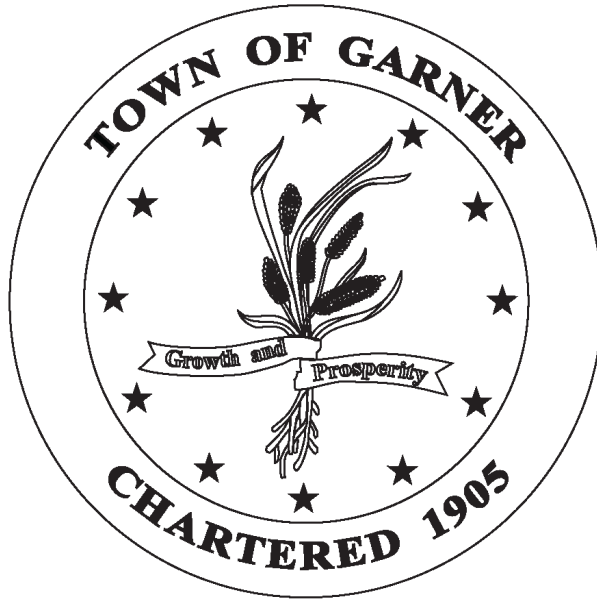


TOWN OF GARNER



Town Council Regular Session

June 7, 2021
7:00 p.m.

Garner Town Hall
900 7th Avenue
Garner, NC 27529

**Town of Garner
Town Council Meeting Agenda
June 7, 2021**

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

Mask Policy: Staff and audience members who are not fully vaccinated must wear face coverings during Council meetings. Fully vaccinated individuals are not required to wear masks. All persons should continue to practice social distancing, when possible, in Council Chambers.

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

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

- B. PLEDGE OF ALLEGIANCE: Council Member Phil Matthews

- C. INVOCATION: Council Member Phil Matthews

- D. PETITIONS AND COMMENTS

This portion of the meeting is to receive comments from the public on items not included on this agenda. Interested parties can choose to appear live on the virtual meeting platform or provide written comments that will be shared with Council. An online form is available at <https://www.garnernc.gov/government/town-council/town-council-agendas-and-minutes> for more information on both options. The Council is interested in hearing your concerns but may not take action or deliberate on subject matter brought up during the Petitions and Comments segment. Topics requiring further investigation will be referred to the appropriate town officials or staff and may be scheduled for a future agenda.

- E. ADOPTION OF AGENDA

- F. PRESENTATIONS

- G. CONSENT

1. 2021 Annual Resurfacing Contract - Change Order #1 (Daniels, Inc.).....Page 6
Presenter: Chris Johnson, Town Engineer

To authorize approval of change order #1 to cover additional 3 streets and speed tables in Cloverdale, Greenbriar, and Eagle Ridge Subdivisions.

Action: Consider approving and authorize Town Manager to execute Change Order #1 in the amount of \$209,827 with Daniels, Inc.; Adopt Ordinance (2021) 5036

2. Budget Amendment - Pavement Preservation.....Page 10
Presenter: David Beck, Finance Director

The Public Works department has undertaken a multi-year pavement preservation program to extend the life of streets before they need to be resurfaced. The program

was slated to begin in FY20 but was delayed so prior year funding needs to be brought forward.

Action: Consider adopting Ordinance (2021) 5033

- 3. FY21 Pavement Preservation Contract.....Page 12
Presenter: Forrest Jones, Public Works Director

The Town of Garner Formally advertised this project and received two bids for our FY21 Pavement Preservation Contract.

Action: Consider authorizing the Manager to Execute Award for the FY21 Pavement Preservation Contract to Slurry Pavers.

- 4. Budget Amendment - Police Vests.....Page 18
Presenter: David C. Beck, Finance Director

The Police Department has received grant funding from both the US Department of Justice and the North Carolina League of Municipalities for the purchase of bulletproof vests.

Action: Consider adopting Ordinance (2021) 5034

- 5. Budget Amendment - PW Equipment.....Page 20
Presenter: David C. Beck, Finance Director

The Public Works Department will purchase some non-capital equipment items with leftover FY21 funds.

Action: Consider adopting Ordinance (2021) 5035

- 6. Surplus Properties – Vehicles.....Page 23
Presenter: David C. Beck, Finance Director

Several vehicles and pieces of equipment are being retired from service as new replacements arrive as part of the FY21 VERT program.

Action: Consider adopting Resolution (2021) 2448

- 7. Resolution in Support of Application for NCDOT Planning Grant Initiative.....Page 27
Presenter: Gaby Lontos-Lawlor, Senior Planner – Transportation

The North Carolina Department of Transportation (NCDOT) has an annual matching grant program (the Bicycle and Pedestrian Planning Grant Initiative) which provides financial aid to municipalities to develop comprehensive bicycle and/or pedestrian plans. The Planning Department plans to apply for funding to complete a comprehensive pedestrian plan, which will help inform infrastructure investments to

improve Garner's pedestrian and sidewalk network. A Town resolution in support of the grant application is a required component, in order to be eligible for funding.

Action: Consider approving Resolution (2021) 2450

- 8. Amended Lake Drive Street and Sidewalk Improvements Resolution.....Page 29
Presenter: Terri Jones, Town Attorney

Resolution (2021) 2440 has been amended to show increased not to exceed amount based on updated estimated easement values, appraisal costs, court filing and service fees for acquisition of necessary rights-of-way and easements for the Lake Drive from Dullis Circle to Highway NC 50 Street and Sidewalk Improvements Project.

Action: Consider adopting Resolution (2021) 2449

- 9. Final Vandora Springs Road Street and Sidewalk Improvements Resolution.....Page 32
Presenter: Terri Jones, Town Attorney

Resolution (2021) 2439 has been updated to show final amounts incurred by the Town for acquisition of necessary easements.

Action: Consider adopting Resolution (2021) 2451

- 10. Lake Benson Fence Replacement.....Page 36
Presenter: Forrest Jones, Public Works Director

Staff is seeking to replace the existing split rail fence at Lake Benson Park with a 3 board wooden fence. This fence will retain the current character of the Park.

Action: Consider authorizing the Manager to Award the contract to All Star Fence Inc.

H. PUBLIC HEARINGS

Interested parties can participate in public hearings by either appearing in person or through the virtual meeting platform. An online form is available at <https://www.garnernc.gov/government/town-council/town-council-agendas-and-minutes> for more information. For quasi-judicial hearings, such as special use permits, Council may only receive comments in the form of sworn testimony. Written comments for these proceedings are not allowed under State law.

I. NEW/OLD BUSINESS

- 1. Conditional Zoning Map Amendment w/ Preliminary Plat & Site Plan: CZ-SBSP-20-10, Raynor Meadows.....Page 38
Presenter: David Bamford, Planning Services Manager

Zoning map amendment request with associated preliminary plat and site plan submitted by William G. Daniel & Associates, PA on behalf of Mr. Bobby Raynor to rezone approximately 18.54 +/- acres of a 22.01-acre tract from Community Retail (CR) to Multifamily Residential (MF-2 C235) Conditional and the remaining 3.47 +/- acres from Community Retail (CR) to Community Retail (CR C235) Conditional for the subdivision of commercial lots and development of a multifamily residential project. The site is located at the northwest corner of Yeargan Road and US Highway 70 and may be further identified as Wake County PINs: 1701964018 and 1711051809.

Action: Consider adoption of Ordinance (2021) 5037

2. Conditional Zoning Map Amendment: CZ-21-02, Rosemoor.....Page 67
Presenter: David Bamford, Planning Services Manager

Zoning map amendment request submitted by Mr. Keith Roberts, PE; Timmons Group, on behalf of Margaret Williford, Dan Williford and Larrie Buffaloe to conditionally rezone approximately 17.13 +/- acres comprising 25 lots in the existing Rosemoor Subdivision from Single-Family Residential (R-20 C129) Conditional to Single-Family Residential (R-20 C241) Conditional for the continued development of single-family homes. The site is located south and east of the intersection of Buffaloe and Aversboro roads and may be further identified by the list of Wake County PINs listed in the attached staff report.

Action: Consider adoption of Ordinance (2021) 5038

3. Conditional Zoning Map Amendment w/ Preliminary Plat: CZ-SB-20-05, White Oak Ridge.....Page 84
Presenter: David Bamford, Planning Services Manager

Conditional district rezoning request with associated subdivision plan submitted by Core Properties on behalf of the LWOHLC LLC Walter Rand Yeargan Irrevocable Trust, Sherman Yeargan and the Rowan Yeargan Revocable Trust to rezone approximately 24.79 acres +/- across from the intersection of Morris Drive and US Highway 70 from Community Retail (CR), Service Business (SB), and Service Business (SB C52) and (SB C26) conditional districts to Community Retail (CR C232) conditional district. The site may be further identified as PINs 1720192143, 1720193067, 1720194093, 1720187943,1720184732, and a portion of 1720271132.

Action: Consider adoption of Ordinance (2021) 5039

4. Conditional Zoning Map Amendment w/ Site Plan: CZ-SP-20-13, Evolve NC 50 Restaurant.....Page 113
Presenter: David Bamford, Planning Services Manager

Zoning map amendment request with associated site plan submitted by Bass Nixon and Kennedy on behalf of Carl T. Williams to conditionally rezone approximately 2.18 +/- acres from Community Retail (CR C152) Conditional to Community Retail (CR C237) Conditional for the development of a restaurant. The site is located at the northeast

corner of Evolve Drive and NC 50, and may be further identified as portions of Wake County PINs: 1710739873, 1710738710 and 1710737724.

Action: Consider adoption of Ordinance (2021) 5040

- 5. Resolution to Authorize Increase in Micro-Purchase Threshold.....Page 138
Presenter: David C. Beck, Finance Director

This resolution authorizes the Town of Garner to raise the micro-purchase thresholds above \$10,000 for Federal Awards that are subject to Uniform Guidance procurement regulations.

Action: Consider adopting Resolution (2021) 2452

- 6. FY 2021 - 2022 Budget Adoption.....Page 141
Presenter: Mike Franks, Budget Manager

Staff will provide an overview of the proposed changes to the Recommended Budget for Council's consideration.

Action: Consider approving Ordinance (2021) 5041

J. COMMITTEE REPORTS

K. MANAGER REPORTS

- 1. garner info
- 2. Building & Permit Report
- 3. Garner Rec Center Report

L. ATTORNEY REPORTS

M. COUNCIL REPORTS

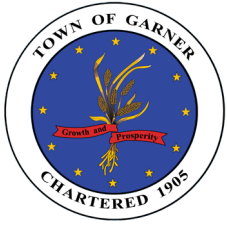
N. CLOSED SESSION

- 1. Pursuant to N.C. General Statutes Section 143.318.11(a)(5) to discuss possible real estate acquisition and the Town’s negotiating position regarding such real estate.

O. ADJOURN

Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: June 7, 2021		
Subject: 2021 Annual Resurfacing Contract - Change Order #1 (Daniels, Inc.)		
Location on Agenda: Consent		
Department: Engineering		
Contact: Chris Johnson, Town Engineer		
Presenter: Chris Johnson, Town Engineer		
Brief Summary: To authorize approval of change order #1 and associated budget amendment to cover additional 3 streets and speed tables in Cloverdale, Greenbriar, and Eagle Ridge Subdivisions.		
Recommended Motion and/or Requested Action: Authorize Town Mgr. to execute CO #1 for \$209,827 with Daniels, Inc. and approve budget amendment (2021) 5036.		
Detailed Notes: Original bid with Daniels, Inc. came in under the original resurfacing budget. Three additional streets and speed tables in Cloverdale and Greenbriar have been identified to use the remaining monies in the 2021 resurfacing budget. In addition, Council approved to install 20 new speed tables in Eagle Ridge subdivision at the May 18 Council meeting. A budget amendment has been attached noting the funding source to cover the additional Eagle Ridge work. A time extension of 43 days is also included as based on the pro-rata method, which extends the project completion date to August 18, 2021.		
Funding Source: Car Tag fees and Powell Bill funding		
Cost: \$209,827	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:	CJ	
Finance Director:	DCB	
Town Attorney:		
Town Manager:	RD	
Town Clerk:		



Town of Garner

900 7th Avenue • Garner, North Carolina 27529
Phone (919) 772-4688 • Fax (919) 662-8874 • www.GarnerNC.gov

ENGINEERING DEPARTMENT MEMORANDUM

DATE: May 25, 2021

TO: John Hodges - Assistant Town Manager

Cc: David Beck - Finance Director

FROM: Chris Johnson, PE - Town Engineer

RE: CO#1 - 2021 Annual Resurfacing Project – Daniels Inc. of Garner

The 2021 Annual Resurfacing Contract was awarded by Town Council at the February 5, 2021 meeting. The low bidder was Daniels, Inc. with a bid of \$568,946.08, which was below the original resurfacing budget of \$746,377.50. This provided remaining funding of \$177,431.42. As previously discussed with Council the intent was to utilize these remaining monies to add more streets to the resurfacing contract. In addition, Council has discussed replacement of 10 speed tables in Cloverdale and Greenbriar Subdivisions. Council most recently approved to install 20 speed tables in Eagle Ridge subdivision at the May 18, 2021 Council meeting and to incorporate this work into the same change order.

In follow up to these previous presentations to Town Council, staff has obtained pricing from Daniels, Inc. for the addition of 3 streets (Highland Avenue, Pineview Drive, and Kelly Road) and the 30 speed tables. The total cost for all change order work is estimated to be \$209,826.50 (cost breakdown is attached for reference). The remaining funding will cover the majority of this change order, but an additional funding source of \$32,395.08 needs to be identified by Council to cover the additional work that was recently approved for Eagle Ridge Subdivision.

Please note the change order also includes a 43-day time extension to the contract, which is based on the prorata method, extending the contract from 120 days to 163 days. Based on this time extension, all work associated with the change order should be completed by the middle of August 2021.

STAFF RECOMMENDATION

Approve the final design and authorize the Town Manager to execute change order #1 in the amount of \$209,826.50 with Daniels, Inc. to add this work to the 2021 Annual Resurfacing Project. Approve an additional funding source of \$32,395.08. A budget amendment has been presented by Finance memorializing this funding approval.

Project Name: 2021 Street Resurfacing Project

Project #: ENG2021-01

Change Order #1

Resurfacing - Add Highland Road, Kelly Road, and Pineview Drive					
Item No.	Item Description	Quantity	Unit	Unit Price	Item Total
1	Mobilization	0.13	LS	\$12,000.00	\$1,500.00
2	Pavement Milling (1.5" depth)	7380	SY	\$1.55	\$11,439.00
3	Pavement Milling (2.5" depth)	0	SY	\$2.25	\$0.00
4	1.5" S9.5B Bituminous Surface Course (Resurfacing)	630	TON	\$91.00	\$57,330.00
5	Pavement Removal & Replacement (2.5" Type S9.5B)	1250	SY	\$19.75	\$24,687.50
6	Pavement Removal & Replacement (1.5" S9.5B, 2.5" I19.0B)	830	SY	\$22.75	\$18,882.50
7	Manhole Adjustment	4	EA	\$100.00	\$400.00
8	Water Valve Adjustment	3	EA	\$50.00	\$150.00
16	Traffic Control	0.13	LS	\$7,500.00	\$937.50
SUBTOTAL					\$115,326.50

Speed Tables - Greenbriar, Cloverdale, and Eagle Ridge					
Item No.	Item Description	Quantity	Unit	Unit Price	Item Total
17	Remove/Dispose Existing Plastic/Bolted Speed Humps	10	EA	\$250.00	\$2,500.00
18	Install Asphalt Speed Table (including Thermoplastic Sharks Arrows)	30	EA	\$3,000.00	\$90,000.00
19	Traffic Control	1	LS	\$2,000.00	\$2,000.00
SUBTOTAL					\$94,500.00

GRAND TOTAL	\$209,826.50
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ORDINANCE NO. (2021) 5036

ORDINANCE AMENDING ORDINANCE NO. (2020) 4065 WHICH ESTABLISHED THE OPERATING BUDGET

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

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

Revenue Amendment Request

ACCOUNT NUMBER	DESCRIPTION	PROJECT	CURRENT BUDGET	REVENUE CHANGE	REVISED BUDGET
10303000-432110	Car Tags		\$ 730,000	\$ 32,500	\$ 762,500

TOTAL REVENUE INCREASE (DECREASE) \$ 32,500.00

Expenditure Amendment Request

ACCOUNT NUMBER	DESCRIPTION	PROJECT	CURRENT BUDGET	EXPENDITURE CHANGE	REVISED BUDGET
10561000-524386	Street Resurfacing		\$ 610,000	\$ 32,500	\$ 642,500

TOTAL EXPENDITURE INCREASE (DECREASE) \$ 32,500.00

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

Duly adopted this 7th day of June 2021.

Ken Marshburn, Mayor

ATTEST:

Stella L. Gibson , Town Clerk

Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: June 7, 2021		
Subject: Budget Amendment - Pavement Preservation		
Location on Agenda: Consent		
Department: Finance		
Contact: David C. Beck, Finance Director		
Presenter: David C. Beck, Finance Director		
<p>Brief Summary:</p> <p>The Public Works department has undertaken a multi-year pavement preservation program to extend the life of streets before they need to be resurfaced. The program was slated to begin in FY20 but was delayed so prior year funding needs to be brought forward.</p>		
<p>Recommended Motion and/or Requested Action:</p> <p>Consider adopting Ordinance (2021) 5033</p>		
<p>Detailed Notes:</p> <p>Due to the timing of bidding and contracting the FY20 pavement preservation budget was neither spent or encumbered in that fiscal year. The funds became part of restricted fund balance at year end. The FY20 contract was not awarded until FY21 had already begun. The FY20 preservation budget needs to be brought forward out of fund balance to cover the cost of the FY20 work that has occurred in FY21.</p>		
<p>Funding Source:</p> <p>Restricted fund balance</p>		
Cost: \$500,000	One Time: <input checked="" type="radio"/>	Annual: <input type="radio"/> No Cost: <input type="radio"/>
<p>Manager's Comments and Recommendations:</p> 		
<p>Attachments Yes: <input checked="" type="radio"/> No: <input type="radio"/></p>		
Agenda Form Reviewed by:	Initials:	Comments:
Department Head:		
Finance Director:	DCB	
Town Attorney:		
Town Manager:	RD	
Town Clerk:		

ORDINANCE NO. (2021) 5033

ORDINANCE AMENDING ORDINANCE NO. (2020) 4065 WHICH ESTABLISHED THE OPERATING BUDGET

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

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

Revenue Amendment Request

ACCOUNT NUMBER	DESCRIPTION	PROJECT	CURRENT BUDGET	REVENUE CHANGE	REVISED BUDGET
10309000-496901	Approp FB - Restricted Funds		\$ 2,366,167	\$ 500,000	\$ 2,866,167

TOTAL REVENUE INCREASE (DECREASE) \$ 500,000.00

Expenditure Amendment Request

ACCOUNT NUMBER	DESCRIPTION	PROJECT	CURRENT BUDGET	EXPENDITURE CHANGE	REVISED BUDGET
10561500-524380	Contract Services - Powell Bill		\$ 635,000	\$ 500,000	\$ 1,135,000

TOTAL EXPENDITURE INCREASE (DECREASE) \$ 500,000.00

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

Duly adopted this 7th day of June 2021.

Ken Marshburn, Mayor

ATTEST:

Stella L. Gibson , Town Clerk

Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: June 7, 2021 		
Subject: FY 21 Pavement Preservation Contract		
Location on Agenda: Old/New Business 		
Department: Public Works		
Contact: Forrest Jones, Public Works Director		
Presenter: Forrest Jones, Public Works Director		
Brief Summary: The Town of Garner Formally advertised this project and received two bids in response to our RFP for Micro-Surfacing & Crack Sealing Project.		
Recommended Motion and/or Requested Action: Authorize the Manager to Execute the FY 21 Pavement Preservation Contract to Slurry Pavers.		
Detailed Notes: See attached list of Streets and certified bid tab		
Funding Source: FY 21 Annual Budget		
Cost: \$557,427.64	One Time: <input type="radio"/>	Annual: <input checked="" type="radio"/> No Cost: <input type="radio"/>
Manager's Comments and Recommendations: 		
Attachments Yes: <input checked="" type="radio"/> No: <input type="radio"/>		
Agenda Form Reviewed by:	Initials:	Comments:
Department Head:	FJ	
Finance Director:		
Town Attorney:		
Town Manager:	RD	
Town Clerk:		

2021 Street Micro-Surfacing and Crack-Seal Street List

YEAR ID	TREATMENT	STREET NAME	TP	BEGIN LOCATION	END LOCATION	Length	Width	Sq. Ft.
2021	SE - Crack Seal	NEWHAVEN COURT	CT	BUFFALOE RD	CDS	734	25	18350
2021	Micro-Surfacing	ARGYLE COURT	CT	MCNAIR GLENN CT	CDS	257	22	5654
2021	Micro-Surfacing	BAYBERRY WOODS DRIVE	DR	RESTON RIDGE CT	DEAD END	219	27	5913
2021	Micro-Surfacing	BELLFARE DRIVE	DR	RED CABOOSE CT	CDS	184	24	4416
2021	Micro-Surfacing	BONICA CREEK DRIVE	DR	NEW DAWN CT	CDS	1904	21	39984
2021	Micro-Surfacing	BRICKSTEEL LANE	LN	RAYNOR RD	TINSTEEL CT	1211	24	29064
2021	Micro-Surfacing	BRICKSTEEL LANE	LN	TINSTEEL CT	CIRCLE	780	24	18720
2021	Micro-Surfacing	BROCKTON RIDGE DRIVE	DR	DABNEY RIDGE PL	OAKTON RIDGE PL	394	24	9456
2021	Micro-Surfacing	BROOKWYND COURT	CT	THOMPSON RD	CIRCLE	521	24	12504
2021	Micro-Surfacing	BRUCEMONT DRIVE	DR	CLAYMORE DR	YORK CT	293	22	6446
2021	Micro-Surfacing	BUCK BRANCH DRIVE	DR	ROYAL OAK DR	FOREST RIDGE RD	381	23	8763
2021	Micro-Surfacing	CANE CREEK DRIVE	DR	CANE CREEK DR	SAILBOAT CT	394	22	8668
2021	Micro-Surfacing	CANE CREEK DRIVE	DR	SAILBOAT CT	MOON WATER WY	643	22	14146
2021	Micro-Surfacing	CANE CREEK DRIVE	DR	MOON WATER WY	FOGGY MORNING CT	821	22	18062
2021	Micro-Surfacing	CAPERTREE LANE	LN	TALLOWOOD DR	TWINBERRY LN	579	27	15633
2021	Micro-Surfacing	CARRIAGE HOUSE TRAIL	TR	OLDE MANOR LN	CARRIAGE HOUSE TR	1044	20	20880
2021	Micro-Surfacing	CINDER CROSS WAY	WY	STEEL HOPPER WY	WOODTRESTLE WY	806	24	19344
2021	Micro-Surfacing	CINDER CROSS WAY	WY	WOODTRESTLE WY	STATIONFORD WY	273	24	6552
2021	Micro-Surfacing	CINDER CROSS WAY	WY	STATIONFORD WY	FARE STONE DR	611	24	14664
2021	Micro-Surfacing	CINDY DRIVE	DR	WINTERLOCHEN RD	DEAD END	176	23	4048
2021	Micro-Surfacing	CINDY DRIVE	DR	DEAD END	COMELIA DR	330	23	7590
2021	Micro-Surfacing	CLAYMORE DRIVE	DR	MCNAIR GLENN CT	N SHETLAND CT	709	27	19143
2021	Micro-Surfacing	COALYARD DRIVE	DR	WOODTRETLE WY	STATIONFORD WY	652	27	17604
2021	Micro-Surfacing	COALYARD DRIVE	DR	PENDERBROOK CT	ACKERMAN RD	366	27	9882
2021	Micro-Surfacing	COFFEEBERRY DRIVE	DR	CDS	TWINBERRY LN	137	24	3288
2021	Micro-Surfacing	COFFEEBERRY DRIVE	DR	TWINBERRY LN	DEAD END	195	24	4680
2021	Micro-Surfacing	COMELIA DRIVE	DR	GREENBRIER RD	CINDY DR	650	23	14950
2021	Micro-Surfacing	COMELIA DRIVE	DR	PARKWOOD DR	GREENBRIER RD	716	23	16468
2021	Micro-Surfacing	CORWIN ROAD	RD	CRANSTON RD	MEADOWBROOK DR	1284	23	29532
2021	Micro-Surfacing	COSSACK CIRCLE	CI	GAFFER ST	CDS	270	22	5940
2021	Micro-Surfacing	CRANSTON ROAD	RD	WOODSIDE DR	CORWIN RD	482	23	11086
2021	Micro-Surfacing	CRANSTON ROAD	RD	WOODSIDE DR	SOUTHERLUND RD	1375	23	31625
2021	Micro-Surfacing	CRANSTON ROAD	RD	CORWIN RD	WOODSIDE DR	1665	23	38295

2021 Street Micro-Surfacing and Crack-Seal Street List

2021	Micro-Surfacing	CRAVENRIDGE ROAD	RD	FALKIRK PL	DUNHAVEN DR	1977	26	51402
2021	Micro-Surfacing	CREEK COMMONS AVENUE	AV	MUIRFIELD RIDGE DR	DEAD END	71	27	1917
2021	Micro-Surfacing	DEPOT RIDGE ROAD	RD	BELLFARE DR	CDS	488	24	11712
2021	Micro-Surfacing	DEREHAM LANE	LN	VALLEYCRUISE CI	VALLEYCRUISE CI	1245	24	29880
2021	Micro-Surfacing	DON MILLER DRIVE	DR	WILTON MEADOW DR	TIMBER DR	456	23	10488
2021	Micro-Surfacing	DON MILLER DRIVE	DR	CLAYMORE DR	WILTON MEADOW DR	148	23	3404
2021	Micro-Surfacing	EASY WIND LANE	LN	SHADY HOLLOW LN	MINGLEWOOD DR	848	24	20352
2021	Micro-Surfacing	EASY WIND LANE	LN	SHADY HOLLOW LN	MARKETGATE WY	116	24	2784
2021	Micro-Surfacing	FORESTDALE ROAD	RD	WINTERLOCHEN RD	ROXANNE DR	377	23	8671
2021	Micro-Surfacing	FORESTDALE ROAD	RD	LAMESA DR	GREENBRIER RD	556	23	12788
2021	Micro-Surfacing	FORESTDALE ROAD	RD	FLETCHER DR	LAMESA DR	398	23	9154
2021	Micro-Surfacing	FORESTDALE ROAD	RD	ROXANNE DR	FLETCHER DR	400	23	9200
2021	Micro-Surfacing	FOWLER DRIVE	DR	VANDORA SPRINGS RD	PINEVIEW DR	462	22	10164
2021	Micro-Surfacing	FOWLER DRIVE	DR	PINEVIEW DR	KELLY RD	412	22	9064
2021	Micro-Surfacing	GAFFER STREET	ST	DEAD END	COSSACK CI	390	22	8580
2021	Micro-Surfacing	GAFFER STREET	ST	ROAN DR	GUSSETT DR	560	22	12320
2021	Micro-Surfacing	GARNER STATION BOULE	BV	CHANGE WIDTH	RUPERT RD	699	27	18873
2021	Micro-Surfacing	GATEWOOD RIDGE COURT	CT	BROCKTON RIDGE DR	CDS	224	24	5376
2021	Micro-Surfacing	GREEN TRACE COURT	CT	N GREENFIELD PW	CDS	489	24	11736
2021	Micro-Surfacing	GREENBRIER ROAD	RD	VESTA DR	WINTERLOCHEN RD	441	23	10143
2021	Micro-Surfacing	GREENBRIER ROAD	RD	WINTERLOCHEN RD	ROXANNE DR	379	23	8717
2021	Micro-Surfacing	GUSSETT DRIVE	DR	ROAN DR	PINERY CI	185	22	4070
2021	Micro-Surfacing	GUSSETT DRIVE	DR	PINERY CI	GAFFER ST	572	22	12584
2021	Micro-Surfacing	HILLBROOK COURT	CT	WOODLAND RD	CDS	404	23	9292
2021	Micro-Surfacing	HOCH COVE	CV	ST. MELLION ST	CDS	203	24	4872
2021	Micro-Surfacing	HONORABLE PLACE	PL	BRITTMOORE CT	CDS	421	24	10104
2021	Micro-Surfacing	JESSUP DRIVE	DR	US 70	VESTA DR	555	23	12765
2021	Micro-Surfacing	JESSUP DRIVE	DR	VESTA DR	WINTERLOCHEN RD	412	23	9476
2021	Micro-Surfacing	LAURENSFIELD COURT	CT	WATERFIELD DR	CDS	574	24	13776
2021	Micro-Surfacing	MAPLEWOOD DRIVE	DR	PINEVIEW DR	KELLY RD	412	19	7828
2021	Micro-Surfacing	MEADOWBROOK DRIVE	DR	WOODSIDE DR	CORWIN RD	515	24	12360
2021	Micro-Surfacing	MEADOWBROOK DRIVE	DR	COBB ST	RANDELL RD	524	24	12576
2021	Micro-Surfacing	MEADOWBROOK DRIVE	DR	CASON ST	KENWAY ST	517	24	12408
2021	Micro-Surfacing	MEADOWBROOK DRIVE	DR	CORWIN RD	WESTON RD	436	24	10464

2021 Street Micro-Surfacing and Crack-Seal Street List

2021	Micro-Surfacing	MEDICAL PARK COURT	CT	US 70	CIRCLE	489	38	18582
2021	Micro-Surfacing	MINGLEWOOD DRIVE	DR	AVERSBORO RD	EASY WIND LN	920	24	22080
2021	Micro-Surfacing	MIRIAM AVENUE	AV	VANDORA SPRINGS RD	LENNOX DR	1166	21	24486
2021	Micro-Surfacing	N GLENEAGLE DRIVE	DR	VANDORA SPRINGS RD	CDS	1311	22	28842
2021	Micro-Surfacing	OAK TOP COURT	CT	BENTPINE DR	BENTPINE DR	80	20	1600
2021	Micro-Surfacing	OAKTON RIDGE PLACE	PL	CDS	BROCKTON RIDGE DR	222	24	5328
2021	Micro-Surfacing	OAKTON RIDGE PLACE	PL	BROCKTON RIDGE DR	BELMONT RIDGE DR	287	24	6888
2021	Micro-Surfacing	PARKER STREET	ST	PEARL ST	MONTAGUE ST	393	19	7467
2021	Micro-Surfacing	PARKWOOD DRIVE	DR	DEAD END	HOMELAND RD	152	23	3496
2021	Micro-Surfacing	PARKWOOD DRIVE	DR	HOMELAND RD	COMELIA DR	394	23	9062
2021	Micro-Surfacing	PARKWOOD DRIVE	DR	COMELIA DR	WINTERLOCHEN RD	361	23	8303
2021	Micro-Surfacing	PENDERBROOK COURT	CT	COALYARD DR	CDS	124	24	2976
2021	Micro-Surfacing	PINERY CIRCLE	CI	GUSSETT DR	CDS	243	20	4860
2021	Micro-Surfacing	PINEWAY STREET	ST	BUFFALOE RD	CDS	588	25	14700
2021	Micro-Surfacing	POPPY HILLS COURT	CT	RYDER CUP CI	CDS	112	24	2688
2021	Micro-Surfacing	RAND MILL ROAD	RD	SMITH DR	NEW RAND RD	1193	18	21474
2021	Micro-Surfacing	RIVER PEARL STREET	ST	INKSTER CV	CDS	117	22	2574
2021	Micro-Surfacing	ROAN DRIVE	DR	TEAK CI	GUSSETT DR	329	22	7238
2021	Micro-Surfacing	ROXANNE DRIVE	DR	GREENBRIER RD	WINTERLOCHEN RD	661	23	15203
2021	Micro-Surfacing	RYDER CUP CIRCLE	CI	SOLHEIM LN	POPPY HILLS CT	1226	24	29424
2021	Micro-Surfacing	S GLENEAGLE DRIVE	DR	CDS	VANDORA SPRINGS RD	724	24	17376
2021	Micro-Surfacing	SHADY HOLLOW LANE	LN	EASY WIND LN	EASY WIND LN	1319	24	31656
2021	Micro-Surfacing	SHADY HOLLOW LANE	LN	CDS	EASY WIND LN	241	24	5784
2021	Micro-Surfacing	SLEEPER CAR LANE	LN	STEEL HOPPER WY	CDS	433	24	10392
2021	Micro-Surfacing	STATIONFORD WAY	WY	CINDER CROSS WY	STEEL HOPPER WY	315	24	7560
2021	Micro-Surfacing	STEAM ENGINE WAY	WY	BELLFARE DR	WAGON TIE LN	346	24	8304
2021	Micro-Surfacing	STEEL HOPPER WAY	WY	CINDER CROSS WY	STATIONFORD WY	711	24	17064
2021	Micro-Surfacing	STEEL HOPPER WAY	WY	COALYARD DR	CINDER CROSS WY	547	24	13128
2021	Micro-Surfacing	STEEL HOPPER WAY	WY	STATIONFORD WY	FARE STONE DR	848	24	20352
2021	Micro-Surfacing	STEEL HOPPER WAY	WY	FARE STONE DR	DOCKRAIL CT	253	24	6072
2021	Micro-Surfacing	STEEL HOPPER WAY	WY	DOCKRAIL CT	COALYARD DR	465	24	11160
2021	Micro-Surfacing	TAUNTON COURT	CT	BOURNEMOUTH LN	CDS	458	26	11908
2021	Micro-Surfacing	TOWNE VIEW TRAIL	TR	OLDE MANOR LN	DEAD END	778	19	14782
2021	Micro-Surfacing	TWIN COURT	CT	CIRCLE	HIDDEN FOX PH	230	24	5520

2021 Street Micro-Surfacing and Crack-Seal Street List

2021	Micro-Surfacing	TWINBERRY LANE	LN	COFFEEBERRY DR	THISTLETREE CT	354	24	8496
2021	Micro-Surfacing	TWINBERRY LANE	LN	THISTLETREE CT	CAPERTREE LN	355	24	8520
2021	Micro-Surfacing	VALLEY ROAD	RD	MAPLEWOOD DR	FOWLER DR	926	22	20372
2021	Micro-Surfacing	VALLEYCRUISE CIRCLE	CI	DEREHAM LN	DEREHAM LN	1725	24	41400
2021	Micro-Surfacing	VESTA DRIVE	DR	SUSAN DR	JESSUP DR	1123	23	25829
2021	Micro-Surfacing	VESTA DRIVE	DR	JESSUP DR	GREENBRIER RD	1275	23	29325
2021	Micro-Surfacing	VESTA DRIVE	DR	LEOTA DR	SUSAN DR	389	23	8947
2021	Micro-Surfacing	VESTA DRIVE	DR	GREENBRIER RD	WINTERLOCHEN RD	1787	25	44675
2021	Micro-Surfacing	VILLA DRIVE	DR	SPRINGVIEW TR	GLENN BRYAN CT	420	23	9660
2021	Micro-Surfacing	VILLA DRIVE	DR	GLENN BRYAN CT	SPRING DR	364	23	8372
2021	Micro-Surfacing	VILLAGE GREEN TRAIL	TR	OLDE MANOR LN	DEAD END	716	20	14320
2021	Micro-Surfacing	WAGON TIE LANE	LN	STEAM ENGINE WY	CDS	147	24	3528
2021	Micro-Surfacing	WINTERLOCHEN ROAD	RD	GREENBRIER RD	ROXANNE DR	586	23	13478
2021	Micro-Surfacing	WINTERLOCHEN ROAD	RD	FORESTDALE RD	GREENBRIER RD	691	23	15893
2021	Micro-Surfacing	WINTERLOCHEN ROAD	RD	JESSUP DR	FORESTDALE RD	342	23	7866
2021	Micro-Surfacing	WOODSIDE DRIVE	DR	CRANSTON RD	CRANSTON RD	465	25	11625
2021	Micro-Surfacing	WOODTRESTLE WAY	WY	COALYARD DR	CINDER CROSS WY	277	24	6648

Total SF 1,569,583

Total SF converted to SY 174,398

Town of Garner
2021 MICRO-SURFACING CRACK SEAL PROJECT
BID TABULATION SHEET

		Contractors Name		Slurry Pavers, Inc		Boxley Materials Co.	
	BASE BID						
	Item	Unit	Quantity	Unit Price	Extended Price	Unit Price	Extended Price
1	Crack Seal (NCDOT) Approved	Lbs.	23,034	\$2.93	\$67,489.62	\$2.10	\$48,371.40
2	Latex Modified Micro-Surfacing Type II	SY	174,398	\$2.59	\$451,690.82	\$2.95	\$514,474.10
3	Mobilization	LS	1	\$25,750.00	\$25,750.00	\$82,500.00	\$82,500.00
TOTAL BID AMOUNT					\$544,930.44		\$645,345.50

	EXTRA WORK						
	Item	Unit	Quantity	Unit Price	Extended Price	Unit Price	Extended Price
1	Directional Symbols (NCDOT)	LS	6	\$230.00	\$1,380.00	\$250.00	\$1,500.00
2	4" Painted Lines (NCDOT)	LF	2,184	\$3.30	\$7,207.20	\$3.25	\$7,098.00
3	8" Painted Lines (NCDOT)	LF	1	\$9.00	\$9.00	\$7.40	\$7.40
4	24" Painted Lines (NCDOT)	LF	230	\$7.00	\$1,610.00	\$16.00	\$3,680.00
5	Sweeper (Removal of residual or loosened Micro-Material 2 to 4 weeks after completion)	Hour	10	\$230.00	\$2,300.00	\$300.00	\$3,000.00

NOTES:

- 1 Boxley Materials Company "Unit Price" and "Extended Price" for Directional Symbols (NCDOT) on Line 1 under EXTRA WORK from their original bid was \$1,500.00 for both. The Unit Price of \$250.00 reflects \$1,500.00 (Extended Price) divided by 6 (LS Quantity).

Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: June 7, 2021		
Subject: Budget Amendment - Police Vests		
Location on Agenda: Consent		
Department: Finance		
Contact: David C. Beck, Finance Director		
Presenter: David C. Beck, Finance Director		
Brief Summary: The Police Department has received grant funding from both the US Department of Justice and the North Carolina League of Municipalities for the purchase of bulletproof vests.		
Recommended Motion and/or Requested Action: Consider adopting Ordinance (2021) 5034		
Detailed Notes:		
Funding Source: Grant funds		
Cost: \$7,474	One Time: <input checked="" type="radio"/>	Annual: <input type="radio"/> No Cost: <input type="radio"/>
Manager's Comments and Recommendations:		
Attachments Yes: <input checked="" type="radio"/> No: <input type="radio"/>		
Agenda Form Reviewed by:	Initials:	Comments:
Department Head:		
Finance Director:	DCB	
Town Attorney:		
Town Manager:	RD	
Town Clerk:		

ORDINANCE NO. (2021) 5034

ORDINANCE AMENDING ORDINANCE NO. (2020) 4065 WHICH ESTABLISHED THE OPERATING BUDGET

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

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

Revenue Amendment Request

ACCOUNT NUMBER	DESCRIPTION	PROJECT	CURRENT BUDGET	REVENUE CHANGE	REVISED BUDGET
10302000-411165	USDOJ-BVP Program		\$ -	\$ 4,974	\$ 4,974
10305000-465076	NCLM Vest Grant		\$ -	\$ 2,500	\$ 2,500

TOTAL REVENUE INCREASE (DECREASE) \$ 7,474.00

Expenditure Amendment Request

ACCOUNT NUMBER	DESCRIPTION	PROJECT	CURRENT BUDGET	EXPENDITURE CHANGE	REVISED BUDGET
10511000-523600	Uniforms		\$ 59,187	\$ 7,474	\$ 66,661

TOTAL EXPENDITURE INCREASE (DECREASE) \$ 7,474.00

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

Duly adopted this 7th day of June 2021.

Ken Marshburn, Mayor

ATTEST:

Stella L. Gibson , Town Clerk

Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: June 7, 2021		
Subject: Budget Amendment - PW Equipment		
Location on Agenda: Consent		
Department: Finance		
Contact: David C. Beck, Finance Director		
Presenter: David C. Beck, Finance Director		
Brief Summary: The Public Works Department will purchase some non-capital equipment items with leftover FY21 funds.		
Recommended Motion and/or Requested Action: Consider adopting Ordinance (2021) 5035		
Detailed Notes: As part of balancing the recommended FY22 budget, several one-time project requests were advanced forward to be performed in FY21 utilizing leftover funds. The projects to be funded are new fencing at Lake Benson, Centennial, and South Garner parks along with a new Christmas tree.		
Funding Source: Departmental budget underruns		
Cost: \$91,607	One Time: <input checked="" type="radio"/>	Annual: <input type="radio"/> No Cost: <input type="radio"/>
Manager's Comments and Recommendations: 		
Attachments Yes: <input checked="" type="radio"/> No: <input type="radio"/>		
Agenda Form Reviewed by:	Initials:	Comments:
Department Head:		
Finance Director:	DCB	
Town Attorney:		
Town Manager:	RD	
Town Clerk:		

ORDINANCE NO. (2021) 5035

ORDINANCE AMENDING ORDINANCE NO. (2020) 4065 WHICH ESTABLISHED THE OPERATING BUDGET

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

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

Increases:

ACCOUNT NUMBER	DESCRIPTION	PROJECT	CURRENT BUDGET	CHANGE	REVISED BUDGET
10562500-524300	Contract Services		\$ 246,613	\$ 62,639	\$ 309,252
10564000-523300	Departmental Supplies		\$ 70,307	\$ 28,968	\$ 99,275

TOTAL INCREASES \$ 91,607.00

Decreases:

ACCOUNT NUMBER	DESCRIPTION	PROJECT	CURRENT BUDGET	CHANGE	REVISED BUDGET
10561000-524300	Contract Services		\$ 326,146	\$ 62,639	\$ 388,785
10564000-524300	Contract Services		\$ 354,972	\$ 28,968	\$ 383,940

TOTAL (DECREASES) \$ 91,607.00

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

Duly adopted this 7th day of June 2021.

Ken Marshburn, Mayor

ATTEST:

Stella L. Gibson , Town Clerk

TOWN OF GARNER
ADMINISTRATIVE BUDGET CHANGE REQUEST & APPROVAL

FY: 21

Department: Public Works

Date: 5/21/2021

Justification:

Utilization of surplus funds based on third quarter adjustments to perform one-time projects that were requested in the FY22 Budget. These projects are as follows. Lake Benson, Centennial, South Garner Park Fencing, and Christmas Tree replacement

Please note: Transfers between departments require Board approval & cannot be completed using this form.

Details of Change Requested:

<u>Account #</u>	<u>Proj#</u>	<u>Account Description</u>	<u>Amount</u>
Increases:			
105625-524300		Contract Services	\$62,638.50
105640-523300		Departmental Supplies	\$28,968.50
Decreases:			
105610-524300		Contract Services	\$62,638.50
105640-524300		Contract Services	\$28,968.50

Signatures & Approvals:

Department Head

Forrest Jones



Date: 5/21/2021

Finance Director

Date: _____

Town Manager

Date: _____

Please Note: In the event of absence of any of the three signatures required above, the appointed designee may sign in their absence.

Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: June 7, 2021		
Subject: Surplus Properties - Vehicles		
Location on Agenda: Consent		
Department: Finance		
Contact: David C. Beck, Finance Director		
Presenter: David C. Beck, Finance Director		
Brief Summary: Several vehicles and pieces of equipment are being retired from service as new replacements arrive as part of the FY21 VERT program.		
Recommended Motion and/or Requested Action: Consider adopting Resolution (2021) 2448		
Detailed Notes:		
Funding Source:		
Cost: N/A	One Time: <input type="radio"/>	Annual: <input type="radio"/> No Cost: <input checked="" type="radio"/>
Manager's Comments and Recommendations:		
Attachments Yes: <input checked="" type="radio"/> No: <input type="radio"/>		
Agenda Form Reviewed by:	Initials:	Comments:
Department Head:		
Finance Director:	DCB	
Town Attorney:		
Town Manager:	RD	
Town Clerk:		

RESOLUTION NO. (2021) 2448

RESOLUTION AUTHORIZING DISPOSITION OF SURPLUS PERSONAL PROPERTY

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

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

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

Asset Tag #	Year	Make/Model	Vin/Serial #
103	2003	Ford Taurus	1FAFP53233A226019
127	2007	Chevrolet Impala	2G1WS55R479269359
5088	2014	Alamo Rear Flail Mower	SH74 Flail Mower
814	1993	Alamo Real Flail Mower	M# SH88 S#01911
835	2004	Ditch Witch Trailer	1DSB181J7417Y0859
225	2006	Ford Ranger 2wd	1FTYR10D56PA57571
200	2006	Ford Escape AWD	1FMYU93166KC34135
287	2007	Ford F-150 4x4	1FTRF14W27NA55041
209	2000	Chevrolet Kodiak C7500	1GBM7H1C4YJ501584
293	2008	Ford F-350 Reg Cab Flat Bed	1FTWW32538EC87710
1291	2008	Ford F-350 Crew Cab	1FTWW32Y78EC82729
503	2008	New Holland 110B	N8GH22185

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 7th day of June 2021.

