighted voting based on the most recent certified North Carolina Population Estimates for Municipalities and Counties utilizing a vote weighting formula of one vote for each 10,000 of population, or portion thereof. Other voting agencies without population-based representation on the Executive Board shall vote in accordance with the most recent voting schedule. The most recent voting schedule will be maintained by the CAMPO staff and updated with the most recent certified North Carolina Population Estimates for Municipalities and Counties.

At the invitation of the **Executive Board**, other local, regional, State or Federal agencies impacting transportation within the planning area may serve as non-voting members of the **Executive Board**.

As established in its adopted bylaws, the **Executive Board** shall meet as deemed appropriate and shall elect officers with the responsibility for coordination of the committee's activities. A member of the MPO staff will serve as secretary to the Committee.

As established in its adopted bylaws, the Executive Board may create an executive committee and/or subcommittees to carry out its responsibilities.

10. **A Technical Coordinating Committee (TCC) shall be established** with the responsibility of general review, guidance and coordination of the transportation planning process for the planning area and with the responsibility for making recommendations to the Executive Board and to other entities designated by the Executive Board regarding any necessary actions relating to the continuing transportation planning process. The TCC shall be responsible for development, review and recommendations of the **Prospectus, Unified Planning Work Program, Transportation Improvement Program, Metropolitan Area Boundary, Urbanized Area Boundary, and National Highway System**, for revisions to the **Transportation Plan**, for planning citizen participation and for documenting reports of the transportation study.

**Membership of Technical Coordinating Committee (TCC)** shall include technical representatives from local, regional and State governmental agencies; as well as major modal transportation providers directly related to and concerned with the transportation planning process for the planning area. Each member agency's representative(s) shall be designated by the chief administrative officer of that agency. Departments or divisions within local and state agencies that should be represented on the TCC include, but are not limited to, those responsible for transportation planning, land use planning, transportation operations, public works and construction, engineering, public transportation, environmental conservation and planning, bicycle and pedestrian planning, and economic development. The voting membership shall include, at a minimum, representation from the following agencies/organizations, with specific numbers of members from each agency/organization outlined in the Technical Coordinating Committee's adopted bylaws:

**N. C. Capital Area Metropolitan Planning Organization**

**Memorandum of Understanding (cont.)**

April 17, 2024

- Town of Angier
- Town of Apex
- Town of Archer Lodge
- Town of Bunn
- Town of Cary
- Town of Clayton
- Town of Coats
- City of Creedmoor
- Town of Franklinton
- Town of Fuquay-Varina
- Town of Garner
- Town of Holly Springs
- Town of Knightdale
- Town of Lillington
- Town of Morrisville
- City of Raleigh
- Town of Rolesville
- Town of Wake Forest
- Town of Wendell
- Town of Youngsville
- Town of Zebulon
- County of Chatham
- County of Franklin
- County of Granville
- County of Harnett
- County of Johnston
- County of Wake
- Central Pines Regional Council
- Capital Area Transit
- Cary Transit
- Raleigh-Durham Airport Authority
- Research Triangle Transit Regional Public Transportation Authority
  
- North Carolina Department of Transportation

## N. C. Capital Area Metropolitan Planning Organization

### Memorandum of Understanding (cont.)

April 17, 2024

- Rural Transit Systems Serving Franklin , Granville, Harnett, Johnston and Wake Counties
- North Carolina State University
- Research Triangle Foundation
- Triangle North Executive Airport

The host agency's membership shall not include members of the MPO staff.

In addition to voting membership, the TCC shall invite officials responsible for other types of planning activities that are affected by transportation in the area (including State and local planned growth, economic development, environmental protection, airport operations, and freight movements) to coordinate their planning process, to the maximum extent practicable, with MPO planning activities. Such organizations and agencies may include:

- a. The Federal Highway Administration
  - b. The Federal Transit Administration
  - c. The Federal Rail Administration
  - d. The U.S. Army Corps of Engineers
  - e. The U.S. Environmental Protection Agency
  - f. The U.S. Fish and Wildlife Service
  - g. The N.C. Department of Cultural Resources
  - h. The N.C. Department of Commerce
  - i. The U.S. Department of Housing and Urban Development
  - j. The N.C. Railroad Company
  - k. The N.C. Trucking Association
  - l. The N.C. Motorcoach Association
  - m. Regional Transportation Alliance
11. The Technical Coordinating Committee shall operate as determined by its adopted bylaws. Any agency not listed above which wishes representation on the TCC may request such representation for consideration under the adopted bylaws of the TCC. As established in its adopted bylaws, the TCC may create an executive committee and/or subcommittees to carry out its responsibilities.
12. The governing boards of the Municipalities and the Counties and the North Carolina Board of Transportation shall serve as the primary means for citizen input to the continuing transportation planning process. Citizen involvement will also be obtained through procedures outlined in the MPO's policy for public participation and through various special studies and projects undertaken by the MPO.

The Executive Board should also provide opportunities for citizen participation in the transportation planning process.

## **N. C. Capital Area Metropolitan Planning Organization**

### **Memorandum of Understanding (cont.)**

April 17, 2024

#### **Section II. Responsibilities**

It is further agreed that the subscribing agencies will have the following responsibilities, these responsibilities being those most logically assumed by the several agencies:

##### **The Municipalities and the Counties**

The Municipalities and the Counties will assist in the transportation planning process by providing assistance, data and inventories in accordance with the Prospectus. The Municipalities and the Counties shall coordinate zoning and subdivision approval within their respective jurisdictions in accordance with the adopted Metropolitan Transportation Plan. Additionally, the a host agency, as designated by the Executive Board will serve as the **Lead Planning Agency** for the MPO. Services provided by the Lead Planning Agency on behalf of the MPO will be governed by mutual agreement(s).

The Municipalities and the Counties will participate in funding the portion of the costs of the MPO's work program not covered by federal or state funding (minimum 20% match of actual annual expenditures) as approved by the Executive Board. The portion to be paid by each Municipal and County member government will be based upon its pro rata share of population within the MPO Planning Area, utilizing the most recent certified North Carolina Office of State Planning municipal and county population estimates. In addition, MPO members may also voluntarily contribute additional funds for other purposes such as to participate in funding the costs of special studies, or other specialized services as mutually agreed upon.

Failure to pay the approved share of costs shall invalidate the MPO's Unified Planning Work Program and annual MPO self-certification as required by 23 CFR 450. Failure to certify shall result in the withholding of transportation project funds to the metropolitan planning area in accordance with federal law. In order to avoid this, the Executive Board shall amend the Unified Planning Work Program.

The municipalities and the counties receiving federal transportation funding designated for the Urbanized Areas within the MPO Planning Area as approved by the Executive Board through the Unified Planning Work Program shall comply with adopted reporting and oversight procedures.

##### **North Carolina Department of Transportation**

The Department will assist in the transportation planning process by providing planning assistance, data and inventories in accordance with the Prospectus. The Department, to the fullest extent possible, and as permitted by existing State and Federal regulations, will provide assistance in the protection of necessary rights-of-way for those transportation corridors designated on the Transportation Plan.

##### **Research Triangle Regional Public Transportation Authority**

Triangle Transit will assist in the transportation planning process by providing planning assistance, data, and inventories in accordance with the Prospectus. Triangle Transit shall comply with adopted reporting and oversight procedures for the receipt of federal

**N. C. Capital Area Metropolitan Planning Organization**

**Memorandum of Understanding (cont.)**

April 17, 2024

transportation funding designated for the region’s Urbanized Areas as approved by the Executive Board through the Unified Planning Work Program

**Section III. Termination**

Parties to this Memorandum of Understanding may terminate their participation in the N. C. Capital Area Metropolitan Planning Organization by giving thirty (30) days written notice to the other parties prior to the date of termination. If any party should terminate participation, this memorandum of understanding shall remain in force and the MPO shall continue to operate as long as 75% or more of the population within the Metropolitan Planning Area is represented by the remaining members.

**Section IV. Ratification**

In witness whereof, the parties of this Memorandum of Understanding have been authorized by appropriate and proper resolutions to sign the same, The Town of Angier by its Mayor, the Town of Apex by its Mayor, the Town of Archer Lodge by its Mayor, the Town of Bunn by its Mayor, the Town of Cary by its Mayor, the Town of Clayton by its Mayor, the Town of Coats by its Mayor, the City of Creedmoor by its Mayor, the Town of Franklinton by its Mayor, the Town of Fuquay-Varina by its Mayor, the Town of Garner by its Mayor, the Town of Holly Springs by its Mayor, the Town of Knightdale by its Mayor, the Town of Lillington by its Mayor, the Town of Morrisville by its Mayor, the City of Raleigh by its Mayor, the Town of Rolesville by its Mayor, the Town of Wake Forest by its Mayor, the Town of Wendell by its Mayor, the Town of Youngsville by its Mayor, the Town of Zebulon by its Mayor, the Triangle Transit Authority by its Chair, Chatham County by its Chairman of the Board of Commissioners, Franklin County by its Chairman of the Board of Commissioners, Granville County by its Chairman of the Board of Commissioners, Harnett County by its Chairman of the Board of Commissioners, Johnston County by its Chairman of the Board of Commissioners, Wake County by its Chairman of the Board of Commissioners, and by the Secretary of Transportation on behalf of the Governor of the State of North Carolina and the North Carolina Department of Transportation, this the \_\_\_\_\_ day of \_\_\_\_\_, 2024.

**[SIGNATURE PAGES TO FOLLOW]**

**N. C. Capital Area Metropolitan Planning Organization**  
**Memorandum of Understanding (cont.)**  
April 17, 2024

**(Seal)**

**TOWN OF ANGIER**

\_\_\_\_\_ By \_\_\_\_\_  
Clerk Mayor

**N. C. Capital Area Metropolitan Planning Organization**  
**Memorandum of Understanding (cont.)**  
April 17, 2024

(Seal)

**TOWN OF APEX**

\_\_\_\_\_ By \_\_\_\_\_  
Clerk Mayor



**N. C. Capital Area Metropolitan Planning Organization**  
**Memorandum of Understanding (cont.)**  
April 17, 2024

**(Seal)**

**TOWN OF ARCHER LODGE**

\_\_\_\_\_ By \_\_\_\_\_  
Clerk Mayor

**N. C. Capital Area Metropolitan Planning Organization**  
**Memorandum of Understanding (cont.)**  
April 17, 2024

**(Seal)**

**TOWN OF BUNN**

\_\_\_\_\_ By \_\_\_\_\_  
Clerk Mayor

**N. C. Capital Area Metropolitan Planning Organization**  
**Memorandum of Understanding (cont.)**  
April 17, 2024

(Seal)

**TOWN OF CARY**

\_\_\_\_\_ By \_\_\_\_\_  
Clerk Mayor

**N. C. Capital Area Metropolitan Planning Organization**  
**Memorandum of Understanding (cont.)**  
April 17, 2024

(Seal)

**TOWN OF CLAYTON**

\_\_\_\_\_ By \_\_\_\_\_  
Clerk Mayor

**N. C. Capital Area Metropolitan Planning Organization**  
**Memorandum of Understanding (cont.)**  
April 17, 2024

**(Seal)**

**TOWN OF COATS**

\_\_\_\_\_ By \_\_\_\_\_  
Clerk Mayor

**N. C. Capital Area Metropolitan Planning Organization**

**Memorandum of Understanding (cont.)**

April 17, 2024

**(Seal)**

**CITY OF CREEDMOOR**

\_\_\_\_\_ By \_\_\_\_\_  
Clerk Mayor

**N. C. Capital Area Metropolitan Planning Organization**

**Memorandum of Understanding (cont.)**

April 17, 2024

**(Seal)**

**TOWN OF FRANKLINTON**

\_\_\_\_\_ By \_\_\_\_\_  
Clerk Mayor

**N. C. Capital Area Metropolitan Planning Organization**  
**Memorandum of Understanding (cont.)**  
April 17, 2024

(Seal)

**TOWN OF FUQUAY-VARINA**

\_\_\_\_\_ By \_\_\_\_\_  
Clerk Mayor



**N. C. Capital Area Metropolitan Planning Organization**  
**Memorandum of Understanding (cont.)**  
April 17, 2024

(Seal)

**TOWN OF GARNER**

\_\_\_\_\_ By \_\_\_\_\_  
Clerk Mayor

**N. C. Capital Area Metropolitan Planning Organization**

**Memorandum of Understanding (cont.)**

April 17, 2024

(Seal)

**TOWN OF HOLLY SPRINGS**

\_\_\_\_\_ By \_\_\_\_\_  
Clerk Mayor

**N. C. Capital Area Metropolitan Planning Organization**

**Memorandum of Understanding (cont.)**

April 17, 2024

(Seal)

**TOWN OF KNIGHTDALE**

\_\_\_\_\_ By \_\_\_\_\_  
Clerk Mayor

**N. C. Capital Area Metropolitan Planning Organization**

**Memorandum of Understanding (cont.)**

April 17, 2024

**(Seal)**

**TOWN OF LILLINGTON**

\_\_\_\_\_ By \_\_\_\_\_  
Clerk Mayor

**N. C. Capital Area Metropolitan Planning Organization**

**Memorandum of Understanding (cont.)**

April 17, 2024

(Seal)

**TOWN OF MORRISVILLE**

\_\_\_\_\_ By \_\_\_\_\_  
Clerk Mayor

**N. C. Capital Area Metropolitan Planning Organization**  
**Memorandum of Understanding (cont.)**  
April 17, 2024

(Seal)

**CITY OF RALEIGH**

\_\_\_\_\_ By \_\_\_\_\_  
Clerk Mayor

**N. C. Capital Area Metropolitan Planning Organization**  
**Memorandum of Understanding (cont.)**  
April 17, 2024

(Seal)

**TOWN OF ROLESVILLE**

\_\_\_\_\_ By \_\_\_\_\_  
Clerk Mayor

**N. C. Capital Area Metropolitan Planning Organization**  
**Memorandum of Understanding (cont.)**  
April 17, 2024

(Seal)

**TOWN OF WAKE FOREST**

\_\_\_\_\_ By \_\_\_\_\_  
Clerk Mayor



**N. C. Capital Area Metropolitan Planning Organization**  
**Memorandum of Understanding (cont.)**  
April 17, 2024

(Seal)

**TOWN OF WENDELL**

\_\_\_\_\_ By \_\_\_\_\_  
Clerk Mayor

**N. C. Capital Area Metropolitan Planning Organization**  
**Memorandum of Understanding (cont.)**  
April 17, 2024

(Seal)

**TOWN OF YOUNGSVILLE**

\_\_\_\_\_ By \_\_\_\_\_  
Clerk Mayor

**N. C. Capital Area Metropolitan Planning Organization**  
**Memorandum of Understanding (cont.)**  
April 17, 2024

(Seal)

**TOWN OF ZEBULON**

\_\_\_\_\_ By \_\_\_\_\_  
Clerk Mayor

**N. C. Capital Area Metropolitan Planning Organization**  
**Memorandum of Understanding (cont.)**  
April 17, 2024

(Seal)

**RESEARCH TRIANGLE TRANSIT  
REGIONAL PUBLIC  
TRANSPORTATION AUTHORITY**

\_\_\_\_\_ By \_\_\_\_\_  
Clerk Chair

**N. C. Capital Area Metropolitan Planning Organization**  
**Memorandum of Understanding (cont.)**  
April 17, 2024

(Seal)

**CHATHAM COUNTY**

\_\_\_\_\_ By \_\_\_\_\_  
County Manager Chairman

**N. C. Capital Area Metropolitan Planning Organization**  
**Memorandum of Understanding (cont.)**  
April 17, 2024

**(Seal)**

**FRANKLIN COUNTY**

\_\_\_\_\_ By \_\_\_\_\_  
County Manager Chairman

**N. C. Capital Area Metropolitan Planning Organization**  
**Memorandum of Understanding (cont.)**  
April 17, 2024

**(Seal)**

**GRANVILLE COUNTY**

\_\_\_\_\_ By \_\_\_\_\_  
County Manager Chairman

**N. C. Capital Area Metropolitan Planning Organization**  
**Memorandum of Understanding (cont.)**  
April 17, 2024

**(Seal)**

**HARNETT COUNTY**

\_\_\_\_\_ By \_\_\_\_\_  
County Manager Chairman



**N. C. Capital Area Metropolitan Planning Organization**  
**Memorandum of Understanding (cont.)**  
April 17, 2024

**(Seal)**

**JOHNSTON COUNTY**

\_\_\_\_\_ By \_\_\_\_\_  
County Manager Chairman

**N. C. Capital Area Metropolitan Planning Organization**

**Memorandum of Understanding (cont.)**

April 17, 2024

**(Seal)**

**WAKE COUNTY**

\_\_\_\_\_ By \_\_\_\_\_  
County Manager Chairman

**N. C. Capital Area Metropolitan Planning Organization**

**Memorandum of Understanding (cont.)**

April 17, 2024

(Seal)

**STATE OF NORTH CAROLINA AND  
DEPARTMENT OF TRANSPORTATION**

By \_\_\_\_\_  
Secretary of Transportation

Approved for Execution

By \_\_\_\_\_  
Assistant Attorney General

**N. C. Capital Area Metropolitan Planning Organization**  
**Memorandum of Understanding (cont.)**  
April 17, 2024

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**N. C. Capital Area Metropolitan Planning Organization**  
**Memorandum of Understanding (cont.)**  
April 17, 2024

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Town of Garner  
Town Council Meeting  
Agenda Form

Meeting Date: June 4, 2024		
Subject: Town Hall Annex Bid Award		
Location on Agenda: Consent		<input type="checkbox"/>
Department: Engineering		
Contact: Leah Harrison, Engineering Director		
Presenter: Leah Harrison, Engineering Director		
Brief Summary: Award construction contract for renovation of Town Hall Annex to the lowest responsive, responsible bidder, CMC Building, Inc.		
Recommended Motion and/or Requested Action: Consider authorizing bid award to CMC Building, Inc. contingent upon approval by the LGC.		
Detailed Notes: See attached memo and bid tab.		
Funding Source: Project Budget		
Cost: \$3,185,055	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:** June 4, 2024

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

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

**SUBJECT:** Garner Town Hall Annex – Bid Award

## BACKGROUND

The full build approach for the Town Hall Annex project was approved September 19, 2023. Since then, the design has been finalized and this project’s construction bid was advertised. The scope consists of the renovation of an 11,345 SF existing office building and new construction of an access road. The work includes general, plumbing, mechanical, electrical, and civil work to be constructed under one single prime contract.

## BIDDING

This project was advertised for bid from April 15, 2024, to May 15, 2024. The Town received five bids from the following bidders at the shown value:

Bidder	Base Bid	Alternate #1 (Roof Replacement)	Alternate #2 (Brick Stain)	Total Amount
CMC Building, Inc	\$3,088,055	\$82,000	\$15,000	\$3,185,055
Frank L Blum Construction Co.	\$3,557,400	\$248,000	\$68,650	\$3,911,550
Salisbury and Moore Construction	\$3,139,000	\$82,000	\$8,220	\$3,229,220
The Northgate Group One	\$4,262,796.54	\$184,652	\$24,625	\$4,472,073.54
WB Brawley Company	\$3,340,777	\$315,535	\$17,211	\$3,673,523

The bid tab with more detail is provided. CMC Building 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.

## FUNDING

The construction bid amount is within the project’s budget. The funding of the entire project requires a finance investment and approval by the Local Government Commission (LGC). This construction bid, along with all project



cost will be packaged and presented to the LGC for the finance approval on July 9<sup>th</sup>. The entire project cost is as follows:

<b>Professional Services</b>	<b>\$ 336,100.00</b>	<b>Design Fees, Survey Fees, Re-platting</b>
<b>FF&amp;E</b>	<b>\$ 587,470.22</b>	<b>Fixtures, Furniture and Equipment (Generator, Furnishings, Printers, Art)</b>
<b>Construction</b>	<b>\$ 3,511,282.67</b>	<b>Building Renovation, Civil Site Work, Demo of Vacant Former Building</b>
<b>Contingency</b>	<b>\$ 677,653.50</b>	<b>For unforeseen issues/additional expenses</b>
	<b>\$ 5,112,506.39</b>	

**NEXT STEPS**

Following concurrence by Town Council, staff will finalize the finance package for approval and presentation to the LGC on July 9, 2024. Once LGC approves the finance package, the construction contract can route for signatures. If approved, the construction NTP could be issued late July/early August.

**RECOMMENDATION**

Staff recommends approving the bid award to CMC Building, Inc in the amount of \$3,185,055 contingent upon approval of the financing transaction by the Local Government Commission.



# Garner Town Hall Annex - Bid Tab

Garner, NC

Bid Tabulation Form - General Construction - Single Prime  
 Wednesday, May 15, 2024 at 2:00 pm  
 ADW Project #21045

To the best of my knowledge, this bid tabulation  
 represents the results from the Bid Opening  
 held on Wednesday, May 15th, 2024.