Ken Marshburn, 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: Fleet Maintenance

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	103	2003 Ford Taurus Sedan	1FAFP53233A226019	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Vehicle Re-Issue From Inspections Dept.	Poor	\$1,800
1	127	2007 Chevrolet Impala Sedan	2G1WS55R479269359	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Replacement Arrived	Poor	\$2,500
1	5088	2014 Alamo Rear Flail Mower	SH74 Flail Mower	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Replacement Arrived	Fair	\$400
1	814	1993 Alamo Rear Flail Mower	M# SH88 S#01911	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Replacement Arrived	Poor	\$300
1	835	2004 Drive On Ditch Witch Trailer	1DSB181J7417Y0859	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Replacement Arrived	Poor	\$1,000
1	225	2006 Ford Rnager 2wd	1FTYR10D56PA57571	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Vehicle Re-Issue From Inspections Dept.	Poor	\$3,500
1	200	2006 Ford Escape AWD	1FMYU93166KC34135	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Previously Repurposed	Fair	\$4,000
1	287	2007 Ford F-150 4x4	1FTRF14W27NA55041	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Replacement Arrived	Poor	\$3,500

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

Department Contact Information:

Name: Woody Daniel

Phone # 919.661.6875

Department Head Signature [Signature] Date 5-16-21

1. List Department & Division where asset is currently assigned
2. List Asset #, Name, Description, Serial No./Vin No.
3. Check the Applicable box for Type of Change:
a. **Surplus:** Request Item to be Sold or Otherwise Disposed
b. **Transfer:** Request Asset to be Transferred to Different Department/Division
c. **Addition:** Asset through Seizure or Donation (should not include purchased assets)
d. **Other:** Please include explanation.

4. **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.

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: Fleet Maintenance

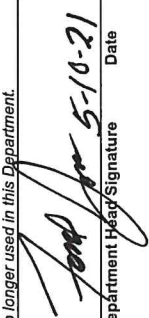
Qty	TOG Asset #	Name & Description (Year, Make, Model, etc.)	Serial No./ Vin No.	Surplus	Transfer	Addition	Other	Explanation	Present Condition (i.e. poor, fair, good)	Current Asset Value
1	209	200 Chevrolet Kodiak C7500	1GBM7H1C4YJ501584	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Replacement Arrived	Poor	\$11,000
1	293	2008 Ford F-350 Reg Cab Flat Bed	1FTWW32538EC87710	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Replacement Arrived	Poor	\$10,000
1	1291	2008 Ford F-350 Crew Cab	1FTWW32Y78EC82729	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Replacement Arrived	Poor	\$10,000
1	503	2008 110B New Holland	N8GH22185	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Replacement Arrived	Poor	\$25,000
				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			

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

Department Contact Information:

Name: **Woody Daniel**

Phone #: **919.661.6875**

Department Head Signature:  Date: **5-10-21**

Finance Director Signature: _____ Date: _____

Town Manager Signature: _____ Date: _____

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

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.

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

Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: June 7, 2021		
Subject: Resolution in Support of Application for NCDOT Planning Grant Initiative		
Location on Agenda: Consent		
Department: Planning		
Contact: Gaby Lontos-Lawlor, Senior Planner - Transportation		
Presenter: Gaby Lontos-Lawlor, Senior Planner - Transportation		
Brief Summary: The North Carolina Department of Transportation (NCDOT) has an annual matching grant program (the Bicycle and Pedestrian Planning Grant Initiative) which provides financial aid to municipalities to develop comprehensive bicycle and/or pedestrian plans. The Planning Department plans to apply for funding to complete a comprehensive pedestrian plan, which will help inform infrastructure investments to improve Garner's pedestrian and sidewalk network. A Town resolution in support of the grant application is a required component, in order to be eligible for funding.		
Recommended Motion and/or Requested Action: Consider adopting Resolution (2021) 2450		
Detailed Notes:		
Funding Source: n/a		
Cost:	One Time: <input type="radio"/>	Annual: <input type="radio"/> No Cost: <input checked="" type="radio"/>
Manager's Comments and Recommendations:		
Attachments Yes: <input checked="" type="radio"/> No: <input type="radio"/>		
Agenda Form Reviewed by:	Initials:	Comments:
Department Head:	JST	
Finance Director:		
Town Attorney:		
Town Manager:	RD	
Town Clerk:		

RESOLUTION NO. (2021) 2450

RESOLUTION FOR SUPPORT OF THE NCDOT BICYCLE AND PEDESTRIAN PLANNING GRANT APPLICATION

WHEREAS, the North Carolina Department of Transportation's (NCDOT's) Division of Bicycle and Pedestrian Transportation and Transportation Planning Branch provides funding and technical assistance to develop bicycle and/or pedestrian plans; and

WHEREAS, the NCDOT may provide grant funding along with matching monies from the Town of Garner to develop a comprehensive pedestrian plan; and

WHEREAS, the Town of Garner is committed to improving walkability, and pedestrian connectivity within the Town; and

WHEREAS, the Town of Garner desires to develop a comprehensive pedestrian plan for the purpose of developing a prioritized set of pedestrian infrastructure improvements and corresponding investments in order to improve the pedestrian network for its residents;

NOW, THEREFORE BE IT RESOLVED THAT THE TOWN COUNCIL OF THE TOWN OF GARNER hereby endorses application to the 2021 NCDOT Bicycle and Pedestrian Planning Grant Initiative for the development of a comprehensive pedestrian plan, and attest to the commitment to the Plan's development, management, financing, and completion.

Duly adopted this the 7th day of June 2021.

Ken Marshburn, Mayor

ATTEST: _____
Stella L. Gibson, Town Clerk

Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: June 7, 2021 		
Subject: Amended Lake Drive Street and Sidewalk Improvements Resolution		
Location on Agenda: Consent 		
Department: Legal		
Contact: Terri Jones, Town Attorney		
Presenter: Terri Jones, Town Attorney		
<p>Brief Summary:</p> <p>Resolution (2021) 2440 has been amended to show increased not to exceed amount based on updated estimated easement values, appraisal costs, court filing and service fees for acquisition of necessary rights-of-way and easements for the Lake Drive from Dullis Circle to Highway NC 50 Street and Sidewalk Improvements Project.</p>		
<p>Recommended Motion and/or Requested Action:</p> <p>Consider adopting Resolution (2021) 2449</p>		
<p>Detailed Notes:</p> <p>Town Council adopted Resolution (2021) 2440 on March 16, 2021, with a not to exceed amount of \$12,300 for the acquisition of rights-of-way and temporary and permanent easements. This amount included the initial offers based on tax values, recording costs and excise taxes, plus a contingency amount. Some impacted property owners responded that Initial offers were lower than appraised or market values. Other property owners have not responded which will require appraisals, 30-day notice letters, and filing an eminent domain case, all of which will result in additional costs for the Town. Attached is an amended resolution which revises the not-to-exceed amount.</p>		
Funding Source:		
Cost: \$54,240.00	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:	TJ	
Finance Director:		
Town Attorney:	TJ	
Town Manager:	RD	
Town Clerk:		

RESOLUTION NO. (2021) 2449

**AMENDED RESOLUTION OF INTENT TO ACQUIRE RIGHTS-OF-WAY AND
EASEMENTS NEEDED FOR CONSTRUCTION OF ROADWAY AND SIDEWALK
IMPROVEMENTS ON LAKE DRIVE FROM DULLIS CIRCLE TO HIGHWAY NC 50,
BY NEGOTIATED PURCHASE IF POSSIBLE OR BY EMINENT DOMAIN WHERE
REQUIRED**

WHEREAS, on March 16, 2021, the Town Council of the Town of Garner adopted Resolution (2021) 2440 and authorized the Town Attorney, or outside counsel selected by the Town Attorney, to acquire all necessary rights-of-way and easements necessary for the construction of certain roadway and sidewalk improvements on Lake Drive from Dullis Circle to Highway NC 50, including grading, drainage, paving, widening, curb and gutter, and sidewalks, and the accompanying rights-of-way, temporary construction easements, permanent utility easements, permanent sidewalk easements, and temporary and permanent drainage easements described below, by negotiated purchase the following real property interests for the following purposes:

1. Property Address: 1 Lake Drive, Garner, NC 27529 (PIN # 1711431405)
To acquire right-of-way consisting of 2,835 square feet, a temporary construction easement consisting of 7,760 square feet, and a permanent drainage easement consisting of 621 square feet, as shown on the plans prepared by Arcadis on file at the Garner Town Hall, from property owner Jordan N. Adem.
2. Property Address: 905 Bryan Place, Garner, NC 27529 (PIN # 171133703)
To acquire a right-of-way consisting of 88 square feet and a temporary construction easement consisting of 689 square feet, as shown on the plans prepared by Arcadis on file at the Garner Town Hall, from property owner Yanagi, LLC.
3. Property Address: 284 Dullis Circle, Garner, NC 27529 (PIN # 1711430232)
To acquire a temporary drainage easement consisting of 293 square feet, as shown on the plans prepared by Arcadis on file at the Garner Town Hall, from property owner Logan McDonald.
4. Property Address: 202 Hilltop Avenue, Garner, NC 27529 (PIN # 1711431253)
To acquire a right-of-way consisting of 137 square feet, a temporary construction easement consisting of 856 square feet, a permanent drainage easement consisting of 398 square feet, and a temporary drainage easement consisting of 225 square feet, as shown on the plans prepared by Arcadis, on file at the Garner Town Hall, from property owners Bridget Dean Luckinbill and Daniel L. Luckinbill.
5. Property Address: 203 Hilltop Avenue, Garner, NC 27529 (PIN # 1711433241)

To acquire a right-of-way consisting of 206 square feet, a temporary construction easement consisting of 3,019 square feet, and a permanent drainage easement consisting of 465 square feet, as shown on the plans prepared by Arcadis on file at the Garner Town Hall, from property owners Arthur R. Brand and Joel S. Hurley.

6. Property Address: 206 Benson Road, Garner, NC 27529 (PIN # 1711435311)
To acquire a right-of-way consisting of 814 square feet and a temporary construction easement consisting of 3,032 square feet, as shown on the plans prepared by Arcadis on file at the Garner Town Hall, from property owner The Masters Touch Corporation.

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

Section 1. That the Town Attorney, or outside counsel selected by the Town Attorney, is authorized to acquire all necessary rights-of-way and easements listed above for a total amount not to exceed \$54,240.00, including reasonable compensation (purchase prices) and any necessary recording fees, taxes, or other costs of acquisition.

Section 2. That if the Town has not acquired all necessary rights-of-way and easements listed above by the date determined by the Project Engineer, Town Engineer, and Town Attorney, the Town will acquire the remaining rights-of-way and easements from the list set forth above by eminent domain as appropriate, and the Town Attorney, or outside counsel selected by the Town Attorney, is authorized and directed to initiate such proceedings to acquire the remaining real property interests.

Duly adopted this 7th day of June, 2021.

Ken Marshburn, Mayor

ATTEST:

Stella Gibson, Town Clerk

Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: June 7, 2021 		
Subject: Final Vandora Springs Road Street and Sidewalk Improvements Resolution		
Location on Agenda: Consent 		
Department: Legal		
Contact: Terri Jones, Town Attorney		
Presenter: Terri Jones, Town Attorney		
Brief Summary: Resolution (2021) 2439 has been updated to show final amounts incurred by the Town for acquisition of necessary easements.		
Recommended Motion and/or Requested Action: Consider adopting Resolution (2021) 2451		
Detailed Notes: The Vandora Springs Road Street and Sidewalk Improvements Project requires the Town to acquire certain temporary construction easements, permanent waterline easements, and permanent drainage easements. Town Council adopted Resolution (2021) 2439 on March 16, 2021, with a not to exceed amount of \$12,300. This amount was based upon acquisitions which had been agreed to, those with counter-offers pending, and those not yet settled, plus a contingency amount. Attached is a final resolution which documents the final prices paid for the easements.		
Funding Source:		
Cost: \$12,937	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:	TJ	
Finance Director:		
Town Attorney:	TJ	
Town Manager:	RD	
Town Clerk:		

RESOLUTION NO. (2021) 2451

**FINAL RESOLUTION OF ACQUISITION OF RIGHTS-OF-WAY AND EASEMENTS
NEEDED FOR CONSTRUCTION OF ROADWAY AND SIDEWALK
IMPROVEMENTS ON VANDORA SPRINGS ROAD, BY NEGOTIATED PURCHASE**

WHEREAS, the Town Council of the Town of Garner is undertaking the construction of certain roadway and sidewalk improvements on Vandora Springs Road, and it is necessary and in the public interest to acquire the rights-of-way, temporary construction easements, and permanent drainage easements described below, by negotiated purchase the following real property interests for the following purposes:

Parcels 1 & 2: 1808 Vandora Springs Road, Garner, NC 27529 (PIN # 1700770232)
1810 Vandora Springs Road, Garner, NC 27529 (PIN # 1700678177)

To acquire a temporary construction easement consisting of 1,815 square feet, a temporary construction easement consisting of 1,094 square feet, and a permanent drainage easement consisting of 53 square feet as shown on the Right-of-Way Exhibit prepared by Ramey Kemp Associates, dated March 2, 2021, on file at the Garner Town Hall, from property owners Charles R. Pearce and Allstate Builders, Inc. by successors-in-interest Charles R. Pearce and Betty M. Heath, in the amount of \$1,350.00.

Parcel 3: 1804 Vandora Springs Road, Garner, NC 27529 (PIN # 1700772246)

To acquire a temporary construction easement consisting of 3,475 square feet and a permanent waterline easement consisting of 25 square feet and a permanent drainage easement consisting of 941 square feet as shown on the Right-of-Way Exhibit prepared by Ramey Kemp Associates, dated March 2, 2021, on file at the Garner Town Hall, from property owner Paul R. Sims, in the amount of \$2,500.00.

Parcel 4: 1802 Vandora Springs Road, Garner, NC 27529 (PIN # 1700774342)

To acquire a temporary construction easement consisting of 1,595 square feet as shown on the Right-of-Way Exhibit prepared by Ramey Kemp Associates, dated March 2, 2021, on file at the Garner Town Hall, from property owner Susan I. Frank, in the amount of \$1,500.00.

Parcel 5: 1809 Vandora Springs Road, Garner, NC 27529 (PIN # 1700760903)

To acquire a temporary construction easement consisting of 1,232 square feet and a permanent drainage easement consisting of 594 square feet as shown on the Right-of-Way Exhibit prepared by Ramey Kemp Associates, dated March 2, 2021, on file at the Garner Town Hall, from property owners Randall Wagner and Glenna Armstrong-Lowden, in the amount of \$2,000.00.

Parcel 6: 1601 Timber Drive, Garner, NC 27529 (PIN # 1700768135)

To acquire a temporary construction easement consisting of 935 square feet and a permanent drainage easement consisting of 1,538 square feet as shown on the Right-of-Way Exhibit prepared by Ramey Kemp Associates, dated March 2, 2021, on file at the Garner Town Hall, from property owner Wake County Board of Education, in the amount of \$1,450.00.

Parcel 7: 1805 Vandora Springs Road, Garner, NC 27529 (PIN # 1700773052)

To acquire a temporary construction easement consisting of 951 square feet and a permanent drainage easement consisting of 204 square feet as shown on the Right-of-Way Exhibit prepared by Ramey Kemp Associates, dated March 2, 2021, on file at the Garner Town Hall, from property owner Dawn H. Paulsen, in the amount of \$900.00.

Parcel 8: 1803 Vandora Springs Road, Garner, NC 27529 (PIN # 1700764956)

To acquire a temporary construction easement consisting of 289 square feet and a permanent drainage easement consisting of 93 square feet as shown on the Right-of-Way Exhibit prepared by Ramey Kemp Associates, dated January 18, 2021, on file at the Garner Town Hall, from property owners James N. Taylor and Nancy M. Taylor, in the amount of \$500.00.

Parcel 9: 1523 S. Gleneagle Drive, Garner, NC 27529 (PIN #1700777304)

To acquire a temporary construction easement consisting of 1,671 square feet as shown on the Right-of-Way Exhibit prepared by Ramey Kemp Associates, dated March 2, 2021, on file at the Garner Town Hall, from property owner Alana Etter, in the amount of \$1,600.00.

Parcel 10: 1710 Vandora Springs Road, Garner, NC 27529 (PIN # 1700778337)

To acquire a temporary construction easement consisting of 286 square feet as shown on the Right-of-Way Exhibit prepared by Ramey Kemp Associates, dated March 2, 2021, on file at the Garner Town Hall, from property owner Mary T. Tripp, in the amount of \$400.00.

Parcel 11: 1801 Vandora Springs Road, Garner, NC 27529 (PIN # 1700776014)

To acquire a temporary construction easement consisting of 239 square feet and a permanent drainage easement consisting of 30 square feet as shown on the Right-of-Way Exhibit prepared by Ramey Kemp Associates, dated March 2, 2021, on file at the Garner Town Hall, from property owners David J. Kamphuis and Dawn B. Kamphuis, in the amount of \$500.00.

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

Section 1. Based on the authorization granted in Resolution (2021) 2439, outside counsel selected by the Town Attorney acquired all necessary rights-of-way and easements listed

above on behalf of the Town of Garner for a total amount of \$12,937.00, including reasonable compensation (purchase prices) and any necessary recording fees, taxes, or other costs of acquisition.

Section 2. The above referenced acquisitions are ratified by the Council.

Duly adopted this 7th day of June, 2021

Ken Marshburn, Mayor

ATTEST:

Stella Gibson, Town Clerk

Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: June 7, 2021 		
Subject: FY 21 Lake Benson Fence Replacement		
Location on Agenda: Consent		
Department: Public Works		
Contact: Forrest Jones, Public Works Director		
Presenter: Forrest Jones, Public Works Director		
Brief Summary: Staff is seeking to replace the existing split rail fence at Lake Benson Park with a 3 board wooden fence. This fence will retain the current character of the Park.		
Recommended Motion and/or Requested Action: Authorize the Manager to Award the contract to All Star Fence Inc.		
Detailed Notes: See attached bid tab.		
Funding Source: FY 21 Budget		
Cost: \$98,307.60	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:	FJ	
Finance Director:		
Town Attorney:		
Town Manager:	RD	
Town Clerk:		

**Town of Garner
Lake Benson Fence Project
BID TABULATION SHEET**

		Contractors Name	Seegars Fence Company		Ward Family Construction		Henry Jr. Hardy, dba H&H Enterprise of Knightdale		Frye Fence Company		All Star Fence Inc.	
BASE BID			Unit Price	Extended Price	Unit Price	Extended Price	Unit Price	Extended Price	Unit Price	Extended Price	Unit Price	Extended Price
	Item	Quantity (ft.)										
1	Installation of three wooden board fence with vertical trim boards	5,372	\$ 22.67	\$ 121,783.24	\$ 22.34	\$ 120,010.48	\$ 25.00	\$ 134,300.00	\$ 25.00	\$ 134,300.00	\$ 16.50	\$ 88,638.00
2	Removal of existing two rail split wooden fence	5,372	\$ 1.89	\$ 10,153.08	\$ 3.72	\$ 19,983.84	\$ 12.00	\$ 64,464.00	\$ 2.00	\$ 10,744.00	\$ 1.80	\$ 9,669.60
TOTAL BID AMOUNT				\$ 131,936.32		\$ 139,994.32		\$ 198,764.00		\$ 145,044.00		\$ 98,307.60

Notes: Seegars Fence Company, Ward Family Construction, and Frye Fence Company did not provide the signed addendum with their bid.

Henry Jr. Hardy dba H&H Enterprise of Knightdale and All Star Fence Inc. did provide a signed addendum with their bid.

Seegars Fence Company's Grand Total reflected \$131,915.00 on their bid submittal. This was due to mathematical errors on line item 1 and 2.

Ward Family Construction's Grand Total reflected \$139,994.04 on their bid submittal. This was due to mathematical error on line item 1.

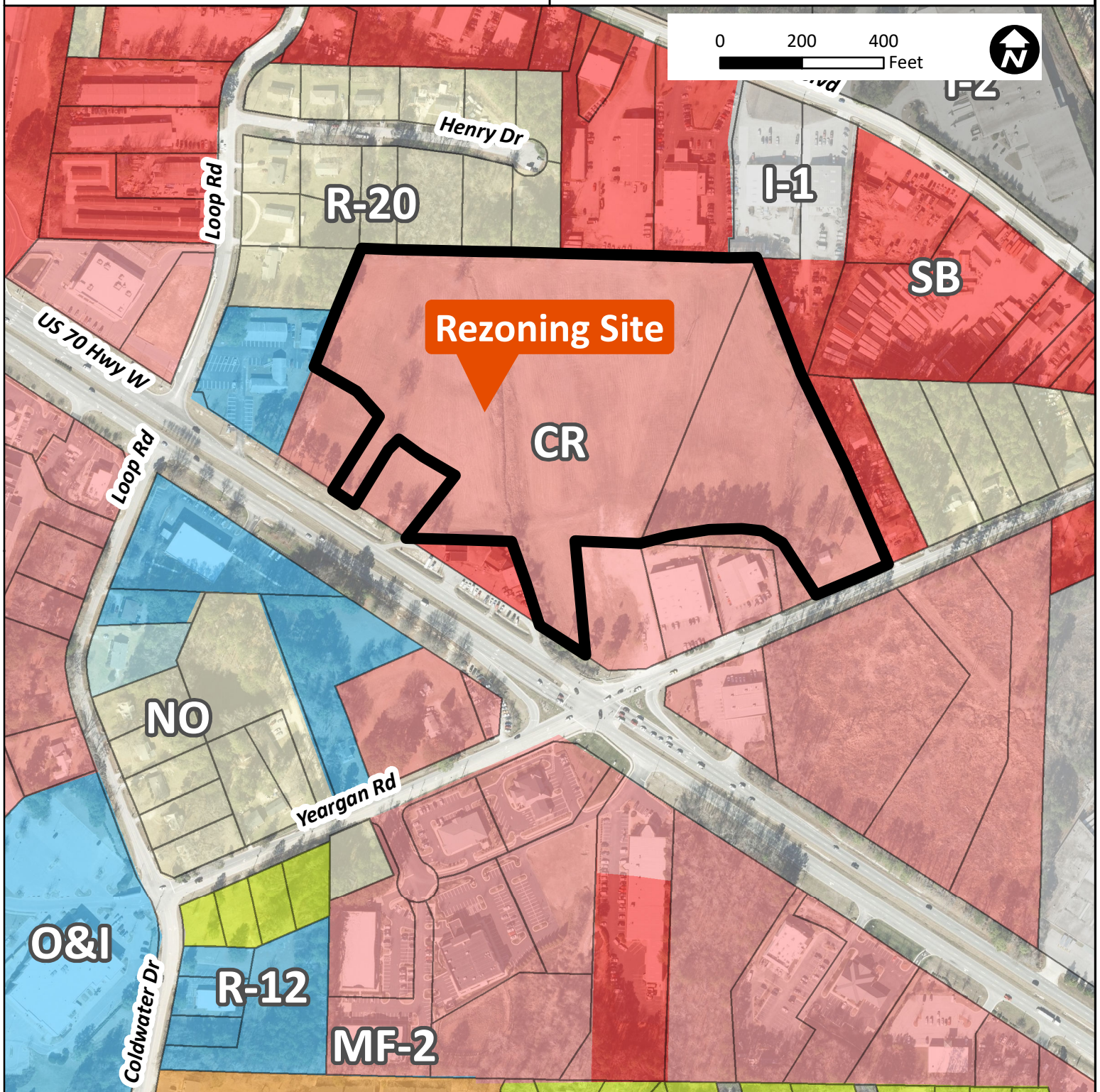
Frye Fence Company's Grand total reflected \$145,050.00 on their bid submittal. This was due to mathematical error on line item 2.

Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: June 7, 2021		
Subject: Conditional Zoning Map Amendment w/ Preliminary Plat & Site Plan: CZ-SBSP-20-10, Raynor Meadows		
Location on Agenda: Old/New Business		
Department: Planning		
Contact: David Bamford, AICP; Planning Services Manager		
Presenter: David Bamford, AICP; Planning Services Manager		
Brief Summary: Zoning map amendment request with associated preliminary plat and site plan submitted by William G. Daniel & Associates, PA on behalf of Mr. Bobby Raynor to rezone approximately 18.54 +/- acres of a 22.01-acre tract from Community Retail (CR) to Multifamily Residential (MF-2 C235) Conditional and the remaining 3.47 +/- acres from Community Retail (CR) to Community Retail (CR C235) Conditional for the subdivision of commercial lots and development of a multifamily residential project. The site is located at the northwest corner of Yeargan Road and US Highway 70 and may be further identified as Wake County PINs: 1701964018 and 1711051809.		
Recommended Motion and/or Requested Action: Consider adoption of Ordinance (2021) 5037		
Detailed Notes: The neighborhood meeting was held remotely on Zoom at 6 PM on December 17, 2020. A Special Use Permit to establish a specific multifamily use comprising over 100 residential dwelling units is proposed for this site and will be heard at a separate quasi-judicial public hearing. Staff recommends approval of CZ-SB/SP-20-10 should the Council find the voluntary zoning conditions satisfactory and finds the request reasonable and consistent with Town plan's and policies.		
Funding Source: n/a		
Cost:	One Time: <input type="radio"/>	Annual: <input type="radio"/> No Cost: <input checked="" type="radio"/>
Manager's Comments and Recommendations: 		
Attachments Yes: <input checked="" type="radio"/> No: <input type="radio"/>		
Agenda Form Reviewed by:	Initials:	Comments:
Department Head:	JST	
Finance Director:		
Town Attorney:		
Town Manager:	RD	
Town Clerk:		

**Town of Garner
Planning Department**

**Conditional District Zoning Application
CZ 20-10**



Project: Raynor Meadows
Applicant: W&M Partners, LLC
Owner: Bobby Raynor
Location: US HWY 70 W & Yeargan Road
Pin #: 1701964018, 1711051809

Proposed Use: Multi-Family
Current Zoning: Community Retail (CR)
Proposed Zoning: Multi-Family 2 C235
Acreage: 20.06
Overlay: US HWY 70 / 401

Planning Department Staff Report

TO: Mayor and Town Council

FROM: David Bamford, AICP; Planning Services Manager
Alison Jones; Planner II

SUBJECT: ***Conditional Zoning Map Amendment w/ Preliminary Plat & Site Plan #CZ-SBSP-20-10, Raynor Meadows***

DATE: June 7, 2021

I. PROJECT AT A GLANCE

Project Number(s): CZ-SBSP-20-10 Conditional Zoning Map Amendment

Applicant: W&M Partners, LLC

Owners: Bobby Raynor

General Description -

Project Area & Location: 22.01 +/- acres at US Hwy 70 W and Yeargan Road

Wake Count PIN(s): 1701964018 and 1711051809

Current Zoning: Community Retail (CR)

Requested Zoning: Multifamily Residential (MF-2 C235) Conditional and
Community Retail (CR C235) Conditional

Overlay: US 70/401 Overlay (O-70)

Key Meeting Dates:

Public Hearing: April 20, 2021

Planning Commission: May 10, 2021

Action: June 7, 2021

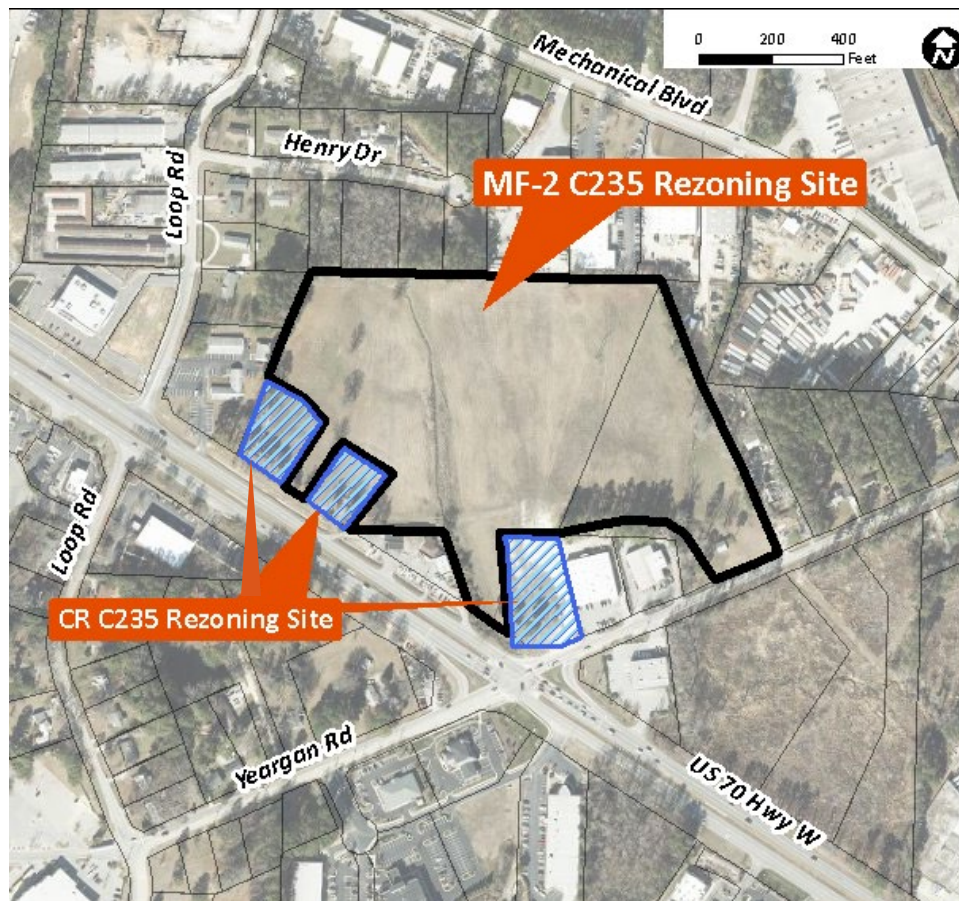
II. BACKGROUND / REQUEST SUMMARY

Current Request: Zoning map amendment request with associated preliminary plat and site plan submitted by William G. Daniel & Associates, PA on behalf of Mr. Bobby Raynor to rezone approximately 18.54 +/- acres of a 22.01-acre tract from **Community Retail (CR)** to **Multifamily Residential (MF-2 C235) Conditional** and the remaining 3.47 +/- acres from **Community Retail (CR)** to **Community Retail (CR C235) Conditional** for the subdivision of commercial lots and development of a multifamily residential project. The site is located at the northwest corner of Yeargan Road and US Highway 70 and may be further identified as Wake County PINs: 1701964018 and 1711051809.

Conditions are proposed to limit the range of permissible uses and establish an approved preliminary plat creating several lots and associated public/private infrastructure as well as an approved site plan for a multifamily use.

Staff would like to note the following steps as background in regard to the transition of this case to a post-160D world:

1. Conditional Rezoning with Site Plan – Town Council with Planning Commission recommendation (Action being considered June 7, 2021).
2. Special Use Permit – Town Council (to establish a specific type of multifamily use on an approved site plan) – timeline TBD.
3. Final Plat – Administrative approval to implement approved subdivision plan.



III. ZONING ANALYSIS

Existing: The current zoning of the entire 22.01-acre site is **Community Retail (CR)**. The CR zoning district is designed to accommodate commercial, retail, office, and service activities that serve the entire community. Outdoor operations, outdoor storage and outdoor retail sales are not permitted in the CR district. Uses are only permitted within an enclosed building.

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

- | | |
|--|---|
| 1. Townhouse or Condominium | 30. Bars and nightclubs |
| 2. Upper-Story Residential | 31. Private golf or country club |
| 3. Community Center | 32. Private gym, spa, indoor tennis, pool |
| 4. Library, museum, art center | 33. Indoor entertainment facility |
| 5. Other Community service | 34. Electronic gaming center |
| 6. Lodges and fraternal clubs | 35. Movie Theaters |
| 7. Adult Day Care | 36. Bank, financial institution |
| 8. Day Care Center | 37. Medical office, individual |
| 9. Business School, college or university satellite | 38. Other office |
| 10. College/university | 39. Bed and breakfast |
| 11. Trade/vocational schools | 40. Hotel and motels |
| 12. Music, dance art instruction | 41. Commercial Parking |
| 13. Funeral home crematorium | 42. Restaurant, indoor with seating only |
| 14. Ambulance, rescue squad, police, fire station | 43. Restaurant with drive-through window |
| 15. Government office | 44. Restaurant take out only or walk up |
| 16. Hospice | 45. Convenience store without fuel sales |
| 17. Hospital | 46. Convenience store with fuel sales |
| 18. Emergency Care Facility | 47. Repair oriented use indoor only |
| 19. Medical Clinic | 48. Personal service use indoor only |
| 20. Mental Health facility | 49. Hair and beauty salons |
| 21. Group Care Facility | 50. Sales oriented use (indoor operations only) |
| 22. Handicapped Institution | 51. Veterinarian/kennel indoor |
| 23. Intermediate care institution | 52. Vehicle service-limited |
| 24. Nursing Care Institution | |
| 25. Cemetery | |
| 26. Parks, swimming pools, tennis courts, golf courses | |
| 27. Religious institutions | |
| 28. Minor utility, elevated water tank | |
| 29. Telecommunication facility | |

Proposed: The proposed rezoning of an 18.54-acre portion of the site is **Multifamily Residential (MF-2 C235) Conditional**. The MF-2 district is designed to create and maintain higher density residential neighborhoods composed primarily of multifamily dwellings. For MF-2 zoning districts emphasis shall be given to the location of the proposed district to adjoining developed property to ensure that such district is carefully located and achieves a satisfactory relationship with surrounding properties. Use restrictions are proposed as part of this request.

The following is a list of generally permitted uses in the MF-2 District:

- | | |
|--|---|
| 1. Residential Cluster | 13. Ambulance Service, Police or Fire Station (SUP) |
| 2. Two-Family Dwelling | 14. Continuing Care, Retirement Facility (SUP) |
| 3. Townhouse | 15. Hospice |
| 4. Condominium | 16. Cemetery |
| 5. Multifamily (triplex and higher, including apartment) | 17. Public Park, Swimming Pool, Tennis Court, Golf Course (SUP) |
| 6. Family Care Home | 18. Religious Institution |
| 7. Group Care Home | 19. Minor Utility, Elevated Water Storage Tank |
| 8. Intermediate Care Home | 20. Golf Course or Country Club, Private (SUP) |
| 9. Community Center (SUP) | 21. Bed and Breakfast (SUP) |
| 10. Other Community Service (SUP) | |
| 11. Child Day Care (up to 3 as home occupation) | |
| 12. School, Public or Private (SUP) | |

The applicant has proposed the following conditions for the MF-2 C235 conditional district:

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

Use Category	Specific Use	MF-2 C235
Household Living **	Condominium	P*
	Multifamily (triplex and higher, including apartment)	P*
Community Service	Community Center	SUP

*** 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. For Household Living uses, amenities shall include a minimum 4,800 square foot clubhouse with a 2,500 square foot outdoor swimming pool.
3. ~~Building height shall be limited to a maximum of four (4) stories.~~ *(Elimination of this condition recommended by Planning Commission – needs agreement from applicant).*
4. No vinyl siding to be used for any exterior building material.

5. Development of this site shall be completed in conformance with the approved preliminary plat and site plan. *(See Section V.)*

The proposed rezoning of the remaining 3.47-acre portion of the site is **Community Retail (CR C235) Conditional**. CR zoning districts are designed to accommodate commercial, retail, office, and service activities that serve the entire community. Outdoor operations, outdoor storage and outdoor retail sales are not permitted in the CR district. Uses are only permitted within an enclosed building.

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

- | | |
|--|---|
| 1. Townhouse or Condominium | 30. Bars and nightclubs |
| 2. Upper-Story Residential | 31. Private golf or country club |
| 3. Community Center | 32. Private gym, spa, indoor tennis, pool |
| 4. Library, museum, art center | 33. Indoor entertainment facility |
| 5. Other Community service | 34. Electronic gaming center |
| 6. Lodges and fraternal clubs | 35. Movie Theaters |
| 7. Adult Day Care | 36. Bank, financial institution |
| 8. Day Care Center | 37. Medical office, individual |
| 9. Business School, college or university satellite | 38. Other office |
| 10. College/university | 39. Bed and breakfast |
| 11. Trade/vocational schools | 40. Hotel and motels |
| 12. Music, dance art instruction | 41. Commercial Parking |
| 13. Funeral home crematorium | 42. Restaurant, indoor with seating only |
| 14. Ambulance, rescue squad, police, fire station | 43. Restaurant with drive-through window |
| 15. Government office | 44. Restaurant take out only or walk up |
| 16. Hospice | 45. Convenience store without fuel sales |
| 17. Hospital | 46. Convenience store with fuel sales |
| 18. Emergency Care Facility | 47. Repair oriented use indoor only |
| 19. Medical Clinic | 48. Personal service use indoor only |
| 20. Mental Health facility | 49. Hair and beauty salons |
| 21. Group Care Facility | 50. Sales oriented use (indoor operations only) |
| 22. Handicapped Institution | 51. Veterinarian/kennel indoor |
| 23. Intermediate care institution | 52. Vehicle service-limited |
| 24. Nursing Care Institution | |
| 25. Cemetery | |
| 26. Parks, swimming pools, tennis courts, golf courses | |
| 27. Religious institutions | |
| 28. Minor utility, elevated water tank | |
| 29. Telecommunication facility | |

The applicant has proposed the following conditions for the CR C235 conditional district:

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

Use Category	Specific Use	CR C235
Household Living **	Townhomes	P*
	Condominiums	P*
	Upper Story Residential	P
Community Service	Other community service	SUP
	Community Center	SUP
	Library, art center, museum	P
	Civil, service, fraternal clubs, lodges, similar uses	SUP
Daycares	Adult Day Care	P*
	Day Care Center	P*
Educational Facilities and Services	Music, dance, art instruction	P
	Trade / vocational schools	SUP
Government Facilities	Government Office	SUP
	Ambulance, rescue squad, police, fire station	P
Health Care	Medical clinic	P
	Hospice	P
	Ambulatory Health & Emergency Care Facility	SUP
Parks and Open Space	Parks, swimming pools, tennis courts, golf courses	SUP
Utilities	Telecommunications facility	SUP
	Minor Utility	P*
Entertainment *	Bars, Nightclubs, Taverns	SUP
	Gym, spa, indoor tennis court, private pool	P
	Indoor entertainment facility	P*
	Electronic Gaming Center	P*
Office	Medical office - individual	P
	Other office	P
Overnight Accommodations *	Hotels and motels	SUP
Commercial Parking	Commercial Parking	SUP
Retail Sales and Service	Personal service-oriented uses	P*
	Repair oriented use (no outdoor operations)	P
	Sales oriented use (indoor operations)	P
	Banks and financial institutions	P
	Convenience store without fuel sales	P
	Convenience store with fuel sales	P
	Hair solons / barber shops	P
	Veterinarian/kennel indoor	P

Use Category	Specific Use	CR C235
Vehicle Sales and Service	Vehicle service-limited	P*
Restaurants	Restaurants, indoor seating only	P
	Restaurant, indoor seating with drive-thru	P
	Restaurant take out only, walk up or drive thru	P

* Certain specific uses may only be allowable if not within 150' of existing residential uses in accordance with the restrictions of the O-70 overlay.

** 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 of this site shall be completed in conformance with the approved preliminary plat and site plan. (See Section V.)

Overlay District: This property falls within the **US 70/401 Overlay**. This overlay district has additional development standards and use restrictions for properties with frontage along these 2 corridors. The overlay is explained in Article 4.11 of the *Unified Development Ordinance*. There are several uses that are prohibited or restricted within the overlay district.

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

Prohibited Overlay uses adjacent to or within 150 feet of existing residential uses: The following uses are permitted within the overlay boundary except where the site is within 150 feet of an existing residential use (single-family or multi-family).

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

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

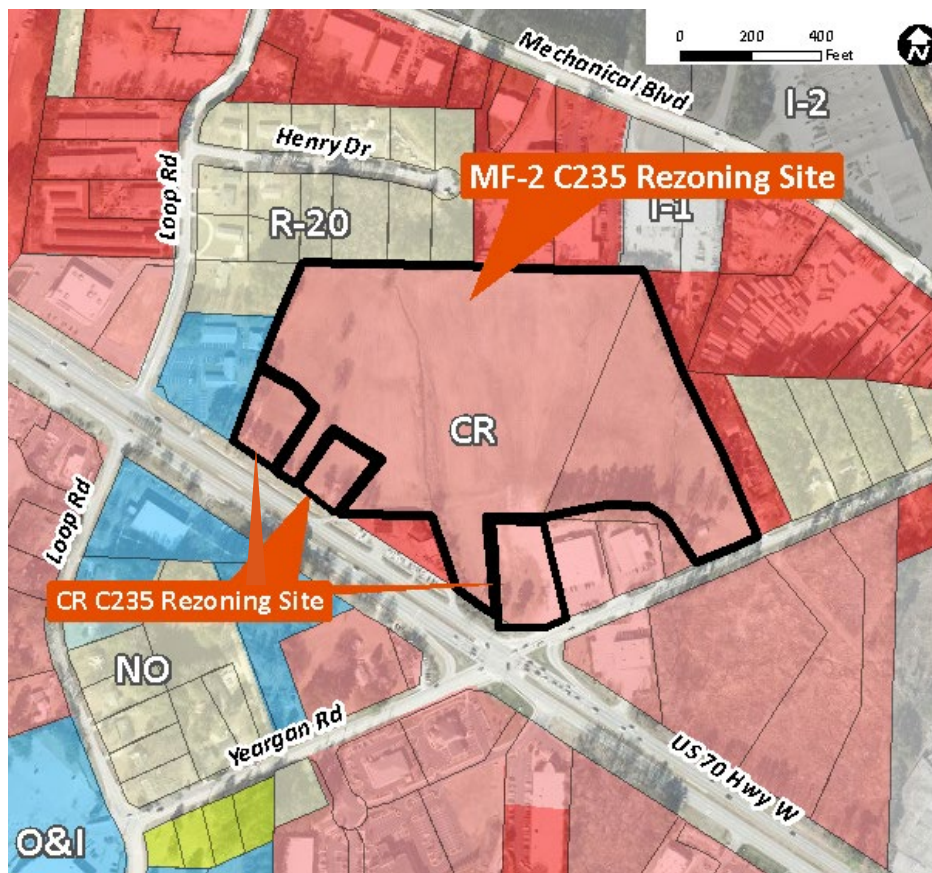
- a. Uses with outdoor storage, display, or goods for sale
- b. Manufactured home sales lots
- c. Motor vehicle sales lots
- d. Automobile service centers
- e. Automobile repair and body shops
- f. Veterinarians or kennels
- g. Truck terminals
- h. Car washes

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

Case	Applicant	Location	Zoning Change
CUD-Z-06-11	BSS Properties, LLC	New Fidelity Business Park	SB and O&I to CR C145
CUD-Z-12-04	Wake County Public Schools	Old movie theater site	SB C57 and CR to O&I C165
CUD-Z-13-05	Sherman Yeargan	Walgreens at Loop Road	CR and SC C69 to CR C170
CUD-Z-17-05	Stephens Land Development LLC	Loop Road	R-20 to SB C198

Adjacent Zoning and Land Use:

North:	R-20	Single-family (Henry Drive)
South:	O&I, CR	Office, Commercial
East:	CR	Vacant / undeveloped
West:	O&I R-20	Office Single-family



IV. COMMUNITY INFORMATION

Overall Neighborhood Character: The area of the community around the intersection of US HWY 70 W and Yeargan Road is of moderate commercial intensity with primarily service, retail, and office uses. This area is not fully developed with large vacant tracts at the northeast corner as well as the northwest corner. The predominant zoning district in this area is Community Retail (CR).

Traffic: A Traffic Impact Analysis (TIA) was required for multifamily Household Living uses as this site plan will accommodate more than 100 dwelling units. The TIA recommended the following improvements:

Yeargan Road:

1. MOSTLY OFFSITE – Widen from US 70 to site entrance to provide a center turn lane.
2. OFFSITE – Stripe 100 feet of dedicated storage in the newly created center lane for southbound left turn onto eastbound US Highway 70.
3. MOSTLY SITE FRONTAGE – Stripe 50 feet of dedicated storage in the newly created center lane for northbound left turn into site entrance.
4. ONSITE – construct site drive off Yeargan Road to include one ingress and one egress lane.

US Highway 70:

1. SITE FRONTAGE – Widen to add third westbound lane along westernmost segment of frontage.
2. MOSTLY SITE FRONTAGE – Stripe additional third westbound lane to provide exclusive right turn into site entrance (will require some offsite deceleration taper and become a continuous through/shared right when third lane is complete).
3. ONSITE – construct site drive off US Highway 70 to include one ingress and one egress lane.

Yeargan/70 Intersection:

1. OFFSITE – modify existing signal to accommodate recommended lane configuration.

The widening and reconfiguration necessary to add the third westbound lane along the easternmost segment of the US Highway 70 frontage directly adjacent to the intersection with Yeargan Road was determined by NCDOT to have potential to drastically interrupt intersection function because of the short length of road to be improved. Therefore, a payment will be made in lieu of installation of those improvements at this time. All other improvements have been agreed to and incorporated into the subdivision plans.

As background, the NCDOT average daily traffic count history in this area is as follows:

Yeargan Road

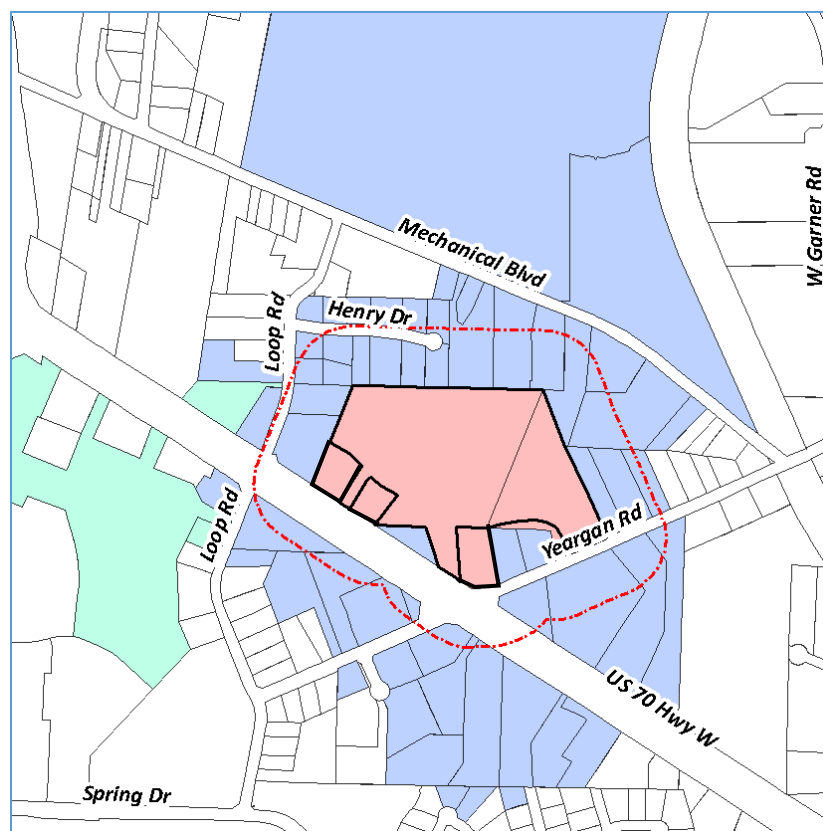
- | | |
|---------------------|---------------------|
| • Year 2009 – 3,000 | • Year 2015 – 3,500 |
| • Year 2011 – 3,300 | • Year 2017 – N/A |
| • Year 2013 – 3,200 | • Year 2019 – 3,800 |

US 70 Hwy W

- Year 2009 – 30,000
- Year 2011 – 29,000
- Year 2013 – 28,000
- Year 2015 – 30,000
- Year 2017 – 31,000
- Year 2019 – 35,000

Neighborhood Meeting: Staff identified 60 properties (49 property owners) within the notification radius as shown below and provided the list below to the applicant for first class mailed notices.

The neighborhood meeting was held remotely on Zoom at 6 PM on December 17, 2020 with about eight neighboring property owners in attendance (highlighted below). Two owners also called in to ask questions prior to the meeting.



OWNER	ADDR1	ADDR2
BAKER, LATTIE BAKER, HOYIE	1600 E DAVIE ST	RALEIGH NC 27610-3316
DENNING, JOHN PHILLIP DENNING, PATRICIA	412 HENRY DR	GARNER NC 27529-2503
FIDELITY BANK THE	100 S MAIN ST	FUQUAY VARINA NC 27526-2221
BAKER, LATTIE JR BAKER, HOYIE U	1600 E DAVIE ST	RALEIGH NC 27610-3316
KENNEDY, KENNETH D JR	714 W JOHNSON ST	RALEIGH NC 27603-1230
ALEXANDER, M A JR ALEXANDER, ELAINE G	708 BEAVER DAM RD	RALEIGH NC 27607-4006
GRIFFIN, MARY HESTER CLARK HEIRS	204 YEARGAN RD	GARNER NC 27529-2525

OWNER	ADDR1	ADDR2
SHIRLEY, DOUGLAS W SHIRLEY, DIANNE C	1060 S LAKESIDE DR	FOUR OAKS NC 27524-7947
GENUINE PARTS COMPANY	2999 WILDWOOD PKWY	ATLANTA GA 30339-8580
ALEXANDER, LOUIS E JR ALEXANDER, JACQUELINE N	322 WHITHORNE DR	GARNER NC 27529-4759
TUWELLA,LLC	197 HAYWOOD DR	ADVANCE NC 27006-8752
SWARD ENTERPRISES, LLC	922 US HWY 70	GARNER NC 27529
BALL, FORREST H	10117 OLD STAGE RD	RALEIGH NC 27603-9569
LUIHN FOUR REAL PROPERTY LLC	111 COMMONWEALTH CT STE 106	CARY NC 27511-4447
M3A PROPERTY MANAGEMENT LLC	2616 ROCKWOOD DR	RALEIGH NC 27610-5216
ALEXANDER, MARION ARTHUR III ALEXANDER, REBECCA M	417 LIVINGSTONE DR	CARY NC 27513-2920
GOODSON, REAGER MARLANA	402 LOOP RD	GARNER NC 27529-2565
DENNING, JOHN	408 HENRY DR	GARNER NC 27529-2503
SOUTH BRANCH LIMITED PARTNERSHIP	PO BOX 61	FOUR OAKS NC 27524-0061
CARROLL, LEE F CARROLL, ALICE S	728 HILLANDALE LN	GARNER NC 27529-4607
RAJDC CAPITAL LLC	300 WILMOT RD	DEERFIELD IL 60015-4614
EKCO ARNOLD, THOMAS C	1431 MECHANICAL BLVD STE A	GARNER NC 27529-2504
NATIONAL RETAIL PROPERTIES LP	450 S ORANGE AVE STE 900	ORLANDO FL 32801-3339
JONES, WILLE EDWARD SAPP, CAROLYN J HEIRS	342 CAPTAIN HBR	SANFORD NC 27332-0204
JONES, JOSEPHINE	342 CAPTAIN HBR	SANFORD NC 27332-0204
BAKER, CARRIE L	1617 LETHBRIDGE CT	RALEIGH NC 27606-4609
RAYNOR, BOBBY C	PO BOX 365	GARNER NC 27529-0365
YEARGAN, SHERMAN A JR YEARGAN, SHERMAN A JR TRUSTEE	7777 WHITE OAK RD	GARNER NC 27529-8808
SAAD, MAGDY SAAD, SAMIA	304 BRIARHAVEN CT	GARNER NC 27529-5100
SAAD PROPERTIES LLC	875 US HIGHWAY 70 W	GARNER NC 27529-2541
HARRIS, NELLIE DENNING, JOHN PHILLIP	1108 HADLEY RD	RALEIGH NC 27610-4831
BRICKLEY, JAN	PO BOX 208	SOUTHMONT NC 27351-0208
FLORES, ADELFO FLORES GARCIA, OSVALDO FLORES	160 WILLIS RD	GARNER NC 27529-6773
LMN LLC	1425 MECHANICAL BLVD	GARNER NC 27529-2538
MITHCINER, E HOKE	1517 S GLENEAGLE DR	GARNER NC 27529-4364
ALEXANDER, MARION ARTHUR III	312 HOMESTEAD DR	CARY NC 27513-2906
HOLLAND, JOHNNY D HOLLAND, CARRIE ANN	5400 TERMONT DR	RALEIGH NC 27609
GARNER U STORE IT LLC	409 LOOP RD	GARNER NC 27529-2568
STANCIL, MARGARET STANCIL, ROBERT	313 LOOP RD	GARNER NC 27529-2566
BRE THRONE GARNER TOWNE SQUARE LLC	PO BOX 4900	SCOTTSDALE AZ 85261-4900
FULP, JAMES F FULP, SARAH B	151 STEEL MAGNOLIA LN	SEMORA NC 27343-9048
GANGI, MARIO	1718 FOXWOOD DR	GARNER NC 27529-3518
RAY, CAROL ANN	1716 FOXWOOD DR	GARNER NC 27529-3518

OWNER	ADDR1	ADDR2
MAJESTIC PTNR OFFICE CONDOS HOA	205 NEW FIDELITY CT	GARNER NC 27529-2899
FIDELITY BUSINESS PARK OWNERS ASSOCIATION, INC.	875 HWY 70 WEST	GARNER NC 27529
ZG&M HOLDINGS LLC	101 NEW FIDELITY CT	GARNER NC 27529-2898
KARKI, RABINDRA GAUTAM, SHREE	1328 LEGENDARY LN	MORRISVILLE NC 27560-7104
1400 GARNER MRP LLC	902 CLINT MOORE RD STE 104	BOCA RATON FL 33487-2846
PROGRESS ENERGY CAROLINAS INC	PO BOX 1551	RALEIGH NC 27602-1551

Meeting Summary:

Questions/ Concern #1:	How many people would occupy the apartments, also asked if current water and sewer lines were of adequate size the service the apartments as well as all the neighboring parcels. He also asked about pricing of units.
Applicant Response:	Explained that would be dependent on costs of construction which we are working on.
Questions/ Concern #2:	asked about the turning lane and road widening.
Applicant Response:	explained these were required by the town/DOT
Questions/ Concern #3:	asked if there would be a fence
Applicant Response:	explained there would be a fence around the retention ponds.
Questions/ Concern #4:	asked about a buffer between her parcel
Applicant Response:	explained it and showed it on the plan.
Questions/ Concern #5:	asked how we will handle construction traffic
Applicant Response:	we would likely come in off of HWY 70 on the front.
Questions/ Concern #6:	asked about the overhead power lines
Applicant Response:	explained they will remain in place.
Questions/ Concern #7:	asked about start date, also asked about \$/acre in the area. Also asked how much resistance we got from the town
Applicant Response:	answered that the town has been very clear that they want a project that will positively impact the community.
Questions/ Concern #8:	emailed asking where her father's land was in relation
Applicant Response:	emailed her a site plan with his/her parcel highlighted.

Questions/ Concern #9:	called asking how many units would be built and if there would be a zoning hearing
Applicant Response:	told him 264 units and that she was sure it would go through the normal process with the town.

Public Hearing Summary: The Town Council conducted a public hearing at their meeting on Tuesday, April 20, 2021.

- Staff presented the case and gave an overview of the rezoning request.
- Council members asked if the Swift Creek Land Management Plan had any impact on the proposed rezoning. Staff responded that it did not as the area was designated as “existing non-compliance” on the plan; therefore, any density and impervious limits did not apply to this site.
- Council members asked why the multi-use path was not required on the north side of US 70. Staff responded that they would confirm this, but that US 70 was identified as a greenway (side path) corridor in the Parks, Recreation, Greenways and Cultural Resources Master Plan. The TRC has been designating which sides of roads should accommodate the side path (vs. sidewalk) as the first sites come up for review along each corridor since the Plan’s adoption. All new developments on the southside would be required to include a multi-use path, and all new developments on the northside of US 70 would be required to install sidewalks. The future widening of US 70 was then brought up, and it reported that this was years away.
- Council members also asked if staff had done any commercial property analysis as this rezoning would change a large area from commercial/retail to multi-family use. Staff responded that no analysis had been done. Other Council members noted that multi-family uses have been documented as generating the highest amount of tax revenue per acre.
- Finally, Council members asked about the impact of any riparian buffers on the site. The applicant reported that permits had been submitted to the state, and that they should hear back within about a month.
- Mr. Steve Ward asked the developer how many units were being proposed for this project. He also expressed concerns about the impacts to his adjacent existing business on US 70 and driveway access. He also asked about the two retention ponds proposed for the project site and why they were so close to 70 and his property.
- Mr. Marion Alexander, who owns property across Yeargan Road, noted his past disputes with the State over the presence of riparian buffers on his property as he is downstream of the riparian buffers identified in the applicant’s site and subdivision plans. In his opinion, the riparian buffers should not be present on the applicant’s site as the State had removed the buffers on his property following a legal action.
- Council closed the public hearing.

V. SUBDIVISION AND SITE PLAN SUMMARY

Acreage: 22.01 +/- acres

Minimum Lot 5,000 square feet (MF)

Size/Dimensions: 6,000 square feet (CR)

Setbacks:

MF

Front – 35'

Rear – 25'

Side – 15'

Corner – 25'

CR

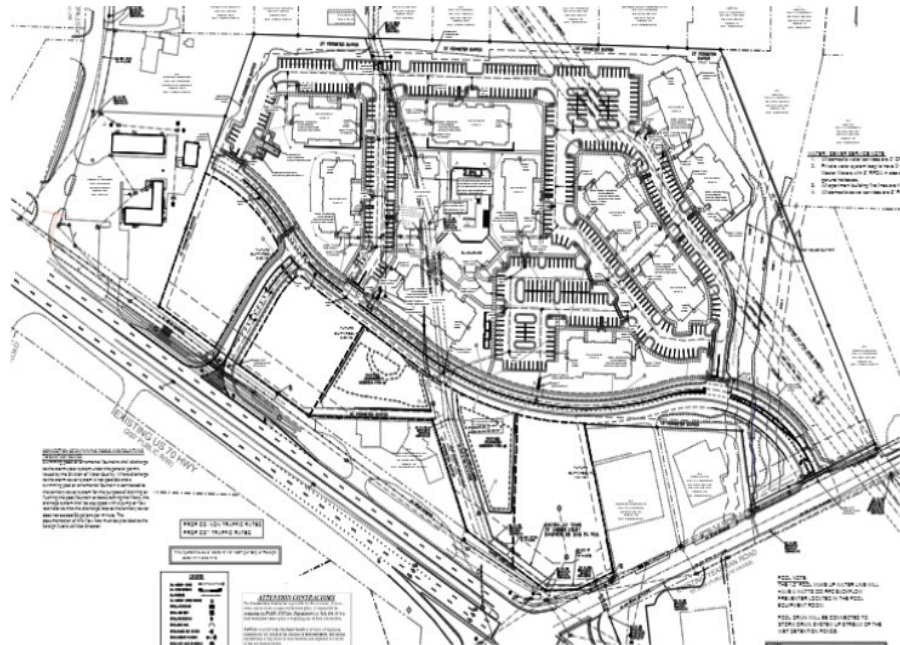
Front – 35'

Rear – 0/25'

Side – 10/15'

Corner – 35'

Site Plan:



**Landscape and
Buffer
Requirements:**

Tree Cover: The site plan calls for 14% tree coverage (3.08 acres), meeting the requirement of 14%. Outparcels will be evaluated at time of individual site plan submittal.

Street Buffers: Street buffers are 15 feet based on the assumption that all uses are retail in conditional CR and multifamily uses that fall within the Class 3 buffer designation. Those will be further evaluated at site plan submittal to make sure they are in conformance.

Street Trees: Trees provided along both street frontages every 40 feet as required.

- Yeorgan Road: 9 Required, 9 Provided
- Internal Drives (both sides): 78 Required, 78 Provided
- US 70 (one side): 3 Required, 3 Provided

Perimeter Buffers: The perimeter buffers for the multifamily site plan of 35' and 25' are shown based on the uses and vacant zoning surrounding the project site. Perimeter buffers for areas under conditional CR zoning will be evaluated for width, as well as plantings, at the time of site plan submission.

Environmental Features:

There is a Neuse Riparian Buffer on the eastern margin of the property and there are wetlands on the site. Documentation from governing authority must be obtained before encroachment of environmentally sensitive areas.



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

Parking: Exact parking for the site plan will be evaluated at the time of zoning compliance permit submittal when the specific occupying use is known. Conditional CR outparcels will be evaluated at time of site plan submittal.

Lighting: Site plan lighting meets both the requirements of the UDO and staff policy regarding LED fixtures. Conditional CR outparcels will be evaluated at time of site plan submittal.

Infrastructure: ***Water/Sewer*** - The parcels will be connected to the City of Raleigh public water and sewer systems.



Stormwater Management: Raynor Meadows is a commercial and multifamily development site that is located within the watershed protection area. This development site is subject to stormwater water quality requirements for nitrogen and TSS removal as well as water quantity requirements for the 1, 10, 25 and 100 year storm events. This development plan proposes two wet retention ponds to treat impervious surface from the multifamily development site as well as future commercial development on the outparcels. This device will satisfy all water quality and water quantity requirements at this site for nitrogen and TSS removal and will detain the 1, 10, 25 and 100 year storm events. A nitrogen offset payment will also be required as part of this development.

Streets and Access: Internal to the site, the development will be served by new private roads, which will connect to both US Hwy 70 and Yeargan Road, and will stub to the parcel to the west.

Frontage Improvements: The Raynor Meadows site is located at the northwest corner of US Hwy 70 and Yeargan Road. Along the Yeargan Road frontage, the road on the development side will be improved to

a Town of Garner major collector, which is half of a 49' back of curb to back of curb in 74' right of way. A dedicated right turn lane into the site drive will be provided on southbound Yeargan Road. Curb, gutter, sidewalk, and storm drainage will also be installed. TRC determined during a previous submittal that the 2010 recommendation for a "paved shoulder" section to accommodate bicycles was no longer desirable. Alternatively, as a major collector, there will be enough pavement for bike lanes, though they will not be striped at this time.

Along the US Hwy 70 frontage, the road on the development side will be improved to a 6-lane divided section, with the addition of a third lane of pavement on westbound US Hwy 70. At this time, a portion of the additional lane will function as a dedicated right turn lane into the site driveway. Curb, gutter, sidewalk, and storm drainage will also be installed.

As noted previously, frontage improvements to the US 70 frontage directly adjacent to the Yeargan Road intersection were determined by NCDOT to have the potential to drastically interrupt intersection function because of the short length of road to be improved. Therefore, a payment will be made in lieu of installation of intersection improvements at this time.

VI. CONSISTENCY OF REQUEST

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

Relevant Land Use Plan Analysis:

2018 Garner Forward Plan - INCONSISTENT:

The site of the request is designated as **Corridor Commercial (CRC)**. Adjacent land use categories include Office Center, Light Industrial Center and Medium-Density Residential. Located along highways and major arterials, the CRC land use category emphasizes commercial centers that have individual driveways and separated parking lots, unique signage, and differentiated building materials and styles along a major arterial roadway. These centers are less likely to have any foot traffic, and oriented towards the roadway with

little accessibility from the rear or sides of the properties. Permitted uses may include operations with outdoor storage and sales display areas.

Multifamily uses are not recommended as part of the CRC land use category; therefore, should the request be found reasonable, the *2018 Garner Forward Plan* would be automatically amended to reclassify the multifamily portions of the site as **Multi-Family Residential (MFR)**.



2010/18 Garner Transportation Plan – *CONSISTENT*:

The Town’s transportation plans recommend a six-lane divided section for US 70 and recommends a paved shoulder for bicyclists along an unimproved Yeargan Road. Paved shoulders are sometimes identified for bicycle accommodations along rural routes; however, Yeargan Road is not in a rural setting and the Capital Area MPO’s current MTP identifies Yeargan Road as a 3-lane facility. Therefore, the applicant has been instructed to construct the Town of Garner’s major collector section (2 lanes with a center turn-lane and bike lanes) on Yeargan Road, which includes dedicated space for striped bicycle lanes. Completion of half of the recommended section along US 70 has been incorporated into the subdivision plan where allowed by NCDOT. A fee-in-lieu will be collected for the remainder.

Space for bicycle facilities have also been incorporated in the applicant’s plans. This site is also located along the local circulator / cross-town bus service general corridor recently adopted by the Town Council. Exact routing remains to be determined.

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

The Master Plan calls for a greenway corridor along US 70 as far east as White Oak Road. The TRC has reached a recommendation that this corridor be implemented along the northern side of US 70. A 10-foot asphalt side path has been incorporated into the applicant's plans.

Planning Commission Summary: The Planning Commission reviewed this request at their meeting on May 10, 2021.

- Staff presented the case and gave an overview of the zoning map amendment request, including an attached preliminary plat and site plan.
- Mr. Voiland inquired about wetlands that are shown on the site plan and the project's development impact into the wetlands. Staff noted that some areas could be impacted and the impacts would be permitted through the appropriate agency. Bob Cerzak?, a civil engineer for the project went on to say that US Army Corps of Engineers and Division of Environmental Quality have confirmed environmental sensitive areas on the site. The impact permits have been applied for and are awaiting approval.
- Vice Chair Moua speculated about walkability given the close proximity of commercial centers and the high school on the opposite side of US 70 and the difficulties in crossing 70. Staff noted other projects in the area that could lead to improved walkability in the long-term along with locally funded sidewalk prioritization.
- Ms. Avent inquired about Mr. Alexander's concerns regarding Neuse River Buffer designations from the Division of Water Quality. Staff recapped the situation as far as they were aware.
- Ms. Avent also inquired about possible sidewalk connection to Walgreen's. Staff noted the challenge of widening US 70 in front of the intervening property in order to place the sidewalk in its final location.
- Mr. Jefferson inquired about Mr. Ward's concerns about the proximity of the stormwater ponds to his property. Bart McClain, engineer with William G Daniel & Associates noted that the stormwater ponds are in the lowest part of the site and are impounding the 100-year storm event, which is not always required.
- Mr. Jefferson asked for verification about open space locations, amenities and landscaping. Staff noted the multifamily site will come back for a special use permit approval during which use-specific regulations will be verified.
- Members inquired about the adequacy of the entrance on Yeargan Road. Staff noted from the TIA that dedicated turn lanes from both directions would adequately address traffic along Yeargan Road.
- Chairman Blasco voiced his concerns about the potential multi-family use in the middle of commercial and light industrial uses. Staff reminded the Commission of the small but adjacent single-family neighborhood to the northwest, and that the commercial and industrial land uses focus on indoor, more community friendly, uses. It was also noted that the future bus line could be a benefit as the multifamily could serve as a trip

generator. Agent for the applicant, Mike Lewis, responded that the highest and best use for the site is multi-family.

- Chairman Blasco asked if any thought was given to increasing the building height limit to increase the density since Timber Drive and US 70 are major throughfares in Garner. Mike Lewis responded that he did not feel four flights of stairs or internally-accessed dwellings were widely accepted in the current market yet. Commission members and applicant agreed to remove the condition regarding building height restrictions.
- Some discussion ensued regarding the location for the recommended greenway along US 70. Staff agreed to verify and ask applicant to adjust plans as necessary.

On a vote of 5-0, the Planning Commission unanimously accepted the Consistency Statement below as their own written recommendation regarding the consistency of the amended request with the Town's adopted land use plans and recommended approval of CZ-SBSP-20-10 to the Town Council.

Written Recommendation / Consistency Statement: The Planning Commission finds this request to rezone approximately 18.54 +/- acres of a 22.01-acre tract to the northwest of Yeargan Road and US Highway 70 from Community Retail (CR) to Multifamily Residential (MF-2 C235) Conditional and the remaining 3.47 +/- acres from Community Retail (CR) to Community Retail (CR C235) Conditional inconsistent with the 2018 Garner Forward land use map; although the request is otherwise consistent with adopted land use plans as it incorporates (or pays a fee-in-lieu where permitted) the completion of half of the recommended 6-lane divided section for US 70, includes space for bicycle facilities along Yeargan Road as called for in the Town's adopted transportation plans, includes a side path along US 70, includes sidewalks along Yeargan Road and internal drives which acknowledges a change from expecting less foot traffic associated with exclusive Corridor Commercial (CRC) land uses to more recreational use one might expect with independent Multi-Family Residential (MFR) land uses, and proposes permitted uses in the remaining Community Retail zoned portion of the site that are typical of the CRC land use category.

VII. REASONABLENESS

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

Staff Recommendation: Staff supports CZ-SBSP-20-10 as recommended by the Planning Commission for amendment and reflected in Section III of this report, recommends Town Council approval of the Planning Commission's statement of consistency in Section VI of this report, and further recommends approval of the zoning amendment request as a reasonable one – see the following commentary and motion worksheet.

Staff Commentary: While the request is inconsistent with portions of the relevant adopted land use plans (future land use map); staff believes a reasonable case can be made for supporting the overall request. Staff notes the following observations:

1. The request does not completely eliminate zoning that promotes the existing Corridor Commercial (CRC) land use category. Nearly 50 acres of Corridor Commercial would remain around the intersection of US 70 and Yeargan Road if the MF2 portion of the request was amended to Multi-Family Residential (MFR).
2. The site of the request lies along the adopted cross-town bus corridor which would support both employment destinations and higher density residential origins.
3. The site is located within 2,000 feet of Timber Drive/Hammond Road – a commuting route to and from downtown Raleigh that operates with spare capacity (as much as 29,500 trips per day along a 4-6 lane section).
4. Current economic conditions support the need for more housing which will in turn support more commercial development in the years ahead.
5. Introducing MFR uses would be within the range of intensity of land use categories in the vicinity. As noted, lower intensity Medium-Density Residential (MDR) is adjacent to the site as well as roughly equal intensity (albeit at differing times) Light Industrial Center (LIC), Office Center (OFC) and Corridor Commercial (CRC) land use categories.

CZ-SBSP-20-10, Raynor Meadows

Zoning Amendment Motion Worksheet

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

**1. CONSISTENT
AND
REASONABLE**

"I move that the Town Council accept the Planning Commission's written statement regarding consistency of the zoning amendment request with adopted land use plans, detailed in Section VI of the staff report, as our own; and I further move that the Town Council adopt Ordinance No. (2021) 5037 approving rezoning **CZ-SBSP-20-10**, as the request is reasonable and in the public interest because it will likely (select all applicable reasonableness options and/or provide your own reasoning)." *staff recommendation*

**2. CONSISTENT
BUT NOT
REASONABLE**

"I move that the Town Council accept the Planning Commission's written statement regarding consistency of the zoning amendment request with adopted land use plans, detailed in Section VI of the staff report, as our own; however, I also move that the Town Council deny rezoning **CZ-SBSP-20-10** as the request is not reasonable nor in the public interest because it will likely not (select all applicable reasonableness options and/or provide your own reasoning)." *staff recommendation*

**3. INCONSISTENT
YET
REASONABLE**

"I move that the Town Council accept the Planning Commission's written statement regarding consistency of the zoning amendment request with adopted land use plans, detailed in Section VI of the staff report, and find the request inconsistent due to (cite and insert land use plan evidence); yet, I also move that the Town Council adopt Ordinance No. (2021) 5037 approving rezoning **CZ-SBSP-20-10**, as the request is still reasonable and in the public interest because it will likely (select all applicable reasonableness options and/or provide your own reasoning)." *staff recommendation*

**4. INCONSISTENT
NOR
REASONABLE**

"I move that the Town Council accept the Planning Commission's written statement regarding consistency of the zoning amendment request with adopted land use plans, detailed in Section VI of the staff report, and find the request inconsistent due to (cite and insert land use plan evidence); and I further move that the Town Council deny rezoning **CZ-SBSP-20-10**, as the request is not reasonable nor in the public interest because it will likely not (select all applicable reasonableness options and/or provide your own reasoning)." *staff recommendation*

See next page for reasonableness options...

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

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

ORDINANCE NO. (2021) 5037

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

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

WHEREAS, the Town Council finds this request to rezone approximately 18.54 +/- acres of a 22.01-acre tract to the northwest of Yeargan Road and US Highway 70 from Community Retail (CR) to Multifamily Residential (MF-2 C235) Conditional and the remaining 3.47 +/- acres from Community Retail (CR) to Community Retail (CR C235) Conditional inconsistent with the 2018 Garner Forward land use map; although the request is otherwise consistent with adopted land use plans as it incorporates (or pays a fee-in-lieu where permitted) the completion of half of the recommended 6-lane divided section for US 70, includes space for bicycle facilities along Yeargan Road as called for in the Town's adopted transportation plans, includes a side path along US 70, includes sidewalks along Yeargan Road and internal drives which acknowledges a change from expecting less foot traffic associated with exclusive Corridor Commercial (CRC) land uses to more recreational use one might expect with independent Multi-Family Residential (MFR) land uses, and proposes permitted uses in the remaining Community Retail zoned portion of the site that are typical of the CRC land use category; and

WHEREAS, the Town Council still finds the request is reasonable and in the public interest because it will likely allow/encourage shared-use and mixed-use developments and remain within the range of intensity of other land use categories in the vicinity;

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

Section 1. That the Official Zoning Map of the Town of Garner and Extraterritorial Jurisdiction be amended by changing the zoning classification of the property described below from its present zoning to that requested by W&M Partners, LLC in Rezoning Application No. CZ-SBSP-20-10 (C235).

Section 2. That there is hereby created a new conditional zoning district, to be known as the Multifamily Residential (MF-2 C235) Conditional District; within this district, all of the regulations that apply to property within the general MF-2 zoning district shall be applicable subject to the following conditions:

1. Use table:

Use Category	Specific Use	MF-2 C235
Household Living **	Condominium	P*
	Multifamily (triplex and higher, including apartment)	P*
Community Service	Community Center	SUP

*** 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. For Household Living uses, amenities shall include a minimum 4,800 square foot clubhouse with a 2,500 square foot outdoor swimming pool.
3. No vinyl siding to be used for any exterior building material.
4. Development of this site shall be completed in conformance with the approved subdivision and site plans.

Section 3. That there is hereby created a new conditional zoning district, to be known as the Community Retail (CR C235) Conditional District; within this district, all of the regulations that apply to property within the general CR zoning district shall be applicable subject to the following conditions:

1. Use table:

Use Category	Specific Use	CR C235
Household Living **	Townhomes	P*
	Condominiums	P*
	Upper Story Residential	P
Community Service	Other community service	SUP
	Community Center	SUP
	Library, art center, museum	P
	Civil, service, fraternal clubs, lodges, similar uses	SUP

Use Category	Specific Use	CR C235
Daycares	Adult Day Care	P*
	Day Care Center	P*
Educational Facilities and Services	Music, dance, art instruction	P
	Trade / vocational schools	SUP
Government Facilities	Government Office	SUP
	Ambulance, rescue squad, police, fire station	P
Health Care	Medical clinic	P
	Hospice	P
	Ambulatory Health & Emergency Care Facility	SUP
Parks and Open Space	Parks, swimming pools, tennis courts, golf courses	SUP
Utilities	Telecommunications facility	SUP
	Minor Utility	P*
Entertainment *	Bars, Nightclubs, Taverns	SUP
	Gym, spa, indoor tennis court, private pool	P
	Indoor entertainment facility	P*
	Electronic Gaming Center	P*
Office	Medical office - individual	P
	Other office	P
Overnight Accommodations *	Hotels and motels	SUP
Commercial Parking	Commercial Parking	SUP
Retail Sales and Service	Personal service-oriented uses	P*
	Repair oriented use (no outdoor operations)	P
	Sales oriented use (indoor operations)	P
	Banks and financial institutions	P
	Convenience store without fuel sales	P
	Convenience store with fuel sales	P
	Hair solons / barber shops	P
	Veterinarian/kennel indoor	P
Vehicle Sales and Service	Vehicle service-limited	P*
Restaurants	Restaurants, indoor seating only	P
	Restaurant, indoor seating with drive-thru	P
	Restaurant take out only, walk up or drive thru	P

* Certain specific uses may only be allowable if not within 150' of existing residential uses in accordance with the restrictions of the O-70 overlay.

** 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 of the subdivision shall be completed in conformance with the approved plans.

Section 4. 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
Bobby Raynor	1701964018 and 1711051809	Community Retail (CR)	Multifamily Residential (MF-2 C235) Conditional District 18.54 +/- acres, and Community Retail (CR C235) Conditional District, 3.47 +/- acres

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

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

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

Section 7. This ordinance shall become effective upon adoption.

Duly adopted this 7th day of June 2021.

Ken Marshburn, Mayor

ATTEST: _____
Stella L. Gibson, Town Clerk

Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: June 7, 2021		
Subject: Conditional Zoning Map Amendment: CZ-21-02, Rosemoor		
Location on Agenda: Old/New Business		
Department: Planning		
Contact: David Bamford, AICP; Planning Services Manager		
Presenter: David Bamford, AICP; Planning Services Manager		
Brief Summary: Zoning map amendment request submitted by Mr. Keith Roberts, PE; Timmons Group, on behalf of Margaret Williford, Dan Williford and Larrie Buffaloe to conditionally rezone approximately 17.13 +/- acres comprising 25 lots in the existing Rosemoor Subdivision from Single-Family Residential (R-20 C129) Conditional to Single-Family Residential (R-20 C241) Conditional for the continued development of single-family homes. The site is located south and east of the intersection of Buffaloe and Aversboro roads and may be further identified by the list of Wake County PINs listed in the attached staff report.		
Recommended Motion and/or Requested Action: Consider adoption of Ordinance (2021) 5038		
Detailed Notes: See attached vicinity map and staff report. The neighborhood meeting was held remotely on Zoom at 6 PM on March 9, 2021. This neighborhood was approved as CUP-SB-04-07 and CUD-Z-04-07 on January 3, 2005, with a proposed 41 single-family lots. Fourteen (14) lots are currently developed with 25 still left to be built on. The request is to modify the conditions that relate to the architectural standards that each home constructed must meet (making adjustments to the required brick percentages and first floor square footage).		
Funding Source: n/a		
Cost:	One Time: <input type="radio"/>	Annual: <input type="radio"/> No Cost: <input checked="" type="radio"/>
Manager's Comments and Recommendations: 		
Attachments Yes: <input checked="" type="radio"/> No: <input type="radio"/>		
Agenda Form Reviewed by:	Initials:	Comments:
Department Head:	JST	
Finance Director:		
Town Attorney:		
Town Manager:	RD	
Town Clerk:		

**Town of Garner
Planning Department**

**Conditional District Zoning Application
CZ 21-02**



Project: Rosemoor Subdivision
Applicant: Keith Roberts
Owner: Williford & Buffaloe
Location: Rosemoor Subdivision
Pin #: Many (25 Total)

Proposed Use: Single-family housing
Current Zoning: Single Family Residential (R-20 C129)
Proposed Zoning: Single Family Residential (R-20 C241)
Acreage: 17.13
Overlay: Lake Benson Overlay

Planning Department Staff Report

TO: Mayor and Town Council

FROM: David Bamford, AICP; Planning Services Manager

SUBJECT: *Conditional Zoning Map Amendment #CZ-21-02, Rosemoor*

DATE: June 7, 2021

I. PROJECT AT A GLANCE

Project Number(s): CZ-21-02, Conditional Zoning Map Amendment

Applicant: Mr. Keith Roberts, PE; Timmons Group

Owners: Margaret & Dan Williford; and Larrie Buffaloe

General Description -

Project Area & Location: 17.13 +/- acres at Rosemoor Subdivision off Buffaloe Road

Wake Count PIN(s): 1710107721, 1710107966, 1710104765, 1710104392, 1710104187, 1710104074, 1619194758, 1619194541, 1619194245, 1619194142, 1619184949, 1619184743, 1619187673, 1619187801, 1619187904, 1619197007, 1619197303, 1619196496, 1619197509, 1619197703, 1619197826, 1710107156, 1710200517, 1710109881, 1710108757

Current Zoning: Single-Family Residential (R-20 C129) Conditional

Requested Zoning: Single-Family Residential (R-20 C241) Conditional

Proposed Use(s): Single-Family Detached (with modified conditions)

Overlay: Lake Benson Conservation

Key Meeting Dates:

Public Hearing: April 20, 2021

Planning Commission: May 10, 2021

Action: June 7, 2021

II. BACKGROUND / REQUEST SUMMARY

Current Request: Zoning map amendment request submitted by Mr. Keith Roberts, PE; Timmons Group, on behalf of Margaret Williford, Dan Williford and Larrie Buffaloe to conditionally rezone approximately 17.13 +/- acres comprising 25 lots in the existing Rosemoor Subdivision from **Single-Family Residential (R-20 C129) Conditional** to **Single-Family Residential (R-20 C241) Conditional** for the continued development of single-family homes. The site is located south and east of the intersection of Buffaloe and Aversboro roads and may be further identified by the list of Wake County PINs listed in Section I of this report.

This neighborhood was approved as Rosemoor Subdivision (*old case #'s CUP-SB-04-07 and CUD-Z-04-07*) on January 3, 2005, with a proposed 41 single-family lots. It was rezoned from Single-Family Residential (R-40) to Single-Family Residential (R-20 C129) Conditional District. There are currently 14 developed lots (*including Lots 38 and 39 which were recombined*) and 26 undeveloped lots.

Due to changes in the market, construction costs, and other factors, the owners of 25 of these remaining vacant lots (*as shown in the graphic below*) are requesting to keep the base Single-Family Residential (R-20) zoning but change the voluntary conditions that affect the home construction standards. In summary, the following changes to the voluntary conditions are proposed:

- To slightly reduce the percentage of brick exterior finishing that is required, and
- To reduce the first-floor heated square footage required from 2,700 to 2,500 square feet (*overall 3,100 s.f. still required*).



III. ZONING ANALYSIS

Existing: The existing zoning of the site is **Single-Family Residential (R-20 C129) Conditional**. R-20 districts allow single-family lots of at least 20,000 square feet (0.45 acres). Gross maximum density is approximately 2.18 units per acre. This conditional district allows all uses permissible in the general R-20 zoning district.

The following is a list of permitted uses in the R-20 C129 District:

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

Other Conditions: Additional voluntary conditions that would apply to each home constructed in the neighborhood were proposed and adopted as follows:

1. All homes will have 2-car garages.
2. Each home will have 80% brick or stone on the exterior.
3. Each home will have a minimum total heated square footage of 3,100.
4. Each home will have a minimum first floor heated square footage of 2,700.

Proposed: The proposed zoning of the cumulative 17.13-acre site is **Single-Family Residential (R-20 C214) Conditional**. The R-20 district allows single-family lots of at least 20,000 square feet (0.45 acres). Gross maximum density is approximately 2.18 units per acre. This conditional use district would continue to allow all uses permissible in the R-20 district.

The following is a list of permitted uses in the R-20 C241 District:

1. Use Table:

Use Category	Specific Use	R-20 C241
Household Living **	Single-family site built and modular homes	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.**

Other Conditions: Additional voluntary conditions that would apply to each home constructed in the neighborhood are proposed as follows:

2. Each home shall have a minimum of a 3-car garage with entry from the side or rear yard.
3. Each home shall have a minimum of 70% brick or stone finishing on the front and side elevations and a minimum 35% brick or stone finishing on the rear elevations (exclusive of windows, doors, trim, etc.)
4. No vinyl or Masonite siding shall be allowed. *
5. Each home shall have a minimum total heated area of 3,100 square feet.
6. Each home shall have a minimum first floor heated area of 2,500 square feet.

** in keeping with existing private covenants.*

Overlay Zoning District: The site also falls within the **Lake Benson Overlay District** which restricts overall density to a maximum of 2.5 units per acre.

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

Case	Applicant	Location	Zoning Change
Z-95-03	Margaret Williford	Summer's Walk	R-40 to R-12 (Approved in 1995)
CUD Z 00-03	Margaret Williford	Autumn Oaks	R-40 to R-12 C99
CUD Z 04-07	Margaret Williford	Rosemoor Subdivision	R-40 to R-20 C129

Adjacent Zoning and Land Use:

North:	Single-Family Residential (R-12 C99)	Autumn Oaks
South:	n/a - county	Lake Benson
East:	Single-Family Residential (R-20)	Dunhaven
West:	Single-Family Residential (R-40)	Lake Benson Park / Lord of Life Lutheran Church



IV. COMMUNITY INFORMATION

Overall Neighborhood Character: The area near the intersection of Aversboro Road and Buffalo Road has developed into a mix of uses including single-family homes, a church, agricultural tracts of vacant land, open space and parks. There are no commercial sites within a half-mile of this property. Development density is limited due to the Lake Benson Overlay.

Traffic: A Traffic Impact Analysis was not required for this rezoning. There will be no traffic impacts as a result of this rezoning as the lots are already platted, and the rezoning only modifies the conditions that each home will need to meet at the time of construction. No additional lots are proposed.

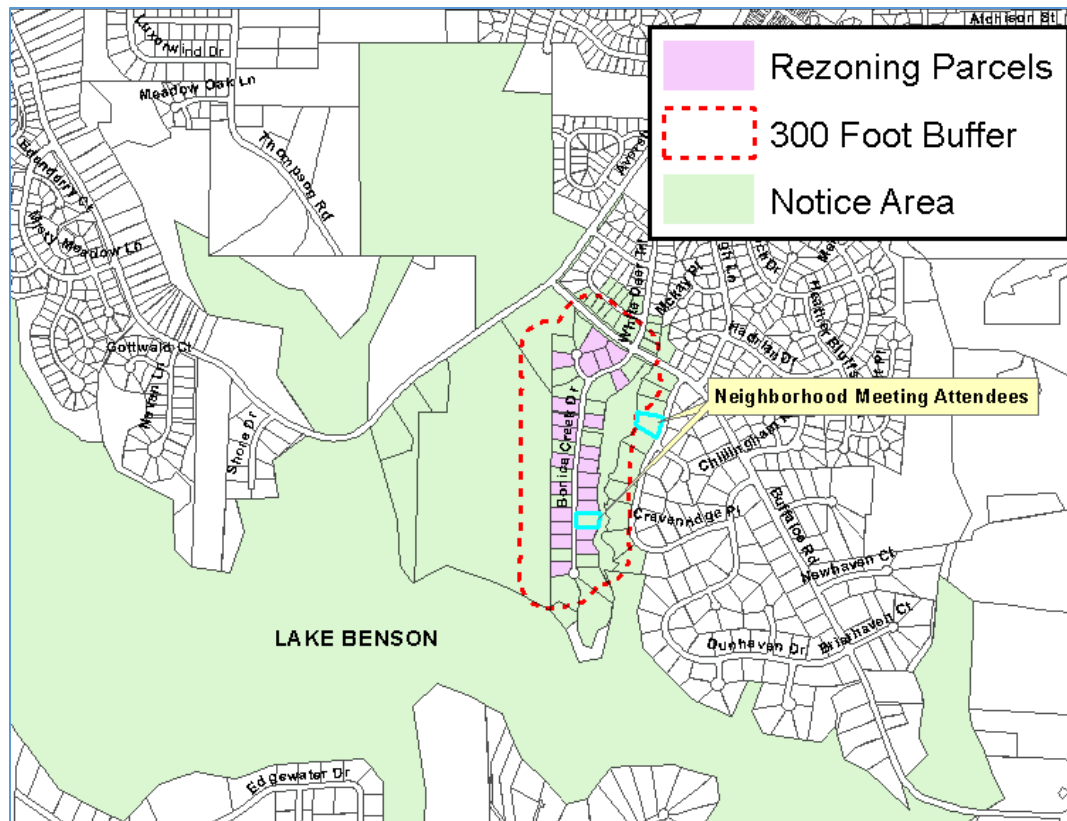
As background, the NCDOT average daily traffic count history in this area is as follows:

Buffaloe Road near Benson Rd

- | | |
|---------------------|---------------------|
| • Year 2009 – 2,300 | • Year 2015 – 2,900 |
| • Year 2011 – 2,600 | • Year 2017 – N/A |
| • Year 2013 – 2,600 | • Year 2019 – N/A |

Neighborhood Meeting: Staff identified 61 properties within the notification radius as shown below and provided the list that follows to the applicant for first class mailed notices.

Per Town policy, the neighborhood meeting was held remotely on Zoom at 6 PM on March 9, 2021 with 2 neighboring property owners in attendance (highlighted below). A meeting summary of questions and answers is also included.