Keith T. Carlyon, AIA



Bidder	License #	Subcontractors	Bid Form (Y/N)	Non-Collusive Affidavit (Y/N)	Debarment Certification (Y/N)	Iran Divestment Act Certification (Y/N)	Bid Bond (Y/N)	Use of Certified MWBE Business Form (Y/N)	Addenda 1-3 (Y/N)	UP #1 Mass rock removal and disposal off-site, per cubic yard	UP #2 Trench rock removal and disposal off-site, per cubic yard	UP #3 Unsuitable soils removal and disposal on-site, per cubic yard	UP #4 Unsuitable soil removal and disposal off-site, per cubic yard	UP #5 Replacement of removed rock or unsuitable soils with on-site suitable soil in-place, per cubic yard	UP #6 Replacement of removed rock or unsuitable soils with off-site suitable soil in-place, per cubic yard	UP #7 Replacement of removed rock or unsuitable soils with Aggregate Base Course in-place, per cubic yard	UP #8 Replacement of removed rock or unsuitable soils with No.57 washed stone in place, per cubic yard	UP #9 Woven Geo-Textile Fabric in-place, per square yard	UP #10 Biaxial Geo-Grid in-place, per square yard	UP #11 Light-Duty asphalt pavement repair in-place, per square yard	Base Bid Amount	Alt. #1 Replace Metal Roof and Exterior Soffit	Alt. #2 Brick Stain
CMC Building, Inc.	52920	Plumbing	Earnhardt Plumbing	Y	Y	Y	Y	Y	Y	\$300	\$300	\$20	\$50	\$25	\$30	\$75	\$75	\$6	\$10	\$45	\$3,088,055	\$82,000	\$15,000
		Mechanical	Bernhard MCC																				
		Electrical	Ontech Electric																				
		Grading	J. Smith Civil																				
Frank L. Blum Construction Company	18	Plumbing	Plumbing Concepts	Y	Y	Y	Y	Y	Y	\$456	\$504	\$22	\$51	\$24	\$56	\$118	\$142	\$6	\$17	\$85	\$3,557,400	\$248,000	\$68,650
		Mechanical	Mech Works																				
		Electrical	Gregory Electric																				
		Grading	Seven Lakes																				
Salisbury and Moore Construction, Inc.	100735	Plumbing	Flow Rite	Y	Y	Y	Y	Y	Y	\$324	\$324	\$15.50	\$26	\$13	\$34.50	\$73.50	\$84.50	\$5.50	\$6	\$44.50	\$3,139,000	\$82,000	\$8,220
		Mechanical	Mech Works																				
		Electrical	Dare Electric																				
		Grading	D&G Builders																				
The Northgate Group One, LLC	79889	Plumbing	Plumbing Concepts, Inc	Y	Y	Y	Y	Y	Y	\$175.50	\$295	\$25	\$45	\$30	\$45	\$70	\$76	\$9	\$9	\$1,055	\$4,262,796.54	\$184,652	\$24,625
		Mechanical	Intrepid Comfort Solutions, Inc.																				
		Electrical	The Northgate Group One, LLC																				
		Grading	Neal Construction & Consulting, Inc																				
WB Brawley Company	73240	Plumbing	Earnhardt Plumbing	Y	Y	Y	Y	Y	Y	\$360	\$300	\$24	\$48	\$30	\$36	\$72	\$78	\$10	\$11	\$54	\$3,340,777	\$315,535	\$17,211
		Mechanical	MW Mechworks																				
		Electrical	Dare Electric																				
		Grading	J. Smith Civil																				

Town of Garner  
Town Council Meeting  
Agenda Form

Meeting Date: June 4, 2024		
Subject: Town Hall Annex Financing		
Location on Agenda: Public Hearings		
Department: Finance		
Contact: David Beck, Finance Director		
Presenter: David Beck, Finance Director		
<p><b>Brief Summary:</b> Hold a public hearing regarding a proposed financing transaction of \$6.25 million to fund the Town Hall Annex project. Following the public hearing, Council should also consider adopting a preliminary findings resolution which includes selection of the winning bidder for the financing transaction.</p>		
<p><b>Recommended Motion and/or Requested Action:</b> Hold public hearing and adopt Resolution (2024) 2581</p>		
<p><b>Detailed Notes:</b> Davenport and Associates distributed a request for proposal to over 60 lenders and received 9 financing proposals. Council will be asked to select the winning bidder based on the overall lowest cost of financing. The preliminary findings resolution demonstrates the intent of Town Council to begin the legal and regulatory process to secure Local Government Commission approval for the proposed financing transaction.</p>		
<p><b>Funding Source:</b> Budgeted debt service</p>		
Cost: \$6.25 million	One Time: <input checked="" type="radio"/>	Annual: <input type="radio"/> No Cost: <input type="radio"/>
<p><b>Manager's Comments and Recommendations:</b></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 Town Council of the Town of Garner, North Carolina met in a regular meeting in the Ronnie S. Williams Council Chambers at the Town Hall located at 900 7<sup>th</sup> Avenue in Garner, North Carolina, the regular place of meeting, at 6:00 p.m. on June 4, 2024.

Present: Mayor Buddy Gupton, presiding, and Council Members

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Absent: \_\_\_\_\_

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Also present: \_\_\_\_\_

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\* \* \* \* \*

The Mayor announced that this was the hour and day of the public hearing on a proposed installment financing agreement (the “Agreement”) by the Town of Garner, North Carolina (the “Town”) to be entered into by the Town pursuant to Section 160A-20 of the General Statutes of North Carolina, as amended (the “Act”), in a principal amount not to exceed \$6,250,000, plus interest thereon, for the purpose of providing funds, together with any other available funds, to pay the cost of acquiring an existing building within the vicinity of the Town Hall to be used by the Town’s engineering, information technology and communications departments and the construction and equipping of various renovations thereto (the “Project”). To secure its obligations under the Agreement, the Town will grant a lien on all or a portion of the Project, together with any improvements or fixtures located or to be located thereon, and the related Town Hall facilities.

The Mayor acknowledged due publication of the notice of public hearing in a newspaper with a general circulation in the Town as required by Section 160A-20(g) of the Act and directed the Town Clerk to attach the affidavit showing publication in said newspaper on a date at least ten days prior to the date hereof as Exhibit A hereto.

The Mayor then announced that the Town Council would immediately hear anyone who might wish to be heard on the advisability of entering into the Agreement to finance the proposed Project as so described.

A list of any persons making comments and a summary of such comments are attached as Exhibit B hereto.

All statements and comments were duly considered by the Town Council.

Thereupon, \_\_\_\_\_ introduced the following resolution the title of which was read and a copy of which had been distributed to each Council Member:

**RESOLUTION MAKING CERTAIN FINDINGS AND DETERMINATIONS REGARDING THE FINANCING OF A TOWN HALL ANNEX FOR THE TOWN OF GARNER, NORTH CAROLINA PURSUANT TO AN INSTALLMENT FINANCING AGREEMENT, REQUESTING THE LOCAL GOVERNMENT COMMISSION TO APPROVE THE FINANCING ARRANGEMENT AND APPROVING THE WINNING BIDDER**

BE IT RESOLVED by the Town Council (the “Town Council”) of the Town of Garner, North Carolina (the “Town”) as follows:

Section 1. The Town Council does hereby find and determine as follows:

(a) There exists in the Town a need to finance the cost of acquiring an existing building within the vicinity of the Town Hall to be used by the Town’s engineering, information technology and communications departments and the construction and equipping of various renovations thereto (the “Project”).

(b) After a public hearing and due consideration, the Town has determined to enter into an installment financing agreement (the “Agreement”) in an aggregate principal amount not to exceed \$6,250,000 to provide funds, together with any other available funds, to (i) pay the costs of the Project and (ii) pay certain financing costs in connection therewith.

(c) the Town has solicited proposals from various financial institutions to provide financing for the Project and, upon careful review and consideration of the proposals submitted by the various financial institutions to provide such financing, the Town desires to accept the proposal of JPMorgan Chase Bank, N.A. (the “Lender”);

(d) The Town will enter into the Agreement with the Lender, pursuant to which the Lender will advance to the Town amounts sufficient to pay the costs of the Project and pay the related financing costs, and the Town will repay the advancement with interest (the “Installment Payments”).

(e) In order to secure its obligations under the Agreement, the Town will execute and deliver a deed of trust (the “Deed of Trust”), granting a lien on all or a portion of the Project, together with any improvements and fixtures located or to be located thereon, and the related Town Hall Facilities.

(f) It is in the best interest of the Town to enter into the Agreement and the Deed of Trust in that such transaction will result in the financing of the Project in an efficient and cost-effective manner.

(g) Entering into the Agreement is preferable to a general obligation bond and revenue bond issue in that (i) the Town does not have the constitutional authority to issue non-voted general obligation bonds pursuant to Article V, Section 4 of the North Carolina Constitution because the Town has not retired a sufficient amount of debt in the preceding fiscal year to issue a sufficient amount of general obligation bonds for the financing of the Project without an election; (ii) the nature of the Project does not allow for the issuance of revenue bonds to finance

the costs of the Project; (iii) the costs of the Project exceeds the amount to be prudently provided from currently available appropriations and unappropriated fund balances; (iv) the circumstances existing require that funds be available to commence acquisition, construction and equipping of the Project as soon as practicable and the time required for holding an election for the issuance of voted general obligation bonds pursuant to Article V, Section 4 of the North Carolina Constitution and the Local Government Bond Act will delay the commencement of acquisition and construction of the Project by several months; and (v) there can be no assurances that the Project would be approved by the voters and the necessity of the Project dictates that the Project be financed by a method that assures that the Project will be acquired, constructed and equipped in an expedient manner.

(h) It has been determined by the Town Council that the financing of the Project through the Agreement is reasonably comparable to the costs of issuing general obligation bonds or notes or other available methods of financing and is acceptable to the Town Council.

(i) Counsel to the Town will render an opinion to the effect that the proposed Agreement is authorized by law and is a purpose for which public funds may be expended pursuant to the Constitution and laws of the State of North Carolina.

(j) The debt management policies of the Town have been carried out in strict compliance with law, and the Town is not in default under any obligation for repayment of borrowed money.

(k) Any increase in taxes necessary to meet the sums to fall due with respect to the Agreement will not be excessive.

Section 2. The proposal of the Lender to provide financing pursuant to an installment financing agreement with an interest rate not-to-exceed 4.30% per annum for the purpose of providing funds, together with any other available funds, to pay the costs of the Project and to pay the related financing costs is hereby accepted, subject to further approval of the particular documentation related thereto by the Town Council.

Section 3. The Town Council hereby authorizes, ratifies and approves the filing of an application with the Local Government Commission for approval of the Agreement and requests the Local Government Commission to approve the Agreement and the proposed financing in connection therewith. The Town Manager or the Finance Director of the Town are each hereby authorized and directed to execute and deliver such documentation as may be necessary to accept the proposal of the Lender. All actions heretofore taken by the Town or its officers or employees in regard to the Agreement are hereby authorized, ratified and approved.

Section 4. This resolution shall take effect immediately upon its adoption.

Upon motion of Council Member \_\_\_\_\_, seconded by Council Member \_\_\_\_\_, the foregoing resolution entitled "RESOLUTION MAKING CERTAIN FINDINGS AND DETERMINATIONS REGARDING THE FINANCING OF A TOWN HALL ANNEX FOR THE TOWN OF GARNER, NORTH CAROLINA PURSUANT TO AN INSTALLMENT FINANCING AGREEMENT, REQUESTING THE LOCAL GOVERNMENT COMMISSION TO APPROVE THE FINANCING ARRANGEMENT AND APPROVING THE WINNING BIDDER" was adopted by the following vote:

Ayes: \_\_\_\_\_

Noes: \_\_\_\_\_

\* \* \* \* \*

I, Stella Gibson, Town Clerk of the Town of Garner, North Carolina, DO HEREBY CERTIFY that the foregoing is a true copy of so much of the proceedings of the Town Council of said Town at a regular meeting held on June 4, 2024, as it relates in any way to the holding of a public hearing and the adoption of the foregoing resolution relating to an installment financing agreement by said Town and that said proceedings are to be recorded in the minutes of said Town Council.

I DO HEREBY FURTHER CERTIFY that proper notice of such regular meeting was given as required by North Carolina law.

WITNESS my hand and official seal of said Town this 4<sup>th</sup> day of June, 2024.

[SEAL]

\_\_\_\_\_  
Town Clerk

**EXHIBIT A**

[Attach publisher's affidavit evidencing publication of Notice of Public Hearing]

## **EXHIBIT B**

[A list of any persons making comments and a summary of such comments to be attached. If no comments are made, please insert "None".]



# Summary of Interest Rates – 2024 IFA (Town Hall Annex)

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Town of Garner, North Carolina



June 4, 2024

# Bank Loan RFP Overview

- An RFP for a Direct Bank Loan financing was distributed on April 29, 2024 to over 50 National, Regional and Local lending institutions to finance the new Town Hall Annex Building Purchase and Renovations, and pay related issuance costs. After the initial distribution, Davenport reached out to the potential bidders to assess their interest in the financing and address any questions they had.
- Responding institutions were asked to provide proposals for an Installment Financing Agreement (the “2024 IFA”) in an amount of up to \$6,250,000 with a 15-year term.
- The Town received 9 proposals from the following banks:
  - Capital One Public Funding LLC (“Capital One”)      – TD Public Funding LLC (“TD Bank”)
  - First National Bank (“First National”)                      – Truist Commercial Equity, Inc. (“Truist”)
  - Huntington National Bank (“Huntington”)                      – Webster Bank (“Webster”)
  - JPMorgan Chase Bank, NA (“JPMorgan”)                      – Wells Fargo Bank, N.A. (“Wells”)
  - Pinnacle Financial Partners (“Pinnacle”)
- A summary of all interest rates originally received can be found in the appendix.
- Some lenders including JPMorgan and TD Bank were not able to provide fixed interest rates, and these rates have been subject to change since proposals were due.
- Based upon our review of the interest rates received, the JPMorgan and TD Bank proposals provided the lowest indicative interest rates. The Webster Proposal provided the lowest fixed interest rate. These three banks were asked to provide updated interest rates as of **May 28, 2024** for a closing on July 11, 2024.
- A summary of revised proposals can be found on the following page.

# Summary of Interest Rates | Updated as of 5/28/2024

## JPMorgan, TD Bank & Webster Bank



A		B		C	D	E
Lender		15-yr Tax-Exempt Rate			Call Provisions	Rate Lock
		BQ	NBQ			
1	JPMorgan Chase	Option 1:	3.97%	N/A	Noncallable	The rates provided are exclusively for indicative purposes, based upon market conditions as of May 28, 2024. The actual rate of interest borne by the Installment Payments will be set by mutual agreement between Bank and the Town upon receipt of signed acceptance and within 45 days of closing. Proposal must be accepted by May 29, 2024 at 5:00pm with closing to occur no later than July 11, 2024.
		Option 2:	4.08%	N/A	Prepayable in whole or in part at par on any date or after May 1, 2034.	
		Option 3:	4.16%	N/A	Prepayable in whole or in part at par on any date or after May 1, 2031.	
		Option 4:	4.30%	N/A	Prepayable in whole or in part at par on any date or after May 1, 2029.	
2	TD Public Finance	Option 1:	4.12%		Subject to a "Make Whole Call"	The fixed rates are provided as an indication of the rates as of May 28, 2024, which can be locked if accepted by 4pm the same day for closing by July 16, 2024. The final Interest Rate will be fixed and held firm through Closing at the time of notification of award/recommendation by the Borrower and/or its Financial Advisor. Any potential adjustment to the Interest Rate based on current market conditions at time of notification of award will be communicated with the Borrower and its Financial Advisor prior to locking the Interest Rate.
		Option 2:	4.32%		Prepayable on any date in whole or in part subject to a 5% penalty through the first year, 4% penalty in year 2, 3% penalty in year 3, 2% penalty in year 4, 1% penalty in year 5 and prepayable at par thereafter (after June 1, 2029).	
3	Webster Bank		4.42%		No Call through 4/30/2029, prepayable on any date with a 2% penalty through 4/30/2030, 1% penalty through 4/30/2031 and at par thereafter.  Partial prepayments will be allowed once per year, on any payment date, in a minimum amount of \$300,000.	The interest rate provided is locked through July 16, 2024 if term sheet is accepted by June 5, 2024.

\*Interest rates highlighted red are indicative and subject to change. Please refer to the Rate Lock for more details.

Interest Rates have been updated as of 5/28/2024

# Debt Service Comparison | Updated as of 5/28/2024

## JPMorgan, TD Bank & Webster Bank



A	B	C	D	E	F	G
<b>Lender</b>	<b>JPMorgan Option 2</b>			<b>TD Bank Option 2</b>	<b>Webster Bank</b>	<b>Planning Model</b>
Bank Qualification	BQ	BQ	BQ	BQ or NBQ	BQ or NBQ	
Call Provisions	10-year Par Call	7-year Par Call	5-year Par Call	5-year Par Call; penalties applied before 7/1/2029	7-Year Par Call; penalties applied before 5/1/2031	
Interest Rate	4.08% <sup>1</sup>	4.16% <sup>1</sup>	4.30% <sup>1</sup>	4.32% <sup>1</sup>	4.42%	4.50%
Interest Rate Lock	Upon Acceptance	Upon Acceptance	Upon Acceptance	Upon Acceptance	5/21/2024	
<b>Sources of Funds</b>						
Par Amount*	\$ 6,208,000	\$ 6,208,000	\$ 6,208,000	\$ 6,208,000	\$ 6,200,000	\$ 6,050,000
<b>Total</b>	<b>\$ 6,208,000</b>	<b>\$ 6,208,000</b>	<b>\$ 6,208,000</b>	<b>\$ 6,208,000</b>	<b>\$ 6,200,000</b>	<b>\$ 6,050,000</b>
<b>Uses of Funds</b>						
Project Fund*	\$ 6,050,000	\$ 6,050,000	\$ 6,050,000	\$ 6,050,000	\$ 6,050,000	\$ 6,050,000
Cost of Issuance*	150,000	150,000	150,000	150,000	150,000	-
Bank Fees*	7,500	7,500	7,500	7,500	-	-
Additional Proceeds*	500	500	500	500	-	-
<b>Total</b>	<b>\$ 6,208,000</b>	<b>\$ 6,208,000</b>	<b>\$ 6,208,000</b>	<b>\$ 6,208,000</b>	<b>\$ 6,200,000</b>	<b>\$ 6,050,000</b>
Closing Date*	7/11/2024	7/11/2024	7/11/2024	7/11/2024	7/11/2024	
First Interest Payment	11/1/2024	11/1/2024	11/1/2024	11/1/2024	11/1/2024	
First Principal Payment	5/1/2025	5/1/2025	5/1/2025	5/1/2025	5/1/2025	
Final Maturity	5/1/2039	5/1/2039	5/1/2039	5/1/2039	5/1/2039	
<b>Debt Service*</b>						
<b>Fiscal Year</b>						
2025	\$ 617,036	\$ 621,037	\$ 628,038	\$ 629,038	\$ 633,754	\$ 675,583
2026	650,436	655,072	663,185	664,344	669,785	657,433
2027	633,545	637,850	645,383	646,459	651,487	639,283
2028	616,654	620,627	627,581	628,574	633,188	621,133
2029	599,762	603,405	609,779	610,690	614,889	602,983
2030	582,871	586,182	591,977	592,805	596,590	584,833
2031	565,980	568,960	574,175	574,920	577,291	566,683
2032	549,089	551,738	556,373	557,035	559,037	548,533
2033	532,198	534,515	538,571	539,150	540,782	530,383
2034	515,306	517,293	520,769	521,266	522,528	512,233
2035	498,415	500,070	502,967	503,381	504,273	494,083
2036	481,524	482,848	485,165	485,496	486,018	475,933
2037	464,633	465,626	467,363	467,611	467,764	457,783
2038	447,742	448,403	449,561	449,726	449,509	439,633
2039	429,850	430,181	430,759	430,842	431,255	421,483
<b>Total</b>	<b>\$ 8,185,041</b>	<b>\$ 8,223,807</b>	<b>\$ 8,291,646</b>	<b>\$ 8,301,338</b>	<b>\$ 8,338,150</b>	<b>\$ 8,228,000</b>
<b>Difference to JPMorgan 10-yr Call</b>						
All 15-years:	\$ -	\$ 38,766	\$ 106,605	\$ 116,297	\$ 153,109	\$ 42,959
First 5-years only:	\$ -	\$ 20,558	\$ 56,533	\$ 61,673	\$ 85,670	\$ 78,984

\* Preliminary and subject to change.

<sup>1</sup> Interest rate indicative and subject to change. Please refer to Rate Lock for more details.