OWNER	ADDR1	ADDR2
BASS, ANGELA HARRISON TRUSTEE	7905 FOGLEMAN LN	GARNER NC 27529-7402
STEVENS, TIM D STEVENS, DONNA W	125 BONICA CREEK DR	GARNER NC 27529-5098
PRICE, NERISSA M	2608 CRAVENRIDGE PL	GARNER NC 27529-5135
WILLIFORD, DANIEL W WILLIFORD, MARGARET E	203 BONICA CREEK DR	GARNER NC 27529-5093
JOHNSON, PHYLLIS L	PO BOX 307	GARNER NC 27529-0307
RENO, JAMES A RENO, CONNIE E	2508 CRAVENRIDGE PL	GARNER NC 27529-5117
ASHBAUGH, JAMES A ASHBAUGH, TRACEY L	8145 LAKISTA POINT LN	GARNER NC 27529-9096
BUFFALOE, RICKY J BUFFALOE, PHYLLIS L	965 BUFFALOE RD	GARNER NC 27529-5186
ROBERTS, KEITH M ROBERTS, DONNA W	202 BONICA CREEK DR	GARNER NC 27529-5092
PRIOR, GARY R PRIOR, GWENDOLYN H	957 RAND RD	GARNER NC 27529-9046
BUFFALOE, JAMES LARRIE BUFFALOE, MINNIE F	961 BUFFALOE RD	GARNER NC 27529-5186
WILKINS, PEGGY C	134 CLAYFIELD DR	GARNER NC 27529-4994
SCHOENTRUP, KEN R SCHOENTRUP, SUZANNE T	2606 CRAVENRIDGE PL	GARNER NC 27529-5135
STEWART, WESLEY STEWART, ELIZABETH	2600 CRAVENRIDGE PL	GARNER NC 27529-5135
WILLIAMS, DAVID G WILLIAMS, PAULA G	8133 LAKISTA POINT LN	GARNER NC 27529-9096
HARRELSON, LARRY D HARRELSON, CECILIA H	2607 CRAVENRIDGE PL	GARNER NC 27529-5136
CHATHAM, POLLY I TRUSTEE TRUSTEE OF POLLY I CHATHAM LIVING	18121 LAKISTA POINT LN	GARNER NC 27529-9096

GEARHART, MONTGOMERY W GEARHART, TANYA	2602 CRAVENRIDGE PL	GARNER NC 27529-5135
DAWSON, WILLIAM READE DAWSON, WENDY WRIGHT	173 BONICA CREEK DR	GARNER NC 27529-5098
HOLSTE, DOUGLAS HOLSTE, SHELBY	142 BONICA CREEK DR	GARNER NC 27529-5097
GARNER TOWN OF	PO BOX 446	GARNER NC 27529-0446
PURVIS, BEVERLY B	8129 LAKISTA POINT LN	GARNER NC 27529-9096
CREECH, JOHN GREGORY CREECH, JANET C	8109 LAKISTA POINT LN	GARNER NC 27529-9096
DICKEN, HELEN M DICKEN, DAVID G	137 CLAYFIELD DR	GARNER NC 27529-4995
TIET, SON V DOAN, CHO T	138 CLAYFIELD DR	GARNER NC 27529-4994
KUHLOW, ROBERT F KUHLOW, STEPHANIE A	141 CLAYFIELD DR	GARNER NC 27529-4995
PRIOR, RICHARD GARY	1117 SHADYWOOD LN	RALEIGH NC 27603-9239
BUFFALOE, LARRIE A BUFFALOE, ANGELA C	945 BUFFALOE RD	GARNER NC 27529-5186
MARSHBURN, KENNETH R MARSHBURN, FAYE M	145 CLAYFIELD DR	GARNER NC 27529-4995
PITMAN, THOMAS J PITMAN, KAREN L	2506 CRAVENRIDGE PL	GARNER NC 27529-5117
FUTRELL, DORIS JOYCE FUTRELL, HUBERT J	114 WHITE DEER TRL	GARNER NC 27529-4996
HAMILTON, JAMES C HAMILTON, MATISHA M	166 BONICA CREEK DR	GARNER NC 27529-5097
ADAMS, MICHAEL L ADAMS, BEVERLY B	2504 CRAVENRIDGE PL	GARNER NC 27529-5117
HOLLANDSTONE LLC	606 CHAMBERLAIN ST	RALEIGH NC 27607-7374
SCOTT, CHARLES E SCOTT, ROBERTA S	158 CLAYFIELD DR	GARNER NC 27529-4994
TRUSTEE OF THE ANNE BELL WOODS LVNG TRUST	101 BONICA CREEK DR	GARNER NC 27529-5098
ROSEMOOR PLACE HOMEOWNERS ASSN INC	1411 1/2 AVERSBORO RD	GARNER NC 27529-4546
BARHAM, KIMBERLY JEAN BARHAM, RICHARD E	8137 LAKISTA POINT LN	GARNER NC 27529-9096
ADAMS, LISA B ADAMS, JONATHAN D	7904 FOGLEMAN LN	GARNER NC 27529-7402
MOSER, ROBERT WESLEY MOSER, CAREY ROBERTSON	154 CLAYFIELD DR	GARNER NC 27529-4994
HUNTER, DAVID S HUNTER, SANTE B Y	146 CLAYFIELD DR	GARNER NC 27529-4994
PRICE, JERRY M PRICE, MARY H	120 NEW DAWN CT	GARNER NC 27529-5099
SAAD, AMGAD M SAAD, DONNA M	190 BONICA CREEK DR	GARNER NC 27529-5097
MOORE, CHARLES F III MOORE, DONNA B	2604 CRAVENRIDGE PL	GARNER NC 27529-5135
OLDS, ALVARO PIERRE OLDS, KIM LEWIS	110 WHITE DEER TRL	GARNER NC 27529-4996
LORD OF LIFE LUTHERN CHURCH	400 AVERSBORO RD	GARNER NC 27529-3634
THOMPSON, RONNIE A THOMPSON, ANGELA G	120 BONICA CREEK DR	GARNER NC 27529-5097
GOODWIN, WILLIAM E	2502 CRAVENRIDGE PL	GARNER NC 27529-5117
BUFFALOE, MINNIE F	961 BUFFALOE RD	GARNER NC 27529-5186
BARBOUR, RETHA	157 CLAYFIELD DR	GARNER NC 27529-4995
BANKS, MICHAEL SHANE BANKS, TYLER COLEMAN	102 WHITE DEER TRL	GARNER NC 27529-4996
REDEEMING DEVELOPMENT GROUP LLC	5319 COLLINGSWOOD DR	RALEIGH NC 27609-4363
STEIN, LESLIE STEIN, MARCIA L	149 CLAYFIELD DR	GARNER NC 27529-4995
ODOM, JEFFERY L ODOM, JACQUELINE K	106 WHITE DEER TRL	GARNER NC 27529-4996
WHEELER, JON P WHEELER, SHERYL G	107 NEW DAWN CT	GARNER NC 27529-5099
PUGH, BENJAMIN FLEMING PUGH, KIMBERLY LANCASTER	2805 CAMFIELD PL	GARNER NC 27529-5114
COLEMAN, CLIFTON E COLEMAN, ALICE C	130 CLAYFIELD DR	GARNER NC 27529-4994
HICKS, JEFFREY DEAN HICKS, SUSAN MARIE	154 BONICA CREEK DR	GARNER NC 27529-5097
HURLEY, BRADY LEROY HURLEY, REBECCA S	119 NEW DAWN CT	GARNER NC 27529-5099
DIXON, JERRY WADE JR DIXON, DANA STEPHENSON	113 BONICA CREEK DR	GARNER NC 27529-5098
RALEIGH CITY OF	PO BOX 590	RALEIGH NC 27602-0590

Questions/ Concern #1: I like that masonite siding is not allowed.
Applicant Response: n/a

Questions/ Concern #2: You decreased the minimum first floor. What did the covenants require?

Applicant Response: The covenants says 2,500 sf. We want to keep the 3,100 sf total but make the heated area more flexible.

Questions/ Concern #3: Going from 80% brick or stone exterior. Why reduce to 60% brick?

Applicant Response: Board and batton is a new trend that people are wanting to do. Reducing to 60% gives more flexibility for a "farm house" look.

Questions/ Concern #4: Can the covenants get renewed instead?

Applicant Response: Yes, but we want to rezone it to make it more official for if builder comes in.

Public Hearing Summary: The Town Council conducted a public hearing at their meeting on Tuesday, May 20, 2021.

- Staff presented the case and gave an overview of the zoning map amendment request.
- The applicant spoke in favor and explained that modifying the conditions, which apply to the home construction standards, bring the zoning in line with the HOA covenants. The applicant went on to explain that the request also addresses market changes and provides relief for soaring construction costs.
- There were no other comments, questions or opposition to this request.
- Council closed the public hearing.

V. CONSISTENCY OF REQUEST

Statutory Directive: When considering a zoning amendment request, the Planning Commission is required by state statute to make a written recommendation regarding the consistency of the request 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 zoning amendment 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.

Land Use Plan Analysis:

2018 Garner Forward Plan - *INCONSISTENT*:

The site of the request is designated as **Medium-Density Residential (MDR)**. The predominant designation in this area is also MDR. The MDR land use category includes single-family, duplex, triplex, quadplex, and townhome-style residences with **no less than** two and a half (2.5) nor more than five (5) units per acre. The original gross density of this existing subdivision is 0.88 dwelling units/acre; thus rendering the current request inconsistent with the Garner Forward land use plan.



Swift Creek Land Management Plan - *CONSISTENT*:

The Swift Creek Land Management Plan (SCLMP) is a multi-jurisdictional plan, from the late 1980s and early 1990s, that seeks to protect surface water within this watershed that contains several critical drinking water sources including Lake Benson and Lake Wheeler. The Plan designates land use, impervious limits, and density limits.

The site of the request falls within the compliance-required areas of the Swift Creek Land Management Plan which is more restrictive than the *2018 Garner Forward Comprehensive Plan* MDR land use designation. Within this SCLMP, the Rosemoor subdivision is classified for **New Suburban** development further limited by its location within the **Critical Area** surrounding Lake Benson. The SCLMP lacks a specific recommendation for New Suburban land in the Critical Area; however, member staff have agreed that the intent was that the Critical Area would further limit New Suburban development from a maximum of 2.5 dwelling units/acre to a **maximum of 1 dwelling unit/acre** as well as restricting uses to “Limited Residential” uses which are expressly NOT inclusive of institutional uses such as colleges, schools, public libraries, museums and art galleries (uses that would likely exceed an impervious surface area of 35%). The original subdivision layout, which is not being affected by this rezoning, comprised 41 lots and open space over 46.676 acres for a gross density of 0.88 dwelling units/acre. Additionally, the amended request limits the permitted uses to single-family residential uses only; therefore, the amended request is consistent with the SCLMP.

Planning Commission Summary: The Planning Commission conducted their meeting on Monday, May 10, 2021.

- Staff presented the case and gave an overview of the zoning map amendment request.

- The applicant spoke in favor of the request and explained that the purpose of this was to bring the 2004 zoning conditions in line with the amended restrictive covenants. The current zoning conditions are more restrictive than the covenants for some things (first floor heated square footage and percentage of brick) and less restrictive for others (allowing a 2-car garage).
- Staff noted the original request was inconsistent with applicable land use plans and offered options for resolving the issues of inconsistency. The applicant offered to amend and restrict the list of permitted uses to single-family residential only as reflected in Section III of this report.
- There were no other comments, questions or opposition to this request.

On a vote of 5-0, the Planning Commission accepted the Consistency Statement below as their own written recommendation regarding the consistency of the request with the Town's adopted land use plans and recommended approval of CZ-2-02 to the Town Council.

Written Recommendation / Consistency Statement: The Planning Commission finds this request to rezone from Single-Family Residential (R-20 C129) Conditional to Single-Family Residential (R-20 C241) Conditional preserves the original layout of the Rosemoor Subdivision and does not alter the original gross density of 0.88 dwelling units/acre and is consistent with the more restrictive land use allowances of either the 2018 *Garner Forward Comprehensive Plan* or the Swift Creek Land Management Plan.

VI. REASONABLENESS OF REQUEST

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

Staff Recommendation: Staff supports CZ-21-02 as amended and reflected in Section III of this report, recommends Town Council approval of the Planning Commission's statement of consistency outlined in Section V of this report, and further recommends approval of the zoning amendment request as a reasonable one – see following motion worksheet.

CZ-21-02, Rosemoor

Zoning Amendment Motion Worksheet

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

**1. CONSISTENT
AND
REASONABLE**

"I move that the Town Council accept the Planning Commission's written statement regarding consistency of the zoning amendment request with adopted land use plans, detailed in Section V of the staff report, as our own; and I further move that the Town Council adopt Ordinance No. (2021) 5038 approving rezoning **CZ-21-02**, as the request is reasonable and in the public interest because it will likely (select all applicable reasonableness options and/or provide your own reasoning)." *staff recommendation highlighted*

**2. CONSISTENT
BUT NOT
REASONABLE**

"I move that the Town Council accept the Planning Commission's written statement regarding consistency of the zoning amendment request with adopted land use plans, detailed in Section V of the staff report, as our own; however, I also move that the Town Council deny rezoning **CZ-21-02** as the request is not reasonable nor in the public interest because it will likely not (select all applicable reasonableness options and/or provide your own reasoning)." *staff recommendation highlighted*

**3. INCONSISTENT
YET
REASONABLE**

"I move that the Town Council accept the Planning Commission's written statement regarding consistency of the zoning amendment request with adopted land use plans, detailed in Section V of the staff report, and find the request inconsistent due to (cite and insert land use plan evidence); yet, I also move that the Town Council adopt Ordinance No. (2021) 5038 approving rezoning **CZ-21-02**, as the request is still reasonable and in the public interest because it will likely (select all applicable reasonableness options and/or provide your own reasoning)." *staff recommendation highlighted*

**4. INCONSISTENT
NOR
REASONABLE**

"I move that the Town Council accept the Planning Commission's written statement regarding consistency of the zoning amendment request with adopted land use plans, detailed in Section V of the staff report, and find the request inconsistent due to (cite and insert land use plan evidence); and I further move that the Town Council deny rezoning **CZ-21-02**, as the request is not reasonable nor in the public interest because it will likely not (select all applicable reasonableness options and/or provide your own reasoning)." *staff recommendation highlighted*

See next page for reasonableness options...

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

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

ORDINANCE NO. (2021) 5038

**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 from Single-Family Residential (R-20 C129) Conditional District to Single-Family Residential (R-20 C241) Conditional District preserves the original layout of the Rosemoor Subdivision and does not alter the original gross density of 0.88 dwelling units/acre and is consistent with the more restrictive land use allowances of either the 2018 *Garner Forward Comprehensive Plan* or the Swift Creek Land Management Plan; and

WHEREAS, the Town Council further finds the request is reasonable and in the public interest because it will likely be of an overall design that keeps within the Town's character and improves property values;

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

Section 1. That the Official Zoning Map of the Town of Garner and Extraterritorial Jurisdiction be amended by changing the zoning classification of the property described below from its present zoning to that requested by Keith Roberts in Zoning Map Amendment Application No. CZ-21-02 (C241).

Section 2. That there is hereby created a new conditional zoning district, to be known as the Single-Family Residential (R-20 C241) Conditional District; within this district, all of the regulations that apply to property within the general R-20 zoning district shall be applicable subject to the following conditions:

1. Use Table:

Use Category	Specific Use	R-20 C241
Household Living **	Single-family site built and modular homes	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.*

- Each home shall have a minimum of a 3-car garage with entry from the side or rear yard.
- Each home shall have a minimum of 70% brick or stone finishing on the front and side elevations and a minimum 35% brick or stone finishing on the rear elevations (exclusive of windows, doors, trim, etc.)
- No vinyl or Masonite siding shall be allowed. *
- Each home shall have a minimum total heated area of 3,100 square feet.
- Each home shall have a minimum first floor heated area of 2,500 square feet.

** in keeping with existing private covenants.*

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
Margaret & Dan Williford; and Larrie Buffaloe	1710107721, 1710107966, 1710104765, 1710104392, 1710104187, 1710104074, 1619194758, 1619194541, 1619194245, 1619194142, 1619184949, 1619184743, 1619187673, 1619187801, 1619187904, 1619197007, 1619197303, 1619196496, 1619197509, 1619197703, 1619197826, 1710107156, 1710200517, 1710109881, and 1710108757 (+/- 17.13 acres)	Single-Family Residential (R-20 C129) Conditional District	Single-Family Residential (R-20 C241) Conditional District

Section 4. The Planning Department shall change the Official Zoning Map displayed for the

public to reflect this change immediately following adoption of this ordinance. In addition, a copy of this ordinance shall be filed in the Planning Department.

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

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

Section 7. This ordinance shall become effective upon adoption.

Duly adopted this 7th day of June 2021.

Ken Marshburn, Mayor

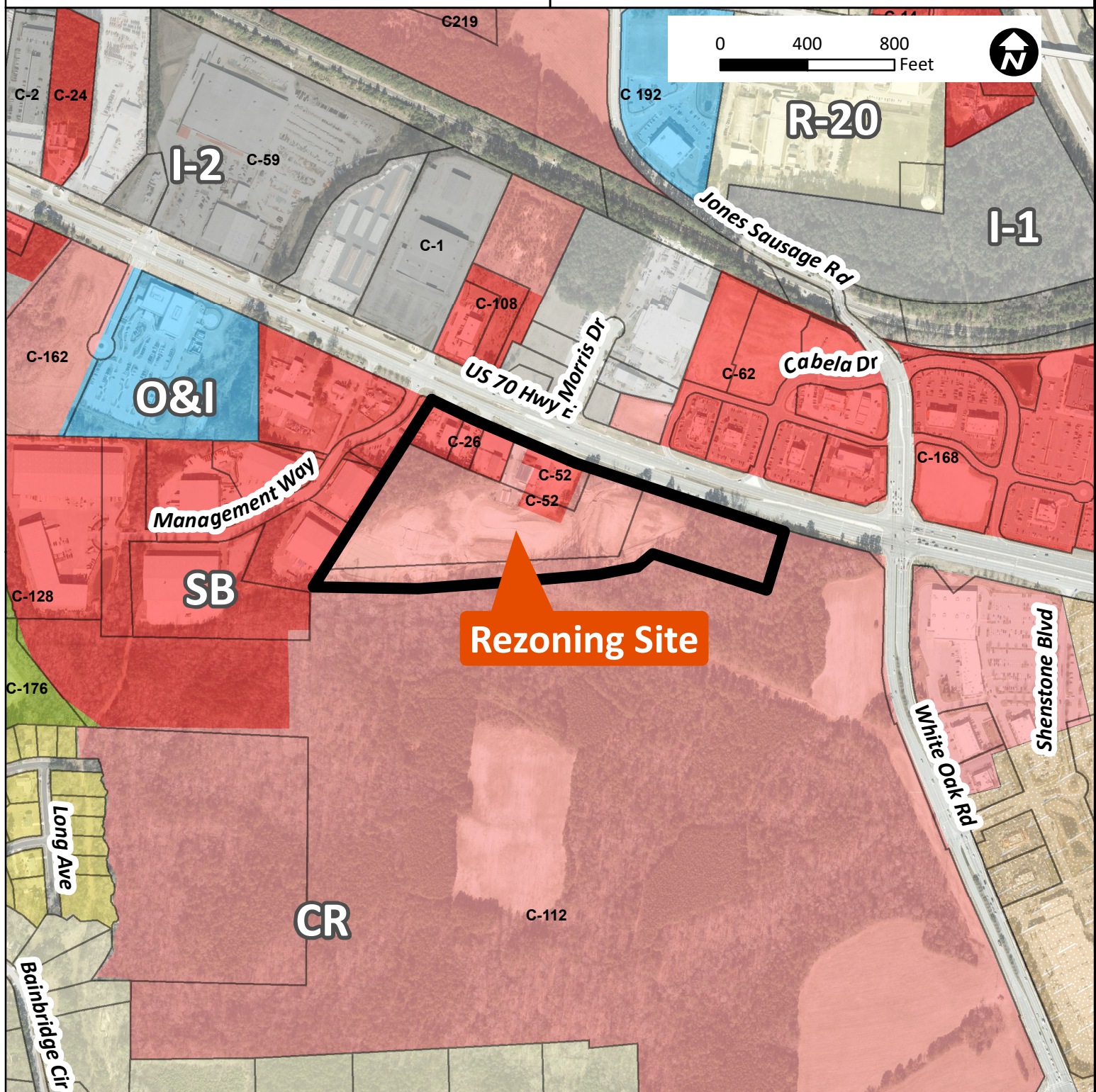
ATTEST: _____
Stella L. Gibson, Town Clerk

Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: June 7, 2021		
Subject: Conditional Zoning Map Amendment w/ Preliminary Plat: CZ-SB-20-05, White Oak Ridge		
Location on Agenda: Old/New Business		
Department: Planning		
Contact: David Bamford, AICP; Planning Services Manager		
Presenter: David Bamford, AICP; Planning Services Manager		
Brief Summary: Conditional district rezoning request with associated subdivision plan submitted by Core Properties on behalf of the LWOHLC LLC Walter Rand Yeargan Irrevocable Trust, Sherman Yeargan and the Rowan Yeargan Revocable Trust to rezone approximately 24.79 acres +/- across from the intersection of Morris Drive and US Highway 70 from Community Retail (CR), Service Business (SB), and Service Business (SB C52) and (SB C26) conditional districts to Community Retail (CR C232) conditional district. The site may be further identified as PINs 1720192143, 1720193067, 1720194093, 1720187943, 1720184732, and a portion of 1720271132.		
Recommended Motion and/or Requested Action: Consider adoption of Ordinance (2021) 5039		
Detailed Notes: Conditions of the rezoning include proposed permissible uses and a subdivision plan showing (five) 5 proposed commercial lots. The neighborhood meeting was held remotely on Zoom at 6 PM on December 18, 2020. Staff recommends approval of CZ-SB-20-05 should the Council find the voluntary zoning conditions satisfactory and finds the request reasonable and consistent with Town plan's and policies.		
Funding Source: n/a		
Cost:	One Time: <input type="radio"/>	Annual: <input type="radio"/> No Cost: <input checked="" type="radio"/>
Manager's Comments and Recommendations: 		
Attachments Yes: <input checked="" type="radio"/> No: <input type="radio"/>		
Agenda Form Reviewed by:	Initials:	Comments:
Department Head:	JST	
Finance Director:		
Town Attorney:		
Town Manager:	RD	
Town Clerk:		

**Town of Garner
Planning Department**

**Conditional District Zoning Application
CZ-SB-20-05**



Project: White Oak Ridge
Applicant: Core Properties
Owner: Walter Rand Yeargan Trust, Rowan Yeargan Trust
Location: US HWY 70 E
Pin #: 1720192143, 1720193067, 1720194093,
 1720187943, 1720184732, portion of 1720271132

Proposed Use: Commercial / Retail / Service
Current Zoning: CR, SB, SB C52, SB C26
Proposed Zoning: Community Retail C232
Acreage: 24.79
Overlay: US HWY 70 / 401

Planning Department Staff Report

TO: Mayor and Town Council

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

SUBJECT: ***Conditional Zoning Map Amendment w/Preliminary Plat #CZ-SB-20-05, White Oak Ridge***

DATE: June 7, 2021

I. PROJECT AT A GLANCE

Project Number(s): CZ-SB-20-05 Conditional Zoning Map Amendment

Applicant: Core Properties

Owners: LWOHLC LLC Walter Rand Yeargan Irrevocable Trust,
Sherman Yeargan, Rowan Yeargan Revocable Trust

General Description -

Project Area & Location: 24.79 +/- acres at US HWY 70 E

Wake Count PIN(s): 1720192143, 1720193067, 1720194093, 1720187943,
1720184732, and a portion of 1720271132

Current Zoning: Community Retail (CR),
Service Business (SB),
Service Business (SB C52 and SB C26) Conditional

Requested Zoning: Community Retail (CR C232) Conditional

Overlay: US 70/401 Overlay (O-70)

Key Meeting Dates:

Public Hearing: April 20, 2021

Planning Commission: May 10, 2021

Action: June 7, 2021

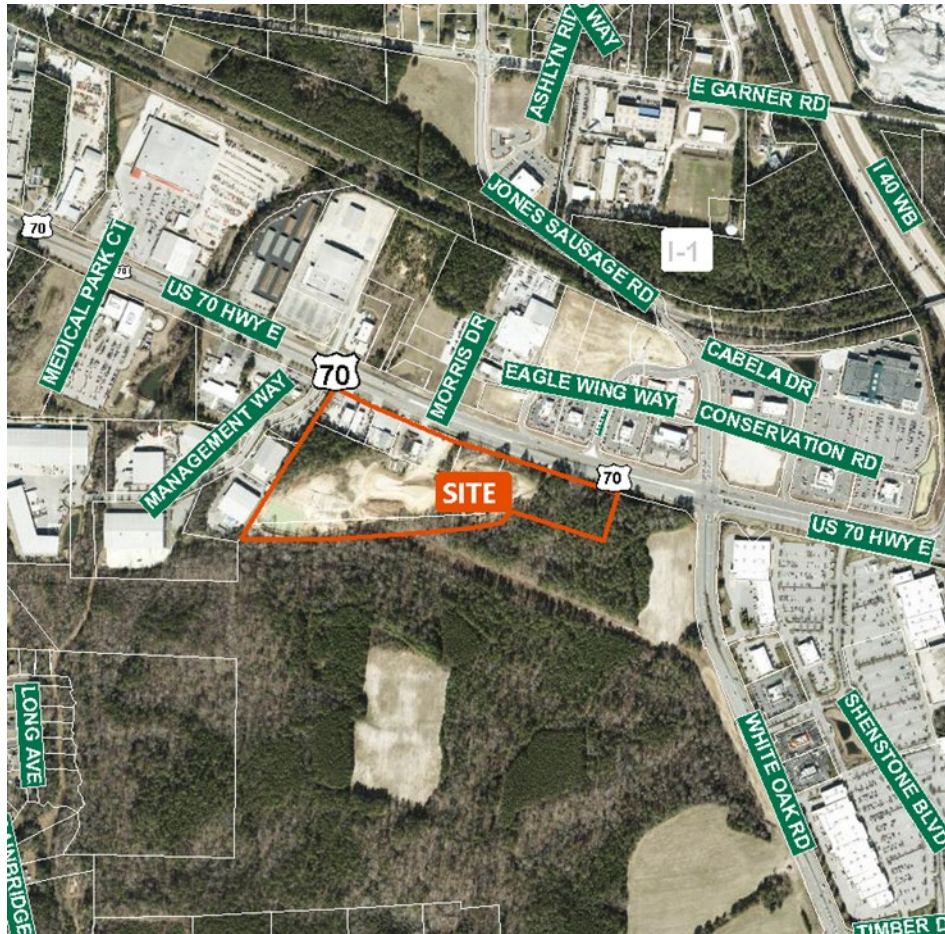
II. BACKGROUND / REQUEST SUMMARY

Current Request: Zoning map amendment request with associated preliminary plat submitted by Core Properties on behalf of the LWOHLC LLC Walter Rand Yeargan Irrevocable Trust, Sherman Yeargan and the Rowan Yeargan Revocable Trust to rezone approximately 24.79 +/- acres from **Community Retail (CR), Service Business (SB), Service Business (SB C52)**

Conditional, and Service Business (SB C26) Conditional to Community Retail (CR C232)

Conditional for the subdivision of commercial lots. The site is located across from the intersection of Morris Drive and US Highway 70, and may be further identified as Wake County PINs: 1720192143, 1720193067, 1720194093, 1720187943, 1720184732, and a portion of 1720271132.

Conditions are proposed to limit the range of permissible uses and establish an approved preliminary plat creating five (5) lots and associated public infrastructure. The property includes several existing structures that will be razed to allow for redevelopment.



III. ZONING ANALYSIS

Existing: The 24.79-acre site contains multiple zoning districts across multiple lots. Approximately 20.86-acres are zoned **Community Retail (CR)**, 1.75-acres **Service Business (SB)**, 0.54-acres **Service Business (SB C26) Conditional**, and 1.6-acres **Service Business (SB C52) Conditional**. These districts are described further in succession below.

The general **Community Retail (CR)** zoning district is designed to accommodate commercial activities that serve the entire community, especially retail businesses conducted within a building.

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

- | | |
|--|---|
| 1. Townhouse or Condominium | 30. Bars and nightclubs |
| 2. Upper-Story Residential | 31. Private golf or country club |
| 3. Community Center | 32. Private gym, spa, indoor tennis, pool |
| 4. Library, museum, art center | 33. Indoor entertainment facility |
| 5. Other Community service | 34. Electronic gaming center |
| 6. Lodges and fraternal clubs | 35. Movie Theaters |
| 7. Adult Day Care | 36. Bank, financial institution |
| 8. Day Care Center | 37. Medical office, individual |
| 9. Business School, college or university satellite | 38. Other office |
| 10. College/university | 39. Bed and breakfast |
| 11. Trade/vocational schools | 40. Hotel and motels |
| 12. Music, dance art instruction | 41. Commercial Parking |
| 13. Funeral home crematorium | 42. Restaurant, indoor with seating only |
| 14. Ambulance, rescue squad, police, fire station | 43. Restaurant with drive-through window |
| 15. Government office | 44. Restaurant take out only or walk up |
| 16. Hospice | 45. Convenience store without fuel sales |
| 17. Hospital | 46. Convenience store with fuel sales |
| 18. Emergency Care Facility | 47. Repair oriented use indoor only |
| 19. Medical Clinic | 48. Personal service use indoor only |
| 20. Mental Health facility | 49. Hair and beauty salons |
| 21. Group Care Facility | 50. Sales oriented use (indoor operations only) |
| 22. Handicapped Institution | 51. Veterinarian/kennel indoor |
| 23. Intermediate care institution | 52. Vehicle service-limited |
| 24. Nursing Care Institution | |
| 25. Cemetery | |
| 26. Parks, swimming pools, tennis courts, golf courses | |
| 27. Religious institutions | |
| 28. Minor utility, elevated water tank | |
| 29. Telecommunication facility | |

The general **Service Business (SB)** zoning district has been established to accommodate commercial activities that are more intense in nature than those permitted in the Neighborhood Commercial (NC) or Community Retail (CR) districts. The district also allows for the storage of merchandise or equipment and allows operations to be conducted outside of a building.

The following is a list of permitted uses in the general SB district:

- | | |
|--|---|
| 1. Security or caretaker's quarters | 28. Indoor entertainment facility |
| 2. Community Center | 29. Electronic gaming center |
| 3. Library, museum, art center | 30. Outdoor entertainment facility,
private athletic |
| 4. Other Community service | 31. Sexually oriented business
(prohibited within 1,000 feet of
residential use/zoning) |
| 5. Civil, service fraternal club,
lodges and similar uses | 32. Movie Theater |
| 6. Adult Day Care | 33. Drive-in Theaters |
| 7. Day Care Center | 34. Water-slides, golf driving ranges,
miniature golf, batting cages or
similar uses |
| 8. Business School, college or
university satellite | 35. Bank, financial institution |
| 9. College / university | 36. Medical office, individual |
| 10. Trade / vocational schools | 37. General office use |
| 11. Music / dance / art instruction | 38. Bed and breakfast |
| 12. Ambulance, rescue squad,
police, fire station | 39. Extended stay facility (prohibited
within 500 feet of residential
use/zoning) |
| 13. Government, utility with
outdoor storage | 40. Hotel and motels |
| 14. Government office | 41. Commercial Parking |
| 15. Medical Clinic | 42. Restaurant, curb or drive-in
service |
| 16. Cemetery | 43. Restaurant, indoor with seating
only |
| 17. Funeral home / crematorium | 44. Restaurant, indoor with drive-
through window |
| 18. Parks, swimming pools, tennis
courts, golf courses | 45. Restaurant, take out only, drive-
through or walk up |
| 19. Bus passenger terminals | 46. Convenience store without fuel
sales |
| 20. Taxi or limo operations/facility | 47. Convenience store with fuel
sales |
| 21. Religious institutions | 48. Open air market |
| 22. Minor utility, elevated water
tank | 49. Repair oriented use (indoor only) |
| 23. Telecommunication facility | |
| 24. Other major utility | |
| 25. Bars and nightclubs (prohibited
within 500 feet of residential
use/zoning) | |
| 26. Private golf or country club | |
| 27. Private gym, spa, indoor tennis,
pool | |

- | | |
|--|--|
| 50. Personal service use (indoor operations) | 60. Vehicle service-limited |
| 51. Barber shops / salons | 61. Vehicle towing, storage (prohibited within 500 feet of residential use/zoning) |
| 52. Sales oriented use (indoor operations only) | 62. Flex space |
| 53. Sales oriented use (outdoor operations) | 63. Light Industrial use indoor |
| 54. Veterinarian/kennel indoor | 64. Light Industrial use with outdoor storage of tenant supplies |
| 55. Veterinarian/kennel outdoor (prohibited within 500 feet of residential use/zoning) | 65. Light Industrial use with outdoor operations |
| 56. Self-service storage | 66. Warehouse and freight movement with indoor storage |
| 57. Car wash (prohibited within 500 feet of residential use/zoning) | 67. Warehouse and freight movement with outdoor storage |
| 58. Vehicle repair (storage restricted to rear of building, 30-day storage limit) | 68. Recyclable materials collection center |
| 59. Vehicle sales and rental (storage restricted to rear of building) | 69. Wholesale sales |
| | 70. Manufacturing indoor operations |

The conditional **Service Business (SB C26)** district is limited to only allow auto repair/body shop uses with no outdoor storage in front of an “imaginary line running from the northeast corner of the building parallel to US 70 eastward to the property line” (April 3, 1998).

Finally, the conditional **Service Business (SB C52)** district prohibits the following uses as listed and defined on September 6, 1994:

1.000 - Residential Uses; 3.200, Office, Clerical, Research and Services not Primarily Related to Goods or Merchandise and Equipment Operations Conducted Outside a Fully enclosed Building.; 4.200 Manufacturing, Painting, Creating, Repairing, Renovating, Processing, Cleaning, Merchandise and Equipment Operations Outside a Fully Enclosed Building; 5.120, Business or Vocational Schools; 7.200, Nursing Care Institutions, 8.300 - 8.500, Bars, Night Clubs, ABC Permitted Private Clubs, Adult Cabarets, Adult Entertainment; 9.500 Carwash; 10.000 Storage and Parking; 14.400, Reclamation Landfill; 17.000 Towers and Related Structures; 20.000 Cemetery. A maximum of three (3) product display areas shall be allowed in the front yard and shall be limited to horse trailers, utility and construction trailers and automobiles. All other product display shall be screened from view of Highway 70 by means of a six foot evergreen hedge. Auto repair storage shall be located behind a six foot solid fence.

Proposed: The proposed zoning of the entire 24.79-acre site is **Community Retail (CR C232) Conditional**. CR zoning districts are designed to accommodate commercial, retail, office, and service activities that serve the entire community. Outdoor operations, outdoor storage and

outdoor retail sales are not permitted in CR districts. Uses are only permitted within an enclosed building.

The applicant has proposed the following conditions for the CR C232 conditional district:

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

Use Category	Specific Use	CR C232
Household Living **	Townhomes	P*
	Condominiums	P*
	Upper Story Residential	P
Community Service	Other community service	SUP
	Community Center	SUP
	Library, art center, museum	P
	Civil, service, fraternal clubs, lodges, similar uses	SUP
Educational Facilities and Services	Music, dance, art instruction	P
	Business School, college or university satellite	P
	College / university	P
	Trade / vocational schools	SUP
Government Facilities	Government Office	SUP
Health Care	Medical clinic	P
	Hospice	P
	Hospital	SUP
	Ambulatory Health & Emergency Care Facility	SUP
	Mental Health Facility	P
Institutions	Handicapped Institution	P
	Intermediate Care Institution	P
	Nursing Care Institution	P
Religious Institutions	Religious Institutions	P*
Parks and Open Space	Parks, swimming pools, tennis courts, golf courses	SUP
Utilities	Telecommunications facility	SUP
	Minor Utility	P*
Entertainment	Bars, Nightclubs, Taverns	SUP
	Gym, spa, indoor tennis court, private pool	P
	Indoor entertainment facility	P*
	Theater	P
Office	Medical office - individual	P
	Other office	P
Overnight Accommodations	Hotels and motels	SUP
Commercial Parking	Commercial Parking	SUP
Retail Sales and Service	Personal service-oriented uses	P*
	Repair oriented use (no outdoor operations)	P

Use Category	Specific Use	CR C232
	Sales oriented use (indoor operations)	P
	Banks and financial institutions	P
	Convenience store without fuel sales	P
	Convenience store with fuel sales	P
	Hair solons / barber shops	P
Restaurants	Restaurants, indoor seating only	P
	Restaurant, indoor seating with drive-thru	P
	Restaurant take out only, walk up or drive thru	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 of this site shall be completed in conformance with the approved preliminary plat. (See Section V.)

Overlay District: This property falls within the **US 70/401 Overlay**. This overlay district has additional development standards and use restrictions for properties with frontage along these 2 corridors. The overlay is explained in Article 4.11 of the *Unified Development Ordinance*. There are several uses that are prohibited or restricted within the overlay district.

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

Prohibited Overlay uses adjacent to or within 150 feet of existing residential uses: The following uses are permitted within the overlay boundary except where the site is within 150 feet of an existing residential use (single-family or multi-family).

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

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

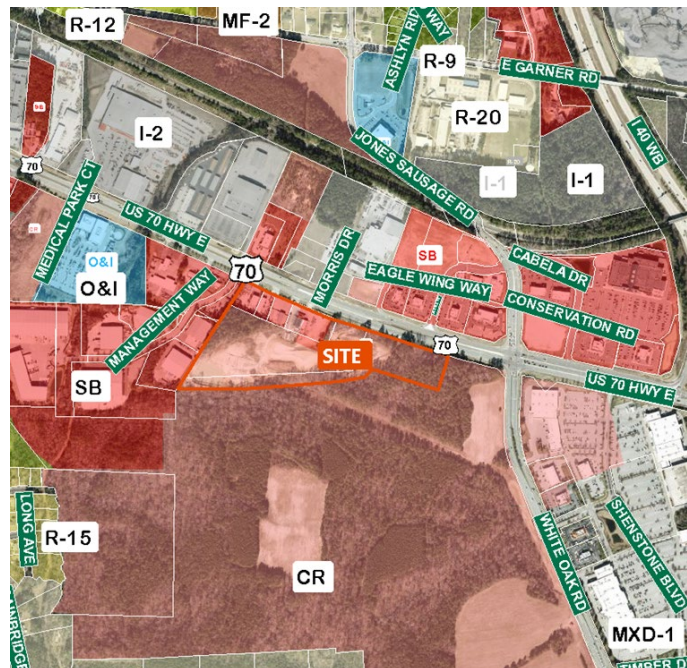
- a. Uses with outdoor storage, display, or goods for sale
- b. Manufactured home sales lots
- c. Motor vehicle sales lots
- d. Automobile service centers
- e. Automobile repair and body shops
- f. Veterinarians or kennels
- g. Truck terminals
- h. Car washes

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

Case	Applicant	Location	Zoning Change
1986	Rebarco, Inc	525 US 70 E	I-1 to I-2 C1
CUD-Z-89-1	Troy Wheeler	530 US 70 E	CB to SB C26
CUD-Z-91-04	Sherman Yeargan	White Oak North West (Sheetz side of road)	R-20, I-1 to SB C62
CUD-Z-94-05	Harrison Poole, Inc	606 US 70 E	CB to SB C52
CUD-Z-97-08	A.W. & Nathalie Partlo	409 US 70 E (Agri-Supply)	I-1 to I-2 C59
CUD-Z-01-05	North South Properties	535, 545 US 70 E	CB to SB C108
CUD-Z-01-09	Sherman Yeargan	Timber Drive East (large tract)	R-20 to CB C112

Adjacent Zoning and Land Use:

- North:** SB C108, I-1
Commercial, Light Industrial
- South:** CR
Vacant, undeveloped
- East:** CR, MXD-1
White Oak Shopping Center
- West:** SB
Light Industrial



IV. COMMUNITY INFORMATION

Overall Neighborhood Character: This area of the community is near the intersection of US 70 E and White Oak Road. Both roads are major thoroughfares. Traffic volumes are heavy at peak hours during the morning and afternoon. The zoning in this area is non-residential, including Service Business, Industrial (I-1 & I-2), Community Retail, Mixed Use, and Office & Institutional. Development is at a high intensity along these corridors with retail, service, industrial, and restaurants.

Traffic: A Traffic Impact Analyses (TIA) was not required for this rezoning accompanied by a proposed 5-lot commercial subdivision. However, a TIA may be required at the time a site plan is submitted for review on each individual lot, depending on their projected traffic generation.

As background, the NCDOT average daily traffic count history in this area is as follows:

White Oak Road

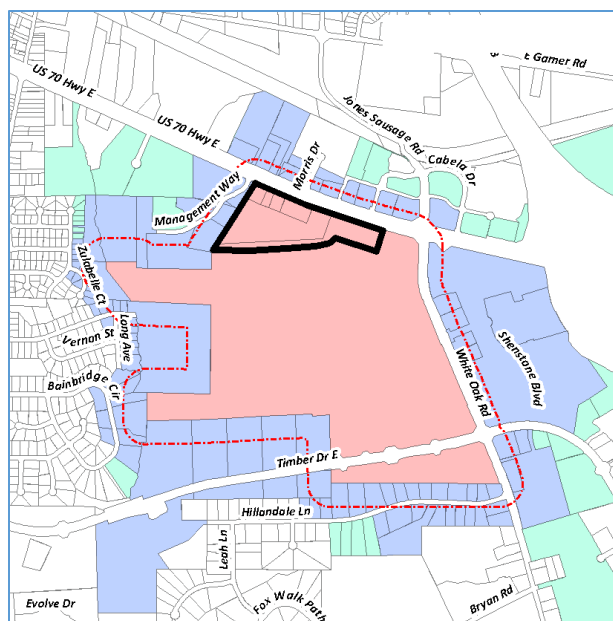
- Year 2009 – 22,000
- Year 2011 – 16,000
- Year 2013 – 23,000
- Year 2015 – 22,000
- Year 2017 – 25,000
- Year 2019 – 30,000

US 70 HWY E

- Year 2009 – 29,000
- Year 2011 – 29,000
- Year 2013 – 23,000
- Year 2015 – 26,000
- Year 2017 – 28,000
- Year 2019 – 31,500

Neighborhood Meeting: Staff identified about 110 properties within the notification radius as shown below and provided the list below to the applicant for first class mailed notices.

The neighborhood meeting was held remotely on Zoom at 6 PM on December 18, 2020 with about 3 neighboring property owners or representatives in attendance (highlighted below). Two owners also called in to ask questions prior to the meeting.



OWNER	ADDR1	ADDR2
DEH GARNER LLC	518 PLAZA BLVD	KINSTON NC 28501-1636
MORRIS & ASSOCIATES INC	803 MORRIS DR	GARNER NC 27529-4037

OWNER	ADDR1	ADDR2
GARNER VENTURES LLC	PO BOX 458	DUNN NC 28335-0458
YEARGAN, SHERMAN A JR WALTER RAND YEARGAN IRRVCBLE TRUST	7777 WHITE OAK RD	GARNER NC 27529-8808
EVANS, WISE D EVANS, AUDREY M	215 BAINBRIDGE CIR	GARNER NC 27529-4612
ALLEN, JIMMY B ALLEN, CAROLYN W	735 HILLANDALE LN	GARNER NC 27529-4606
HUTT, JOSHUA D	726 HILLANDALE LN	GARNER NC 27529-4607
MCKINNEY, JULIUS JAMAAL MCKINNEY, KESHA NICOLE HOLLOWAY	141 OAKTON RIDGE PL	GARNER NC 27529-4087
HILLANDALE PARK INC	705 ALICIA CT	GARNER NC 27529-4601
EDWARDS, BETTY W HEIRS	1010 GALLOP DR	CLAYTON NC 27520-8482
AUGUSTINE, THOMAS EDWARD AUGUSTINE, PATRICIA F	718 HILLANDALE LN	GARNER NC 27529-4607
BROWN, ANTHONY BROWN, JOYCE	129 OAKTON RIDGE PL	GARNER NC 27529-4087
LEE, ELSIE L	715 HILLANDALE LN	GARNER NC 27529-4606
MILLWOOD, ERVIN R MILLWOOD, LOIS R	727 HILLANDALE LN	GARNER NC 27529-4606
CARROLL, LEE F CARROLL, ALICE S	728 HILLANDALE LN	GARNER NC 27529-4607
ALFORD, JULIA	214 BAINBRIDGE CIR	GARNER NC 27529-4613
ROWAN ASSET CO LLC	1310 S TRYON ST STE 104	CHARLOTTE NC 28203
HARRIS, TESSIE T	725 HILLANDALE LN	GARNER NC 27529-4606
HEDLEY, DUANE CLARK JIYOU, YU	714 HILLANDALE LN	GARNER NC 27529-4607
QC PANERA LLC	2000 MCKINNEY AVE STE 1000	DALLAS TX 75201-2027
RADFORD, MICHAEL R RADFORD, BONNIE W	730 HILLANDALE LN	GARNER NC 27529-4607
CHANDLER, MICHAEL D CHANDLER, DIANA S	729 HILLANDALE LN	GARNER NC 27529-4606
WALTON, DANNY CHRISTOPHER WALTON, ERIN POPE	722 HILLANDALE LN	GARNER NC 27529-4607
YOUNG, LYNETTA TRUSTEE FBO GARNER WAKE HILLANDALE	719 HILLANDALE LN	GARNER NC 27529-4606
HERDER, JAMES K HERDER, EMILY J	71 PAULA DR	ANGIER NC 27501-9028
DAVIES, IAN DAVIES, MELROSE	165 OAKTON RIDGE PL	GARNER NC 27529-4087
AUSTIN, JACK C AUSTIN, ALICE F	708 HILLANDALE LN	GARNER NC 27529-4607
REID, CAROL	723 HILLANDALE LN	GARNER NC 27529-4606
AMH NC PROPERTIES, LP	30601 AGOURA RD STE 200	AGOURA HILLS CA 91301
BISHOP, JANET L	900 LONG AVE	GARNER NC 27529-4011
WHITAKER TOWNES ASSOC LLC	2601 OBERLIN RD STE 101	RALEIGH NC 27608-1319
BALLANCE, JAMES THOMAS BALLANCE, MARY R	409 RAND RD	RALEIGH NC 27603-9233
THOMPSON, HENRY ALFRED THOMPSON, LOIS W	1202 NEW BETHEL CHURCH RD	GARNER NC 27529-9354
FIRST BAPTIST CHURCH OF GARNER	601 SAINT MARYS ST	GARNER NC 27529-3803
NC-GARNER WHITE-NORTHWOOD TIC LLC NC- GARNER WHITE-DDP TIC LLC	PO BOX 2148	MILWAUKEE WI 53201
1020 TIMBER DRIVE EAST LLC JBKM HOLDINGS LLC	55 W CASTOR PL	STATEN ISLAND NY 10312
BRIDGERS, LONNIE F JR BRIDGERS, RACHEL G	724 HILLANDALE LN	GARNER NC 27529-4607
JOHNSON, JAMES JOHNSON, DELANE M	711 HILLANDALE LN	GARNER NC 27529-4606

OWNER	ADDR1	ADDR2
LUNSFORD, TAMMY	123 OAKTON RIDGE PL	GARNER NC 27529-4087
WILSON, MANSUR A WILSON, MURIEL M	212 BAINBRIDGE CIR	GARNER NC 27529-4613
BANNER, KENNETH JR BANNER, CHANDRA	105 OAKTON RIDGE PL	GARNER NC 27529-4087
WEAVER, IRENE M	329 BAINBRIDGE CIR	GARNER NC 27529-4635
LWOHC LLC WALTER RAND YEARGAN IRREVOCABLE TRUST	831 E MOREHEAD ST STE 445	CHARLOTTE NC 28202
FREDERICKS, THEODORE FREDERICKS, CHARMAYNE	135 OAKTON RIDGE PL	GARNER NC 27529-4087
WEINHEIMER, JACOB LEE	712 HILLANDALE LN	GARNER NC 27529-4607
MARTIN, THOMAS MARTIN, TAMARA	219 BAINBRIDGE CIR	GARNER NC 27529-4612
MONTGOMERY HE, CARLA M	731 HILLANDALE LN	GARNER NC 27529-4606
NLD GARNER LLC	3200 WESTCLIFF RD W	FORT WORTH TX 76109-2130
NC-GARNER WHITE OP-THEATER-QRX LLC	8816 SIX FORKS RD STE 201	RALEIGH NC 27615-2983
ALDRIDGE, DALLAS R ALDRIDGE, FRANKIE P	732 HILLANDALE LN	GARNER NC 27529-4607
HAMILTON, ELIZABETH F HAMILTON, ROBERT C	716 HILLANDALE LN	GARNER NC 27529-4607
THOMAS, MARY PAUL	325 BAINBRIDGE CIR	GARNER NC 27529-4635
NELSON, RANDY HILL NELSON, ELSIE MILLER	710 HILLANDALE LN	GARNER NC 27529-4607
MAXSON, KATHLEEN ANN	320 BAINBRIDGE CIR	GARNER NC 27529-4636
KOENIG, JACK	717 HILLANDALE LN	GARNER NC 27529-4606
ENWRIGHT, BRYAN K ENWRIGHT, DANEEN M	721 HILLANDALE LN	GARNER NC 27529-4606
ROWANN YEARGAN REVOCABLE TRUST YEARGAN, SHERMAN A JR	831 E MOREHEAD ST STE 445	CHARLOTTE NC 28202
L&C REAL PROPERTY LLC	3644 CHAPEL HILL BLVD	DURHAM NC 27707-2661
JONES, DEANTE	153 OAKTON RIDGE PL	GARNER NC 27529-4087
COASTAL FEDERAL CREDIT UNION	PO BOX 58429	RALEIGH NC 27658-8429
EMMONS, DARRELL B EMMONS, CARYN A	7350 WHITE OAK RD	GARNER NC 27529-9199
IBARRA, IGNACIO RODRIGUEZ	327 BAINBRIDGE CIR	GARNER NC 27529-4635
THOMAS, MEAGHAN L THOMAS, NEIL J	5412 CAZELET CT	GARNER NC 27529-7480
POLITO, VINCENT J JR POLITO, JOYCE D	111 OAKTON RIDGE PL	GARNER NC 27529-4087
HAMILTON, GARRETT L HAMILTON, THERESA ALANIA	920 BRYAN PL APT A8	GARNER NC 27529-3083
GARNER RETAIL LLC	PO BOX 36799	CHARLOTTE NC 28236
WAKEMED PROPERTY SERVICES	3000 NEW BERN AVE	RALEIGH NC 27610-1231
WHITE OAK NE ASSOCIATES LLC	2500 E KEARNEY ST	SPRINGFIELD MO 65898
CZECK, SANDRA L CZECK, KATHERINE J	709 HILLANDALE LN	GARNER NC 27529-4606
GARNER EXCHANGE LLC	101 S FARRAR DR	CAPE GIRARDEAU MO 63701
TIMBER DRIVE PROFESSIONAL PARK LLC	PO BOX 769	GARNER NC 27529-0769
WCSIII LLC	PO BOX 390	GARNER NC 27529-0390
BAIRD, JOHN O BAIRD, JESSICA	707 HILLANDALE LN	GARNER NC 27529-4606
CARLYLE, ROBERT L CARLYLE, BETTY L	705 HILLANDALE LN	GARNER NC 27529-4606
WRIGHT, MARION D WINTERS, JOHN T	330 W 3RD ST APT 305A	BRIDGEPORT PA 19405
TARGET CORPORATION	PO BOX 9456	MINNEAPOLIS MN 55440
GARNER ADVANCE LLC	21034 ROSEDOWN CT	BOCA RATON FL 33433

OWNER	ADDR1	ADDR2
AMSTIN LLC	17814 N US HIGHWAY 41	LUTZ FL 33549-4502
ADELINE AT WHITE OAK, LLC	201 N ELM ST STE 201	GREENSBORO NC 27401
FIRST BAPTIST CHURCH OF GARNER NC	601 SAINT MARYS ST	GARNER NC 27529-3803
TIMBER DRIVE MEDICAL BUILDING OWNERS ASSOCIATION,	PO BOX 6309	RALEIGH NC 27628-6309
WINTER, WILLIAM MONROE & MORDEN PLLC TRUSTEE	2911 N SHILOH RD	GARNER NC 27529-8132
WHITE OAK NW SPE 1 LLC	831 E MOREHEAD ST STE 445	CHARLOTTE NC 28202
BBPROPERTIESGARNER LLC	4908 HIGHLAND PARK CT	RALEIGH NC 27613-6387
WHITE OAK NW ASSOCIATES LLC	831 E MOREHEAD ST STE 445	CHARLOTTE NC 28202
T&T BOYS INC	121 MERIDIAN DR	GARNER NC 27529-6898
RALEIGH HOME GROUP LLC	5533 HWY 42 W E4	GARNER NC 27529
RABELL, JESSICA LYNN	715 WAKELAND DR	GARNER NC 27529-4032
SHELDON PLACE HOMEOWNERS ASSN INC	2180 W STATE ROAD 434 STE 5000	LONGWOOD FL 32779
ADAMS, KEISA L ADAMS, MICHAEL J	117 ZULABELLE CT	GARNER NC 27529-3990
HUMPHREY, SHIANA HUMPHREY, GREG D	115 ZULABELLE CT	GARNER NC 27529-3990
DINH, VINH HOANG	111 ZULABELLE CT	GARNER NC 27529-3990
COOPER, KATHRYN	109 ZULABELLE CT	GARNER NC 27529-3990
FRIESE, JOSHUA C FRIESE, JORDAN K	107 ZULABELLE CT	GARNER NC 27529-3990
LU, XIAOHONG	105 ZULABELLE CT	GARNER NC 27529-3990
HALL, PHILIP T HALL, RODOLFO M	201 OAKTON RIDGE PL	GARNER NC 27529-3963
PREAKNESS PLACE HOMEOWNERS ASSOCIATION INC	2000 AERIAL CNT PKWY STE 110A	MORRISVILLE NC 27560
RAY, BONNIE GOODWIN	420 HILLANDALE LN	GARNER NC 27529-4624
GSNC002 LLC	160 MINE LAKE CT STE 200	RALEIGH NC 27615-6417
YEARGAN, SHERMAN A JR TRUSTEE THE WALTER RAND YEARGAN IRREVOCABLE TRUST	7777 WHITE OAK RD	GARNER NC 27529-8808
BANNISTER PROPERTIES LLC	704 MAXWELL DR	RALEIGH NC 27603-4250
KYLE WHITE ENTERPRISES LLC	PO BOX 886	GARNER NC 27529-0886
COFIELD, TIMOTHY COFIELD, MARY MABLE	217 BAINBRIDGE CIR	GARNER NC 27529-4612
DUKE REALTY LAND LLC	PO BOX 40509	INDIANAPOLIS IN 46240
LWOHC LLC WALTER RAND YEARGAN IRREVOCABLE TRUST THE	831 E MOREHEAD ST STE 445	CHARLOTTE NC 28202
REGALO LLC	PO BOX 769	GARNER NC 27529-0769
DDC/MANAGEMENT WAY LLC	4104 ATLANTIC AVE STE 140	RALEIGH NC 27604-1803
SDA LLC	PO BOX 769	GARNER NC 27529-0769
YEARGAN, SHERMAN A JR ROWANN YEARGAN RVCBLE TRUST	7777 WHITE OAK RD	GARNER NC 27529-8808

Summary Notes:

- The Alford family stated that they did not have any questions and they came to support and find out what was going on.
- **Is there a rezoning component?**

- Response- one of the parcels does indeed necessitate a rezoning, that It's not that it was incompatible necessarily, as it just allowed for a more uniform type of development. The current zoning is not residential or industrial.
- **Are there conditions accompanying this application?**
 - Response- Although there are some conditions, they are primarily related to the treatment of the buffers, streams, stormwater management, etc. Carlton stated that one of the provisions is installing the multi-use path along Highway 70. He stated that they designed the development across the street and the development where the Cabela's is and all very similar in nature to this.
- **Will project be constructed at one time?**
 - Response - it is unknown at this time if the project will be constructed at one time or if this would be a phased development. He stated that it's really all market driven. Rich Barta, the petitioner, confirmed that this project is market driven. He stated that ideally, he would like to develop it at once, but he is likely to have to do mass grading of the site because of the conditions for the project. Rich stated that after that point, he will be bringing in development components as they are ready. He stated that his expectation is it will probably be done in a couple of phases, maybe two to three.
- **What is the proposed land use?**
 - Response- there will be a mixture of uses for this project. He stated that there will definitely be a retail and restaurant component, but there are some other discussions he is having that could bring it to a multi-use development.

Public Hearing Summary: The Town Council conducted a public hearing at their meeting on Tuesday, April 20, 2021.

- Staff presented the case and gave an overview of the rezoning request.
- Council asked if we were too far out to know about traffic signal warrant analysis at the proposed new intersection of Jones Sausage Road with US 70. Staff said we would need to know the exact uses before that could be accurately determined, but that long-range plans identify a full movement intersection once Jones Sausage Road is extended to this location from the north. Applicant Rich Barta noted that the older buildings along US 70 will be demolished and be replaced with development that is synced up with the development across the street and the Town's Jones Sausage Road corridor study.
- Council closed the public hearing.

V. SUBDIVISION PLAN SUMMARY

Acreage: 24.79 +/- acres

The five (5) parcels are the following sizes:

- Parcel A: 7.80 acres
- Parcel B: 6.23 acres
- Parcel C: 2.50 acres
- Parcel D: 1.69 acres (stormwater parcel)
- Parcel E: 2.43 acres (US 70 water quality parcel)

The remainder of the subdivision is the right of way for the Jones Sausage Road extension (2.26 acres) and internal roads (1.88 acres).

Minimum Lot

Size/Dimensions: 6,000 square feet

Setbacks:

Front – 35'

Rear – 0'/25'

Side – 10'/15'

Corner Side – 25'

[illegible]

Tree Canopy: This grading and infrastructure plan preserves 2.48 acres of existing tree canopy, which is the minimum requirement of 10% at this time. Overall canopy will be increased in the future as sites develop and add landscaping.

Street Buffers:

- Street buffers are presumed to be 15 feet based on the assumption that all uses are retail and will fall within the Class 3 buffer designation. Street buffers will be further evaluated at site plan submittal to make sure they are in conformance.

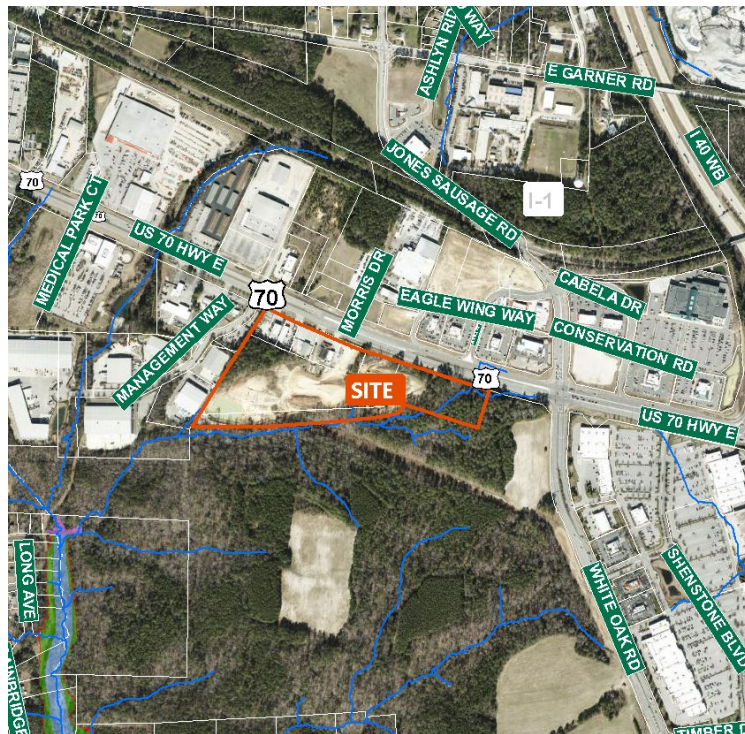
Street Trees: Trees provided along all street frontages every 40 feet as required.

- Jones Sausage Road (both sides): 32 Required, 32 Provided
- Internal Road (both sides): 58 Required, 58 Provided
- US 70 (one side): 34 Required, 34 Provided

Perimeter Buffers: There is a 15-foot perimeter buffer shown based on the most likely uses within this subdivision and the known uses to the west and the undeveloped zoning to the south and east. The perimeter buffers will be evaluated for width, as well as plantings, at the time of individual site plan submission.

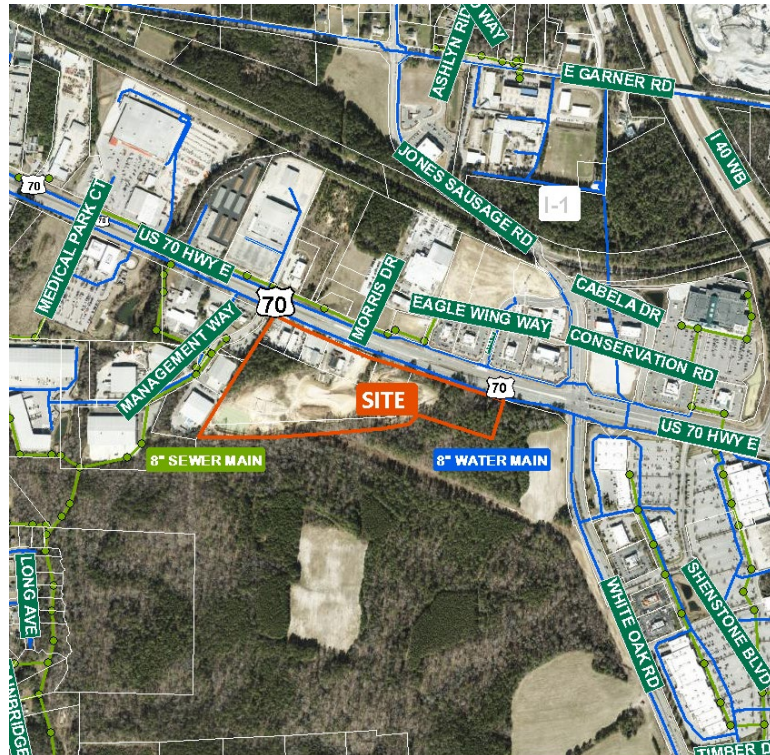
Environmental Features:

There is a Riparian Buffer on the property, but no development is proposed within this area.

**Fire Protection:**

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

- Parking:** Parking for sites will be evaluated at the time of site plan submittal when specific uses are known.
- Lighting:** Site lighting has not be evaluated at this time; however street lighting has been evaluated by the Engineering Department as part of this subdivision plan.
- Infrastructure:** **Water/Sewer** - The parcels will be connected to the City of Raleigh public water and sewer systems.



Stormwater Management: White Oak Ridge is a commercial development site that is not located within the watershed protection area. This site is subject to stormwater water quality requirements for nitrogen as well as water quantity requirements for the 1-, 10- and 25-year storm events. This development plan proposes a sand filter with a vegetated filter strip as well as wet retention pond to treat impervious surface from the development. These devices will satisfy all water quality and water quantity requirements at this site for nitrogen and will detain the 1-, 10- and 25-year storm events. A nitrogen offset payment will also be required as part of this development.

Streets: This site contains a portion of the future extended Jones Sausage Road, which will be constructed with this development in keeping with the current Garner Transportation Plan. Jones Sausage Road will be a four-lane divided facility with curb, gutter, and

sidewalk on both sides. At the intersection, two dedicated left turn lanes onto westbound US Hwy 70 will be provided. A dedicated left turn lane will also be provided on southbound Jones Sausage Road onto the private road serving the development. Two (2) private roads will be constructed to serve the tracts within the subdivision. One will connect to US Hwy 70 at a right-in right-out intersection at the east end of the site. This road will stub to the south for future connection to adjacent parcels. A second private road will traverse the site from east to west.

Frontage Improvements: The White Oak Ridge site is located on the south side of US Hwy 70 east of Management Way. US Hwy 70 in this area is a six-lane divided facility. Two dedicated right turn lanes off eastbound US Hwy 70 will be installed, one onto Jones Sausage Road and one onto the site driveway to the east. An asphalt multi-use path will be constructed in lieu of sidewalk along the US Hwy 70 frontage.

VI. CONSISTENCY OF REQUEST

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

Relevant Land Use Plan Analysis:

2018 Garner Forward Plan - *CONSISTENT*:

The site of the request is designated as **Mixed-Activity Center (MAC)**. The MAC emphasizes complementary land uses that collectively create a comprehensive, connected lifestyle approach to living, working, and shopping in close proximity. The development of these land uses has integrated sidewalk and pedestrian networks. Premium transit (e.g., bus rapid transit or passenger rail service) may support more intense developments from four (4) to six (6) stories in height (if at least one full-depth floor is at least 75% dedicated to retail or office uses); without access to premium transit (bus rapid transit on dedicated travel-way or passenger rail services) height restrictions are set at 1 - 4 stories.

This site is not currently located on a premium transit line but is situated across US 70 from existing Route 20 bus service and is also along the local circulator / cross-town bus service general corridor recently adopted by the Town Council.



2010/18 Garner Transportation Plan – *CONSISTENT:*

The Town’s transportation plans call for the construction of a new four-lane divided arterial, which would connect the future Jones Sausage Road extension beyond US 70 to Timber Dr East, and a six-lane divided section for US 70. The new four-lane divided arterial has been incorporated into the proposed subdivision plans and the ultimate six-lane divided section and associated right-of-way for US 70 already exists under current conditions. Additionally, the preliminary plat has been updated to reflect sidewalks on both sides of all streets apart from a recommended fee-in-lieu of sidewalk along the south side of Street A.

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

This Master Plan calls for a greenway corridor along US 70 as far east as the current intersection with Jones Sausage and White Oak roads. Staff have collectively reached a recommendation that this corridor be implemented on the southern side of US 70. As a result, a side path has been included in the plans.

Planning Commission Summary: The Planning Commission reviewed this request at their meeting on May 10, 2021.

- Staff presented the case and gave an overview of the zoning map amendment request, including an attached preliminary plat.

- Mr. Voiland asked if the buildings along US70 would be demolished. The applicant, Rich Barta, stated they would.
- Chairman Blasco stated he thought sidewalks should be required along both sides of all internal streets. Currently sidewalk is shown on both sides of the Jones Sausage Road extension, the west side of Street B (the other ingress/egress off US70), and the north side of Street A which is the east/west road. Staff stated that Jones Sausage Road and Street B should have sidewalk on both sides of the street but were open to discussion regarding Street A. Chairman Blasco stated he would like to see the sidewalk added to the south side of Street A against the stormwater device.
- Some discussion ensued regarding the location for the recommended greenway along US 70. Staff agreed to verify and ask applicant to adjust plans as necessary.

On a vote of 5-0, the Planning Commission unanimously accepted the Consistency Statement below as their own written recommendation regarding the consistency of the request (if amended accordingly) with the Town's adopted land use plans and recommended approval of CZ-SB-20-05 to the Town Council.

Written Recommendation / Consistency Statement (*Amended*): The Planning Commission finds this request to rezone approximately 24.79 +/- acres of a much larger 200+ acre site across from the intersection of Morris Drive and US Highway 70 from Community Retail (CR), Service Business (SB), Service Business (SB C52) Conditional, and Service Business (SB C26) Conditional to Community Retail (CR C232) Conditional consistent with adopted land use plans as it incorporates the new four-lane divided arterial (Jones Sausage Road) as called for in the Town's adopted transportation plans; ***includes sidewalks or a fee-in-lieu of sidewalks along both sides of all streets in support of a connected lifestyle approach to living, working, and shopping in close proximity; includes a side path along the frontage of US 70;*** and proposes permitted uses customary to living, working and/or shopping activities promoted by the Mixed Activity Center (MAC) future land use category.

VII. REASONABLENESS OF REQUEST

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

Staff Recommendation: Staff supports CZ-SB-20-05 as amended and reflected in Section III of this report, recommends Town Council approval of the Planning Commission's statement of

consistency as amended in Section VI of this report, and further recommends approval of the zoning amendment request as a reasonable one – see following motion worksheet.

CZ-SB-20-05, White Oak Ridge

Zoning Amendment Motion Worksheet

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

**1. CONSISTENT
AND
REASONABLE**

"I move that the Town Council accept the Planning Commission's written statement regarding consistency of the zoning amendment request with adopted land use plans, detailed in Section VI of the staff report, as our own; and I further move that the Town Council adopt Ordinance No. (2021) 5039 approving rezoning **CZ-SB-20-05**, as the request is reasonable and in the public interest because it will likely (select all applicable reasonableness options and/or provide your own reasoning)."

**2. CONSISTENT
BUT NOT
REASONABLE**

"I move that the Town Council accept the Planning Commission's written statement regarding consistency of the zoning amendment request with adopted land use plans, detailed in Section VI of the staff report, as our own; however, I also move that the Town Council deny rezoning **CZ-SB-20-05** as the request is not reasonable nor in the public interest because it will likely not (select all applicable reasonableness options and/or provide your own reasoning)."

**3. INCONSISTENT
YET
REASONABLE**

"I move that the Town Council accept the Planning Commission's written statement regarding consistency of the zoning amendment request with adopted land use plans, detailed in Section VI of the staff report, and find the request inconsistent due to (cite and insert land use plan evidence); yet, I also move that the Town Council adopt Ordinance No. (2021) 5039 approving rezoning **CZ-SB-20-05**, as the request is still reasonable and in the public interest because it will likely (select all applicable reasonableness options and/or provide your own reasoning)."

**4. INCONSISTENT
NOR
REASONABLE**

"I move that the Town Council accept the Planning Commission's written statement regarding consistency of the zoning amendment request with adopted land use plans, detailed in Section VI of the staff report, and find the request inconsistent due to (cite and insert land use plan evidence); and I further move that the Town Council deny rezoning **CZ-SB-20-05**, as the request is not reasonable nor in the public interest because it will likely not (select all applicable reasonableness options and/or provide your own reasoning)."

See next page for reasonableness options...

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

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

ORDINANCE NO. (2021) 5039

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

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

WHEREAS, the Town Council finds this request to rezone approximately 24.79 +/- acres of a much larger 200+ acre site across from the intersection of Morris Drive and US Highway 70 from Community Retail (CR), Service Business (SB), Service Business (SB C52) Conditional, and Service Business (SB C26) Conditional to Community Retail (CR C232) Conditional consistent with adopted land use plans as it incorporates the new four-lane divided arterial (Jones Sausage Road) as called for in the Town's adopted transportation plans; includes sidewalks or a fee-in-lieu of sidewalks along both sides of all streets in support of a connected lifestyle approach to living, working, and shopping in close proximity; includes a side path along the frontage of US 70; and proposes permitted uses customary to living, working and/or shopping activities promoted by the Mixed Activity Center (MAC) future land use category; and

WHEREAS, the Town Council further finds the request is reasonable and in the public interest because it will likely encourage redevelopment and reuse of existing sites and building that are complimentary to the surrounding area;

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

Section 1. That the Official Zoning Map of the Town of Garner and Extraterritorial

Jurisdiction be amended by changing the zoning classification of the property described below from its present zoning to that requested by Core Properties in Zoning Map Amendment Application No. CZ-SB-20-05 (C232).

Section 2. That there is hereby created a new conditional zoning district, to be known as the Community Retail (CR C232) Conditional District; within this district, all of the regulations that apply to property within the general CR zoning district shall be applicable subject to the following conditions:

1. Use table:

Use Category	Specific Use	CR C232
Household Living **	Townhomes	P*
	Condominiums	P*
	Upper Story Residential	P
Community Service	Other community service	SUP
	Community Center	SUP
	Library, art center, museum	P
	Civil, service, fraternal clubs, lodges, similar uses	SUP
Educational Facilities and Services	Music, dance, art instruction	P
	Business School, college or university satellite	P
	College / university	P
	Trade / vocational schools	SUP
Government Facilities	Government Office	SUP
Health Care	Medical clinic	P
	Hospice	P
	Hospital	SUP
	Ambulatory Health & Emergency Care Facility	SUP
	Mental Health Facility	P
Institutions	Handicapped Institution	P
	Intermediate Care Institution	P
	Nursing Care Institution	P
Religious Institutions	Religious Institutions	P*
Parks and Open Space	Parks, swimming pools, tennis courts, golf courses	SUP
Utilities	Telecommunications facility	SUP
	Minor Utility	P*
Entertainment	Bars, Nightclubs, Taverns	SUP
	Gym, spa, indoor tennis court, private pool	P
	Indoor entertainment facility	P*
	Theater	P
Office	Medical office - individual	P
	Other office	P
Overnight	Hotels and motels	SUP

Use Category	Specific Use	CR C232
Accommodations		
Commercial Parking	Commercial Parking	SUP
Retail Sales and Service	Personal service-oriented uses	P*
	Repair oriented use (no outdoor operations)	P
	Sales oriented use (indoor operations)	P
	Banks and financial institutions	P
	Convenience store without fuel sales	P
	Convenience store with fuel sales	P
	Hair solons / barber shops	P
Restaurants	Restaurants, indoor seating only	P
	Restaurant, indoor seating with drive-thru	P
	Restaurant take out only, walk up or drive thru	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 of this site shall be completed in conformance with the approved preliminary plat.

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
LWOHLC LLC Walter Rand Yeargan Irrevocable Trust, Sherman Yeargan, Rowan Yeargan Revocable Trust	1720192143, 1720193067, 1720194093, 1720187943, 1720184732, and a portion of 1720271132 (+/- 24.79 acres)	Community Retail (CR), Service Business (SB), Service Business (SB C52 and SB C26) Conditional Districts	Community Retail (CR C232) Conditional District

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

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

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

Section 7. This ordinance shall become effective upon adoption.

Duly adopted this 7th day of June 2021.

Ken Marshburn, Mayor

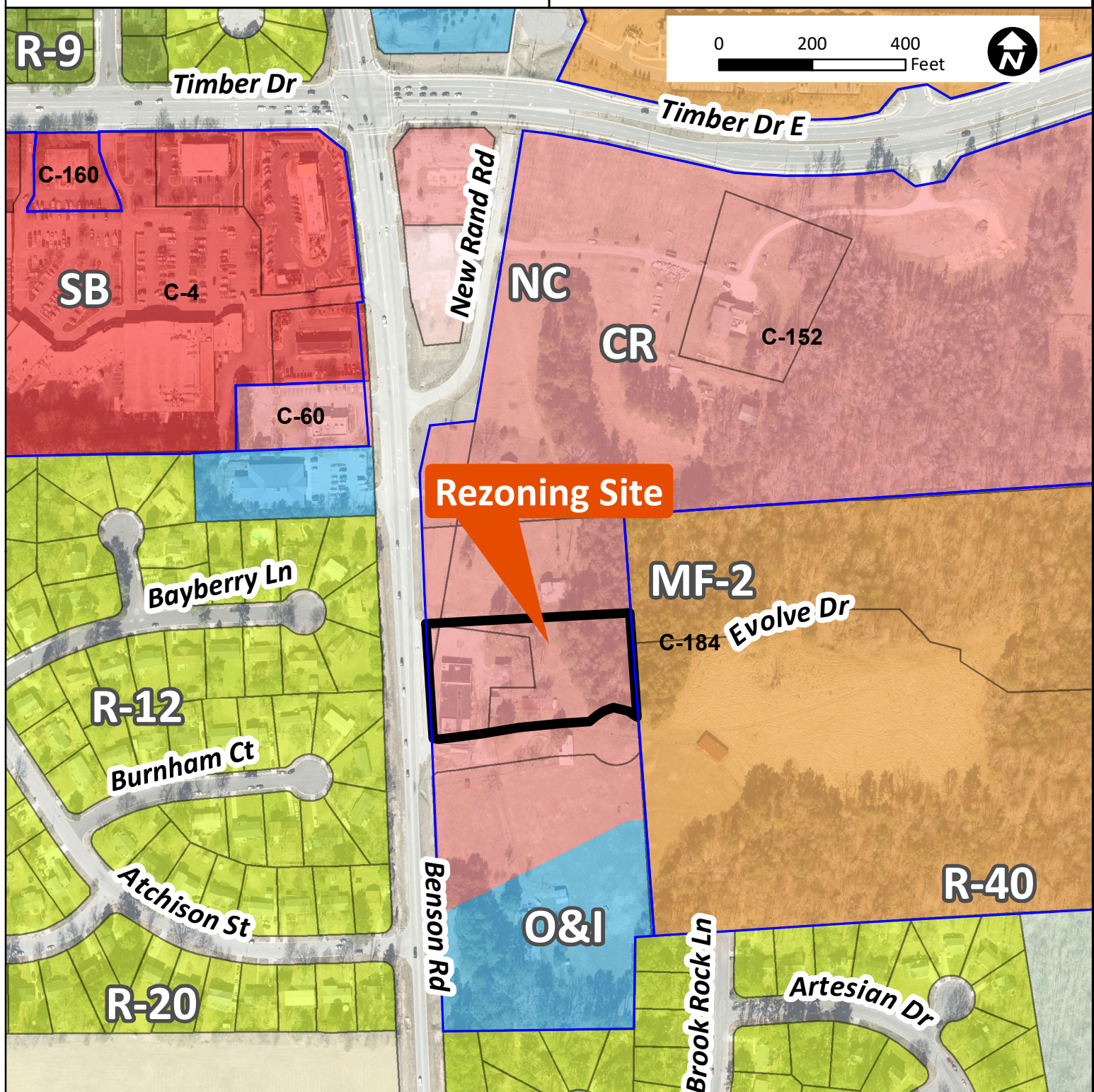
ATTEST: _____
Stella L. Gibson, Town Clerk

Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: June 7, 2021		
Subject: Conditional Zoning Map Amendment w/ Site Plan: CZ-SP-20-13, Evolve NC 50 Restaurant		
Location on Agenda: Old/New Business		
Department: Planning		
Contact: David Bamford, AICP; Planning Services Manager		
Presenter: David Bamford, AICP; Planning Services Manager		
Brief Summary: Zoning map amendment request with associated site plan submitted by Bass Nixon and Kennedy on behalf of Carl T. Williams to conditionally rezone approximately 2.18 +/- acres from Community Retail (CR C152) Conditional to Community Retail (CR C237) Conditional for the development of a restaurant. The site is located at the northeast corner of Evolve Drive and NC 50, and may be further identified as portions of Wake County PINs: 1710739873, 1710738710 and 1710737724.		
Recommended Motion and/or Requested Action: Consider adoption of Ordinance (2021) 5040		
Detailed Notes: Conditions of the rezoning include proposed permissible uses and a site plan showing a 4,000 square foot commercial building. The neighborhood meeting was held remotely over Zoom on April 5, 2021. Staff recommends approval of CZ-SP-20-13 should the Council find the voluntary zoning conditions satisfactory and finds the request reasonable and consistent with Town plan's and policies.		
Funding Source: n/a		
Cost:	One Time: <input type="radio"/>	Annual: <input type="radio"/> No Cost: <input checked="" type="radio"/>
Manager's Comments and Recommendations: 		
Attachments Yes: <input checked="" type="radio"/> No: <input type="radio"/>		
Agenda Form Reviewed by:	Initials:	Comments:
Department Head:	JST	
Finance Director:		
Town Attorney:		
Town Manager:	RD	
Town Clerk:		

**Town of Garner
Planning Department**

**Conditional District Zoning Application
CZ-SP 20-13**



Project: *Bojangles*
Applicant: *Bass, Nixon, and Kennedy*
Owner: *Carl Williams*
Location: *NC 50*
Pin #: *1710-73-9873 Part,
1710-73-8710 Part, 1710-73-7724 Part*

Proposed Use: *Restaurant*
Current Zoning: *Community Retail Conditional 152*
Proposed Zoning: *Community Retail Conditional 237*
Acreage: *2.18*
Overlay: *Timber Drive East*

Planning Department Staff Report

TO: Mayor and Town Council

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

SUBJECT: *Conditional Zoning Map Amendment w/ Site Plan #CZ-SP-20-13, Evolve NC 50 Restaurant*

DATE: June 7, 2021

I. PROJECT AT A GLANCE

Project Number(s): CZ-SP-20-13 Conditional Zoning Map Amendment

Applicant: Bass, Nixon, and Kennedy

Owners: Carl T. Williams

General Description -

Project Area & Location: 2.18 +/- acres at NC 50 and Evolve Drive

Wake Count PIN(s): Parts of 1710739873, 1710738710, and 1710737724

Current Zoning: Community Retail (CR C152) Conditional

Requested Zoning: Community Retail (CR C237) Conditional

Overlay: Timber Drive East Overlay (O-TDE)

Key Meeting Dates:

Public Hearing: April 20, 2021

Planning Commission: May 10, 2021

Action: June 7, 2021

II. BACKGROUND / REQUEST SUMMARY

Current Request: Zoning map amendment request with associated site plan submitted by Bass Nixon and Kennedy on behalf of Carl T. Williams to conditionally rezone approximately 2.18 +/- acres from **Community Retail (CR C152) Conditional** to **Community Retail (CR C237)**

Conditional for the development of a restaurant. The site is located at the northeast corner of Evolve Drive and NC 50, and may be further identified as portions of Wake County PINs: 1710739873, 1710738710 and 1710737724.

Conditions are proposed to limit the range of permissible uses and establish an approved site plan for a likely restaurant use. The property is situation on the site of the old Wimpy Williams store. The improvements associated with that site were razed in 2018, and the property is currently vacant.

Staff would like to note that although the existing CR C152 conditional zoning district is based on the general Community Retail (CR) zoning district, that existing district does not allow the specific restaurant category use of Restaurant with Seating and Drive-Through Window which the applicants would like to add back to the permitted use table.



III. ZONING ANALYSIS

Existing: The 2.18-acre site is zoned **Community Retail (CR C152) Conditional**. CR districts are designed to accommodate commercial, retail, office, and service activities that serve the entire community. Outdoor operations, outdoor storage and outdoor retail sales are not permitted in the CR district. Uses are only permitted within an enclosed building.

The following is a list of all permitted uses in the CR C152 conditional district:

- | | |
|--|---|
| 1. Townhouse or Condominium | tank |
| 2. Upper-Story Residential | 20. Private golf or country club |
| 3. Library, museum, art center | 21. Private gym, spa, indoor tennis, pool |
| 4. Other Community service | 22. Indoor entertainment facility |
| 5. Lodges and fraternal clubs | 23. Bank, financial institution |
| 6. Adult Day Care | 24. Medical office, individual |
| 7. Day Care Center | 25. Other office |
| 8. College/university | 26. Bed and breakfast |
| 9. Ambulance, rescue squad, police, fire station | 27. Restaurant, indoor with seating only |
| 10. Government office | 28. Restaurant take out only or walk up |
| 11. Hospice | 29. Convenience store without fuel sales |
| 12. Hospital | 30. Personal service use indoor only |
| 13. Medical Clinic | 31. Sales oriented use (indoor operations only) |
| 14. Mental Health facility | 32. Veterinarian/kennel indoor |
| 15. Group Care Facility | |
| 16. Handicapped Institution | |
| 17. Intermediate care institution | |
| 18. Parks, swimming pools, tennis courts, golf courses | |
| 19. Minor utility, elevated water | |

The following are site-specific conditions of the CR C152 conditional district that primarily dealt with the Timber Drive East construction extension project in 2010:

1. Dedication: Following Conditional Use Zoning of real property to Community Retail (CR)(C-152) and Office & Institutional (O&I)(C-152) with conditions as it appears in the Zoning application CUD-Z-08-01, the Owners will dedicate to NCDOT, without cost to NCDOT and/or the Town of Garner, all temporary construction easements and road right-of-way areas and all easements on the subject property that are needed to construct Timber Drive Extension, as delineated by Timber Drive East Extension Road Construction Plans (Project #U-4703) up to 4.5 acres, at such time as such construction plans shall have been finalized and NCDOT request the dedication, but in no event shall such acreage exceed 4.5 acres; if the contract for the construction of said Timber Drive East is not let by NCDOT by September 15, 2009, the right-of-way and easements shall revert to the Owners, their heirs and assigns; the September 15, 2009 deadline may be extended six (6) months if NCDOT provides

good evidence of the likelihood of letting the contract prior to April 15, 2010, with the current Owners not to be assessed any fees or costs directly, or indirectly, as a result of the rezoning of the property or the construction of Timber Drive East Extension, including but not limited to cost assessments for any landscaping, fencing, sidewalks, curb and gutter, water and sewer acreage fees or impact fees, unless the present Owners participate in commercial development such as by joint venture with or lease to the future developer, and any such fees will be payable only in connection with future development.

2. Coordination of development: The issuance of development permits and building permits on the Fowler property shall be coordinated such that the Fowler property can be developed concurrently with the Timber Drive East Extension as follows: site plan, conditional or special use permits, land disturbing permits, soil and erosion permits may be applied for and issued prior to the letting of the contract for the construction of the Timber Drive East Extension; the issuance of all other permits including building permits shall be contingent upon the letting of the NCDOT contract for the construction of Timber Drive East Extension or the developer's written agreement to construct the Timber Drive East Extension concurrent with the development of the Fowler property; and occupancy permits for any such building(s) following development of the Fowler property shall be contingent upon the Timber Drive East Extension being completed by NCDOT or by the developers of said property. Notwithstanding the foregoing, that this paragraph does not apply to the construction of a building or building by the present owners for farm use or for use as a residence by current Owners or their family, prior to development of the mixed use project or similar substantial development. (This paragraph does not apply to the Williams property; the issuance of development permits and building permits on the Williams property shall not be conditioned upon any matters relating to the Timber Drive East Extension).
3. Development Standards:
 - a) The development plan of the property shall utilize the design guidelines designated for a Community Core Area as outlined in the Town of Garner Comprehensive Growth Plan and the Timber Drive East Overlay District.
 - b) The development plan of the property shall include "Unity of Development Guidelines" that specify a primary and secondary brick material that will be used throughout the property. Secondary brick material will generally be used as an accent brick unless mutually approved otherwise by the developer and the Town of Garner.
 - c) To promote harmony with existing development and provide a gateway to White Oak Crossing, the use of painted concrete block and metal buildings are prohibited and all buildings shall consist of from at least 50% to 75% brick in percentages and designs mutually agreeable to the developer and Town, with the higher percentages of brick on those buildings whose elevations front on NC 50, New Rand Road and Timber Drive East Extension as prescribed in the Timber Drive East Overlay District.

- d) This paragraph 3. does not apply to continued farm or single-family residential use or of the property owned by the Owners or their heirs.

Proposed: The proposed zoning of the 2.18-acre site is **Community Retail (CR C237)**

Conditional. Again, CR zoning districts are designed to accommodate commercial, retail, office, and service activities that serve the entire community. Outdoor operations, outdoor storage and outdoor retail sales are not permitted in the CR district. Uses are only permitted within an enclosed building.

The applicant has proposed the following permissible uses for the proposed CR C237 conditional district:

1. Use Table (selected from preceding generally permitted use list):

Use Category	Specific Use	CR C237
Household Living **	Townhomes	P*
	Condominiums	P*
	Upper Story Residential	P
Community Service	Other community service	SUP
	Community Center	SUP
	Library, art center, museum	P
	Civil, service, fraternal clubs, lodges, similar uses	SUP
Day Care	Adult Day Care	P*
	Day Care Center	P*
Educational Facilities and Services	Music, dance, art instruction	P
	Business School, college or university satellite	P
Government Facilities	Government Office	SUP
	Ambulance, rescue squad, police, fire station	P
Health Care	Medical clinic	P
Religious Institutions	Religious Institutions	P*
Utilities	Telecommunications facility	SUP
	Minor Utility	P*
Entertainment	Indoor entertainment facility	P*
Office	Medical office - individual	P
	Other office	P
Retail Sales and Service	Personal service-oriented uses	P*
	Repair oriented use (no outdoor operations)	P
	Sales oriented use (indoor operations)	P
	Banks and financial institutions	P
	Convenience store without fuel sales	P
	Convenience store with fuel sales	P
	Hair salons / barber shops	P
	Veterinarian/kennel indoor	P

Use Category	Specific Use	CR C237
Restaurants	Restaurants, indoor seating only	P
	Restaurant, indoor seating with drive-through	P
	Restaurant take out only, walk up or drive thru	P
Vehicle Sales and Service	Vehicle service-limited	p*

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

2. Development of this site shall be completed in conformance with the approved preliminary site plan. (See Section V.)

Overlay District: This property is located within the **Timber Drive East Overlay (O-TDE)**. This overlay was adopted in December 2007 in advance of the Timber Drive East extension road project. The overlay applies to a defined boundary along the Timber Drive East corridor between NC 50 and White Oak Road. The rezoning site is subject to the additional standards of this overlay district which include standards for new commercial development. There are several uses that are prohibited or restricted within the O-TDE district. There are also additional landscaping and buffering requirements and design-guidelines. None of the uses in Condition 1 above are prohibited uses within the O-TDE district.

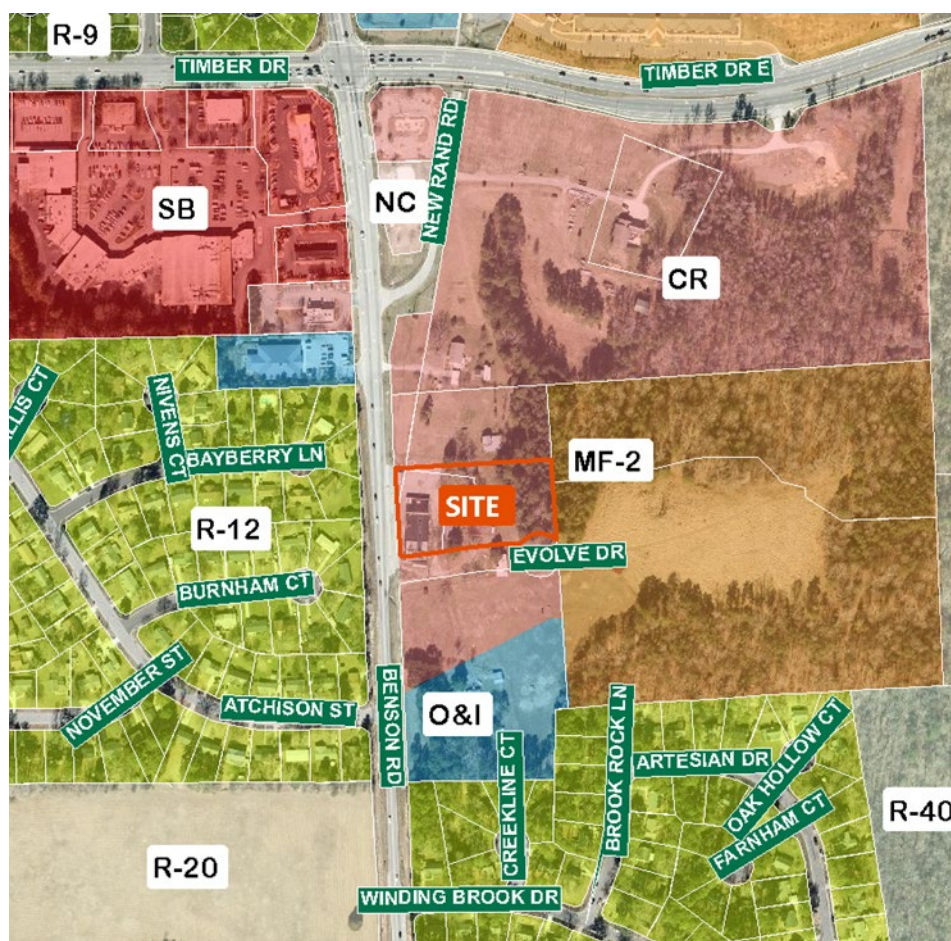
Zoning History: The Planning Department's rezoning database contains the following rezoning cases in the vicinity of this property. More recent cases are listed below.

Case	Applicant	Location	Zoning Change
Z-78-3	Munn & Fowler	New Rand Road	R-20 to CB (denied)
Z-78-6	Munn & Fowler	New Rand Road	R-20 to CB
Z-86-24	Centermark Inc	Timber Crossing	R-20 to SB C4
Z-87-17	Hardees	Timber / NC 50	R-20 to CB
CUD-Z-90-03	Madie Hicks Marshall Estate	South Creek Subdivision	R-40 to R12 C31
CUD-Z-93-07	The Eastern Group	North portion of State Employees Credit Union site	R-20 to O&I C47
Z-95-07	Eddie Caudle	Timber / NC 50	R-20 to O&I
CUD-Z-95-03	Larry & Mary Edward	1566 Benson Rd (previous Burger King)	R-20 to CB C60
CUD-Z-00-04	Southstar Property	State Employees Credit Union site	O&I to CB (Withdrawn)
CUD-Z-01-11	Jonathan Adams	NC 50—next to Credit Union Site	R-20 to O&I C113

CUD-Z-08-01	Fowler & Williams	Rezoning Site	NC, CR, R-20 to CR & O&I C152
CUD-Z-12-03	Fowler	Timber Springs Apartments	O&I C152 to MF-2 C164
CUD-Z-16-04	Carl Williams	Evolve Timber Creek	CR & O&I C152 to MF-2 C184

Adjacent Zoning and Land Use:

North:	CR C152	Single-Family / undeveloped
South:	CR C152	Vacant, undeveloped
East:	MF-2 C184	Multi-family apartments
West:	R-12	Van Story Hills / single-family



IV. COMMUNITY INFORMATION

Overall Neighborhood Character: This site is located near the intersection of NC 50 and Timber Drive; these roads are classified as thoroughfares on the *Garner Transportation Plan* and handle high volumes of traffic during the morning and afternoon peak hours. The area around this intersection consists of single-family residential, multi-family apartments, retail commercial, a day care, and office uses. There is also a large undeveloped tract at the southeast corner of this intersection that will likely be developed in the near future.

Traffic: The most likely and intense use of a 4,000 square foot restaurant/retail building did not trigger the require of a Traffic Impact Analysis (TIA).