# Summary of Bids

## JPMorgan, TD Bank & Webster Bank



A Lender	B JPMorgan 	C TD Bank 	D Webster 
1 Term	15 Years	15 Years	15 Years
2 Interest Rates	<b>Option 1:</b> BQ: 3.97% <b>Option 2:</b> BQ: 4.08% <b>Option 3:</b> BQ: 4.16% <b>Option 4:</b> BQ: 4.30%	<b>Option 1:</b> BQ or NBQ: 4.12% <b>Option 2:</b> BQ or NBQ: 4.32%	BQ or NBQ: 4.42%
3 Prepayment Language	<b>Option 1:</b> Noncallable  <b>Option 2:</b> Prepayable at par on any date on or after <u>5/1/2034</u>  <b>Option 3:</b> Prepayable at par on any date on or after <u>5/1/2031</u>  <b>Option 4:</b> Prepayable at par on any date on or after <u>5/1/2029</u>  45 days written notice must be given to the bank prior to prepayment. Partial prepayments shall be in multiples of \$5,000 applied to in inverse order of maturities.	<b>Option 1:</b> Prepayable anytime subject to a "Make Whole Call"  <b>Option 2:</b> Prepayable on any date in whole or in part subject to a 5% penalty through the first year, 4% penalty in year 2, 3% penalty in year 3, 2% penalty in year 4, 1% penalty in year 5 and prepayable at par thereafter (after June 1, 2029).  Partial Prepayments will be applied in inverse order of scheduled maturity or amortization. There will be no limitations to partial prepayments.	No Call through 4/30/2029, prepayable on any date with a 2% penalty through 4/30/2030, 1% penalty through 4/30/2031 and at par thereafter.  Partial prepayments will be allowed once per year, on any payment date, in a minimum amount of \$300,000.
4 Acceptance / Rate Expiration	The rates provided are exclusively for indicative purposes, based upon market conditions as of May 28, 2024. The actual rate of interest borne by the Installment Payments will be set by mutual agreement between Bank and the Town upon receipt of signed acceptance and within 45 days of closing. Proposal must be accepted by May 29, 2024 at 5:00pm with closing to occur no later than July 11, 2024. No breakage fees will be owed if the Town cannot close for any reason.	The fixed rates are provided as an indication of the rates as of May 28, 2024. The final Interest Rate will be fixed and held firm through Closing at the time of notification of award/recommendation by the Borrower and/or its Financial Advisor. Any potential adjustment to the Interest Rate based on current market conditions at time of notification of award will be communicated with the Borrower and its Financial Advisor prior to locking the Interest Rate. Rates can be locked with an email acceptance with staff recommendation. Once locked, the par amount can only increase/decrease by +/- 5%. A signed term sheet will need to be provided following council approval. No breakage fees will be owed if the Town cannot close for any reason.	The interest rate provided is locked through July 16, 2024 if term sheet is accepted by June 5, 2024. Proposal can be locked in and accepted with email acceptance of staff recommendation. No breakage fees will be owed if the Town cannot close for any reason.
5 Escrow/Project Fund Requirements	Proceeds can be disbursed to the Town at closing and directed however the Town chooses.	The Proceeds may be disbursed to the Town at closing and held in an account of the Town's choosing.	The proceeds may be held in any account of the Town's choosing. Proceeds may also be held in a Webster Project Fund (currently yielding 2.6%).  The Bank would require a brief disbursement request form to be submitted prior to drawing funds.
6 Credit Approval	Fully Approved, subject to document review.	Preliminarily approved, subject to final credit approval.	Subject to final credit approval.
7 Bank Fees	\$7,500	\$7,500	None
8 Lender's Counsel	Parker Poe Adams & Bernstein LLP (Brandon Lewisohn)	Parker Poe Adams & Bernstein LLP (Brandon Lewisohn)	Gilmore & Bell (Janelle Jackson & Jason Schurke)
9 Other Considerations	-The Bank will require a Title Search, but not Title Insurance; the Bank will require a Survey and Environmental Report (if the Town already has these reports); the Bank will require a Flood Certificate if the property is in a flood plain.  -If any issues are identified as part of title search or due diligence, the Bank may request Title insurance, new survey, and/or environmental reports.	-TD Bank will require the Town to obtain a title search but not title insurance. If any issues are identified as part of the title search, the Bank may request title insurance or a survey.  -TD Bank will not require an Appraisal and/or Phase 1 Environmental Report. TD Bank will require P&C and General Liability Insurance, and Flood insurance only if property is located in flood zone.	- Webster will require a Title Search (or a clear searchable address), Title Insurance and an Environmental Questionnaire. Webster will also require Flood Certifications, and the Bank will handle this with no charge.  -Webster Bank would like to have the construction documents/contracts and a Survey, if possible, but would not require them.

\*Indicative and subject to change until proposal is accepted.

# Recommendation and Next Steps

## Recommendation

- Based upon our review of the proposals, related analyses, and discussions with Town Staff and Bond Counsel, Davenport recommends that the Town select the JPMorgan BQ interest rate with the 5-year par call of 4.30% (option 4). JPMorgan provided the lowest indicative interest rate options that could be locked in upon receipt of a signed term sheet. Based on projected future space needs for Town Staff, the 5-year Par Call option provides flexibility to utilize the Town Hall and Annex building as collateral for future projects.

## Next Steps

Date	Task
May 29 <sup>th</sup>	Interest Rate Lock with Staff Recommended Bidder
June 4 <sup>th</sup> (6:00pm) [5/28 Agenda Deadline]	<ul style="list-style-type: none"> <li>▪ Town Council Meeting                             <ul style="list-style-type: none"> <li>– Town Council considers approval of winning lender</li> <li>– Town Council holds a Public Hearing</li> <li>– Town Council considers adopting a Preliminary Findings Resolution</li> </ul> </li> </ul>
June 4 <sup>th</sup>	Deadline to Submit LGC Application and FPIC Response Letter (if applicable)
June 18 <sup>th</sup> (6:00pm) [6/11 Agenda Deadline]	<ul style="list-style-type: none"> <li>▪ Town Council Meeting                             <ul style="list-style-type: none"> <li>– Town Council considers adopting a Final Approving Resolution</li> </ul> </li> </ul>
July 9 <sup>th</sup>	LGC considers approving the financing
By July 16 <sup>th</sup>	Close on 2024 IFA

# Appendix

## Original Interest Rates as of 5/21/2024

# Summary of Interest Rates

## Bank Proposals



A		B		C	D	E
Lender		15-yr Tax-Exempt Rate			Call Provisions	Rate Lock
		BQ	NBQ			
1	JPMorgan Chase	Option 1:	3.94%	4.06%	Noncallable	The rates provided are exclusively for indicative purposes, based upon market conditions as of May 21, 2024. The actual rate of interest borne by the Installment Payments will be set by mutual agreement between Bank and the Town upon receipt of signed acceptance and within 45 days of closing. Proposal must be accepted by July 5, 2024 with closing to occur no later than July 16, 2024. For a July 16th closing, rates could be locked no earlier than May 30th.
		Option 2:	4.03%	4.15%	Prepayable in whole or in part at par on any date or after May 1, 2034.	
2	TD Public Finance	Option 1:	4.12%		Subject to a "Make Whole Call"	The fixed rates are provided as an indication of the rates as of May 21, 2024. The final Interest Rate will be fixed and held firm through Closing at the time of notification of award/recommendation by the Borrower and/or its Financial Advisor. Any potential adjustment to the Interest Rate based on current market conditions at time of notification of award will be communicated with the Borrower and its Financial Advisor prior to locking the Interest Rate.
		Option 2:	4.32%		Prepayable on any date in whole or in part subject to a 5% penalty through the first year, 4% penalty in year 2, 3% penalty in year 3, 2% penalty in year 4, 1% penalty in year 5 and prepayable at par thereafter (after June 1, 2029).	
3	Wells Fargo Bank <sup>1</sup>	Option 1:	4.16%		Subject to a "Make Whole Call"	The interest rates provided are indicative rates only as of May 20, 2024. The rate may change based on the timing of when the Town needs to close and receive authorization from Local Government Commission. The Bank is willing to discuss rate hold periods with the Town.
		Option 2:	4.25%		Prepayable at par on any date after May 1, 2034	
4	Webster Bank		4.46%		No Call through 4/30/2029, prepayable on any date with a 2% penalty through 4/30/2030, 1% penalty through 4/30/2031 and at par thereafter.  Partial prepayments will be allowed once per year, on any payment date, in a minimum amount of \$300,000.	The interest rate provided is locked through July 16, 2024 if term sheet is accepted by June 5, 2024.
5	Huntington Public Capital		4.53%	-	Prepayable in whole at 102% on any date through May 1, 2034. Prepayable at par thereafter.	The interest rate provided is locked through July 16, 2024 if term sheet is accepted by June 5, 2024.
6	Pinnacle Financial Partners		-	4.60%	Prepayable in whole or in part with a 3% penalty through the first year, 2% penalty through the second year, 1% penalty through the third year and at par thereafter.	The interest rate provided is locked through July 16, 2024 if term sheet is accepted by May 28, 2024.
7	Capital One Public Funding LLC <sup>1</sup>		4.64%		No Call until 5/1/2032, callable at par in whole on any date thereafter.	The interest rate provided is locked through July 16, 2024 if term sheet is accepted by May 28, 2024.
8	Truist Commercial Equity, Inc.	Option 1:	-	4.66%	Subject to a "Make Whole Call"	The Interest Rates provided are locked through July 16, 2024 if term sheet is accepted by June 5, 2024
		Option 2:	-	4.68%	10-year Par Call	
		Option 3:	-	4.69%	8-year Par Call	
9	First National Bank		5.00%	5.29%	Prepayable in whole at par after May 1, 2025 on any payment date.	The interest rates provided are locked through July 16, 2024 if term sheet is accepted by June 7, 2024.

<sup>1</sup>Did not specify Bank Qualified or Non-Bank Qualified.

\*Interest rates highlighted red are indicative and subject to change. Please refer to the Rate Lock for more details.



# Debt Service Comparison

## JPMorgan, TD Bank & Webster Bank



A	B		C	D	E	F
<u>Lender</u>	<u>JPMorgan Option 2</u>			<u>TD Bank Option 2</u>	<u>Webster Bank</u>	<u>Planning Model</u>
Bank Qualification	BQ	NBQ		BQ or NBQ	BQ or NBQ	
Call Provisions	10-year Par Call			5-year Par Call; penalties applied before 7/1/2029	7-Year Par Call; penalties applied before 5/1/2031	
Interest Rate	4.03% <sup>1</sup>	4.15% <sup>1</sup>		4.32% <sup>1</sup>	4.46%	4.50%
Interest Rate Lock	Upon Acceptance			Upon Acceptance	5/21/2024	
<b>Sources of Funds</b>						
Par Amount*	\$ 6,208,000	\$ 6,208,000		\$ 6,208,000	\$ 6,200,000	\$ 6,050,000
<b>Total</b>	<b>\$ 6,208,000</b>	<b>\$ 6,208,000</b>		<b>\$ 6,208,000</b>	<b>\$ 6,200,000</b>	<b>\$ 6,050,000</b>
<b>Uses of Funds</b>						
Project Fund*	\$ 6,050,000	\$ 6,050,000		\$ 6,050,000	\$ 6,050,000	\$ 6,050,000
Cost of Issuance*	150,000	150,000		150,000	150,000	-
Bank Fees*	7,500	7,500		7,500	-	-
Additional Proceeds*	500	500		500	-	-
<b>Total</b>	<b>\$ 6,208,000</b>	<b>\$ 6,208,000</b>		<b>\$ 6,208,000</b>	<b>\$ 6,200,000</b>	<b>\$ 6,050,000</b>
Closing Date*	7/16/2024	7/16/2024		7/16/2024	7/16/2024	
First Interest Payment	11/1/2024	11/1/2024		11/1/2024	11/1/2024	
First Principal Payment	5/1/2025	5/1/2025		5/1/2025	5/1/2025	
Final Maturity	5/1/2039	5/1/2039		5/1/2039	5/1/2039	
<b>Debt Service*</b>						
<b>Fiscal Year</b>						
2025	\$ 611,061	\$ 616,959		\$ 625,314	\$ 631,912	\$ 675,583
2026	647,539	654,493		664,344	672,100	657,433
2027	630,854	637,312		646,459	653,636	639,283
2028	614,170	620,131		628,574	635,171	621,133
2029	597,486	602,950		610,690	616,707	602,983
2030	580,802	585,769		592,805	598,243	584,833
2031	564,118	568,588		574,920	578,778	566,683
2032	547,433	551,407		557,035	560,358	548,533
2033	530,749	534,226		539,150	541,939	530,383
2034	514,065	517,045		521,266	523,519	512,233
2035	497,381	499,864		503,381	505,099	494,083
2036	480,697	482,683		485,496	486,679	475,933
2037	464,012	465,502		467,611	468,259	457,783
2038	447,328	448,321		449,726	449,840	439,633
2039	429,644	430,140		430,842	431,420	421,483
<b>Total</b>	<b>\$ 8,157,338</b>	<b>\$ 8,215,383</b>		<b>\$ 8,297,613</b>	<b>\$ 8,353,660</b>	<b>\$ 8,228,000</b>
<b>Difference to JPMorgan BQ Rate</b>	<b>\$ -</b>	<b>\$ 58,045</b>		<b>\$ 140,275</b>	<b>\$ 196,322</b>	<b>\$ 70,662</b>
<b>Projected Min. CRF Balance</b>	<b>\$ 8,369,469</b>	<b>\$ 8,338,736</b>		<b>\$ 8,295,198</b>	<b>\$ 8,261,053</b>	<b>\$ 8,274,162</b>

\* Preliminary and subject to change.

<sup>1</sup> Interest rate indicative and subject to change. Please refer to Rate Lock for more details.

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Town of Garner  
Town Council Meeting  
Agenda Form

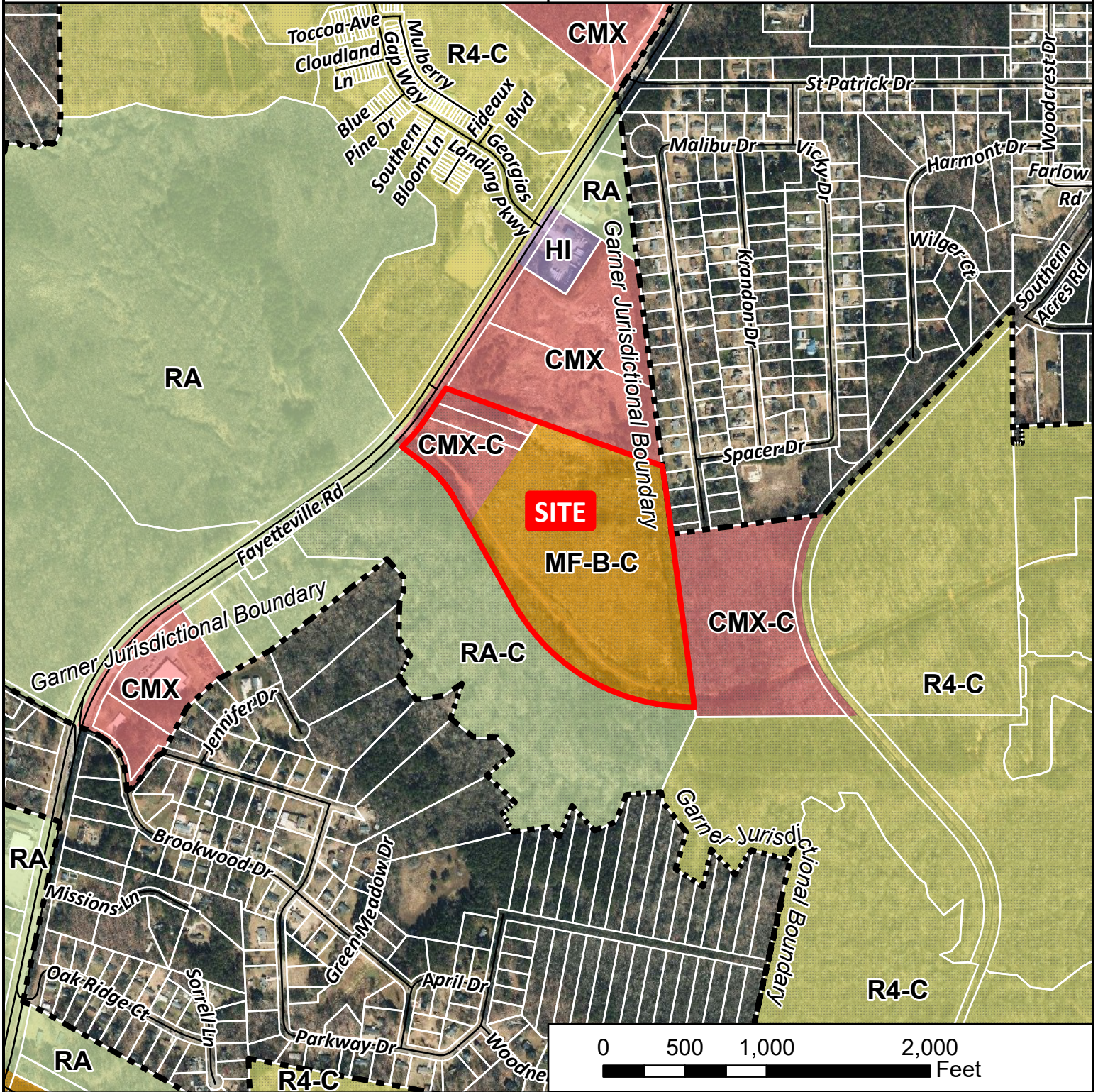
Meeting Date: June 4, 2024		
Subject: Special Use Permit # SUP-SP-23-02, Swift Creek Apartments		
Location on Agenda: Public Hearings		
Department: Planning		
Contact: Alison Jones, CZO; Development Review Manager		
Presenter: Alison Jones, CZO; Development Review Manager		
<p><b>Brief Summary:</b></p> <p>Special use permit request submitted by Bass, Nixon and Kennedy, LLC to construct a mixed use multifamily and retail development consisting of a maximum of 613 apartment units and 23,245 square feet of commercial space on a 40.91 +/- acre site located at 6201, 6301 and 6355 Fayetteville Road which may be further identified as Wake County PINs 0790654255, 0790559818 and 0790559977.</p>		
<p><b>Recommended Motion and/or Requested Action:</b></p> <p>Consider motion to approve special use permit with conditions.</p>		
<p><b>Detailed Notes:</b></p> <p>See attached staff report and supporting materials. This project received Tier 2 conditional zoning approval through CZ-MP-22-04 on June 20, 2023. The first neighborhood meeting at which the special use permit site plan was presented and discussed occurred on March 30, 2023 at the Garner Senior Center and the second neighborhood meeting was held November 14, 2023 - also at the Garner Senior Center.</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:		





# Town of Garner Planning Department

## Special Use Permit SUP-SP-23-02



**Project:** Swift Creek Apartments  
**Applicant:** Bass, Nixon, & Kennedy  
**Owners:** Swift Creek Apartments LLC  
**Location:** 6201, 6301 and 6355 Fayetteville Rd  
**PID #:** 0790-65-4255, 0790-55-9818,  
 0790-55-9977

**Proposed Use:** Mixed Use Multifamily and Retail  
**Current Zoning:** CMX-C261, MF-B-C261  
**Acreage:** 40.91 +/-  
**Overlay:** Commercial Highway Overlay



# PLANNING MEMORANDUM

**DATE:** June 4, 2024  
**TO:** Honorable Mayor Gupton and Town Council Members  
**FROM:** Alison Jones, CZO; Development Review Manager  
**SUBJECT:** Special Use Site Plan # SUP-SP-23-02, Swift Creek Apartments

## I. PROJECT AT A GLANCE

**Project Number(s):** SUP-SP-23-02

**Request:** Special use permit request submitted by Bass, Nixon and Kennedy, LLC to construct a mixed use multifamily and retail development consisting of a maximum of 613 apartment units and 23,245 square feet of commercial space on a 40.91 +/- acre site located at 6201, 6301 and 6355 Fayetteville Road which may be further identified as Wake County PINs 0790654255, 0790559818 and 0790559977.

**Applicant:** Bass, Nixon, and Kennedy, LLC

**Owner:** Swift Creek Apartments, LLC

**Key Meeting Dates:**

**Public Hearing:** June 4, 2024



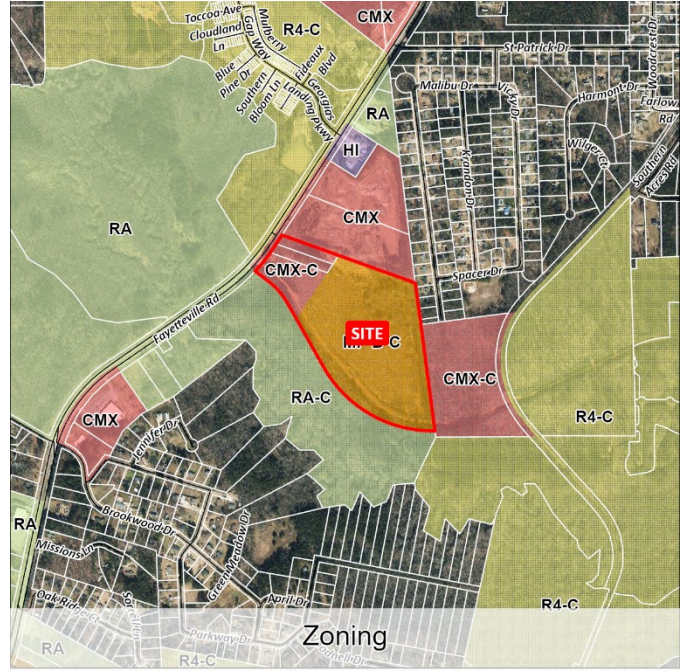


## II. ZONING AND CONTEXT

**ZONING:** The zoning is Multifamily B (MF-B C258) Conditional and Commercial Mixed Use (CMX C258) Conditional, and the zoning was approved via a Tier 2 rezoning case # CZ-MP-22-04 on June 20, 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 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 C261 conditional district are as follows:



1. Permitted use table for MF-B C261 zoning district:

Use Category	Specific Use	MF-B C261
Residential Use**	Apartments	P
Civic and Institutional	Community Center	P
Recreational and Entertainment	Public Park	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. Maximum residential density shall be limited to 14.5 dwelling units per acre.
3. Development shall conform to the approved masterplan.
4. The development shall include the following amenities within the MF-B zoned area of the development:
  - a. Community club
    - 1) Restrooms for residents
    - 2) Cyber café
    - 3) Business center
    - 4) Club room
    - 5) Fitness center
    - 6) Minimum 1,350 square foot zero-entry swimming pool
  - b. Dog park with watering station and benches
  - c. 70' x 180' multi-purpose play lawn
  - d. Pocket Park

5. A minimum of six (6) pet waste stations, evenly located throughout the MF-B conditional zoning district, will be provided.
6. 12 electric vehicle (EV) charging stations will be provided in addition to the minimum required by the Town of Garner UDO.
7. Valet service for garbage and recycling collection will be provided by the property manager for all residents.
8. Hours of operation for trash collection by the waste collection service will be limited to the hours between 8:00 am and 5:00 pm.
9. 150 percent of required compactor landscape screening will be provided at all compactor locations.
10. All lawn areas shall utilize warm season grasses only.
11. A 6' asphalt trail will be provided around the stormwater device.
12. Multi-family apartments shall not use vinyl siding and shall have:
  - a. Cementitious siding that shall vary in type and color with brick, shakes, board and batten or stone accents provided as decorative features; and
  - b. Slab on grade foundations with masonry extending all the way to the ground with no visible exposed slab.
13. A 12" overhang on all pitched roofs on carriage units and apartment buildings shall be provided.
14. Windows that are not recessed shall be trimmed.
15. Minimum garage size for carriage units will be 12'x 24'.
16. Stormwater control facilities shall be designed to the 100-year storm, as measured in UDO Section 11.1.4.
17. Developer shall commit to a minimum fifty (50) tree save area replacement trees within and/or adjacent to vehicular use areas as prescribed in UDO Section 11.3.4.G.
18. Developer shall dedicate a transit easement measuring 15' x 20' along the property's Vandora Springs Road frontage. The location of the transit easement shall be determined and agreed to by the Town and developer during subdivision or site plan review. This condition shall be satisfied if a transit easement is dedicated on the CMX-zoned portion of the site.