For context, the NCDOT average daily traffic count history in this area is as follows:

Timber Drive (at Timber Crossings Shopping Center)

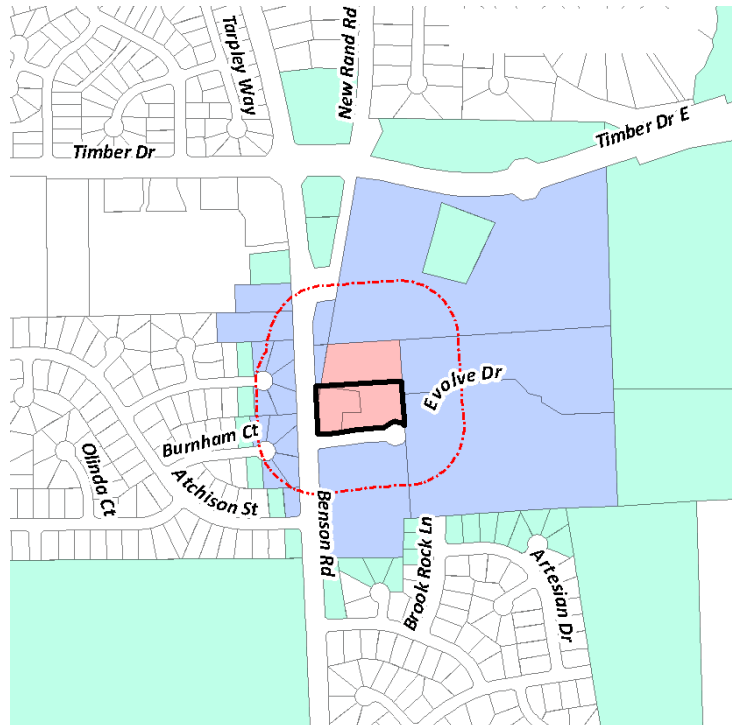
- | | |
|----------------------|----------------------|
| • Year 2009 – 13,000 | • Year 2015 – 19,000 |
| • Year 2011 – N/A | • Year 2017 – 19,000 |
| • Year 2013 – 16,000 | • Year 2019 – 20,000 |

Benson Rd (south of Timber Drive)

- | | |
|----------------------|----------------------|
| • Year 2009 – 17,000 | • Year 2015 – 19,000 |
| • Year 2011 – 16,000 | • Year 2017 – 19,000 |
| • Year 2013 – 17,000 | • Year 2019 – 20,500 |

Neighborhood Meeting: Staff identified about 45 properties within the notification radius as shown below and provided the list below to the applicant for first class mailed notices.

The neighborhood meeting was held April 5, 2021 with one person in attendance (highlighted below).



OWNER	ADDR1	ADDR2
VALDEZ-CARACHURE, ELLESMAN	102 CREEKLINE CT	GARNER NC 27529-4947
ALDRIDGE, ROBERT DONALD ALDRIDGE, MARILYN K	113 BURNHAM CT	GARNER NC 27529-4918
BENNETT, JASON RICHARD BENNETT, SARA LYNN	101 ARTESIAN DR	GARNER NC 27529-4656
COLEMAN, BARRY JOHN COLEMAN, CECILIA A	112 BURNHAM CT	GARNER NC 27529-4918
EVANS, LESA LYNN	104 OAK HOLLOW CT	GARNER NC 27529-4658
TVP PROPERTIES LLC	250 NEW FIDELITY CT	GARNER NC 27529-2896
FITZGERALD, JAMIE FITZGERALD, EILEEN	207 BAYBERRY LN	GARNER NC 27529-4915
STORTS, DONNA L	114 BURNHAM CT	GARNER NC 27529-4918
BAGWELL, HAROLD G BAGWELL, ANNA H	1836 BENSON RD	GARNER NC 27529-4944
GARNER TOWN OF	900 7TH AVE	GARNER NC 27529-3796
STATE EMPLOYEES CREDIT UNION	PO BOX 26807	RALEIGH NC 27611-6807
HOGAN, ROGENIA D	102 ATCHISON ST	GARNER NC 27529-4902
1600 BENSON ROAD ASSOC LLC	PO BOX 388	GARNER NC 27529-0388
MITCHELL, ANNE M	107 ARTESIAN DR	GARNER NC 27529-4656
GIVENS, MAURICE C	108 BURNHAM CT	GARNER NC 27529-4918
MOODY, JERRY LEWIS MOODY, CAROLYN DIANE	103 ARTESIAN DR	GARNER NC 27529-4656
DIMOVSKI, ZLATKO REYES-DIMOVSKA, KARLI- MARIE	102 OAK HOLLOW CT	GARNER NC 27529-4658
CERVANTES OCHOA, KARLA KARIME	205 BAYBERRY LN	GARNER NC 27529-4915
FOWLER, BRENDA W FOWLER, BRENDA W	1011 NEW RAND RD	GARNER NC 27529-4619
REICHSTEIN, KURT JOSEPH REICHSTEIN, FRANCES S	201 BROOK ROCK LN	GARNER NC 27529-4962
STELL, SHAUNA	208 BAYBERRY LN	GARNER NC 27529-4916
TAA INVESTMENTS LLC	7424 CHAPEL HILL RD	RALEIGH NC 27607-5079
CORZINE, ROBERT H CORZINE, NANCY M	110 BURNHAM CT	GARNER NC 27529-4918
WILLIAMS, PATRICE WILLIAMS, TONY	111 BURNHAM CT	GARNER NC 27529-4918
FLEMING, L ANN	210 BAYBERRY LN	GARNER NC 27529-4916
GARCIA, VICENTE ROBLES AGUILAR, ERIKA MORENO	104 ATCHISON ST	GARNER NC 27529-4902
SHARMA, VIBHA RAVI SHARMA, RAVI DUTT	426 CONNER GRANT	NEW BERN NC 28562- 9813
STANCIL, RONALD	407 E NORTH ST	ZEBULON NC 27597-2723
BROWNE, THOMAS F BROWNE, MARTHA C	206 BAYBERRY LN	GARNER NC 27529-4916
ANDERSON, JESSE L ANDERSON, TERRI	101 OAK HOLLOW CT	GARNER NC 27529-4658
AGUILAR, JORGE MORENO BERMUDEZ, REINA CISNEROS	212 BAYBERRY LN	GARNER NC 27529-4916
MORRIS, DURWOOD BRAXTON JR MORRIS, TERESA	103 OAK HOLLOW CT	GARNER NC 27529-4658
CORCORAN, SCOTT	6508 BIRKDALE CT	FUQUAY VARINA NC 27526
ROBERTS HOME IMPROVEMENTS & REPAIR LLC	2628 DOCKERY LN	RALEIGH NC 27606-9089
ZAMBRANO-AYALA, JAIME GONZALEZ, LETICIA M	115 BURNHAM CT	GARNER NC 27529-4918
COFFEY, TANA S FERRER, WILFREDO	105 CREEKLINE CT	GARNER NC 27529-4947
MINORE, DAVID JONATHAN MINORE, AMANDA K	105 ARTESIAN DR	GARNER NC 27529-4656

OWNER	ADDR1	ADDR2
RAMSEUR, DREXEL A	101 ATCHISON ST	GARNER NC 27529-4901
TIMBER SPRING HOUSING ASSOC LLC	7706 SIX FORKS RD	RALEIGH NC 27615-5067
POOLE, SARAH G	203 BROOK ROCK LN	GARNER NC 27529-4962
BAKER, CANDICE MICHELLE BAKER, ASHLEY NICHOLE	101 WINDING BROOK	GARNER NC 27529-4950
WILLIAMS, CARL T	808 BRANTLEYTOWN	ZEBULON NC 27597-6024
BCORE MF TIMBER CREEK LP LIMITED PARTNERSHIP	233 S WACKER DR STE 4700	CHICAGO IL 60606-6374
GARNER TOWN OF	PO BOX 446	GARNER NC 27529-0446
RAY, BONNIE GOODWIN	420 HILLANDALE LN	GARNER NC 27529-4624

Meeting Minutes, April 5, 2021

Attendees: David Blevins, PE, Marty Bizzell, PE (Bass Nixon and Kennedy, Inc.); Jennifer Packard (Community Manager of Treeline Timber Creek Apartments) Tel: 919-669-4397; and Claude Clark (Bojangles).

David Blevins: Opening Comments: This neighborhood meeting is concerning the rezoning of property and the conditional use site plan for a Bojangles on Highway 50 and Evolve Drive in Garner. It is currently zoned for community retail and allows restaurants. It doesn't allow restaurants with a drive through window. This zoning was established in 2008. The rezoning will modify conditions to allow restaurants with a drive-through window. The other condition of the rezoning is the site plan.

Question 1: On the map, it looks like the only one way for people to exit from Bojangles onto Highway 50. Are there any plans for a traffic light? It is already hard to turn left onto Highway 50. There will be more traffic once the Bojangles is built.

Answer: There has not been a discussion with the Town of Garner about a signal going in there. Most of the traffic on Highway 50 will head into town for the breakfast rush for Bojangles. We are adding a right turn lane into Bojangles as part of the lane widening on Highway 50. That doesn't help with the left turn scenario, but Bojangles is very aware of how customers move through their sites and how they impact adjoining properties.

Question 2: The traffic heads into town in the morning, but in the evening the traffic backs up on Timber drive almost to 1010. It's almost completely stopped headed away from town. Is there a 4 feet tall fence around the pond?

Answer: There is a retaining wall for grade. There will be a fence around the bioretention basin that only gets about 1 foot deep and filters through the sand media. The fence is put up as a safety measure.

Question 3: I am concerned about the brightness of the new lighting and the locations in relation to the residents' apartments.

Answer: There will be a 20ft. undisturbed buffer between Bojangles and the apartment property. There won't be any lights until you get to the Access Road. Bojangles will put in whatever lights are required by the Town of Garner. There will be over 100 feet of distance between cross access driveway labeled New Access Driveway and your property line. I don't think you will have any issues of bright lights shining onto the apartments.

Question 4: During construction, will work vehicles be parked on Evolve?

Answer: No, there won't be any vehicles on Evolve. It is a public street. The Town of Garner will monitor the project. All construction traffic will be contained on site. Generally, it takes 3-6 months from ground-breaking to an operational Bojangles.

Question 5: Do you have a projected start date on this project?

Answer: Probably, the earliest the project can start will be June 1, 2021.

Comments: We appreciate your input. Thank you. If you have any other questions, please feel free to reach out to me via phone or email.

Public Hearing Summary: The Town Council conducted a public hearing at their meeting on Tuesday, April, 2021.

- Staff presented the case and gave an overview of the rezoning request.
- Council asked about the future access drive to Timber Drive East at the rear of the property. Staff explained that the goal was to eventually, as neighboring properties developed, carry the stubbed drive out to Timber Drive East so that a motorist would not have to get back out on Benson Road in order to turn right at the light to access Timber Drive East. Staff explained that due to cross-access requirements that adjoining development would be required to connect to the stub street. The civil engineer on the project confirmed that the interconnectivity was discussed and agreed upon from the very start of the process.
- Mr. Chris Whitenhill, a resident of the Treeline Timber Creek apartments on Evolve Drive, submitted a written comment asking the Town to consider walkability of the commercial parcels adjacent to the apartment complex, including completeness of the sidewalk network, safe crossings of NC 50 in addition to the intersection with Timber Drive, and reducing building street setbacks and the amount of parking between streets and buildings.
- Council closed the public hearing.

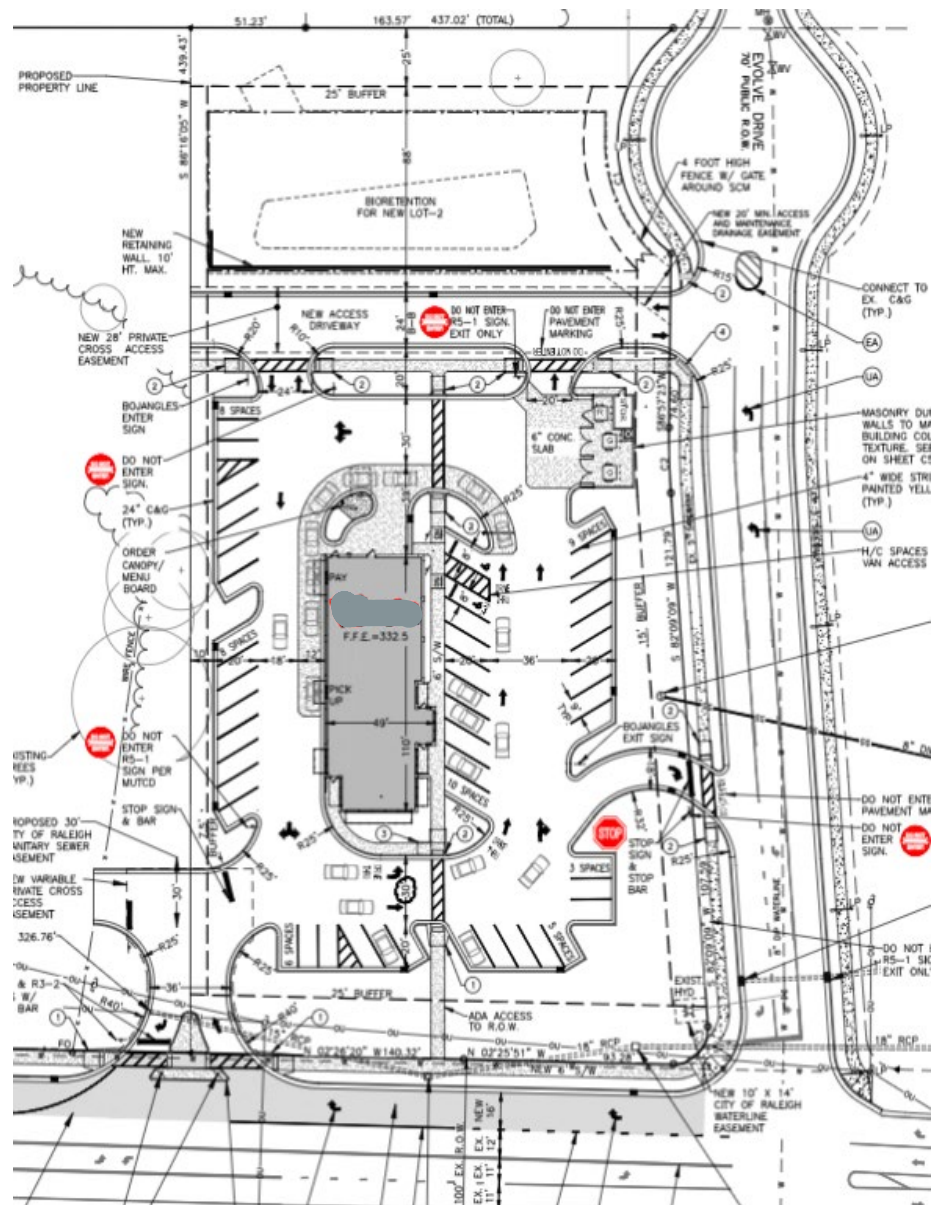
V. SITE PLAN SUMMARY

Acreage: 2.18 acres +/-

**Minimum Lot
Size/Dimensions:** 6,000 square feet

Setbacks: Front – 35’
Rear – 0’/25’
Side – 10’/15’
Corner Side – 25’

Site Plan:



**Landscape and
Buffer
Requirements:**

Tree Cover:

- 10% tree coverage required
- 11.4% provided (existing and replacement plantings)

Street Buffers: Based on likely restaurant use, the street buffer along Benson Road is required to be 20 feet while the street buffer along Evolve Drive is 15 feet.

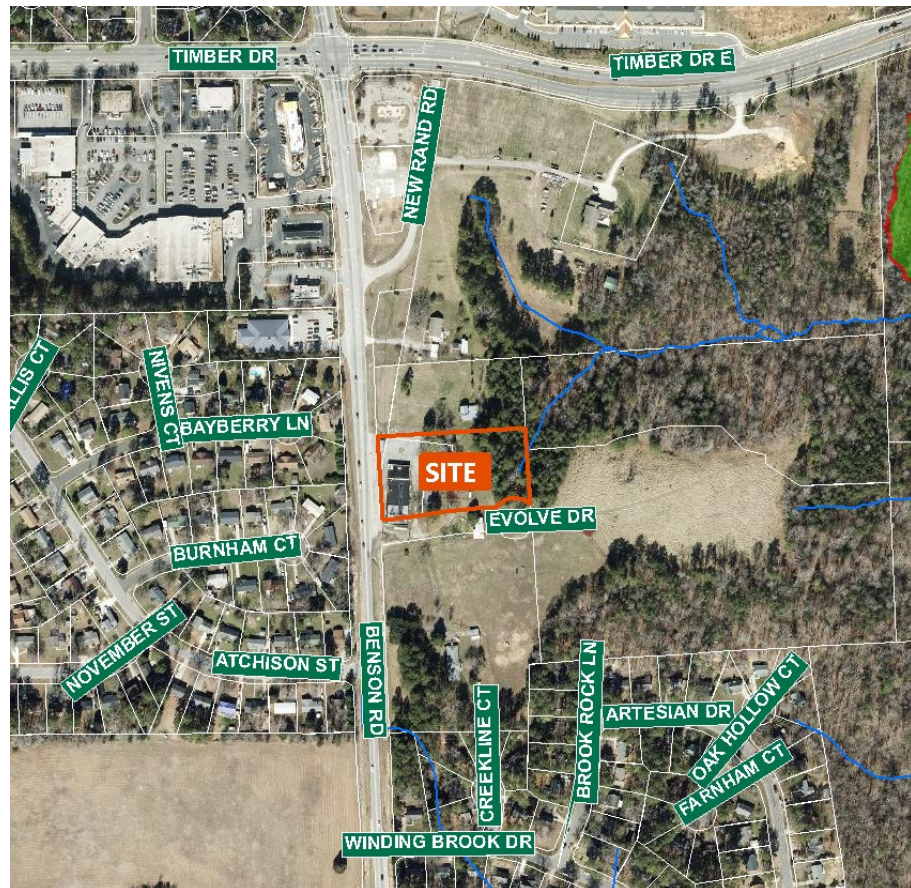
Street Trees: Trees provided along both street frontages every 40 feet as required.

- Benson Road: 6 Required, 6 Provided
- Evolve Drive: 8 Required, 10 Provided

Perimeter Buffers: Based on likely use, there is a 25-foot perimeter buffer along the property line with Evolve apartments and a 7.5-foot buffer with the adjacent vacant Lot 1 that will be created through a recombination of existing parcels. The perimeter buffers will be evaluated for width, as well as plantings, at the time of zoning compliance permit for occupancy of the building.

**Environmental
Features:**

This site does not contain FEMA designated floodplain.

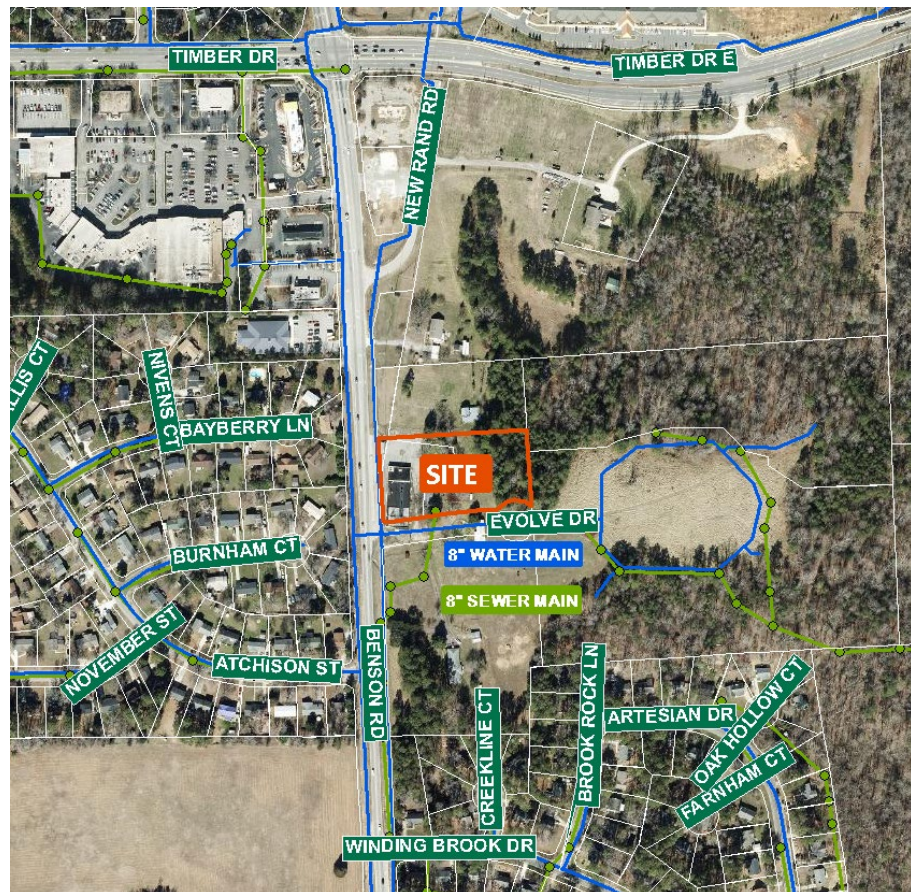


Fire Protection: The Inspections Department has reviewed the plan for fire protection and given their approval.

Parking: Parking for the site will be evaluated at the time of zoning compliance permit submittal when the specific occupying use is known.

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

Infrastructure: **Water/Sewer** - The parcels will be connected to the City of Raleigh public water and sewer systems.



Stormwater Management: The Evolve NC 50 Restaurant is a commercial development site that is not located within the watershed protection area. This site is subject to stormwater water quality requirements for nitrogen as well as water quantity requirements for the 1-, 10- and 25-year storm events. This development plan proposes a sand filter with a vegetated filter strip as well as wet retention pond to treat impervious surface from the development. These devices will satisfy all water quality and water quantity requirements at this site for nitrogen and will detain the 1-,

10- and 25-year storm events. A nitrogen offset payment will also be required as part of this development.

Streets and Access: Two driveways into the site will be installed off of Evolve Drive, one full movement at the east end and one right-out only closer to Benson Road. The eastern driveway will enter an access driveway with a cross access agreement that will stub to the north for future access to adjacent parcels.

Frontage Improvements: The site is located at the northeast corner of Benson Road and Evolve Drive. Along the Benson Road frontage, the road will be improved to a Town of Garner thoroughfare street section, which is half of a 72' back of curb to back of curb in 100' right of way. One right-in right-out driveway with a dedicated right turn lane off northbound Benson Road will be provided. Curb, gutter, sidewalk, and storm drainage will be installed. No improvements are required to Evolve Drive.

VI. CONSISTENCY OF REQUEST

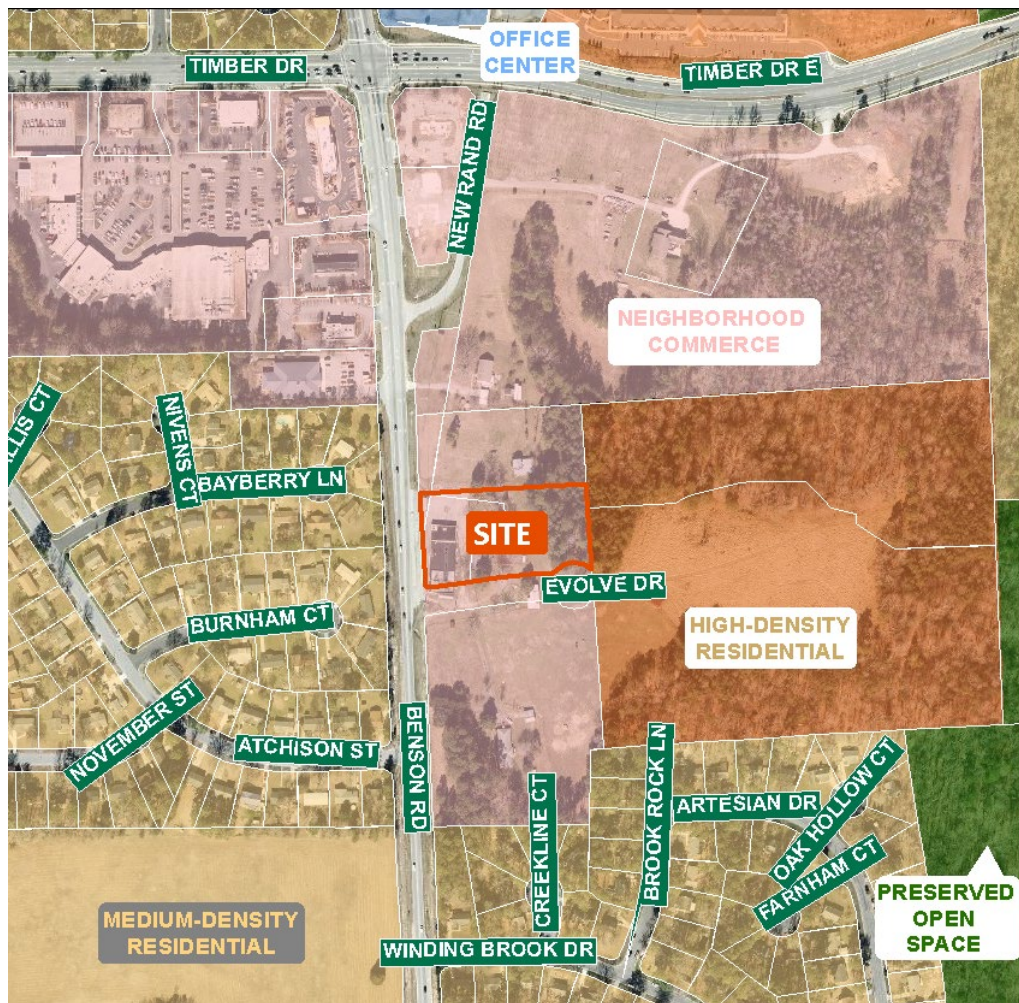
Statutory Directive: When considering a rezoning request, the Planning Commission is required by state statute to make a written recommendation regarding the consistency of the zoning proposal with the Town's current Comprehensive Plan and other applicable adopted plans. Specifically, a comprehensive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

Relevant Land Use Plan Analysis:

2018 Garner Forward Plan - CONSISTENT:

The site of the request is designated as **Neighborhood Commerce Center (NCC)**. In addition to other NCC-designated land, the site is also located in close proximity to both medium and high-density residential land use categories.

Generally located at the intersection of collectors, highways, and arterials, the NCC land use category emphasizes smaller commercial centers that are within close walking proximity (1/4-mile to ½-mile) of residential uses. Typical mix of uses would include retail sales, service, convenience stores, restaurants, or office uses that share a common parking area and may have a small anchor such as a grocery store. Uses should be conducted within an enclosed building. Uses with outdoor storage and outdoor sales display areas should be discouraged. Some rare exceptions for outdoor operations that would be appropriate may include neighborhood garden centers or agriculture sales stands that are small-scale and compatible with the surrounding land uses.



2010/18 Garner Transportation Plan - *CONSISTENT*:

The 2018 Garner Forward Transportation Plan recommends a four-lane divided section for NC 50 (Benson Road) including sidewalk. Completion of half of the recommended section has been incorporated into the site plan.

Parks, Recreation, Greenways and Cultural Resources Master Plan - *CONSISTENT*:

This Master Plan calls for a greenway corridor along NC 50 as far north as Timber Drive East. Staff have collectively reached a recommendation that this corridor be implemented opposite this site along the western side of Benson Road.

Planning Commission Summary: The Planning Commission reviewed this request at their meeting on May 10, 2021.

- Staff presented the case and gave an overview of the zoning map amendment request, including an attached site plan.

- Mr. Jefferson expressed an initial concern about the right turn in radius from NC 50 to the parking lot but noted that the applicant had provided a diagram showing adequate turning performance.
- Mr. Voiland asked why the original rezoning precluded a restaurant with drive-through window. Staff replied that it was the applicant's choice at the time to do so.
- Mr. Voiland expressed concern over northbound traffic on Benson Road during the morning hours and asked if there was any thought given to a traffic signal at Evolve Drive. Transportation Planner Gaby Lawlor replied that NCDOT would have to determine if a signal would be warranted should signal spacing allow. Planning Director Triezenberg stated there was approximately 1,400 linear feet between Evolve and Timber drives. Chairman Blasco stated he believed the minimum distance to be 1,200 linear feet between signals. Staff stated that the applicant would be required to obtain a driveway permit from NCDOT and that additional requirements could be triggered at that time.
- Chairman Blasco asked to hear the project engineer's thoughts on stacking and circulation. David Blevins, with Bass, Nixon & Kennedy, stated that almost all of these type of restaurant sites are planned with one-way circulation which is helpful.
- Chairman Blasco stated some confusion about the road widening for Benson Road as shown on the plan. Assistant Town Engineer Leah Harrison said that the site did not trigger a Traffic Impact Analysis, and there was not a requirement for a dedicated right-turn lane. She noted that this widening would eventually serve as a through lane, but until then, it may serve as a dedicated right turn. Planning Director Triezenberg speculated that a permanent dedicated right turn might eventually be required at Evolve Drive along with it becoming a signalized intersection, thus centralizing traffic control for the immediate area at that location.
- Vice Chair Moua stated he would have liked for this property to be zoned residential initially because it was further away from the Timber Drive intersection and there was the apartments adjacent to the site. He stated there was more commercially-zoned land nearer to Timber Drive and would have liked to see it closer to the intersection but thought the proposal was fine.

On a vote of 4-1 (Mr. Voiland voting nay – see previously mentioned concerns), the Planning Commission accepted the Consistency Statement below as their own written recommendation regarding the consistency of the request with the Town's adopted land use plans and recommended approval of CZ-SP-20-13 to the Town Council.

Written Recommendation / Consistency Statement: The Planning Commission finds this request to rezone approximately 2.18 +/- acres at the corner of Evolve Drive and NC Highway 50 from Community Retail (CR C152) Conditional to Community Retail (CR C237) Conditional consistent with adopted land use plans as it incorporates the completion of half of the recommended four-lane divided section for NC 50 as called for in the Town's adopted transportation plans, includes sidewalk along NC 50 and internal drives which supports walking to and from residential uses in close proximity (1/4-mile to ½-mile) to the site, and proposes

permitted uses that are the typical mix of indoor uses customary to meeting the objectives of the Neighborhood Commercial Center (NCC) future land use category designation.

VII. REASONABLENESS OF REQUEST

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

Staff Recommendation: Staff supports CZ-SP-20-13 as presented and reflected in Section III of this report, recommends Town Council approval of the Planning Commission's statement of consistency outlined in Section VI of this report, and further recommends approval of the zoning amendment request as a reasonable one – see following motion worksheet.

CZ-SP-20-13, Evolve NC 50 Restaurant

Zoning Amendment Motion Worksheet

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

**1. CONSISTENT
AND
REASONABLE**

"I move that the Town Council accept the Planning Commission's written statement regarding consistency of the zoning amendment request with adopted land use plans, detailed in Section VI of the staff report, as our own; and I further move that the Town Council adopt Ordinance No. (2021) 5040 approving rezoning **CZ-SP-20-13**, as the request is reasonable and in the public interest because it will likely (select all applicable reasonableness options and/or provide your own reasoning)."

**2. CONSISTENT
BUT NOT
REASONABLE**

"I move that the Town Council accept the Planning Commission's written statement regarding consistency of the zoning amendment request with adopted land use plans, detailed in Section VI of the staff report, as our own; however, I also move that the Town Council deny rezoning **CZ-SP-20-13** as the request is not reasonable nor in the public interest because it will likely not (select all applicable reasonableness options and/or provide your own reasoning)."

**3. INCONSISTENT
YET
REASONABLE**

"I move that the Town Council accept the Planning Commission's written statement regarding consistency of the zoning amendment request with adopted land use plans, detailed in Section VI of the staff report, and find the request inconsistent due to (cite and insert land use plan evidence); yet, I also move that the Town Council adopt Ordinance No. (2021) 5040 approving rezoning **CZ-SP-20-13**, as the request is still reasonable and in the public interest because it will likely (select all applicable reasonableness options and/or provide your own reasoning)."

**4. INCONSISTENT
NOR
REASONABLE**

"I move that the Town Council accept the Planning Commission's written statement regarding consistency of the zoning amendment request with adopted land use plans, detailed in Section VI of the staff report, and find the request inconsistent due to (cite and insert land use plan evidence); and I further move that the Town Council deny rezoning **CZ-SP-20-13**, as the request is not reasonable nor in the public interest because it will likely not (select all applicable reasonableness options and/or provide your own reasoning)."

See next page for reasonableness options...

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

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

ORDINANCE NO. (2021) 5040

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

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

WHEREAS, the Town Council finds this request to rezone approximately 2.18 +/- acres at the corner of Evolve Drive and NC Highway 50 from Community Retail (CR C152) Conditional to Community Retail (CR C237) Conditional consistent with adopted land use plans as it incorporates the completion of half of the recommended four-lane divided section for NC 50 as called for in the Town's adopted transportation plans, includes sidewalk along NC 50 and internal drives which supports walking to and from residential uses in close proximity (1/4-mile to 1/2-mile) to the site, and proposes permitted uses that are the typical mix of indoor uses customary to meeting the objectives of the Neighborhood Commercial Center (NCC) future land use category designation; and

WHEREAS, the Town Council further finds the request is reasonable and in the public interest because it will likely encourage redevelopment and reuse of existing sites and building that are complimentary to the surrounding area;

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

Section 1. That the Official Zoning Map of the Town of Garner and Extraterritorial

Jurisdiction be amended by changing the zoning classification of the property described below from its present zoning to that requested by Bass, Nixon, and Kennedy in Zoning Map Amendment Application No. CZ-SP-20-13 (C237).

Section 2. That there is hereby created a new conditional zoning district, to be known as the Community Retail (CR C237) Conditional District; within this district, all of the regulations that apply to property within the general CR zoning district shall be applicable subject to the following conditions:

1. Use table:

Use Category	Specific Use	CR C237
Household Living **	Townhomes	P*
	Condominiums	P*
	Upper Story Residential	P
Community Service	Other community service	SUP
	Community Center	SUP
	Library, art center, museum	P
	Civil, service, fraternal clubs, lodges, similar uses	SUP
Day Care	Adult Day Care	P*
	Day Care Center	P*
Educational Facilities and Services	Music, dance, art instruction	P
	Business School, college or university satellite	P
Government Facilities	Government Office	SUP
	Ambulance, rescue squad, police, fire station	P
Health Care	Medical clinic	P
Religious Institutions	Religious Institutions	P*
Utilities	Telecommunications facility	SUP
	Minor Utility	P*
Entertainment	Indoor entertainment facility	P*
Office	Medical office - individual	P
	Other office	P
Retail Sales and Service	Personal service-oriented uses	P*
	Repair oriented use (no outdoor operations)	P
	Sales oriented use (indoor operations)	P
	Banks and financial institutions	P
	Convenience store without fuel sales	P
	Convenience store with fuel sales	P
	Hair salons / barber shops	P
	Veterinarian/kennel indoor	P
Restaurants	Restaurants, indoor seating only	P
	Restaurant, indoor seating with drive-through	P
	Restaurant take out only, walk up or drive thru	P

Use Category	Specific Use	CR C237
Vehicle Sales and Service	Vehicle service-limited	P*

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

2. Development of this site shall be completed in conformance with the approved site plan.

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
Carl T. Williams	Parts of 1710739873, 1710738710, and 1710737724 (+/- 2.18 acres)	Community Retail (CR C152) Conditional District	Community Retail (CR C237) Conditional District

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

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

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

Section 7. This ordinance shall become effective upon adoption.

Duly adopted this 7th day of June 2021.

Ken Marshburn, Mayor

ATTEST: _____
Stella L. Gibson, Town Clerk

Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: June 7, 2021		
Subject: Resolution to Authorize Increase in Micro-Purchase Threshold		
Location on Agenda: Old/New Business		
Department: Finance		
Contact: David C. Beck, Finance Director		
Presenter: David C. Beck, Finance Director		
Brief Summary: This resolution authorizes the Town of Garner to raise the micro-purchase thresholds above \$10,000 for Federal Awards that are subject to Uniform Guidance procurement regulations.		
Recommended Motion and/or Requested Action: Consider adopting Resolution (2021) 2452		
Detailed Notes: Many local governments receive federal funding subject to the procurement standards in Subpart D of the Uniform Guidance. A "micro-purchase" is both an informal procurement method and a noncompetitive procurement method. A recent update to the Uniform Guidance by the Office of Management and Budget allows units of government to raise, via annual self-certification, the micro-purchase threshold to a higher threshold consistent with State law.		
Funding Source: N/A		
Cost:	One Time: <input type="radio"/>	Annual: <input type="radio"/> No Cost: <input checked="" type="radio"/>
Manager's Comments and Recommendations: 		
Attachments Yes: <input checked="" type="radio"/> No: <input type="radio"/>		
Agenda Form Reviewed by:	Initials:	Comments:
Department Head:	DCB	
Finance Director:	DCB	
Town Attorney:		
Town Manager:	RD	
Town Clerk:		

RESOLUTION NO. (2021) 2452

RESOLUTION TO AUTHORIZE INCREASE IN MICRO-PURCHASE THRESHOLDS

WHEREAS, from time to time, the Town of Garner (the Town) purchases goods and services using federal funding subject to the procurement standards in 2 C.F.R. Part 200, Subpart D; and

WHEREAS, the Town of Garner's procurement of such goods and services is subject to Policy 4020: Purchasing, as most recently amended on December 1, 2019; and

WHEREAS, the Town of Garner is a non-Federal entity under the definition set forth in 2 C.F.R. § 200.1; and

WHEREAS, pursuant to 2 C.F.R. § 200.320(a)(1)(ii), a non-Federal entity may award micro-purchases without soliciting competitive price or rate quotations if the non-Federal entity considers the price to be reasonable based on research, experience, purchase history or other information and documents that the non-Federal entity files accordingly; and

WHEREAS, pursuant to 2 C.F.R. § 200.320(a)(1)(iii), a non-Federal entity is responsible for determining and documenting an appropriate micro-purchase threshold based on internal controls, an evaluation of risk, and its documented procurement procedures; and

WHEREAS, pursuant to 2 C.F.R. § 200.320(a)(1)(iv), a non-Federal entity may self-certify on an annual basis a micro-purchase threshold not to exceed \$50,000 and maintain documentation to be made available to a Federal awarding agency and auditors in accordance with 2 C.F.R. § 200.334; and

WHEREAS, pursuant to 2 C.F.R. § 200.320(a)(1)(iv), such self-certification must include (1) a justification for the threshold, (2) a clear identification of the threshold, and (3) supporting documentation, which, for public institutions, may be a "higher threshold consistent with State law"; and

WHEREAS, G.S. 143-129(a) and G.S. 143-131(a) require the Town of Garner to conduct a competitive bidding process for the purchase of (1) "apparatus, supplies, materials, or equipment" where the cost of such purchase is equal to or greater than \$30,000, and (2) "construction or repair work" where the cost of such purchase is greater than or equal to \$30,000; and

WHEREAS, North Carolina law does not require a unit of local government to competitively bid for purchase of services other than services subject to the qualifications-based selection process set forth in Article 3D of Chapter 143 of the North Carolina General Statutes (the "Mini-Brooks Act"); and

WHEREAS, G.S. 143-64.32 permits units of local government to exercise, in writing, an exemption to the qualifications-based selection process for services subject to the Mini-Brooks Act for particular projects where the aggregate cost of such services does not exceed \$50,000; and

WHEREAS, pursuant to 2 C.F.R. § 200.320(a)(1)(iv), the Town Council of the Town of Garner now desires to adopt higher micro-purchase thresholds than those identified in 48 C.F.R. § 2.101.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF GARNER:

1. In accordance with 2 C.F.R. § 200.320(a)(1)(iv) and the applicable provisions of North Carolina law, the Town of Garner hereby self-certifies the following micro-purchase thresholds, each of which is a “higher threshold consistent with State law” under 2 C.F.R. § 200.320(a)(1)(iv)(C) for the reasons set forth in the recitals to this resolution:]¹

- A. \$30,000, for the purchase of “apparatus, supplies, materials, or equipment”; and
- B. \$30,000, for the purchase of “construction or repair work”; and
- C. \$50,000, for the purchase of services not subject to competitive bidding under North Carolina law; and

D. \$50,000, for the purchase of services subject to the qualifications-based selection process in the Mini-Brooks Act; provided that such threshold shall apply to a contract only if the Town has exercised an exemption to the Mini-Brooks Act, in writing, for a particular project pursuant to G.S. 143-64.32. The Town Manager is authorized to exempt in writing projects on a project-by-project basis where the estimated professional fee does not exceed \$50,000.

2. The self-certification made herein shall be effective as of the date hereof and shall be applicable for one year from today’s date but shall not be applicable to Federal financial assistance awards issued prior to November 12, 2020, including financial assistance awards issued prior to that date under the Coronavirus Aid, Relief, and Economic Support (CARES) Act of 2020 (Pub. L. 116-136).

3. In the event that the Town of Garner receives funding from a federal grantor agency that adopts a threshold more restrictive than those contained herein, the Town shall comply with the more restrictive threshold when expending such funds.

4. The Town shall maintain documentation to be made available to a Federal awarding agency, any pass-through entity, and auditors in accordance with 2 C.F.R. § 200.334.

5. The Town Manager and applicable staff are hereby authorized, individually, and collectively, to revise the Purchasing Policy of the Town to reflect the increased micro-purchase thresholds specified herein, and to take all such actions, individually and collectively, to carry into effect the purpose and intent of the foregoing resolution.

Duly adopted this 7th day of June 2021.

Ken Marshburn, Mayor

ATTEST: _____
Stella Gibson, Town Clerk

Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: June 7, 2021 		
Subject: FY 2021 - 2022 Budget Adoption		
Location on Agenda: Old/New Business 		
Department: Administration		
Contact: Mike Franks, Budget Manager		
Presenter: Mike Franks, Budget Manager		
Brief Summary: Staff will provide an overview of the proposed changes to the Recommended Budget for Council's consideration.		
Recommended Motion and/or Requested Action: Recommend Adoption of Ordinance (2021) 5041		
Detailed Notes: Staff has worked with Council following the release of the Recommended Budget to identify necessary changes. Staff will summarize the Recommended Budget, and the proposed changes, to offer Council an opportunity to make comments and formally adopt the budget.		
Funding Source: n/a		
Cost:	One Time: <input type="radio"/>	Annual: <input type="radio"/> No Cost: <input checked="" type="radio"/>
Manager's Comments and Recommendations: Recommend approval		
Attachments Yes: <input checked="" type="radio"/> No: <input type="radio"/>		
Agenda Form Reviewed by:	Initials:	Comments:
Department Head:	JH	
Finance Director:		
Town Attorney:		
Town Manager:	RD	
Town Clerk:		



FY 2021 – 2022 BUDGET SUMMARY



Major Themes

- Sufficient revenue growth to fund critical requirements but many high priority items are unfunded
- What will the world look like after COVID-19 and how will that impact the Town's revenues and operations
- The Town is prepared for the upcoming November 2021 bond referendum

Budget Highlights

- The Recommended Budget included a tax rate of 49.71 cents per \$100 of assessed valuation which is consistent with FY 2021
- The budget includes reductions of \$135,000 and unfunded decision packages of \$2,586,484
 - *This included 18 new positions many of which are considered high priority by staff and the budget team*
- The Town funded four decision packages that will allow for critical requirements to be addressed

Budget Summary - Revenues

- Continued strong growth in ad valorem taxes with no proposed tax adjustment
 - *Strong home growth*
 - *Amazon personal property*
 - *Declines in overall personal property due to COVID-19*
- *Significant growth in sales tax based on reduced FY 2021 projection and strong performance*
 - *Staff significantly reduced sales tax projections in FY 2021 due to COVID-19*
 - *FY 2021 growth has exceeded pre COVID-19 levels*
 - The big question is why
- *Growth offset by lower interest income due to reduced interest rates*
- *Included a review of fees to ensure the Town remains in line with other localities in the region*

Budget Summary - Expenditures

- Continued reductions in group insurance rates after multiple years of significant increases
- Resetting the budget in the post COVID-19 world
- Significant growth in the revenue savings plan based on higher revenue estimates
 - *A portion of this will be repurposed to address recurring bond related requirements*
 - *Reductions and the use of one-time funding in FY 2021 will reduce requirements by approx. \$460k*

Changes to the Recommend Budget

- The following changes have been made to the Recommended Budget
 - Increase the tax rate by 1.5 cents to cover critical requirements
 - Fund two additional Patrol Officers
 - Fund a Risk Manager (half year)
 - Fund a Community Risk Captain in Fire (half year)
 - Fund the conversion of part time Public Works Grounds positions to full time
 - Fund a Fleet Manager and a Lead Mechanic conversion
 - Fund a Communications/IT Specialist
 - Fund a sidewalk maintenance pilot program
 - Fund the replacement of multiple bleachers
 - Fund the replacement of Fire Hoses, Nozzles and Fans

- Despite this increase, Garner will continue to have the lowest effective tax rate in Wake County (based on current property values and tax rates)

- Includes the impact of approved revenue changes as reflected in the updated Fee Schedule

Effective Tax Rate

Annual property tax is based on a single family residential unit valued at the average home value according to GIS on 4/22.

Annual water/sewer charges based on usage of 3,740 gallons or 5 CCR per month.

Annual stormwater rates based on 2,000 square feet

Wake County Municipalities	Property Tax Rate ¹	Annual Property Tax ²	Annual Solid Waste Fees	Annual Water & Sewer Charges	Annual Storm Water Fees	TOTAL
Garner	\$0.5121	\$1,181	\$0	\$693	\$0.00	\$1,874
Knightdale	\$0.4200	\$1,033	\$190	\$693	\$48.00	\$1,965
Fuquay-Varina	\$0.3950	\$1,103	\$171	\$798	\$0.00	\$2,073
Raleigh	\$0.3552	\$1,122	\$205	\$693	\$60.00	\$2,080
Morrisville	\$0.3600	\$1,320	\$0	\$770	\$24.96	\$2,115
Wake Forest	\$0.4950	\$1,561	\$0	\$693	\$0.00	\$2,255
Apex	\$0.3800	\$1,423	\$247	\$671	\$0.00	\$2,343
Cary	\$0.3500	\$1,435	\$234	\$775	\$0.00	\$2,444
Wendell	\$0.4700	\$997	\$264	\$1,226	\$0.00	\$2,487
Holly Springs	\$0.4216	\$1,495	\$217	\$742	\$36.00	\$2,490
Rolesville	\$0.4600	\$1,601	\$264	\$693	\$0.00	\$2,559
Zebulon	\$0.5500	\$1,052	\$296	\$1,455	\$0.00	\$2,803
Average	\$0.4233	\$1,286	\$190	\$837	\$15.36	\$2,328

* Rates and fees based on FY 2019 - 2020 totals as prepared by the City of Raleigh

¹ Property tax rates are based on Town's FY 2021 adopted budgets

² Average home value figures provided by Wake County Revenue Department

	2022		2023		2024		2025		2026	
	Recommended		Projected		Projected		Projected		Projected	
Revenues:										
Ad Valorem Taxes	\$	24,352,391	\$	25,459,653	\$	28,979,407	\$	30,473,424	\$	32,543,819
1.5 Cent Tax increase	\$	730,972	\$	764,389	\$	813,332	\$	855,448	\$	913,813
Other Taxes and Licenses		8,495,500		8,997,488		9,441,396		9,907,389		10,396,568
Intergovernmental Revenue		3,203,568		3,247,705		3,292,503		3,337,974		3,384,126
Permits and Fees		2,821,480		2,907,764		2,997,507		3,090,867		3,188,011
Sales and Services		719,210		732,520		743,508		754,661		765,981
Investment Earnings		185,496		190,693		186,877		184,811		171,454
Other Revenue		254,000		257,810		261,677		265,602		269,586
Other Financing Sources		2,479,685		2,559,216		3,524,927		5,104,097		6,099,023
Total Revenues		43,242,302		45,117,238		50,241,133		53,974,273		57,732,381
Expenditures:										
New Personnel		-		510,000		1,020,000		1,530,000		2,040,000
PFRM		-		75,000		100,000		125,000		150,000
New Fire Station		-		-		1,100,000		1,133,000		1,166,990
New Park		-		-		-		1,000,000		1,030,000
Police Officers		260,000		135,960		140,039		144,240		148,567
Risk Manager		42,305		80,000		82,400		84,872		87,418
Bleacher Replacement		19,000								
Communication/IT Specialist		75,260		74,428		76,661		78,960		81,329
Public Works Conversion		143,476		108,640		111,899		115,256		118,714
Sidewalk Maintenance Program		15,000								
Fleet Manager and Lead Mechanic Conversion		89,550		92,237		95,004		97,854		100,789
Community Risk Captain		29,957		61,711		63,563		65,470		67,434
Fire Capital		38,909		-		-		-		-
Governing Body		616,529		466,484		477,184		488,212		499,581
Administration		1,639,734		1,695,358		1,749,464		1,800,143		1,852,422
Finance		937,885		1,001,957		1,031,375		1,059,182		1,087,836
Economic Development		370,063		407,966		419,274		429,982		441,002
Planning		1,066,300		1,092,958		1,120,281		1,148,288		1,176,996
Building Inspections		1,453,527		1,489,865		1,527,112		1,565,290		1,604,422
Engineering		943,691		967,283		991,465		1,016,252		1,041,658
Information Technology		965,004		844,196		866,823		888,256		910,293
Police		8,503,718		8,921,706		9,212,199		9,485,808		9,768,266
Fire and Rescue		4,915,539		4,843,677		4,964,769		5,088,889		5,216,111
Public Works		9,686,679		9,916,078		10,204,731		10,490,980		10,786,586
Parks and Recreation		2,482,687		2,590,728		2,665,448		2,737,261		2,811,232
Debt Service		3,977,351		4,058,329		4,998,433		6,638,050		7,486,216
Special Appropriations		2,386,977		2,408,717		2,459,472		2,512,973		2,569,243
Transfers		2,583,161		3,337,713		3,882,903		4,298,888		4,638,882
Total Expenditures		43,242,303		45,180,991		49,360,499		54,023,106		56,881,987
Net Balance/(Shortfall)										
		(0)		(63,753)		880,635		(48,834)		850,394

ORDINANCE NO. (2021) 5041

AN ORDINANCE TO APPROPRIATE FUNDS AND TO RAISE REVENUES FOR THE
FISCAL YEAR BEGINNING JULY 1, 2021 AND ENDING JUNE 30, 2022

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Garner, North Carolina, in accordance with NC General Statutes 159-13, that the following anticipated fund revenues and departmental expenditures are hereby appropriated and approved for the operation of the Town government and its activities for the Fiscal Year beginning July 1, 2021 and ending June 30, 2022.

Section I. GENERAL FUND

A. ANTICIPATED REVENUES

AD VALOREM TAXES

Ad Valorem Taxes-Current Year	\$24,955,563
Ad Valorem Taxes-Prior Year	60,500
Ad Valorem Tax Rental Vehicles	22,500
Payment in Lieu of Taxes	800
Tax Penalty and Interest	44,000

SALES TAX AND OTHER TAXES

ABC Net Revenue	\$168,300
Local Government Sales Tax 1%	4,485,780
Local Government Sales Tax 1/2%	3,821,220
Solid Waste Disposal Tax	20,200

INTERGOVERNMENTAL REVENUES

Beer and Wine Tax	\$137,000
Utility Franchise Tax	1,877,750
Video Programming Fees	235,000
PEG Reimbursement	54,000
Powell Bill Distribution	773,682
School Resource Officer	126,136

PERMITS AND FEES

Sidewalk Fee	\$62,500
Car Tags	730,000

Dog Tags	800
Subdivision Fees	75,000
Board of Adjustment Fees	800
Site Plan / Permit Fees	45,000
Rezoning Fees	15,000
Sign Permit Fees	9,000
Annexation and Street Closing	1,200
Special Event Permit	700
Engineering Inspection Fees	62,500
Building Permit Fees	1,207,500
Fire Inspection Fees	25,000
Inspection Plan Review Fees	65,000
Reinspection Fees	100,000
Inspection Fee - After Hours	1,480
Business Registration Fee	25,000
Police Outside Employment	225,000
False Alarm Charges	20,000
Other Fees	150,000

FEES FOR SERVICE

Recreation Fees	\$335,560
Auditorium Concessions	3,600
Facility Rental Fees	251,825
Special Refuse Collection Fees	3,775
Refuse Cart Fees	50,000
City of Ral - Collection Fees	4,000
Wake County Collection Fees	950
CoR - Street Repairs	40,000
NC DOT Mowing Agreement	30,000

INVESTMENT REVENUES

Interest Earned	\$185,496
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OTHER REVENUES

County Landfill Reimbursement	\$140,000
Grounds Fee - School Commons	7,500
Miscellaneous Revenue	20,000
Sewer Assessments	4,000
Interest on Assessments	700

Code Enforcement Fines	25,000
PEG Media cost share	26,500
Miscellaneous Land Use Charges	20,000
Officer Fees	7,500
Parking Violations	800
Scrap Metal Sales	2,000

OTHER FUNDING SOURCES

Transfer From – Stormwater Infrastructure Reserve	\$45,000
Transfer From – Water/Sewer Debt Reserve	231,231
Sale of Fixed Assets	45,000
Appropriated Fund Balance - American Rescue Plan	190,000
Appropriated Fund Balance - Bond Debt Capital Reserve	1,467,373
Appropriated Fund Balance - Unassigned	501,081
TOTAL	\$43,242,802

B. ANTICIPATED EXPENDITURES

GOVERNING BODY	\$616,529
ADMINISTRATION	\$1,757,299
FINANCE	\$937,885
ECONOMIC DEVELOPMENT	\$370,063
PLANNING	\$1,066,300
INSPECTIONS	\$1,453,527
ENGINEERING	\$943,691
INFORMATION TECHNOLOGY	\$965,004
POLICE	\$8,615,718
FIRE AND RESCUE	\$4,984,405
PUBLIC WORKS	\$9,915,705
PARKS, RECREATION AND CULTURAL RESOURCES	\$2,482,687
DEBT SERVICE	\$3,977,351
SPECIAL APPROPRIATIONS	\$2,573,527
OTHER FUNDS	\$361,500
TRANSFERS	<u>\$2,221,611</u>
TOTAL	<u>\$43,242,802</u>

Section II. LEVY OF TAXES

There is hereby levied, for Fiscal 2021-2022 Ad Valorem Tax Rate of \$0.5121 per one hundred dollars (\$100) valuation of taxable property, as listed for taxes as of January 1, 2021, for the purpose of raising funds for the General Services under Current Year's Tax, as set forth in the foregoing estimates of revenues in order to finance the foregoing applicable appropriations. This rate of tax is based on an estimated assessed valuation of \$4,922,406,659 and an estimated rate of collection of 99.0 percent. Under authority of NC General Statute 20-97, an annual license tax of \$30.00 is levied on each vehicle in the Town of Garner.

Section III. AUTHORIZATIONS & RESTRICTIONS OF THE BUDGET OFFICER

The Budget Officer is hereby authorized to transfer amounts between line items within a department without limitation, provided that transfers to or from the personnel services category of expense from another category of expense shall be reported to the Board at the first regularly scheduled meeting of each month.

Transfers between departments, and revisions of the revenue or expenditure totals, or utilization of any fund balance not already authorized in this ordinance shall require Board approval by budget ordinance.

Funds from capital project budgets to be closed shall be transferred into the General Fund unless otherwise specified by Town Council or the funds are restricted in their use by an external source.

Section IV. PURCHASE ORDERS.

All purchase orders will be pre-audited in accordance with the Local Government Budget and Fiscal Control Act and issued on all purchases over \$1,000.00.

Section V. PAY AND CLASSIFICATION PLAN

The sums appropriated and set forth in the detailed schedule of personnel services shall be paid in accordance with the Pay Plan and Position Classification Plan adopted by Town Council. All positions, position titles, incorporated herein for personnel are authorized and approved. The Town Manager is authorized to change positions, position titles, classifications and reclassifications, and reassignments for personnel for all positions authorized in the budget, but no new positions that are not captured within the budget or within the Position Classification Plan shall be added without the approval of the Town Council.

Section VI. UTILIZATION OF BUDGET ORDINANCE

This ordinance shall be the basis of the financial plan for the Town of Garner during the Fiscal Year 2021-2022. The Budget Officer shall administer the budget and shall insure that operating officials are provided guidance and sufficient details to implement their appropriate portion of the budget. The Finance Department shall establish and maintain all records which are in consonance with this ordinance, and the appropriate statutes of the State of North Carolina. Copies of this ordinance shall be furnished to the Finance Director and the Town Clerk for their direction in the disbursement of the Town's funds and for public inspection.

Duly adopted the 7th day of June, 2021.

Ken Marshburn, Mayor

ATTEST: _

Stella L. Gibson, Town Clerk

Town of Garner
Fiscal Year 2021-2022
Proposed Fee Schedule

Department & Fee Description	FY 2021-2022 Proposed Fees
SECTION 1 - Executive, Finance and Administrative Charges	
Miscellaneous	
Return Check Fee	\$ 25.00
Other Fees & Charges	
Vehicle Fee <i>(annual fee charged with vehicle taxes billed by NC Division of Motor Vehicles)</i>	\$ 30.00
Business Registration Fees	
All In-town Business <i>(annual registration fee)</i>	\$ 25.00
Itinerant Merchant <i>(mobile vendor or solicitor)</i>	\$ 100.00
Peddler	
On Foot	\$ 10.00
With Vehicle	\$ 25.00
Farm Products Only	\$ 25.00
Precious Metal Dealer	
Initial Application	\$ 180.00
Renewal	\$ 3.00
Taxicab Service Fees*	
Taxicab Company	
Initial Application <i>(for new companies)</i>	\$ 15.00 plus \$ 15.00 per cab
Registration Renewal <i>(annual)</i>	\$ 15.00 per cab
Taxicab License <i>(required for each driver)</i>	
Initial Application	\$ 10.00
License Renewal <i>(annual)</i>	\$ 5.00
<i>*Refer to Section 6 – Public Safety Charges for taxicab inspection fee.</i>	
Fees Regulated by the State of NC for the Sale of Beer and Wine	
Beer on Premises	\$ 15.00
Beer off Premises	\$ 5.00
Wine on Premises	\$ 15.00
Wine off Premises	\$ 10.00
Wholesale Dealer - Beer Only	\$ 37.50
Wholesale Dealer - Wine Only	\$ 37.50
Wholesale - Beer and Wine Under Same License	\$ 62.50
SECTION 2 - Community Services Charges	
Development Review Fees	
Major Subdivision, Preliminary Plat	\$ 600.00 + \$ 10.00 per lot
Site Plan Residential	\$ 750.00 + \$ 10.00 per unit
Site Plan Non-Residential	\$ 600.00 + \$10.00 per acre
Site Plan Modification – Admin. (Residential)	\$ 150.00 + \$5.00 per unit
Site Plan Modification – Admin. (Non Residential)	\$ 300.00 + \$ 10.00 per acre
Planned Development <i>(must file a Conditional Re-zoning application)</i>	\$ 750.00
Special Use Permit	\$ 400.00
<i>(Must also file a site plan, major subdivision or building reuse zoning compliance application)</i>	
Temporary Use Permit	\$ 25.00
Plan Review Re-Submittal <i>(4th or more – each re-submittal)</i>	50% of Original Fee
Planning Site Inspection Fees	
Site Inspection – Single Family or Townhome Lot	\$ 50.00
Site Inspection – Other	\$ 75.00 first acre, plus \$ 5.00 each additional acre
Site Reinspection	50% of original fee
Final Plat Petition Fees	
Exemption, Recombination or Easement Plat	\$ 100.00
Final Plat - Major	\$ 300.00
Final Plat - Minor	\$ 200.00
Zoning Compliance Permit Fees	
Accessory Structure	\$ 50.00
Building Re-use	\$ 100.00

Fence	\$ 35.00
Home Occupation	\$ 35.00

Sign Fees

Sign Permit (<i>per sign</i>)	\$ 75.00
Temporary Sign Permit (<i>per sign</i>)	\$ 35.00
Temporary Off-Premise Subdivision Sign Permit	\$ 100.00
Temporary On-Premise Construction Identification Signs	\$ 100.00
Master Sign Plan Review	\$ 100.00

Other Fees

Annexation Petition – Voluntary	\$ 150.00
Re-zoning, General or Conditional Map Amendment	\$ 500.00 + \$ 10.00 per acre
Zoning Verification Letter	\$ 150.00
Administrative Zoning Interpretation	\$ 150.00
Board of Adjustment Application (<i>Variance, Special Exception, Administrative Appeal</i>)	\$ 500.00
UDO Text Amendment	\$ 500.00
Petition to Close Street	\$ 450.00
Comprehensive Growth Plan Amendment	\$ 500.00

Building Plan Review Fees

Residential Single – Family Plans	No Charge
Commercial Plans	
Under 25,000 sq.	\$ 100.00
25,001 – 50,000 sq. ft.	\$ 150.00
50,001 – 100,000 sq. ft.	\$ 200.00
Over 100,000 sq. ft.	\$ 250.00
Single Trade Renovations	\$ 50.00

Fire Protection Systems & Alternate Systems

Sprinkler Systems	\$ 25.00 plus \$ 1.00 per head count
Fire Pumps	\$ 50.00
Fire Alarm Systems	\$ 50.00
All other Fire Protection Systems	\$ 50.00
Express Fire Plan Review Additional (48-Hours)	\$ 250.00

Construction Fees**Residential**

New Single Family Detached & Townhomes (<i>per unit; includes all trades</i>)	
Up to 1,200 sq. ft.	\$ 604.00
Over 1,200 sq. ft.	\$ 604.00 + \$.25 per sq.ft. over 1,200 sq.ft.
Residential Addition (<i>includes all trades</i>)	
Up to 400 sq. ft.	\$ 330.00
401 – 600 sq. ft.	\$ 500.00
Over 600 sq. ft.	\$ 500.00 + \$.25 per sq.ft. over 600 sq.ft.
Residential Interior Renovations	\$ 80 per trade
Manufactured Home (<i>includes all trades</i>)	\$ 330.00
Construction/Sales Office	\$ 200.00
Modular Homes/Dwellings (<i>includes all trades</i>)	\$ 500.00
Residential Accessory Structures (<i>with dimensions greater than 12' on any side</i>)	Trade Inspections Fee + \$.18 per sq.ft.
Temporary Service Poles	\$ 80.00
Temporary Power	\$ 80 first meter plus \$ 40 per meter additional

Commercial and Multi-Family - 3 or More Units

Each trade is independent and based on cost of that trade: building (includes site work), plumbing, electrical, fire, mechanical, any sub-system requiring an inspection.

Up to \$5,000	Trade Fees as Noted in Trade Inspections
\$5,001 - \$12,500	\$ 200.00
\$12,501 - \$25,000	\$ 441.00
\$25,001 - \$50,000	\$ 678.00
\$50,001 - \$100,000	\$ 1,258.00
\$100,001 - \$200,000	\$ 2,252.00
\$200,001 - \$350,000	\$ 3,810.00
\$350,001 - \$500,000	\$ 5,037.00
\$500,001 - \$750,000	\$ 7,011.00
\$750,001 - \$1,000,000	\$ 8,766.00
Greater than \$1,000,000	Base fee of \$8,766.00 plus \$.30 per \$100.00 or fraction thereof

Miscellaneous Construction Fees

Monument/Pole Sign Permits with Electrical or Footings Required	\$ 100.00
Wall Sign Permits with Electrical	\$ 50.00 per sign, \$ 80.00 minimum
Demolition Permit (<i>when not part of construction</i>)	\$ 100.00
Change of Occupancy (<i>plus trade permits</i>)	\$ 100.00

Change of Tenant, Same Use <i>(plus trade permit)</i>	\$ 75.00
Mandatory Operational Fire Permit	\$ 80.00
Daycare, Group Home and Foster Home License Inspections	\$ 80.00
Fire Flow Test Witness <i>(if not third-party certified)</i>	\$ 100.00
ABC License	\$ 100.00
Change of Contractor on Permit	\$ 50.00
Administrative Fee on Cancelled Permits without an Inspection	\$ 25.00
Trade Inspections <i>(Includes two trips)</i>	
Building	\$ 80.00
Electrical	\$ 80.00
Fire	\$ 80.00
Mechanical	\$ 80.00
Plumbing	\$ 80.00
Additional Trips not for Re-inspection	\$ 60.00
Trade Re-inspection Fees	
First & Second Re-inspection	\$ 80.00
Third Re-inspection <i>(same trade)</i>	\$ 150.00
Fourth Re-inspection and Subsequent <i>(each)</i>	\$ 250.00
Not Ready Charge	\$ 80.00
Fire Inspection Periodic Maintenance Inspections <i>(initial and one re-inspection)</i>	
0 – 2,499 sq. ft.	\$ 50.00
2,500 – 14,999 sq. ft.	\$ 100.00
15,000 – 49,999 sq. ft.	\$ 150.00
50,000 – 149,999 sq. ft.	\$ 200.00
Over 150,000 sq. ft.	\$ 250.00
Life Safety Fine Per G.S. 143-139 (b1) Remedies	
1 st Offense	\$ 100.00
2 nd Offense	\$ 250.00
3 rd Offense	\$ 500.00
Weekend or After-Hours Inspection <i>(per hour)</i>	\$ 240.00 for up to 3 hours
Weekend or After Hours Inspection <i>(over three hours)</i>	\$ 240.00 plus \$ 80.00 per hour
Emergency Inspections	Fee to be determined by Inspections Director
Commencement of Work Before Permit is Obtained	Double Fee
<i>Note: Per NCGS 153-354 and 160A-414, if the valuation of a building or service system appears to be under estimated on the application, the Inspections Department shall determine the project cost based on the most recent edition of the ICC "Building Valuation Data," or the applicant can show detailed estimates to meet the approval of the Inspections Department. Permit valuations shall include total cost, such as electrical, gas mechanical, plumbing equipment, fire protection, other systems, material and labor.</i>	
Miscellaneous	
Sign Return Fee	\$ 5.00
Homeowner Recovery Fund Fee	\$ 10.00
<i>(Per permit. Homeowner Recovery Fund Fees are collected on behalf of and remitted to the NC Licensing Board for General Contractors.)</i>	
Nuisance Abatements*	
Initial Inspection plus One Follow-up	\$ 50.00
Each Additional Inspection Over Two	\$ 25.00
Inspections Department Administrative Fee	\$ 100.00
Public Works Department Administrative Fee	\$ 75.00
Finance Department Administrative Fee	\$ 25.00
<i>* The above fees will be charged to the property owner in addition to the actual cost of the nuisance abatement.</i>	
Engineering Fees	
Initial Construction Drawing Fee (Includes 2 reviews and 1 signature submittal)	\$ 500.00 + \$ 10.00 per lot
Subsequent Construction Drawing Fee (per each additional review)	\$
300.00 Street Inspections	\$ 1.50 per linear foot
Sidewalk/Greenway Inspections	\$.75 per linear foot
Curb and Gutter Inspections	\$.75 per linear foot
Curb Cut Inspections	\$ 75.00 + \$ 50.00 per reinspection
Water Supply / Watershed (SCM) Inspection	\$ 200.00
Weekend or After-Hours Inspections <i>(per hour)</i>	\$ 80.00 minimum, 3 hours
Bond Administration (Surety Bond/Letter of Credit)	\$ 300.00/each
Bond Reduction/Amendment/Renewal	\$ 100.00/each
Record Drawing Review (Stormwater & SCM's)	\$ 150.00 (1 st and 2 nd Review)
Record Drawing Review (Stormwater & SCM's)	\$ 75.00 (3 rd , 5 th , 7 th Review)
Public Utility Fees	

Capacity Replacement Fees *(Fees have been suspended; except as set forth in Ordinance No. (2017)3884. Effective 09/19/17.)*

Water (Residential & Non-Residential)	Fee has been SUSPENDED
Sewer (Residential & Non-Residential)	Fee has been SUSPENDED
Utility Development Fees	
Water (Residential & Non-Residential)	Fee has been SUSPENDED
Sewer (Residential & Non-Residential)	Fee has been SUSPENDED
Acreage Fees (<i>Fees have been suspended. Effective 09/19/2017</i>)	Fee has been SUSPENDED
Maps and Reports	
Unified Development Ordinance	Hardcopy purchased through American Legal Purchasing
Code of Ordinances	Hardcopy purchased through American Legal Purchasing
Supplement	
Engineering Standards <i>water, sewer, streets, sidewalks, & drainage</i>	\$ 5.00
Comprehensive Growth Plan	\$ 40.00
Comprehensive Plan Roster	\$ 10.00
Growth and Development Report	\$ 10.00
Capital Improvements Plan	\$ 10.00
Monthly Building Permit Report	\$ 5.00
Standard Maps (3' x 4')	\$ 20.00
Standard Maps (2' x 3')	\$ 10.00
Standard Maps (11" x 11")	\$ 5.00
Standard Maps 8 1/2" x 11" or 8 1/2" x 14")	\$ 1.00
Electronic Media	\$ 2.00
Copies – Black/White (<i>more than 20</i>)	\$.10 per page
Copies – Color (<i>more than 20</i>)	\$.25 per page
Copies – Black/White or Color (<i>less than 20</i>)	No Charge
Fee in Lieu of Sidewalks (<i>Fees are due at plat recording</i>)	\$ 25.00 per linear foot
Fee in Lieu of Parkland Dedication (<i>Fees are due at building permit submittal</i>)	
Single Family Detached	\$ 2,375.00 per unit
Single Family Attached	\$ 1,715.00 per unit
Multi-Family (<i>townhomes, apartments</i>)	\$ 1,762.00 per unit

SECTION 3 - Public Works Charges

Containers*

Mobile Refuse Containers	\$ 85.00
Mobile Recycling Containers	\$ 65.00

* Containers remain property of the Town and are provided and assigned for the health, safety, convenience and general welfare of occupants. Containers that are damaged, destroyed or stolen through abuse neglect, or improper use shall be replaced by the Town at the expense of the owner or occupant. For more information, please refer to Town of Garner Code of Ordinances, Part 1, Chapter 5, Section 5.5 "Residential Garbage Collection."

Special Collection Charges

Trash in Excess of Six Cubic Yards Per Week	\$ 40.45 per six cubic yards
Yard Waste in Excess of Six Cubic Yards Per Week	\$ 17.34 per six cubic yards
Bulky Waste in Excess of 60 Pounds	\$ 40.45 per item
<i>For more information, please refer to Town of Garner Code of Ordinances, Part 1, Chapter 5, Section 5.6.1 "Special Collections."</i>	

Improperly Prepared Waste

Small Load	\$ 50.00
Medium Load	\$ 100.00
Large Load	\$ 200.00 per load

For more information, please refer to Town of Garner Code of Ordinances, Part 1, Chapter 5, Section 5.5 "Residential Garbage Collection."

SECTION 4 - Public Utility Fee Charges (City of Raleigh)

As of July 1, 2018, this schedule will no longer list City of Raleigh Utility Connection Fees. Though this schedule no longer displays City of Raleigh Utility Connection Fees, these fees will still be collected by the Town of Garner on behalf of the City of Raleigh. An estimate of potential fees can be requested through the Town of Garner consisting of Meter Fees, Tap Fees and Capital Facility Fees. Payment for these fees will be required as a stand-alone transaction separate from any Town fees.

A list of public utility rates and fees can be found on the City of Raleigh's website at:
<http://www.raleighnc.gov/services/content/FinUtilityBilling/Articles/UtilityBillingDepositFees.html>.

Current City of Raleigh Utility Connection fees can be found at:
<http://www.raleighnc.gov/content/extra/Books/PlanDev/DevelopmentFeeSchedule/28/>.

SECTION 5 - Parks, Recreation & Cultural Resources Charges

Activity Fees (*Fee reductions offered for underprivileged youth*)

Variable Cost Activities *Activities whose costs increase or decrease due to participation levels shall be reviewed by the Town Council on a biannual basis. This review shall consist of a comparison of current Town fees with current market rates and review of the Town's anticipated expenses for the activities.*

Adult Open Basketball League	\$ 450.00 per team, plus \$ 20.00 per non-resident
Adult 3 on 3 Basketball League	\$ 225.00 per team, plus \$ 20.00 per non-resident
Adult Individual	
Resident	\$ 68.00
Non-Resident	\$ 90.00
Adult Softball	\$ 450.00 per team, plus \$ 20.00 per non-resident
Youth Basketball (10 and Under)	
Resident	\$ 50.00

Non-Resident	\$ 65.00
Youth Basketball (11-17)	
Resident	\$ 55.00
Non-Resident	\$ 72.00
Day Camps	
Resident	\$ 80.00 per week
Non-Resident	\$ 105.00 per week
Activities with Fixed Costs* <i>Activities whose costs to the Town are fixed regardless of participation levels shall have fees set according to the following:</i>	
Adult Activities	Fee shall recover 100% of direct costs
Youth Activities, ages 13-18	Fee shall recover 85% of direct costs
Youth Activities, ages 12 and under	Fee shall recover 60% of direct costs
Pre-k Activities	Fee shall recover 75% of direct costs
Family Activities	Fee shall recover 100% of direct costs
Non-Resident	Resident fee plus 30%, maximum \$ 25.00 additional
<i>*Direct costs may be waived at the discretion of the Parks, Recreation & Cultural Resources director for first-time programs.</i>	
Activities Not Requiring Pre-Registration* <i>(fees listed are for Residents unless otherwise noted)</i>	
Adult Activities	Fee shall recover 110% of direct costs
Youth Activities, ages 13-18	Fee shall recover 85% of direct costs
Youth Activities, ages 12 and under	Fee shall recover 60% of direct costs
Pre-K Activities	Fee shall recover 75% of direct costs
Family Activities	Fee shall recover 75% of direct costs
Preschool Open Art or Open Gym	
Resident	\$ 2.00
Non-Resident	\$ 3.00
Non-Resident	Resident fee plus 30%, maximum \$ 25.00 additional
<i>*Direct costs may be waived at the discretion of the Parks, Recreation & Cultural Resources director for first-time programs.</i>	
Open Gym	
Adult	
Resident	\$ 2.00 for length of activity
Non-Resident	\$ 3.00 for length of activity
Youth or Family	No Charge
Garner Senior Center Activities	
Annual Fitness Pass-Resident (Jan. 1 – Dec. 31)	\$ 20.00
Fitness Pass-Resident (July 1 – Dec. 31)	\$ 10.00
Annual Fitness Pass-Non-Resident (Jan 1 – Dec. 31)	\$ 35.00
Fitness Pass-Non-Resident (July 1 – Dec. 31)	\$ 18.00
Instructional Classes	Fee to recover direct costs, minimum \$ 5.00
Special Events	Fee to recover direct costs, minimum \$ 5.00
Trip	Fee to recover direct costs
Non-Res. Instructional Classes, Events & Trips	Resident fee plus 30%, maximum \$ 25.00 additional
Senior Center Fitness Room*	
Adults (ages 18 - 54)	
Resident	\$ 11.00 per month
Non-Resident	\$ 13.00 per month
Senior Adults (ages 55 or older)	\$ 11.00 per month
Resident	\$ 11.00 per month
Non-Resident	\$ 13.00 per month
<i>*The above allows for access Monday-Thursday, 8:00am-8:00pm and Friday, 8:00am-5:00pm</i>	
Bus Use	No Charge

SECTION 5.1 – Shelter, Parkland and Facility Fees

Commercial Use of Parkland* (Fitness Classes Only)

1 Month Agreement – Residents	
1 – 50 Participant	\$ 25.00 per hour
Over 50 Participant	\$ 35.00 per hour
1 Month Agreement – Non-Residents	
1 – 50 Participant	\$ 33.00 per hour
Over 50 Participant	\$ 46.00 per hour
3 Month Agreement – Residents	
1 – 50 Participant	\$ 20.00 per hour
Over 50 Participant	\$ 30.00 per hour
3 Month Agreement – Non-Residents	
1 – 50 Participant	\$ 26.00 per hour
Over 50 Participant	\$ 39.00 per hour
Application Fee <i>(Applies to all agreements)</i>	
Residents	\$ 25.00
Non-Residents	\$ 35.00

**Only available within certain parks and park areas. Refer to Parks, Recreation, and Cultural Resources Department for further information.*

Lake Benson Park

Resident	
Shelter 1 (max 150 people)	\$ 30.00 per hour, 2-hour minimum
Shelter 2 (max 50 people)	\$ 20.00 per hour, 2-hour minimum
Shelter 3 (max 20 people)	\$ 10.00 per hour, 2-hour minimum
Shelter 4 (max 20 people)	\$ 10.00 per hour, 2-hour minimum
Gazebo (requires Special Event Application)	\$ 20.00 per hour
Gazebo with Lawn Space (requires Special Event Application)	\$ 35.00 per hour
Amphitheater	\$ 40.00 per hour
Earth Stage	\$ 20.00 per hour
Earth Stage with Lawn Space	\$ 100.00 per hour
Camping Fee	\$ 50.00 per night plus \$ 25.00 refundable key deposit
Full Park	\$ 325.00 per hour
Non-Resident	
Shelter 1 (max 150 people)	\$ 40.00 per hour, 2-hour minimum
Shelter 2 (max 50 people)	\$ 30.00 per hour, 2-hour minimum
Shelter 3 (max 20 people)	\$ 20.00 per hour, 2-hour minimum
Shelter 4 (max 20 people)	\$ 20.00 per hour, 2-hour minimum
Gazebo (requires Special Event Application)	\$ 30.00 per hour
Gazebo with Lawn Space (requires Special Event Application)	\$ 53.00 per hour
Amphitheater	\$ 60.00 per hour
Earth Stage	\$ 30.00 per hour
Earth Stage with Lawn Space	\$ 150.00 per hour
Camping Fee	\$ 75.00 per night plus \$ 25.00 refundable key deposit
Full Park	\$ 473.00 per hour
Lawn Space in Addition to Shelters	
Shelter 1	\$ 20.00 per hour
Shelter 2	\$ 10.00 per hour
Shelter 4	\$ 10.00 per hour
White Deer Park	
Resident	
All Shelters	\$ 20.00 per hour
Front Lawn (Adjacent to Aversboro Rd.)	\$ 40.00 per hour
Meadow Lawn (requires Special Event Application)	\$ 40.00 per hour
Nature Center Lawn	\$ 40.00 per hour
Outdoor Classroom (requires Special Event Application)	\$ 15.00 per hour
Non-Resident	
All Shelters	\$ 30.00 per hour
Front Lawn (Adjacent to Aversboro Rd.)	\$ 60.00 per hour
Meadow Lawn (requires Special Event Application)	\$ 60.00 per hour
Nature Center Lawn	\$ 60.00 per hour
Outdoor Classroom (requires Special Event Application)	\$ 25.00 per hour
Memorial Bench	10% above Town cost
White Deer Nature Center (A \$150.00 refundable security deposit applies to all rentals of White Deer Nature Center)	
Resident	
Indoor Classroom	\$ 50.00 per hour, 2-hour minimum
Indoor Classroom with Learning Deck	\$ 70.00 per hour, 2-hour minimum
After Hours-Indoor Classroom	\$ 60.00 per hour, 2-hour minimum
After Hours-Indoor Classroom with Learning Deck	\$ 80.00 per hour, 2-hour minimum
Non-Resident	
Indoor Classroom	\$ 50.00 per hour, 2-hour minimum
Indoor Classroom with Learning Deck	\$ 70.00 per hour, 2-hour minimum
After Hours - Indoor Classroom	\$ 60.00 per hour, 2-hour minimum
After Hours - Indoor Classroom with Learning Deck	\$ 80.00 per hour, 2-hour minimum
Centennial Park	
All Shelters	
Resident	\$ 20.00 per hour
Non-Resident	\$ 30.00 per hour
Creech Road Elementary School Park	
All Shelters	
Resident	\$ 20.00 per hour
Non-Resident	\$ 30.00 per hour
Garner Recreational Park	
All Shelters	
Resident	\$ 25.00 per hour
Non-Resident	\$ 35.00 per hour
Garner Senior Center	
Weekend Rentals (Friday, 5:00PM – 11:00PM, Saturday – Sunday, 7:00AM – 11:00PM. A \$150.00 refundable security deposit applies to all weekend rentals.)	

Department & Fee Description

FY 2021-2022 Proposed Fees

Multipurpose Room (<i>max 150 people</i>)	\$ 65.00 per hour, 3-hour minimum
Fitness Annex (<i>max 214 people</i>)	\$ 70.00 per hour, 3-hour minimum
Food Fee (<i>includes use of Warming Kitchen</i>)	\$ 50.00 per event
Weeknight Rentals (<i>Monday – Thursday, 5:00PM – 8:00PM. A \$50.00 refundable security deposit applies to all weeknight rentals.</i>)	
Multipurpose Room	\$ 30.00 per hour
Multipurpose Room – Audio Visual Use Fee	\$ 25.00 per event
Dining Room	\$ 40.00 per hour
Game Room	\$ 20.00 per hour
Additional Staff (<i>as needed</i>)	\$ 15.00 per hour
Avery Street Recreation Center (<i>\$150.00 refundable security deposit applies to all rentals of Avery Street Recreation Center</i>)	
Gymnasium	\$ 70.00 per hour, 2-hour minimum
Gym Floor Cover Fee	\$ 200.00 per event
Single Multi-Purpose Room	\$ 40.00 per hour, 2-hour minimum
Both Multi-Purpose Rooms	\$ 60.00 per hour, 2-hour minimum
Meeting Room	\$ 30.00 per hour, 2-hour minimum
Entire Facility	\$ 150.00 per hour, 2-hour minimum
Avery Street Annex (<i>\$150.00 refundable security deposit applies to all rentals of Avery Street Annex</i>)	
Classroom	\$ 40.00 per hour, 2-hour minimum
Avery Street Park Lawn / GPAC Back Lawn (<i>\$150.00 refundable security deposit applies to all rentals of Avery Street/GPAC Lawn</i>)	
Rentals	\$ 60.00 per hour
Athletic Rental Facility* (<i>\$150.00 refundable security deposit applies to all field rentals</i>)	
Baseball Field	\$ 30.00 per hour
Baseball Field with Lights	\$ 55.00 per hour
Soccer Field - Youth	\$ 35.00 per hour
Soccer Field - Adult	\$ 45.00 per hour
Soccer Field with Lights - Youth	\$ 70.00 per hour
Soccer Field with Lights - Adult	\$ 80.00 per hour
* Facility supervision is included in the rental price.	
Thompson Road Park	
Multipurpose Field	\$ 30.00 per hour
Lake Benson Boathouse Rentals *	
Jon-boats without Motors	\$ 4.00 per hour, \$ 20.00 per day
Jon-boats with Motors	\$ 8.00 per hour, \$ 40.00 per day
Canoes	\$ 5.00 per hour
Kayaks	\$ 5.00 per hour
* Senior citizens age 55 or over will be charged 50% of the above rates for full day rentals only.	
Garner Performing Arts Center Auditorium and Lobby	
Regular Rates	
Auditorium	\$ 125.00 per hour
Rehearsal Fees (Monday-Thursday)	\$ 55.00 per hour
Rehearsal Fees (Friday-Sunday)	\$ 125.00 per hour
Back Lobby (max 30 people)	\$ 40.00 per hour
Front Lobby (max 60 people)	\$ 50.00 per hour
Auditorium Hold Day with Dressing Rooms (Monday-Thursday)	\$ 140.00 per day
Auditorium Hold Day with Dressing Rooms (Friday-Sunday)	\$ 300.00 per day
Non-Profit Group Rates* (<i>All rentals of the Garner Performing Arts Center require a \$ 200.00 per day refundable security deposit</i>)	
Auditorium	\$ 100.00 per hour
Rehearsal Fees (Monday-Thursday)	\$ 50.00 per hour
Rehearsal Fees (Friday-Sunday)	\$ 100.00 per hour
Back Lobby (max 30 people)	\$ 40.00 per hour
Front Lobby (max 60 people)	\$ 50.00 per hour
Auditorium Hold Day with Dressing Rooms (Monday-Thursday)	\$ 90.00 per day
Auditorium Hold Day with Dressing Rooms (Friday-Sunday)	\$ 240.00 per day
* Non-profit groups are defined as follows: all IRS tax exempt and non-profit groups, or non-tax-exempt group activities such as private parties, family activities, family reunions, weddings and receptions, etc., for which no money is collected for participation.	
Miscellaneous Fees (<i>Applies to all groups</i>)	
Sound and Lighting Technician	\$ 20.00 per hour
Facility Attendant	\$ 15.00 per hour
Security	Based on personnel cost
Piano Tuning	Based on personnel cost
Pre-event Setup and Post-Event Cleanup	Based on personnel cost
Concession Stand	\$ 50.00 per day
Lake Benson Trails*	
Dual Meets (Two teams)	\$ 7.00 per hour, 2-hour minimum
Meets with Three to Five Teams	\$ 11.00 per hour, 2-hour minimum
Meets with Six to Nine Teams	\$ 16.00 per hour, 2-hour minimum
Meets with 10 or More Teams	\$ 21.00 per hour, 2-hour minimum
* The above fees would be assessed in addition to reimbursement of any additional Town expenses arising from the event above normal operations.	
Christmas Parade	

Float Rentals	10% above Town cost
Parade Entry Fees	
Business / Individual	
Walkers & Bicycles	\$ 65.00
Vehicles	\$ 55.00 per vehicle
ATV & Motorcycles	\$ 45.00 per vehicle
Trucks & Floats	\$ 80.00 per truck/float
Non-Profit / Church	
Walkers & Bicycles	\$ 45.00
Vehicles	\$ 35.00 per vehicle
ATV & Motorcycles	\$ 25.00 per vehicle
Trucks & Floats	\$ 55.00 per truck/float
Marching Band, Emergency Management, or Elected Official	No Charge
Special Events & Facility Rentals Policy Fees	
Application Fee	\$ 25.00 non-refundable fee
Mobile Stage (<i>Requires Mobile Stage Rental Application. A \$500 non-refundable deposit due upon application approval.</i>)	\$ 2,500 one day rental
Police Officer	See Section 6-Public Safety Charges
Staff Assistance	\$ 15.00 per hour, 3-hour minimum
Parking Attendants (<i>2 attendants</i>)	\$ 30.00 per hour, 3-hour minimum
Street Closure	
Resident	\$ 80.00 per event
Non-Resident	\$ 120.00 per event
Use of Park Trails	
Resident	\$ 40.00 per day
Non-Resident	\$ 60.00 per day
Event with Admission Fees or Ticket Sales	
Resident	\$ 270.00 per day
Non-Resident	\$ 405.00 per day
Event with Sales of Food or Merchandise	
Resident	\$ 200.00 per day
Non-Resident	\$ 300.00 per day
Food Truck Participation at Special Events (<i>excludes Independence Day Celebration</i>)	
Small Event (500 – 2,000 expected patrons)	\$ 50.00
Medium Event (2,001 – 9,999 expected patrons)	\$ 100.00
Large Event (10,000 or more expected patrons)	\$ 250.00
Food Truck Participation at Independence Day Celebration	
Tier 1 – Non-Profit Organization (without Food Truck)	No Charge
Tier 2 – Non-Profit Organization partnering with Food Truck	\$ 125.00
Tier 3 – For Profit Food Truck	\$ 250.00
Photo and Video Shoot	
Resident	\$ 50.00 per day
Non-Resident	\$ 75.00 per day
Sanitation Deposit	
Class A or B Special Events	\$ 1,000.00 per event
Class C Special Events	\$ 500.00 per event
Class D Special Events	No Charge

SECTION 6 – Public Safety Charges

Accident/Criminal Investigation Report	
First 5 Copies	No Charge
Each Copy Over 5 (<i>per page</i>)	\$.20 per page
CD/DVD Production	\$ 22.00
Miscellaneous	
Storage of Seized Vehicle	\$ 5.00 per day
Off-Duty Officer	
Police Officer	\$ 40.00 per hour, 3-hour minimum
Police Officer - Holiday Rate	\$ 59.25 per hour, 3-hour minimum
Police Officer – Short Notice Rate (48 Hours)	\$ 78.50 per hour, 3-hour minimum
Police Supervisor (1 Supervisor Only)	\$ 51.00 per hour, 3-hour minimum
Removal of Recreational Devices	
First Violation	\$ 25.00
Second Violation	\$ 50.00
Third Violation	\$ 100.00
Parking Violation Fee*	
No Parking Zone	\$ 30.00
Parking Too Close to Intersection	\$ 30.00
Parking on Sidewalk	\$ 30.00
Parking Too Far Away from Curb or Street Edge	\$ 30.00

Double Parking	\$ 30.00
Parking in a Loading Zone	\$ 30.00
Parking in a Restricted Time Zone	\$ 30.00
Residential Parking Permit Zone	\$ 30.00
Parking on Wrong Side of Street Facing Traffic	\$ 30.00
Emergency Zone Parking	\$ 50.00
Parking in Fire Lane	\$ 50.00
Parking in Front of Fire Hydrant	\$ 50.00
Obstructing Traffic	\$ 50.00
Parking in a Handicapped Zone	\$ 100.00
All Other Parking Violations Not Noted Above	\$ 30.00

* Parking fines must be paid within 30 days from issuance to avoid additional penalty. Fines not paid within 30 days will be subject to the violator to double the amount of the original fine.

Animal Control Charges*

Violations of Licensing Ordinance

First Violation	\$ 100.00
Subsequent Violations <i>(Charged per violation; applies to any violation not paid within 60-days of first violation)</i>	\$ 200.00
Number of Dogs kept on Premises	
Each dog over allowable limit <i>(per dog)</i>	\$100.00
Subsequent Violations <i>(accrued every 7 days)</i>	\$100.00

Animals at Large and Animals Creating a Nuisance

First Violation	\$ 50.00
Second Violation	\$ 100.00
Subsequent Violations	\$ 150.00

Dangerous Animal Violations

Violation of Dangerous Animal Sign <i>(Civil Penalty + Animal Seizure)</i>	\$ 500.00
Violation of Muzzling Requirement <i>(Civil Penalty + Animal Seizure)</i>	\$ 500.00
Dangerous Animal at Large <i>(Civil Penalty + Animal Seizure)</i>	\$ 500.00
Failure to Microchip Dangerous Animal <i>(Civil Penalty + Animal Seizure)</i>	\$ 500.00
Secure Enclosure Requirement <i>(Civil Penalty + Animal Seizure)</i>	\$ 500.00
Competent Person 18 YOA or Older Removal from Property Requirement <i>(Civil Penalty + Animal Seizure)</i>	\$ 500.00
Fail to Allow Animal Control Officer Access to Inspect <i>(Civil Penalty + Animal Seizure)</i>	\$ 500.00
Fail to Notify a Garner Officer/Animal Control within 24-hours Requirement <i>(Civil Penalty + Animal Seizure)</i>	\$ 500.00

Dangerous Animal Toward Human Being

First Violation <i>(Civil Penalty + Animal Seizure)</i>	\$ 500.00
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Dangerous Animal Toward Domestic Pet

First Violation <i>(Civil Penalty + Animal Seizure)</i>	\$ 250.00
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Other General Penalties Not Specified Above

	\$ 100.00
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* Animal control charges are applied to dogs and cats. Fines and penalties listed above do not include shelter reclaim fees, which must also be paid by owner.

False Alarm Penalties	
First Three False Alarms	No Charge
Fourth and Fifth False Alarms	\$ 50.00 per alarm
Sixth, Seventh, and Eighth False Alarms	\$ 100.00 per alarm
Ninth and Tenth False Alarms	\$ 150.00 per alarm
All False Alarms in Excess of 10	\$ 250.00 per alarm

Taxicabs

Bi-Annual Inspection Fee	No Charge
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SECTION 7 - Penalty Fee

Penalty Fee: The fee or penalty to be paid to the Town for any one violation of an ordinance as above set out is hereby fixed as noted. Offenses denominated a misdemeanor pursuant to NCGS 14-4 shall be punishable as infractions; offenses not denominated as misdemeanors under the State's penal laws are not punishable as misdemeanors under administering ordinances within the Town.