The CMX 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 conditions of the CMX C261 conditional district are as follows.

1. Permitted use table for CMX C261 zoning district:

Use Category	Specific Use	CMX C261
Residential Use**	Apartments	P
	Upper story residential	P
Recreational and Entertainment	Bar, nightclub, tavern	P
Commercial, Office, Retail Use	Office	P



	Medical Office	P
	Restaurant, Sit Down	P
	Restaurant, Other	P
	Day Care Center	P
	Gym, Spa, or Pool	P
	Personal or Professional Services	P
	Bank or Financial institution	P
	Sales/retail (outdoor operations)	P
Industrial, Manufacturing, Warehouse, Waste Services and Transportation	Microbrewery/Micro distillery	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. Development shall conform to the approved masterplan.
3. The development shall include the following amenities:
  - A public lawn for community events, including temporary shade structures, outdoor dining areas with lighting and movable tables and chairs.
4. A minimum of two (2) pet waste stations, evenly located throughout the CMX conditional zoning district, will be provided.
5. Three (3) electric vehicle (EV) charging stations will be provided in addition to the minimum required by the Town of Garner UDO.
6. Valet service for garbage and recycling collection will be provided by the property manager for all residents.
7. Hours of operation for trash collection by the waste collection service will be limited to the hours between 8:00 am and 5:00 pm.
8. 150 percent of required compactor landscape screening will be provided at all compactor locations.
9. All lawn areas shall utilize warm season grasses only.
10. Multi-family apartments shall not use vinyl siding and shall have:
  - a. Cementitious siding that shall vary in type and color with brick, shakes, board and batten or stone accents provided as decorative features; and
  - b. Slab on grade foundations with masonry extending all the way to the ground with no visible exposed slab.
11. A 12" overhang on all pitched roofs on apartment buildings shall be provided.
12. Windows that are not recessed shall be trimmed.
13. Subject To NCDOT and Town of Garner approval, developer shall construct a right-in, right-out emergency vehicle driveway to access Fayetteville Road. This access shall not be used for day-to-day vehicle travel by residents, guests or patrons. Final design of the emergency vehicle driveway, if approved, shall be resolved during site plan review.

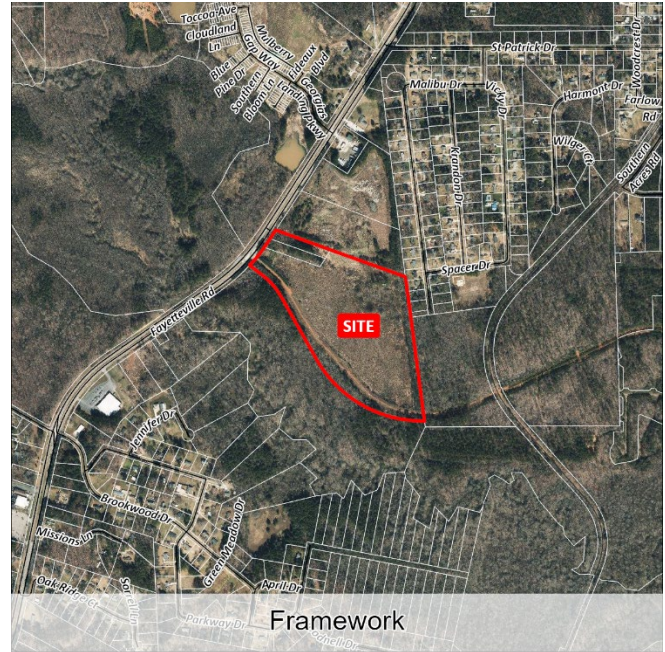


14. Developer shall dedicate a transit easement measuring 15' x 20' along the property's Vandora Springs Road frontage. The location of the transit easement shall be determined and agreed to by the Town and developer during subdivision or site plan review. This condition shall be satisfied if a transit easement is dedicated on the MF-B-zoned portion of the site.
15. Stormwater control facilities shall be designed to the 100-year storm, as measured in UDO Section 11.1.4.

*Contextual Setting:*

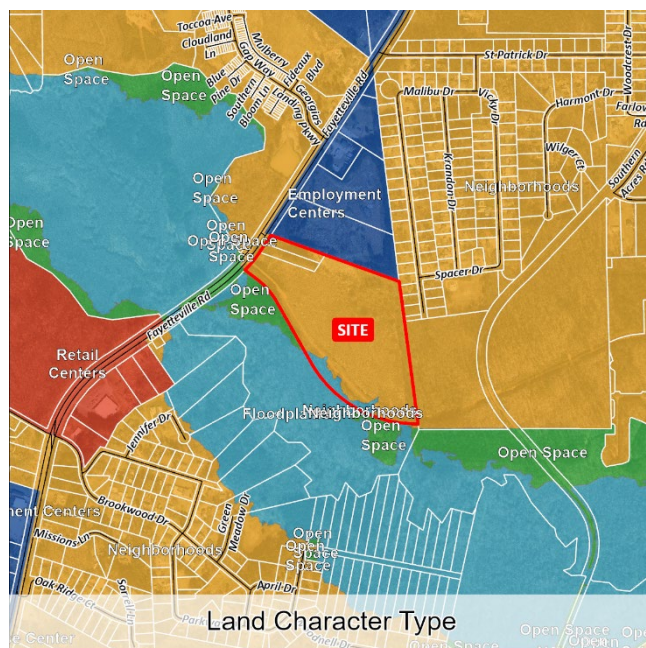
The area is largely characterized by the presence of both Swift Creek and US 401. There are large parcels consisting of conservation easements. Aside from vacant tracts, existing land uses include Wake County subdivisions, industrial/flex buildings, and religious institutions.

- North: Vacant Tract, Commercial Mixed Use
- East: Vacant tract / Colonial Heights Subdivision
- South: Vacant tract, Conservation Easement
- West: Conservation Easement/ Georgia's Landing subdivision



This stretch of U.S. 401/Fayetteville Road is primarily 4-lane divided highway. Future transportation plans propose this stretch of U.S. 401/Fayetteville Road to be a 6-lane divided highway.

In the Town's 2023 Garner Forward Comprehensive Plan, the project area is not within an activity center and falls within the neighborhoods typology, which includes single family detached homes, townhomes, apartments, mixed use, and others. The project site is called out as a Level 2: Area to Strengthen.







### III. PROPOSAL REVIEW

**NEIGHBORHOOD MEETING(S):** Staff identified 47 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 30, 2023 - held at the Garner Senior Center at 6:30pm with 2 people documented in attendance.
- November 14, 2023 - held at the Garner Senior Center at 6:30pm with 2 people again 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:*

- 40.91 +/- acres (total)
- MF-B: 33.98 +/- acres
- CMX: 6.93 +/- acres

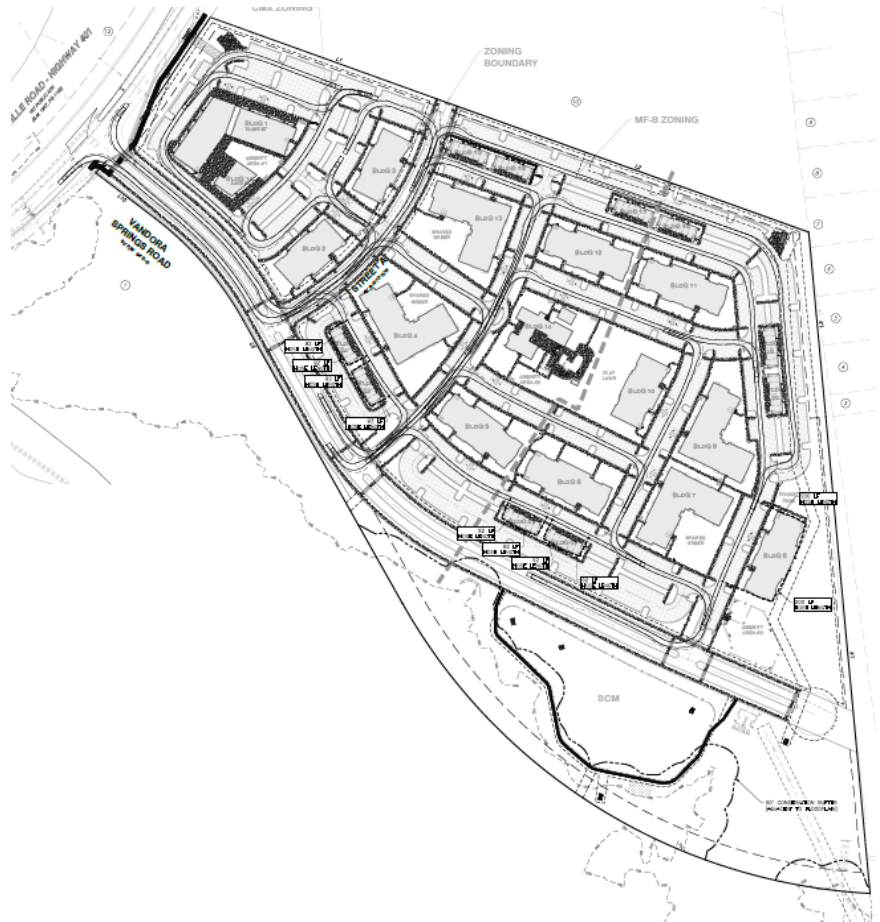
*Units/Building Size:*

- 12 apartment buildings
- 32 units – 3 bldgs.
- 40 units – 5 bldgs.
- 60 units – 4 bldgs.
- 1 clubhouse building
- 10 carriage house buildings

**TRC REVIEW AND FINDINGS:**

**Open Space:**

- 4.09 +/- acres required
  - 18.09 +/- acres proposed
- Privately maintained open space areas are a combination of qualifying conservation areas and recreation space. The open spaces include the pocket park, walking trail, 70' X 180' multi-purpose play lawn, a dog park and the clubhouse.



*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:**

Swift Creek Apartments is a multifamily development that is located inside the water supply watershed protection area. This site has a 30% maximum impervious surface area with the use of a stormwater control measure or a 12% maximum impervious surface without a stormwater control measure. The developer has opted to use permeable pavement for any surface that exceeds the 30% limit knowing that a robust maintenance agreement is required for the property to ensure the permeable pavement functions correctly after development. This site is also subject to nitrogen requirements as well as water quantity requirements for the 1-, 10- and 25-year storm events. The developer has proposed a wet retention pond that will treat the impervious surface for the project as well as detain the 1-, 10-, 25- and the 100-year storm events. The wet retention pond will satisfy all nitrogen and total suspended solids requirements as well as water quantity requirements. The permeable pavement will be required to be designed according to the NCDEQ Stormwater Design Manual’s minimum criteria. A nitrogen offset payment will also be required with this development.

*TRC Finding:* Together, the offset payment, installation of SCMs and use of permeable pavement will satisfy all water quality and water quantity requirements at this site for nitrogen and will detain the 1-, 10-, 25- and 100-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: 20%
- Provided: 18.19% preservation with additional 1.81% of coverage provided by new plantings.

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

*Perimeter Buffers:*

- North Buffer- 15’ Type B
- East Buffer- 45’ Type C
- South Buffer- 45’ Type C

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

**Lighting:**

The lighting plan was evaluated for several criteria including light product specifications, pole locations and footcandle distribution.

*TRC Finding:* The lighting plan meets the requirements of the UDO.



**Parking:**

Parking requirements are as noted: 1.6 spaces for each unit, plus 1 additional space for every 8 units in the development for multifamily development. 1 space per 225 square feet.

- Required: 1,163
- Proposed: 1,229

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

**Fire Protection:**

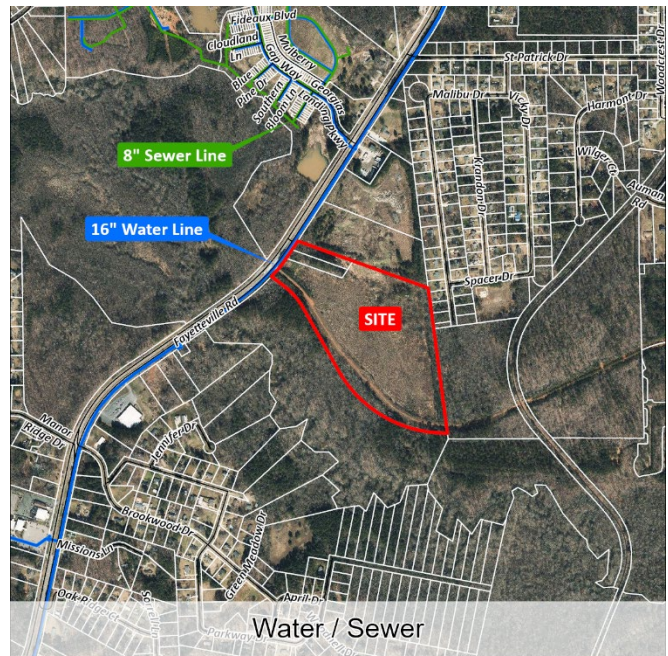
The applicant provided turn radius exhibits for emergency vehicles accessing the site and sufficient spacing and provision of hydrants.

*TRC Finding:* The Fire Department and Fire Marshal 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 Fayetteville Road and the 8" sewer main will be extended from Georgia's Landing Subdivision.

*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:**

Swift Creek Apartments will make required NCDOT and Town improvements along US 401 and construct their portion of the required Vandora Springs Extension (in purple at right). Sidewalks, curb and gutter are also being installed throughout the site in accordance with UDO requirements and Engineering Manual specifications. A Traffic Impact Analysis (TIA) was completed and approved with the associated rezoning case CZ-MP-22-04.

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





**Significant Environmental/Cultural Features:**

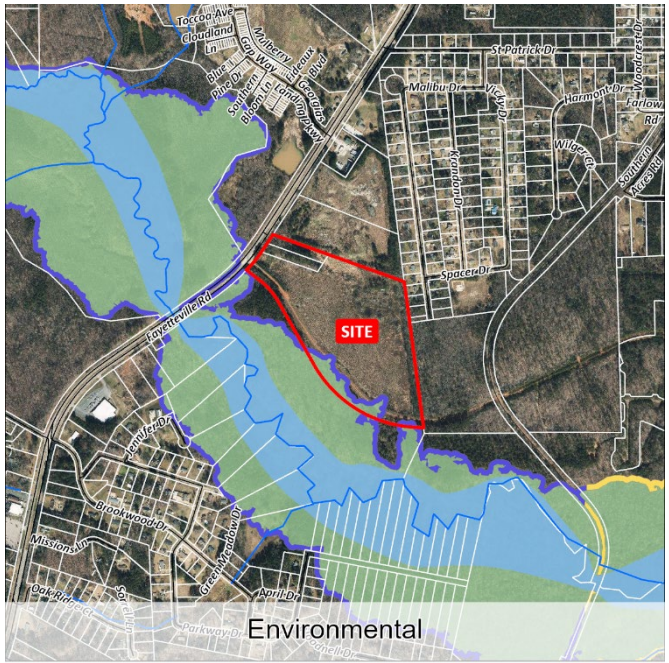
The site does contain FEMA designated floodplains that have 50' conservation buffers on both sides of the floodplain. The appropriate governing authority will have to permit any land disturbance in environmentally sensitive areas.

*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.

Mixed Use Building:



Apartment Building Type 2:



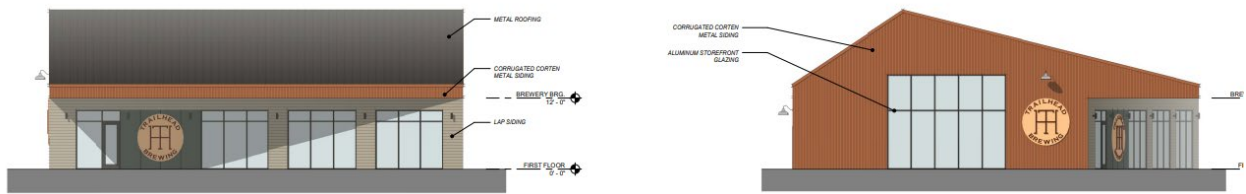
Clubhouse:



Carriage House Garages and Units:



Retail Building:



*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 issuance of building permit, annexation request must be submitted to the Planning Department;
2. Prior to issuance of building permit, lot must be a lot of record;
3. Prior to issuance of building permit, proof of existing well being removed properly;
4. Prior to issuance of building permit, proof that the existing 30' CP & L easement, DB 12148 PG 1939, being abandoned is necessary;
5. Prior to issuance of building permit, permit from governing agency granting to disturbance within environmentally sensitive areas is required;
6. Prior to issuance of building permit, payment of Engineering Inspection fees shall be paid to the Town of Garner;
7. 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;
8. A maintenance plan along with a Memorandum of Agreement must be developed for all Stormwater Control Measures (SCMs) installed. This maintenance plan is required to be recorded at the Wake County Register of Deeds prior to construction drawing approval;
9. Construction Drawings must be reviewed and approved by the Engineering Department following site plan approval; and

10. Infrastructure Construction Drawings must be approved by the City of Raleigh Public Utilities Department for all public water, public sewer and/or private sewer extensions.

**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-23-02 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-23-03, Swift Creek Apartments with the ten (10) 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-23-02 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-23-02, Swift Creek Apartments.



March 20, 2023

Dear Property Owner,

On behalf of the owners of 6201, 6301 and 6355 Fayetteville Road, I would like to invite you to attend a second neighborhood information meeting concerning the development of Swift Creek Apartments. This proposed rezoning is near property that you own. Specifically, KDM Development Corporation has requested a rezoning of said property from CMX and R4 to MF-B and CMX to allow for the development of 613 apartment homes in varying architectural styles. Additionally, approximately 26,000 square feet of commercial/retail space will be provided in two mixed-use buildings along the Fayetteville Road frontage. The meeting details are as follows:

March 30, 2023  
6:30 p.m.  
Garner Senior Center  
205 E. Garner Road  
Garner, NC 27529

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

Town Planning staff will not attend this meeting, but if you have additional questions about the project, you may contact the Town's case manager, Ashley Harris, at (919) 733-4444, or [aharris@garnernc.gov](mailto:aharris@garnernc.gov). Property owners within the notification area will receive a separate notice from Town Planning staff when a public hearing is scheduled before the Garner Town Council.

If you have any questions about this neighborhood information meeting, or if you are unable to attend and would like to leave comments for our consideration, please feel free to contact Marty Bizzell at (919) 851-4422 or [Marty.bizzell@bnkinc.com](mailto:Marty.bizzell@bnkinc.com).

Sincerely,



Marty D. Bizzell, PE, CPESC  
Senior Principal Engineer  
Bass, Nixon & Kennedy, Inc.

OWNER	ADDR1	ADDR2	ADDR3
MINICK, PATRICIA H	6509 MALIBU DR	RALEIGH NC 27603-4933	
WELBORN, JOAN C	6605 MALIBU DR	RALEIGH NC 27603-4931	
HAYES, BOYD JOHNSON, VICKIE L	HEATER UTILITIES	202 MACKENAN DR	CARY NC 27511-6447
HARRING, MARVINA HARRING, ERIC J	95-1329 WIKAO ST	MILILANI HI 96789-3996	
WALLS, MATTHEW WAYNE	555 GREEN WILLOW CIR	WENDELL NC 27591-8925	
SWIFT CREEK APARTMENTS LLC	428 SWANS MILL XING	RALEIGH NC 27614-9463	
RHODES, STEVEN HARRIS II	6600 MALIBU DR	RALEIGH NC 27603-4932	
HARRING, MARVINA HARRING, ERIC J	95-1329 WIKAO ST	MILILANI HI 96789-3996	
KEZIAH, MICHELE D	6604 MALIBU DR	RALEIGH NC 27603-4932	
KING, MARTHA B	6508 MALIBU DR	RALEIGH NC 27603-4934	
KINCAID, HUGH B KINCAID, KIMBERLY L	6517 MALIBU DR	RALEIGH NC 27603-4933	
CAMPBELL, JERRY	6520 MALIBU DR	RALEIGH NC 27603-4934	
CALLAN, SEAN P CALLAN, BRIDGET A	6108 RIVER LANDINGS DR	RALEIGH NC 27604-6138	
HAYES, BOYD JOHNSON, VICKIE L	202 MACKENAN DR	CARY NC 27511-6447	
GAHAGAN, MIKE P	6513 MALIBU DR	RALEIGH NC 27603-4933	
SWIFT CREEK APARTMENTS LLC	428 SWANS MILL XING	RALEIGH NC 27614-9463	
RALEIGH 401 LLC	4716 HILLTOP RD	GREENSBORO NC 27407-5217	
BYRD, SUSAN DIANE EASON	6512 MALIBU DR	RALEIGH NC 27603-4934	
RALEIGH CITY OF	PO BOX 590	RALEIGH NC 27602-0590	
FULCHER, RACHEL	6516 MALIBU DR	RALEIGH NC 27603-4934	
FOREST AT SWIFT CREEK LLC	1201 EDWARDS MILL RD	RALEIGH NC 27607-0180	
JANRON, LLC	3522 CARRIAGE DR	RALEIGH NC 27612-4202	
CLAYTON PROPERTIES GROUP INC	5000 CLAYTON RD	MARYVILLE TN 37804-5550	
SWIFT CREEK APARTMENTS LLC	428 SWANS MILL XING	RALEIGH NC 27614-9463	
WAKE COUNTY	WAKE COUNTY ATTORNEY'S OFFICE	PO BOX 550	RALEIGH NC 27602-0550

**SWIFT CREEK APARTMENTS  
NEIGHBORHOOD INFORMATIONAL MEETING  
Thursday, March 30, 2023  
6:30 P.M.**

**Sign-In Sheet**

<b><u>Name</u></b>	<b><u>Address</u></b>
1.	<u>Harold &amp; Michele Yates (formerly Keziah) 6604 Malibu Dr.</u>
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21.	