REPORTS

Garner Info

Id	Title	Description	Current Status	Address	Date Created	Comments
9807024	Streetlight Problem	Pedestrian crossing button does not work. It is the button on the pole near Pizza Hut that allows crossing across Timber towards CVS. Thanks!	In Progress	1875 Aversboro Rd	3/31/2021	This information has been forwarded to the NCDOT Traffic Services section to investigate and resolve since Timber and Aversboro are both NCDOT maintained streets and they handle all signal operations.
9841332	Misc. - Parks / Town Property	Trash strewn around. Precise location is on the pull-off just south of the bridge over Swift Creek on Old Stage Rd. (Town property)	Received	7102 Gentle Springs Ct	4/7/2021	Old Stage Rd. is maintained by NCDOT.
9860842	Sidewalk Repair	ADA portion of sidewalk is broken and has sunk below grade. Tripping hazard. ADA hazard.	In Progress	1315 Vandora Ave	4/10/2021	thanks for fixing the one your fixing, but the one on the other side of the street is the one I called about 😞. It's much worse.
9936022	Neighborhood Speeding	Businesses and residential speeding on this road daily.	Submitted	101 Rand Mill Rd	4/23/2021	Email reply below and targeted patrol entry generated on 05/19/21.
9938504	Water/Sewer Emergency		Submitted	406 E Main St	4/24/2021	A request has been submitted to Raleigh Water (owner/operator of water/sewer system) to investigate and repair this hydrant, as necessary.
9980815	Neighborhood Speeding	chronic speeding 20+ mph over speed limit making exiting subdivision dangerous.	Submitted	105 Bayberry Woods Drive	5/2/2021	I will add a targeted patrol request for your area.
10028521	Misc. - Streets	There should be a no u-turn here at rush hour.	Submitted	Mechanical Blvd	5/10/2021	
10051754	Construction Without Permit	104 Atchison St, back yard of, construction of 20x12x12 equipment shed (aluminum) too close to back/side property line, also 8x12 shed too close to back/side property line, plus unpermitted electricity and now extending size of 8x12 shed by another 8x12. Constant unauthorized construction.	Submitted	104 Atchison St	5/14/2021	
10112381	Trash/Solid Waste (Private Property)	Visible from the road behind Jersey Mike's, beside of the dumpster. Thank you.	Received	2345 Timber Dr	5/25/2021	

Garner Info

10128033	Garbage	Vandora Springs Rd at Lakeside Dr, a bag of trash at the curb.	Submitted	1020 Vandora Springs Rd	5/27/2021	
10134835	Junk Vehicle (Private Property)	at Jersey Mike's on Timber Dr, flat tire	Received	Timber Dr	5/28/2021	
10134874	Garbage	on the street behind Jersey Mike's on Timber Dr	Submitted	Timber Dr	5/28/2021	
10137810	Home Occupation	This is a hybrid complaint about a business being operated from a residential backyard as well as a noise complaint if by some chance that business is actually permitted as far as zoning. Every single day there are multiple trucks being backed up close to property lines - there is constant loading & unloading, dumping, sawing, drilling, and a handful of workers back there every day. There are lots of loud bangs, the incessant noise of machinery, and trucks' backup sirens. Today they were blowing some sort of thick dust out of the back of one truck that was choking me in my own backyard as well as burning my eyes. The business is called "Drainage & Waterproofing Solutions LLC."	Submitted	228 Weston Rd	5/28/2021	

Garner Info

10140676	Neighborhood Speeding	<p>An older model, black Nissan Sentra with tinted windows speeds through the Heather Woods neighborhood almost on a daily basis, including weekends. Estimated / approximate speed: 60 mph. Approximate time: 5:45pm. Street: Old Scarborough Lane. Direction: from Buffalo Rd towards Aversboro Rd. The vehicle is also regularly seen at a local Pizza Hut location (corner of Aversboro Rd and Timber Dr) with a pizza delivery sign on the roof. NC license plate: PDZ-4137. Picture is attached.</p> <p>P.S. Very concerned about this particular vehicle as the driver does not slow down even if there are children or adults walking on the street. I also have surveillance videos to show the speed if needed. Thank you!</p>	Submitted	521 Old Scarborough Ln	5/29/2021	

Building Activity by Type and Proposed Use for Report Beginning: 05/01/2021 to Report Ending: 05/31/2021

Addition

Proposed Use	Number of Units	Construction Value	Intown Value
DECK	4	\$54,000.00	\$32,500.00
PORCH	1	\$9,363.00	\$9,363.00
SCREENED PORCH	5	\$100,170.00	\$100,170.00
SINGLE FAMILY DWELLING	1	\$65,000.00	\$65,000.00
Total	11	\$228,533.00	\$207,033.00

Alteration

Proposed Use	Number of Units	Construction Value	Intown Value
BUSINESS/OFFICE	5	\$212,093.00	\$212,093.00
COLLOCATION TOWER	2	\$40,000.00	\$25,000.00
DECK	1	\$13,500.00	\$13,500.00
MERCANTILE/RETAIL	2	\$505,000.00	\$505,000.00
OTHER	1	\$16,100.00	\$16,100.00
SINGLE FAMILY DWELLING	8	\$115,923.23	\$108,103.00
SOLAR SYSTEM (RES)	8	\$173,808.00	\$173,808.00
Total	27	\$1,076,424.23	\$1,053,604.00

Demolition

Proposed Use	Number of Units	Construction Value	Intown Value
SINGLE FAMILY DWELLING	4	\$85,000.00	\$10,000.00
Total	4	\$85,000.00	\$10,000.00

Electrical

Proposed Use	Number of Units	Construction Value	Intown Value
CHANGE OF SERVICE	1	\$2,000.00	\$0.00
COMMERCIAL SIGN	3	\$1,450.00	\$1,450.00
GENERATOR	2	\$7,500.00	\$7,500.00
MANUFACTURED HOME	1	\$3,500.00	\$3,500.00
OTHER	1	\$2,000.00	\$0.00

SINGLE FAMILY DWELLING	4	\$8,677.00	\$7,177.00
STORAGE/WAREHOUSE	1	\$1,365.00	\$0.00
Total	13	\$26,492.00	\$19,627.00

Mechanical

Proposed Use	Number of Units	Construction Value	Intown Value
GAS FUEL LINE	2	\$3,510.00	\$3,510.00
MECHANICAL INSTALLATI	1	\$2,500.00	\$2,500.00
MECHANICAL REPLACEME	46	\$344,227.00	\$277,295.00
TANKLESS HOT WATER HE	1	\$4,800.00	\$4,800.00
Total	50	\$355,037.00	\$288,105.00

New Building

Proposed Use	Number of Units	Construction Value	Intown Value
BUSINESS/OFFICE	1	\$451,462.00	\$451,462.00
CONSTRUCTION TRAILER	1	\$2,500.00	\$0.00
MANUFACTURED HOME	1	\$4,500.00	\$4,500.00
MERCANTILE/RETAIL	1	\$17,000.00	\$17,000.00
RETAINING WALL	1	\$21,365.00	\$21,365.00
SINGLE FAMILY DWELLING	49	\$8,864,130.00	\$8,581,326.00
TOWNHOME	16	\$2,729,480.00	\$2,729,480.00
Total	70	\$12,090,437.00	\$11,805,133.00

New Structure

Proposed Use	Number of Units	Construction Value	Intown Value
CARPORT	1	\$18,500.00	\$18,500.00
COMMERCIAL SIGN	1	\$4,500.00	\$4,500.00
RETAINING WALL	8	\$333,928.00	\$333,928.00
SWIMMING POOL	1	\$100,975.00	\$100,975.00
Total	11	\$457,903.00	\$457,903.00

Plumbing

Proposed Use	Number of Units	Construction Value	Intown Value
MERCANTILE/RETAIL	1	\$15,000.00	\$15,000.00

PLUMBING	2	\$54,600.00	\$54,600.00
SINGLE FAMILY DWELLING	2	\$9,729.00	\$9,729.00
TANKLESS HOT WATER HE	3	\$11,666.00	\$11,666.00
Total	8	\$90,995.00	\$90,995.00

Repair

Proposed Use	Number of Units	Construction Value	Intown Value
MERCANTILE/RETAIL	1	\$32,000.00	\$32,000.00
MULTI-FAMILY 5 UNITS &	1	\$1,675.00	\$1,675.00
Total	2	\$33,675.00	\$33,675.00

Sum

Total Number of Permits **196**
Total Construction Value **\$14,444,496.23**
Total Intown Value **\$13,966,075.00**

Permit #:	2210460	Inside Town Limits	Yes	
Issue date:	5/10/2021	Census tract:		PIN#: 1701-19-0232
Lot#:		Subdivision:	N/A	Total cost: \$165,660.00
PropAddress:	1810 GARNER STATION BLVD			
Owner's	LINCOLN PARK SOUTH PROPERTY OWNE	Owner's Phone:	919-291-5094	
Contractor	BPG MANAGEMENT CO - NC, LLC	Contractor's Phone:	919-872-9000	
Type of Improvement:	Alteration	Proposed Use	BUSINESS/OFFICE	

Permit #:	2210597	Inside Town Limits	Yes	
Issue date:	5/25/2021	Census tract:		PIN#: 1701-75-9533
Lot#:		Subdivision:	N/A	Total cost: \$455,000.00
PropAddress:	2638 TIMBER DRIVE SPACE 12			
Owner's	SPECTRUM	Owner's Phone:	612-619-4211	
Contractor	WEEKES CONSTRUCTION, INC.	Contractor's Phone:	864-233-0061	
Type of Improvement:	Alteration	Proposed Use	MERCANTILE/RETAIL	

Permit #:	2210660	Inside Town Limits	Yes	
Issue date:	5/5/2021	Census tract:		PIN#: 1629-01-0785
Lot#:	77	Subdivision:	OAK PARK	Total cost: \$201,604.00
PropAddress:	105 ROSSELL PARK CIRCLE			
Owner's	MATTAMY HOMES LLC	Owner's Phone:	919-233-3886	
Contractor	MATTAMY HOMES LLC	Contractor's Phone:	919-233-3888	
Type of Improvement:	New Building	Proposed Use	SINGLE FAMILY DWELLIN	

Permit #:	2210661	Inside Town Limits	Yes	
Issue date:	5/6/2021	Census tract:		PIN#: 1629-02-0373
Lot#:	100	Subdivision:	OAK PARK	Total cost: \$184,250.00
PropAddress:	176 BELLEFORTE PARK CIRCLE			
Owner's	MATTAMY HOMES LLC	Owner's Phone:	919-233-3886	
Contractor	MATTAMY HOMES LLC	Contractor's Phone:	919-233-3888	
Type of Improvement:	New Building	Proposed Use	SINGLE FAMILY DWELLIN	

Permit #:	2210663	Inside Town Limits	Yes	
Issue date:	5/6/2021	Census tract:		PIN#: 1629-02-3696
Lot#:	133	Subdivision:	OAK PARK	Total cost: \$184,250.00
PropAddress:	144 BELLEFORTE PARK CIRCLE			
Owner's	MATTAMY HOMES LLC	Owner's Phone:	919-233-3886	
Contractor	MATTAMY HOMES LLC	Contractor's Phone:	919-233-3888	
Type of Improvement:	New Building	Proposed Use	SINGLE FAMILY DWELLIN	

Permit #:	2210666	Inside Town Limits	Yes	
Issue date:	5/6/2021	Census tract:		PIN#: 1629-03-7455
Lot#:	170	Subdivision:	OAK PARK	Total cost: \$183,122.00
PropAddress:	108 HOYNE WAY			
Owner's	MATTAMY HOMES LLC	Owner's Phone:	919-233-3886	
Contractor	MATTAMY HOMES LLC	Contractor's Phone:	919-233-3888	
Type of Improvement:	New Building	Proposed Use	SINGLE FAMILY DWELLIN	

Permit #:	2210668	Inside Town Limits	Yes	
Issue date:	5/6/2021	Census tract:		PIN#: 1629-03-7492
Lot#:	171	Subdivision:	OAK PARK	Total cost: \$200,145.00
PropAddress:	104 HOYNE WAY			
Owner's	MATTAMY HOMES LLC	Owner's Phone:	919-233-3886	
Contractor	MATTAMY HOMES LLC	Contractor's Phone:	919-233-3888	
Type of Improvement:	New Building	Proposed Use	SINGLE FAMILY DWELLIN	

Permit #:	2210669	Inside Town Limits	Yes	
Issue date:	5/6/2021	Census tract:		PIN#: 1629-13-0310
Lot#:	173	Subdivision:	OAK PARK	Total cost: \$222,623.00
PropAddress:	101 SCOVILLE ROAD			
Owner's	MATTAMY HOMES LLC	Owner's Phone:	919-233-3886	
Contractor	MATTAMY HOMES LLC	Contractor's Phone:	919-233-3888	
Type of Improvement:	New Building	Proposed Use	SINGLE FAMILY DWELLIN	

Permit #:	2210670	Inside Town Limits	Yes	
Issue date:	5/6/2021	Census tract:		PIN#: 1629-03-9255
Lot#:	174	Subdivision:	OAK PARK	Total cost: \$188,505.00
PropAddress:	105 SCOVILLE ROAD			
Owner's	MATTAMY HOMES LLC	Owner's Phone:	919-233-3886	
Contractor	MATTAMY HOMES LLC	Contractor's Phone:	919-233-3888	
Type of Improvement:	New Building	Proposed Use	SINGLE FAMILY DWELLIN	

Permit #:	2210695	Inside Town Limits	Yes	
Issue date:	5/4/2021	Census tract:		PIN#: 1619-99-8224
Lot#:	44	Subdivision:	GROVE AT WHITE OAK	Total cost: \$193,500.00
PropAddress:	149 DIMMER GARDEN LANE			
Owner's	M/I HOMES OF RALEIGH	Owner's Phone:	919-233-5724	
Contractor	M/I HOMES OF RALEIGH	Contractor's Phone:	919-828-1106	
Type of Improvement:	New Building	Proposed Use	SINGLE FAMILY DWELLIN	

Permit #:	2210696	Inside Town Limits	Yes	
Issue date:	5/4/2021	Census tract:	PIN#:	1619-99-8282
Lot#:	45	Subdivision:	GROVE AT WHITE OAK	Total cost: \$193,500.00
PropAddress:	143 DIMMER GARDEN LANE			
Owner's	M/I HOMES OF RALEIGH	Owner's Phone:	919-233-5724	
Contractor	M/I HOMES OF RALEIGH	Contractor's Phone:	919-828-1106	
Type of Improvement:	New Building	Proposed Use	SINGLE FAMILY DWELLIN	

Permit #:	2210697	Inside Town Limits	Yes	
Issue date:	5/4/2021	Census tract:	PIN#:	1619-99-9230
Lot#:	46	Subdivision:	GROVE AT WHITE OAK	Total cost: \$193,500.00
PropAddress:	137 DIMMER GARDEN LANE			
Owner's	M/I HOMES OF RALEIGH	Owner's Phone:	919-233-5724	
Contractor	M/I HOMES OF RALEIGH	Contractor's Phone:	919-828-1106	
Type of Improvement:	New Building	Proposed Use	SINGLE FAMILY DWELLIN	

Permit #:	2210698	Inside Town Limits	Yes	
Issue date:	5/4/2021	Census tract:	PIN#:	1619-99-9189
Lot#:	47	Subdivision:	GROVE AT WHITE OAK	Total cost: \$207,500.00
PropAddress:	131 DIMMER GARDEN LANE			
Owner's	M/I HOMES OF RALEIGH	Owner's Phone:	919-233-5724	
Contractor	M/I HOMES OF RALEIGH	Contractor's Phone:	919-828-1106	
Type of Improvement:	New Building	Proposed Use	SINGLE FAMILY DWELLIN	

Permit #:	2210699	Inside Town Limits	Yes	
Issue date:	5/4/2021	Census tract:	PIN#:	1629-09-0137
Lot#:	48	Subdivision:	GROVE AT WHITE OAK	Total cost: \$207,500.00
PropAddress:	125 DIMMER GARDEN LANE			
Owner's	M/I HOMES OF RALEIGH	Owner's Phone:	919-233-5724	
Contractor	M/I HOMES OF RALEIGH	Contractor's Phone:	919-828-1106	
Type of Improvement:	New Building	Proposed Use	SINGLE FAMILY DWELLIN	

Permit #:	2210700	Inside Town Limits	Yes	
Issue date:	5/4/2021	Census tract:	PIN#:	1619-99-8644
Lot#:	81	Subdivision:	GROVE AT WHITE OAK	Total cost: \$193,500.00
PropAddress:	236 ANTON WAY			
Owner's	M/I HOMES OF RALEIGH	Owner's Phone:	919-233-5724	
Contractor	M/I HOMES OF RALEIGH	Contractor's Phone:	919-828-1106	
Type of Improvement:	New Building	Proposed Use	SINGLE FAMILY DWELLIN	

Permit #:	2210701	Inside Town Limits	Yes	
Issue date:	5/3/2021	Census tract:	PIN#:	1710-56-2737
Lot#:	5	Subdivision:	SOUTHERBY BLUFFS	Total cost: \$325,000.00
PropAddress:	221 SOUTHERBY BLUFFS COURT			
Owner's	201 SOUTHERBY BLUFFS LLC	Owner's Phone:	919-601-5491	
Contractor	THE KAMP GROUP LLC	Contractor's Phone:	919-441-2545	
Type of Improvement:	New Building	Proposed Use	TOWNHOME	

Permit #:	2210702	Inside Town Limits	Yes	
Issue date:	5/3/2021	Census tract:	PIN#:	1710-56-2767
Lot#:	6	Subdivision:	SOUTHERBY BLUFFS	Total cost: \$325,000.00
PropAddress:	225 SOUTHERBY BLUFFS COURT			
Owner's	201 SOUTHERBY BLUFFS LLC	Owner's Phone:	919-601-5491	
Contractor	THE KAMP GROUP LLC	Contractor's Phone:	919-441-2545	
Type of Improvement:	New Building	Proposed Use	TOWNHOME	

Permit #:	2210703	Inside Town Limits	Yes	
Issue date:	5/3/2021	Census tract:	PIN#:	1710-56-2797
Lot#:	7	Subdivision:	SOUTHERBY BLUFFS	Total cost: \$325,000.00
PropAddress:	229 SOUTHERBY BLUFFS COURT			
Owner's	201 SOUTHERBY BLUFFS LLC	Owner's Phone:	919-601-5491	
Contractor	THE KAMP GROUP LLC	Contractor's Phone:	919-441-2545	
Type of Improvement:	New Building	Proposed Use	TOWNHOME	

Permit #:	2210704	Inside Town Limits	Yes	
Issue date:	5/3/2021	Census tract:	PIN#:	1710-56-3716
Lot#:	8	Subdivision:	SOUTHERBY BLUFFS	Total cost: \$325,000.00
PropAddress:	233 SOUTHERBY BLUFFS COURT			
Owner's	201 SOUTHERBY BLUFFS LLC	Owner's Phone:	919-601-5491	
Contractor	THE KAMP GROUP LLC	Contractor's Phone:	919-441-2545	
Type of Improvement:	New Building	Proposed Use	TOWNHOME	

Permit #:	2210717	Inside Town Limits	Yes	
Issue date:	5/7/2021	Census tract:	PIN#:	1730-59-2709
Lot#:	163	Subdivision:	AUBURN VILLAGE	Total cost: \$128,650.00
PropAddress:	201 MAHOGANY RUN			
Owner's	CALATLANTIC GROUP INC	Owner's Phone:	919-465-5900	
Contractor	LENNAR CAROLINAS, LLC	Contractor's Phone:	919-466-3314	
Type of Improvement:	New Building	Proposed Use	SINGLE FAMILY DWELLIN	

Permit #:	2210718	Inside Town Limits	Yes	
Issue date:	5/5/2021	Census tract:		PIN#: 1710-10-4074
Lot#:	12	Subdivision:	ROSEMOOR	Total cost: \$455,000.00
PropAddress:	136 BONICA CREEK DRIVE			
Owner's	REDEEMING DEVELOPMENT	Owner's Phone:	919-210-0079	
Contractor	REDEEMING DEVELOPMENT GROUP LLC	Contractor's Phone:	919-210-0079	
Type of Improvement:	New Building	Proposed Use	SINGLE FAMILY DWELLIN	

Permit #:	2210729	Inside Town Limits	Yes	
Issue date:	5/7/2021	Census tract:		PIN#: 1731-41-6126
Lot#:	358	Subdivision:	AUBURN VILLAGE	Total cost: \$166,935.00
PropAddress:	132 ENGLISH VIOLET LANE			
Owner's	CALATLANTIC GROUP INC	Owner's Phone:	919-465-5900	
Contractor	LENNAR CAROLINAS, LLC	Contractor's Phone:	919-466-3314	
Type of Improvement:	New Building	Proposed Use	SINGLE FAMILY DWELLIN	

Permit #:	2210730	Inside Town Limits	Yes	
Issue date:	5/7/2021	Census tract:		PIN#: 1731-41-5353
Lot#:	366	Subdivision:	AUBURN VILLAGE	Total cost: \$166,935.00
PropAddress:	125 ENGLISH VIOLET LANE			
Owner's	CALATLANTIC GROUP INC	Owner's Phone:	9194655900	
Contractor	LENNAR CAROLINAS, LLC	Contractor's Phone:	919-466-3314	
Type of Improvement:	New Building	Proposed Use	SINGLE FAMILY DWELLIN	

Permit #:	2210737	Inside Town Limits	Yes	
Issue date:	5/14/2021	Census tract:		PIN#: 1629-03-4065
Lot#:	160	Subdivision:	OAK PARK	Total cost: \$195,140.00
PropAddress:	132 SCOVILLE ROAD			
Owner's	MATTAMY HOMES LLC	Owner's Phone:	919-233-3886	
Contractor	MATTAMY HOMES LLC	Contractor's Phone:	919-233-3888	
Type of Improvement:	New Building	Proposed Use	SINGLE FAMILY DWELLIN	

Permit #:	2210738	Inside Town Limits	Yes	
Issue date:	5/14/2021	Census tract:		PIN#: 1629-03-9119
Lot#:	175	Subdivision:	OAK PARK	Total cost: \$167,992.00
PropAddress:	109 SCOVILLE ROAD			
Owner's	MATTAMY HOMES LLC	Owner's Phone:	919-233-3886	
Contractor	MATTAMY HOMES LLC	Contractor's Phone:	919-233-3888	
Type of Improvement:	New Building	Proposed Use	SINGLE FAMILY DWELLIN	

Permit #:	2210739	Inside Town Limits	Yes	
Issue date:	5/14/2021	Census tract:		PIN#: 1629-03-8173
Lot#:	176	Subdivision:	OAK PARK	Total cost: \$188,505.00
PropAddress:	113 SCOVILLE ROAD			
Owner's	MATTAMY HOMES LLC	Owner's Phone:	919-233-3886	
Contractor	MATTAMY HOMES LLC	Contractor's Phone:	919-233-3888	
Type of Improvement:	New Building	Proposed Use	SINGLE FAMILY DWELLIN	

Permit #:	2210741	Inside Town Limits	Yes	
Issue date:	5/14/2021	Census tract:		PIN#: 1629-03-8018
Lot#:	177	Subdivision:	OAK PARK	Total cost: \$198,158.00
PropAddress:	117 SCOVILLE ROAD			
Owner's	MATTAMY HOMES LLC	Owner's Phone:	919-233-3886	
Contractor	MATTAMY HOMES LLC	Contractor's Phone:	919-233-3888	
Type of Improvement:	New Building	Proposed Use	SINGLE FAMILY DWELLIN	

Permit #:	2210743	Inside Town Limits	Yes	
Issue date:	5/12/2021	Census tract:		PIN#: 1629-24-2358
Lot#:	3	Subdivision:	HARPERS LANDING	Total cost: \$131,678.00
PropAddress:	112 HARPERS LANDING ROAD			
Owner's	KB HOME RALEIGH DURHAM	Owner's Phone:	919-768-7995	
Contractor	KB HOMES RALEIGH-DURHAM LLC	Contractor's Phone:	919-768-7988	
Type of Improvement:	New Building	Proposed Use	SINGLE FAMILY DWELLIN	

Permit #:	2210744	Inside Town Limits	Yes	
Issue date:	5/12/2021	Census tract:		PIN#: 1629-24-2358
Lot#:	4	Subdivision:	HARPERS LANDING	Total cost: \$156,154.00
PropAddress:	116 HARPERS LANDING ROAD			
Owner's	KB HOME RALEIGH DURHAM	Owner's Phone:	919-768-7995	
Contractor	KB HOMES RALEIGH-DURHAM LLC	Contractor's Phone:	919-768-7988	
Type of Improvement:	New Building	Proposed Use	SINGLE FAMILY DWELLIN	

Permit #:	2210755	Inside Town Limits	Yes	
Issue date:	5/10/2021	Census tract:		PIN#: 1721-03-9043
Lot#:	113	Subdivision:	AVENUE AT WHITE OAK	Total cost: \$118,690.00
PropAddress:	461 WHITE OAK RIDGE DR			
Owner's	PULTE HOME COMPANY LLC	Owner's Phone:	919-816-1100	
Contractor	PULTE HOME COMPANY LLC	Contractor's Phone:	704-543-4922	
Type of Improvement:	New Building	Proposed Use	TOWNHOME	

Permit #:	2210756	Inside Town Limits	Yes	
Issue date:	5/10/2021	Census tract:	PIN#:	1721-03-9041
Lot#:	114	Subdivision:	AVENUE AT WHITE OAK	Total cost: \$119,990.00
PropAddress:	457 WHITE OAK RIDGE DR			
Owner's	PULTE HOME COMPANY LLC	Owner's Phone:	9198161100	
Contractor	PULTE HOME COMPANY LLC	Contractor's Phone:	704-543-4922	
Type of Improvement:	New Building	Proposed Use	TOWNHOME	

Permit #:	2210757	Inside Town Limits	Yes	
Issue date:	5/10/2021	Census tract:	PIN#:	1721-02-9948
Lot#:	115	Subdivision:	AVENUE AT WHITE OAK	Total cost: \$118,690.00
PropAddress:	453 WHITE OAK RIDGE DR			
Owner's	PULTE HOME COMPANY LLC	Owner's Phone:	9198161100	
Contractor	PULTE HOME COMPANY LLC	Contractor's Phone:	704-543-4922	
Type of Improvement:	New Building	Proposed Use	TOWNHOME	

Permit #:	2210758	Inside Town Limits	Yes	
Issue date:	5/10/2021	Census tract:	PIN#:	1721-02-9946
Lot#:	116	Subdivision:	AVENUE AT WHITE OAK	Total cost: \$113,490.00
PropAddress:	449 WHITE OAK RIDGE DRIVE			
Owner's	PULTE HOME COMPANY LLC	Owner's Phone:	9198161100	
Contractor	PULTE HOME COMPANY LLC	Contractor's Phone:	704-543-4922	
Type of Improvement:	New Building	Proposed Use	TOWNHOME	

Permit #:	2210759	Inside Town Limits	Yes	
Issue date:	5/10/2021	Census tract:	PIN#:	1721-02-9944
Lot#:	117	Subdivision:	AVENUE AT WHITE OAK	Total cost: \$125,190.00
PropAddress:	445 WHITE OAK RIDGE DRIVE			
Owner's	PULTE HOME COMPANY LLC	Owner's Phone:	919-816-1100	
Contractor	PULTE HOME COMPANY LLC	Contractor's Phone:	704-543-4922	
Type of Improvement:	New Building	Proposed Use	TOWNHOME	

Permit #:	2210760	Inside Town Limits	Yes	
Issue date:	5/10/2021	Census tract:	PIN#:	1721-02-9942
Lot#:	118	Subdivision:	AVENUE AT WHITE OAK	Total cost: \$118,690.00
PropAddress:	441 WHITE OAK RIDGE DRIVE			
Owner's	PULTE HOME COMPANY LLC	Owner's Phone:	9198161100	
Contractor	PULTE HOME COMPANY LLC	Contractor's Phone:	704-543-4922	
Type of Improvement:	New Building	Proposed Use	TOWNHOME	

Permit #:	2210762	Inside Town Limits	Yes	
Issue date:	5/12/2021	Census tract:	PIN#:	1730-59-3782
Lot#:	154	Subdivision:	AUBURN VILLAGE	Total cost: \$147,000.00
PropAddress:	190 MAHOGANY RUN			
Owner's	CALATLANTIC GROUP	Owner's Phone:	919-465-5900	
Contractor	LENNAR CAROLINAS, LLC	Contractor's Phone:	919-466-3314	
Type of Improvement:	New Building	Proposed Use	SINGLE FAMILY DWELLIN	

Permit #:	2210764	Inside Town Limits	Yes	
Issue date:	5/10/2021	Census tract:	PIN#:	1700-64-1921
Lot#:	76	Subdivision:	BUFFALOE GROVE	Total cost: \$228,930.00
PropAddress:	140 OLD ROSE PATH			
Owner's	PULTE HOME COMPANY LLC	Owner's Phone:	919-816-1100	
Contractor	PULTE HOME COMPANY LLC	Contractor's Phone:	704-543-4922	
Type of Improvement:	New Building	Proposed Use	SINGLE FAMILY DWELLIN	

Permit #:	2210765	Inside Town Limits	Yes	
Issue date:	5/12/2021	Census tract:	PIN#:	1731-41-6313
Lot#:	367	Subdivision:	AUBURN VILLAGE	Total cost: \$166,935.00
PropAddress:	131 ENGLISH VIOLET LANE			
Owner's	CALATLANTIC GROUP	Owner's Phone:	919-465-5900	
Contractor	LENNAR CAROLINAS, LLC	Contractor's Phone:	919-466-3314	
Type of Improvement:	New Building	Proposed Use	SINGLE FAMILY DWELLIN	

Permit #:	2210778	Inside Town Limits	Yes	
Issue date:	5/12/2021	Census tract:	PIN#:	1629-09-0185
Lot#:	49	Subdivision:	GROVE AT WHITE OAK	Total cost: \$207,500.00
PropAddress:	119 DIMMER GARDEN LANE			
Owner's	M/I HOMES OF RALEIGH LLC	Owner's Phone:	919-233-5724	
Contractor	M/I HOMES OF RALEIGH	Contractor's Phone:	919-828-1106	
Type of Improvement:	New Building	Proposed Use	SINGLE FAMILY DWELLIN	

Permit #:	2210779	Inside Town Limits	Yes	
Issue date:	5/12/2021	Census tract:	PIN#:	1619-99-8760
Lot#:	82	Subdivision:	GROVE AT WHITE OAK	Total cost: \$193,500.00
PropAddress:	230 ANTON WAY			
Owner's	M/I HOMES OF RALEIGH LLC	Owner's Phone:	919-233-5724	
Contractor	M/I HOMES OF RALEIGH	Contractor's Phone:	919-828-1106	
Type of Improvement:	New Building	Proposed Use	SINGLE FAMILY DWELLIN	

Permit #:	2210790	Inside Town Limits	Yes	
Issue date:	5/18/2021	Census tract:	PIN#:	1629-24-2358
Lot#:	7	Subdivision:	HARPERS LANDING	Total cost: \$145,231.00
PropAddress:	128 HARPERS LANDING ROAD			
Owner's	KB HOME RALEIGH DURHAM INC	Owner's Phone:	919-768-7995	
Contractor	KB HOMES RALEIGH-DURHAM LLC	Contractor's Phone:	919-768-7988	
Type of Improvement:	New Building	Proposed Use	SINGLE FAMILY DWELLIN	

Permit #:	2210791	Inside Town Limits	Yes	
Issue date:	5/18/2021	Census tract:	PIN#:	1629-24-2358
Lot#:	9	Subdivision:	HARPERS LANDING	Total cost: \$169,874.00
PropAddress:	136 HARPERS LANDING ROAD			
Owner's	KB HOME RALEIGH DURHAM INC	Owner's Phone:	9197687995	
Contractor	KB HOMES RALEIGH-DURHAM LLC	Contractor's Phone:	919-768-7988	
Type of Improvement:	New Building	Proposed Use	SINGLE FAMILY DWELLIN	

Permit #:	2210792	Inside Town Limits	No	
Issue date:	5/18/2021	Census tract:	PIN#:	
Lot#:	30	Subdivision:	HARPERS LANDING	Total cost: \$156,154.00
PropAddress:	139 HARPERS LANDING RD			
Owner's	KB HOME RALEIGH DURHAM INC	Owner's Phone:	9197687995	
Contractor	KB HOMES RALEIGH-DURHAM LLC	Contractor's Phone:	919-768-7988	
Type of Improvement:	New Building	Proposed Use	SINGLE FAMILY DWELLIN	

Permit #:	2210793	Inside Town Limits	Yes	
Issue date:	5/18/2021	Census tract:	PIN#:	1629-24-2358
Lot#:	31	Subdivision:	HARPERS LANDING	Total cost: \$130,210.00
PropAddress:	100 POTOMAC RIVER STREET			
Owner's	KB HOME RALEIGH DURHAM INC	Owner's Phone:	9197687995	
Contractor	KB HOMES RALEIGH-DURHAM LLC	Contractor's Phone:	919-768-7988	
Type of Improvement:	New Building	Proposed Use	SINGLE FAMILY DWELLIN	

Permit #:	2210795	Inside Town Limits	No	
Issue date:	5/19/2021	Census tract:	PIN#:	
Lot#:	165	Subdivision:	AUBURN VILLAGE	Total cost: \$126,650.00
PropAddress:	189 MAHOGANY RUN			
Owner's	CALATLANTIC GROUP INC	Owner's Phone:	9194655900	
Contractor	LENNAR CAROLINAS, LLC	Contractor's Phone:	919-466-3314	
Type of Improvement:	New Building	Proposed Use	SINGLE FAMILY DWELLIN	

Permit #:	2210796	Inside Town Limits	Yes	
Issue date:	5/19/2021	Census tract:		PIN#: 1731-41-6186
Lot#:	357	Subdivision:	AUBURN VILLAGE	Total cost: \$166,935.00
PropAddress:	138 ENGLISH VIOLET LANE			
Owner's	CALATLANTIC GROUP INC	Owner's Phone:	9194655900	
Contractor	LENNAR CAROLINAS, LLC	Contractor's Phone:	919-466-3314	
Type of Improvement:	New Building	Proposed Use	SINGLE FAMILY DWELLIN	

Permit #:	2210802	Inside Town Limits	Yes	
Issue date:	5/19/2021	Census tract:		PIN#: 1730-59-2704
Lot#:	164	Subdivision:	AUBURN VILLAGE	Total cost: \$147,000.00
PropAddress:	195 MAHOGANY RUN			
Owner's	CATATLANTIC GROUP INC	Owner's Phone:	919-465-5900	
Contractor	LENNAR CAROLINAS, LLC	Contractor's Phone:	919-466-3314	
Type of Improvement:	New Building	Proposed Use	SINGLE FAMILY DWELLIN	

Permit #:	2210816	Inside Town Limits	Yes	
Issue date:	5/20/2021	Census tract:		PIN#: 1629-09-0383
Lot#:	57	Subdivision:	GROVE AT WHITE OAK	Total cost: \$207,500.00
PropAddress:	124 DIMMER GARDEN LANE			
Owner's	M/I HOMES OF RALEIGH LLC	Owner's Phone:	919-233-5724	
Contractor	M/I HOMES OF RALEIGH	Contractor's Phone:	919-828-1106	
Type of Improvement:	New Building	Proposed Use	SINGLE FAMILY DWELLIN	

Permit #:	2210817	Inside Town Limits	Yes	
Issue date:	5/20/2021	Census tract:		PIN#: 1629-09-1133
Lot#:	50	Subdivision:	GROVE AT WHITE OAK	Total cost: \$193,500.00
PropAddress:	113 DIMMER GARDEN LANE			
Owner's	M/I HOMES OF RALEIGH LLC	Owner's Phone:	9192335724	
Contractor	M/I HOMES OF RALEIGH	Contractor's Phone:	919-828-1106	
Type of Improvement:	New Building	Proposed Use	SINGLE FAMILY DWELLIN	

Permit #:	2210848	Inside Town Limits	Yes	
Issue date:	5/25/2021	Census tract:		PIN#: 1720196958
Lot#:		Subdivision:		Total cost: \$100,975.00
PropAddress:	565 US HIGHWAY 70 EAST			
Owner's	GARNER VENTURES LLC	Owner's Phone:	919-773-7717	
Contractor	EDGEWATER POOLS LLC	Contractor's Phone:	704-845-3065	
Type of Improvement:	New Structure	Proposed Use	SWIMMING POOL	

Permit #:	2210859	Inside Town Limits	Yes	
Issue date:	5/26/2021	Census tract:		PIN#: 1629-48-7400
Lot#:		Subdivision:	RIDGEMOOR	Total cost: \$113,782.00
PropAddress:	2082 ACKERMAN ROAD (WALL 8)			
Owner's	GARNER ACKERMAN LLC	Owner's Phone:	9194655940	
Contractor	BLACKLEAF INC	Contractor's Phone:	919-625-7293	
Type of Improvement:	New Structure	Proposed Use	RETAINING WALL	

Permit #:	2210877	Inside Town Limits	Yes	
Issue date:	5/26/2021	Census tract:		PIN#: 1700-65-5149
Lot#:	57	Subdivision:	BUFFALOE GROVE	Total cost: \$216,905.00
PropAddress:	149 BUFFALOE SPRINGS STREET			
Owner's	PULTE HOMES COMPANY LLC	Owner's Phone:	919-816-1100	
Contractor	PULTE HOME COMPANY LLC	Contractor's Phone:	704-543-4922	
Type of Improvement:	New Building	Proposed Use	SINGLE FAMILY DWELLIN	

Permit #:	2210878	Inside Town Limits	Yes	
Issue date:	5/27/2021	Census tract:		PIN#: 1700-37-8789
Lot#:		Subdivision:	N/A	Total cost: \$451,462.00
PropAddress:	140 SOMMERVILLE PARK ROAD			
Owner's	CENCAR PROPERTIES LLC	Owner's Phone:	919-291-6448	
Contractor	BAREFOOT BUILDING COMPANY LLC	Contractor's Phone:	910-890-3256	
Type of Improvement:	New Building	Proposed Use	BUSINESS/OFFICE	

Permit #:	2210880	Inside Town Limits	Yes	
Issue date:	5/28/2021	Census tract:		PIN#: 1721-12-0894
Lot#:	92	Subdivision:	AVENUE AT WHITE OAK	Total cost: \$125,190.00
PropAddress:	430 WHITE OAK RIDGE DRIVE			
Owner's	PULTE HOME COMPANY LLC	Owner's Phone:	919-816-1100	
Contractor	PULTE HOME COMPANY LLC	Contractor's Phone:	704-543-4922	
Type of Improvement:	New Building	Proposed Use	TOWNHOME	

Permit #:	2210881	Inside Town Limits	Yes	
Issue date:	5/28/2021	Census tract:		PIN#: 1721-12-0897
Lot#:	93	Subdivision:	AVENUE AT WHITE OAK	Total cost: \$118,690.00
PropAddress:	434 WHITE OAK RIDGE DRIVE			
Owner's	PULTE HOME COMPANY LLC	Owner's Phone:	919-816-1100	
Contractor	PULTE HOME COMPANY LLC	Contractor's Phone:	704-543-4922	
Type of Improvement:	New Building	Proposed Use	TOWNHOME	

Permit #:	2210882	Inside Town Limits	Yes	
Issue date:	5/28/2021	Census tract:	PIN#:	1721-12-0899
Lot#:	94	Subdivision:	AVENUE AT WHITE OAK	Total cost: \$113,490.00
PropAddress:	438 WHITE OAK RIDGE DRIVE			
Owner's	PULTE HOME COMPANY LLC	Owner's Phone:	919-816-1100	
Contractor	PULTE HOME COMPANY LLC	Contractor's Phone:	704-543-4922	
Type of Improvement:	New Building	Proposed Use	TOWNHOME	

Permit #:	2210883	Inside Town Limits	Yes	
Issue date:	5/28/2021	Census tract:	PIN#:	1721-12-0991
Lot#:	95	Subdivision:	AVENUE AT WHITE OAK	Total cost: \$125,190.00
PropAddress:	442 WHITE OAK RIDGE DRIVE			
Owner's	PULTE HOME COMPANY LLC	Owner's Phone:	919-816-1100	
Contractor	PULTE HOME COMPANY LLC	Contractor's Phone:	704-543-4922	
Type of Improvement:	New Building	Proposed Use	TOWNHOME	

Permit #:	2210884	Inside Town Limits	Yes	
Issue date:	5/28/2021	Census tract:	PIN#:	1721-12-0993
Lot#:	96	Subdivision:	AVENUE AT WHITE OAK	Total cost: \$113,490.00
PropAddress:	446 WHITE OAK RIDGE DRIVE			
Owner's	PULTE HOME COMPANY LLC	Owner's Phone:	919-816-1100	
Contractor	PULTE HOME COMPANY LLC	Contractor's Phone:	704-543-4922	
Type of Improvement:	New Building	Proposed Use	TOWNHOME	

Permit #:	2210885	Inside Town Limits	Yes	
Issue date:	5/28/2021	Census tract:	PIN#:	1721-12-0995
Lot#:	97	Subdivision:	AVENUE AT WHITE OAK	Total cost: \$118,690.00
PropAddress:	450 WHITE OAK RIDGE DRIVE			
Owner's	PULTE HOME COMPANY LLC	Owner's Phone:	919-816-1100	
Contractor	PULTE HOME COMPANY LLC	Contractor's Phone:	704-543-4922	
Type of Improvement:	New Building	Proposed Use	TOWNHOME	

Permit #:	2210886	Inside Town Limits	Yes	
Issue date:	5/28/2021	Census tract:	PIN#:	1700-65-0057
Lot#:	11	Subdivision:	BUFFALOE GROVE	Total cost: \$172,900.00
PropAddress:	141 OLD ROSE PATH			
Owner's	PULTE HOME COMPANY LLC	Owner's Phone:	919-816-1100	
Contractor	PULTE HOME COMPANY LLC	Contractor's Phone:	704-543-4922	
Type of Improvement:	New Building	Proposed Use	SINGLE FAMILY DWELLIN	

Permit #:	2210888	Inside Town Limits	Yes	
Issue date:	5/28/2021	Census tract:	PIN#:	1629-09-1341
Lot#:	58	Subdivision:	GROVE AT WHITE OAK	Total cost: \$193,500.00
PropAddress:	118 DIMMER GARDEN LANE			
Owner's	M/I HOMES OF RALEIGH	Owner's Phone:	919-233-5724	
Contractor	M/I HOMES OF RALEIGH	Contractor's Phone:	919-828-1106	
Type of Improvement:	New Building	Proposed Use	SINGLE FAMILY DWELLIN	

Permit #:	2210889	Inside Town Limits	Yes	
Issue date:	5/28/2021	Census tract:	PIN#:	1629-09-2257
Lot#:	60	Subdivision:	GROVE AT WHITE OAK	Total cost: \$207,500.00
PropAddress:	104 DIMMER GARDEN LANE			
Owner's	M/I HOMES OF RALEIGH	Owner's Phone:	919-233-5724	
Contractor	M/I HOMES OF RALEIGH	Contractor's Phone:	919-828-1106	
Type of Improvement:	New Building	Proposed Use	SINGLE FAMILY DWELLIN	

Permit #:	2210890	Inside Town Limits	Yes	
Issue date:	5/28/2021	Census tract:	PIN#:	1629-09-0467
Lot#:	63	Subdivision:	GROVE AT WHITE OAK	Total cost: \$207,500.00
PropAddress:	119 BARBA PASS LANE			
Owner's	M/I HOMES OF RALEIGH	Owner's Phone:	919-233-5724	
Contractor	M/I HOMES OF RALEIGH	Contractor's Phone:	919-828-1106	
Type of Improvement:	New Building	Proposed Use	SINGLE FAMILY DWELLIN	

Permit #:	2210891	Inside Town Limits	Yes	
Issue date:	5/28/2021	Census tract:	PIN#:	1629-09-4610
Lot#:	96	Subdivision:	GROVE AT WHITE OAK	Total cost: \$207,500.00
PropAddress:	160 ATTAVAR WAY			
Owner's	M/I HOMES OF RALEIGH	Owner's Phone:	919-233-5724	
Contractor	M/I HOMES OF RALEIGH	Contractor's Phone:	919-828-1106	
Type of Improvement:	New Building	Proposed Use	SINGLE FAMILY DWELLIN	

Permit #:	2210892	Inside Town Limits	Yes	
Issue date:	5/28/2021	Census tract:	PIN#:	1629-09-4515
Lot#:	97	Subdivision:	GROVE AT WHITE OAK	Total cost: \$207,500.00
PropAddress:	154 ATTAVAR WAY			
Owner's	M/I HOMES OF RALEIGH	Owner's Phone:	919-233-5724	
Contractor	M/I HOMES OF RALEIGH	Contractor's Phone:	919-828-1106	
Type of Improvement:	New Building	Proposed Use	SINGLE FAMILY DWELLIN	

Permit #:	2210893	Inside Town Limits	Yes		
Issue date:	5/28/2021	Census tract:		PIN#:	1619-97-7439
Lot#:	78	Subdivision:	GROVE AT WHITE OAK	Total cost:	\$207,500.00
PropAddress:	254 ANTON WAY				
Owner's	M/I HOMES OF RALEIGH LLC	Owner's Phone:	919-233-5724		
Contractor	M/I HOMES OF RALEIGH	Contractor's Phone:	919-828-1106		
Type of Improvement:	New Building	Proposed Use	SINGLE FAMILY DWELLIN		