March 30, 2023

Swift Creek Apartments-Garner-2<sup>nd</sup> Neighborhood Meeting  
Garner Senior Center, 6:30 PM

**Attendees:**

Marty D. Bizzell, PE, CPESC (Bass, Nixon & Kennedy, Inc)  
Garry Walston, RLA (Bass, Nixon & Kennedy, Inc)  
Kenyon Burnham (KJ), (KDM Development)

Harold and Michele Yates (formerly Keziah); 6604 Malibu Drive, Garner

**Questions**

**Question:** How many units will be built?

Marty: 613 units

Question: How many phases?

Marty: It will be built in 2 phases.

Question: How long will it take to complete the development?

KJ: It will take approximately 3-4 years start to finish.

Question: Does the road you are building extend to Vandora Springs Road?

Garry: The road we are building through the property ties into 401. There is no access in our designs, but we can't speak to the future Garner transportation plans which are shown as the Vandora Springs Road Extension which already has a railroad crossing.



November 2, 2023

Dear Property Owner,

On behalf of the owners of 6201, 6301 and 6355 Fayetteville Road, I would like to invite you to attend a neighborhood information meeting concerning the development of Swift Creek Apartments. This proposed rezoning is near property that you own. Specifically, KDM Development Corporation has requested a Special Use Permit and Preliminary Site plan approval for said property to allow for the development of 616 apartment homes in varying architectural styles. Additionally, approximately 26,000 square feet of commercial/retail space will be provided in two mixed-use buildings along the Fayetteville Road frontage. The meeting details are as follows:

November 14, 2023  
6:30 p.m.  
Garner Senior Center  
205 E. Garner Road  
Garner, NC 27529

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

Town Planning staff will not attend this meeting, but if you have additional questions about the project, you may contact the Town's case manager, Alison Jones, at (919) 733-4429, or [ajones@garnernc.gov](mailto:ajones@garnernc.gov). Property owners within the notification area will receive a separate notice from Town Planning staff when a public hearing is scheduled before the Garner Town Council.

If you have any questions about this neighborhood information meeting, or if you are unable to attend and would like to leave comments for our consideration, please feel free to contact Marty Bizzell at (919) 851-4422 or [Marty.bizzell@bnkinc.com](mailto:Marty.bizzell@bnkinc.com).

Sincerely,

Marty D. Bizzell, PE, CPESC  
Senior Principal Engineer  
Bass, Nixon & Kennedy, Inc.

OWNER / OCCUPANT	ADDR1	ADDR2	ADDR3
KEZIAH, MICHELE D	6604 MALIBU DR	RALEIGH NC 27603-4932	
CAMPBELL, JERRY	6520 MALIBU DR	RALEIGH NC 27603-4934	
AKAGHA, FIDELIS E AKAGHA, CORDELIA N	PO BOX 2055	GARNER NC 27529-2055	
KINCAID, HUGH B KINCAID, KIMBERLY L	6517 MALIBU DR	RALEIGH NC 27603-4933	
RALEIGH CITY OF	PO BOX 590	RALEIGH NC 27602-0590	
WAKE COUNTY OF	WAKE COUNTY ATTORNEY'S OFFICE	PO BOX 550	RALEIGH NC 27602-0550
CLARKS CREEK GARNER LAND LLC	440 S CHURCH ST STE 800	CHARLOTTE NC 28202-2075	
ORR, JAMES ROBERT ORR, SHARON ROSE	6500 MALIBU DR	RALEIGH NC 27603-4934	
GAHAGAN, MIKE P	6513 MALIBU DR	RALEIGH NC 27603-4933	
BYRD, CHARLES WAYNE BYRD, CAROLYN BOWLING	2612 PARKWAY DR	RALEIGH NC 27603-5235	
BANNISTER PROPERTIES LLC	PO BOX 769	GARNER NC 27529-0769	
WELBORN, JOAN C	6605 MALIBU DR	RALEIGH NC 27603-4931	
HARRING, MARVINA HARRING, ERIC J	95-1329 WIKAO ST	MILILANI HI 96789-3996	
DUPREE, CHESTER A DUPREE, MARLENE P	6220 KRANDON DR	RALEIGH NC 27603-4928	
POTTER, VERNON E SR POTTER, MARGARET W	6216 KRANDON DR	RALEIGH NC 27603-4928	
FLOYD, WILLIAM L JR	6204 KRANDON DR	RALEIGH NC 27603-4928	
MASSEY, OLIVER L	6208 KRANDON DR	RALEIGH NC 27603-4928	
BYRD, SUSAN DIANE EASON	6512 MALIBU DR	RALEIGH NC 27603-4934	
SWIFT CREEK APARTMENTS LLC	428 SWANS MILL XING	RALEIGH NC 27614-9463	
JANRON, LLC	3522 CARRIAGE DR	RALEIGH NC 27612-4202	
HERNANDEZ, MARIA E SERRA	1708 SPACER DR	RALEIGH NC 27603-4920	
RODRIGUEZ, OCTAVIO RENE RODRIGUEZ, ABIGAIL ELIZABETH	917 EDGEWATER DR	GARNER NC 27529-7150	
FULCHER, RACHEL	6516 MALIBU DR	RALEIGH NC 27603-4934	
RIGGAN, VIRGINIA E	PO BOX 25034	RALEIGH NC 27611-5034	
WALLS, MATTHEW WAYNE	555 GREEN WILLOW CIR	WENDELL NC 27591-8925	
KING, MARTHA B	6508 MALIBU DR	RALEIGH NC 27603-4934	
BRIDGERS, PATRICIA B CANIPE, KRISTI B	6501 MALIBU DR	RALEIGH NC 27603-4933	
HCP GEORGIA'S LANDING PROPERTY LLC	400 FRANK W BURR BLVD STE 8	TEANECK NJ 07666-6810	
RALEIGH 401 LLC	4716 HILLTOP RD	GREENSBORO NC 27407-5217	
PLANCICH, STEPHANIE A	6505 MALIBU DR	RALEIGH NC 27603-4933	
RHODES, STEVEN HARRIS II	6600 MALIBU DR	RALEIGH NC 27603-4932	
SELLERS-WHEELER, KATHY P WHEELER, JAMY C	6421 MALIBU DR	RALEIGH NC 27603-4907	
KOEHL, CHARLENE KOEHL, MATTHEW	1704 SPACER DR	RALEIGH NC 27603-4920	
AQUA NORTH CAROLINA INC	202 MACKENAN DR	CARY NC 27511-6447	
GORDY, JAMES E GORDY, LINDA S	6212 KRANDON DR	RALEIGH NC 27603-4928	
WHITE, YVONNE ALEXANDRA	712 GORDON AVE	LANSING MI 48910-2719	
GOWER, EVELYN F	1800 SPACER DR	RALEIGH NC 27603-4922	
RYAN, MICHAEL RETZER, JENNA	6221 KRANDON DR	RALEIGH NC 27603-4927	
CALAMAI, CASSANDRA LYNNE CALAMAI, SIMON	6424 MALIBU DR	RALEIGH NC 27603-4908	
CALLAN, SEAN P CALLAN, BRIDGET A	6108 RIVER LANDINGS DR	RALEIGH NC 27604-6138	
STEVENS, ANNETTE	6217 KRANDON DR	RALEIGH NC 27603-4927	
MINICK, PATRICIA H	6509 MALIBU DR	RALEIGH NC 27603-4933	
FOREST AT SWIFT CREEK LLC	1201 EDWARDS MILL RD	RALEIGH NC 27607-0180	
Current Occupant	6609 Fayetteville Rd	Raleigh, NC 27603	
Current Occupant	6601 Malibu Dr	Raleigh, NC 27603	
Current Occupant	6420 Malibu Dr	Raleigh, NC 27603	
Current Occupant	6416 Malibu Dr	Raleigh, NC 27603	



Swift Creek 3<sup>rd</sup> Neighborhood Meeting, 6:30 PM  
November 14, 2023  
Garner Senior Center, Garner, NC

**Attendees:**

BNK: Marty D. Bizzell, PE

BNK: Garry Walston, LA

**Property Owners:**

Michele (Keziah) Yates            6604 Malibu Drive, Raleigh, NC 27603

Kim Kincaid                            6517 Malibu Drive, Raleigh, NC 27603

**Questions:**

M. Yates:            Has anything on plans changed since our last meeting?

Marty:                The only change is that the north south connection closest to US 401 has been changed from a private drive to a public street.

M. Yates:            Will the buffer remain the same? My property backs up to the buffer and I would like it as wide as possible.

Marty:                Yes, the buffer will remain a 45-foot Type A landscape buffer.

M. Yates:            Have there been any changes to the layout of the project?

Marty:                There haven't been any changes to the layout.



Town of Garner  
Town Council Meeting  
Agenda Form

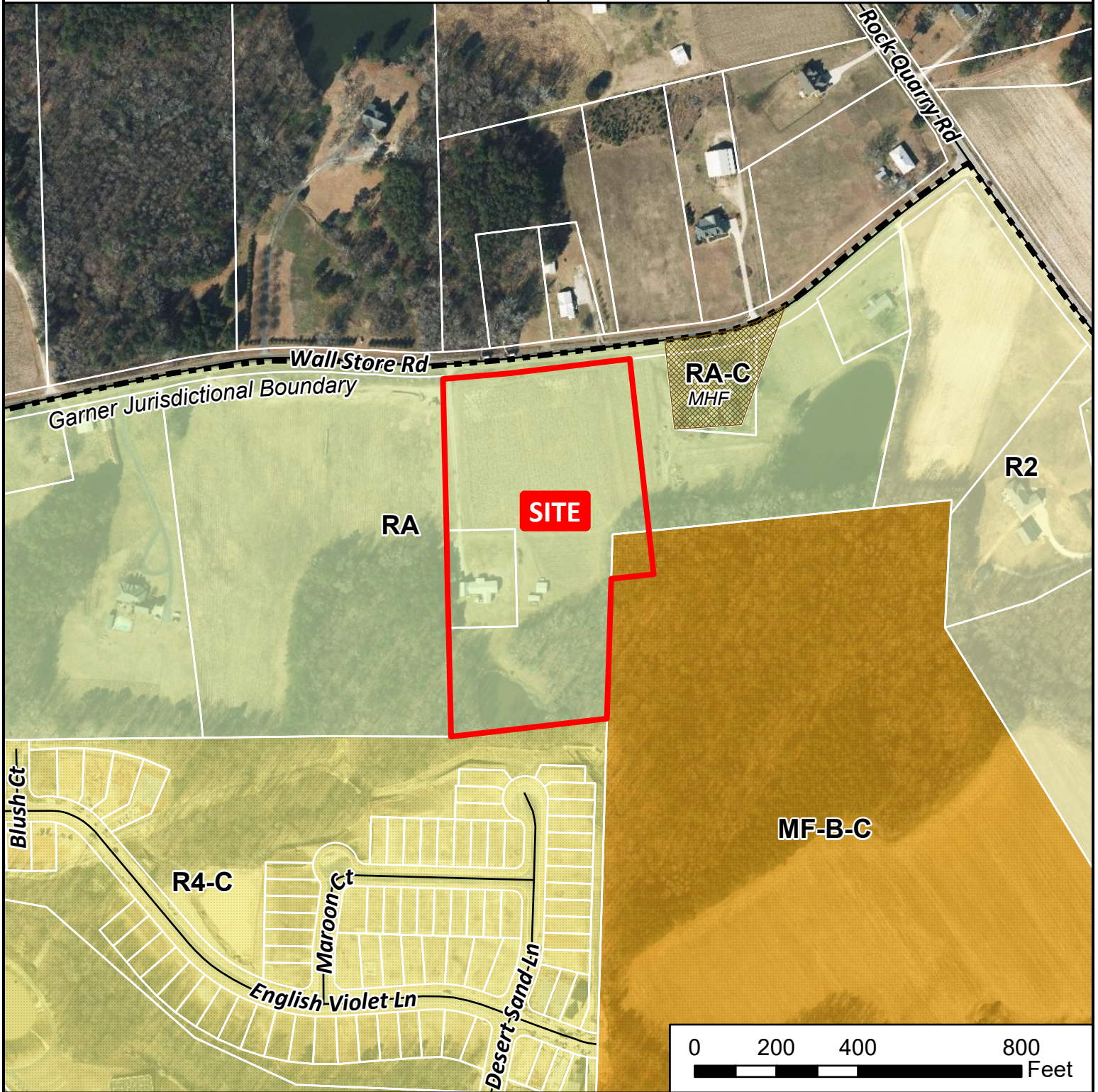
Meeting Date: June 4, 2024		
Subject: Tier 2 Conditional Rezoning # CZ-MP-23-02, Wall Store Road		
Location on Agenda: Old/New Business		
Department: Planning		
Contact: Erin Joseph, CZO; Assistant Planning Director		
Presenter: Erin Joseph, CZO; Assistant Planning Director		
<b>Brief Summary:</b> Tier 2 conditional rezoning request submitted by Capital Partners of NC, LLC to rezone 8.95 +/- acres from Rural Agricultural (RA) and Multifamily B (MF-B C258) to Multifamily B (MF-B C277) Conditional for the development of a maximum of 60 townhouses. The site is generally located on the south side of Wall Store Road, west of Rock Quarry Road, and may be further identified as Wake County PIN(s) 1731610922, 1731518872 and a part of 1731607909.		
<b>Recommended Motion and/or Requested Action:</b> Consider motion to approve by adopting Ordinance (2024) 5269		
<b>Detailed Notes:</b> See attached staff report and supporting materials. Zoning conditions are proposed that restrict the range of MF-B permissible uses to a list of two and provide architectural commitments that address appearance and quality of materials and construction. See staff report for additional conditions proffered by applicant in response to meeting with the Planning Commission. Adjoining Raleigh Future Land Use Map and development plans are also included as requested.		
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-23-02



**Project:** Wall Store Road  
**Applicant:** Capital Properties of North Carolina, LLC  
**Owners:** Michael Braxton Poole, Sr;  
 CAM Holdings LLC; ITAC 356 LLC  
**Location:** 2920 Wall Store Rd  
**Pin #:** 1731-61-0922, 1731-51-8872,  
 & Portion of 1731-60-7909

**Proposed Use:** Townhomes  
**Current Zoning:** RA, MF-B  
**Proposed Zoning:** MF-B  
**Acresage:** 8.95 +/-  
**Overlay:** Not Applicable



# PLANNING MEMORANDUM

**DATE:** June 4, 2024  
**TO:** Honorable Mayor Gupton and Town Council Members  
**FROM:** Erin Joseph, CZO; Assistant Planning Director  
**SUBJECT:** Tier 2 Conditional Rezoning # CZ-MP-23-02, Wall Store Road

## I. PROJECT AT A GLANCE

Project Number(s): CZ-MP-23-02

Request: Tier 2 conditional rezoning request submitted by Capital Partners of NC, LLC to rezone 8.69 +/- acres from Rural Agricultural (RA) and MF-B (MF-B C258) Conditional to Multifamily B (MF-B C277) Conditional for the development of a maximum of 60 townhouses. The site is generally located on the south side of Wall Store Road, west of Rock Quarry Road, and may be further identified as Wake County PIN(s) 1731610922, 1731518872, and a portion of 1731607909. Zoning conditions restricting range of permitted uses and adding commitments above and beyond the requirements of the UDO included.

Applicant: Capital Partners of NC, LLC

Owner: Michael Braxton Poole, Sr. and CAM Holdings LLC

Key Meeting Dates:

Public Hearing: March 5, 2024

Planning Commission: May 13, 2024

Action: June 4, 2024





## II. ZONING AND CONTEXT

**EXISTING ZONING:** The existing zoning of the site is **Rural Agricultural (RA)** and **Multifamily B (MF-B C258) Conditional**.

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

A portion of the site was rezoned to MF-B C258 in 2022. 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 people to live closer to places where they work and play. Some nonresidential or mixed-use structures and uses may also occur. The Multifamily Residential B (MF-B C258) Conditional district includes the following zoning conditions:

1. Permitted use table:

Use Category	Specific Use	MF-B C258
<b>Residential Use*</b>	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 on the south side of Wall Store Road, west of Rock Quarry Road. The area is undergoing increased development, with several residential projects under construction or in review with town staff.

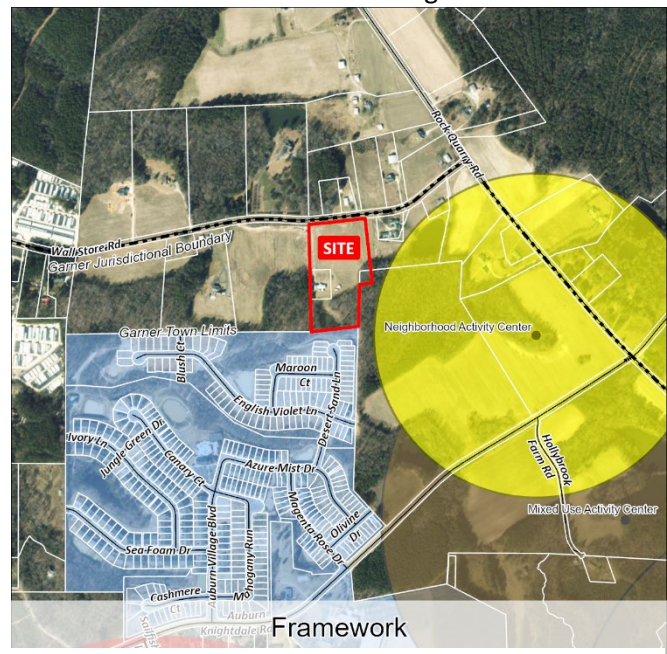
- North: Large Lot Residential / Vacant Tracts (Wake County R-30 Zoning)
- South: Single-Family Detached/Attached (Auburn Village) and Townhomes/Apartments (Burnette Farms)
- East: Single-Family Residential (Large Lot and Burnette Farms)
- West: Large Lot Residential and Agricultural



Auburn-Knightdale Road and Rock Quarry Road are NCDOT corridors with a growing amount of daily traffic. Auburn-Knightdale Road collects local traffic and connects future activity centers at US 70 (Regional Transit Activity Center) and Rock Quarry Road (Neighborhood and Community Activity centers). The most recent NCDOT traffic count for Auburn-Knightdale Road (collected every two years) is 6,300 in 2021 and showing a steady upward trajectory from 3,700 trips per day since 2013. Consequently, the roadway has some capacity for growth and is being upgraded with a center turn lane and separated infrastructure for pedestrians and cyclists with development.

Rock Quarry Road collects local traffic but also functions as a commuter route for the larger area into downtown Raleigh. The most recent NCDOT traffic count for Rock Quarry Road (collected every two years) is 6,400 in 2021 and showing a steady upward trajectory from 3,900 trips per day since 2011. Consequently, the roadway has some capacity for growth and is being upgraded with additional lanes, medians, and separated infrastructure for pedestrians and cyclists with development.

Lastly, Wall Store Road is a rural secondary NCDOT route that connects Auburn Church Road to Rock Quarry Road. NCDOT has not collected data along this roadway since 2015 when counts were at 1,100 trips per day. Consequently, the roadway has some capacity for growth but lacks separated infrastructure for pedestrians and cyclists.

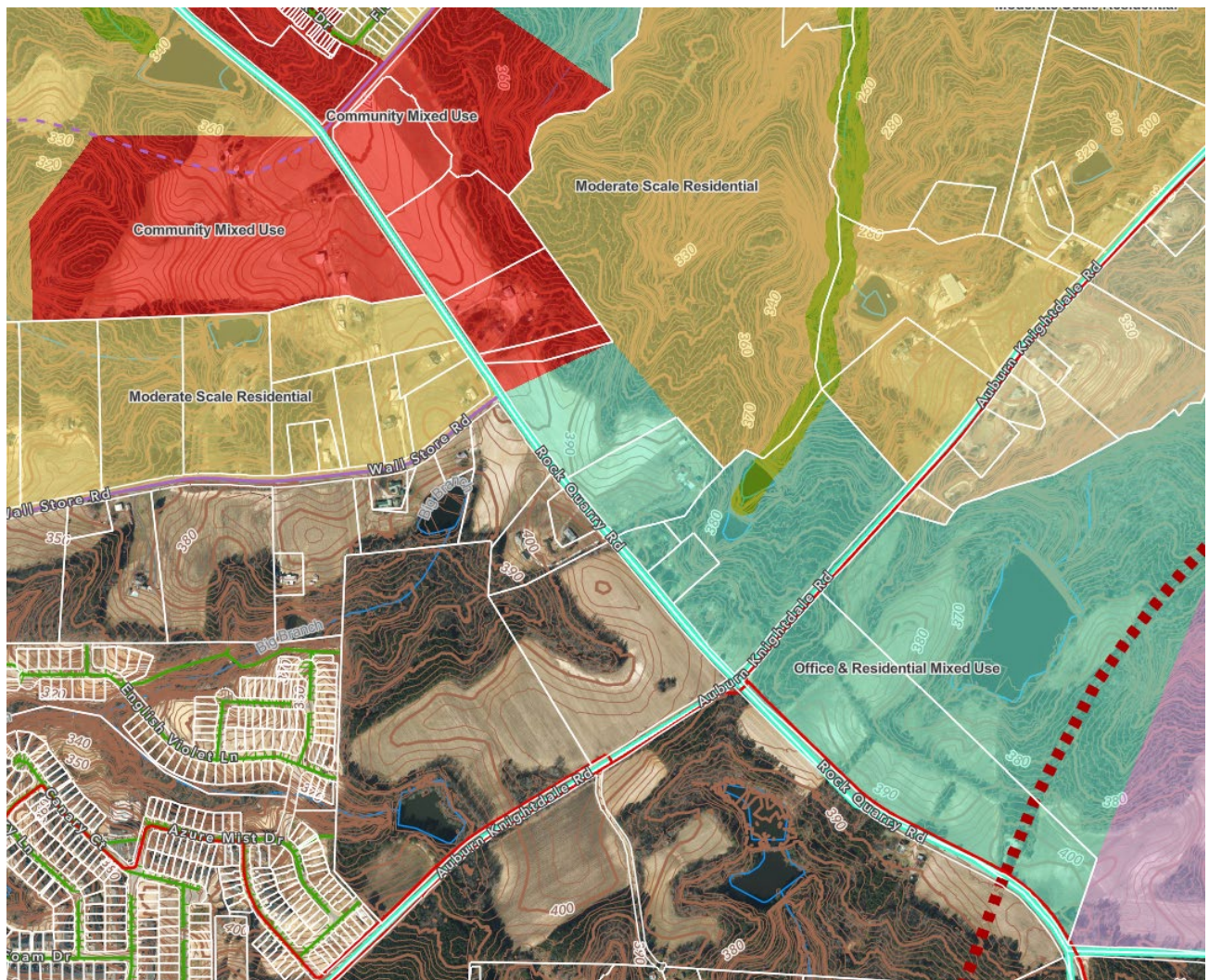




This area will be heavily influenced by the impending completion of NC 540 (estimated 2028/2029) which will feature an interchange at Rock Quarry Road just to the south and east of this site adjacent to Edge of Auburn.

There is also considerable growth and development activity happening in the adjacent portions of the City of Raleigh’s zoning jurisdiction. Please see attached exhibits for additional information. Planning staff have been engaged with Raleigh staff regarding this general area to coordinate plans and the distribution of non-residential development along the Rock Quarry Road corridor between Whitfield Road and Old Baucom Road.

The City of Raleigh (Raleigh future land use plan shown below) is directing retail and service commercial particularly to the eastern quadrant of Whitfield Road and Rock Quarry Road – current development is limiting the retail/service possibilities in the north quadrant and to the southwest. Meanwhile, Raleigh is encouraging office and residential use adjacent to Garner’s community activity centers southeast of Auburn-Knightdale Road. There is roughly ¼ of a mile between Raleigh center of retail/service activity and Garner’s community activity center.





**PROPOSED ZONING:** The proposed zoning of the site is **Multifamily B (MF-B C277) Conditional**.

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

**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 MF-B district by right or by special use permit to be part of the proposed C277 districts:

1. Permitted Use table:

Use Category	Specific Use	C277
Residential Use*	Townhouse (3 or 4 dwelling units per structure)	P
	Townhouse (> 4 dwelling units per structure)	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 measure shall be enclosed with commercial-grade black aluminum picket fencing.
3. The townhouse units shall be subject to the following architectural guidelines:
  - a. Townhouse buildings shall have a 2’ horizontal offset in front and rear planes of the building every second unit;
  - b. Each unit shall have at least a 12’ x 20’ one-car garage with paneled doors;
  - c. Vinyl siding is not permitted; however, vinyl windows, decorative elements, and trim are permitted;
  - d. A minimum of 20% of the front façade 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 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; and
  - i. Townhouse units shall have covered [front] entry porches.
4. Additional Planting along Wall Store Road of 1 additional understory tree per 100 linear feet of road frontage.
5. Vegetative screen shall be planted and maintained at a minimum height of 3’ within two years of planting at the ends of alleys adjacent to the Minor Collector Right of Way, subject to the location of proposed utilities and easements.



*Updates in Response to Planning Commission:* Following the meeting with the Planning Commission, the applicant has agreed to add the following conditions:

6. Provide enhanced landscaping along the west side of the north/south collector street and along the southern major local street.
7. Install a fence along the east side of the north/south collector street on Mr. Poole’s property subject to meeting UDO requirements.
8. Add a playground feature in active open space area south of the major local street.

*Master Plan Condition/Site*

*Data:* Area: 8.69 +/- acres Units/

Bldg Size: 60 townhouses (~6.9 du/acre)

Open Space:

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

Privately maintained open space areas are a combination of qualifying conservation areas and recreation space. Abundant conservation areas exist on site in the form of wetlands, floodplains and conservation buffer overlays. Recreation space will include qualifying open areas 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 Burnette Farms development. Sewer lines will be extended to adjacent and upstream properties per the Raleigh Water policy.

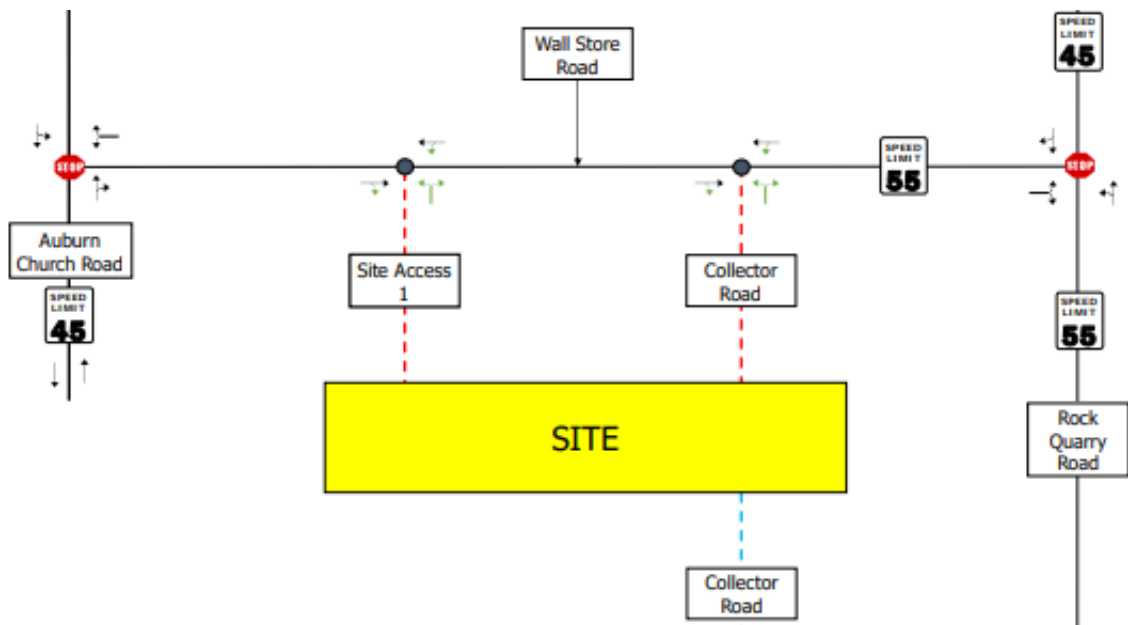
Transportation Notes:

The project will have two points of access: one from Wall Store Road and one from the adjacent Burnette Farms subdivision. Curb, gutter, sidewalk and additional pavement will be installed along Wall Store Road. A Traffic Impact Analysis (TIA) was required by the Town for this proposal but not by NCDOT. The TIA was completed in February of 2023. The TIA highlighted the following:



- Expected 407 trips (one-way) on the average weekday,
- Expected 6 inbound trips in the AM peak hour (~ 1 every 10 minutes)
- Expected 20 outbound trips in the AM peak hour (~ 1 every 3 minutes)
- Expected 19 inbound trips in the PM peak hour (~ 1 every 3 minutes)
- Expected 13 outbound trips in the PM peak hour (~ 1 every 5 minutes)

No off-site improvements are recommended as needed to reflect the very limited proportional impact of the added traffic generated by this proposal; however, the figure below shows the 2027 future build out lane configuration.



Significant Environmental/Cultural Feature Notes:

As depicted to the right, there is an existing stream with associated buffers along the southern boundary of the project. There is also an existing pond, which is proposed to remain. This area of the property is reserved for tree preservation and pedestrian trails, including a segment of public greenway.

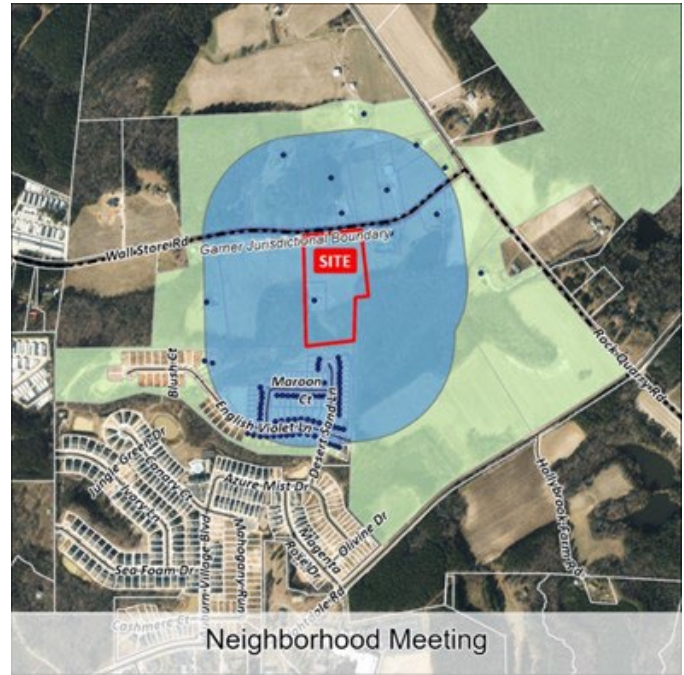


### III. PROPOSAL REVIEW

**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 1, 2023, at 6:00 PM in the Garner Senior Center. There were approximately 28 people in attendance.
- September 7, 2023, at 5:30 PM in the Best Western Plus Edison Inn Conference Room at 1595 Mechanical Blvd. 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.



**PUBLIC HEARING:** The Town Council conducted a public hearing on the case at their meeting on Tuesday, March 5, 2024.

Meeting video may be found: (<https://www.youtube.com/live/W5kkO3Ei6Ko?si=0lqy-Fo-9hoJ4pU9>).

The staff presentation begins at the 33:22 mark of the video, and discussion with the applicant and interested citizens begins at the 52:40 mark.

Comments and concerns from the Council included:

- Infill project before development has occurred and piecemeal development along a higher transit corridor.
- Question regarding what type of growth and development is occurring in Raleigh and coordination with their growth plans.
- Concern that Garner will only see the residential development, while Raleigh absorbs the commercial development.
- Questions regarding the consistency with the Comprehensive Plan.
- Question regarding when will Burnette Farms develop the rest of their properties in Raleigh and how does this project fit into the larger picture for the area.
- Clarification on the zoning conditions, zoning conditions and the shared amenities.
- Question asked why Raleigh moved its activity center further north.
- Concerns with the selection of zoning districts.

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 Matthews. Motion passed 4-1.

**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



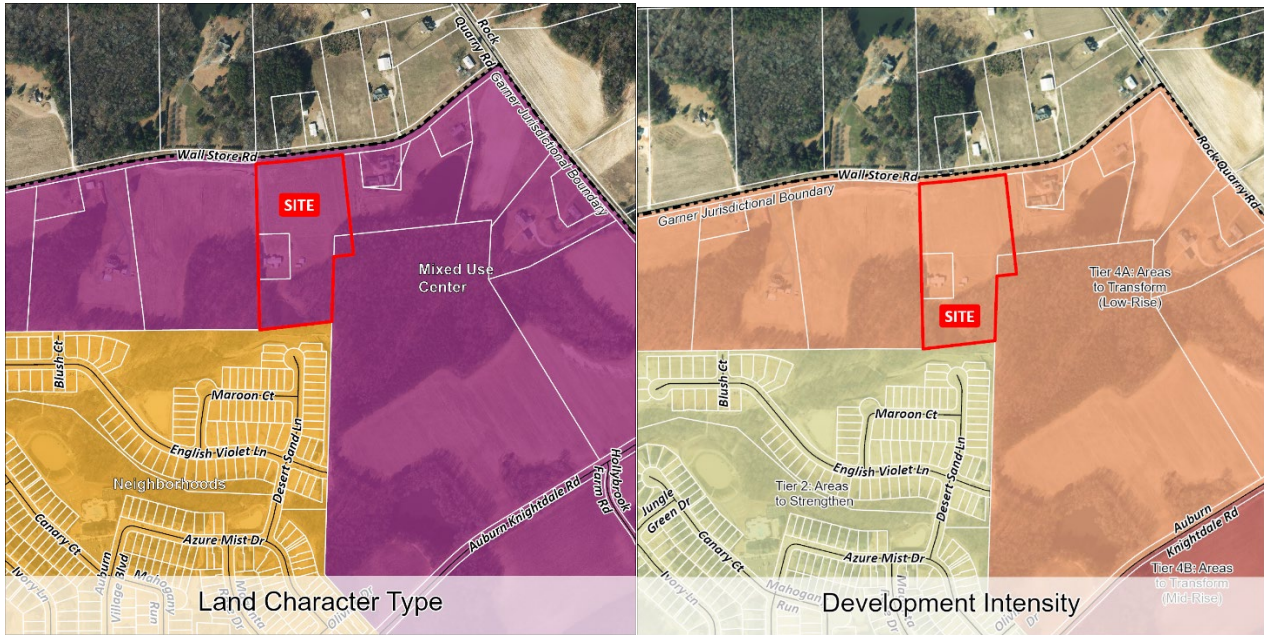


Garner UDO. A determination of inconsistency with the Plan does not preclude a rezoning request from being found to be reasonable. In those cases where the request is deemed inconsistent yet reasonable, an amendment to the Comprehensive Plan is automatically made upon approval of the request.

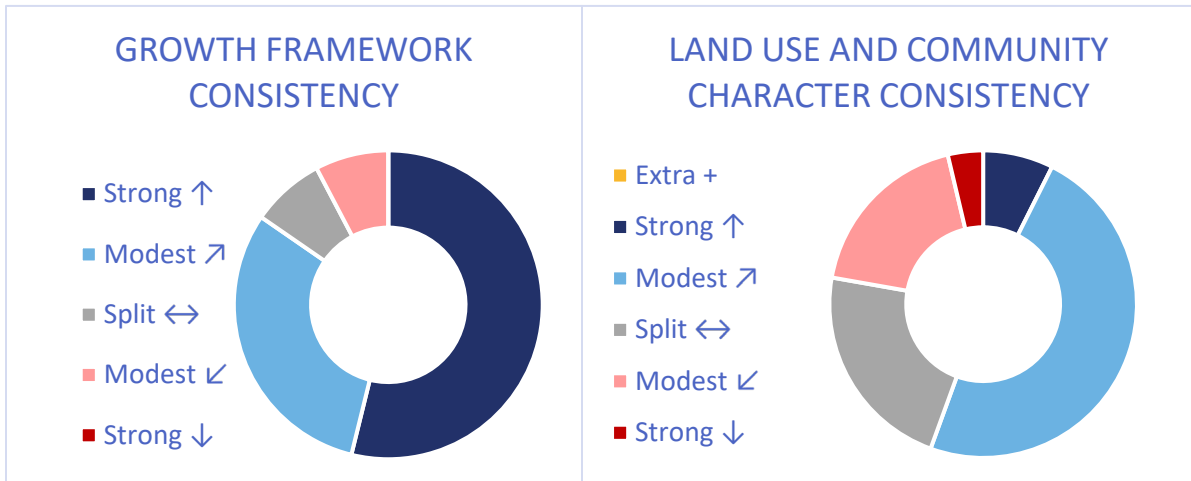
Staff notes that the applicable plans for Tier 2 rezoning requests are typically:

- 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-23-03*

*2023 Garner Forward Comprehensive Plan Staff Review Summary:*



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



13 growth framework criteria were evaluated using the scale above with a finding of modest support. While MF-B is a supported zoning district in Mixed-Use Areas, the proposal itself does not put forth a mix of uses on this specific site (modest non-support). The site outside of the Neighborhood Activity Center which would suggest that the highest intensities and densities would be found to the south and east of this site. Therefore, townhouses, which are a recommended building type, could be viewed as more favorable on this site, especially with adjacent townhouses and single-family detached adjacent to the south and southeast. Three-story townhouse building types (# of stories not conditioned at this time) would also lend a nod to the higher desired level of intensity that the plan also calls for. The comprehensive plan places a more specific emphasis on the types of open space and natural features that should be proposed with new development. The addition of a playground open space feature moved resulted in a stronger consistency framework element.

27 land use and community character criteria were determined applicable or possible to address in a meaningful way. There is a modest lean towards consistency at the present time, with the inclusion of minor changes and additions of details to the master plan and written conditions, such as enhancing the street frontage areas beyond just the addition of ornamental trees along Wall Store Road, 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 the recent fine tuning in response to this evaluation tool, the Planning Commission and additional public input, staff can 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.

**PLANNING COMMISSION MEETING:** The Planning Commission conducted a consistency review of the case at their meeting on Monday, May 13, 2024.

Meeting video may be found: (<https://www.youtube.com/live/ZrWfH1nqXL8?si=jF52OVgSkCKUwFkt>). The staff presentation begins at the 15:02 mark of the video, and discussion with the applicant and interested citizens begins at the 31:17 mark.

Questions and comments from the Planning Commission consisted of:

- Clarification of what the developer’s responsibility will be for the improvements of the collector road on the eastern boundary,
- Question if the alleys would connect through to the west,
- Question regarding deceleration lanes on and off Wall Store Rd.,
- Question regarding the future widening of Wall Store Rd.,
- Clarification regarding if traffic originating from Burnette Farms Subdivision has been accounted for,
- Question if there is an overall plan for development in the area or will development be piecemeal along Wall Store Rd.,
- Clarification if the existing pond will remain and its utilization as a stormwater control measure,
- Clarification of the connectivity to existing greenways and trails with adjacent developments,
- Clarification regarding tree preservation and plantings of new trees,
- Question about the elevations to review for the townhouses, would like to see 12” overhangs or eaves,
- Concerns with the size of the garages,
- Comment to add more enhanced landscaping,



- Question regarding alternative green infrastructure for stormwater,
- Concern with how this development fits into the larger development considerations of the area and being piecemeal,
- Comment for better clarification in staff report on the linkage to Burnette Farms and the greater area,
- Clarification that Desert Sands will remain a cul-de-sac and not a stub,
- Comment to increase the outdoor activity space near the parking lot with either an open play area or playground.

**Consistency Statement:** We, the Planning Commission, find that in the absence of any strong non-supporting comprehensive plan criteria and a modest level of consistency with the Plan's growth framework, this request to rezone 8.69 +/- acres from Rural Agricultural (RA) and Multifamily B (MF-B C258) Conditional to Multifamily B (MF-B C277) is consistent with the Town's adopted land use plans.

**Motion:** I move that the Planning Commission accept the consistency statement drafted herein as our own written recommendation regarding the consistency of the request with the Town's adopted land use plans and recommend approval of case number CZ-MP-23-02, with the condition to add enhanced landscaping along the major frontages on the eastern and southern collector roads to match the enhancement along Wall Store Rd.

Motion made by Commission Member Voiland and seconded by Commission Member Hodges. 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. 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

**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.

<b>Approve</b>	① Consistent and Reasonable	② Inconsistent but Reasonable
<b>Deny</b>	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) 5269 approving rezoning CZ-MP-23-02, 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-MP-23-02 inconsistent with said Plan; however, I also move that the Town Council adopt Ordinance No. (2024) 5269 approving rezoning CZ-MP-23-02, 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-MP-23-02, 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-MP-23-02 inconsistent with said Plan, and I further move that the Town Council deny rezoning request CZ-MP-23-02, 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.

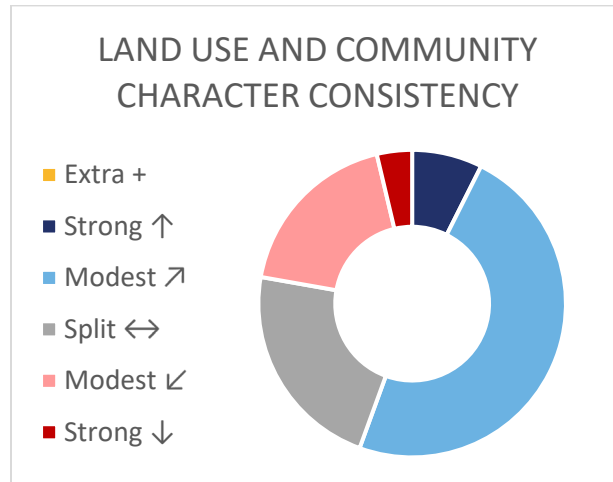




Building Typology Crosswalks <i>pp.66-67 &amp; 72-73</i>		
<i>Note: Rated Strong Support or Strong Non-Support only.</i>		
<b>R1</b>	Residential Building Type 1: Townhome	↑
<b>R2</b>	Residential Building Type 2:	n/a
<b>R3</b>	Residential Building Type 3:	n/a
<b>N1</b>	Non-Residential Building Type 1:	n/a
<b>N2</b>	Non-Residential Building Type 2:	n/a
<b>N3</b>	Non-Residential Building Type 3:	n/a
Block Sizes and Patterns Crosswalk <i>p.76</i>		
<i>Note: Rated on full 5-point scale.</i>		
<b>P1</b>	Block Size and Pattern: Curvilinear Streets in Modified Grid	↗
Open Space and Natural Features Crosswalk <i>pp.78-79</i>		
<i>Note: Rated Strong Support or Strong Non-Support only.</i>		
<b>O1</b>	Feature 1: Trail or Greenway	↑
<b>O2</b>	Feature 2: Common Greens (adjacent to trails)	↑
<b>O3</b>	Feature 3: Playground (should be included in all residential neighborhoods)	↑
<b>O4</b>	Feature 4:	

## CHAPTER 3: STRENGTH OF LAND USE AND COMMUNITY CHARACTER CONSISTENCY

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


























### Land Use and Community Character












*Note: Projects that fall within one of the six identified Focus Areas may exhibit adherence to the plan’s guiding principles as expressed in the table of recommendations below by calling out specific guidance illustrated in pages 146 through 215. Evaluation within these Focus Areas should consider the potential use of the Focus Area’s parcels collectively. Decisions about future development on individual parcels can be made in a manner that optimizes the utilization of land while adhering to the community’s objectives.*




Is project within a Focus Area? If so, specify; if not, “n/a”:   n/a  

Theme 1 – Emphasis on the Public Realm		
<i>Note: applicable to all project adjacent to public property or public streets in the absence of an overall public realm master plan.</i>		
1a <i>p.91</i>	Project uses elements of the public realm as organizing features for the neighborhood, district, or activity center.	↗
1b <i>p.91</i>	Project emphasizes consistent design features or treatments for a corridor or destination that creates a common sense of place for users.	↗
1c <i>p.91</i>	Project thinks of streets as linear parks with public spaces and activated private spaces (e.g. outdoor seating) located throughout the corridor.	↘
1d <i>p.91</i>	Project increases minimum open space requirements for private property adjacent to the public realm in terms of size, shape, and location to activate spaces.	↗
1e <i>p.91</i>	Project reimagines the definition of open space adjacent to the public realm to include, but not be limited to, plazas, outdoor seating and pocket parks that activate spaces.	↘







Theme 2 – Land Use Mix and Development Intensity		
<i>Note: The following recommendations supplement the maps and broader recommendations of Chapter 2.</i>		
2a  <i>p.95</i>	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.  	↔
2b  <i>p.96</i>	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.  	↗
2c  <i>p.98</i>	Project's open spaces, if located within the expanded civic center area, provide order in the landscape and provide opportunities for informal community gathering.  	n/a
2d  <i>p.98</i>	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).  	n/a
2e  <i>p.99</i>	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.  	n/a
2f  <i>p.100</i>	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.  	n/a
2g  <i>p.101</i>	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.  	↘
Theme 3 – Home & Neighborhood Choices		
<i>Note: Applicable to projects proposing the addition of dwelling units of any type.</i>		
3a  <i>p.108</i>	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.  	↘
3b  <i>p.109</i>	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.  	↗
3c  <i>p.109</i>	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.  	↗
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.  	↑

<b>3e</b> <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. 	↑
<b>3f</b> <i>p.109</i>	Project provides street trees that can provide tree canopy over neighborhood streets when trees reach maturity. 	↗
<b>3g</b> <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. 	↗
<b>3h</b> <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). 	↘
<b>3i</b> <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. 	↔
<b>3j</b> <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). 	↔
<b>Theme 4 – Site Design and Development Scale</b>		
<i>Note: Applicable to specific types and locations of projects as noted.</i>		
<b>4a</b> <i>p.124</i>	Projects with multiple buildings demonstrate architectural unity and use of compatible quality and type of building materials. 	↗
<b>4b</b> <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
<b>4c</b> <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
<b>4d</b> <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
<b>4e</b> <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
<b>4f</b> <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

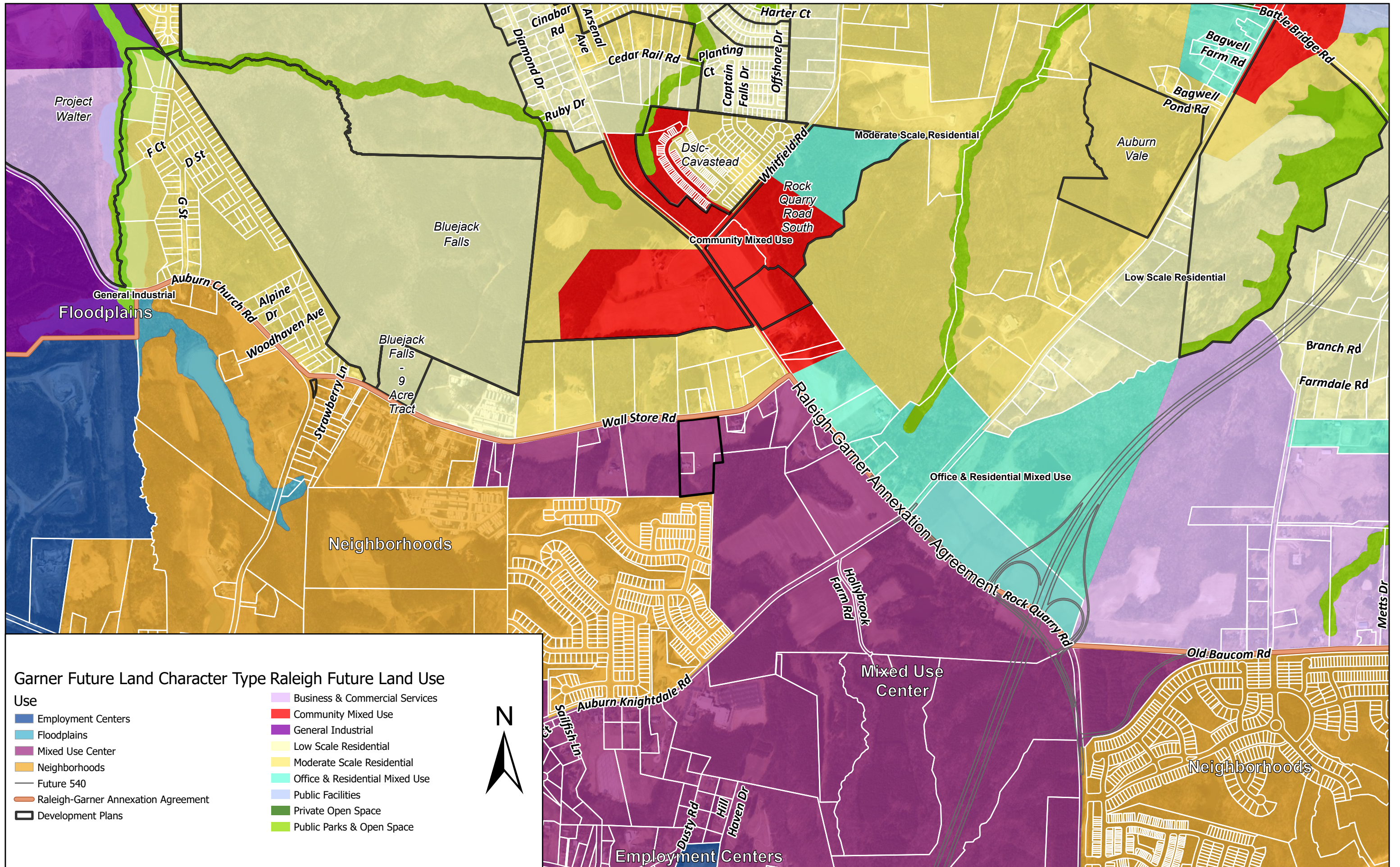
<p><b>4g</b></p> <p><i>p.128</i></p>	<p>Projects opposite a street from existing development exhibit complementary lot sizes, building mass and building placement. Changes in scale and massing take place along streets rather than across streets, or at rear lot lines/alleyways.</p> 	<p>n/a</p>
<p><b>4h</b></p> <p><i>p.128</i></p>	<p>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.</p> 	<p>n/a</p>
<p><b>4i</b></p> <p><i>p.129</i></p>	<p>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.</p> 	<p>↗</p>
<p><b>4j</b></p> <p><i>p.129</i></p>	<p>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.</p> 	<p>↔</p>
<p><b>4k</b></p> <p><i>p.131</i></p>	<p>Projects located at activity centers in the General Framework Map promote increased development density and mix of uses.</p> 	<p>n/a</p>
<p><b>Theme 5 – Community Connections</b></p> <p><i>Note: Focus on “systems”, including roads, greenways, transit, parks, utilities, natural areas, and floodplains.</i></p>		
<p><b>5a</b></p> <p><i>p.132</i></p>	<p>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).</p> 	<p>↗</p>
<p><b>5b</b></p> <p><i>p.132</i></p>	<p>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.</p> 	<p>↗</p>
<p><b>5c</b></p> <p><i>p.133</i></p>	<p>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.</p> 	<p>n/a</p>
<p><b>5d</b></p> <p><i>p.138</i></p>	<p>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.</p> 	<p>↗</p>
<p><b>5e</b></p> <p><i>p.138</i></p>	<p>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> 	<p>↔</p>
<p><b>5f</b></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>↓</p>

Theme 6 – Natural Conservation and Historic Preservation		
<i>Note: Applies to projects where floodplains, mature tree canopy and historic resources are present.</i>		
<b>6a</b> <i>p.142</i>	Project demonstrates efforts to preserve and plant shade trees to assist in the prevention of stream erosion, save energy, and cool streets and buildings.	 ↔
<b>6b</b> <i>p.143</i>	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.	 n/a
<b>6c</b> <i>p.144</i>	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.	 n/a

### EXTRA CREDIT SECTION

<b>E-2a</b> <i>p.102</i>	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.	 n/a
<b>E-2b</b> <i>p.102</i>	Project offers land or building space dedicated for new parks, schools or something else to meet future community facility and service needs.	 n/a
<b>E-3a</b> <i>p.112</i>	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.	 n/a
<b>E-4a</b> <i>p.125</i>	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.	 n/a
<b>E-5a</b> <i>p.136</i>	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.	 n/a
<b>E-5b</b> <i>p.139</i>	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.	 n/a













**McAdams**

The John R. McAdams Company, Inc.  
2905 Meridian Parkway  
Durham, NC 27713

phone 919.361.5000  
fax 919.361.2269  
license number: C-0293, C-187

www.mcadamsco.com

**CLIENT**

DORAN COMPANIES  
7803 GLENROY ROAD, SUITE 200  
BLOOMINGTON, MINNESOTA, 55439-3126  
PHONE: 952.288.2051



**ROCK QUARRY ROAD ASSEMBLAGE**  
PRELIMINARY SUBDIVISION PLAN  
6700 ROCK QUARRY ROAD  
RALEIGH, NORTH CAROLINA, 27610



**REVISIONS**

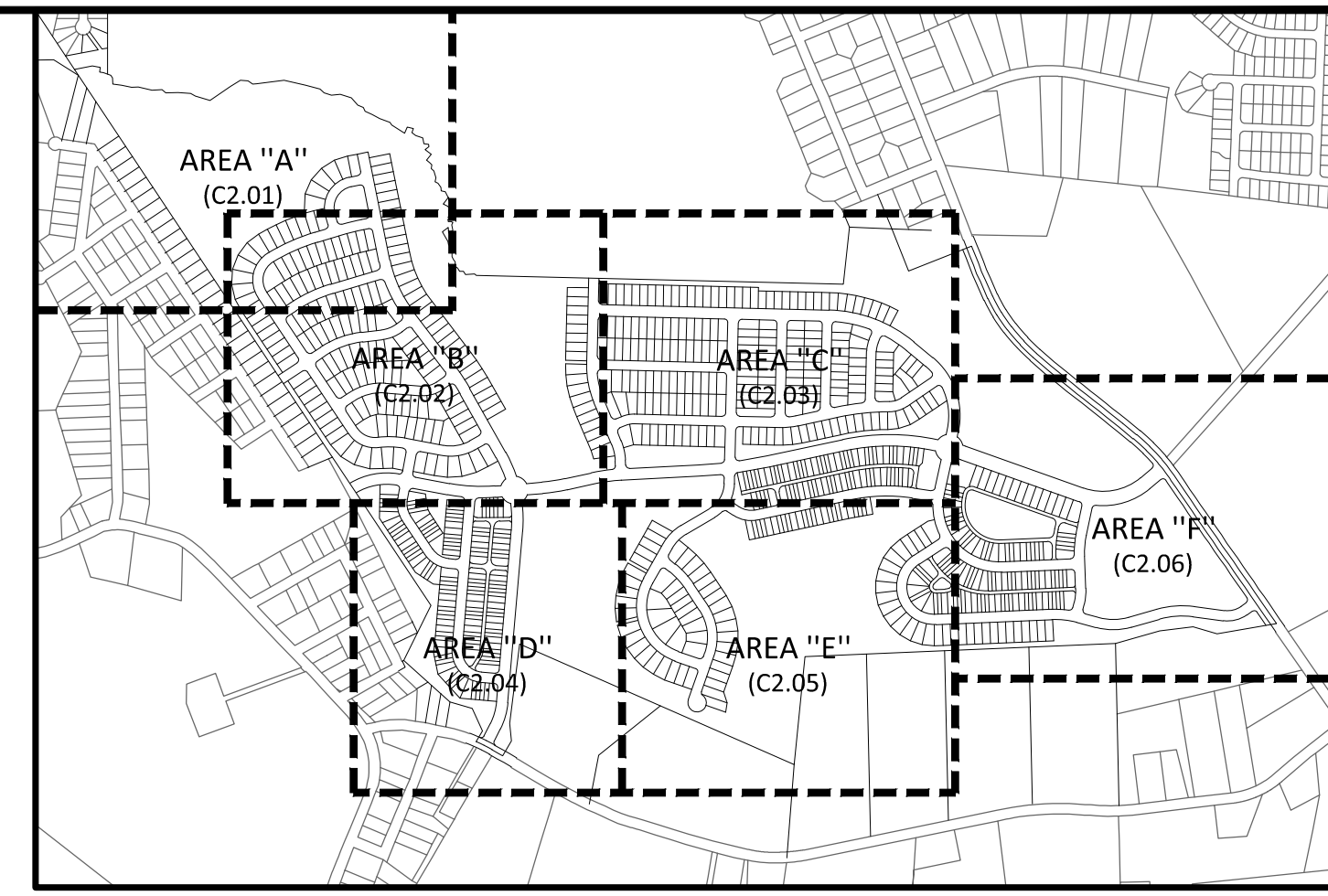
NO. DATE

**PLAN INFORMATION**

PROJECT NO. 2021110767  
FILENAME 2021110767-PSP-OA51  
CHECKED BY NDW  
DRAWN BY KWH  
SCALE 1" = 200'  
DATE 11.23.2022

**SHEET**

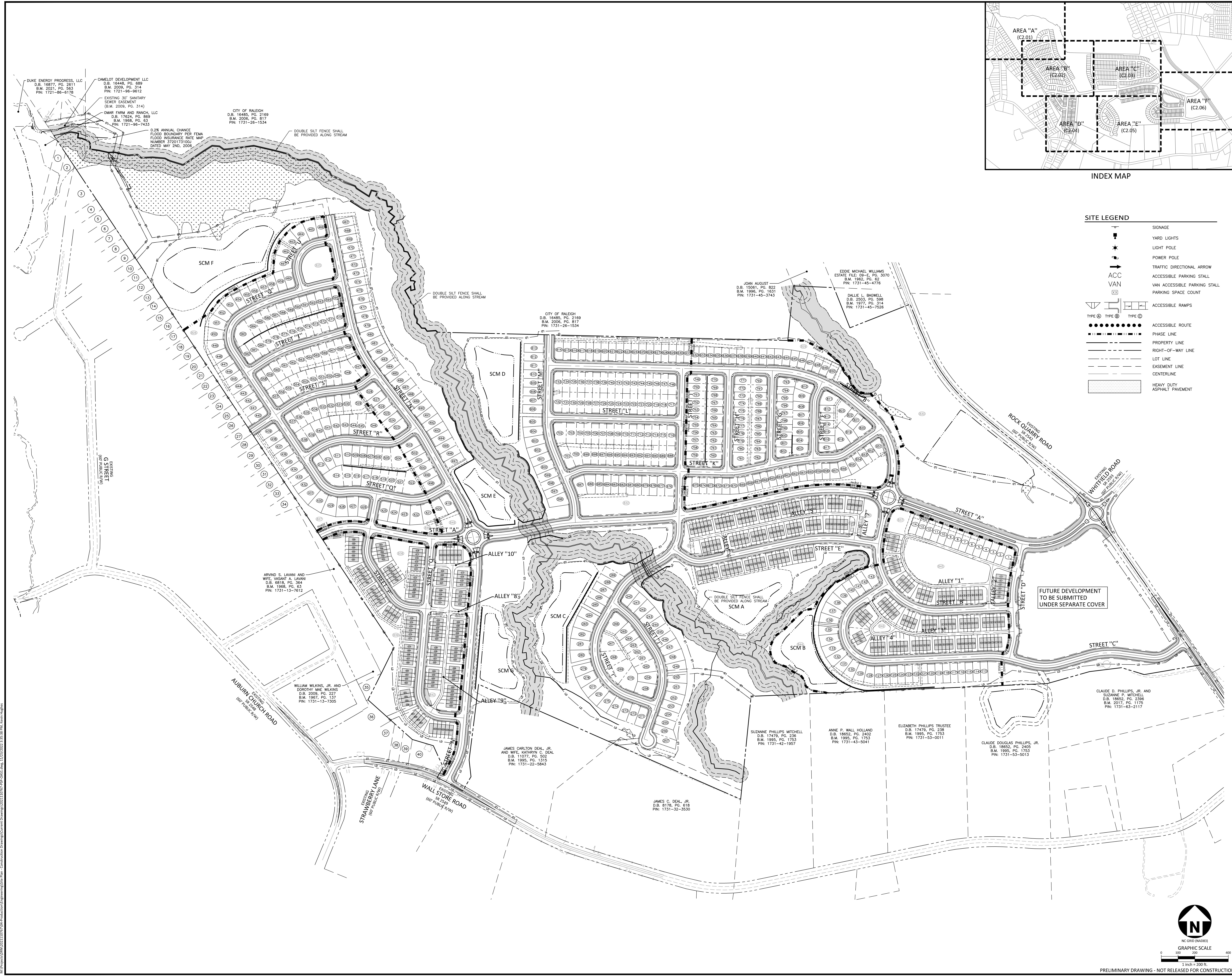
**OVERALL SITE PLAN**  
**C2.00**



INDEX MAP

**SITE LEGEND**

- SIGNAGE
- YARD LIGHTS
- LIGHT POLE
- POWER POLE
- TRAFFIC DIRECTIONAL ARROW
- ACCESSIBLE PARKING STALL
- VAN ACCESSIBLE PARKING STALL
- PARKING SPACE COUNT
- ACCESSIBLE RAMPS
- ACCESSIBLE ROUTE
- PHASE LINE
- PROPERTY LINE
- RIGHT-OF-WAY LINE
- LOT LINE
- EASEMENT LINE
- CENTERLINE
- HEAVY DUTY ASPHALT PAVEMENT



NC GRID (NAD83)  
GRAPHIC SCALE  
1" = 200'

PRELIMINARY DRAWING - NOT RELEASED FOR CONSTRUCTION

M:\Projects\2021\110767\04-Production\Drawings\Current\Drawings\Site Plan - Construction Drawings\2021110767-PSP-OA51.dwg, 11/23/2022, 3:53:58 PM, Kevin Hughes





McADAMS

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CLIENT

DORAN COMPANIES  
7803 GLENROY ROAD, SUITE 200  
BLOOMINGTON, MINNESOTA, 55439-3126  
PHONE: 952. 288. 2051



BLUEJACK FALLS - 9 ACRE TRACT  
PRELIMINARY SUBDIVISION PLAN  
2537 WALL STORE ROAD  
RALEIGH, NORTH CAROLINA, 27610

SITE LEGEND

- SIGNAGE
- YARD LIGHTS
- LIGHT POLE
- POWER POLE
- TRAFFIC DIRECTIONAL ARROW
- ACCESSIBLE PARKING STALL
- VAN ACCESSIBLE PARKING STALL
- PARKING SPACE COUNT
- ACCESSIBLE RAMPS
- ACCESSIBLE ROUTE
- PHASE LINE
- PROPERTY LINE
- RIGHT-OF-WAY LINE
- LOT LINE
- EASEMENT LINE
- CENTERLINE
- OPEN SPACE
- HEAVY DUTY ASPHALT PAVEMENT
- TREE CONSERVATION AREA
- OUTDOOR AMENITY AREA

SEE SHEET C0.00 FOR ALL PROJECT, SITE, GRADING, STORM DRAINAGE AND UTILITY NOTES

ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CURRENT CITY OF RALEIGH AND NCDOT (WHERE APPLICABLE) ENGINEERING DESIGN AND CONSTRUCTION STANDARDS



NC GRID (NAD83)  
GRAPHIC SCALE  
1 inch = 40 ft.

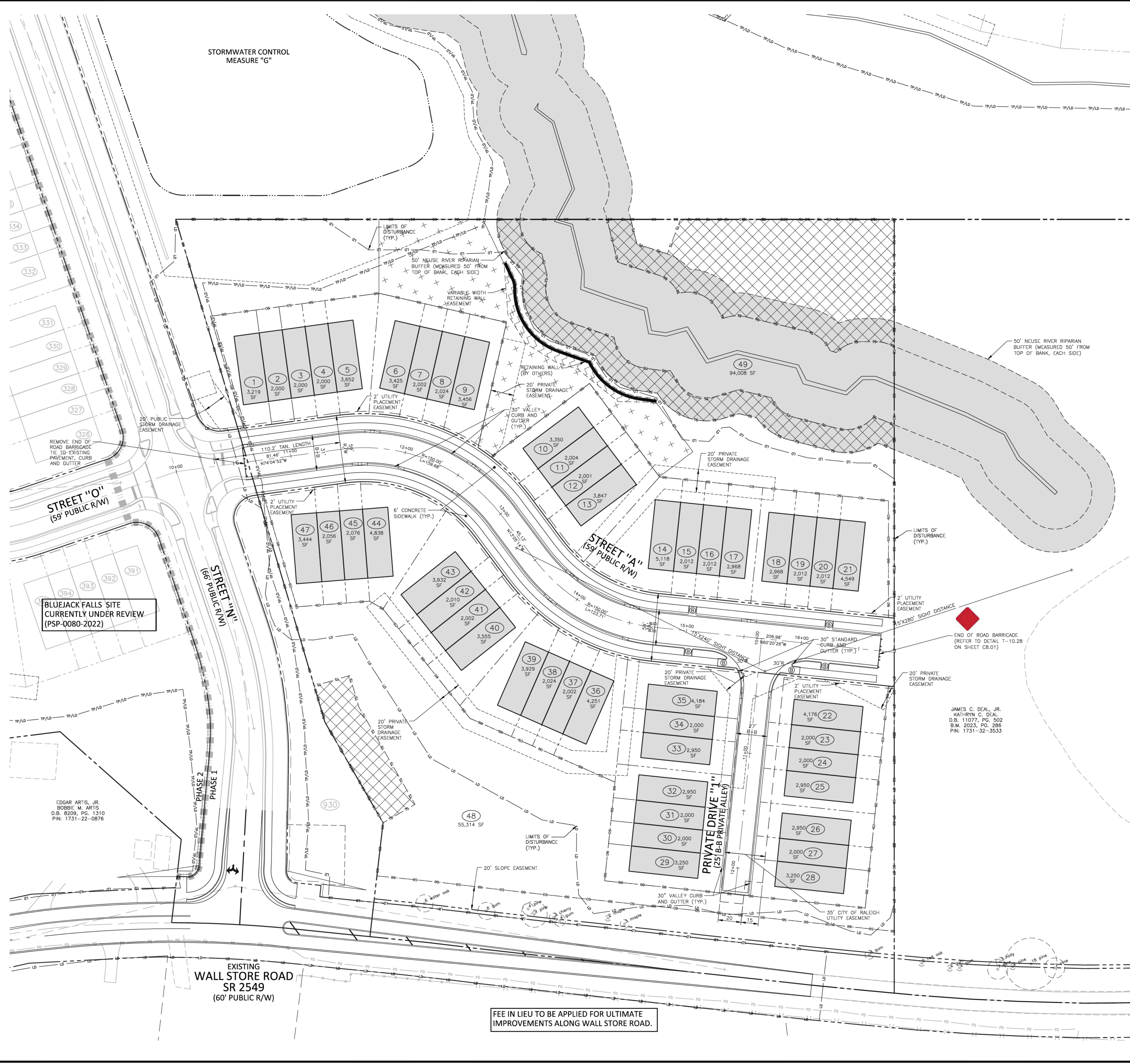
PRELIMINARY DRAWING - NOT RELEASED FOR CONSTRUCTION

FEE IN LIEU TO BE APPLIED FOR ULTIMATE IMPROVEMENTS ALONG WALL STORE ROAD.

M:\Projects\DRN\2021110767\04-Production\Engineering\Site Plan - Construction Drawings\Current Drawings\Site Plan - Construction Drawings\0221110767\PS-51.dwg, 8/17/2023 9:30:51 AM, Kevin Hughes

EDGAR ARTIS, JR.  
BOBBIE M. ARTIS  
D.B. 8209, PG. 1310  
P.N. 1731-22-0676

JAMES C. DEAL, JR.  
KATHRYN C. DEAL  
D.B. 11077, PG. 502  
B.M. 2023, PG. 286  
P.N. 1731-32-3533



REVISIONS

NO. DATE

PLAN INFORMATION

PROJECT NO. 2021110767  
FILENAME 2021110767-PS-51  
CHECKED BY NDW  
DRAWN BY KWH  
SCALE 1" = 40'  
DATE 08.04.2023

SHEET

SITE PLAN

C2.00







Return to:  
Stella Gibson  
900 7<sup>th</sup> Avenue  
Garner, NC 27529

**ORDINANCE NO. (2024) 5269**

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

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

WHEREAS, the Town Council finds this request to rezone 8.69 +/- acres from **Rural Agricultural (RA)** and **Multifamily B (MF-B C258) Conditional** to **Multifamily B (MF-B C277) Conditional** for the development of a maximum of 60 townhouses is consistent with the Town of Garner's adopted plans; and

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

WHEREAS, the Town Council further finds 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.

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

**Section 1.** That the Official Zoning Map of the Town of Garner and Extraterritorial Jurisdiction be amended by changing the zoning classification of the property described below from its present

zoning to that requested by Capital Partners of NC, LLC in Zoning Map Amendment Application No. CZ-MP-23-02 from Rural Agricultural (RA) and Multifamily B (MF-B C258) Conditional to Multifamily B (MF-B C277) Conditional.

**Section 2.** That there is hereby created a new conditional zoning district based on the Multifamily B district, to be known going forward as Multifamily B (MF-B C277) Conditional; all the regulations that apply to property within the MF-B C277 district shall be applicable subject to the following conditions:

1. Permitted Use table:

Use Category	Specific Use	C277
Residential Use*	Townhouse (3 or 4 dwelling units per structure)	P
	Townhouse (> 4 dwelling units per structure)	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 measure shall be enclosed with commercial-grade black aluminum picket fencing.
3. The townhouse units shall be subject to the following architectural guidelines:
  - a. Townhouse buildings shall have a 2' horizontal offset in front and rear planes of the building every second unit;
  - b. Each unit shall have at least a 12' x 20' one-car garage with paneled doors;
  - c. Vinyl siding is not permitted; however, vinyl windows, decorative elements, and trim are permitted;
  - d. A minimum of 20% of the front façade 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 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; and
  - i. Townhouse units shall have covered [front] entry porches.
4. Additional Planting along Wall Store Road of 1 additional understory tree per 100 linear feet of road frontage.
5. Vegetative screen shall be planted and maintained at a minimum height of 3' within two years of planting at the ends of alleys adjacent to the Minor Collector Right of Way, subject to the location of proposed utilities and easements.
6. Provide enhanced landscaping along the west side of the north/south collector street and along the southern major local street.

7. Install a fence along the east side of the north/south collector street on Mr. Poole’s property subject to meeting UDO requirements.
8. Add a playground feature in active open space area south of the major local street.

**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
Michael Braxton Poole, Sr. CAM Holdings LLC	Wake County PINs 1731610922, 1731518872, and a portion of 1731607909	Rural Agricultural (RA) and Multifamily B (MF-B C258) Conditional	Multifamily B (MF-B C277) 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 4<sup>th</sup> day of June 2024.

\_\_\_\_\_  
Buddy Gupton, Mayor

ATTEST: \_\_\_\_\_  
Stella L. Gibson, Town Clerk

Town of Garner  
Town Council Meeting  
Agenda Form

Meeting Date: June 4, 2024		
Subject: FY25 Budget Continued Discussion		
Location on Agenda: Old/New Business		
Department: Budget and Management Services		
Contact: Sara Warren, Budget Director		
Presenter: Sara Warren, Budget Director		
<p><b>Brief Summary:</b></p> <p>Provide Council with updated information related to the FY25 Recommended Budget after the May 23, 2024 Budget Work Session.</p> <p>The FY25 Recommended Budget was presented during the May 7, 2024 Council meeting. In addition, Town Council held its budget work session on May 23, 2024 and a second budget hearing on May 21, 2024. The FY25 Recommended Budget can be found on the Town's website at: <a href="https://www.garnernc.gov/departments/budget/fy25-budget-portal">https://www.garnernc.gov/departments/budget/fy25-budget-portal</a></p>		
<p><b>Recommended Motion and/or Requested Action:</b></p> <p>The Council is asked to direct staff on the tax rate to be included for the FY25 Budget Ordinance.</p>		
<p><b>Detailed Notes:</b></p> <p>The FY25 Budget Ordinance will be included on the June 18 agenda for Council's consideration and approval.</p>		
Funding Source:		
Cost:	One Time: <input type="radio"/>	Annual: <input type="radio"/> No Cost: <input checked="" type="radio"/>
<p><b>Manager's Comments and Recommendations:</b></p> <p>The Cost of Services Study and Development Impact Model Timeline memo from April 2024 has been attached. The memo provides the framework and timeline for completing the Development Impact Model as discussed during the May 23 Budget Work Session.</p>		
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:	JM	
Town Clerk:		





# MANAGER'S OFFICE

## MEMORANDUM

**DATE:** April 22, 2024

**TO:** Jodi Miller, Interim Town Manager

**FROM:** John Hodges, Assistant Town Manager

**SUBJECT:** Updated Cost of Services Study and Development Impact Model Draft Timeline

Since the previous timeline was developed staff has determined that, since a full year of data that includes the actual impact of revaluation and Pay and Class implementation is not available, the most accurate way to update the cost of services model would be to use revenue and expense projections used in the proposed FY2025 budget.

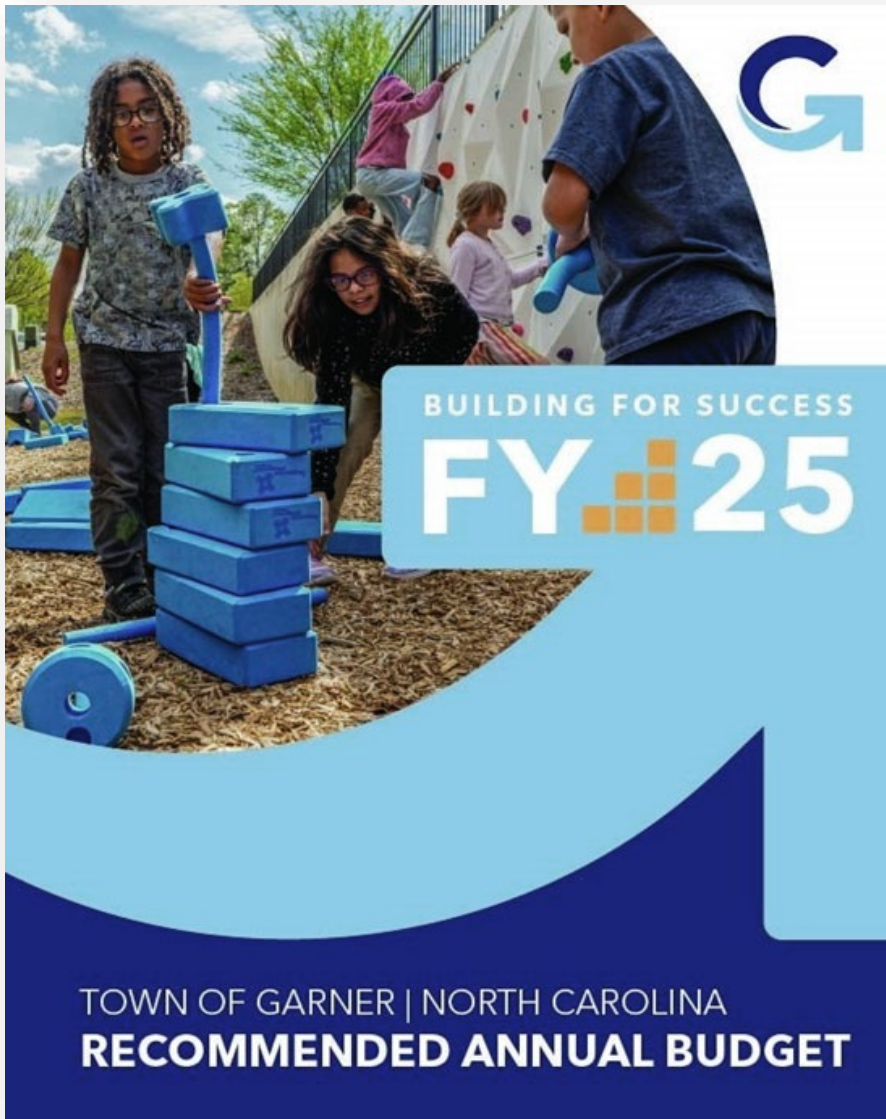
The draft timeline previously proposed has been updated to more accurately reflect time needed to compile service data and coordinate the use of FY2025 proposed budget revenue and expense projections with the budget calendar. The proposed schedule has been tightened to still complete the work by the end of November. The timeline may need to be extended depending on the time needed to gain consensus from Council on the goals and expectations of the development impact model.

Finalize draft and deliver 2023 Cost of Services Study. (This would complete the consultant's original engagement.)	April 2024
Engage consultant to update the Cost of Services Study to include post-revaluation real estate values and post-pay and class costs. (This would be an extension of the engagement with the consultant.)	April 2024
Present updated Cost of Services Study to Council and preview operations and maintenance tool. (This tool was developed by the consultant as a part of the Cost of Services Study and was previously discussed with Council.)	June 25, 2024 (Work Session)
Provide opportunities to meet with Council to discuss goals and expectations for a development impact model beyond the capabilities of the operations and maintenance tool.	July 2024
Work with consultant to develop framework for impact model. (The fee for this work would be negated and added to the April 2024 extension once the scope of work is defined.)	July - Sept 2024
Present draft framework of the model to Council for feedback.	Sept 24, 2024 (Work Session)
Testing, calibration, validation, and legal review of model.	Oct – Nov, 2024
Develop usage plan and guidelines.	Oct – Nov, 2024
Final concurrence and action of approval of model by Council.	Nov 26, 2024 (Work Session)



The attached proposal from City Explained, Inc. has been developed to update the Cost of Services Study to include post-revaluation real estate values and pay and class costs. The proposal also includes updating the operations and maintenance tool developed by the consultant and previously customized for Garner. The scope of work also includes a presentation of the study and tool to Council in September 2024.

While the schedule above also includes steps and timeline for developing a customized development impact model, the fee for this work cannot be determined until goals and objectives for the model are agreed upon. A scope of work and fee for this additional work will be developed and added to the contract for the data update.



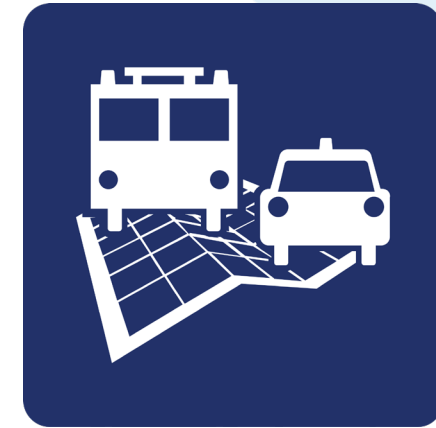
# FY 2025 Recommended Budget

June 4<sup>th</sup>, 2024



# FY25 Recommended Budget Goals

- Fund full compensation package
  - Funded with one-time dollars in FY24
- Create a more transparent strategy for the Revenue Savings Plan
- Fund Townwide needs to create a framework for success



# Full Compensation Strategy



## FY24 Adopted Budget

- Full year cost for Pay and Class totaled \$3.6 million
  - Funded at 9 months \$2.9 million
  - One-time funding strategies were utilized to cover the total cost
- Additional 2% market adjustment cost 0.5¢ at \$259K
- Merit was suspended for one year to create a reimagined merit program
- Multi-year Model estimated 5¢ increase in FY25 to cover compensation





# Full Compensation Strategy

## FY25 Budget

- Full year of pay and class implemented = \$3.6 million
- New merit program to earn up to 4% per employee
  - Effective October 2024
  - Funding of \$577K
- Market Adjustment for all employees of 3%
  - Effective January 2025
  - Funding of \$275K
- Supplemental Pay increases totaling \$30,000
- *February Council Retreat Council supported 5¢ to fund total package in FY25*



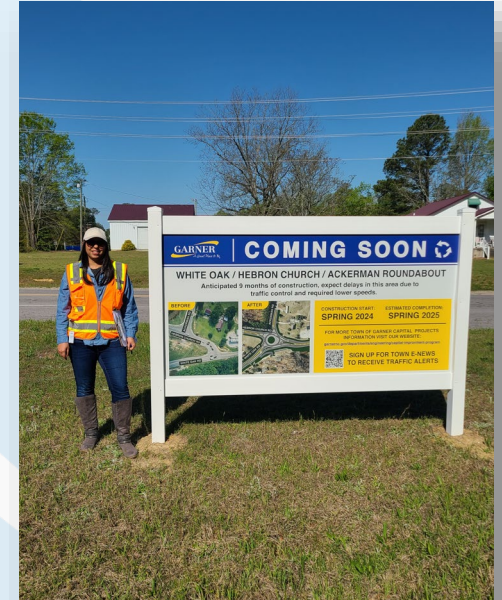
# Revenue Savings Plan Changes

- **New Model- Capital Obligation Fund** (*suggested new title*)
  - Total tax dedication of 8.5¢
  - \$7.8 million in FY25
  - Simplifies the model and promotes transparency
  - Supported by Council at the February Retreat
- Prior model included \$6.3 million for the Revenue Savings Plan to pay for FY25 Debt
  - Tax equivalent is 6.9¢
  - Shortfall of \$1.5 million or 1.6¢ tax rate equivalent
- **Tax increase of 1.6¢ required to meet debt obligations and build capacity for future capital projects under the new Revenue Savings methodology**



# Recommended Tax Rate - 52¢

- Increases for contract services for Finance and IT, certifications, and Attorney intern - \$102K
- Engineering Project Manager (Parks) - \$108K
- Parks & Greenways Planning Manager - \$111K
- 4.0 Police Corporals - \$735K
- Right of Way Specialist - \$208K (includes heavy duty vehicle and equipment)
- Planner II - \$93K
- Communications Specialist - \$81K
- Engineering Technician - \$96K





# Other Recommendations

## Inspections

- 1.0 Building Inspector III - \$121K
- 1.0 Development Services Specialist - \$104K
- 2.0 Lead Building Inspectors - \$337K

*\*Funded through excess building permit revenue*

## Fire

- 1.0 FTE for training - \$71K

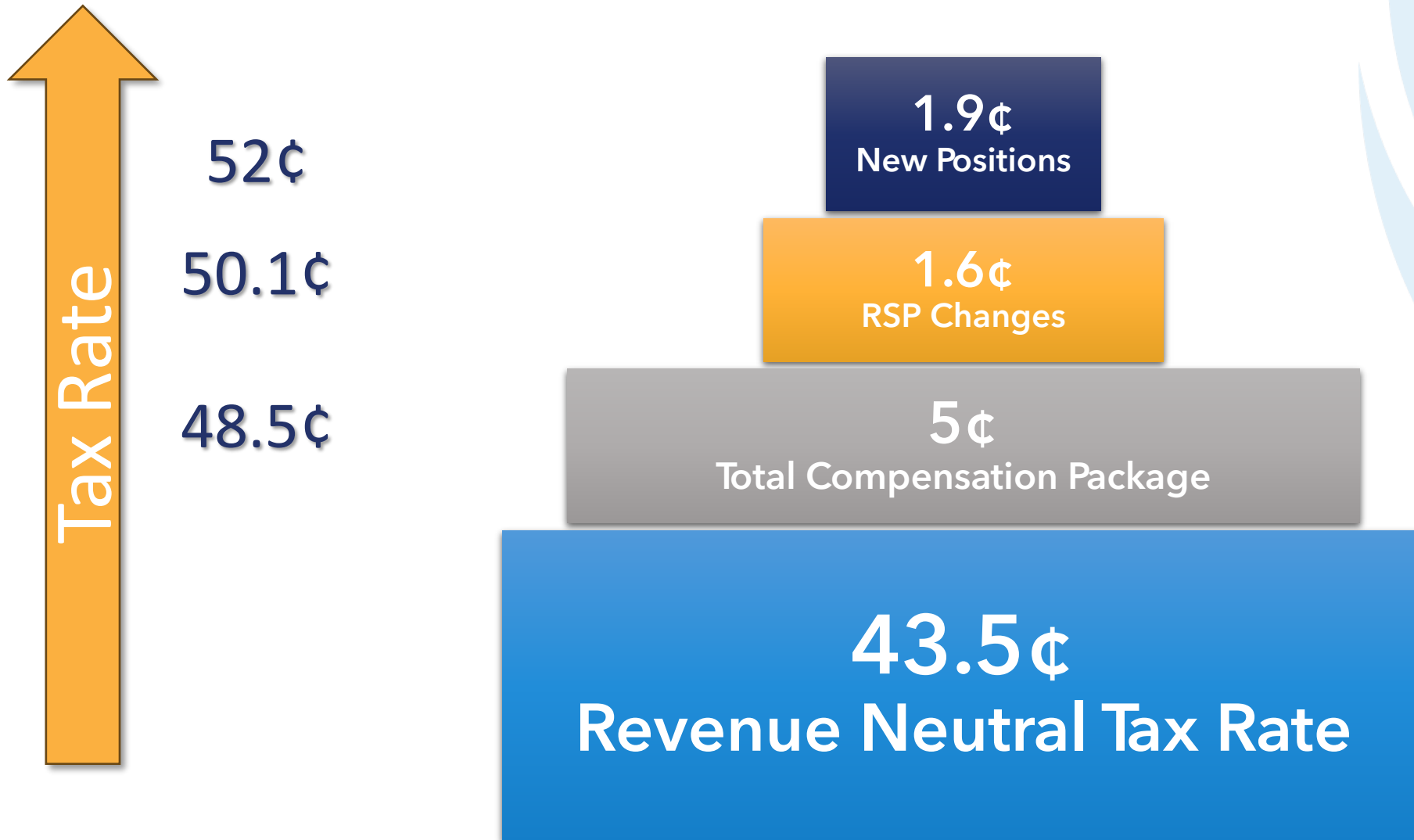
*\*Funded through cost share*

## Public Art and Housing Rehabilitation Partnership - \$50K each

*\*Funded through ARP dollars*



# Recap of FY25 Recommended Tax Rate





# FY25 Budget Process

December 5th, 2024

Budget Kickoff

January 19th, 2024

Budget Submissions Due

February 15 & 16, 2024

Council Retreat

March 25-28, 2023

Departmental Meetings with Budget Team

April 2, 2024

1<sup>st</sup> Budget Hearing and Budget Portal Launch

May 7, 2024

Recommended Budget Presentation

May 21, 2024

2<sup>nd</sup> Budget Hearing

May 23, 2024

Council Budget Worksession

June 4, 2024

FY25 Budget Adoption (*proposed date*)

June 18, 2024

FY25 Budget Adoption



# Next Steps

1. Affirm FY25 Proposed Tax Rate
  - Consensus on FY25 Tax Rate
2. Consensus for new RSP Title:
  - Capital Obligation Fund
  - Capital Investment Fund
  - Debt Service Fund
3. Prepare Budget Ordinance for June 18<sup>th</sup> Council Agenda





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